

UPDATE
APRIL 26, 2018 UNIFIED GOVERNMENT BOARD OF
COMMISSIONERS MEETING
ORDER OF BUSINESS
MEETING TO CONVENE AT 7:00 PM

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY MAYOR ALVEY**
- IV. PLEDGE OF ALLEGIANCE**
- V. MAYOR'S AGENDA**
- VI. REVISIONS TO THURSDAY, APRIL 26, 2018 AGENDA**

BLUE SHEET – REGULAR CONSENT AGENDA

No. 1 – Public Hearing Agenda: Resolution authorizing the amendment of the 2017-2021 Five Year Consolidated Plan to include Neighborhood Revitalization Strategy Area (NRSA) for the Park Drive Neighborhood, submitted by Wilba, Miller, Director of Community Development.

RESOLUTION NO. R-25-18 ADOPTED

VII. CLERK'S STATEMENT

(Anyone wishing to speak about a particular item on the Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)

- VIII. PLANNING AND ZONING CONSENT AGENDA**
- IX. PLANNING AND ZONING NON-CONSENT AGENDA**
- X. REGULAR CONSENT AGENDA**
- XI. PUBLIC HEARING AGENDA**
- XII. STANDING COMMITTEES' AGENDA**
- XIII. ADMINISTRATOR'S AGENDA**
- XIV. COMMISSIONERS' AGENDA**
- XV. LAND BANK BOARD OF TRUSTEES' AGENDA**
- XVI. PUBLIC ANNOUNCEMENTS**
- XVII. ADJOURN**

SERGEANT-AT-ARMS: MAJOR MIKE VIVIAN

V. MAYOR'S AGENDA

1. **MS4 YOUTH AWARDS**

Synopsis: Presentation of MS4 Youth Awards to students from Piper Middle School, Rosedale Middle School, and Harmon High School, submitted by Sarah White, Public Works.

Tracking #: 18240

AWARDS PRESENTED

PLANNING AGENDA

VIII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATION

1. **#3160 - JASPER MULLARNEY**

Synopsis: Change of Zone from M-2 General Industrial District to R-2(B) Two Family District for an existing duplex at 819 Southwest Boulevard, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 18223

APPROVED

B. SPECIAL USE PERMIT APPLICATIONS

1. **#SP-2018-11 - JAIRO S. FLORES-TRUJILLO**

Synopsis: Special Use Permit for the Temporary Use of Land to park two (2) commercial trucks and to keep two (2) horses and six (6) chickens at 8001 Swartz Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR DENIAL)**

Tracking #: 18226

DENIED AS RECOMMENDED

2. **#SP-2018-12 - JOHN L. PETERSON**

Synopsis: Special Use Permit for a performance auto service shop at 1110 Merriam Lane, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 18228

APPROVED FOR TWO YEARS

3. **#SP-2018-19 - JIMMY SMITH WITH SMITH SERVICES**

Synopsis: Special Use Permit for the Temporary Use of Land to keep two (2) storage container units on site at 5401 State Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 18229

APPROVED FOR TWO YEARS

4. **#SP-2018-33 - JESSICA ZIEG WITH RZ PROPERTIES, LLC**

Synopsis: Special Use Permit for an AIRBNB at 625 Northrup Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 18230

APPROVED FOR ONE YEAR

5. **#SP-2018-38 - JOE MCLAUGHLIN WITH BHC RHODES**

Synopsis: Special Use Permit for a cemetery at 2726 Shawnee Drive and 2301 South 34th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 18231

APPROVED

6. **#SP-2018-40 - ELLEN RITCHIE**

Synopsis: Special Use Permit for an AIRBNB at 444 Shawnee Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 18232

APPROVED FOR TWO YEARS

7. **#SP-2018-41 - TIM SCRIBNER WITH PQ CORPORATION**

Synopsis: Renewal of a Special Use Permit (#SP-2016-21 - expired 1/24/2018) for an office trailer at 1700 Kansas Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 18217

APPROVED FOR TWO YEARS

8. **#SP-2018-42 - WIL ANDERSON WITH BHC RHODES**

Synopsis: Renewal of a Special Use Permit (#SP-2015-31 - expired 7/30/2017) for auto auction parking facility at 8501 Gibbs Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

Tracking #: 18218

APPROVED FOR FIVE YEARS

9. **#SP-2018-44 - ELBERT TRAVIS UNDERWOOD**

Synopsis: Special Use Permit for an AIRBNB at 4523 Adams Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 18233

APPROVED FOR ONE YEAR

10. **#SP-2018-45 - RYAN DENK WITH MCANANY VAN CLEAVE & PHILLIPS P.A.**

Synopsis: Special Use Permit for continuation of tractor trailer truck parking at the American Motel at 7949 Splitlog Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 18234

APPROVED FOR TWO YEARS

C. VACATION APPLICATION

1. #R/W-2018-2 - WIL ANDERSON WITH BHC RHODES

Synopsis: Vacation of right-of-way at 342 South Bethany Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL**)

Tracking #: 18235

APPROVED

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

1. AN ORDINANCE rezoning property at 9410 Hurrelbrink Road (#3158) from R-1 Single Family District to A-G Agriculture District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL)

TRACKING #: 18182

ORDINANCE NO. O-14-18 APPROVED

2. AN ORDINANCE rezoning property at 1300 Meadowlark Lane (#3156) from CP-O Planned Non-Retail Business District to CP-3 Planned Commercial District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL)

TRACKING #: 1850

ORDINANCE NO. O-15-18 APPROVED

3. AN ORDINANCE vacating utility easements at 12940 and 12934 Hubbard Road (#U/E-2018-1), submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL)

TRACKING #: 18115

ORDINANCE NO. O-16-18 APPROVED

IX. PLANNING AND ZONING NON-CONSENT AGENDA

A. CHANGE OF ZONE APPLICATION

1. #3152 - AMY GRANT AND JOHN PETERSEN WITH POLSINELLI PC

Synopsis: Change of Zone from CP-1 Planned Limited Business District to CP-3 Planned Commercial District for an auto body shop at 5015 Gibbs Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL - 6/2 VOTE**)

Tracking #: 18221

APPROVED

B. SPECIAL USE PERMIT APPLICATIONS

1. **#SP-2017-65 - AMY GRANT AND JOHN PETERSEN WITH POLSINELLI PC**
Synopsis: Special Use Permit for an auto body shop at 5015 Gibbs Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 2 YEARS - 6/2 VOTE**)
Tracking #: 18222
APPROVED FOR TWO YEARS
2. **#SP-2018-39 - JASON STEUBER**
Synopsis: Renewal of a Special Use Permit (#SP-2016-38) for an automotive dealership at 3017 Merriam Lane, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 5 YEARS - 7/1 VOTE**)
Tracking #: 18216
APPROVED FOR FIVE YEARS
3. **#SP-2018-43 - NOAH WAMBUI WITH IDEAL AUTO**
Synopsis: Renewal of a Special Use Permit (#SP-2016-27) for a salvage yard (recycling parts) at 810 South 26th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 2 YEARS - 7/1 VOTE**)
Tracking #: 18219
APPROVED FOR TWO YEARS

TAX STATUS REPORT
BOARD OF COMMISSIONERS AGENDA FOR APRIL 26, 2018

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

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

REGULAR AGENDA

X. REGULAR CONSENT AGENDA

1. **RESOLUTION: AMEND MASTER EQUIPMENT LEASE PURCHASE AGREEMENT WITH BANC OF AMERICA**
Synopsis: A resolution amending the Master Equipment Lease Purchase Agreement, dated October 17, 2013, with Banc of America Public Capital Corp., in connection with paying the costs of acquiring and installing certain equipment, submitted by Debbie Jonscher, Deputy Chief Financial Officer. The maximum amount is not to exceed \$12.5M.

*On April 9, 2018, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 1892

RESOLUTION NO. R-23-18 ADOPTED

2. ORDINANCE: HUTTON ROAD PHASE 2, CLEVELAND TO LEAVENWORTH RD. (GEORGIA INCLUDED), CMIP 1215

Synopsis: An ordinance condemning land for the construction, maintenance, operation, reconstruction, and improvements of the **Hutton Road** Phase 2 Cleveland to Leavenworth Rd. (Georgia included), CMIP 1215, all in Wyandotte County, Kansas; and directing the Chief Counsel to institute proceedings as provided by law to acquire said land in this ordinance described by condemnation proceedings, submitted by Ryan Haga, Assistant Counsel. The ordinance is required because additional, recently identified easements must be acquired for the project.

On March 10, 2016, the Commission unanimously adopted Resolution No. R-24-16, declaring the project to be a necessary, valid public improvement project, and authorizing a survey to identify and describe the property to be acquired.

Tracking #: 18239

ORDINANCE NO. O-17-18 APPROVED

3. NOMINATION: BOARDS AND COMMISSIONS

Synopsis: Nomination for Boards and Commissions:

John Tiszka, Landmarks Commission, 4/26/18 to 3/31/20, submitted by Commissioner Johnson

Tracking #: 18206

APPROVED

4. MINUTES

Synopsis: Minutes from regular session March 22, 2018; and special sessions March 22 and April 5, 2018.

Tracking #: MINUTES

APPROVED

5. WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated April 5, 12 and 19, 2018.

Tracking #: WEEKLY BUSINESS MATERIAL

RECEIVED AND FILED

XI. PUBLIC HEARING AGENDA

1. PUBLIC HEARING: AMEND 2017-2021 FIVE YEAR CONSOLIDATED PLAN TO INCLUDE NEIGHBORHOOD REVITALIZATION STRATEGY AREA (NRSA) PLAN

Synopsis: Conduct a public hearing to consider amendments to the 2017-2021 Five Year Consolidated Plan to include Neighborhood Revitalization Strategy Area (NRSA) for the Park Drive Neighborhood, submitted by Wilba Miller, Director of Community Development.

*This item was scheduled to appear before the **Administration and Human Services Standing Committee**, chaired by Commissioner Markley, on April 23, 2018. It was requested, and approved by the Mayor, to fast track this item to the April 26, 2018 full commission meeting.*

Tracking #: 18204

PUBLIC HEARING HELD/RESOLUTION NO. R-25-18 ADOPTED

XII. STANDING COMMITTEES' AGENDA

1. REQUEST: GROUNDWORK USA FUNDING OPPORTUNITY

Synopsis: Request staff work with the Historic Northeast Midtown Association to form a steering committee and submit a letter of interest to Groundwork USA to support a new organization called Groundwork Trust, submitted by Rob Richardson, Director of Planning. The selected community would receive up to \$200,000 in funding and technical assistance from NPA, EPA, and Groundwork USA to build the capacity of the local Groundwork Trust. Letters of Interest are due April 30, 2018.

*This item was scheduled to appear before the **Administration and Human Services Standing Committee**, chaired by Commissioner Markley, on April 23, 2018. It was requested, and approved by the Mayor, to fast track this item to the April 26, 2018 full commission meeting.*

Tracking #: 18207

APPROVED

XIII. ADMINISTRATOR'S AGENDA

1. ORDINANCE: RENEWAL OF PUBLIC SAFETY & INFRASTRUCTURE SALES TAX

Synopsis: The City of Kansas City, Kansas seeks the renewal of an initiative approved in 2010 by the voters to finance public safety and neighborhood infrastructure, including the construction, repair, and maintenance of roads, curbs, and sidewalks within the City by setting a retailers' sales tax as an additional source of revenue. In order to renew this sales tax, an ordinance calling for an election on August 7, 2018 and setting the ballot language for renewing the three-eighths of one percent citywide retailers' sales tax that would renew on July 1, 2020 and terminate 10 years after its commencement is proposed. The proceeds will continue to be dedicated to financing public safety and neighborhood infrastructure including the construction, repair and maintenance of roads, curbs and sidewalks, submitted by Doug Bach, County Administrator.

Tracking #: 18238

ORDINANCE NO. O-18-18 APPROVED

2. **RESOLUTION: LEGENDS GARAGE AND WEST LAWN DEVELOPMENT AGREEMENT AMENDMENT**

Synopsis: A resolution approving the Second Amendment to the Development Agreement for the Legends Apartments and Garage, submitted by Jon Stephens, Economic Development Director.

Tracking #: 18210

RESOLUTION NO. R-24-18 ADOPTED

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

1. **LAND BANK BUSINESS**

Synopsis: Communication requesting consideration of the following Land Bank applications, submitted by Chris Slaughter, Land Bank Manager. The Land Bank Advisory Board has recommended approval.

Applications for yard extension, unless specified otherwise

1041 Shawnee Ave. - Armando Campos Cerrito

289 S. 8th St. - Mauricio Mares

1516 N. 44th St. - Michael B. Patterson

22 N. James St. - Cookie F. Sutton

2003 N. 9th St. - Gail Mitchell Johnson

2525 Alden St. - Sharon Turner

2415 N. 37th St. - Lolita Marshall

1020 Lowell Ave. - Robbin Clint Chandler

270 S. Bethany St. - Elizabeth Aviles-Pineda

2921 Farrow Ave. - Miguel Valdez

232 N. Early St. - Ricardo Balderrama

1968 R Stewart Ave. - Lidia Pacheco Patiño

917 Greeley Ave. - Henson Memorial Church, property acquisition

610 S. Valley St. - Obdulia Valles (Lopez), property acquisition

1933 N. 18th St. - Michael L. Knight, Sr., property acquisition

Transfers from Land Bank

20 S. Boeke St. - Carlson Custom Homes, LLC

(Carlson Custom Homes, LLC, is currently a rehabber in the WCLB Rehab Program. They are currently rehabbing 18 S. Boeke St. and this property will be combined at completion of rehab.)

4100 Roswell Ave. - J-Bloc, LLC

(J-Bloc, LLC, is currently a rehabber in the WCLB Rehab Program. They are currently rehabbing 4110 Roswell Ave. and this property will be combined at completion of rehab.)

*On April 9, 2018, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.*

Tracking #: 18197

APPROVED

2. **RECOMMENDATION: LAND BANK POLICY UPDATES**

Synopsis: Recommend approval of the proposed Land Bank policy updates, submitted by Chris Slaughter, Land Bank Manager.

*On April 9, 2018, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.*

Tracking #: 18104

APPROVED

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN



Staff Request for Commission Action

Tracking No. 18240

Full Commission Meeting Date: 4/26/18

Committee:

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

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
04/20/2018	Sarah White	x5724	sfjell@wycokck.org	Public Works

Item Description:

UG Public Works Stormwater Program put on a video and poster contest for Middle School and High School students during the 2017-2018 School Year. Students were asked to create a Public Service Announcement for the topic of "You Can Protect Our Waterways". Three schools participated in the contest, Piper Middle School, Rosedale Middle School, and Harmon High School. Entries were judged by a selection committee and the winners will be showcased on our website, UGTV, and other local media outlets.

UG staff will be presenting awards to the teachers/students as well as showcasing the videos and posters for the Commissioners.

Action Requested:

Presentation of awards

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

**AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, APRIL 26, 2018**

XI. PUBLIC HEARING AGENDA

ADDITIONAL INFORMATION

**Item No. 1 – 18204...PUBLIC HEARING: AMEND 2017-2021 FIVE YEAR
CONSOLIDATED PLAN TO INCLUDE NEIGHBORHOOD
REVITALIZATION STRATEGY AREA (NRSA) PLAN**

Synopsis: Submitting a resolution authorizing Amendment #1 of the 2017-2021 Five Year Consolidated Plan to include the Neighborhood Revitalization Strategy Area Plan for the Park Drive Neighborhood, submitted by Wilba Miller, Director of Community Development.

RESOLUTION NO. _____

**BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

That the Mayor/Chief Executive Officer of the Unified Government of Wyandotte County/Kansas City, Kansas is hereby authorized and directed to execute in the name of the Unified Government, and the Unified Government Clerk is hereby authorized and directed to attest the signature of said Mayor/Chief Executive Officer and to attach the seal of the Unified Government thereto as the voluntary act of the Unified Government to Amendment #1 of the 2017-2021 Five Year Consolidated Plan to include the Neighborhood Revitalization Strategy Area Plan for the Park Drive Neighborhood; thereto, as a voluntary act of the Unified Government to the amendment to be submitted to the U.S. Department of Housing and Urban Development.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS THIS 26TH DAY OF APRIL
2018.

Mayor/CEO David Alvey

Attest:

Unified Government Clerk

Approved as to Form:

Unified Government Counsel



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: April 26, 2018
Re: Change of Zone Petition #3160

GENERAL INFORMATION

Applicant:
Jasper Mullarney

Status of Applicant:
Owner
2726 Charlotte Street
Kansas City, MO 64109

Requested Actions:
Change of Zone from
M-2 General Industrial District to
R-2(B) Two Family District

Date of Application:
February 23, 2018

Purpose:
To continue to use the property
as a duplex

Property Location:
819 Southwest Boulevard

Existing Zoning:
M-2 General Industrial District



Surrounding Zoning: **North:** M-2 General Industrial District
 South: M-2 General Industrial District
 East: R-1(B) Single Family District
 West: M-2 General Industrial District

Existing Uses: **North:** Single Family House
 South: Warehouse
 East: Single Family House
 West: Warehouse/Office

Total Tract Size: 0.17 acre

Master Plan Designation: The Rosedale Master Plan designates this property as Urban Mixed-Use District.

Major Street Plan: The City-Wide Master Plan designates Southwest Boulevard as a Class A Thoroughfare

Advertisement: The Wyandotte Echo – March 14, 2018
 Letters to Property Owners – March 15, 2018 and April 18, 2018

Public Hearings: April 9, 2018 and April 26, 2018

Public Opposition: No one appeared in opposition at the April 9, 2018 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jasper Mullarney, has applied for a change of zone from M-2 General Industrial to R-2(B) Two Family District at 819 Southwest Boulevard. This property was originally built as a single-family house and was later converted to a duplex use.

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

FACTORS TO BE CONSIDERED

1. Neighborhood character.

This section of Southwest Boulevard is mixed use in character with a combination of residential uses, including single family houses, industrial uses, retail uses, and a school. Behind the property is a single-family neighborhood.

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

The zoning and uses of nearby property is listed above. The proposed use is expected to be compatible with the zoning and uses of nearby properties.

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

Removal of the restrictions will not detrimentally affect nearby property.

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

This property was recently occupied as a duplex.

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

The proposed use provides housing and will not substantially or permanently injure the appropriate use, visual quality, or marketability of nearby property.

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

The proposed use would not increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.

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

The proposed use conforms to the Rosedale Master Plan

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

The proposed use will not cause environmental harm.

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

a. *Water service*

Existing

b. *Sanitary sewer service*

Existing

c. Storm water control

Existing

d. Police

Police service is provided by South Patrol, District #332

e. Fire

Fire service is provided by Station #10

f. Transit

None

g. Schools

Kansas City, Kansas USD 500

h. Streets

See item #6 above

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

The proposed use will provide much needed housing in the Rosedale area.

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

The proposed use is capable of meeting applicable ordinance requirements.

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

The proposed use would be a relative gain to the public health safety and welfare so long as the structure is safe, meets all codes, and is improved and maintained to provide quality housing.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 24, 2018. The meeting minutes are attached to this report.

KEY ISSUES

Safety of building as demonstrated through conformance to building codes

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application #3160, subject to:

Urban Planning and Land Use Comments:

1. The plans indicate existing condition. Are there any changes proposed to the structure? The interior appears to be in poor condition. What improvements are planned for the property?

The following are stipulations of approval:

1. This property is listed as a single-family residence in the appraiser information, and there are no records of the conversion in our database. Please coordinate with the building inspections department and Fire Department to inspect the structure to ensure that it is up to code for a two-unit structure and make any required improvements prior to occupancy or rental license issuance.
2. A rental license will be required prior to it being rented.

Public Works Comments:

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

Fire Department Comments:

- 1) The Fire Department has reviewed the submitted documents for this structure. We do not have an issue with the change of zone; however, there are fire safety concerns with the structure being converted to a duplex. The pictures that were submitted by Lickel Architecture show a gas range next to an open stairwell that leads to the upstairs apartment. Since fires caused by 'food on the stove' are a common occurrence the Fire Marshal recommends that this stairway access be composed of a fire rated wall. A second means of egress from the upstairs apartment should be provided by way of a staircase down from the deck. This apartment should also have interconnected smoke alarms throughout to prevent entrapment by the upstairs tenants.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition #3160 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 9, 2018 City Planning Commission Minutes
Letter from Applicant
Photos
Floor Plan

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	April 9, 2018	April 26, 2018
Rezoning	Approval	

STAFF CONTACT: Zach Flanders
zflanders@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #3160 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #3160, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

APRIL 9, 2018 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 1:02:48:

CHANGE OF ZONE APPLICATION #3160 – JASPER MULLARNEY – SYNOPSIS:

Change of Zone from M-2 General Industrial District to R-2(B) Two Family District for an existing duplex at 819 Southwest Boulevard. **Detailed Outline of Requested Action:**

The applicant, Jasper Mullarney, has applied for a change of zone from M-2 General Industrial to R-2(B) Two Family District at 819 Southwest Boulevard. This property was originally built as a single-family house and was later converted to a duplex use.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 9, 2018;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated March 14, 2018; and
7. The Notices to property owners dated March 15, 2018.

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

Present in Support:

- ❖ Jasper Mullarney, applicant, 2726 Charlotte Street, Kansas City, MO 64109

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts at 1:08:33: Director Richardson stated the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts at 1:08:48:

On motion by Mr. Connelly, seconded by Ms. Pauley, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application #3160:**

Carson	Aye
Childress	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Pauley	Aye
Reasons	Aye
Huey	Chairman

Mose Not Present
Serda Not Present
Motion to recommend APPROVAL Passed: 8 to 0
Subject to:

Urban Planning and Land Use Comments:

1. The plans indicate existing condition. Are there any changes proposed to the structure? The interior appears to be in poor condition. What improvements are planned for the property?

The following are stipulations of approval:

1. This property is listed as a single-family residence in the appraiser information, and there are no records of the conversion in our database. Please coordinate with the building inspections department and Fire Department to inspect the structure to ensure that it is up to code for a two-unit structure and make any required improvements prior to occupancy or rental license issuance.
2. A rental license will be required prior to it being rented.

Public Works Comments:

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

Fire Department Comments:

- 1) The Fire Department has reviewed the submitted documents for this structure. We do not have an issue with the change of zone; however, there are fire safety concerns with the structure being converted to a duplex. The pictures that were submitted by Lickel Architecture show a gas range next to an open stairwell that leads to the upstairs apartment. Since fires caused by 'food on the stove' are a common occurrence the Fire Marshal recommends that this stairway access be composed of a fire rated wall. A second means of egress from the upstairs apartment should be provided by way of a staircase down from the deck. This apartment should also have interconnected smoke alarms throughout to prevent entrapment by the upstairs tenants.

02/05/18

Neighborhood Resource Center
Urban Planning & Land Use – Annex
4953 State Avenue
Kansas City, KS 66102

Ref: 819 Southwest Boulevard
Kansas City, KS 66103

Subject: Rezoning

To Whom It May Concern,

The property located at 819 Southwest Boulevard in Kansas City, Kansas has been constructed, for some time now, as a multi-family residence (R2-b). The building is consistent with a residential construction from the early 1900's. It has a rock-type foundation with standard wood frame construction and siding and a pitched roof with shingles. The building has a standard wood framed front porch and a driveway located on one side of the property that connects to Cherokee Street.

This residence is already setup to be a multi-family dwelling (one upstairs and one on the main level) as it already has two separate entrances in the form of front doors leading from the front porch. It also has a fire separation between the two dwelling spaces, both walls and ceiling. One area of the fire separating ceiling, located in the living room of the main level, needs to be repaired to maintain the fire separation. There are also separate utilities to both dwelling units.

Please see attached pictures for more clarification regarding the rezoning of this property to R2-b.

Sincerely,



Dan Lickel
Lickel Architecture, P.C.



ENTRANCE



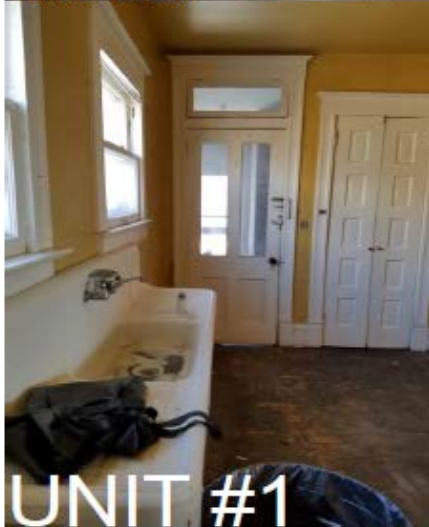
BEDROOM



LIVING ROOM



BEDROOM



UNIT #1



KITCHEN



SIDE ENTRANCE

LIVING ROOM



DINING ROOM



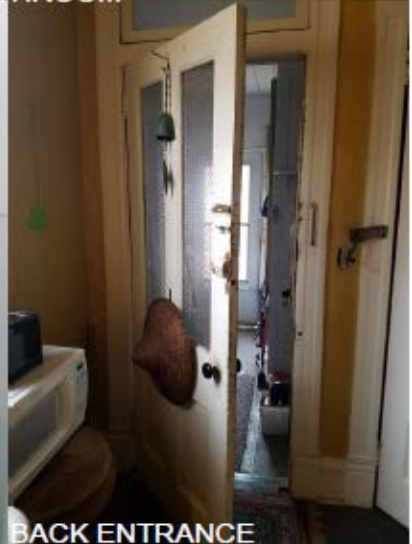
BATHROOM



BEDROOM



BATHROOM



BACK ENTRANCE



ENTRANCE



ENTRANCE/SECOND FLOOR STAIRWELL



BEDROOM



UNIT #2



LIVING ROOM



LIVING ROOM



DINING ROOM



BATHROOM



HALLWAY



BEDROOM



KITCHEN



KITCHEN



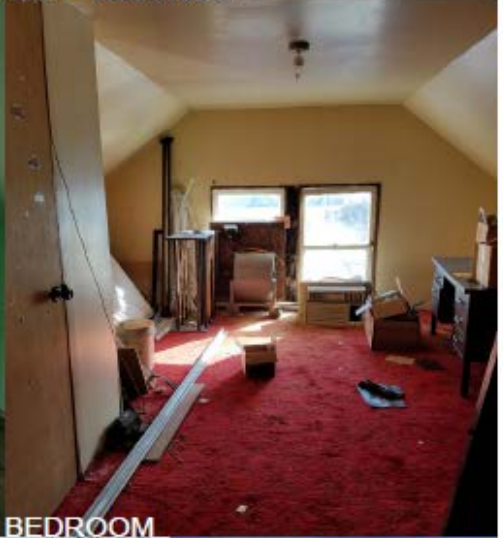
THIRD FLOOR STAIRWELL



STORAGE



BEDROOM



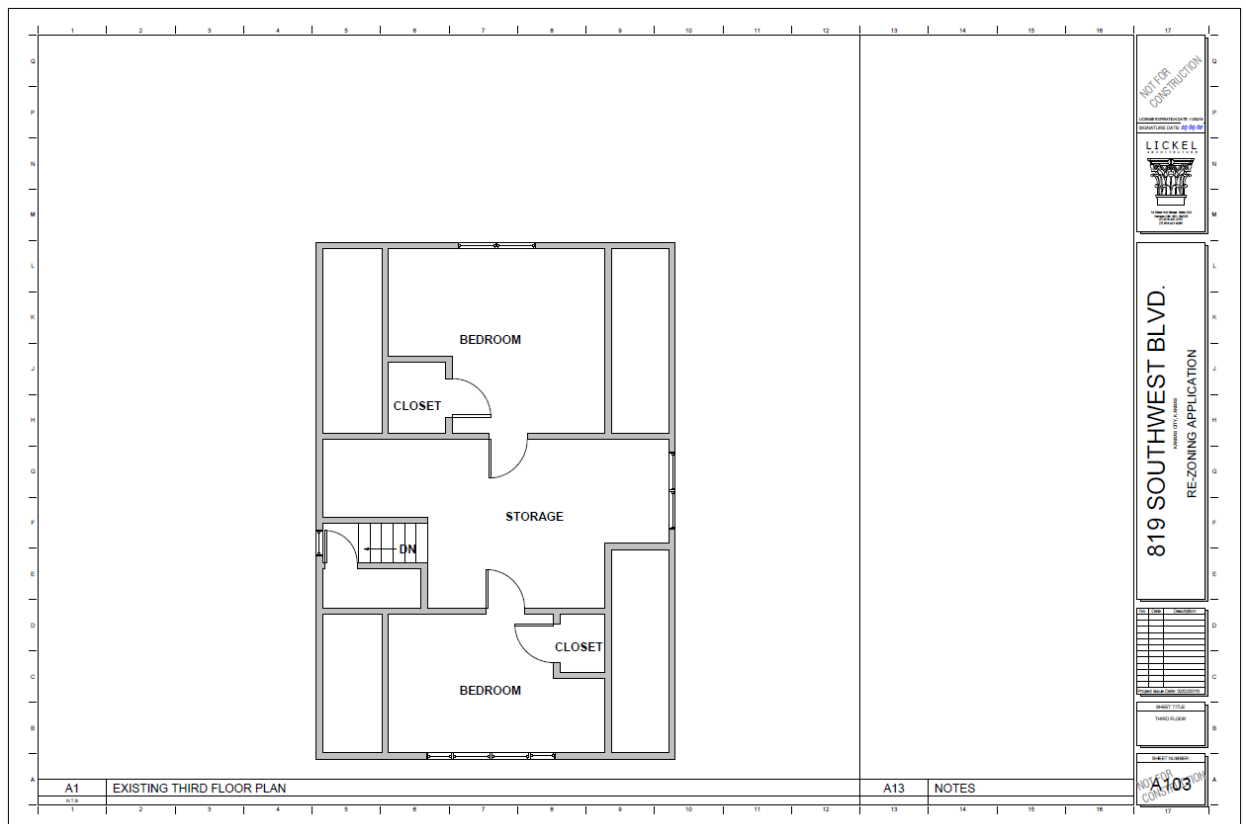
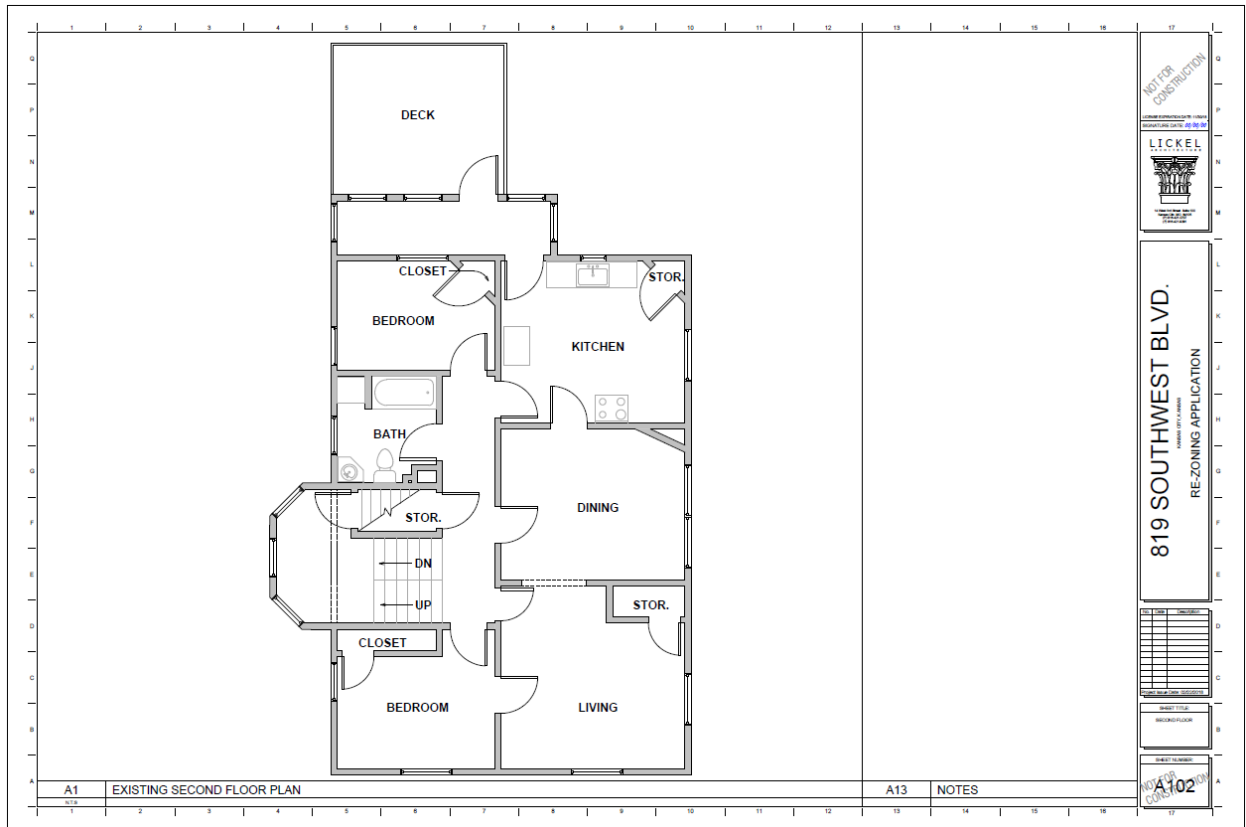
BEDROOM



EXTERIOR



15





Kevin Shirley
Fire Chief

KANSAS CITY KANSAS FIRE DEPARTMENT
Division of Fire Prevention

John Droppelmann, Fire Marshal
Fire Headquarters Building
815 North 6th Street
Kansas City, Kansas 66101



Phone: 573-5550
Fax: 551-0490

PLANNING COMMISSION AGENDA REMARKS

March 13, 2018

Mrs. Janet Parker,

In reference to the BOZA and CPC agenda items for the April 9, 2018, City Planning Commission Agenda the Kansas City, Kansas, Fire Marshal's office has only one comment for the items submitted:

- In regards to the 'Change of Zone Application' for **#3160-Jasper Mullarney**; the Fire Department has reviewed the submitted documents for this structure. We do not have an issue with the change of zone; however, there are fire safety concerns with the structure being converted to a duplex. The pictures that were submitted by Lickel Architecture show a gas range next to an open stairwell that leads to the upstairs apartment. Since fires caused by 'food on the stove' are a common occurrence the Fire Marshal recommends that this stairway access be composed of a fire rated wall. A second means of egress from the upstairs apartment should be provided by way of a staircase down from the deck. This apartment should also have interconnected smoke alarms throughout to prevent entrapment by the upstairs tenants.

Respectfully,

John Droppelmann
Fire Marshal
Kansas City Kansas Fire Department
Office: 913-573-5938
Fax: 913-551-0490
Email: jdroppelmann@kckfd.org

Neighborhood Meeting

03/21/2018

3:00 PM

Rosedale Development
Association

1403 Southwest Blvd,
Kansas City, KS 66103

Meeting called by:	Jasper Mullarney	Type of meeting:	Rezoning Discussion
Facilitator:	Jasper Mullarney	Note taker:	Jasper Mullarney
Timekeeper:	Jasper Mullarney		
Attendees:	Michael Coons, Christine Coons, Neal Dazey		

Minutes

Agenda item: Discuss the rezoning of 819 Southwest Boulevard to R2(B) **Presenter:** Jasper Mullarney

Discussion:

The rezoning of 819 Southwest Boulevard was discussed, primarily because the neighbors in attendance live in properties that are also (incorrectly) zoned M2. I answered questions about the rezoning process, my plans for the property and promised to share documents related to the rezoning process with the neighbors in attendance.

Conclusions:

No concerns about the change of zone were raised, we discussed the process and the property itself.

Action items	Person responsible	Deadline
✓ Share rezoning process documents	Jasper Mullarney	03-29-2018

Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners

From: City Staff

Date: April 26, 2018

Re: **Petition #SP-2018-11**

GENERAL INFORMATION

Applicant:
Jairo S. Flores-Trujillo

Status of Applicant:
Property Owner
8001 Swartz Road
Kansas City, KS 66111

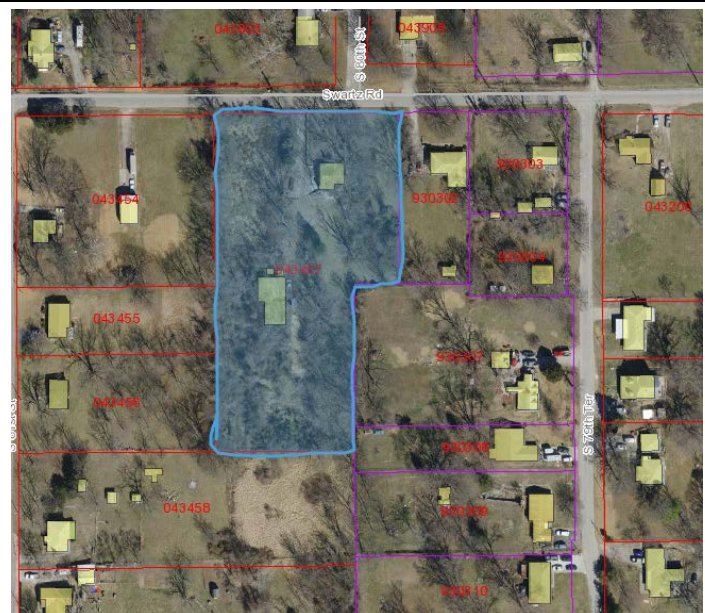
Requested Action:
Approve Special Use Permit for the
Temporary Use of Land

Date of Application:
November 28, 2011

Purpose: Temporary Use of Land to park two (2) commercial trucks and to keep two (2) horses and six (6) chickens

Property Location:
8001 Swartz Road

Commission Districts: Commissioner At Large: Tom Burroughs
District Commissioner: Angela Markley



Existing Zoning: R-1 Single Family District

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

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

Total Tract Size: 2.56 acres

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

Major Street Plan: The City-Wide Master Plan designates 80th Street as a Minor Arterial and Swartz as a Local Street.

Advertisement: The Wyandotte Echo – December 14, 2017
Letters to Property Owner – December 15, 2017, January 3, 2018, March 29, 2018 and April 17, 2018

Public Hearings: March 12, 2018, April 9, 2018 and April 26, 2018

Public Opposition: Staff has been in contact with one neighbor who has concerns with this use. No one appeared in opposition at the March 12, 2018 or April 9, 2018 City Planning Commission meetings.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jairo S. Flores-Trujillo, is requesting a special use permit for the temporary use of land to park two (2) commercial trucks and to keep two (2) horses and six (6) chickens.

City Ordinance Requirements: 27-592 through 27-609

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The character of the neighborhood is residential in nature.

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

The proposed use is not inherently compatible with the residential nature of the nearby properties.

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

The removal of restrictions may detrimentally affect nearby property, as erosion related to animals can cause soil to run off onto other properties. Water pollution may affect nearby properties. The animal waste may cause odor issues if kept on the premises and not properly disposed of.

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

The property is currently the home of the applicant.

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

Special Use Permits are not addressed in the Master Plan.

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

This application is not foreseen to create any issue with these points. No one will be coming to the residence to operate the vehicle. The applicant will go throughout Kansas City to conduct his business.

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

The addition of horses, chickens and trucks to this property would only be a convenience to the applicant. The proposed use may permanently injure the appropriate use, visual quality, or marketability of adjoining property, as horses and chickens can create a significant odor and attract vermin.

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

The noise that would normally be associated with keeping chickens and horses may create problems for nearby properties. The backup safety alarm on the commercial truck may be a bothersome for nearby properties. The vibration, dust, or illumination will not create problems for nearby properties.

Staff has received an email from a concerned neighbor about noises from the applicant using commercial chippers on the property and the burning of debris outside of burn permitting times. The email is attached to this report.

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

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

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

The proposed use may damage the landscape, but it is not considered an irreplaceable natural resource.

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

Per the Conversation District comments, this project may negatively impact public health due to the waste running into the stream, if animal waste is not properly disposed of. When animals are allowed to roam the hill sides, the animal traffic destroys the mulch cover and allows for more runoff. If this application is denied, the applicant will not be able to have livestock on their property.

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

The proposed use will not result in overcrowding of land for human use, but there is not adequate space on the property for two horses to live. Generally, one horse per acre is acceptable for grazing and space requirements, and this property is 2.56 acres; however, much of it is wooded and not acceptable for animal use.

PREVIOUS ACTIONS

This application was **held over** from the March 12, 2018 City Planning Commission meeting for a more detailed site plan to be submitted, clarification of the Conservation District comments and additional photographs of the property and trucks to be submitted (see staff report for the additional information that was submitted.)

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on February 26, 2018. A copy of the meeting sign-in sheet, minutes, and affidavit are attached to this report. According to the applicant, no one attended the meeting.

KEY ISSUES

Water quality
Soil erosion
Animal noise and odor
Animal wellbeing

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **DENIAL** of Special Use Permit Application #SP-2018-11 based on the reasons listed in the staff report.

STAFF COMMENTS AND SUGGESTIONS

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

Urban Planning and Land Use Comments:

1. Please provide photos of the property.

Staff Note: See attached.

2. How often will horse and chicken waste be disposed of and in what way?

Applicant Response: Twice a week, we use it for garden fertilizer.

3. Please provide operation plan for the horses' and chicken's diet, including how and where food is being stored.

Applicant Response: We have a shed and we will store grains and hay there.

4. Do you plan to have a stable for the two (2) horses that meets the R-1 Family District regulations?

Applicant Response: We have a pole barn in the property and he can use that.

5. How often will you clean the coop? It is imperative that the area around the coop is maintained, ensuring that adjacent property owners are not affected by this use.

Applicant Response: We clean it twice a day, keep it very clean is great to keep smell at a minimum.

6. Do you plan to put in a rotational grazing plan to keep mulch cover and not allow more runoff, per the Conservation District comments?

Applicant Response: No, we would buy hay and feed that to them.

7. Contact Animal Control to make sure the proposed number of chickens is appropriate.

Staff Note: Animal Control encouraged applicant to reduce the amount of chickens being kept from twenty (20) to six (6) in order to adhere to the city code. Applicant said that he would do this.

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

Applicant Response: There are 2 but we will be taking one down once we get the permit and the 2nd one will be less than 1,000 square feet.

9. What are the proposed hours of operation for your business?

Applicant Response: 8am to 6pm in the summer, very slow in the winter.

10. What time will you start the ignition, to warm up the vehicle?

Applicant Response: Around 7am.

Public Work Comments:

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

Conservation District:

1. There are two major soil types identified: Knox silt loam, 7 to 12 percent slopes and Ladoga silt loam, 3 to 8 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
2. The lot is mostly covered with trees making it unsuitable for a grazing pasture. The slope of the property is going to cause erosion when animals are allowed to roam the hill sides. The animal traffic destroys the mulch cover and allows more runoff. There is a *waterway that can be polluted with animal waste. Animals need to be fenced out of the *waterway and a 30 foot buffer area.
3. In order to raise animals there will need to be fencing put in and shelters built to house the animals.

4. Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.

Staff Conclusion:

At the Planning Commission meeting March 12, 2018 there was confusion over the Conservation District's comments. Comment two (2) stated that there was a stream on the property, but it has since been corrected to waterway. In an attached email, they state that the drainage area behind the property flows towards an intermittent stream draining to the river. No other comments were revised.

The applicant is requesting to keep two (2) box trucks and two (2) horses on the property, along with six (6) chickens that are allowed by right. According to a neighbor, the applicant is also using a commercial chipper and burning debris on a regular basis. Based on past enforcement comments, the trucks are able to be seen from both Swartz Road and 81st Street. Staff does not believe that this use and activity meets the SOAR goals for improving the overall image of the county and does not recommend its approval.

The applicant submitted additional photos per the request of the Planning Commission. Attached are photos showing the trucks being parked, the property, and the house. The photos of the land show that there is no ground cover, and the movement of trucks and animals on this property creates a large potential for erosion. After speaking with the applicant about the potential for erosion, he stated that he intends to keep the horses confined in a barn, and not let them out to move about. Because there is little ground cover, the horses will have to be fed hay. Staff does not believe this is a satisfactory solution, as it does not provide a good environment for the horses' wellbeing.

Staff went to look at the property and discovered multiple vehicles and accessory structures that the applicant had not disclosed. There is a barn at the back of the property. There is a metal building at the center of the property that dates pre-2008. There is a carport that staff is unsure if it is detached or attached to the house. There is a larger truck parked on the property that was not one of the trucks the applicant sent pictures of. There is also a RV camper that is not parked on pavement. Additionally, the applicant has clearly cut the trees in the front of the property, and cut many trees down in the rear, which opens up the land for grazing, but without ground cover and with trucks and animals going about the property, the potential for erosion is high.

Because of the issues with erosion, multiple over-sized vehicles, and multiple accessory structures that are not a part of this application, staff recommends denial.

If the Board of Commissioners were to approve this application, staff recommends the following:

- (1) The applicant shall plant grasses (ground cover) to prevent erosion.
- (2) The truck parking area shall be a paved surface.
- (3) Any area where vehicles will drive beyond the pad where the vehicles are parked must be paved as well.

- (4) One accessory structure must be removed. Only one accessory structure is allowed by code.
- (5) Up to six (6) chickens may be kept with the appropriate Animal Control permit.
- (6) Approval shall be for two (2) years.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition #SP-2018-11 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

March 12, 2018 City Planning Commission Minutes
April 9, 2018 City Planning Commission Minutes
Aerial map
Applicant submitted site plan
Neighborhood meeting sign-in sheet and minutes
Neighborhood meeting affidavit
Neighborhood meeting letter
Applicant submitted photos
Email from opposing neighbor
Email from Conservation District
Staff photos

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	March 12, 2018	April 26, 2018
Special Use	Held Over April 9, 2018 Denial	

STAFF CONTACT: Kylie Wyatt
 kwyatt@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition #SP-2018-11, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2018-11** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

March 12, 2018 City Planning Commission Minutes:

Hearing starts at 28:00

SPECIAL USE PERMIT APPLICATION #SP-2018-11 – JAIRO S. FLORES-TRUJILLO
– **SYNOPSIS:** Special Use Permit for the Temporary Use of Land to park two commercial trucks and to keep two horses and twenty chickens at 8001 Swartz Road.

Detailed Outline of Requested Action: The applicant, Jairo S. Flores-Trujillo, is requesting a special use permit for the temporary use of land to park two (2) commercial trucks and to keep two (2) horses and six (6) chickens.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated March 12, 2018;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated December 14, 2017; and
7. The Notices to property owners dated December 15, 2017, January 3, 2018 and February 2, 2018

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

Present in Support:

- ❖ Jairo Flores Trujillo, applicant, 8001 Swartz Road, Kansas City, Kansas (revised application to 5 chickens so that portion of the special use permit is not needed)

Present in Opposition (Question):

- ❖ Cynthia Pesselato, 3107 South 7th Street, Kansas City, Kansas

Staff Recommendation starts at 39:25 - Director Richardson stated that the staff recommendation is for denial. The horses are not kept in the stable all the time, as

evidenced in the pictures, and with the Conservation District comments, the staff cannot change that part of the recommendation. This is an area where the city is working on the SOAR initiative and the box trucks in the neighborhood do not conform to the goals of the SOAR program and the staff recommends denial of all aspects of this application. After Planning Commission discussion of the Conservation District comments, horses, etc., the staff recommended holding over this application for a more detailed site plan and verify the report submitted by the Conservation District. The Commission requested more photographs of the trucks and house.

Motion and Vote starts at 49:30

On motion by Dr. Serda, seconded by Ms. Pauley, the Planning Commission voted as follows to **HOLD OVER Special Use Permit Application #SP-2018-11 until the April 9, 2018 City Planning Commission meeting for a more detailed site plan to be submitted, clarification of the Conservation District comments and additional photographs of the property and trucks to be submitted:**

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

Motion to HOLD OVER Passed: 6 to 0

Chairman Huey directed the applicant to work with the staff in the next 30 days on these items.

April 9, 2018 City Planning Commission Minutes:

Hearing starts at 1:08:25:

SPECIAL USE PERMIT APPLICATION #SP-2018-11 – JAIRO S. FLORES-TRUJILLO

– **SYNOPSIS:** Special Use Permit for the Temporary Use of Land to park two commercial trucks and to keep two horses and twenty chickens at 8001 Swartz Road.

Detailed Outline of Requested Action: The applicant, Jairo S. Flores-Trujillo, is requesting a special use permit for the temporary use of land to park two (2) commercial trucks and to keep two (2) horses and six (6) chickens.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 9, 2018;

5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated December 14, 2017; and
7. The Notices to property owners dated December 15, 2017, January 3, 2018, February 2, 2018 and March 29, 2018

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.) Recording Secretary Parker stated that this application was heard last month and held over for the applicant to submit additional pictures of the property and clarification of the Conservation District's comments.

Present in Support:

- ❖ Mr. Marquez, 5410 Vista, Kansas City, Kansas, representing the applicant

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts at 1:16:09: Director Richardson stated there is nothing new over the last month to change the staff's recommendation given what is trying to be done with SOAR in the residential areas; the staff's recommendation is for denial. He further stated that the items requested from the hold over decision were submitted to staff.

Motion and Vote starts at 1:17:05:

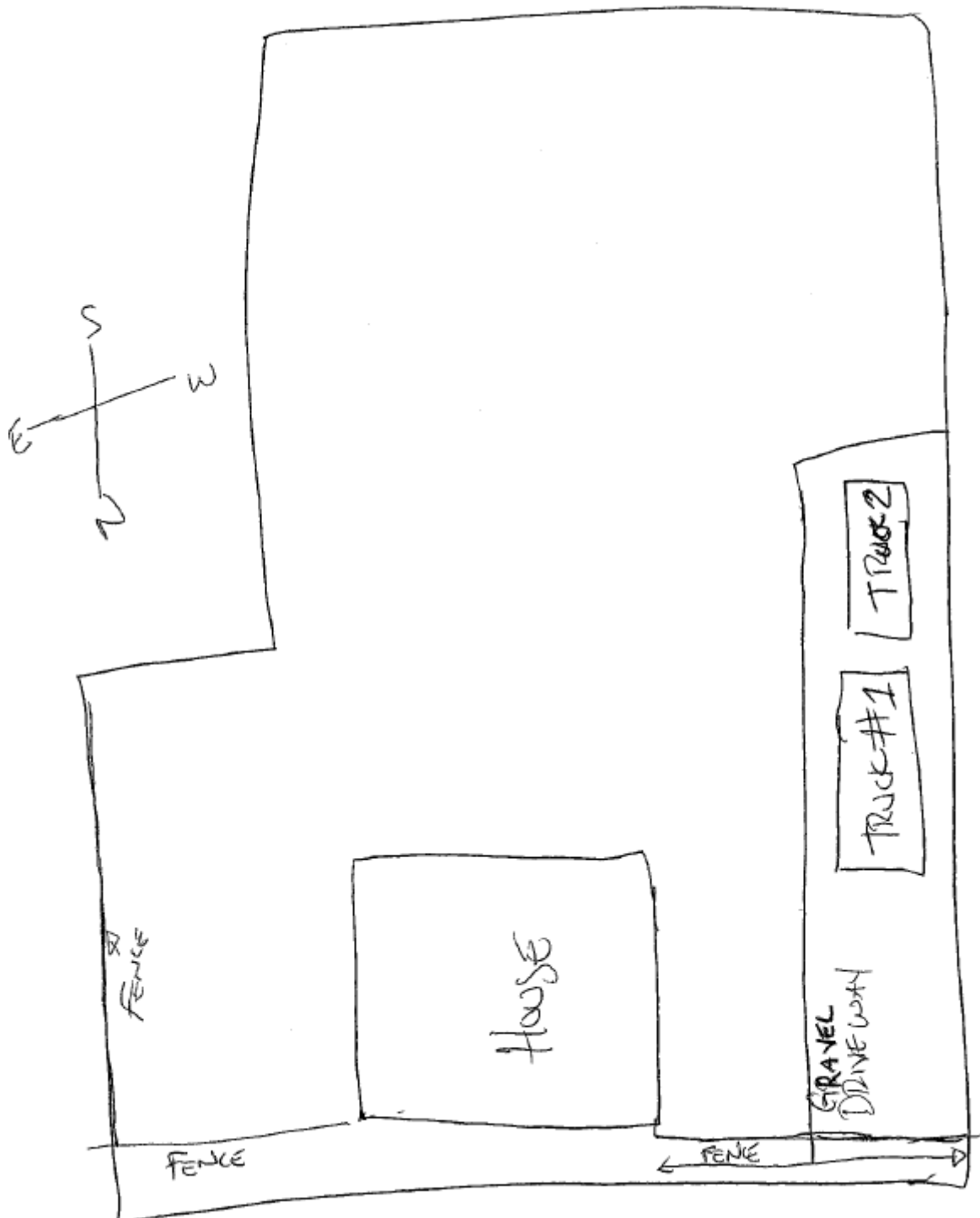
On motion by Mr. Ernst, seconded by Mr. Reasons, the Planning Commission voted as follows to **recommend DENIAL of Special Use Permit Application #SP-2018-11 based on the reasons listed in the staff report:**

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

Motion to recommend DENIAL Passed: 8 to 0



Aerial map



Applicant submitted site plan

SAMPLE MINUTES: 60 minutes

Application Number: SP-2018-11

Date and Location: 2-26-18, Monday on 7530 STATE AVE, KES 66112

Meeting called to order at: 3:30 pm to 4:30 pm

Names of people in attendance: Zero

Introductions:

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

Questions and answers (include the following):

- Who asked question or gave comment
- What was the question or comment
- Who answered the question/comment
- What was the answer given

Meeting adjourned at: 4:30 pm

Minutes taken by: Nice Marguez

Neighborhood meeting sign-in sheet and minutes

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
COUNTY OF Johnson) SS:

Comes now Jairo S. Flores, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP-2018-11
2. That I conducted a neighborhood meeting on 2-26-18.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Jairo S. Flores
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28 day of February, 2018.

My commission expires 28 of Sept, 2019.

Robin L. McDonald
Notary Public



Neighborhood meeting affidavit

2/15/2018

To Whom It May Concern;

Greetings, my name is Jairo S Flores Trujillo, I recently purchase a house in this neighborhood, I'm currently seeking a Special Use Permit for the Temporary Use of Land to park two(2) commercial trucks and to keep two(2) horses and (20) chickens. In order to do this I have to call a neighborhood meeting. We will be holding this meeting in the McDonald that is located on 75th and State ave (7530 state ave. Kansas City, KS 66112 [REDACTED] on Monday February 26th at 4pm. We hope to see you there.

Sincerely

Jairo S Flores Trujillo

Neighborhood meeting letter



Horse corral



Horse corral



Horse barn



Horse barn



Horse barn



Horse barn



Animal waste disposal



Current surface for truck parking



Minimal ground cover



No ground cover



No ground cover







House facing Swartz Road



House and carport

From: WYCO Conservation District <wyco.conservation@gmail.com>

Sent: Wednesday, March 28, 2018 7:50 AM

To: Parker, Janet <jparker@wycokck.org>

Subject: SP2018-11 correction

We had referenced a stream but should have called it a waterway. The drainage area behind the property flows toward unnamed named intermittent stream draining to river.

Cheri Miller

District Manager

Wyandotte County Conservation District

1204 N. 79th Street

Kansas City, KS 66112

913-334-6329

Copy of email from Conservation District correcting previous statement

On Fri, Jan 5, 2018 at 1:54 PM, Ricky Peterson <[REDACTED]> wrote:

Zach,

Thank You for taking the time to hear our concerns and for forwarding these to the City Planning Commission.

This is the email as sent to Angela Markley on 12/28/2017.

Hello, my name is Rick Peterson, I am reaching out in concern with a letter my wife Maura and I each received concerning a petition by land owner Jairo S. Flores-Trujillo at 8001 Swartz Rd. (See attached)

The meeting is set for Monday evening January 8 at 6:30 pm. Maura and I both work that evening.

I will set out our concerns / questions in bullet line format:

- 1.) (Rick) First off what is meant by temporary?
- 2.) (Rick) Second these requests are already happening, as 9 of their chickens were in our yard yesterday, also they are not only storing the trucks they are using commercial chipper shredders for their business. which includes periodic burning of materials outside the burn permitting times. As recent as **two weeks ago** week.
- 3.) (Maura) For 31 years we have enjoyed the country like atmosphere this community has to offer. Recently, the sounds of large amounts of shredding and frequent burning of large piles of tree debris has been disruptive to our environment.
- 4.) (Rick) I had concerns about the activities which might take place, when a total privacy fence was constructed within 2 months of their acquiring the property.

Please feel free to contact either of us with how our concerns can be addressed. Will I / we need to take a vacation day to be at this meeting?

Thank You for taking the time to understand our concerns about this request.

Rick Peterson
[REDACTED]

Maura Peterson
[REDACTED]

Email from neighbor

From: Ricky Peterson [mailto:████████████████████]
Sent: Tuesday, March 06, 2018 4:11 AM
To: Flanders, Zachary <zflanders@wycokck.org>
Subject: Re: Special Permit Petition #SP-17402-00079

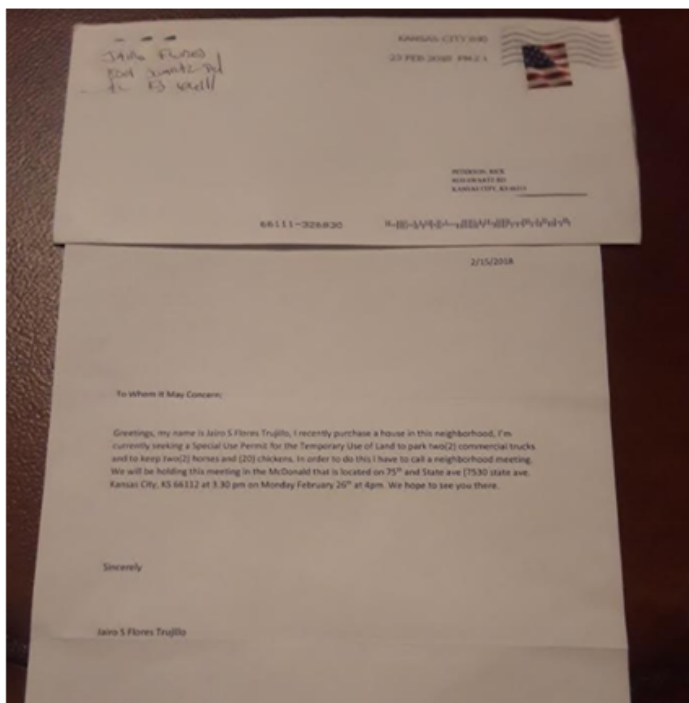
Zach,

Wanted to reach out once more regarding the Special Permit Petition #SP-17402-00079. Zach,

Please see attached the letter received in the USPS after the meeting time.

We received this letter informing us of the meeting, at 6pm on the day of the meeting, meeting time was 3:30pm or (4 pm?).

The letter arrived 2 1/2 hours after the meeting.



Email from neighbor



Google Street View from October 2014



Front of the house present



Current gravel driveway. Proposed truck parking would be behind the fence.



New barn at the rear of the property facing towards Swartz Road



Metal building in the center of the property



Carport on the left of the photo, large truck in the center, and camper on the right.



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: April 26, 2018
Re: Petition #SP-2018-12

GENERAL INFORMATION

Applicant:
John L. Peterson

Status of Applicant:
Representative/Attorney
748 Ann Avenue
Kansas City, KS 66101

Requested Action:
Approval of a Special Use Permit
for automotive service

Date of Application:
December 28, 2017

Purpose:
To continue to operate an
automotive service business in
the existing building at 1110
Merriam Lane

Property Location:
1110 Merriam Lane

Existing Zoning: C-3 Commercial District



Aerial Map from Google Earth. Image Date: 6/10/2017

Existing Surrounding Zoning: **North:** R-1(B) Single Family District
South: C-3 Commercial District
East: C-3 Commercial District
West: C-3 Commercial District

Existing Uses: **North:** Single Family Residences, vacant lot
South: Commercial Businesses
East: Commercial Building and Single Family Residences
West: Commercial Businesses

Total Tract Size: 0.64 acre

Master Plan Designation: The City-Wide Master Plan and Southwest Boulevard Merriam Lane Corridor Master Plan designate this property as Business Park.

Major Street Plan: The City-Wide Master Plan designates Merriam Lane as a Class C Thoroughfare and 11th street as a local street.

Advertisement: The Wyandotte Echo – January 17, 2018
Letters to Property Owner – January 17, 2018, January 25, 2018, March 29, 2018 and April 17, 2018

Public Hearings: March 12, 2018, April 9, 2018 and April 26, 2018

Public Opposition: The Rosedale Development Association has expressed opposition to this application and has appeared at both meetings. At the April 9, 2018 City Planning Commission meeting there was one neighbor present in support and one present in opposition.

PROPOSAL

Detailed Outline of Requested Action: This special use permit is to allow an automotive service business at 1110 Merriam Lane. The business, Modified by KC, has been operating out of the space without a special use permit or a business license. Google street view images shows a number of vehicles parked bumper to bumper in the parking lot and cars that appear to be associated with the business lining the public street.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The property is in the Rosedale Neighborhood. It is a mixed-use, urban neighborhood with commercial, residential, and entertainment uses. Southwest Boulevard and Merriam Lane have recently received a significant public

investment and have been rebuilt with new bike lanes and sidewalks. The building on this property was constructed in 2016.

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

The proposed use will likely create compatibility issues with adjacent residential uses. This is a performance automotive tuning business that involves revving engines, which creates noise issues for the surrounding neighborhood.

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

The Rosedale Development Association and other neighborhood residents and community members have expressed concern about the growing concentration of automotive uses on Merriam Lane and Southwest Boulevard. Opposition was expressed to the City Planning Commission against an automotive service business at 1066 Merriam Lane and 1010 Merriam Lane. Removal of the restrictions on automotive dealerships could detrimentally affect nearby property by creating a use that does not maximize the potential of the site and creates an undesirable aesthetic for the area. There is also potential for noise and parking issues to negatively affect the residential property adjacent to the site.

This property has great visibility on Merriam Lane and is well suited for commercial use. If the special use permit were denied, it would not prevent the building owner from renting the building for commercial uses that are allowed in the C-3 Commercial District.

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

This property was newly constructed in 2016.

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

The Southwest Boulevard Merriam Lane Corridor Master Plan and City-Wide Master Plan designates this property as Business Park District. This district allows light industrial uses and business/research parks as well as office, retail, restaurants, and other commercial and service uses. The proposed use would contradict the stated goal in the Southwest and Merriam Lane Corridor Master Plan to "provide more mixed-use development to reduce the need for automobile use and increase pedestrian and bicycle activity." (page 67)

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

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

however, this use has created parking issues with cars parked bumper to bumper in the parking lot and on the public street.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public. There is already an abundance of automotive service businesses in the immediate vicinity. The proposed use could negatively affect the visual quality and marketability of the adjoining property.

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

As stated above, this is a performance automotive tuning business that involves revving engines, which will likely create issues with noise. The current location is adjacent to single family residences.

The C-3 Commercial District performance standards state that no operation shall produce noise that exceeds 60dB(A) (approximately the level of a normal human conversation) at repeated intervals for a sustained length of time measured at any point on the property line.

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

Automotive uses could result in pollution if the business is not properly operated.

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

The proposed use is not likely to damage or destroy an irreplaceable natural resource.

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

There is no gain to the public health, safety, or welfare that would result from the approval of this application. The individual landowner would still be able to use the property for commercial purposes allowed in the C-3 Commercial District.

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

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

PREVIOUS ACTIONS

This application was held over from the March 12, 2018 City Planning Commission meeting at the request of the applicant to address the comments in the staff report. The staff has not received any additional information since that meeting.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting January 30, 2018. Neighborhood residents and business owners expressed some concern with noise and overflow parking associated with the business. The minutes are attached to this staff report.

KEY ISSUES

Noise

Parking

Neighborhood Preservation

Master Plan goal of providing more mixed-use development to reduce the need for automobile use and increase pedestrian and bicycle activity.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2018-12, subject to:

1. No more than 17 cars being parked in the parking lot and shall have striped parking spaces.
2. No parking on Stine or 11th Street.
3. No parking in the middle of the parking lot.
4. Noise level not to exceed 65 decibels with the doors closed.
5. No testing of vehicles on the side streets. Testing must be done from Merriam Lane onto I-635.
6. Approval for two (2) years.

STAFF COMMENTS AND SUGGESTIONS

The staff does not support the recommendation of the City Planning Commission.

Urban Planning and Land Use Comments:

1. How long has this business been in operation at this location without business permits or a special use permit?

Applicant Response: To applicant's knowledge, this business always has been officially licensed by the Unified Government and this license was again renewed

in late 2017. The owners were not aware that they needed a special use permit until late in calendar year 2017.

Staff Response: Did the Planning Department sign off on this business license at this address? Please provide a more definitive answer.

2. Please explain why cars are parked bumper to bumper in the parking lot and along the public streets. Are these customer cars? Are they being used for parts? Are all the cars parking on and off site operable?

Applicant Response: As a stipulation herein, there will be no more cars parked in the parking lot bumper to bumper, but only in marked spots. These cars were not being used for parts and all cars in the lot are operable. Some cars inside the building are not operational; however, it must be emphasized that this business is not an automobile repair or body shop. It is a precision automobile enhancement business. In addition, assuming that Ron Buck, the owner of the building, obtains UG permission, he intends to build an additional parking lot directly behind the present parking lot on land he has purchased and begun clearing. He will allow applicants to use this parking lot as needed in addition to the present parking lot.

3. How do you plan to mitigate the noise associated with performance auto tuning, especially considering that there are single family residences in the area? The C-3 Commercial District performance standards state that no operation shall produce noise that exceeds 60dB(A) (approximately the level of a normal human conversation) at repeated intervals for a sustained length of time measured at any point on the property line.

Applicant Response: The mitigation of the noise level will be addressed by keeping the garage door shut on premises and when a car is being test driven, it will be driven at moderate speeds until it gets away from the neighborhood up on the highway.

Staff Response: Applicant should testify if they uniformly obey the speed limits when testing "performance vehicles."

4. All outside trash receptacles must be completely screened from view with architectural screening.

Applicant Response: No problem as to the trash receptacles and screening that will be so stipulated

5. All overhead doors shall be closed when automobiles are being serviced.

Applicant Response: That will be stipulated

Business License Comments:

1. Will this be for auto service only, or is there intent to also want to be an auto dealer? If approved applicant will need to file the occupation tax application with our office for the occupying business activity. If also wanting to be an auto dealer, license be also be required with the Kansas Department of Revenue

Update from Staff:

1. Attached is a photograph submitted by Erin Stryka, Rosedale Development Association, the day of the April 9, 2018 Planning Commission meeting showing the parking issues on this site. She stated: "Contrary to what they told us at the neighborhood meeting and what they told planning in their response to staff comments, cars continue to be parked end to end, on the street, and not in marked spaces."
2. Pictures taken by staff showing the bike lane being blocked at this location (the week after the Planning Commission meeting.)
3. Screen shot of a past event held at this site by Modified of KC. This is a concern to staff if this site is being used as an event space. If they are hosting events that require the disposal of fluids, what is the procedure for doing so?

The staff recommends denial of this application for the reasons listed in the staff report and at the April 9, 2018 City Planning Commission meeting.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition #SP-2018-12 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 9, 2018 City Planning Commission Minutes
Photograph Submitted by Erin Stryka
Site Plan
Landscape Plan
Site Photos
Images of business on Google
Google Street View Imagery
Conservation District Report
Responses to Comments
Neighborhood Meeting Minutes
Photographs Taken by Staff of the Bike Lane
Snap Shot of Facebook Page

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	March 12, 2018	April 26, 2018
Special Use	Held Over April 9, 2018 Approval	

STAFF CONTACT: **Zach Flanders**
 zflanders@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2018-12**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2018-12** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

March 12, 2018 City Planning Commission Minutes:

Hearing starts at 51:20

SPECIAL USE PERMIT APPLICATION #SP-2018-12 – JOHN L. PETERSON –

SYNOPSIS: Special Use Permit for a performance auto service shop at 1110 Merriam Lane. **Detailed Outline of Requested Action:** This special use permit is to allow an automotive service business at 1110 Merriam Lane. The business, Modified by KC, has been operating out of the space without a special use permit or a business license. Google street view images shows a number of vehicles parked bumper to bumper in the parking lot and cars that appear to be associated with the business lining the public street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;

3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated March 12, 2018;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated January 17, 2018; and
7. The Notices to property owners dated January 17, 2018 and January 25, 2018

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

Present in Support:

- ❖ John Peterson, applicant, 748 Ann Avenue, Kansas City, Kansas 66101 (He requested that this application be held over for one month to work out the issues listed in the staff report.

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts at 53:56 - Director Richardson stated that the staff would recommend a holdover of this application to discuss the issues in the staff report with the applicant until the April 9, 2018 City Planning Commission meeting.

Motion and Vote starts at 54:25

On motion by Dr. Serda, seconded by Mr. Carson, the Planning Commission voted as follows to **HOLD OVER Special Use Permit Application #SP-2018-12 to the April 9, 2018 City Planning Commission meeting as requested by the applicant to address the comments in the staff report:**

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

Motion to HOLD OVER Passed: 6 to 0

April 9, 2018 City Planning Commission Minutes:

Hearing starts at 1:18:10:

SPECIAL USE PERMIT APPLICATION #SP-2018-12 – JOHN L. PETERSON –

SYNOPSIS: Special Use Permit for a performance auto service shop at 1110 Merriam Lane. **Detailed Outline of Requested Action:** This special use permit is to allow an automotive service business at 1110 Merriam Lane. The business, Modified by KC, has been operating out of the space without a special use permit or a business license. Google street view images shows a number of vehicles parked bumper to bumper in the parking lot and cars that appear to be associated with the business lining the public street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 9, 2018;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated January 17, 2018;
7. The Notices to property owners dated January 17, 2018, January 25, 2018 and March 29, 2018; and
8. A picture of the property that was submitted to the staff this afternoon and distributed to the Planning Commission this evening.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Chairman Huey stated that she received a phone call from someone stating that they were in support of this application.

Recording Secretary Parker stated that this application was held over from last month's meeting at the request of the applicant to address comments in the staff report.

Present in Support:

- ❖ John (Pete) Peterson, applicant representing Modified by KC, 748 Ann Avenue, Kansas City, Kansas 66101
- ❖ Ryan Charlton, 43 Anchor Drive, Lake Tapawingo, Missouri
- ❖ Wes Neal, Rosedale Drive In, 1051 Merriam Lane, Kansas City, Kansas 66103
- ❖ Ron Buck, Buck Roofing, owner of the property, 5181 Reinhardt, Fairway, Kansas

Present in Opposition:

- ❖ Jerman Fernandez, 1116 Stine Lane, Kansas City, Kansas 66103
- ❖ Ms. Erin Stryka, Rosedale Development Association, 1403 Southwest Boulevard, Kansas City, Kansas 66103

Staff Recommendation starts at 2:05:24: Director Richardson stated that just because one decibel is added does not mean you get one degree louder; it is a multiple effect. If you are 65 decibels you are five times louder than a normal conversation. It seems an insignificant noise increase, but it is quite a significant increase in noise from 60 to 65. From 60 (normal conversation) to 85 decibels is where you can start experiencing hearing loss. They are not there at this point. All the land to the north is zoned R-1 so that would require rezoning and additional hearings (for a parking lot) and he is not sure that would comply with the plan or SOAR initiatives. It was mentioned about using another private drive for some parking and if that is the residence they just bought they cannot use a residentially zoned property for commercial parking as that is against the zoning code. They are left with this particular piece of land and the parking lot they have here. They agreed to be better about parking from last month to this month and it does not appear that was the case from the picture that was submitted to staff. Their lease is for 5 years and they have been there for one 1 year. They have stated that they are at 65 decibels with the doors closed when they are working on the cars. If the Commission is inclined to approve this application, the staff would request the following stipulations:

1. No employee or customer parking on Stine or 11th Street.
2. Stine would be assigned “no parking” from their driveway to Merriam Lane.
3. The decibel level of noise never exceeds 65 decibels.

Given the opposition of two neighbors nearby and the neighborhood association, with the fact that they did not manage their parking when they knew they were coming back, (they have said that they would reduce the volume of cars and he does not know how they are going to do that and only park in their parking lot); it seems there is too much there. It does not seem that it fits with the 17 parking spaces. There are some very serious issues from the noise to the parking on this site. The staff recommends denial.

Motion and Vote starts at 2:11:20:

On motion by Mr. Carson, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2018-12:**

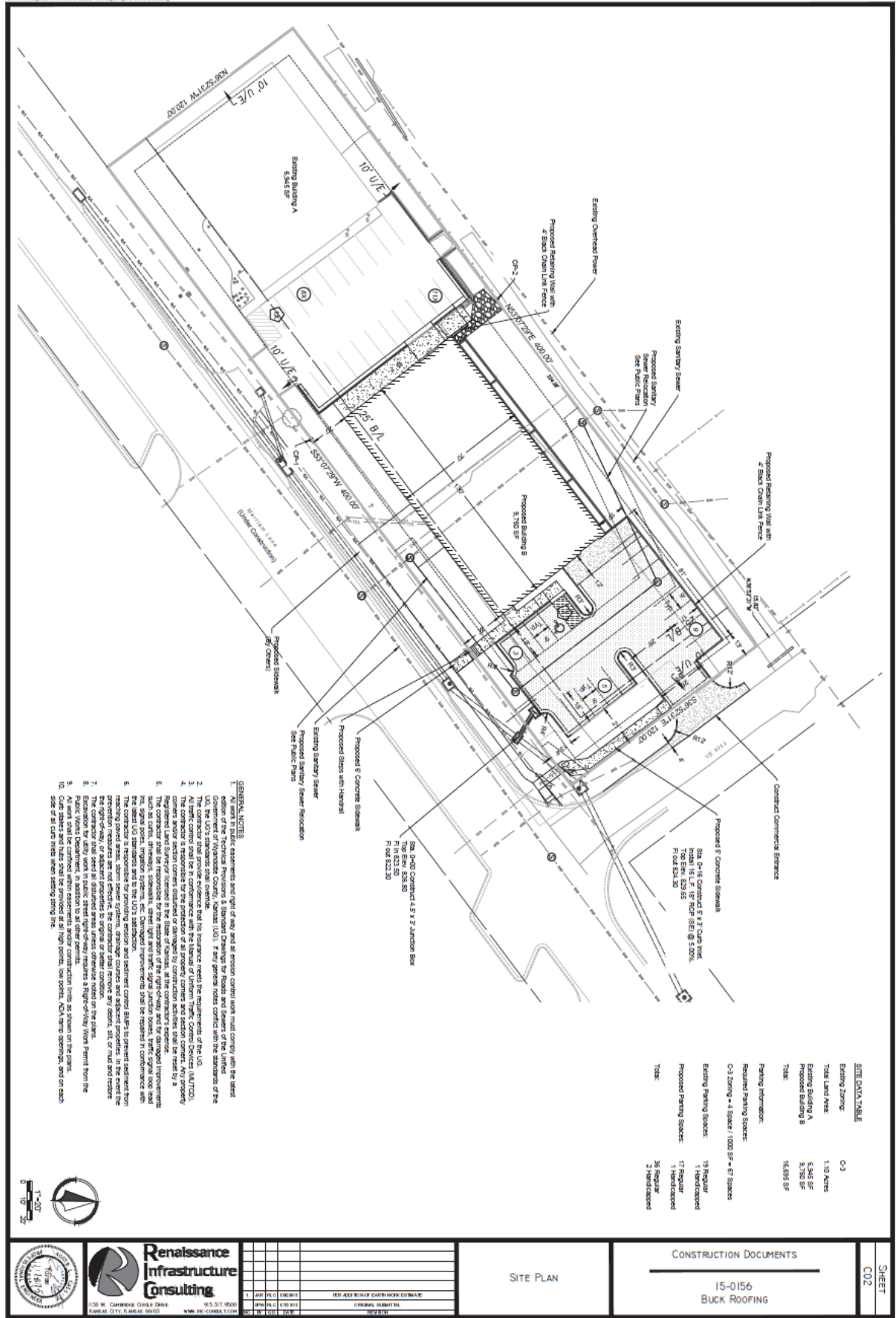
Carson	Aye
Childress	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Pauley	Aye
Reasons	Aye
Huey	Chairman
Mose	Not Present
Serda	Not Present

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

1. No more than 17 cars being parked in the parking lot and shall have striped parking spaces.
2. No parking on Stine or 11th Street.
3. No parking in the middle of the parking lot.
4. Noise level not to exceed 65 decibels with the doors closed.
5. No testing of vehicles on the side streets. Testing must be done from Merriam Lane onto I-635.
6. Approval for two (2) years.





Renaissance Infrastructure Consulting

100 N. Cambridge Street, Suite 100
Knoxville, TN 37902
KARLE CITY, KANSAS 66101

www.rena-infrastructure.com

NO.	DATE	DESCRIPTION
1	10/1/15	ISSUED FOR PERMIT
2	10/1/15	ISSUED FOR PERMIT
3	10/1/15	ISSUED FOR PERMIT
4	10/1/15	ISSUED FOR PERMIT
5	10/1/15	ISSUED FOR PERMIT
6	10/1/15	ISSUED FOR PERMIT
7	10/1/15	ISSUED FOR PERMIT
8	10/1/15	ISSUED FOR PERMIT
9	10/1/15	ISSUED FOR PERMIT
10	10/1/15	ISSUED FOR PERMIT

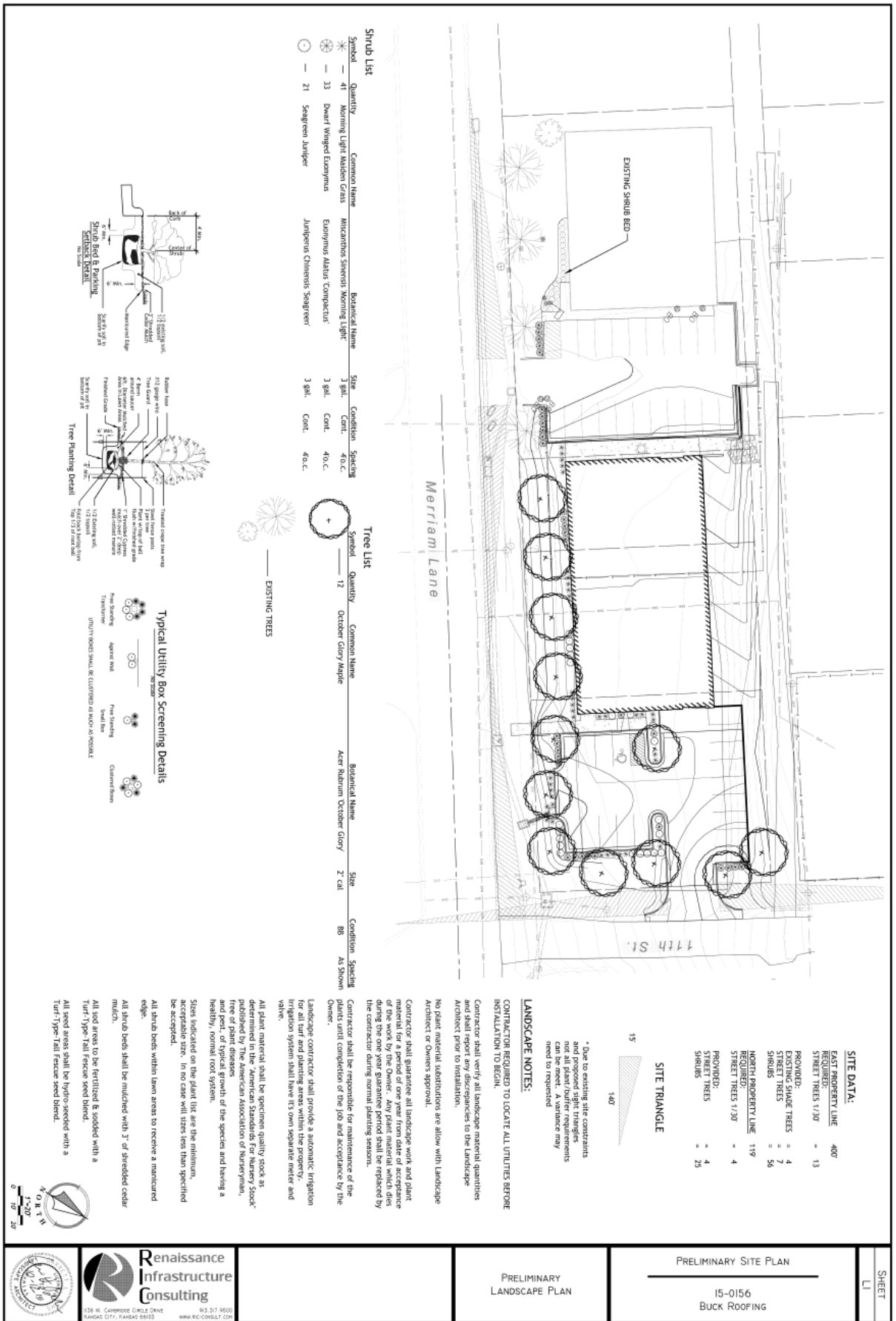
SITE PLAN

15-0156
BUCK ROOFING

CONSTRUCTION DOCUMENTS

15-0156
BUCK ROOFING

SHEET
C02

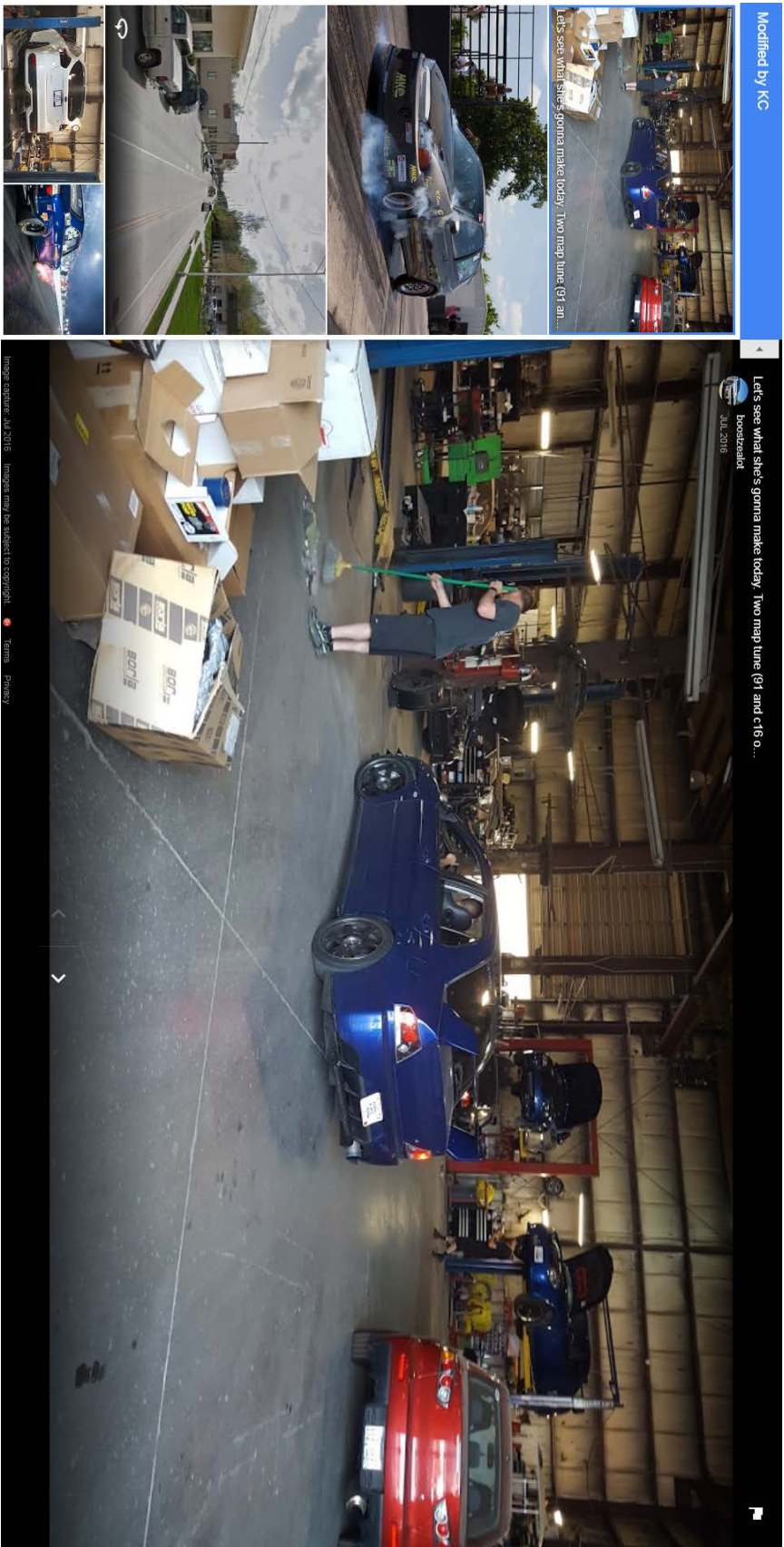




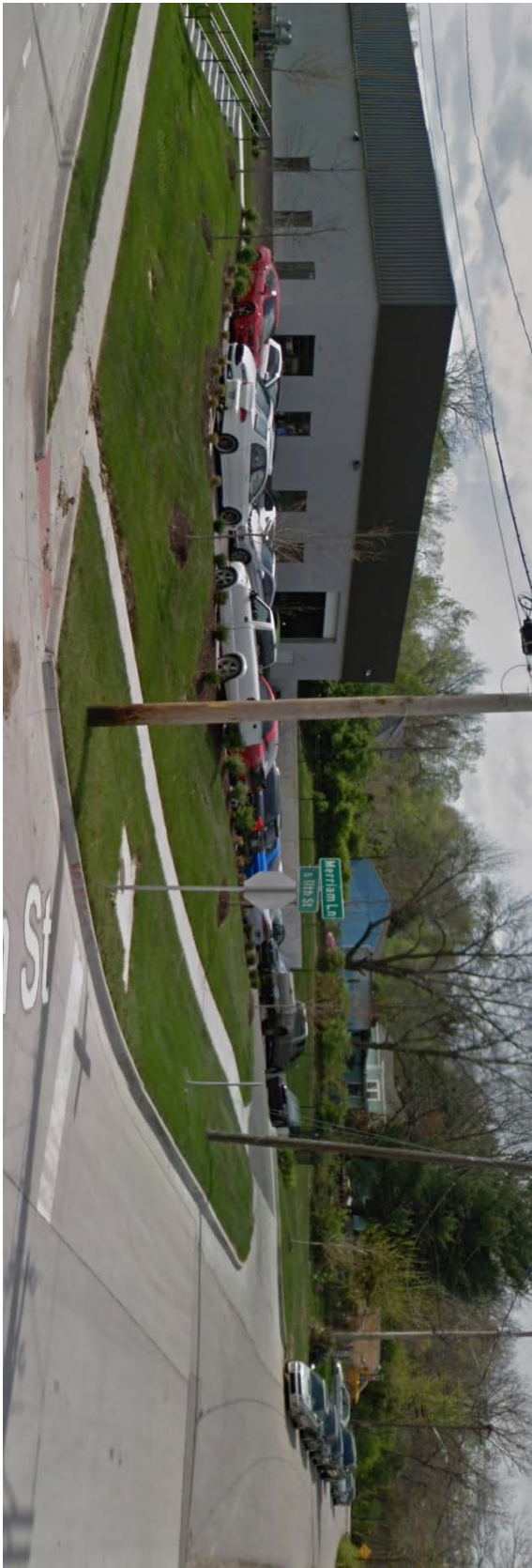








Photos of Business on Google



Google Street view images showing over capacity parking in parking lot and parking along street.



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

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

January 17, 2018

RE: SP-2018-12 John L. Peterson Auto Service Shop 1110 Merriam Lane

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the special use for SP-2018-12 John L. Peterson Auto Service Shop 1110 Merriam Lane.

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

MAPS AND REPORTS

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

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

- There is one major soil types identified: Knox silt loam, 7 to 12 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- This site has been paved and curbs installed. The area landscaped and looks very nice.
- Any chemical spills that might occur, need to be cleaned up immediately so it doesn't washed into the storm sewer system. The site is very close to a major stream. It is easy to contaminate the stream with spills or misuse of chemicals.
- Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to

buildings, roads and other structures and to plant roots. Special design commonly is needed.

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

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

APPLICANT'S RESPONSES TO STAFF COMMENTS AND SUGGESTIONS
Within the February 12, 2018 Memo from UG Urban Planning and Land Use
Re: Petition #SP-2018-12

Applicant's responses to Urban Planning and Land Use Comments:

1. To applicant's knowledge, this business always has been officially licensed by the Unified Government and this license was again renewed in late 2017. The owners were not aware that they needed a special use permit until late in calendar year 2017.
2. As a stipulation herein, there will be no more cars parked in the parking lot bumper to bumper, but only in the marked slots. These cars were not being used for parts and all cars in the lot are operable. Some cars inside the building are not operational; however, it must be emphasized that this business is not an automobile repair or body shop. It is a precision automobile enhancement business. In addition, assuming that Ron Buck, the owner of the building, obtains UG permission, he intends to build an additional parking lot directly behind the present parking lot on land he has purchased and begun clearing. He will allow applicants to use this parking lot as needed in addition to the present parking lot.
3. The mitigation of the noise level will be addressed by keeping the garage door shut on premises and when a car is being test driven, it will be driven at moderate speeds until it gets away from the neighborhood up on the highway.
4. No problem as to the trash receptacles and screening that will be so stipulated.
5. That will be stipulated.
6. That will be stipulated.

Applicant's responses to Public Works Comments:

A-1) The details of auto services to be provided are precision enhancement of operational vehicles. It is not intended that any vehicle will remain on the premises for any extended length of time and no changes are necessary to the building for the intended use.

A-2) Once in a while, there will be oil and fluid changes made; however, applicant always has contracted with a separate company, Saf-T Kleen, to safely remove any used oil and lubricant products. There will be no lubricant products emitted into any drainage on the premises.

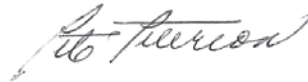
A-3) There will be no wrecked vehicles worked on or stored on the site.

A-4) By the time this Response has been prepared, hopefully applicant will have had an opportunity to meet with engineering, public works and staff to explain its response to this particular comment.

Applicant's responses to Business License Comments:

1. Again, this is an auto enhancement service only and there is absolutely no intention to be an auto dealer.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "J. Peterson".

John L. Peterson, P.A.
Applicant

JOHN L. PETERSON, P.A.
Attorney at Law
748 Ann Avenue Kansas City, KS 66101
(913) 371-1930, Ext. 118 Fax (913) 371-0147
pete@jlpetersonlaw.com

February 7, 2018

Zachary Flanders
c/o Urban Planning & Land Use
Unified Government of WyCo/KCK
Municipal Office Bldg.
701 N. Seventh St, Ste. 423
Kansas City, KS 66101

Via email only: zflanders@wycokck.org

Re: Application #SP-2018-12

Dear Zach:

A Neighborhood Meeting was held in this matter on January 30, 2018, at my office at 748 Ann, Kansas City, KS. It was called to order at 4:10 pm. A list of the attendees is attached.

Ryan Charlton is one of the owners of the applicant business and tenant of Buck Roofing. Naturally, I was present and there were three other individuals in attendance:

- Bonnie Meadows, 2525 S. 12th St., KCK, seemed more interested in the house adjacent to 1110 Merriam Lane, and who purchased it, than any concern for my clients' business. She did mention that parking is sometimes a problem and the noise factor also is a concern. However, given the fact that her property is quite a distance from the business, I think she may be confusing some of her "noise complaint" with normal traffic on Merriam Lane.
- Braden Castaner is the owner of another roofing company at 1119 Merriam Lane. His only concern is to ensure that our employees do NOT park in front of his business on Merriam Lane – which they do not do – and we would so stipulate.

- That leaves only Erin Stryka, executive director of the Rosedale Development Association. I had visited with her at her office the week prior to our Neighborhood Meeting. She explained to me that her association automatically objects to any automobile business on Merriam Lane regardless of the individual nuances, advantages and disadvantages of the business. Their objection, as she explained is akin to an "across the board" objection, regardless of the facts of each individual case.

The meeting was adjourned at 4:40 pm; I kept notes of the meeting. Very shortly, we will be addressing the concerns raised in the preliminary staff report and I will be calling you for a meeting to discuss same.

As always, I thank you and your office for your courtesies and cooperation.

With kindest personal regards, I remain

Sincerely,



John L. Peterson

JLP/cp

Enclosures

cc:	Rob Richardson via email only:	rrichardson@wycokck.org
	Janet Parker via email only:	jparker@wycokck.org
	Ryan Charlton and Chad Charlton via email only:	ryan@mkcperformance.com











20

Events

Events

Calendar

Birthdays

Discover

Past

Subaru Owner's Group AWD Dyno Meet

+ Create Event

APR 2

Subaru Owner's Group AWD Dyno Meet

Public · Hosted by Modified by KC

★ Interested

✓ Going

...

🕒

April 2, 2016 – April 3, 2016

Apr 2, 2016 at 9 AM to Apr 3, 2016 at 12 PM

📍

Modified by KC

1110 Merriam Ln., Kansas City, Kansas 66103

Show Map

About

Discussion

125 Went · 311 Interested

Share this event with your friends

Details

Modified by KC present's the Subaru Owner's Group AWD Dyno Meet on April 2-3, 2016.

Bring your Subaru out to test it on our [Dynojet Research Inc.424x](#). You will get 3 runs for the discounted rate of \$55.

We ask that all guests are professional while in the area, & act responsible on our local city streets with NO BURNOUTS, NO FLYBY'S, NOR ANY SPEEDING AROUND THE SHOP.

We will have a catered/food truck on sight for the event to provide lunch. We will have prizes for the highest & lowest HP of the event as well.



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: April 26, 2018
Re: Petition #SP-2018-19

GENERAL INFORMATION

Applicant:
Jimmy Smith

Status of Applicant:
Smith Services
5401 State Avenue
Kansas City, KS 66102

Requested Action:
Approval of a Special Use Permit

Date of Application:
December 29, 2018

Purpose:
For the temporary storage of trailers on site.

Property Location:
5407 State Avenue

Existing Zoning:
CP-3 Planned Commercial District



Existing Surrounding Zoning: **North:** C-1 Limited Business District
South: C-1 Limited Business District
East: R-1 Single Family District and C-3 Commercial District
West: C-1 Limited Business District

Existing Uses: **North:** Office and Retail Uses
South: General Contractor
East: Single Family Residential
West: Vacant Commercial Property

Total Tract Size: 0.47 acre

Master Plan Designation: The City-Wide Master Plan designates this area as Mixed Use.

Major Street Plan: The City-Wide Master Plan designates State Avenue as a Class A Thoroughfare and 54th Street as a local street.

Advertisement: The Wyandotte Echo – January 17, 2018
Letters to Property Owner – January 18, 2018, February 5, 2018, March 29, 2018 and April 17, 2018

Public Hearings: March 12, 2018, April 9, 2018 and April 26, 2018

Public Opposition: No one appeared in opposition at either Planning Commission hearing.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jimmy Smith, is keeping several semi-truck trailers at 5407 State Avenue and 5421 State Avenue. After being cited with a zoning violation, the applicant has filed for a special use permit to keep the trailers at this location.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The neighborhood is a mix of residential and commercial properties.

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

The existing structure is compatible with surrounding properties. However, trailers are not compatible with residential or commercial uses.

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

This property is suitable as a commercial property. Removal of the restrictions would detrimentally affect nearby property. By allowing trailers to be stored on the property, this will degrade the appearance of the area.

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

This property has had a variety of business licenses in the past few years including a fireworks stand and a mini market.

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

The proposed use does not conform to the Master Plan. The City-Wide Master Plan discourages industrial uses in the mixed-use district. The storage of semi-trailers is an industrial use.

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

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

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

Storing semi-trailers at this site is not necessary for the convenience and welfare of the public, and it will substantially injure the appropriate use, visual quality, and marketability of adjoining property.

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

This is not foreseen to be an issue.

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

This is not foreseen to be an issue.

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

This is not foreseen to be an issue

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

Allowing semi-trailers would harm the public welfare. Denial of the special use permit would be a minimal hardship on the landowner, they would have to remove the trailers from the property but still may use the property for permitted commercial purposes.

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

This is not foreseen to be an issue.

PREVIOUS ACTIONS

This application was held over at the March 12, 2018 City Planning Commission meeting as the applicant was not present.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 12, 2018. No one attended the meeting.

KEY ISSUES

Community Appearance
Blight Reduction

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2018-19, **for two (2) years** subject to:

1. **No events being held at the facility.**
2. **They will get permits for any interior work requiring permits.**
3. **They need to do solid screen fencing along the wall on the east side of the property within 120 days.**
4. **Fencing and landscaping on the west side of the parcel to hide the trailers within 120 days.**
5. **Before opening a restaurant/bar or club they would need to do parking count verification with staff to make sure they do not need a special use permit.**
6. **The site should be cleaned up within the next sixty (60) days.**

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommend **APPROVAL** of Petition #SP-2018-19 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

March 12, 2018 City Planning Commission Minutes
April 9, 2018 City Planning Commission Minutes
Site Photos
Site Plan

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	March 12, 2018	
Special Use	Held Over April 9, 2018	April 26, 2018
	Approval	

STAFF CONTACT: **Zach Flanders**
 zflanders@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2018-19 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #SP-2018-19, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

March 12, 2018 City Planning Commission Minutes:

Hearing starts at 1:06:35

Application Recalled at 4:43:58

SPECIAL USE PERMIT APPLICATION #SP-2018-19 – JIMMY SMITH WITH SMITH SERVICES – SYNOPSIS: Special Use Permit for the Temporary Use of Land to keep two (2) storage container units on site at 5401 State Avenue. **Detailed Outline of Requested Action:** The applicant, Jimmy Smith, is keeping several semi-truck trailers at 5407 State Avenue and 5421 State Avenue. After being cited with a zoning violation, the applicant has filed for a special use permit to keep the trailers at this location.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated March 12, 2018;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated January 17, 2018; and
7. The Notices to property owners dated January 18, 2018 and February 5, 2018.

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

Present in Support:

- ❖ No one appeared either time the application was called

Present in Opposition:

- ❖ No one appeared either time the application was called.

Staff Recommendation starts at 4:44:25 - Director Richardson stated that the staff would recommend holding over this application (which is the normal procedure) to the April 9, 2018 City Planning Commission meeting.

Motion and Vote starts at 4:44:31

On motion by Dr. Serda, seconded by Mr. Carson, the Planning Commission voted as follows to **HOLD OVER Special Use Permit Application #SP-2018-19 until the April 9, 2018 City Planning Commission meeting to allow the applicant to be present:**

Carson	Aye
Childress	Aye
Connelly	Aye
Ernst	Aye
Pauley	Aye
Serda	Aye
Huey	Chairman

Gonzalez Not Present
Jones Not Present
Mose Not Present
Reasons Not Present
Motion to HOLD OVER Passed: 6 to 0

April 9, 2018 City Planning Commission Minutes:

Hearing starts at 2:13:20:

SPECIAL USE PERMIT APPLICATION #SP-2018-19 – JIMMY SMITH WITH SMITH SERVICES – SYNOPSIS: Special Use Permit for the Temporary Use of Land to keep two (2) storage container units on site at 5401 State Avenue. **Detailed Outline of Requested Action:** The applicant, Jimmy Smith, is keeping several semi-truck trailers at 5407 State Avenue and 5421 State Avenue. After being cited with a zoning violation, the applicant has filed for a special use permit to keep the trailers at this location.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 9, 2018;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated January 17, 2018; and
7. The Notices to property owners dated January 18, 2018, February 5, 2018 and March 29, 2018.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.) Recording Secretary Parker stated that this application was held over from last month as the applicant was not present.

Present in Support:

- ❖ Jimmy Smith, applicant, 6315 Quincy Avenue, Kansas City, Missouri 64119
- ❖ Angela Smith, applicant's wife

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts at 2:49:55: Director Richardson stated that the staff is changing its recommendation and recommends approval for two (2) years as they can improve the appearance of the site with screening and landscaping, subject to:

1. No events being held at the facility.
2. They will get permits for any interior work requiring permits.

3. They need to do solid screen fencing along the wall on the east side of the property within 120 days.
4. Fencing and landscaping on the west side of the parcel to hide the trailers within 120 days.
5. Before opening a restaurant/bar or club they would need to do parking count verification with staff to make sure they do not need a special use permit.
6. The site should be cleaned up within the next sixty (60) days.

Motion and Vote starts at

On motion by Mr. Ernst, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2018-19 for two (2) years:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

1. **No events being held at the facility.**
2. **They will get permits for any interior work requiring permits.**
3. **They need to do solid screen fencing along the wall on the east side of the property within 120 days.**
4. **Fencing and landscaping on the west side of the parcel to hide the trailers within 120 days.**
5. **Before opening a restaurant/bar or club they would need to do parking count verification with staff to make sure they do not need a special use permit.**
6. **The site should be cleaned up within the next sixty (60) days.**





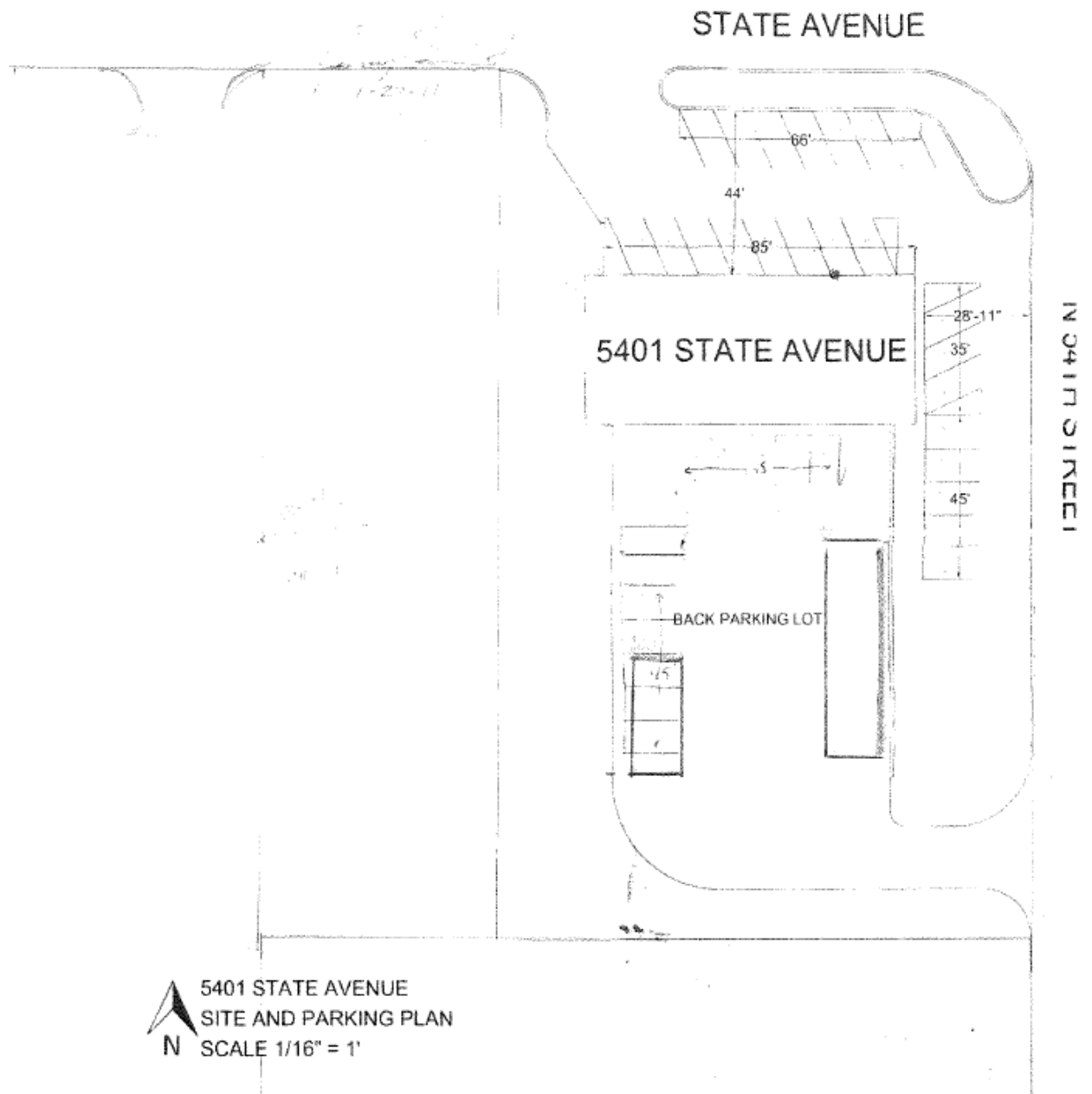












From: Henderson, Phillip
Sent: Wednesday, January 24, 2018 11:01 AM
To: Faust, Jason <jfaust@wycokck.org>
Subject: RE: Follow up question RE comments about Park Drive properties

Jason,

The one on Park was 2120. Here is portion of the last complaint I received on 1-6-18. The highlight is mine, the bold was from the complaining person.

THE PROPERTY OWNERS AT 2120 PARK DRIVE HAVE PETITIONED FOR A SPECIAL USE PERMIT AS A PARTY HOUSE. THE ORIGINAL PETITION WAS FILED IN SEPTEMBER OF 2017 AND HAS BEEN **POSTPONED EVERY MONTH SINCE**, WHILE **THE OWNERS CONTINUE TO USE, RENT THE STRUCTURE EVERY WEEKEND FOR SOME KIND OF EVENT.**

I RECEIVED A NOTICE FROM PLANNING AND LAND USE OF ANOTHER POSTPONEMENT FROM JANUARY 8, 2018 UNTIL FEB 12, 2018.

For 5401 State, here are posts on their Facebook page. (I xx'd out the names of the people that posted). There haven't been comments made for several months but gives you an idea of the pop up events that have been, are taking place. I'm not sure how much information is going on line and how much may be app driven now. The Facebook page hasn't really had that much activity (10 likes and 136 visits) so I'm inclined to think they are using other social media.

<https://www.facebook.com/pages/Big-Bois/182020001959472>

May 21, 2016 · Kansas City, KS ·

It's going down on May 27 at 7pm. Wyandotte Class of 85 is hosting a Sock Hop Friday Night **at Big Boi's** located st 5401 State Ave.,

added **7 new photos** — 😊 feeling happy with XXXXXXXX and XXXXXXXX **at Big Boi's.**
· January 22, 2017 · Kansas City, KS ·

With XXXXXX and **23 others** **at Big Boi's.**

· March 17, 2017 · Kansas City, KS ·

Brother&Sisterhood, unity, and togetherness. It's that collaboration bike night going down this Monday night @ big Boi's 5401 state Ave kcks 6pm where we'll b serving friendliness, food, & fellowship. Come on out enjoy the music drink specials,

was 😊 eating **hanging out** **at Big Boi's.**
· April 17, 2017 · Kansas City, KS ·

RPM BIKE NIGHT! DCMC IN THA HOUSE! Yep I still go wherever. REPPIN!

If you have other questions or we can be of other assistance, please let us know.

Thank You

Phillip E. Henderson, License Administrator
Unified Government License Division
4953 State Ave, KC KS 66102
Phone: 913-573-8782
Main: 913-573-8780
Fax: 913-573-8622
Email: philliphenderson@wycokck.org



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: April 26, 2018
Re: Petition #SP-2018-33

GENERAL INFORMATION

Applicant:
Jessica Zieg

Status of Applicant:
Representative
RZ Properties
3025 North 51st Street
Kansas City, KS 66104

Requested Action:
Approval of a Special Use Permit

Date of Application:
January 29, 2018

Purpose:
To operate a Bed and
Breakfast/AIRBNB that is not their
primary residence

Property Location: 625 Northrup
Avenue



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

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

Existing Uses: **North:** Single Family House
South: Single Family House
East: Single Family House
West: Single Family House

Total Tract Size: 0.10 acre

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

Major Street Plan: The City-Wide Master Plan designates Northrup Avenue as a local street.

Advertisement: The Wyandotte Echo – February 15, 2018
Letters to Property Owner – February 14, 2018, March 29, 2018
and April 17, 2018

Public Hearings: March 12, 2018, April 9, 2018 and April 26, 2018

Public Opposition: No one appeared in opposition at either Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jessica Zieg, is applying to use the property at 625 Northrup as a bed a breakfast. Previously the downstairs of this property was rented to full-time tenant, and the upstairs was being used for Airbnb. The application has been amended and the house has been converted back into a single-family house, and the entire house will be rented to one party at a time.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This property is in the Strawberry Hill neighborhood. The area is predominately single-family houses on small lots.

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

The zoning and uses of the properties are set out above. The proposed use may be compatible with the surrounding single-family houses if operated properly. Operating this property as a bed and breakfast has the potential to create issues related to noise, parking, and other concerns related to commercial activity in a residential area.

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

Removal of the restrictions may not detrimentally affect nearby property if the business is operated properly.

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

The property is not vacant.

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

The Master Plan does not address Bed and Breakfast uses or special use permits.

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

The proposed use could result in increased traffic to the property compared to a single-family house. Vehicular traffic will not exceed the capacity of the street network to accommodate it. However, it will create additional on-street parking demand which impacts the street network.

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

The proposed use provides convenient lodging for the public and will not likely substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

This is not foreseen to be an issue.

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

This is not an issue.

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

This is not an issue.

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

The relative gain or loss to the public health, safety, and welfare is likely to be minimal with the exception of issues with on-street parking. If denied the landowner would not be able to use the property as a bed and breakfast, but the house may be used as a single-family house.

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

This is not an issue.

PREVIOUS ACTIONS

This application was held over at the March 12, 2018 City Planning Commission meeting at the request of the applicant.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on February 21, 2018. The meeting minutes are attached to this staff report.

KEY ISSUES

Neighborhood Preservation
Quality of Life
Housing Availability
Economic Development
Safety
Regulatory Consistency

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2018-33, subject to:

Urban Planning and Land Use Comments:

1. Are the upper level and lower level currently connected with an interior staircase? If the house is divided into two separate units, a change of zone to R-2(B) would be required in addition to the Special Use permit. There

may be other changes to the structure needed to maintain two units such as separating utilities.

Applicant Response: it is a single-family residence with interior stairs that connect the two floors

2. How long has the business been in operation?

Applicant Response: Business has been in operation since December 2016

3. Were neighbors consulted prior to opening the business?

Applicant Response: Immediate neighbors knew it was a rental. Tenant in the lower part of the house understood it was an AIRBNB prior to renting.

Staff Note: The applicant will only be permitted to rent to one party at a time. Renting to a tenant on one level and an Airbnb guest on the second level creates a duplex use.

4. Do you have a business license?

Applicant Response: No, we were unaware we needed one. We will get one as required by the SUP process.

5. Have you paid appropriate lodging taxes?

Applicant Response: It is our understanding that AIRBNB and the state of Kansas currently collect taxes on 2+ bedroom spaces. As of right now, we believe that since we have a studio we are currently not required to pay the occupancy and transient taxes.

Staff Note: This application has been amended since the applicant response and they are now proposing to use the entire space for a single Airbnb and renting to one party at a time. Appropriate lodging taxes will need to be collected through Airbnb.

6. How many rooms are rented?

Applicant Response: Second floor studio is rented on AIRBNB. It is one large studio, LR and BR in one and a bathroom

Staff Note: This application has been amended since the applicant response and they are now proposing to use the entire space for a single Airbnb. See the floor plan for the lower level rooms.

7. What is the maximum number of people that will be staying at any one time?

Applicant Response: 2 people, occasionally people have a baby. We are very honest with guests that it is a small space and not designed for more than two people.

Staff Response: No more than 5 unrelated individuals may stay at the house at any one time.

8. What is the maximum number of vehicles & where will they park?

Applicant Response: 2 vehicles max, although we have not yet had any guests with more than one car at a time. Guests are informed they can park on the street NOT in front of neighbors' driveways. Or in the back (through the alley) where there is room for one vehicle. The alley is very bumpy and rough, and many people do not venture back there. We are up front about the poor condition of the alley since we have gotten bad reviews/comments due to the current condition of the alley.

9. How often are guests in the residence?

Applicant Response: Our average occupancy rate is 70-90% depending on the month. Since opening in December 2016, we have hosted approximately 160 guests.

10. Do you have a rental license from the Unified Government for the facility?

Applicant Response: No, we applied in June of 2017 our inspection for the main part of the house is scheduled for 3/20/18. It is our understanding that the AIRBNB portion of the house does not need a rental license if it is considered a commercial space.

11. Provide a detailed description of the area(s) rented for Airbnb/other rental operations. Include bed rooms, bathrooms common areas etc.

Applicant Response: Second floor, has separate exterior entrance and interior access to main floor. Has a small living room area, minimal kitchenette, bedroom area and bathroom. Guests walk around the back of the house and go up one flight of stairs. Main floor tenant has access to our AIRBNB calendar and leaves the front porch light on when guests are arriving.

Staff Note: This application has been amended since the applicant response and they are now proposing to use the entire space for Airbnb and renting to one party at a time.

12. Describe how you 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

Applicant Response: The entire house is up to code, GFCI's, working smoke detectors, no double keyed locks, no copper lines for gas supply lines, windows are operable, all stairways have handrails, H2O heater and furnace are vented properly and electric panels are up to code and in safe working order. We maintain the highest level of safety and oversight with this property. Jessica does all of the cleaning and landscaping. She is at the house anywhere from 3-5 times a week, any problems that arise we immediately repair

13. Approval shall be for 1 year.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) There shall be no parking in the alley, and the vehicles shall not block the alley.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2018-33 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

March 12, 2018 City Planning Commission Minutes
April 9, 2018 City Planning Commission Minutes
Aerial Imagery
Site Photos and Floorplan
Additional Information

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	March 12, 2018	April 26, 2018
Special Use	Held Over April 9, 2018 Approval	

STAFF CONTACT: **Zach Flanders**
 zflanders@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2018-33** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2018-33**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

March 12, 2018 City Planning Commission Minutes:

Hearing starts at 4:23:31

SPECIAL USE PERMIT APPLICATION #SP-2018-33 – JESSICA ZIEG - SYNOPSIS:

Special Use Permit for an AIRBNB at 625 Northrup Avenue. **Detailed Outline of**

Requested Action: The applicant, Jessica Zieg, is applying to use the property at 625 Northrup as a bed a breakfast. The downstairs of the single-family house is rented to a full-time tenant. The upstairs is used for AIRBNB. The two floors are connected on the inside but have separate exterior entrances.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated March 12, 2018;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated February 15, 2018; and
7. The Notices to property owners dated February 14, 2018.

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

Present in Support:

- ❖ Jessica Zieg, applicant, 3025 North 51st Street, Kansas City, Kansas 66104 (requested a hold over until April 9, 2018)
- ❖ David Rhodes
- ❖ There were 15 people present that did not speak

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts at 4:25:35 - Director Richardson stated that the staff would recommend holding over this application as per the applicant's request to the April 9, 2018 meeting.

Motion and Vote starts at 4:25:45

On motion by Dr. Serda, seconded by Mr. Carson, the Planning Commission voted as follows to **HOLD OVER Special Use Permit Application #SP-2018-33 until the April 9, 2018 City Planning Commission meeting:**

Carson	Aye
Childress	Aye
Connelly	Aye
Ernst	Aye
Pauley	Aye

Serda	Aye
Huey	Chairman
Gonzalez	Not Present
Jones	Not Present
Mose	Not Present
Reasons	Not Present

Motion to HOLD OVER Passed: 6 to 0

April 9, 2018 City Planning Commission Minutes:

Hearing starts at 2:53:02:

SPECIAL USE PERMIT APPLICATION #SP-2018-33 – JESSICA ZIEG - SYNOPSIS: Special Use Permit for an AIRBNB at 625 Northrup Avenue. **Detailed Outline of Requested Action:** The applicant, Jessica Zieg, is applying to use the property at 625 Northrup as a bed a breakfast. The downstairs of the single-family house is rented to a full-time tenant. The upstairs is used for AIRBNB. The two floors are connected on the inside but have separate exterior entrances.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 9, 2018;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated February 15, 2018; and
7. The Notices to property owners dated February 14, 2018 and March 29, 2018.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Planning Commissioner Reasons stated that he had contact with the applicant. Recording Secretary Parker stated that this application was held over from last month's meeting at the request of the applicant.

Present in Support:

- ❖ Jessica Zieg, applicant, 3025 North 51st Street, Kansas City, Kansas 66104

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts at 2:57:35: Director Richardson stated that as with previous cases that were rented by someone that lives off-site, the staff recommends approval for one year.

Motion and Vote starts at 2:58:

On motion by Ms. Jones, seconded by Mr. Carson, the Planning Commission voted as follows to **recommend APROVAL of Special Use Permit Application #SP-2018-33:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Are the upper level and lower level currently connected with an interior staircase? If the house is divided into two separate units, a change of zone to R-2(B) would be required in addition to the Special Use permit. There may be other changes to the structure needed to maintain two units such as separating utilities.

Applicant Response: it is a single-family residence with interior stairs that connect the two floors

2. How long has the business been in operation?

Applicant Response: Business has been in operation since December 2016

3. Were neighbors consulted prior to opening the business?

Applicant Response: Immediate neighbors knew it was a rental. Tenant in the lower part of the house understood it was an AIRBNB prior to renting.

Staff Note: The applicant will only be permitted to rent to one party at a time. Renting to a tenant on one level and an Airbnb guest on the second level creates a duplex use.

4. Do you have a business license?

Applicant Response: No, we were unaware we needed one. We will get one

as required by the SUP process.

5. Have you paid appropriate lodging taxes?

Applicant Response: It is our understanding that AIRBNB and the state of Kansas currently collect taxes on 2+ bedroom spaces. As of right now, we believe that since we have a studio we are currently not required to pay the occupancy and transient taxes.

Staff Note: This application has been amended since the applicant response and they are now proposing to use the entire space for a single Airbnb and renting to one party at a time. Appropriate lodging taxes will need to be collected through Airbnb.

6. How many rooms are rented?

Applicant Response: Second floor studio is rented on AIRBNB. It is one large studio, LR and BR in one and a bathroom

Staff Note: This application has been amended since the applicant response and they are now proposing to use the entire space for a single Airbnb. See the floor plan for the lower level rooms.

7. What is the maximum number of people that will be staying at any one time?

Applicant Response: 2 people, occasionally people have a baby. We are very honest with guests that it is a small space and not designed for more than two people.

Staff Response: No more than 5 unrelated individuals may stay at the house at any one time.

8. What is the maximum number of vehicles & where will they park?

Applicant Response: 2 vehicles max, although we have not yet had any guests with more than one car at a time. Guests are informed they can park on the street NOT in front of neighbors' driveways. Or in the back (through the alley) where there is room for one vehicle. The alley is very bumpy and rough, and many people do not venture back there. We are up front about the poor condition of the alley since we have gotten bad reviews/comments due to the current condition of the alley.

9. How often are guests in the residence?

Applicant Response: Our average occupancy rate is 70-90% depending on the month. Since opening in December 2016, we have hosted

approximately 160 guests.

10. Do you have a rental license from the Unified Government for the facility?

Applicant Response: No, we applied in June of 2017 our inspection for the main part of the house is scheduled for 3/20/18. It is our understanding that the AIRBNB portion of the house does not need a rental license if it is considered a commercial space.

11. Provide a detailed description of the area(s) rented for Airbnb/other rental operations. Include bed rooms, bathrooms common areas etc.

Applicant Response: Second floor, has separate exterior entrance and interior access to main floor. Has a small living room area, minimal kitchenette, bedroom area and bathroom. Guests walk around the back of the house and go up one flight of stairs. Main floor tenant has access to our AIRBNB calendar and leaves the front porch light on when guests are arriving.

Staff Note: This application has been amended since the applicant response and they are now proposing to use the entire space for Airbnb and renting to one party at a time.

12. Describe how you 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 property and operational.
- h. Electric panel and circuits must be safe

Applicant Response: The entire house is up to code, GFCI's, working smoke detectors, no double keyed locks, no copper lines for gas supply lines, windows are operable, all stairways have handrails, H2O heater and furnace are vented property and electric panels are up to code and in safe working order. We maintain the highest level of safety and oversight with this property. Jessica does all of the cleaning and landscaping. She is at the house anywhere from 3-5 times a week, any problems that arise we immediately repair

13. Approval shall be for 1 year.

Public Works Comments:

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

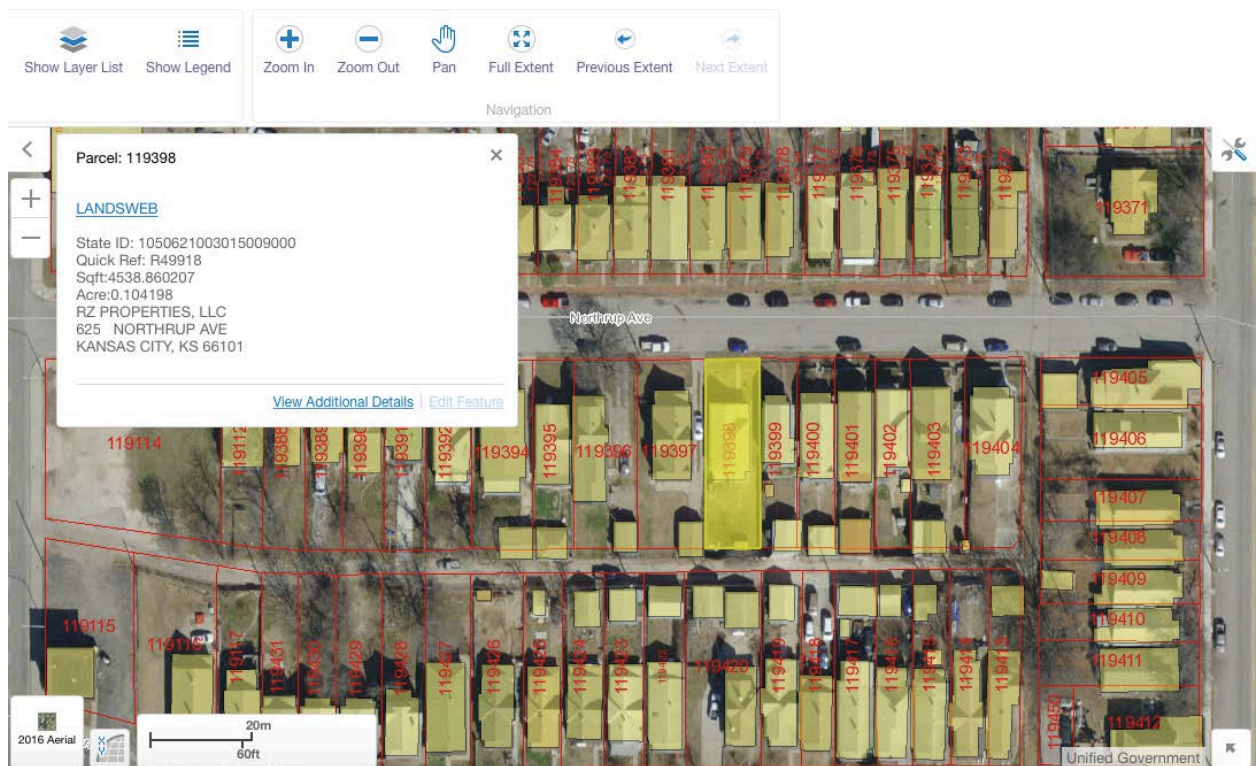
1) None

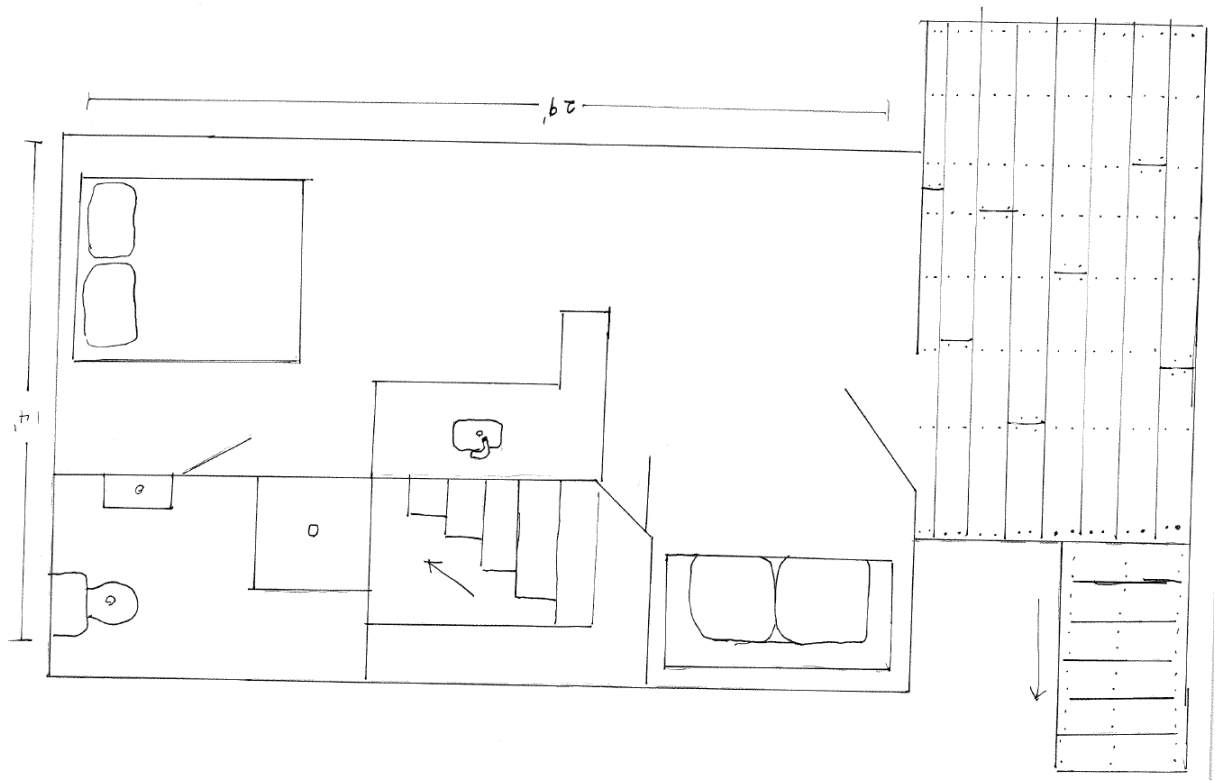
B) Items that are conditions of approval (stipulations):

1) There shall be no parking in the alley, and the vehicles shall not block the alley.

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

1) None











We love houses - here's the history we know:

We purchased 625 Northrup Avenue in 2016. The house had only 3 owners prior to us. We obtained a the following history from the neighbors and register of deeds.

The original owners (Pokaluk family) remained in the house until the early 1980's at which time two brothers (the Mufich family) who reportedly did not get along purchased the house and both wanted to live in the house but live separately. They are the ones that set it up similar to a duplex although it still had shared utilities and one address. Many of the houses on the block are set up similarly, with second story exterior entrances. So although not typical in other areas, for this particular street is appears very normal.

After the Mufich brothers passed away the house was resold in 2006 to an investor. Neighbors report that minimal maintenance was done and often they would have noise, party, parking and other issues with the tenants. When we purchased the house we were unable to stay inside of it for more than 2-3 minutes at a time as it was severely infested with flees and your shoes/ankles would immediately be covered in flees.

What we've done:

We have done a lot of work to improve the curb appeal of the house, a new roof, landscaping, painted peeling paint as well as extensive interior work, not limited to: installing new flooring inside, painting, new tile work, etc. We spend as much time on the weekly cleaning and cosmetics of the house as our own. Small things to increase the overall feel of the street go a long way - we spent days scraping away the grass and soil from the original brick sidewalk or picking up trash in any of the adjoining neighbors.

We have also formed good relationships with the neighbors. All of the neighbors that have been around for years and knew the previous renters/owners are extremely happy we maintain the property as if it were our own residence. Since Jessica is the one that does all of the cleaning, she is at the house 3-5 times a week, so we often spend a decent amount of time chatting with neighbors.

Main floor renter:

Upon looking for a long term renter for the main floor, we were very up front and honest about our intent. We were very happy to find a long term tenant that was excited about our plans and the main floor space was perfect size for her. Amazingly, she is a biker and does not own a vehicle - so parking has never been an issue.

We tell our AirBnB tenants they can park on the street, it has so far proven to be very safe OR they can park in the back parking spot. However, the alley is very rough and guests have commented on this, so if they have a low car we encourage them to stick to street parking.

We have linked calendars with the main floor tenant, so she always knows when guests have booked and when they're arriving. She obviously has our number and would let

us know immediately if there were any problems at the AirBnB and we would be able to be there within 10 minutes if need be. We are in communication with her on a very regular basis. So far the arrangement has worked out wonderfully.

Our hosting experience:

Our experience with AirBnB to date has far exceeded our expectations. The guests that we host have been extremely respectful and we have had no issues whatsoever. We have also been amazed at how much we enjoy hosting and sharing our city. We put a lot of effort into making the stay as perfect as it can be for the guests. The guests have been very appreciative of that effort and we have never had a single review less than five stars. We have a binder in the AirBnB space with local restaurants/neighborhoods/bars and it's really fun to get to share the aspects we love with people on a regular basis. It also reminds us that we do have a great city and people do want to come visit and stay in Strawberry Hill.

One of our favorite things about Strawberry Hill is the story it tells. As soon as a guest gets out of their car at 625 Northrup, they can see that every adjoining house has people from different backgrounds, cultures and countries. AirBnB's are a great way to share that rich culture and also leave a fingerprint on the history of our beloved neighborhood.

Minutes for Neighborhood Meeting

Application # SP - 2018 - 33

Meeting Date: February 21, 2018

Meeting Time: 5:30PM

Meeting Location: 403 Club - 614 Reynolds Ave, Kansas City, KS 66101

Meeting called to order: 5:45PM

Attendees: Jessica Zieg, David Rhodes, Casey Bond, Justine Underwood-Jones, President of S.H.N.A., Rachel Krause, Bryce Workman, Laura Swan, Karla Manning, Sam Schleck

Introductions

Questions from attendees:

Q - Justine was curious why the notice was mailed to 7th St instead of the P.O. Box
A - Jessica showed the mailing list provided from the Planning Department with the 7th St address listed - Justine stated she would discuss that with Planning and Zoning

Q - Justine asked about the parking situation:

A - One spot in the back for off street parking although many do not use it due to the condition of the alley, also on street parking - guests are encouraged to park right in front of the house and not in front of neighbors driveways.

Q - Justine asked if there are parties, if we allow pets if we have had complaints from neighbors:

A - No parties, main floor tenant Rachel was also in attendance and she agreed that no parties have occurred. No pets are allowed. We have had no complaints from the neighbors, we get along with all the adjoining neighbors very well and they are very happy with the current condition of the house.

Q - Justine asked Rachel (main floor tenant) if she is onsite in case anything happens -

A - Rachel - yes, I am there in case I need to let Jessica/David know anything

No other questions from attendees

Comments:

Justine : As long as neighbors are okay with AirBnB then the S.H.N.A will be neutral and in favor. Applications will be handled on a case by case situation and if they have complaints from neighbors due to AirBnB's the S.H.N.A reserves the right to support each applicant.

All attendees appeared to be in support of the current AirBnB at 625 Northrup. Meeting adjured at approximately 6:00PM









As a resident of Strawberry Hill, I would like to express my support for the special use permit to operate a short term rental unit at 625 Northrup Ave. While I understand parking is at a premium in many parts of our neighborhood, I believe that the property provides adequate off-street parking for this use. I am of the opinion that short term rental is an excellent way to have people experience our neighborhood and believe we should embrace at least a small number of short term rentals on the Hill for this reason, particularly units as nice as the one being offered here. I appreciate that the owners of this property are among the first in the area attempting to operate legally under the new ordinance.

I would also like to endorse this application as a managing partner of MRJT & G, LLC, owner of two homes at 620 and 622 Northrup, on the same block as the property seeking permit.

Thank you,

David Gfeller

A handwritten signature in dark ink, appearing to be 'D. Gfeller', with a long horizontal flourish extending to the right.

423 Armstrong Ave

MRJT&G, LLC

Fwd: AirBnb on Northrup Avenue In KCK

Jessica Zieg <jzieg@chiefks.com>
To: Jessica Zieg <rzpropertieskc@gmail.com>

Mon, Mar 12, 2018 at 10:37 AM

----- Forwarded message -----

From: Caleb Wittmer <rocksolidproperties1@hotmail.com>
Date: Sat, Mar 10, 2018 at 12:37 PM
Subject: AirBnb on Northrup Avenue In KCK
To: Jessica Zieg <jzieg@chiefks.com>

To Whom it may concern:

I am writing this email in support of Airbnb in Kansas City, KS and Jessica Zieg. As a fellow entrepreneur, business owner, landlord, and investor in the Strawberry Hill neighborhood and other areas of Kansas City, KS, I am excited about vacation rentals and short-term leasing in general and the ways it can boost our local economy and exposure to our city.

I currently own a home at 633 Northrup, and have heard no complaints from my tenants or other neighbors as it pertains to the Airbnb rental on the block or parking. There are basic and fundamental rights as a property owner that I have to buy, rent, or sell any given property. Limiting anyone's ability to use that property as a short term rental is taking away one of those rights, and further regulations beyond registration and inspections is unnecessary.

Sincerely,

Caleb Wittmer
Rock Solid Properties, LLC
Cell 913.638.4698

—
Jessica Zieg
Chief Properties
785-640-4173 Cell
888-378-5235 Office & Fax
www.chiefks.com

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Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: April 26, 2018
Re: Petition #SP-2018-38

GENERAL INFORMATION

Applicant:
Joe McLaughlin

Status of Applicant:
Representative
BHC Rhodes
712 State Avenue
Kansas City, KS 66101

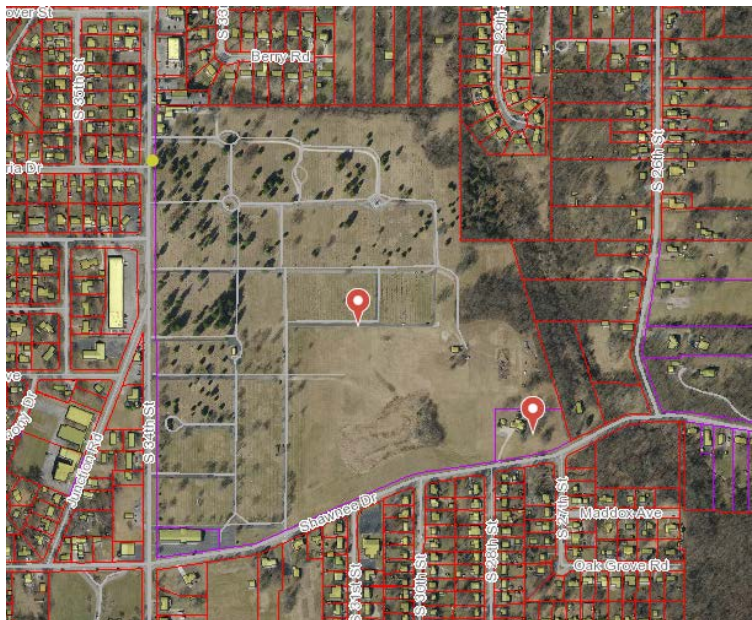
Owner:
Maple Hill Funeral Home and
Cemetery
2301 South 34th Street
Kansas City, KS 66016

Requested Action:
Approve Special Use Permit

Date of Application:
February 23, 2018

Purpose: To demolish the home and expand the cemetery's burial plots and plat one (1) lot

Property Location: 2301 South 34th Street and 2726 Shawnee Drive



Commission Districts: Commissioner At-Large: Tom Burroughs
District Commissioner: Ann Brandau-Murguia

Existing Zoning: R-1 Single Family District

Existing Surrounding Zoning: **North:** R-1 Single Family District
South: R-1 Single Family District
East: A-G Agriculture and R-1 Single Family Districts
West: R-1 Single Family, C-1 Limited Business, CP-2
Planned General Business, and C-3
Commercial Districts

Existing Uses: **North:** Single family homes
South: Single family homes
East: Single family homes
West: Single family homes and commercial, retail storefronts

Total Tract Size: 79.6 acres

Master Plan Designation: The City-Wide Master Plan designates this property as Public/Semi-Public and Single Family Residential

Major Street Plan: The Master Street Plan classifies Shawnee Drive and 34th Street as Class C Thoroughfares

Advertisement: The Wyandotte Echo – Special Use Permit – March 15, 2018
Letters to Property Owner – March 14, 2018 and April 17, 2018

Public Hearings: April 9, 2018 and April 26, 2018

Public Opposition: No one appeared in opposition at the April 9, 2018 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Joe McLaughlin with BHC Rhodes on behalf of owner and operator, Maple Hill Funeral Home and Cemetery wants to remove a two-story home and revert the use of the land back to a cemetery as it was originally intended to be on 3.03 acres located at 2726 Shawnee Drive.

City Ordinance Requirements: 27-592 through 27-606 and Article XXI Sections 27-502 – 27-709

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The character of the neighborhood is largely comprised of single family homes except for commercial storefronts and businesses along South 34th Street, west of the property in question.

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

The zoning and their uses are set out above. The proposed use will operate in a similar capacity as the existing cemetery.

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

a. *Water service*

Available

b. *Sanitary sewer service*

Available

c. *Storm water control*

To be designed to meet City Code

d. *Police*

Police service provided by the South Patrol, District #331

e. *Fire*

Fire service provided by #17 located at 51st and Matney Avenue.

f. *Transit*

Kansas City ATA does not provide transit service near this property.

g. *Schools*

Turner USD 202

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

This should have no impact.

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

According to the applicant, the home has been vacant for a few years.

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

Special use permits are not addressed in the Master Plan.

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

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

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

Staff's only concern would be if the funeral home grew; whether they would move, or if the funeral home would cease to operate. At that point, issues could arise.

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

This will not be an issue.

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

This will not be an issue.

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

This will not be an issue.

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

Following appropriate Kansas Laws will protect the health, safety and welfare.

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

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

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

This is not an issue so long as the site is protected from erosion.

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

Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic.

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

The applicant has provided information to address the monumentation and layout of plots.

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

The applicant has provided information to address the monumentation and layout of plots.

18. Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.

This is not an issue.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 19, 2018. According to the applicant, no one who attended the meeting appeared in opposition of the application.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit #SP-2018-38, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, this special use permit shall be indefinite.
2. Compliance with Kansas State Board of Mortuary Arts as applicable.

Applicant Response: The KSBMA does not regulate or monitor cemeteries. Its jurisdiction is funeral homes, funeral directors and embalmers. The Kansas Secretary of State Office oversees and audits cemeteries and the trust funds associated with them. I have worked closely with KSOS in the past on legislation and have reached out to their office but have not received a reply yet. I do know that several years ago, Ren Newcomer razed a house which was on the property of Mount Hope, Topeka, and KSOS had no objections.

3. Provide a map of the burial plots.

Staff Response: See in the attachments.

4. Please explain the long-term care and maintenance of the cemetery.

Applicant Response: Kansas law requires that 15 percent of grave sales, 10 percent of crypt sales and 5 percent of niche sales be placed in a Permanent Maintenance Trust Fund, audited by the KSOS and to be used most generally to maintain the cemetery after it has reached its full potential. Currently Maple Hill's Trust is approximately two (2) million dollars. Conservatively speaking, I would say there is 100 plus years before this cemetery would be considered full and in need of the fund. While one cannot predict the funds worth at that time, Maple Hill Cemetery should never be a burden to the city or state.

Current 2 – 5-year plan would be the development of what now is marked Block 40, 36 and 41.

5. The applicant needs to provide information to address memorialization and plot layout.

Applicant Response: The original layout from the 1940's, for this partial, shows road and block layout. However, individual plot layout is not shown. This is due to the fact that over time trends and family's needs may

change. For example, we see an upward trend in cremations, so future development may include a cremation garden or columbarium, or ground may be too rocky for in-ground burial and a mausoleum may be a better option. This part of the cemetery may be a decade or more away from development and I anticipate that final designs will not happen until that time. However, I can predict it will be a combination of everything currently available to families. Please see Statutes 17-1309 and 17-1310 regarding land use and development.

Public Works Comments:

Special Use Permit:

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

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **#SP-2018-38** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 9, 2018 City Planning Commission Minutes
Applicant Response Letter
Neighborhood Meeting Minutes
Applicant Letter
Preliminary Plat
Final Plat
Burial Plot Layout
2012 Kansas Statutes 17-1309 – 17-1311

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 9, 2018	April 26, 2018
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2018-38** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2018-38**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

April 9, 2018 City Planning Commission Minutes:

Hearing starts at 2:58:40:

SPECIAL USE PERMIT APPLICATION #SP-2018-38 – JOE MCLAUGHLIN WITH BHC RHODES – SYNOPSIS: Special Use Permit for a cemetery at 2736 Shawnee Drive and 2301 South 34th Street.

MAPLE HILL CEMETERY CO – SYNOPSIS: Preliminary and Final Plat for one (1) lot at 2301 South 34th Street and 2726 Shawnee Drive

Detailed Outline of Requested Action: The applicant, Joe McLaughlin with BHC Rhodes on behalf of owner and operator, Maple Hill Funeral Home and Cemetery wants to remove a two-story home and revert the use of the land back to a cemetery as it was originally intended to be on 3.03 acres located at 2726 Shawnee Drive.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 9, 2018;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated March 15, 2018 for the special use permit; and
7. The Notices to property owners dated March 14, 2018.

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

Present in Support:

- ❖ Joe McLaughlin, BHC Rhodes, 712 State Avenue, Kansas City, Kansas 66101

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts at 3:02:28: Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report. This is an extension of an existing cemetery and there is concern about internment if the special use permit was limited. The internment is a significant investment and the staff recommends approval and the time frame would be indefinite.

Motion and Vote Starts at 3:02:28:

On motion by Mr. Carson, seconded by Mr. Miller, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2018-38:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, this special use permit shall be indefinite.

2. Compliance with Kansas State Board of Mortuary Arts as applicable.

Applicant Response: The KSBMA does not regulate or monitor cemeteries. Its jurisdiction is funeral homes, funeral directors and embalmers. The Kansas Secretary of State Office oversees and audits cemeteries and the trust funds associated with them. I have worked closely with KSOS in the past on legislation and have reached out to their office but have not received a reply yet. I do know that several years ago, Ren Newcomer razed a house which was on the property of Mount Hope, Topeka, and KSOS had no objections.

3. Provide a map of the burial plots.

Staff Response: See in the attachments.

4. Please explain the long-term care and maintenance of the cemetery.

Applicant Response: Kansas law requires that 15 percent of grave sales, 10 percent of crypt sales and 5 percent of niche sales be placed in a Permanent Maintenance Trust Fund, audited by the KSOS and to be used most generally to maintain the cemetery after it has reached its full potential. Currently Maple Hill's Trust is approximately two (2) million dollars. Conservatively speaking, I would say there is 100 plus years before this cemetery would be considered full and in need of the fund. While one cannot predict the funds worth at that time, Maple Hill Cemetery should never be a burden to the city or state.

Current 2 – 5-year plan would be the development of what now is marked Block 40, 36 and 41.

5. The applicant needs to provide information to address memorialization and plot layout.

Applicant Response: The original layout from the 1940's, for this partial, shows road and block layout. However, individual plot layout is not shown. This is due to the fact that over time trends and family's needs may change. For example, we see an upward trend in cremations, so future development may include a cremation garden or columbarium, or ground may be too rocky for in-ground burial and a mausoleum may be a better option. This part of the cemetery may be a decade or more away from development and I anticipate that final designs will not happen until that time. However, I can predict it will be a combination of everything currently available to families. Please see Statues 17-1309 and 17-1310 regarding land use and development.

Public Works Comments:

Special Use Permit:

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

Plat:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) With the demolition of the house, all utilities shall be demolished and/or abandoned in accordance with UG standards and criteria. Coordinate with the Building Inspection Department as required.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

On motion by Mr. Carson, seconded by Mr. Miller, the Planning Commission voted as follows to **APPROVE Maple Hill Cemetery Co Preliminary and Final Plat:**

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

Motion to APPROVE Passed: 8 to 0
Subject to the above stipulations

FUNERAL HOME
(913) 831-3345
(913) 831-3664 Fax
3300 Shawnee Dr.
Kansas City, KS 66106



CEMETERY
(913) 262-6610
Fax (913) 262-7859
2301 South 34th St.
Kansas City, KS 66106

March 20, 2018

Re: Maple Hill Cemetery - Approval Special Use Permit

Page 5 - #16-17

1. The applicant needs to provide information to address memorialization and plot layout.

The original layout from the 1940's, for this partial, shows road and block layout (see exhibit A). However, individual plot layout is not shown. This is due to the fact that over time trends and families needs may change. For example, we see an upward trend in cremations, so future development may include a cremation garden or columbarium. Or ground may be too rocky for in-ground burial and a mausoleum may be a better option. This part of the cemetery may be a decade or more away from development and I anticipate that final designs will not happen until that time. However, I can predict it will be a combination of everything currently available to families. Please see exhibit B Statutes 17-1309 and 17-1310 regarding land use and development.

Page 6 - Urban Planning and Land Use Comments

1. Compliance with Kansas State Board of Mortuary Arts as applicable

The KSBMA does not regulate or monitor cemeteries. Its jurisdiction is funeral homes, funeral directors and embalmers. The Kansas Secretary of State Office oversees and audits cemeteries and the trust funds associated with them. I have worked closely with KSOS in the past on legislation and have reach out to their office but have not received a reply yet. I do know that several years ago, Ren Newcomer razed a house which was on the property of Mount Hope, Topeka, and KSOS had no objections.

2. Provide map of the burial plots.

See #1 above and exhibit A.

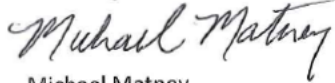
info@maplehillfuneralhome.com • www.maplehillfuneralhome.com

3. Please explain the long term care and maintenance of the cemetery.

Kansas law requires that 15% of grave sales, 10% of crypt sales and 5% of niche sales be placed in a Permanent Maintenance Trust Fund, audited by the KSOS and to be used most generally to maintain the cemetery after it has reached its full potential. Currently Maple Hill's Trust is approximately 2 million dollars. Conservatively speaking, I would say there is 100+ years before this cemetery would be considered full and in need of the fund. While one cannot predict the funds worth at that time, Maple Hill Cemetery should never be a burden to the city or state. Please see Exhibit B Statute 17-1311

Current 2-5 year plan would be the development of what now is marked Block 40, 36, and 41.

Respectfully,

A handwritten signature in cursive script that reads "Michael Matney".

Michael Matney
Owner/President
Maple Hill Cemetery

Application Number: SP 2018-38

Date: March 19, 2018

Location: Maple Hills Funeral Home
2301 S. 34th Street
Kansas City, KS 66106

Meeting called to order at: 4:00pm.

Names of people in attendance: See accompanying sign in sheets. There are 126 people or entities listed on the list provided by the UG Planning Department. 10 people were at the meeting, in addition to Mr. Matney and Mr. McLaughlin, see associated sign in sheet.

Of the 10 attendees, 8 were included on the UG Planning Department list, and 2 heard about the meeting by word of mouth. I also received calls from Anna DeGraeve, who indicated that she was too old to attend the meeting but supported the Cemetery, and from Petra McCarren, whose only concern was why the City had the wrong address listed for her.

Also in Attendance:

Joe McLaughlin - BHC RHODES

Michael Matney – Owner, Maple Hill Funeral Home and Cemetery.

Minutes:

The meeting began at 4:00pm and 10 people filtered through intermittently over the two-hour time slot. As people arrived Michael and I explained what the intended use for the property is, and people were overwhelmingly supportive. No one objected to the plan and many people knew Michael and the Matney family who have been running the cemetery for many years. A fear that people had when they arrived was that an apartment complex or nightclub would be built on the subject parcel, which was the result of neighborhood gossip. Once the true intention was revealed the attendees fully supported expanding the cemetery.

Meeting adjourned at: 6:00pm

Minutes taken by: Joe McLaughlin, BHC RHODES



February 27, 2018

Unified Government

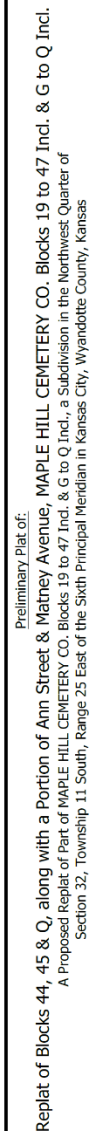
701 North 7th Street, Suite 423
Kansas City, Kansas

RE: Maple Hill Cemetery – Special Use Permit Application Explanation

The purpose of the Special Use Permit (SUP) is to allow the subject parcel to be used for sepulture. This parcel was originally included in the plat of The Maple Hills Cemetery Co., Blocks 19 to 47 Including G to Q, recorded in 1946. A number of years after the plat was recorded, one of the owners of the Maple Hill Cemetery Company separated the subject property from the rest of the cemetery. A house was built and the parcel was occupied for many years. The occupant of the parcel has since passed away and the house is now in disrepair and is uninhabitable. It would be financially impractical to restore the house to livable conditions. Maple Hills Cemetery has since acquired the property and the company has concluded that it would be most beneficial if the property reverted to its original use, design, and configuration. The house and other improvements will be removed and the property will be used, from this point on, as a cemetery. Coinciding with this SUP is a Preliminary and Final Plat which arranges the separated parcel in the same configuration as the 1946 plat.

BHC RHODES is a Trademark of Brunnerdt Hanonichl & Company, P.A.

712 State Avenue, Suite 100 • Kansas City, KS 66101 • P: (913) 371-5300 • ibhc.com



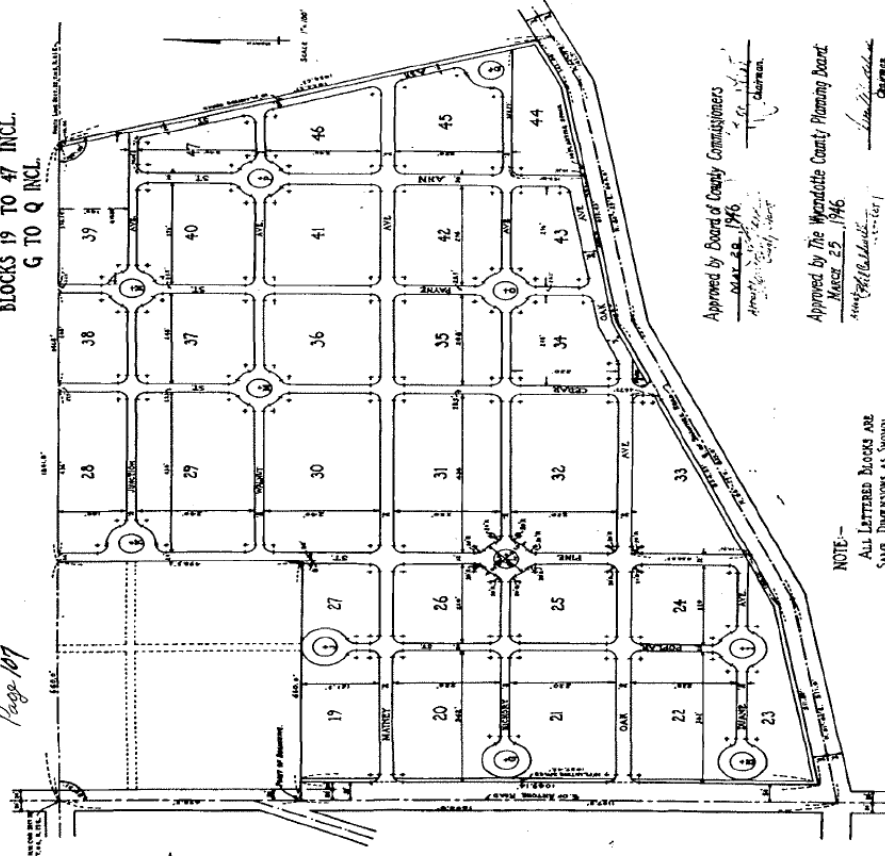


THE MAPLE HILL CEMETERY CO.

BLOCKS 19 TO 47 INCL.
G TO Q INCL.

Book 118
Page 107

107



NOTE:-
ALL LETTERED BLOCKS ARE
SAME DIMENSIONS AS SHOWN
FOR BLOCK 1.
20-FOOT RADIUS FOR ALL
ROUNDED CORNERS.

Approved by Board of County Commissioners
March 29, 1946
[Signature]

Approved by The Wyandotte County Planning Board
March 29, 1946
[Signature]

Approved by City Planning Commission
March 11, 1946
[Signature]

Approved by Board of City Commissioners
March 11, 1946
[Signature]

Know all men by these presents that The Maple Hill Cemetery Company of Wyandotte County, State of Kansas, a Corporation of said State, are owners of the following described property to-wit:
Beginning at a point 498.5 feet South of the Northwest Corner of Section 2, Township 11 South, Range 25 East of the 6th P.M., thence South 107.5 feet to the Center Line of Shawnee Road, thence North 87.02 East, 571 feet, thence North 66-27 East, 635 feet, thence North 80-29 East, 660 feet, thence North 64-19 East, 1417 feet to the Southwest Corner of EDWARD STELLER SUBDIVISION, thence Northwesterly along the westerly line of said subdivision, 1054.63 feet to a point on the North Line of said Section 32, which is 1801.8 feet East of said Northwest Corner of Section 32, thence West 1410 feet, thence South 498.5 feet, thence West 660 feet to the point of beginning, the above described tract includes all of ARINGTON CEMETERY, SECTION NO. 1, and have caused the same to be replatted or subdivided into blocks, with Streets and Avenues, for the purpose of Sepulture.

The foregoing described tract of land as subdivided and herein platted is dedicated to the purpose hereinafore mentioned and the faith of the Company is pledged for its preservation and improvement.

In Witness Whereof, the Directors of The Maple Hill Cemetery Company have caused these presents to be signed by its President and attested by its Secretary and its corporate seal to be attached this 1st day of March, A.D. 1946.

The Maple Hill Cemetery Company

Attest:
[Signature]

State of Kansas } ss. Be it remembered that on this 1st day of March, A.D. 1946, before me, the undersigned Notary Public, in and for the above named County and State, appeared [Signature], who being duly sworn, did say that he is the President of The Maple Hill Cemetery Company of Wyandotte County, Kansas, and that the seal affixed to the foregoing instrument is the Corporate Seal of said Corporation and said President acknowledged the execution of said instrument to be the free act and deed of said Corporation.

Witness my hand and Notarial Seal this day and year first above written.

My Commission Expires March 31, 1950

[Signature]

Exhibit A

WYANDOTTE COUNTY DOCUMENT NUMBER 18,107 PAGE 1

Exhibit B

2012 Kansas Statutes

17-1309. Same; conveyance of lots. That upon complying with the requirements of the preceding section, such corporation shall have the power to convey, by deed or otherwise, the burial lots as shown on said recorded plats for burial purposes only, in accordance with such regulations and bylaws as may be established and adopted by said corporation.

History: L. 1901, ch. 102, § 3; March 22; R.S. 1923, 17-1309.

2012 Kansas Statutes

17-1310. Same; control of lands; replatting. That such corporation shall have complete management and control of all lands held, laid out and sold by it for cemetery purposes until such time as all the burial lots shall have been sold or until such time as said corporation shall be dissolved in the manner hereinafter set forth: *Provided*, That such corporation may replat any areas used for cemetery purposes in such a manner as to eliminate roads that have been platted but have not been actually constructed.

History: L. 1901, ch. 102, § 4; R.S. 1923, 17-1310; L. 1949, ch. 186, § 1; June 30.

2012 Kansas Statutes

17-1311. Cemetery permanent maintenance fund; requirements; use; purpose; trust instruments, terminated, transferred or amended. (a) A cemetery corporation shall maintain, a permanent maintenance fund with a trustee, a percentage of the purchase price of each burial space sold by it, or any payment on such burial space, not less than 15% of such purchase price, for the permanent maintenance of the cemetery within which the burial space lies, but the total amount set aside shall not be less than \$25 for each burial space at the time of conveyance of such space. Deposits to the permanent maintenance fund shall be made within 15 days following each calendar month end, after the moneys are received. Moneys placed in such fund under the provisions of K.S.A. 17-1308, and amendments thereto, shall be credited for the purposes of fulfilling such requirement. Moneys in such fund may be held and invested subject to the requirements of subsections (a) through (f) of K.S.A. 58-24a02, and amendments thereto, but the total amount of money invested in any mortgage upon real property shall not exceed an amount equal to 75% of the market value of such property at the time of such investment. No part of the principal of the fund shall ever be used for any purpose except for investment. In no event shall any loan of the funds be made to any stockholder, officer or employee of such cemetery corporation, or to any person related, by blood or marriage, to a stockholder, officer or employee. The treasurer of such corporation may deposit, to the credit of such fund, donations or bequests for the fund and may retain property so acquired without limitation as to time and without regard to its suitability for original purchase.

(b) The primary purpose of the permanent maintenance fund is to maintain the corpus of the fund. The income earned from the permanent maintenance fund may be dispersed to the cemetery. All capital gains shall be allocated to principal.

(c) The cemetery corporation shall obtain prior written approval from the secretary of state before the trust instrument shall be terminated, transferred, or amended. The cemetery corporation shall provide the secretary of state copies of any amendments to the trust instrument before the amendments shall become effective.

History: L. 1901, ch. 102, § 5; R.S. 1923, 17-1311; L. 1931, ch. 147, § 1; L. 1963, ch. 138, § 1; L. 1968, ch. 330, § 3; L. 1971, ch. 71, § 1; L. 1978, ch. 76, § 1; L. 1985, ch. 91, § 1; L. 1989, ch. 48, § 77; L. 1994, ch. 229, § 4; L. 2001, ch. 75, § 6; L. 2011, ch. 78, § 16; Jan. 1, 2012.



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: April 26, 2018
Re: Petition #SP-2018-40

GENERAL INFORMATION

Applicant:
Ellen Ritchie

Status of Applicant:
Owner
448 Shawnee Road
Kansas City, KS 66102

Requested Action:
Approval of a Special Use Permit

Date of Application:
February 23, 2018

Purpose:
To operate a Short-Term
Rental/Bed and Breakfast that is not
the applicant's primary residence

Property Location:
444 Shawnee Road

Commission Districts:
Commissioner At-Large: Tom Burroughs
District Commissioner: Ann Brandau Murguia



Existing Zoning: R-2(B) Two Family District

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

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

Total Tract Size: 0.20 acre

Master Plan Designation: The Rosedale Master Plan designates this property as Low Density Residential.

Major Street Plan: The Major Street Plan classifies Stine Avenue and Shawnee Road as local streets.

Advertisement: The Wyandotte Echo – March 15, 2018
Letters to Property Owner – March 14, 2018 and April 17, 2018

Public Hearings: April 9, 2018 and April 26, 2018

Public Opposition: No one appeared in opposition at the April 9, 2018 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Ellen Ritchie is applying to use a single-family home, located at 444 Shawnee Road as a short-term rental space, rented through sites such as AIRBNB and VRBO. This home is not the applicant's primary residence, although she lives next door at 448 Shawnee Road.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is residential in nature, predominately single-family homes, although there are large parcels that are vacant, undeveloped and heavily wooded.

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

The zoning and uses of properties nearby are set out above. The proposed use might be compatible with the surrounding single-family houses if operated properly. Operating this property as a short-term rental has the potential to create issues related to noise, parking and other concerns related to overcrowding if improperly managed.

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

Removal of the restrictions may not detrimentally affect nearby property so long as the property owner properly manages the operation.

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

The property does not have a rental license since the applicant began hosting at the property in September 2015.

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

Special use permits are not addressed in the Master Plan.

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

The proposed use will not increase vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

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

The proposed use provides convenient lodging for the public and will not likely substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

This is not foreseen to be an issue.

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

This is not foreseen to be an issue.

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

This is not foreseen to be an issue.

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

The relative gain or loss to the public health, safety, and welfare is likely to be minimal. If denied, the landowner would not be able to use the property as a short-term rental but may continue to use the property as a single-family residence.

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

This is foreseen to be an issue.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 23, 2018. According to the applicant, those that attended the meeting were not in opposition.

KEY ISSUES

Neighborhood Preservation
Quality of Life
Housing Availability
Economic Development
Safety
Regulatory Consistency

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit #SP-2018-40, subject to:

Urban Planning and Land Use Comments:

1. How long has the short-term rental business been in operation?

Applicant Response: We hosted our first AIRBNB guests in September 2015.

2. Were neighbors consulted prior to opening the business?

Applicant Response: No.

- 3. Do you have a business license?**

Applicant Response: No.

Staff Response: You are required to obtain a business license from Business Licensing.

- 4. Have you paid appropriate lodging taxes?**

Applicant Response: Yes.

- 5. How many rooms are rented?**

Applicant Response: The entire house – two (2) bedrooms, one (1) bathroom, kitchen, living/dining room.

- 6. What is the maximum number of people that will be staying at any one time?**

Applicant Response: 4 adults or 2 adults and up to 3 children.

- 7. What is the maximum number of vehicles and where will they park?**

Applicant Response: Two (2) vehicles. Off street parking is available at the house.

- 8. How often are guests in the residence?**

Applicant Response: We hosted AIRBNB guests on 90 nights in 2017.

- 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: We have working smoke detectors in each bedroom and in the kitchen and a fire extinguisher in the kitchen. We have GFCI outlets in the bathroom. No double keyed locks, broken or boarded up windows, or copper pipes for gas supply lines. We installed a handrail for the 2 steps at the entrance. We had a full inspection and repairs made to the water tank and furnace to ensure they are operational and properly vented. The electrical panel and circuits are safe.

- 11. As this is not your primary residence, where are you located?**

Applicant Response: We live in the house directly next door – 448 Shawnee Road. The houses are approximately 30 feet apart.

12. How often do you visit the property?

Applicant Response: We visit daily, as it is basically an extension of our own house. We go regularly to clean, maintain the garden, etc. regardless of whether we have guests or not.

13. Who is responsible for issues that may arise when tenants are renting the house, if neighbors have concerns, or to clean and prepare the house between tenants?

Applicant Response: I am personally responsible for all aspects of managing the rentals (communication with guests, problem solving, cleaning, etc.).

14. Have you provided your surrounding neighbors with your contact information should they have concerns?

Applicant Response: All of our surrounding neighbors know that we own the property at 448 Shawnee Road and know how to find us. Based on feedback from one neighbor at the community meeting, if approved, I plan to print up a summary of the listing and explain to neighbors how AirBnB works and make clear how they can report concerns to us.

Staff Response: Please provide your neighbors your contact information so they can call you if there are issues or concerns.

15. Per Business Licensing: If approved, the applicant will need to file the occupation tax application with our office for the business activity.

Applicant Response: We will do so as soon as possible if approved.

Public Works Comments:

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

If approved, the following will be 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 four (4) adults (not including an infant/child).
 - 4) Only two (guest) cars are permitted.
 - 5) House rules must include provisions indicating no parties or events to be held on site.
 - 6) Approval is for two (2) years.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2018-40 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 9, 2018 City Planning Commission Minutes
 Applicant Response Letter
 Neighborhood Meeting Minutes
 Zoning Map
 Aerial Photograph
 Floor Plan
 Photographs provided by the applicant

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 9, 2018	April 26, 2018
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2018-40** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2018-40**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

April 9, 2018 City Planning Commission Minutes:

Hearing Starts at 3:04:50:

SPECIAL USE PERMIT APPLICATION #SP-2018-40 – ELLEN RITCHIE –
SYNOPSIS: Special Use Permit for an AIRBNB at 444 Shawnee Road. **Detailed Outline of Requested Action:** The applicant, Ellen Ritchie is applying to use a single-family home, located at 444 Shawnee Road as a short-term rental space, rented through sites such as AIRBNB and VRBO. This home is not the applicant's primary residence, although she lives next door at 448 Shawnee Road.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 9, 2018;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated March 15, 2018; and
7. The Notices to property owners dated March 14, 2018.

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

Present in Support:

- ❖ Ellen Ritchie, 448 Shawnee Road, Kansas City, Kansas 66102

Present in Opposition:

❖ No one appeared

Staff Recommendation starts at 3:09:37: Director Richardson stated that in a previous case in Rosedale where the someone lived next door, it was recommended for approval for two (2) years, the staff recommends approval of this application for two (2) years subject to the stipulations.

Motion and Vote starts at 3:10:

On motion by Ms. Pauley, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2018-40:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Urban Planning and Land Use Comments:

1. How long has the short-term rental business been in operation?

Applicant Response: We hosted our first AIRBNB guests in September 2015.

2. Were neighbors consulted prior to opening the business?

Applicant Response: No.

3. Do you have a business license?

Applicant Response: No.

Staff Response: You are required to obtain a business license from Business Licensing.

4. Have you paid appropriate lodging taxes?

Applicant Response: Yes.

5. How many rooms are rented?

Applicant Response: The entire house – two (2) bedrooms, one (1) bathroom, kitchen, living/dining room.

6. What is the maximum number of people that will be staying at any one time?

Applicant Response: 4 adults or 2 adults and up to 3 children.

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Applicant Response: Two (2) vehicles. Off street parking is available at the house.

8. How often are guests in the residence?

Applicant Response: We hosted AIRBNB guests on 90 nights in 2017.

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: We have working smoke detectors in each bedroom and in the kitchen and a fire extinguisher in the kitchen. We have GFCI outlets in the bathroom. No double keyed locks, broken or boarded up windows, or copper pipes for gas supply lines. We installed a handrail for the 2 steps at the entrance. We had a full inspection and repairs made to the water tank and furnace to ensure they are operational and properly vented. The electrical panel and circuits are safe.

11. As this is not your primary residence, where are you located?

Applicant Response: We live in the house directly next door – 448 Shawnee Road. The houses are approximately 30 feet apart.

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13. Who is responsible for issues that may arise when tenants are renting the house, if neighbors have concerns, or to clean and prepare the house between tenants?

Applicant Response: I am personally responsible for all aspects of managing the rentals (communication with guests, problem solving, cleaning, etc.).

14. Have you provided your surrounding neighbors with your contact information should they have concerns?

Applicant Response: All of our surrounding neighbors know that we own the property at 448 Shawnee Road and know how to find us. Based on feedback from one neighbor at the community meeting, if approved, I plan to print up a summary of the listing and explain to neighbors how AirBnB works and make clear how they can report concerns to us.

Staff Response: Please provide your neighbors your contact information so they can call you if there are issues or concerns.

15. Per Business Licensing: If approved, the applicant will need to file the occupation tax application with our office for the business activity.

Applicant Response: We will do so as soon as possible if approved.

Public Works Comments:

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

1) None

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

1) None

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

1) None

If approved, the following will be 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 four (4) adults (not including an infant/child).
- 4) Only two (guest) cars are permitted.
- 5) House rules must include provisions indicating no parties or events to be held on site.
- 6) Approval is for two (2) years.

- How long has the business been in operation?
 - We hosted our first Airbnb guests in September of 2015.
- Were neighbors consulted prior to opening the business?
 - No
- Do you have a business license?
 - No
- Have you paid appropriate lodging taxes?
 - Yes
- How many rooms are rented?
 - Entire house – 2 Bedroom, 1 Bathroom, Kitchen, Living / Dining Room.
- What is the maximum number of people that will be staying at any one time?
 - 4 Adults or 2 Adults and up to 3 children
- What is the maximum number of vehicles & where will they park?
 - Two Vehicles. Off street parking at the house
- How often are guests in the residence?
 - We hosted Airbnb guests on 90 nights in 2017.
- Do you have a rental license from the Unified Government for the facility?
 - No
- Provide a detailed description of the area(s) rented for Airbnb/other rental operations. Include bedrooms, bathrooms common areas etc.
 - 2 Bedrooms, 1 Bathroom, Full Kitchen, and open concept Living / Dining room.
- Describe how you will maintain a safe environment including:
 - We have working smoke detectors in each bedroom and in the kitchen and a fire extinguisher in the kitchen. We have GFCI outlets in the bathroom. No Double keyed locks, broken or boarded up windows, or copper pipes for gas supply lines. We installed a handrail for the 2 steps at the entrance. We had a full inspection and repairs made to the water tank and furnace to ensure they are operational and properly vented. The electric panel and circuits are safe.

Please let me know if you need any additional information,

Ellen Ritchie

510-331-0370



Tue 3/27/2018 9:14 PM

Ellen <ritchie.ellenk@gmail.com>

Re: 444 Shawnee Road - AirBnB (SP-2018-40)

To Toy, Byron

Mr. Toy,

Thanks so much for getting back to me and for your understanding. I apologize again that I did not see your questions earlier. Here are my responses to the questions:

11. As this is not your primary residence, where are you located?

We live in the house directly next door - 448 Shawnee Rd. The houses are approximately 30 ft apart.

12. How often do you visit the property?

Daily - it is basically an extension of our own house. We go regularly to clean, maintain the garden, etc. regardless of whether we have guests or not.

13. Who is responsible for issues that may arise when tenants are renting the house, if neighbors have concerns, or to clean and prepare the house between tenants?

I am personally responsible for all aspects of managing the rentals (communication with guests, problem solving, cleaning, etc).

14. Have you provided your surrounding neighbors with your contact information should they have concerns?

All of our surrounding neighbors know that we own the property at 444 Shawnee Rd. and know how to find us. Based on feedback from one neighbor at the community meeting, if approved, I plan to print up a summary of the listing and explain to neighbors how Airbnb works and make clear how they can report concerns to us.

15. Per Business Licensing: If approved, the applicant will need to file the occupation tax application with our office for the business activity.

We will do so ASAP if approved.

Please let me know if you have any additional questions or concerns.

Ellen Ritchie
510-331-0370

Sent from my iPhone

Application Number #SP-18402-00021

Date and Location: 3/23/18, 6:00pm, Rosedale Development Association

Meeting called to order at: 6:00pm

Names of people in attendance: Ellen Ritchie, Blair Thedinger, Myrtis Johnson

Introductions:

Ellen Ritchie and Blair Thedinger (Property owners) greeted Myrtis Johnson

Presentation by Ellen Ritchie

- Presented information about questions and responses included as part of the original SUP Application Packet submitted to Urban Planning and Land Use.
- Presented pictures of the property at 444 Shawnee Rd from the Airbnb website and discussed safety and maintenance of the property.
- Described the intended use of the property for short-term rentals through online sites such as Airbnb.
- Gave an overview of experience renting with Airbnb up to this point.
- Described plans to manage property to reduce risk of disturbance to neighbors / neighborhood.

Questions and answers:

Q: Mr. Johnson – What is Airbnb?

A: Ellen Ritchie - Ellen pulled up the website, shared the listing for the 444 Shawnee Rd property as an example and explained to Mr. Johnson how Airbnb works (how reservations are made, how guests are screened, how reviews are written).

Q: Mr. Johnson – Who has been staying there – what type of groups?

A: Ellen Ritchie – Ellen provided overview of guests who have stayed at the unit so far – mostly cross-country travelers, families with young kids, visitors from neighboring states coming for sporting or music events, and people visiting family and friends in KC. Ellen explained how guests are screened and described potential problems with guests and how that has been managed / prevented up to this point.

Before closing meeting, Ellen encouraged Mr. Johnson to contact her with any additional questions or concerns.

Meeting adjourned at: 6:45pm

Minutes taken by: Ellen Ritchie

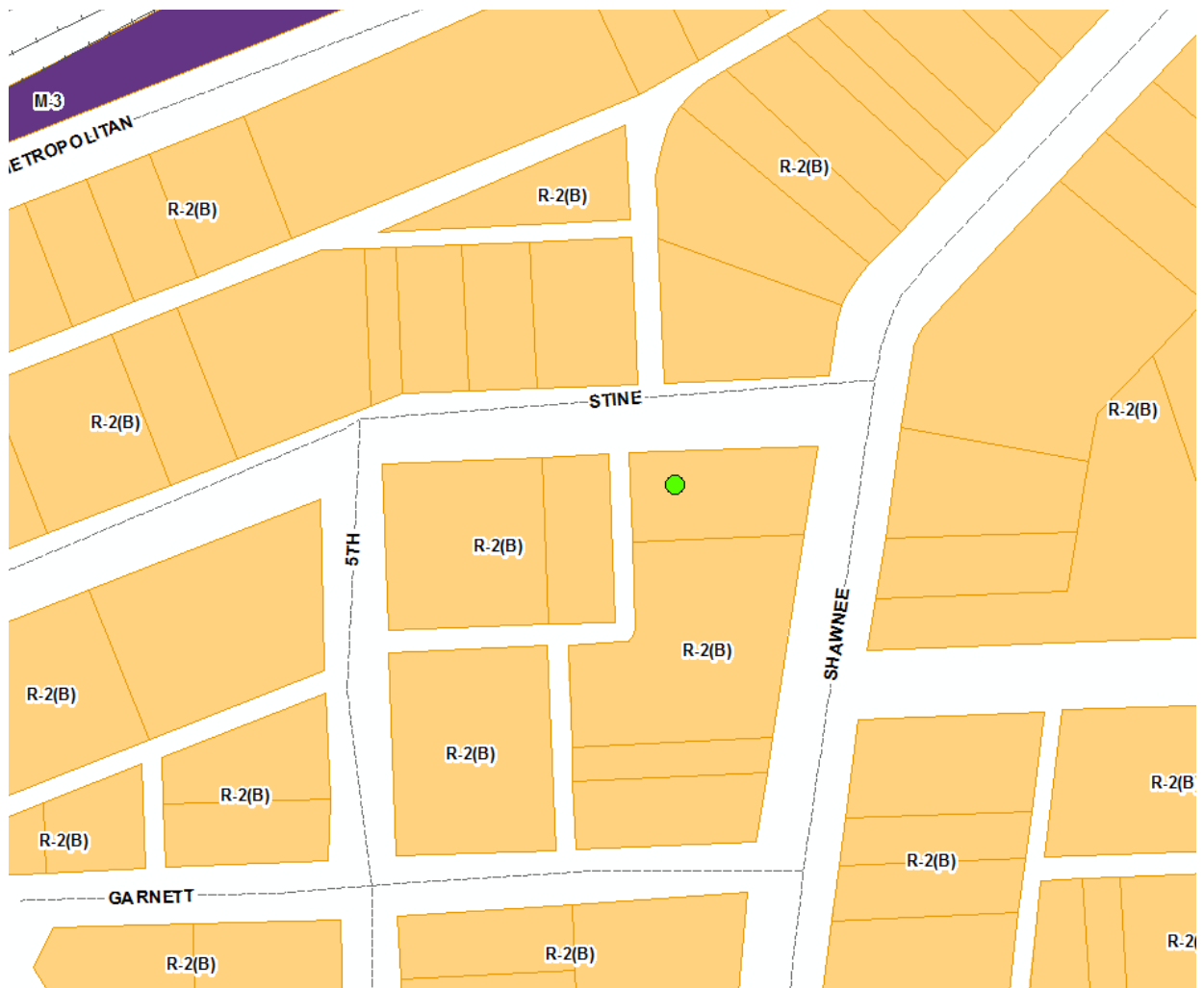


Figure 1. Zoning Map of 444 Shawnee Road as indicated by the green dot (provided by ArcView GIS).



Figure 2. Aerial photograph of 444 Shawnee Road, as indicated by the green dot (provided by ArcView GIS).

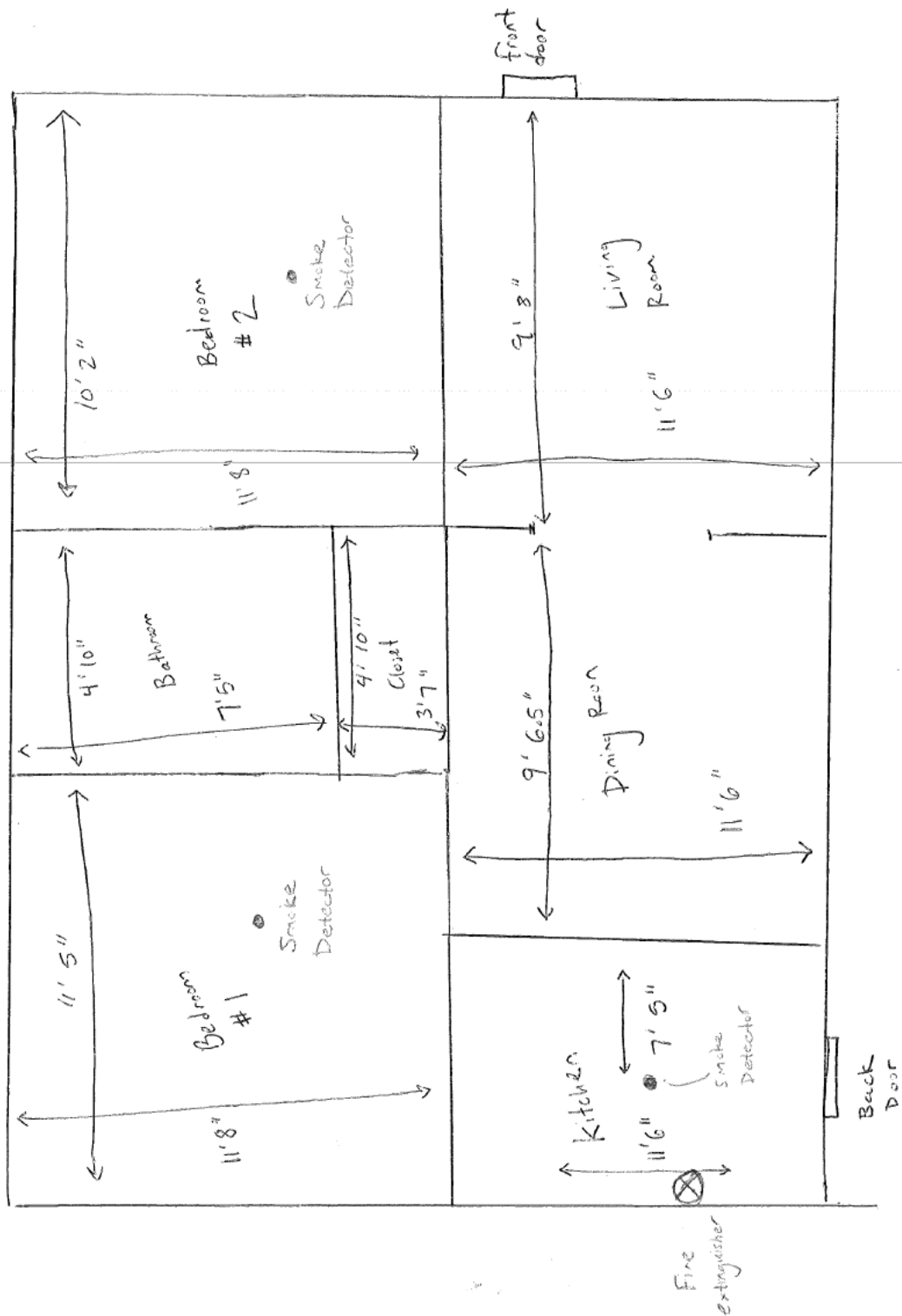


Figure 3. Floor Plan of 444 Shawnee Road (provided by the applicant).



Figure 4. Photograph of bedroom #1 at 444 Shawnee Road (provided by the applicant).



Figure 5. Photograph of bedroom #2 at 444 Shawnee Road (provided by the applicant).



Figure 6. Photograph of the kitchen at 444 Shawnee Road (provided by the applicant).



Figure 7. Photograph of the living room at 444 Shawnee Road (provided by the applicant).



Figure 8. Photograph of the bathroom at 444 Shawnee Road (provided by the applicant).



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: April 26, 2018
Re: Petition #SP-2018-41

GENERAL INFORMATION

Applicant:
Tim Scribner

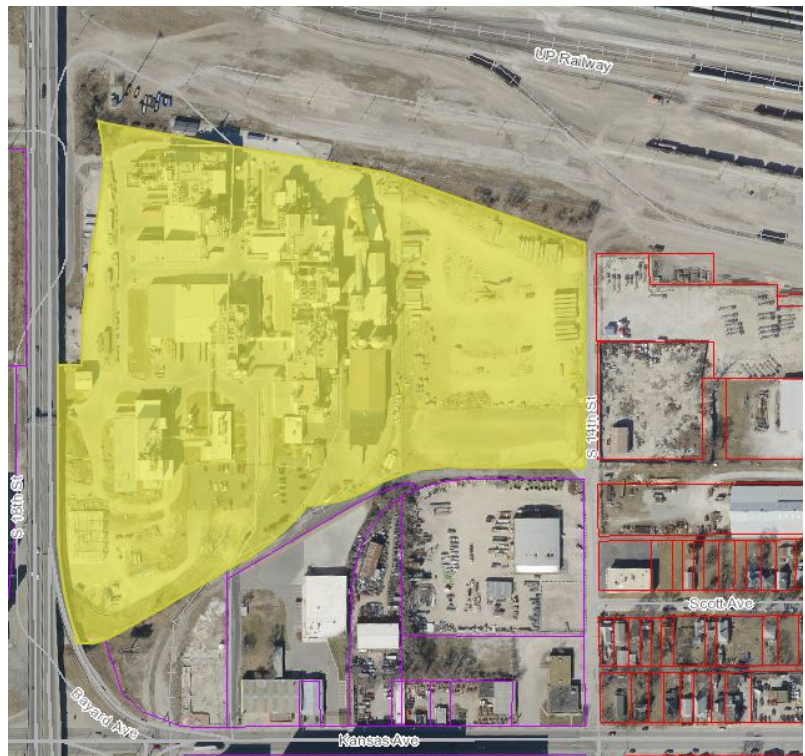
Status of Applicant:
PQ Corporation
1700 Kansas Ave
Kansas City, Kansas 66105

Requested Action:
Renewal of a Special Use
Permit for an office trailer

Date of Application:
February 23, 2018

Purpose:
Special Use Permit for an
office trailer

Property Location:
1700 Kansas Ave



Commission Districts: Commissioner At Large: Tom Burroughs
District Commissioner: Brian McKiernan

Existing Zoning: M-3 Heavy Industrial District

Existing Surrounding Zoning: **North:** None (Union Pacific Railroad)
South: M-3 Heavy Industrial District
East: M-3 Heavy Industrial District
West: M-3 Heavy Industrial District (across South 18th Street)

Existing Uses: **North:** Union Pacific Railroad
South: Commercial and Warehouses
East: Salvage yard/recycle center
West: Grain elevators (across S. 18th Street)

Total Tract Size: 24.8 acres

Master Plan Designation: The Armourdale Master Plan designates this property as Heavy Industrial.

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

Advertisement: The Wyandotte Echo – March 15, 2018
Letters to Property Owner – March 14, 2018 and April 17, 2018

Public Hearings: April 9, 2018 and April 26, 2018

Public Opposition: No one appeared in opposition at the April 9, 2018 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Tim Scribner, is applying for renewal of a Special Use Permit (#SP-2016-21) to continue using a temporary construction office trailer located on Union Pacific Railroad owned property.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is entirely heavy industrial. The Union Pacific Railroad runs to the north, while 18th Street Expressway runs to the west of the property. There are R-2(B) two-family zoned lots to the southeast, however there is sufficient space between the R-2(B) two-family lots and the property in question for there to not be an issue.

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

The property is surrounded by M-3 Heavy Industrial zoned lots, with uses being commercial, industrial, and warehousing in nature. The proposed use of a construction office trailer will be compatible with surrounding zoning and uses.

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

The trailer on this site currently requires a special use permit. The removal of the restrictions will not detrimentally affect nearby property, as the trailer is currently on the property.

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

The property is not vacant.

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

Special Use Permits are not addressed in the Master Plan.

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

As Kansas Avenue is a major thoroughfare, there will be sufficient street network to support the proposed use. The proposed use will not result in increasing the amount of vehicular traffic.

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

The proposed use is reasonably necessary for the convenience and welfare of the public. As this property and the surrounding properties are heavy industrial, the proposed use will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

There will be no noise, vibration, dust, or illumination associated with the proposed use of a construction office trailer.

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

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

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

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

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

There is minimal relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners. If this application is denied, the applicant will have to find another location to place a construction office trailer, or to even have an office. This could be difficult for the applicant to find.

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

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

PREVIOUS ACTIONS

The City Planning Commission approved Special Use Permit #SP-2016-21 on February 25, 2016.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 20, 2018. According to the applicant, there was no opposition from the two attendees of the meeting.

KEY ISSUES

Following previous stipulations.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2018-41, subject to:

Urban Planning and Land Use Comments:

1. Have there been any changes in use since your last special use permit was approved?

Applicant Response: No changes, trailer is still being used for engineering and construction office.

2. Have you complied with the previously approved stipulations?

Applicant Response: YES, have complied with all stipulations.

The following stipulations from the previous special use permit (#SP-2016-21) approved in 2016 must be followed:

- (1) No structural or functional changes take place to the structure over the approved period.

Applicant Response: None

Staff Conclusion:

The applicant has worked with staff to answer questions regarding previous stipulations and current use of the trailer. Subject to approval, staff stipulates the following:

- (1) This special use permit shall be valid for two (2) years.
- (2) Comply with aforementioned stipulations.

Business License Comments:

1. PQ Corporation has filed and maintained a current occupation tax application on file with this office since 1964.

Public Works and Engineering Comments:

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

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2018-41** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 9, 2018 City Planning Commission Minutes
Neighborhood Meeting Minutes
Aerial Photograph
Zoning Map
Letter of Support

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 9, 2018	April 26, 2018
Special Use	Approval	

STAFF CONTACT: **Mason Herrman**
 mherrman@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2018-41** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2018-41**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

APRIL 9, 2018 CITY PLANNING COMMISSION MINUTES:

The applicant was not present when this item was called as part of the Consent Agenda or later in the agenda nor was there anyone in opposition at 4:20:23:

SPECIAL USE PERMIT APPLICATION #SP-2018-41 – TIM SCRIBNER WITH PQ CORPORATION - SYNOPSIS: Renewal of a Special Use Permit (#SP-2016-21 – expired 1/24/2018) for an office trailer at 1700 Kansas Avenue. **Detailed Outline of Requested Action:** The applicant, Tim Scribner, is applying for renewal of a Special Use Permit (#SP-2016-21) to continue using a temporary construction office trailer located on Union Pacific Railroad owned property.

Staff Recommendation Starts at 4:21:18: Director Richardson stated that this item was on the Consent Agenda and the staff recommends approval subject to the stipulations. He stated that they are doing ongoing construction to the property and the trailer is being used as an office, which is different than what was heard on a previous application this evening (truck trailer.) It is a temporary use of land, so it can only be approved two (2) years at a time.

Planning Commissioner Connelly stated that he removed the item from the Consent Agenda because it had expired, and he wondered how long they were going to continue to have the trailers.

Recording Secretary Parker stated that the applicant had to get the railroad to sign the affidavit and it took several months and they filed the application one month after it had expired.

Motion and Vote Starts 4:24:38:

On motion by Mr. Reasons, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application #SP-2018-41:**

Carson	Aye
Childress	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Pauley	Aye
Reasons	Aye
Huey	Chairman
Mose	Not Present
Serda:	Not Present
Motion to APPROVE Passed: 8 to 0	
Subject to:	

Urban Planning and Land Use Comments:

1. Have there been any changes in use since your last special use permit was approved?

Applicant Response: No changes, trailer is still being used for engineering and construction office.

2. Have you complied with the previously approved stipulations?

Applicant Response: YES, have complied with all stipulations.

The following stipulations from the previous special use permit (#SP-2016-21) approved in 2016 must be followed:

- (1) No structural or functional changes take place to the structure over the approved period.

Applicant Response: None

Staff Conclusion:

The applicant has worked with staff to answer questions regarding previous stipulations and current use of the trailer. Subject to approval, staff stipulates the following:

- (1) This special use permit shall be valid for two (2) years.
- (2) Comply with aforementioned stipulations.

Business License Comments:

1. PQ Corporation has filed and maintained a current occupation tax application on file with this office since 1964.

Public Works and Engineering Comments:

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

Meeting Minutes:

Application Number SP-2018-41

Date and Location: 3/20/2018 PQ Plant Conference Room

Meeting called to order at: 3:00 pm

Names of people in attendance:

David Nickell Kansas City Piggyback Inc.

Dr. Tina Medina Armourdale Renewal Association

Introductions:

Each person introduced themselves and where they are located.

Presentation by applicant and/or team

Tim Scribner expanded history of the plant operations and the reason for the Special Use Permit and why requesting for the extension. The Engineering Trailer support the process and construction support for the plant operations.

Questions and answers (include the following):

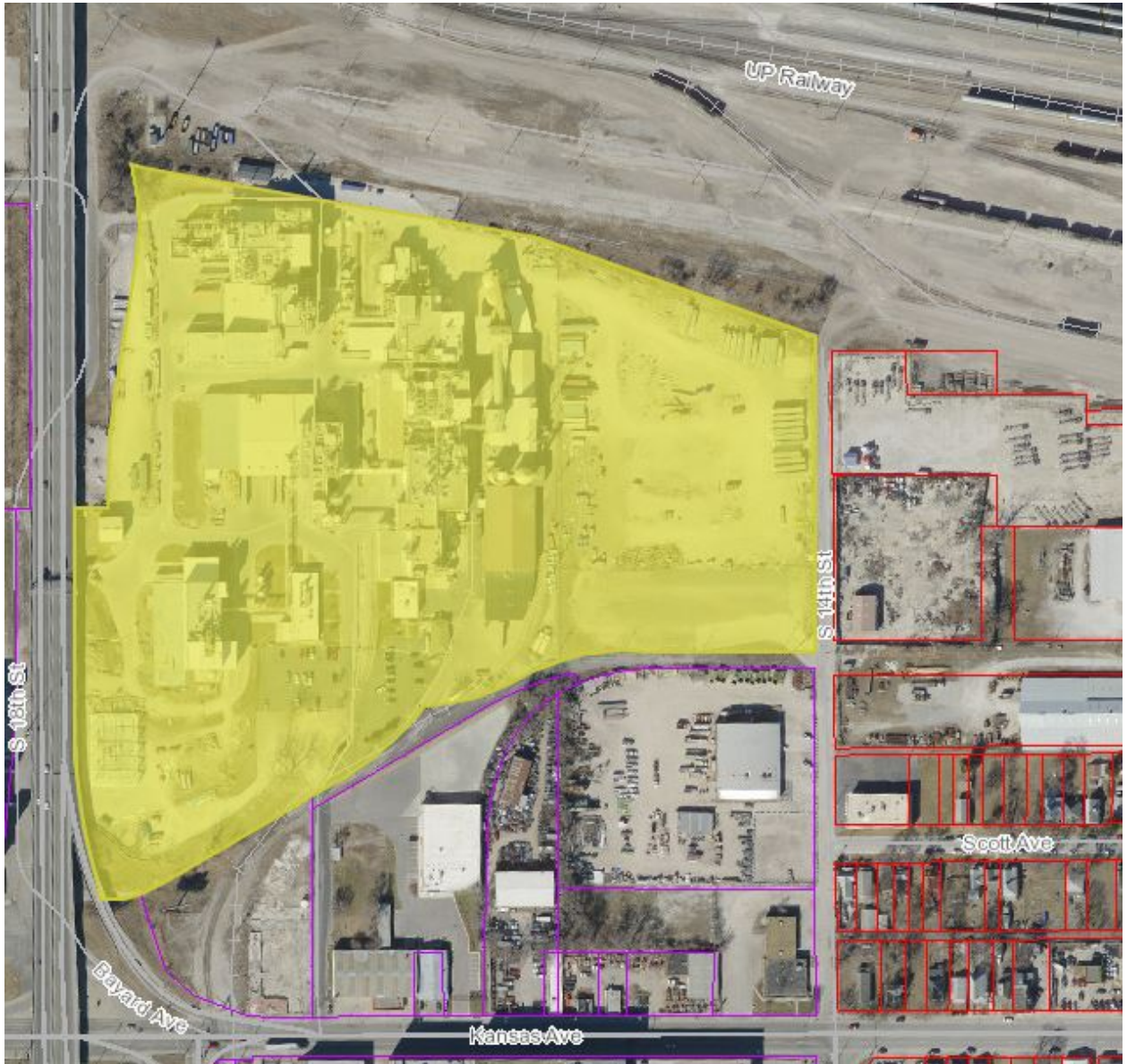
- Who asked question or gave comment
David Nickell
- What was the question or comment
Question: Will PQ Kansas City Plant planning future expansion.
- Who answered the question/comment
Tim Scribner meeting mediator stating yes there is future expansion in the planning for more production facility for 2019.
- What was the answer given
Dave Nickell: That's good news for PQ and example of company growth.
- NOTE: Both Mr. Nickell and Ms. Medina are sending a letter of recommendation of good work on the New Front Entrance support the community.

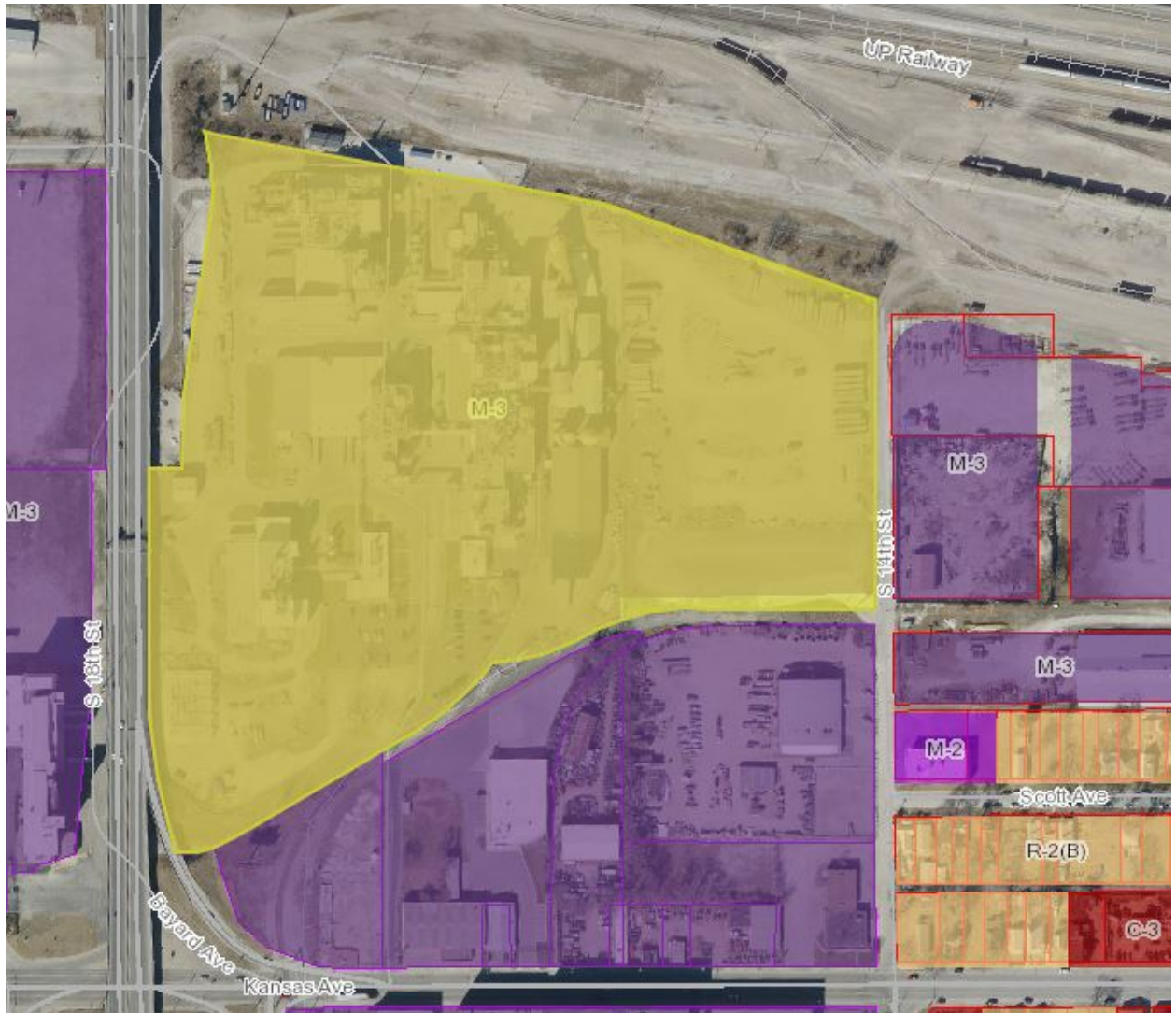
Meeting adjourned at: 3:40 pm

Minutes taken by: Tim Scribner



Jessica Toomey





 TERMINAL CONSOLIDATION
KANSAS CITY PIGGYBACK
POST OFFICE BOX 12460 • KANSAS CITY, MISSOURI 64116-0460
TELEPHONE: (816) 453-5101 — FAX (816) 453-0753

March 20, 2018

Mr. Timothy L. Scribner
Senior Project engineer
PQ Corporation
1700 Kansas Avenue
Kansas City, KS 66105-1198

Dear Mr. Scribner:

I own the property at 435 South 14th St., just east of your plant:

I enjoyed meeting you today and I appreciate the update you shared with me concerning your construction projects at PQ Corporation Kansas Ave. plant. The improvements that PQ have done over the past few years are great and have definitely improved the area.

Terminal Consolidation Company fully supports your request to renew the Special Use Permit for the engineering/construction trailer located on the Union Pacific Property at 1630 Kansas Avenue. Please feel free to let me know if you need any additional support



David R. Nickell
President
Cell 816-225-6674



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: April 26, 2018
Re: Petition #SP-2018-42

GENERAL INFORMATION

Applicant:
Wil Anderson

Status of Applicant:
Representative
BHC Rhodes
712 State Avenue
Kansas City, KS 66101

Requested Action:
Renewal of a Special Use
Permit for an auto auction
parking facility

Date of Application:
February 22, 2018

Purpose:
To continue operating an
auto auction parking facility

Property Location:
8501 Gibbs Road



Commission Districts:

Commissioner At Large: Tom Burroughs
District Commissioner: Angela Markley

Existing Zoning: MP-3 Planned Heavy Industrial District

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

Existing Uses: **North:** Office building and sand extraction company
South: Auto auction parking lot
East: Sand extraction
West: Vacant land, water distribution plant

Total Tract Size: 14.07 acres

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

Major Street Plan: The City-Wide Master Plan classifies South 88th Street as a Class C Thoroughfare and Gibbs Road as a local street.

Advertisement: The Wyandotte Echo – March 15, 2018
Letters to Property Owner – March 14, 2018 and April 17, 2018

Public Hearings: April 9, 2018 and April 26, 2018

Public Opposition: No one appeared at the April 9, 2018 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Wil Anderson with BHC Rhodes on behalf of Greater Peoria Properties LLC wants to continue the operation of a parking lot for an auto auction business on 14.07 acres at 8501 Gibbs Road. This property is an extension of the business at the adjoining property to the south.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The neighborhood is comprised of industrial businesses, including a water treatment plant at the southwest corner of 88th Street and Gibbs Road, and a

sand extraction operation to the north and east of the property. West of 88th Street are several industrial businesses including truck parking.

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

The zoning and their uses are set out above. The proposed use is compatible with the surrounding building uses.

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

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

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

The property has been occupied since 2015 when the previous Special Use Permit was approved. Prior to that, the property had been vacant for an unknown amount of time.

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

Special Use Permits are not addressed in the Master Plan.

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

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

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

The site is entirely screened from public view, so the proposed use will not permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

Noise, dust, or illumination will not be a problem for nearby property.

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

The storage of vehicles leaking fluids may pollute the land and nearby Kansas River if not properly monitored and contained.

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

The proposed use will not damage an irreplaceable natural resource.

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

The relative gain to the public health, safety, and welfare is minimal. If this application is denied, the owner will have to find an alternative to expand their parking lot.

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

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

PREVIOUS ACTIONS

#SP-2015-31 Special Use Permit for 8501 Gibbs Road to operate an auto auction parking facility

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting March 19, 2018. A copy of the sign-in sheet, neighborhood meeting minutes and neighborhood meeting affidavit are attached to this report. According to the applicant, no one was in attendance.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2018-42, subject to:

Urban Planning and Land Use Comments:

1. The fence is very nice; thank you for improving the area!

Applicant Response: Thank you for the feedback.

2. Below are the stipulations from the previous Special Use Permit (#SP-2015-31):

- (1) Obtain a building permit from Building Inspection.
- (2) Planning staff will not issue a building permit until a LOMA-F is issued from FEMA.
- (3) The perimeter fence along the east and west property lines shall be solid and at 8' in height. The fence that faces Gibbs Road shall have masonry columns every 32' on center.
- (4) One (1) shade tree shall be planted every 40 feet on center along Gibbs Road.
- (5) The parking lot drive aisles shall be asphalt. The parking area or "pads" may be asphalt millings. Gravel is not a permitted surface.
- (6) Parking lot shall be striped in accordance with the Parking and Loading section of the City Code.

Please provide photos to show that applicant is in compliance with stipulations 5 and 6. Photo evidence of stipulations 3 and 4 were provided with the application packet.

Staff Note: See attached comment letter and photos.

Approval shall be for five (5) years to line up with the Special Use Permit SP-2013-30 for adjoining property. Applicant may then apply for renewal for both properties under one permit.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) Provide an O&M manual for stormwater BMP's that were installed in accordance with previous approved plans. Please submit the O&M manual to Public Works Department, Sarah White or Troy Shaw.
 - 2) Stormwater BMP's shall be maintained in accordance with the O&M manual or per any UG inspection requirements.
 - 3) The UG shall have access to inspect stormwater BMP's as needed.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2018-42 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 9, 2018 City Planning Commission Minutes
Zoning map
Site map
Neighborhood meeting sign-in sheet
Neighborhood meeting minutes
Neighborhood meeting affidavit
Applicant submitted photos

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 9, 2018	April 26, 2018
Special Use	Approval	

STAFF CONTACT: Kylie Wyatt
 kwyatt@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2018-42 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #SP-2018-42, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

APRIL 9, 2018 CITY PLANNING COMMISSION MINUTES:

SPECIAL USE PERMIT APPLICATION #SP-2018-42 – WIL ANDERSON WITH BHC RHODES - SYNOPSIS: Renewal of a Special Use Permit (#SP-2015-31 – expired 7/30/2017) for an auto auction parking facility at 8501 Gibbs Road. **Detailed Outline of Requested Action:** The applicant, Wil Anderson with BHC Rhodes on behalf of Greater Peoria Properties LLC wants to continue the operation of a parking lot for an auto auction business on 14.07 acres at 8501 Gibbs Road. This property is an extension of the business at the adjoining property to the south.

Planning Commissioner Connelly stated that he requested that this item be removed from the Consent Agenda due to the expiration date. Mr. Anderson stated that there was an issue with the email address of the applicant (non-existent) and Ms. Parker called him, and he contacted the applicant and started the process.

Present in Support:

- ❖ Wil Anderson, applicant, BHC Rhodes, 712 State Avenue, Kansas City, Kansas 66101

Present in Opposition:

- ❖ No one appeared

Staff Recommendation: Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote:

On motion by Mr. Connelly, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application #SP-2018-42:**

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

Motion to APPROVE Passed: 8 to 0
Subject to:

Urban Planning and Land Use Comments:

1. The fence is very nice; thank you for improving the area!

Applicant Response: Thank you for the feedback.

2. Below are the stipulations from the previous Special Use Permit (#SP-2015-31):

- (1) Obtain a building permit from Building Inspection.**
- (2) Planning staff will not issue a building permit until a LOMA-F is issued from FEMA.**
- (3) The perimeter fence along the east and west property lines shall be solid and at 8' in height. The fence that faces Gibbs Road shall have masonry columns every 32' on center.**
- (4) One (1) shade tree shall be planted every 40 feet on center along Gibbs Road.**
- (5) The parking lot drive aisles shall be asphalt. The parking area or "pads" may be asphalt millings. Gravel is not a permitted surface.**
- (6) Parking lot shall be striped in accordance with the Parking and Loading section of the City Code.**

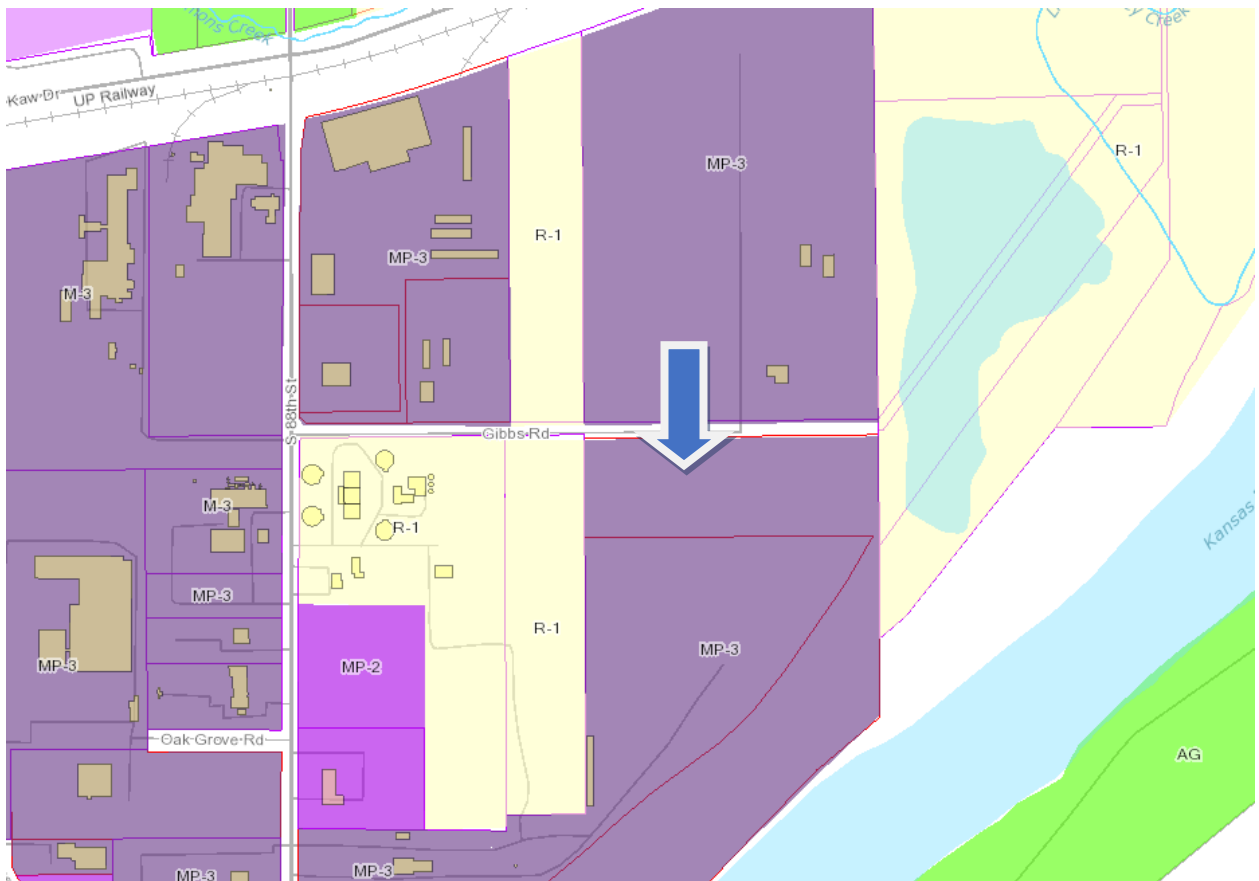
Please provide photos to show that applicant is in compliance with stipulations 5 and 6. Photo evidence of stipulations 3 and 4 were provided with the application packet.

Staff Note: See attached comment letter and photos.

Approval shall be for five (5) years to line up with the Special Use Permit SP-2013-30 for adjoining property. Applicant may then apply for renewal for both properties under one permit.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:**
 - 1) None**
- B) Items that are conditions of approval (stipulations):**
 - 1) Provide an O&M manual for stormwater BMP's that were installed in accordance with previous approved plans. Please submit the O&M manual to Public Works Department, Sarah White or Troy Shaw.**
 - 2) Stormwater BMP's shall be maintained in accordance with the O&M manual or per any UG inspection requirements.**
 - 3) The UG shall have access to inspect stormwater BMP's as needed.**
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:**
 - 1) None**



Zoning map



Site map

Application Number: #SP-2018-42
Meeting Date and Location: March 19, 2018
712 State Avenue, Kansas City, Kansas 66101

Meeting called to order at: 4:30pm as advertised.

Names of people in attendance: Apart from Myself, there were no attendees.

Owner's Representative in Attendance:
Matthew B. Schepmann – BHC RHODES

Minutes:

This meeting was set up to get community comments to the owner's application for #SP-2018-42. The neighborhood letter was sent out to 9 people or entities. This letter generated no response from the community either in person or from phone calls to this office.

Meeting adjourned at: 5:30pm

Minutes taken by: Matthew B. Schepmann

Neighborhood meeting minutes

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now MATTHEW B. SEIDEMANN, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP-2018-42.
2. That I conducted a neighborhood meeting on MARCH 19, 2018.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 20th day of March, 2018.

My commission expires 8th of March, 2020.


Notary Public

AMBER MACH
Notary Public-State of Kansas
My Appt. Expires 3/8/2020

Neighborhood meeting affidavit

March 20, 2018

Janet Parker

Reference: #SP-2018-42 Draft Staff Report – Received March 19, 2018 (Revised March 22, 2018)

General Notes:

Sign posted March 16, 2018 – Photos submitted to Janet Parker
Neighborhood meeting was held on Monday, March 19, 2018.

Urban Planning and Land Use Comments:

Item 1. Thank you for the feedback.

Item 2. Stipulations from previous Special Use Permit (#SP-2015-31)

- (1) No construction occurring on the site.
- (2) The LOMA-F has been obtained and will be attached separately to this email.
- (3) See Item 1. Photo evidence provided in application packet.
- (4) Photo evidence provided in application packet.
- (5) Photo evidence provided with this response.
- (6) Photo evidence provided with this response.

Item 3. We agree with this recommendation.

Public Works Comments (Revised March 22, 2018):

Section A.

Item 1. Inspection performed March 23, 2018. Comments from inspection provided by Les Hamilton are attached.

Item 2. Photos and comments by Les Hamilton are included in the attached response.

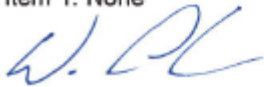
Item 3. No new construction to be performed on this site.

Section B.

Item 1. None.

Section C.

Item 1. None



Wil Anderson, L.S.
Vice President
Survey Services Group Leader

Applicant response to comments



Federal Emergency Management Agency

Washington, D.C. 20472

April 10, 2017

THE HONORABLE MARK HOLLAND
MAYOR, CITY OF KANSAS CITY
701 NORTH 7TH STREET
KANSAS CITY, KS 66101

CASE NO.: 17-07-0715A
COMMUNITY: CITY OF KANSAS CITY,
WYANDOTTE COUNTY, KANSAS
COMMUNITY NO.: 200363

DEAR MR. HOLLAND:

This is in reference to a request that the Federal Emergency Management Agency (FEMA) determine if the property described in the enclosed document is located within an identified Special Flood Hazard Area, the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), on the effective National Flood Insurance Program (NFIP) map. Using the information submitted and the effective NFIP map, our determination is shown on the attached Letter of Map Revision based on Fill (LOMR-F) Determination Document. This determination document provides additional information regarding the effective NFIP map, the legal description of the property and our determination.

Additional documents are enclosed which provide information regarding the subject property and LOMR-Fs. Please see the List of Enclosures below to determine which documents are enclosed. Other attachments specific to this request may be included as referenced in the Determination/Comment document. If you have any questions about this letter or any of the enclosures, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Sincerely,

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

LIST OF ENCLOSURES:

LOMR-F DETERMINATION DOCUMENT (REMOVAL)

cc: State/Commonwealth NFIP Coordinator
Community Map Repository
Region
Mr. Kevin Pinkowski

LOMR-F approval per stipulation two (2) from #SP-2015-31



Gibbs Road looking east



Gibbs Road looking west



Photo evidence of stipulations three (3) and four (4) from #SP-2015-31

Parking strips between vehicles (typical):



Asphalt lane and parking lot stripping between vehicles:



Photo evidence of stipulations five (5) and six (6) from #SP-2015-31

Asphalt lane and parking lot stripping between vehicles:



Asphalt lane at east end of parking lot:



Photo evidence of stipulations five (5) and six (6) from #SP-2015-31



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: April 26, 2018
Re: Petition #SP-2018-44

GENERAL INFORMATION

Applicant:
Elbert Travis Underwood

Status of Applicant:
Owner
4523 Adams Street
Kansas City, KS 66103

Requested Action:
Approval of a Special Use Permit

Date of Application:
February 23, 2018

Purpose:
To operate a Short-Term
Rental/Bed and Breakfast – this is
not the applicant's primary
residence

Property Location:
4523 Adams Street



Commission Districts:

Commissioner At-Large: Tom Burroughs

District Commissioner: Ann Brandau Murguia

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

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

South: R-1(B) Single Family District

East: R-1(B) Single Family District

West: R-1(B) Single Family District

Existing Uses: **North:** Single family homes

South: Single family homes

East: Single family homes

West: Single family homes

Total Tract Size: 0.16 acre

Master Plan Designation: The Rosedale Master Plan designates this property as Single Family.

Major Street Plan: The Major Street Plan classifies Adams Street as a local street.

Advertisement: The Wyandotte Echo – March 15, 2018
Letters to Property Owner – March 14, 2018 and April 17, 2018

Public Hearings: April 9, 2018 and April 26, 2018

Public Opposition: No one appeared in opposition at the April 9, 2018 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Elbert Travis Underwood is applying to use a single-family home, located at 4523 Adams Street as a short-term rental space, rented through sites such as AIRBNB and VRBO. This home is not the applicant's primary residence, as he lives in downtown Kansas City, Missouri.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is residential in nature, predominately single-family homes, although there are large parcels that are vacant, undeveloped and heavily wooded.

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

The zoning and uses of properties nearby is set out above. The proposed use might be compatible with the surrounding single-family houses if operated properly. Operating this property as a short-term rental has the potential to create issues related to noise, parking and other concerns related to overcrowding if improperly managed.

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

Removal of the restrictions may not detrimentally affect nearby property so long as the property owners properly manages the operation.

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

The property does not have a rental license since the applicant began hosting in September 2017.

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

Special use permits are not addressed in the Master Plan.

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

The proposed use will not increase vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

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

The proposed use provides convenient lodging for the public and will not likely substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

This is not foreseen to be an issue.

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

This is not foreseen to be an issue.

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

This is not foreseen to be an issue.

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

The relative gain or loss to the public health, safety, and welfare is likely to be minimal. If denied, the landowner would not be able to use the property as a short-term rental but may continue to use the property as a single-family residence.

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

This is foreseen to be an issue.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 26, 2018. According to the applicant, no one appeared at the meeting.

KEY ISSUES

Neighborhood Preservation
Quality of Life
Housing Availability
Economic Development
Safety
Regulatory Consistency

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2018-44, subject to:

Urban Planning and Land Use Comments:

- 1. How long has the short-term rental business been in operation?**

Applicant Response: The property has been used as a short-term rental since September 2017.

- 2. Were neighbors consulted prior to opening the business?**

Applicant Response: Yes, our immediate neighbors were informed of our intentions to convert the property into an AirBnB and had no issues.

- 3. Do you have a business license?**

Applicant Response: No, but I would open to getting one.

Staff Response: You are required to obtain a business license from the Business Licensing Department.

- 4. Have you paid appropriate lodging taxes?**

Applicant Response: Yes, AirBnB collects and remits lodging taxes on all stays.

- 5. How many rooms are rented?**

Applicant Response: The entire house is rented in whole. The house consists of two bedrooms, one bathroom, kitchen, and living room.

- 6. What is the maximum number of people that will be staying at any one time?**

Applicant Response: Four (4) adults.

- 7. What is the maximum number of vehicles and where will they park?**

Applicant Response: Two (2) vehicles can park in the driveway.

- 8. How often are guests in the residence?**

Applicant Response: Guests are in the residence as often as possible. Since beginning operation, occupancy has been around 80 percent.

- 9. Do you have a rental license from the Unified Government for the facility?**

Applicant Response: No, that department said only year long rentals required a rental license when I inquired last summer. I would be open to getting one.

Staff Response: You must obtain a rental license from the Rental Licensing Department if guests stay longer than thirty (30) days.

- 10. Describe in detail the area(s) rented for Airbnb/other rental operations. Include bedrooms, bathrooms common areas etc.**

Applicant Response: The entire house is rented. One bedroom contains a queen bed, the second bedroom contains one full-size bed and one twin bed. The kitchen provides basic appliances (stove, fridge, table and chairs) and the living room contains basic furniture (chairs, sofa, television).

11. As this is not your primary residence, where are you located?

Applicant Response: My permanent residence is in downtown Kansas City, MO.

12. How often do you visit the property?

Applicant Response: I visit the property at the conclusion of every stay to clean and prepare for the next guest.

13. Who is responsible for issues that may arise when tenants are renting the house, if neighbors have concerns, or to clean and prepare the house between tenants?

Applicant Response: Myself.

14. Have you provided your surrounding neighbors with your contact information should they have concerns?

Applicant Response: Yes.

15. Please provide a floor plan of the home.

Applicant Response: See attached.

16. Per Business Licensing: If approved, the applicant will need to file the occupation tax application with our office for the business activity.

Applicant Response: I would be open to this.

Staff Response: As stated previously, you are required to obtain a business license from Business Licensing Department.

Public Works Comments:

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

1) None

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

1) None

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

1) None

If approved, the following will be 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 four (4) adults (not including an infant/child).
- 4) Only two (guest) cars are permitted.
- 5) House rules must include provisions indicating no parties or events to be held on site.
- 6) Approval is for one (1) year.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2018-44 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 9, 2018 City Planning Commission Minutes
Zoning Map
Aerial Photograph
Applicant Response Letter
Neighborhood Meeting Minutes
Applicant Letter
Floor Plan
Photographs provided by the applicant

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 9, 2018	April 26, 2018
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2018-44** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2018-44**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

April 9, 2018 City Planning Commission Minutes:

Hearing Starts at 3:10:40:

SPECIAL USE PERMIT APPLICATION #SP-2018-44 – ELBERT TRAVIS

UNDERWOOD – SYNOPSIS: Special Use Permit for an AIRBNB at 4523 Adams Street. **Detailed Outline of Requested Action:** The applicant, Elbert Travis

Underwood is applying to use a single-family home, located at 4523 Adams Street as a short-term rental space, rented through sites such as AIRBNB and VRBO. This home is not the applicant's primary residence, as he lives in downtown Kansas City, Missouri.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 9, 2018;

5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated March 15, 2018; and
7. The Notices to property owners dated March 14, 2018.

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

Present in Support:

- ❖ Travis Underwood. Applicant, 560 Gilles Street, Kansas City, Missouri

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts at 3:14:30: Director Richardson stated that two years is a maximum and it is unfortunate that there has been a misunderstanding. The special use permit is not guaranteed; it could be denied, and they would receive zero time. Given the fact that several other AIRBNBs have been approved for one (1) year that lived close but did not live in the house (or next door) the staff recommends that this application be approved for one (1) year with the stipulations.

Motion and Vote starts at 3:16:58:

On motion by Ms. Jones, seconded by Mr. Reasons, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2018-44:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Urban Planning and Land Use Comments:

1. How long has the short-term rental business been in operation?

Applicant Response: The property has been used as a short-term rental since September 2017.

2. Were neighbors consulted prior to opening the business?

Applicant Response: Yes, our immediate neighbors were informed of our intentions to convert the property into an AirBnB and had no issues.

3. Do you have a business license?

Applicant Response: No, but I would open to getting one.

Staff Response: You are required to obtain a business license from the Business Licensing Department.

4. Have you paid appropriate lodging taxes?

Applicant Response: Yes, AirBnB collects and remits lodging taxes on all stays.

5. How many rooms are rented?

Applicant Response: The entire house is rented in whole. The house consists of two bedrooms, one bathroom, kitchen, and living room.

6. What is the maximum number of people that will be staying at any one time?

Applicant Response: Four (4) adults.

7. What is the maximum number of vehicles and where will they park?

Applicant Response: Two (2) vehicles can park in the driveway.

8. How often are guests in the residence?

Applicant Response: Guests are in the residence as often as possible. Since beginning operation, occupancy has been around 80 percent.

9. Do you have a rental license from the Unified Government for the facility?

Applicant Response: No, that department said only year long rentals required a rental license when I inquired last summer. I would be open to getting one.

Staff Response: You must obtain a rental license from the Rental Licensing Department if guests stay longer than thirty (30) days.

10. Describe in detail the area(s) rented for Airbnb/other rental operations. Include bedrooms, bathrooms common areas etc.

Applicant Response: The entire house is rented. One bedroom contains a queen bed, the second bedroom contains one full-size bed and one twin

bed. The kitchen provides basic appliances (stove, fridge, table and chairs) and the living room contains basic furniture (chairs, sofa, television).

11. As this is not your primary residence, where are you located?

Applicant Response: My permanent residence is in downtown Kansas City, MO.

12. How often do you visit the property?

Applicant Response: I visit the property at the conclusion of every stay to clean and prepare for the next guest.

13. Who is responsible for issues that may arise when tenants are renting the house, if neighbors have concerns, or to clean and prepare the house between tenants?

Applicant Response: Myself.

14. Have you provided your surrounding neighbors with your contact information should they have concerns?

Applicant Response: Yes.

15. Please provide a floor plan of the home.

Applicant Response: See attached.

16. Per Business Licensing: If approved, the applicant will need to file the occupation tax application with our office for the business activity.

Applicant Response: I would be open to this.

Staff Response: As stated previously, you are required to obtain a business license from Business Licensing Department.

Public Works Comments:

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

1) None

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

1) None

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

1) None

If approved, the following will be 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 four (4) adults (not including an infant/child).
 - 4) Only two (guest) cars are permitted.
 - 5) House rules must include provisions indicating no parties or events to be held on site.
 - 6) Approval is for one (1) year.



Figure 1. Zoning Map of 4523 Adams Street as indicated by the green dot (provided by ArcView GIS).



Figure 2. Aerial photograph of 4523 Adams Street, as indicated by the green dot (provided by ArcView GIS).

Response to Draft Comments

1. The property has been used as a short-term rental since September 2017.
2. Yes, our immediate neighbors were informed of our intentions to convert the property into an Airbnb and had no issues.
3. No, but I would be open to getting one.
4. Yes, Airbnb collects and remits lodging taxes on all stays.
5. The entire house is rented in whole. The house consists of 2 bedrooms, 1 bathroom, kitchen, and living room.
6. 4 adults
7. 2 vehicles which park in the driveway
8. Guests are in the residence as often as possible. Since beginning operation occupancy has been around 80%.
9. No, that department said only year long rentals required a rental license when I inquire last summer. I would be open to getting one.
10. The entire house is rented. One bedroom contains a queen bed, the second bedroom contains one full sized and one twin bed. The kitchen provides basic appliances (stove, fridge, table and chairs) and the living room contains basic furniture (chairs, sofa, tv).
11. My permanent residence is in downtown Kansas City, MO.
12. I visit the property at the conclusion of every stay to clean and prepare for the next guest.
13. Myself
14. Yes.
15. Attached
16. I would be open to this.

Neighborhood Meeting MINUTES:

Application Number _____ SP – 2018-44 _____

Date and Location: _____ 3.26.18, The Roasterie Café, 2250 W 47th Place,
Westwood, KS 66205 _____

Meeting called to order at: _____ 6:30pm _____

Names of people in attendance: Travis Underwood and Katherine Wenger

Introductions:

The hosts (Travis Underwood and Katherine Wenger) called the meeting to order at 6:30pm. No one was in attendance. 30 minutes went by and the meeting was adjourned at 7:00pm

Meeting adjourned at: 7:00 pm

Minutes taken by: _____ Travis Underwood _____

4523 Adams St – Statement of Use

I appreciate the consideration of the city to issue a special use permit for the continued operation of my Airbnb. As a younger member of society, I work a full-time job in addition to running my Airbnb on the side. The additional revenue from the operation of my Airbnb has allowed me opportunities I would not have otherwise had, including but not limited to reducing my student loans at a higher rate. Through Airbnb I have met and interacted with many wonderful guests who have come through my house. Some of these guests were:

- A recent college graduate completing a 2-month management trainee program with a local industrial company
- Families visiting relatives and friends during the holidays
- A couple who returned home to Kansas City so they could get married surrounded by their friends and family
- Guests visiting KU Med for medical services
- Families moving to Kansas City but needing short-term housing while they were waiting to move in or find their own long-term place to live
- A group of students attending an event at the convention center

I list my house at \$52 per night which provides families with reasonably priced accommodations. Instead of a hotel they can have a bed for each member of the family, a kitchen to prepare meals, a yard to expel some energy, and safe off-street parking. My listing caters to guests who may otherwise not visit our neighborhood and provides an economic boost for the community. Almost everyone who comes to stay at my Airbnb visits a restaurant down the street (Joes, Taco Republic, Lulu's etc.) or visits local shops to spend their tourism dollars. Also, Airbnb collects tourism taxes from all guests which benefits the city and county with an increased revenue base.

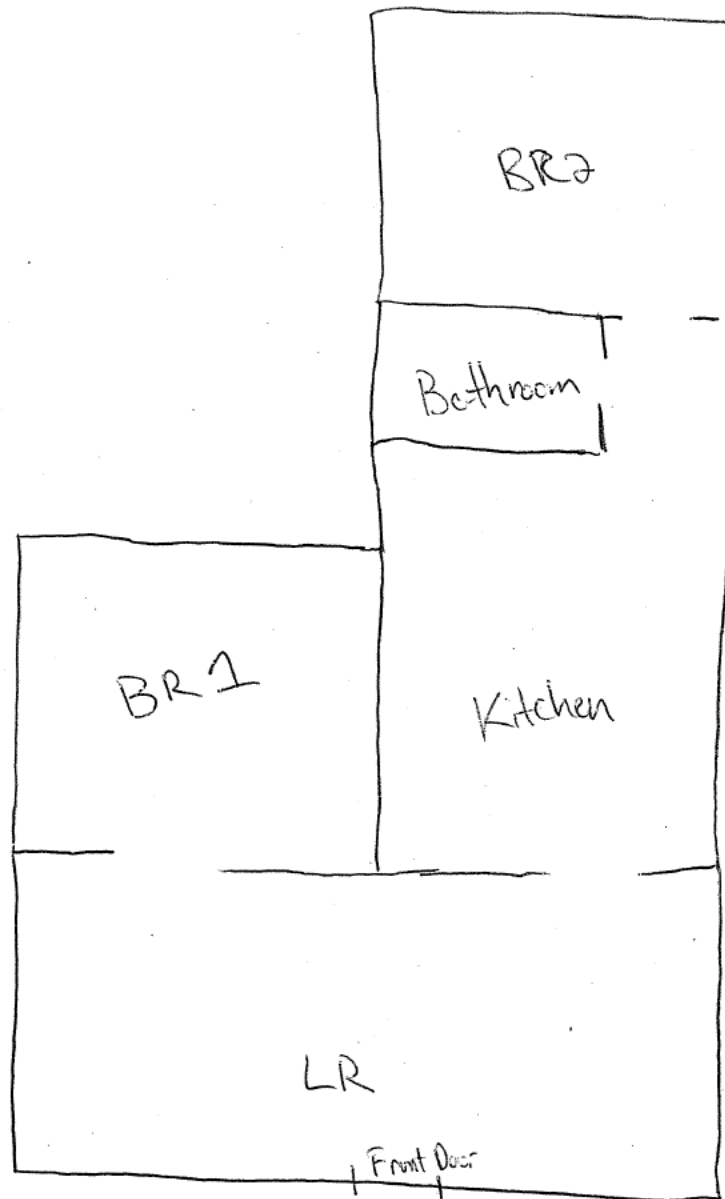
I am an Airbnb "Super Host" who maintains a 5-star rating. Hosts are rated by their guests on a variety of criteria including communication, cleanliness, location, overall experience and more. This provides added incentive to continually provide property upkeep and upgrade the space to keep guests happy and booking. This in turn increases the property's value while at the same time increasing the neighborhood's value. There are plenty of long term rentals in my neighborhood with lawns that don't get cut regularly, the house has become dilapidated but no one cares to fix it because they have a steady monthly paycheck coming regardless. The complete opposite is true with short term rentals.

Once again, thank you for your consideration and I look forward to working with you throughout this process.

Regards,

Elbert Travis Underwood

4523 Adams St













Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners

From: City Staff

Date: April 26, 2018

Re: **Petition #SP-2018-45**

GENERAL INFORMATION

Applicant:
Ryan Denk

Status of Applicant:
Representative
McAnany Van Cleave &
Phillips, P.A.
10 E. Cambridge Circle
Drive, Suite 300
Kansas City, KS, 66103

Requested Action:
Approval of a special use permit

Date of Application:
February 23, 2018

Purpose:
To continue tractor trailer truck parking at the American Motel

Property Location:
7949 Splitlog Avenue



Existing Zoning: CP-1 Planned Limited Business District and R-1 Single Family District

Existing Surrounding Zoning: **North:** Interstate Highway I-70
South: R-1 Single Family District
East: CP-1 Planned Limited Business District and R-1 Single Family District
West: R-1 Single Family District

Existing Uses: **North:** I-70 Highway
South: Vacant land and Church
East: Vacant property
West: Single Family Homes

Total Tract Size: 6.67 acres

Master Plan Designation: The City-Wide Master Plan designates this property as Community Commercial District

Major Street Plan: The City-Wide Master Plan designates Splitlog Avenue as a local street.

Advertisement: The Wyandotte Echo – March 14, 2018
Letters to Property Owner – March 15, 2018 and April 17, 2018

Public Hearings: April 9, 2018 and April 26, 2018

Public Opposition: One neighbor appeared at the April 9, 2018 City Planning Commission meeting relating her concerns/issue with the fence.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Ryan Denk, has applied for a special use permit to continue to park tractor trailer trucks at the American Motel. The proposed use includes 7 truck trailer parking spaces in the south east corner of the parking lot.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This property is just south of the I-70 interstate highway and adjacent to a single-family neighborhood.

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

The parking of tractor trailers and the intensity of the commercial use is not compatible with the single-family houses to the west unless appropriate screening is put in place.

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

Removal of the restrictions would detrimentally affect nearby property unless appropriate screening is put in place.

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

The property is not vacant.

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

Industrial uses, such as parking of tractor trailer trucks is discouraged in the community commercial land use district in the City-Wide Master Plan.

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

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

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

The proposed use could substantially injure the appropriate use, visual quality, and marketability of adjoining property if not appropriately screened.

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

The movement of tractor trailer trucks late at night could create problems associated with noise and light for nearby single-family residences.

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

This is not foreseen to be an issue.

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

This is not foreseen to be an issue.

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

The relative gain to the public, health, safety and welfare is negligible for the proposed use, however, it would be a hardship on the individual landowner to prevent tractor trailer trucks from parking on the site. A substantial proportion of customers to this business are in the trucking industry.

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

This is not foreseen to be an issue

PREVIOUS ACTIONS

The Board of Zoning Appeals approved variance #1428 for the American Motel sign.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 20, 2018. The meeting minutes are attached to this report.

KEY ISSUES

Screening

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit #SP-2018-45, subject to **the 8' fence recommended by staff be erected on the west side of the property and all truck parking and access is located in the southeast corner of the property (where it was originally designated) and approval is for 2 years:**

STAFF COMMENTS AND SUGGESTIONS

The staff does not concur with the recommendation of the City Planning Commission for the reasons outlined in the April 9, 2018 minutes.

A question arose at the meeting concerning the possibility of a homeless community on the property/in the area. Here is the response the staff received from the Police Department:

----- Original message -----

From: "Hill, Katie" <khill@kckpd.org>

Date: 4/10/18 3:02 PM (GMT-06:00)

To: "Richardson, Rob" <RRichardson@wycokck.org>

Subject: Homeless Camp

Rob,

My officers along with a Sgt. went out today and were not able to located a homeless camp. They spoke to some workers who were installing a fence and they advised they checked the area and found some trash which was cleaned but no signs of a homeless camp. We will continue to monitor the area.

R/ Captain Yarsulik

If the Board of Commissioners are inclined to approve this application the staff would recommend approval with the Planning Commission's stipulations.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommend **DENIAL** of Petition #SP-2018-45 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 9, 2018 City Planning Commission Minutes
Site Plan
Narrative of Business Plan

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 9, 2018	April 26, 2018
Special Use	Denial	

STAFF CONTACT: Zach Flanders
zflanders@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition #SP-2018-45 as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2018-45 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to

resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

April 9, 2018 City Planning Commission Minutes:

Hearing Starts at 3:17:50:

SPECIAL USE PERMIT APPLICATION #SP-2018-45 – RYAN DENK WITH MCANANY VAN CLEAVE AND PHILLIPS P.A. – SYNOPSIS: Special Use Permit for the continuation of tractor trailer truck parking at the American Motel at 7949 Splitlog Avenue. **Detailed Outline of Requested Action:** The applicant, Ryan Denk, has applied for a special use permit to continue to park tractor trailer trucks at the American Motel. The proposed use includes 7 truck trailer parking spaces in the south east corner of the parking lot.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 9, 2018;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated March 15, 2018; and
7. The Notices to property owners dated March 14, 2018.

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

Present in Support:

- ❖ Ryan Denk, McAnany Van Cleave and Phillips, applicant representing American Motel, 10 East Cambridge Circle Drive, Kansas City, Kansas
- ❖ Victor Webb, Security Manager, 11022 Whispering, Kansas City, Kansas (retired from KCK Police Department)
- ❖ Ron White, Vice President of American Motel, 4408 Northwest Courtney Drive, Kansas City, Missouri

Present in Opposition:

- ❖ Gina Martin, 319 North 80th Terrace, Kansas City, Kansas 66112

Staff Recommendation starts at 4:04:40: Director Richardson stated that his concern with this application is the operator. When they came in to meet with him they said to

approve this permit, or they were going to sell it to a crappy extended stay operator and it would be worse than what is there now and that is how the meeting started. He can code enforce the fence and make them build a new fence regardless of what the Planning Commission does. If the Commission thinks that the landscaping is enough on the south side, the fence does not have to be there. He did not realize that there were so many Evergreen trees which makes it hard to see through. The trucks are supposed to be in the designated truck area (and he showed the Commission the location on the overhead map) and he has driven by there several times and the trucks were parked on the west side of the property. When he drove by on Saturday there was a truck parked completely on the grass. For an operator that is asking for a special use permit for truck parking, it does not seem that the applicant was paying much attention to this and that is very concerning to him. The staff recommends denial of the truck parking; if the Commission does recommend approval he would recommend that it be approved with the fence per the staff comments and make sure that the trucks stay on the east side of the property (in the designated area.) The zoning on the property is C-1 and the heavy trucks are not allowed so they need a special use permit for the truck parking. There is no need for the fence on the south nor on the east between the commercial properties.

Planning Commissioner Pauley stated that the question arose about homeless people staying on a portion of the property. Director Richardson stated that if there is a homeless community there and it is part of their property, it needs to be fenced. Director Richardson stated that staff will ask Community Policing to go out to the site tomorrow.

Planning Commissioner Connelly asked if there should be signage directing the truck drivers where they should park. Director Richardson stated that would be up to the owner.

Vice Chairman Carson asked the representative of the hotel to address the comment that he made when he met with Director Richardson concerning selling the property to a crappy hotel. Mr. White addressed/confirmed/clarified his comment made to Director Richardson.

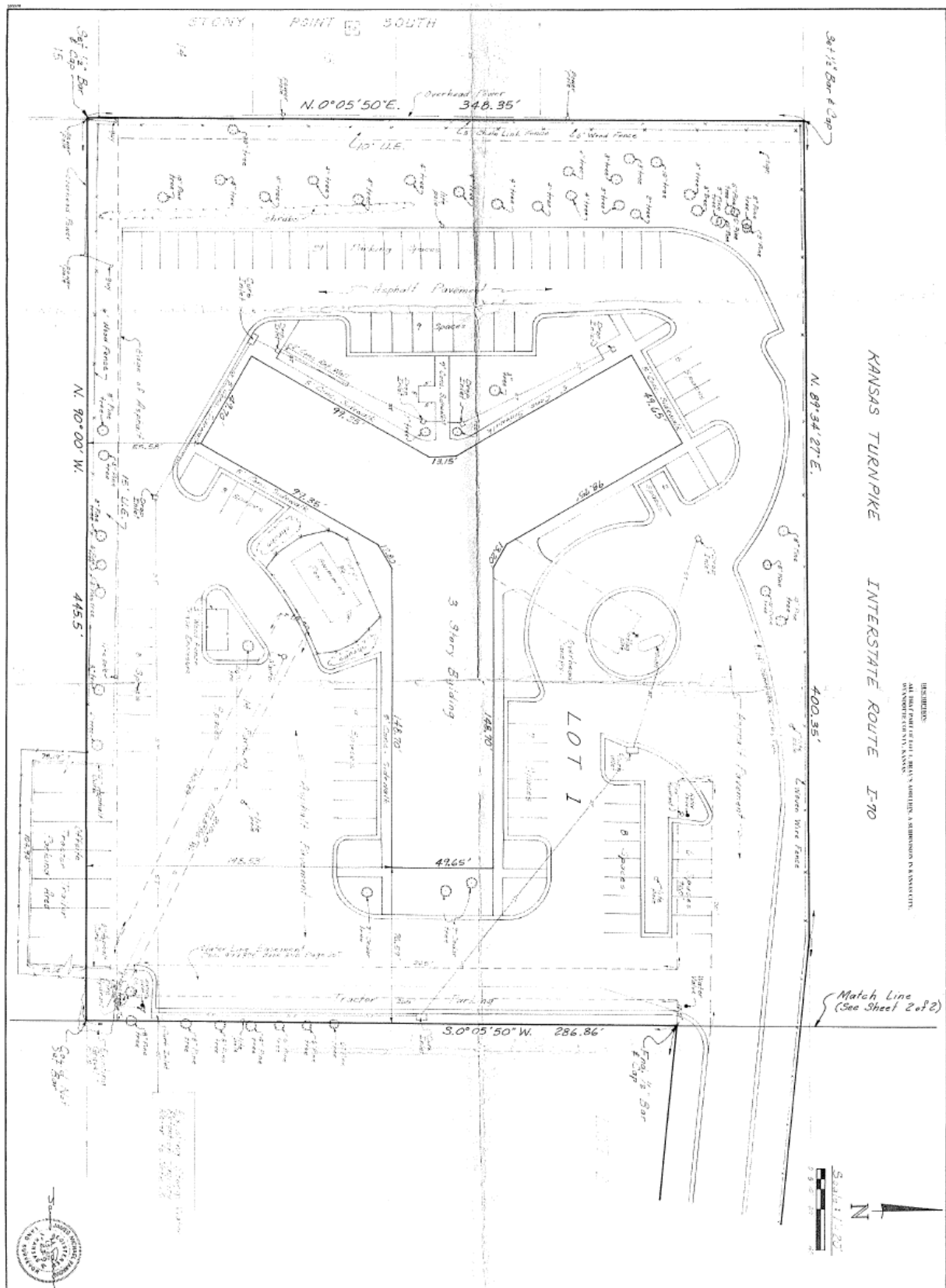
Motion and Vote starts at 4:13:57:

On motion by Mr. Carson, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2018-45 subject to the 8' fence recommended by staff be erected on the west side of the property and all truck parking and access is located in the southeast corner of the property (where it was originally designated) and approval is for 2 years:**

Carson	Aye
Childress	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Pauley	Aye
Reasons	Aye

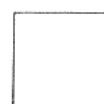
Huey	Chairman
Mose	Not Present
Serda	Not Present

Motion to recommend APPROVAL Passed: 8 to 0



1 of 2

ALTA/ACSM LAND TITLE SURVEY
 FOR: ALI PROPERTIES, INC.
 ATTN: DON WHITE
 P.O. BOX 1845
 3737 ELIZABETH
 INDEPENDENCE, MISSOURI 64055



HANDS • FALLOW • WEISKIRCH
ENGINEERS
 200 1/2 NORTH LIBERTY
 INDEPENDENCE, MISSOURI 64050
 (816) 254-5000

Truck Parking Permit

In over 30 years of doing national and local business in heart of Midwest, American Motel, as a family run local business, has had the extreme pleasure and honor of contributing and servicing hundreds upon thousands of customers. American Motel has always maintained the utmost respect and civility to its neighbors and customers alike in the pursuit of excellence in everything we say and do. This is no exception to our Kansas location at 7949 Splitlog Avenue, Kansas City, KS, 66112.

In the greater Kansas City, Kansas area, we appeal to the budget conscious, construction and railroad crews, family based middle income, family leisure, work oriented, and a limited amount of extended stay business. We have 155 rooms that have the ability to be occupied per day at a going rate averaging approximately \$55 plus tax per day. In our business, a combination of fluid occupancy and commercial stays are ideal for creating solid business for the community as a whole. Through rough estimation, we have around 30% commercial trucking business, 30% construction crews and extended stay, 20% family business and 20% miscellaneous or local trade. This is type of clientele that balance each other out by complimenting the personality traits of each individual which, in turn, creates a peaceful, law abiding and resolute customer. For a hotel business that is geared towards budget opportunities and limited service, we strive for this type of balance in all of our business.

Currently, approximately 30% of our revenues are derived from the trucking industry. This business is considered the best possible market group for our product. Further, over-the-road drivers are the most peaceful of all guests. They typically check in during the morning or early evening hours and check-out accordingly approximately eight hours later. The majority of our drivers arrive via our courtesy shuttle we provide. We currently do business with Holland Transport, Estes, Swift, Martin Transport, Knight Transportation, and other smaller companies. Of the 35 rooms per day occupied by over-the-road drivers, only 8 – 12 need to park their truck on the lot. Of those, nearly all of them are only the cabs and park easily in a regular parking spot. In order to maintain these accounts, the facility must have truck parking available when it is deemed necessary. Fortunately, it is only needed to accommodate approximately 1/3 of the total drivers with a parking spot as the majority of the business is shuttled by the American Motel's courtesy shuttle. This commercial business accounts for approximately \$1400 per day and thereby represents approximately \$500,000 in revenues for the property per year. This portion of the revenue contributes approximately \$75,000 toward state and local taxes captured

at the point of sale and enjoyed by the community as a whole. This revenue also helps contribute toward the property taxes suffered by the property at the rate of \$102,000 per year.

Perhaps most noteworthy is the fact that our facility is well-placed and designed for the easy access of over-the-road drivers. Guests of the hotel approach the property from the intersection of I-70 and 78th Street by traveling west on Splitlog Avenue off of 78th Street. It should be pointed out that the majority of Splitlog is maintained by American Motel. Splitlog Avenue is an outer road that dead ends at our property. Once a truck would pass the filling station on the northwest corner of Splitlog and 78th Street, the remaining ground along Splitlog is owned and maintained by the American Motel. Once the trucks reach our hotel, they simply make an easy left turn and travel around the east side of our facility and reach the designated truck parking area. The motel owns all the ground that backs up to the truck parking area as well as the ground on the east side of the parking area. Additionally, the majority of the trucks that use our parking are bobtailing and thereby only the cabs are present when they park for an overnight stay. The code states: "No use is permitted that involves the parking, keeping, storage or continued presence of trucks of over 18,000 lbs. GVWR, semi-trailer rigs, contractors equipment or large scale items or materials." Estes Transport is the company that owns the cabs that use our property. We contacted their maintenance department to determine the weight of their cabs. The majority of the cabs are 12,000 lbs., with an occasional two axel vehicle that would weigh 15,000 lbs. Either of these vehicles is under the weight limit requirements.

MINUTES OF NEIGHBORHOOD MEETING
CONCERNING PETITION #SP-18402-00026

Minutes relating to SUP 7949 Splitlog Avenue, Kansas City, Kansas 66112.

On March 20, 2018 a neighborhood meeting was held at the Kane Community Center, 3130 N. 122nd Street, Kansas City, Kansas 66112. Ten neighbors attended in addition to representatives from the American Motel and legal counsel Ryan Denk. A copy of the attendees is identified on the sign-in sheet. All of the neighbors who were in attendance resided in the neighborhood immediately to the west of the property and most of them had backyards which backed up to the western property line of the Motel. The basis of the special use permit application was explained to the attendees. Specifically, it was explained that when the Motel was originally opened it was determined by the then planning staff that a special use permit was required for tractor trailer parking. At that time, seven tractor trailer stalls were installed along the south property line. The original special use permit was for a limited duration and accordingly expired. The Motel therefore had filed an application for renewal of the special use permit to allow for the tractor trailer parking. The need for the tractor trailer parking to support the Motel's business model was explained. Specifically, it was explained that American Motel worked with the big trucking companies including Estes, Holland and Swift and had ongoing contracts with them. When asked whether the neighbors had any concerns regarding the tractor trailers being parked at the site, the neighbors did not express any concerns relative to parking of the tractor trailers in the designated tractor trailer parking spaces. The only concerns expressed relative to tractor trailers is when tractors without the trailers are parked along the western property line in the winter. During the cold winter months it was expressed that the drivers would go out earlier in the morning and start their tractors to warm up their engines and the cab. It was expressed that the neighbors would like to see this activity occur somewhere else other than along the western property line. The Motel indicated that it believes that the reason that the drivers park along the west property line is so that the drivers, which the Motel typically puts in the quieter and nicer rooms facing the western property line, like to be able to keep an eye on their trucks from their motel rooms. The neighbors then expressed that they would also like to see a new fence along the western property line. The neighbors expressed concerns regarding what they believed to be illegal activities occurring either at the motel or at the nearby convenience store and having individuals associated with such activities enter their property through this western property line. Representatives of the Motel indicated that they were agreeable to construction of a new fence along this western property line. There was discussion relating to the type of fence that would be constructed along this western property line. One neighbor requested that metal sheeting be constructed as a barrier. It was expressed by representatives of the Motel that they did not believe that metal sheeting was a permissible element of fencing permitted by the City. Ultimately, the Motel offered to have plans drawn up for construction of the fence and to visit with the neighbors adjacent to the western property line to ensure that the fence was satisfactory to them. A representative of a property owner, Doug Spangler, who was in attendance at the meeting also suggested that the original landscape plan for the western property line should be revisited to see whether additional plantings consistent with the original plan should be considered. Representatives of the Motel indicated that they would look into it. Representatives of the Motel shared staff's suggested stipulation that fencing be constructed around the specific

tractor trailer parking. The neighbors expressed that their primary concern was fencing along the western property line. The neighborhood meeting took approximately 1 ½ hours commencing at 5:30 p.m. and concluded at approximately 7:00 p.m.

Minutes prepared by:

Ryan B. Denk



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: April 26, 2018
Re: Vacation Petition #R/W-2018-2

GENERAL INFORMATION

Applicant:
Wil Anderson

Status of Applicant:
Representative
BHC Rhodes
712 State Avenue
Kansas City, KS 66101

Requested Action:
Approval of Vacation Right-of-Way

Date of Application:
February 23, 2018

Purpose:
To vacate right-of-way to close
access on Bethany Street to build three (3) BPU buildings

Property Location:
342 South Bethany Street



Commission Districts:

Commissioner At-Large: Tom Burroughs

District Commissioner: Brian McKiernan

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

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

South: None (Interstate 70)

East: R-1(B) Single Family District

West: R-1(B) Single Family District

Existing Uses: **North:** Single family homes

South: Interstate 70

East: Single family homes

West: Undeveloped land

Neighborhood Characteristics: The character of the neighborhood is dominated by the Board of Public Utilities buildings and facilities. Their compound is bordered by single family homes to the north and Interstate 70 to the south.

Total Tract Size: .54 acre

Master Plan Designation: The City-Wide Master Plan designates this property as Public/Semi-Public.

Major Street Plan: The Major Street Plan classifies Bethany Street as a local street.

Advertisement: Wyandotte Echo – March 15, 2018

Letters to Property Owners – March 14, 2018 and April 17, 2018

Public Hearings: April 9, 2018 and April 26, 2018

Public Opposition: No one appeared in opposition at the April 9, 2018 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Wil Anderson with BHC Rhodes on behalf of the operator, Board of Public Utilities has submitted an application to vacate a portion of South Bethany Street in order to build a guard house, establishing a control checkpoint for the BPU facility for three (3) buildings that have building permits to construct; a guard house for site access, a hydrant building to repair and maintain fire hydrants and a pipe supply building to protect PVC pipes from solar degradation.

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

FACTORS TO BE CONSIDERED

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

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

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

- a. ***Water service***

Available

- b. ***Sanitary sewer service***

Available

- c. ***Storm water control***

To be designed to meet City Code

- d. ***Police***

Police service provided by the East Patrol, District #114

- e. ***Fire***

Fire service provided by Station #9

- f. ***Transit***

Kansas City ARA does not provide transit service near this property.

- g. ***Schools***

Kansas City, Kansas USD 500

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

Streets are designed to provide a safe, convenient and functional system for vehicular traffic and having such width, gradient, location and structural

quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

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

Buildings and lots are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

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

This is not applicable.

6. ***Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.***

This is not applicable.

7. ***Vacation will not create utility conflicts.***

The vacation will not create any utility conflicts.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Right-Of-Way Vacation Application #R/W-2018-2, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 rezoning ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Board of Commissioners meeting.

Applicant Response: A check for \$50 for the publication of the ordinance will be provided following the Board of Commissioners meeting.

2. Speakers are not permitted to be installed on the guard house.

Applicant Response: Architect has confirmed there will be no speakers.

3. Any lights that will be installed on the guard house shall have 90 cutoff fixtures and shall not exceed one (1) footcandle at the property line.

Applicant Response: Architect has indicated that the lights are mounted in the soffit and therefore a 90-degree cut-off.

Public Works Comments:

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

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Vacation Petition #R/W-2018-2 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 9, 2018 City Planning Commission Minutes
Vacation Exhibit
Topographical Survey

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 9, 2018	April 26, 2018
Vacation	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **#R/W-2018-2** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **#R/W-2018-2**, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

April 9, 2018 City Planning Commission Minutes:

Hearing starts at 4:15:05:

RIGHT OF WAY VACATION APPLICATION #R/W-2018-2 – WIL ANDERSON WITH BHC RHODES – SYNOPSIS: Vacation of right-of-way at 342 South Bethany Street.

Detailed Outline of Requested Action: The applicant, Wil Anderson with BHC Rhodes on behalf of the operator, Board of Public Utilities has submitted an application to vacate a portion of South Bethany Street in order to build a guard house, establishing a control checkpoint for the BPU facility for three (3) buildings that have building permits to construct; a guard house for site access, a hydrant building to repair and maintain fire hydrants and a pipe supply building to protect PVC pipes from solar degradation.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;

4. The staff report and attachments dated April 9, 2018;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publication in The Echo dated March 15, 2018; and,
7. The Notices to property owners dated March 14, 2018.

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

Present in Support:

- ❖ Wil Anderson, BHC Rhodes, applicant, 712 State Avenue, Kansas City, Kansas 66101

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts at 4:18: Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote starts at 4:18:15:

On motion by Ms. Pauley, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Right-Of-Way Application #R/W-2018-2:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 rezoning ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Board of Commissioners meeting.

Applicant Response: A check for \$50 for the publication of the ordinance will be provided following the Board of Commissioners meeting.

2. Speakers are not permitted to be installed on the guard house.

Applicant Response: Architect has confirmed there will be no speakers.

- 3. Any lights that will be installed on the guard house shall have 90 cutoff fixtures and shall not exceed one (1) footcandle at the property line.**

Applicant Response: Architect has indicated that the lights are mounted in the soffit and therefore a 90-degree cut-off.

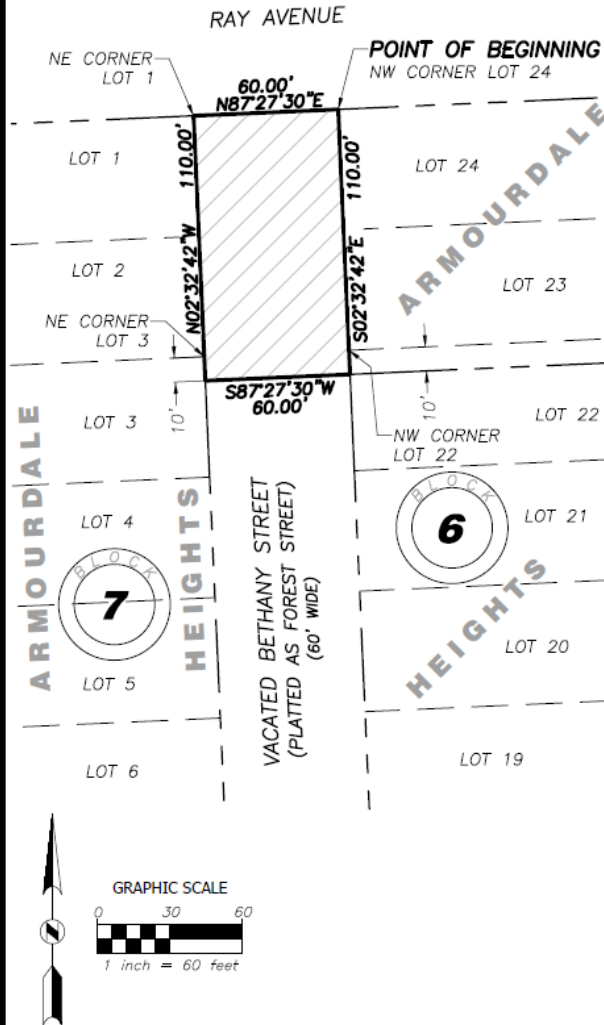
Public Works Comments:

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



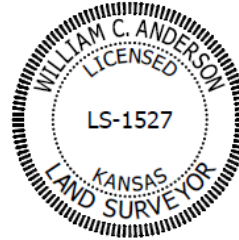
Figure 1. Aerial photograph of the proposed right-of-way vacation at 342 South Bethany Street (provided by the applicant).

EXHIBIT
RIGHT-OF-WAY VACATION
MAP
(SEE SHEET 2 FOR DESCRIPTION)



CERTIFICATION:

This is to certify that the exhibit shown hereon was made by me, or under my direct supervision, this 21st day of February, 2018, that the results are correctly shown and said survey meets or exceeds current Kansas Minimum Standards for a plat or Certificate of Survey, to the best of my knowledge and belief.



William C. Anderson L.S. No. 1527

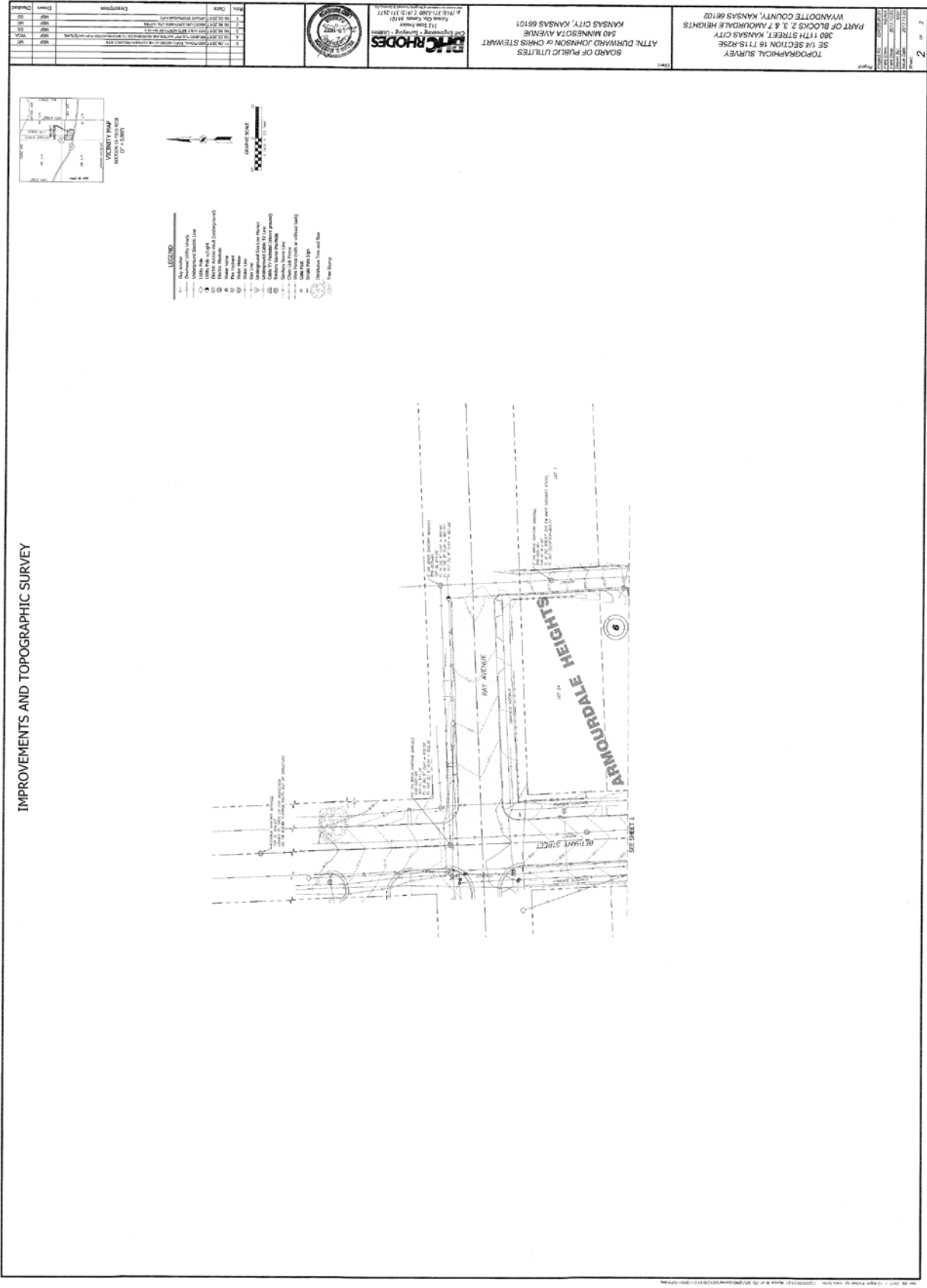
APPROVED BY:

Brent E. Thompson, KS P.L.S. 1277
Wyandotte County Surveyor

Sheet:	BAS	Project:	Client:
1	024220	RIGHT-OF-WAY VACATION	BOARD OF PUBLIC UTILITIES
OF	Project No: 024220	342 SOUTH BETHANY	ATTN: DURWARD JOHNSON
2	Field Date: 2017.08.21	SE 1/4 SEC. 16 T11S-R25E	ATTN: CHRIS STEWART
	Issue Date: 2018.02.21	WYANDOTTE COUNTY	540 MINNESOTA AVENUE
		KANSAS CITY, KS 66102	KANSAS CITY, KS 66101

BHCRHODES
Civil Engineering • Surveying • Utilities
712 State Avenue Kansas City, KS 66101
p. (913) 371-5300 f. (913) 371-2677
BHC-RHODES is a trademark of Brungardt Honanich & Company, P.A.





(First published _____)

#3158

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 9410, 9340 and 9304 Hurrelbrink in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District and A-G Agriculture District to R-1 Single Family District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on January 26, 2018, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to A-G Agriculture District and A-G Agriculture District to R-1 Single Family District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

A tract of land in the Northeast Quarter of Section 25, Township 10 South, Range 23 East of the 6th P.M., City of Kansas City, County of Wyandotte, State of Kansas, described as follows:

Beginning at the Northwest corner of said Northeast Quarter of said Section 25, thence N 87°53'17" E along the north line of said Quarter a distance of 1100.88 feet; thence S 01°23'58" E a distance of 208.00 feet; thence N 87°53'17" E a distance of 208.00 feet; thence N 01°23'58" W a distance of 208.00 feet to the North line of said Quarter; thence N87°53'17" E a distance of 20.00 feet to the Northeast corner of the West Half of the said Northeast Quarter; thence S 01°23'58" E along the East line of the West Half of said Quarter a distance of 1852.82 feet to the centerline of Hurrelbrink Road as now established; thence N 58°58'48" W along said centerline a distance of 135.75 feet; thence N 53°19'19" W a distance of 131.09 feet; thence N 46°12'47" W a distance of 150.48 feet; thence N 69°45'01" W a distance of 59.47 feet; thence N 01°23'58" W along the

East line of Lot 3 of Berry Estates, a subdivision in Wyandotte County, Kansas recorded November 19, 1985 in the Wyandotte County Register of Deeds Office in Book 35, Page 39, a distance of 283.36 feet to the Northeast corner of said Lot 3 of Berry Estates, thence N 70°02'58" W along the North line of said Lot 3 a distance of 161.06 feet to the Northwest corner of said Lot 3; thence S 01°23'58" E along the West line of said Lot 3 a distance of 282.45 feet to the centerline of Hurrelbrink Road as now established; thence N 69°45'01" W along said centerline a distance of 55.36 feet; thence N 85°56'03" W a distance of 145.16 feet; thence N 70°32'23" W a distance of 89.09 feet; thence N 43°08'33" W a distance of 428.11 feet; thence N 48°55'59" W a distance of 87.89 feet; thence N 64°12'50" W a distance of 87.89 feet; thence S 87°54'47" W a distance of 92.18 feet along said centerline; thence N 1°23'58" W a distance of 1010.65 feet to the Point of Beginning. Said property containing 41.58 acres. located at approximately 9410 Hurrelbrink Road, 9340 Hurrelbrink Road and 9304 Hurrelbrink Road, Kansas City, Kansas.

Exception:

Rezoning from **A-G Agriculture and R-1 Single Family Districts to R-1 Single Family District** on the following described property:

Lot 4 of Berry Estates, a subdivision in Wyandotte County, Kansas recorded November 19, 1985 in the Wyandotte County Register of Deeds Office in Book 35, Page 39 and Commencing at the Northeast corner of the West Half of said Northeast Quarter; thence S 01°22'58" E along the East line of the West Half of said Quarter a distance of 1825.71 feet to Point of Beginning at N 59°05'13" W a distance of 108.64 feet; thence N 52°32'49" W a distance of 176.30 feet; thence N 01°23'58" W a distance of 372.98 feet; thence N 82°47'23" a distance of 230.30 feet; thence S 01°23'58" a distance of 501.17 feet to Point of Beginning. Said property containing 3.85 acres located at approximately 9304 Hurrelbrink Road

be changed from its present zoning of A-G Agriculture District to R-1 Single Family District and R-1 Single Family District to A-G Agriculture District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for A-G Agriculture and R-1 Single Family Districts. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2018.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(First published _____)

#3156

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 1300 Meadowlark Lane in Kansas City, Kansas, by changing the same from its present zoning of CP-O Planned Non-Retail Business District to CP-3 Planned Commercial District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on November 27, 2017, by the owners of property to have the zoning of said property changed from its present zoning of CP-O Planned Non-Retail Business District to CP-3 Planned Commercial District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

Parcel Number: 920111, BEG 40FT W & 299.1FT S OF NE COR SW1/4 SE1/4; S 427.62FT, S07W-65.76FT, W 611.97FT, N 492.9FT, E 620.01FT TO POB CONTG, Located at approximately 1300 Meadowlark Lane, Kansas City, Kansas,

be changed from its present zoning of CP-O Planned Non-Retail Business District to CP-3 Planned Commercial District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-467, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Urban Planning and Land Use Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for CP-3 Planned Commercial District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2018.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(Published _____)

#U/E-2018-1

ORDINANCE NO. _____

AN ORDINANCE vacating a strip of land previously taken for easement along the Easterly lot line of Lot 1, and the Westerly lot line of Lot 2, of FREEMAN FARMS NORTH, PHASE 1, a subdivision of land in Kansas City, Wyandotte County, Kansas, being more particularly described as follows; Commencing at the Southeasterly corner of said Lot 2; Thence North 62 degrees 03 minutes 44 seconds West, along said westerly lot line of Lot 2, a distance of 10.00 feet, to the Point of Beginning; Thence South 27 degrees 56 minutes 16 seconds West, 5.00 feet; Thence North 62 degrees 03 minutes 44 seconds West, 130.00 feet; Thence North 27 degrees 56 minutes 16 seconds East, 10.00 feet; Thence South 62 degrees 03 minutes 44 seconds East, 130.05 feet; Thence Southwesterly along a nontangent curve to the left, having a radius of 235.00 feet, an arc distance of 5.00 feet, to the Point of Beginning. Contains: 1,302.5 square feet or 0.0299 acres. BEARINGS ARE BASED ON THE PLAT OF FREEMAN FARMS NORTH PHASE 1. Located at approximately 12940 and 12934 Hubbard Road, Kansas City, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. That the following described utility easements in Kansas City, Kansas be and the same is hereby vacated:

A strip of land previously taken for easement along the Easterly lot line of Lot 1, and the Westerly lot line of Lot 2, of FREEMAN FARMS NORTH, PHASE 1, a subdivision of land in Kansas City, Wyandotte County, Kansas, being more particularly described as follows;

Commencing at the Southeasterly corner of said Lot 2;
Thence North 62 degrees 03 minutes 44 seconds West, along said westerly lot line of Lot 2, 10.00 feet, to the Point of Beginning;
Thence South 27 degrees 56 minutes 16 seconds West, 5.00 feet;
Thence North 62 degrees 03 minutes 44 seconds West, 130.00 feet;
Thence North 27 degrees 56 minutes 16 seconds East, 10.00 feet;

Thence South 62 degrees 03 minutes 44 seconds East, 130.05 feet;
Thence Southwesterly along a nontangent curve to the left, having a radius of 235.00 feet, an arc distance of 5.00 feet, to the Point of Beginning. Contains: 1,302.5 square feet or 0.0299 acres. BEARINGS ARE BASED ON THE PLAT OF FREEMAN FARMS NORTH PHASE 1. Located at approximately 12940 and 12934 Hubbard Road, Kansas City, Kansas.

Section 2. The City of Kansas City, Kansas, reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing, installing, constructing or reconstructing any public utilities, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF
_____, 2018

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

BY:

DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners

From: City Staff

Date: April 26, 2018

Re: **Change of Zone Petition #3152 and Petition #SP-2017-65**

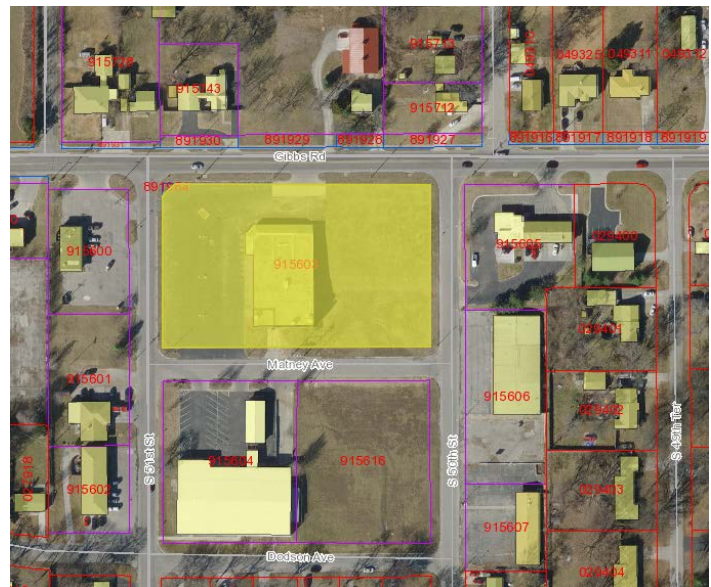
GENERAL INFORMATION

Applicant:
Amy Grant

Status of Applicant:
Representative
Polsinelli
6201 College Boulevard, Suite 500
Overland Park, KS 66210

Requested Actions:
Change of Zone from
CP-1 Planned Limited Business
District to CP-3 Planned Commercial
District

Special Use Permit to operate an auto body repair shop



Date of Applications:
Change of Zone: September 29, 2017
Special Use Permit: September 29, 2017

Purpose: To operate an auto body repair shop

Property Location: 5015 Gibbs Road

Existing Zoning: CP-1 Planned Limited Business District

Surrounding Zoning:

North:	A-G Agriculture and R-1 Single Family Districts
South:	CP-1 Planned Limited Business District
East:	CP-1 Limited Business and CP-2 Planned General Business Districts
West:	CP-1 Planned Limited Business District

Existing Uses:

North:	Single family homes (across Gibbs Road)
South:	Home healthcare service business (across Matney Avenue)
East:	Car wash and retail store (across South 50 th Street)
West:	Convenience store (across South 51 st Street)

Total Tract Size: 2.2 acres

Master Plan Designation: The City-Wide Master Plan designates this property as Community Commercial.

Major Street Plan: The City-Wide Master Plan classifies Gibbs Road as a Collector street.

Advertisement: The Wyandotte Echo – Change of Zone – October 19, 2017 and Special Use Permit – October 19, 2017
Letters to Property Owners – Change of Zone – October 17, 2017, November 8, 2017, December 4, 2017, January 3, 2018, February 2, 2018, March 2, 2018 and April 17, 2018; Special Use Permit – October 17, 2017, November 8, 2017, December 4, 2017, January 3, 2018, February 2, 2018 March 2, 2018 and April 17, 2018.

Public Hearings: April 9, 2018 and April 26, 2018

Public Opposition: No one appeared in opposition at the April 9, 2018 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Amy Grant with Polsinelli, PC on behalf of The Dent & Detail Clinic has filed a change of zone from CP-1 Planned Limited Business District to CP-3 Planned Commercial District and a special use permit to operate a 18,000 square foot auto body repair shop at 5015 Gibbs Road.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339 and Article VIII Sections 27-592 through 27-606

Code Enforcement Action: The property has two active Code Enforcement cases; however, there were five additional citations on August 9, 2017 for cars parked without tags and graffiti that have since been closed:

- 17225-05166 – citation on October 4, 2017 for excessive weeds on the entire property.
- 17215-00032 – citation on July 27, 2017 for automotive bodywork/paint prep occurring on site, storage of automotive paint materials and solvents and vehicles parked on the property and grass without tags.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

This site is in the middle of a two-block commercial development on the south side of Gibbs Road. The properties to the north are exclusively single-family residences.

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

The zoning and their uses are set out above. The proposed use is not compatible with them.

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

The removal of the restrictions could affect nearby property if the auto body repair shop does not comply with regulations and stipulations.

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

The property has been vacant since 2008 as zoned.

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

The proposed use is not reasonably necessary for the convenience of the public. The operator has knowingly operated without having the proper permits in place, having been cited by Code Enforcement. Neighbors have complained about the paint fumes, so the use has injured the appropriate use of nearby property.

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

The proposed use will not increase traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.

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

The proposed uses conform to the Master Plan.

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

The proposed use will not enhance the environment.

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

a. *Water service*

Available

b. *Sanitary sewer service*

Available

c. *Storm water control*

To be designed to meet City Code

d. *Police*

Police service is provided by South Patrol, District #334

e. *Fire*

Fire service is provided by Station #17

f. *Transit*

Kansas City ATA does not provide transit service near this property.

g. *Schools*

Turner USD 202

h. *Streets*

See item #6 above

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

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

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

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

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

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

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

Noise that is normally generated from a repair shop can cause issues for adjacent homeowners.

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

While the use could be determined not to pollute the air, as stated previously, neighbors have complained about the paint fumes in the neighborhood. Code Enforcement acted on those complaints and wrote the appropriate citations based on the code violations. The operators told staff they were not painting where the fumes were poignant and obvious.

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

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

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied, the operator will need to find another location to operate his business

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

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

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on October 24, 2017. According to the applicant, no one appeared at the meeting.

KEY ISSUES

Code Enforcement Violations
Noise and Odor
Compliance with the Commercial Design Guidelines

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 2 to recommend **APPROVAL** of Change of Zone Application #3152 and Special Use Permit Application #SP-2017-65, subject to:

1. No wrecked cars in parking lot
2. Only employee parking in parking lot
3. No outside storage in parking lot
4. 8 a.m. – 5 p.m. - hours of operation
5. All doors closed while working on vehicles
6. Paint booth must be filtered
7. Variance for parking and landscaping required
8. Paint booth exhaust stack not significantly taller than other existing rooftop units, which would eliminate the parapet requirement.
9. Any dumpster kept outside shall be screened per the code to match the building.
10. Northern half of east façade made of CMU is to be enhanced in compliance with the Overlay Zone in consultation with the staff.
11. Close Matney access.
12. Any other stipulations not objected to by the applicant in the staff report.
13. The applicant is to work with the staff on the remaining stipulations.
14. Approval of the Special Use Permit is for two (2) years.

STAFF COMMENTS AND SUGGESTIONS

The staff does not support the recommendation of the City Planning Commission.

Urban Planning and Land Use Comments:

General Planning:

1. Per Business License Department:
 - If approved, applicant would need to file application with our office as they become operational.

Applicant Response: Acknowledged.

2. Please submit a development plan that complies with Sec. 27-593(b)(20).

Applicant Response: A development plan is being provided with this resubmittal.

3. The building is 18,000 square feet; therefore 72 parking spaces are required to be provided.

Applicant Response: The applicant has provided the enclosed Project Narrative that describes the proposed operations of the auto body use. The City's UDO does not appear to address parking for the proposed use. The applicant respectfully suggests that only five parking spaces are needed for employee parking and respectfully requests a waiver from any other parking requirements.

Staff Response: The site plan needs to show that there are 72 parking spaces available on site, whether there are used depends entirely on the applicant's operations, otherwise a variance is necessary.

4. Please provide a site plan that indicates property lines, building placement, parking and sidewalks.

Applicant Response: A development plan is included with this resubmittal.

Staff Response: A requirement of the ordinance related to the special use permit is to install sidewalks where there are none and replace or repair existing sidewalks where they have been damaged.

5. Because Gibbs Road 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 10 feet wide 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: Gibbs Road currently provides a sidewalk along the north in addition to 40' of right-of-way that could allow for expansion of the roadway and/or construction of a trail system. The applicant requests that it be granted a waiver from this requirement.

Staff Response: Similar to B-Street Collision Center off North 99th Street, when development occurs along Gibbs Road that necessitates the construction of the trail, the owner of 5015 Gibbs Road shall at that time install the portion of the trail that is in front of the property.

6. 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: *At the request of City staff, the applicant has shown the 4' sidewalk could be installed along the east side of South 51st Street. However, the applicant respectfully requests that it be granted a waiver from this requirement as there are currently no other sidewalks constructed along 51st Street and given the residential neighborhood to the south, the likelihood of a future sidewalk connecting to the south is highly unlikely.*

Staff Response: The applicant has depicted on the site plan that a sidewalk can be installed and therefore should be installed to comply with ordinance.

7. Any making or assembly of products to be sold, including raw materials and any servicing or repair activities shall be totally within an enclosed building.

Applicant Response: *The applicant acknowledges that all servicing and repair activities will be done totally within an enclosed building. Further, the applicant does not intend to make or assemble products at this location.*

8. All overhead doors shall be closed when automobiles are being serviced.

Applicant Response: *Acknowledged.*

Landscaping and Screening:

1. Please provide a landscape plan.

Applicant Response: *The enclosed site plan includes landscape information.*

2. Based on the landscaping requirements in the CP-3 Planned Commercial 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), the number of trees that are required to be planted is twenty-four (24).

This total does not include the street tree requirement or trees to be planted in parking lot islands.

Applicant Response: *The enclosed site plan/landscape plan shows shade trees on the perimeter of the site, where possible, at 50' on center average. There is not sufficient room along the west property line and western part of the north and south property lines to accommodate tree planting due to water and overhead power lines. In addition, the applicant has previously requested a waiver from improving the parking lot with landscape islands given the fact that customers will not be utilizing the parking lot. As such, the applicant also requests a waiver from the planting requirement associated with parking lot islands.*

Staff Response: Per the code requirement, parking shall be upgraded to current standards and regulations including medians, landscaping and screening. This would include the installation of parking lot islands, where applicable.

3. 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: *The applicant respectfully requests that parking lot screening not be required as the parking lot will not be utilized other than three to five employee vehicles that will be parked facing the building.*

4. 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: *The enclosed site plan/landscape plan shows shade trees on the perimeter of the site, where possible, at 50' on center average. There is not sufficient room along the west property line and western part of the north and south property lines to accommodate tree planting due to water and overhead power lines.*

5. All landscaping must be irrigated.

Applicant Response: *The applicant respectfully request that irrigation is not needed for the proposed perimeter street trees.*

Staff Response: Should this application be approved; a water plan must be provided indicating how and when the trees will be watered while they are taking root.

6. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the site and 3 gallons internal to the development when planted.

Applicant Response: Acknowledged.

7. Only decorative lighting can be used on the exterior of the building. No pack lights or flood lights are permitted.

Applicant Response: Acknowledged.

8. All lighting, whether mounted on the building or in the parking lot shall have 90 cutoff fixtures.

Applicant Response: Acknowledged.

9. Any exterior dumpster will need to be screened with an architectural wall that matches the building and heavily landscaped.

Applicant Response: Acknowledged. The applicant is not proposing an exterior dumpster with this project.

10. All roof mounted units shall be screened by the parapet of the building.

Applicant Response: The applicant will be utilizing the existing building and is not proposing to structurally modify the building. The site plan includes a note that any new rooftop equipment will be screened per Code.

Staff Response: If approved, if there are ventilation requirements for the paint booth that will require penetration of the roof, that equipment shall be screened from public view.

11. Sec. 27-467(c) Any outside storage or keeping of parts, equipment, inoperable vehicles or residual materials which is necessary, normally related and accessory to the principal use of the premises shall be screened from view from off the premises. Such outside storage shall be limited to areas directly adjacent to the main building, not including more than 20 percent of the area of the main building and not in a required yard.

Applicant Response: Acknowledged.

12. The wood privacy fence around the perimeter of the property, abutting residential property shall be 6' in height and have masonry columns every 32' on center.

Applicant Response: The property does not currently have a wood privacy fence and the applicant is not proposing one.

Staff Response: Any vehicle that will be or is being worked is required to be screened from public view and residentially zoned property. The standard for such screening is a 6' privacy fence with masonry columns of 32'.

13. Outside storage may only be equal to or less than 20% of the building area and must be fenced in a similar fashion as the property lines.

Applicant Response: Acknowledged.

Staff Response: Any vehicle that will be or is being worked on is required to be screened from public view and residentially zoned property. The standard for such screening is a 6' privacy fence with masonry columns of 32'.

14. All inoperable or partially repaired vehicles must be stored inside the building or in the enclosed storage yard.

Applicant Response: Acknowledged.

Staff Response: Any vehicle that will be or is being worked on is required to be screened from public view and residentially zoned property. The standard for such screening is a 6' privacy fence with masonry columns of 32'.

Building and Architectural Design:

1. Submit a material palette for the auto body repair shop.

Applicant Response: The applicant will submit a material palette with a final development plan.

2. Provide photographs of the interior and exterior of the building

Applicant Response: The applicant has previously submitted photographs of the exterior of the building. Interior photographs are not provided.

3. 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 pre-stressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials.

- a. Building design should avoid large expanses of highly reflective surfaces and mirror glass exterior walls.
- b. Highly tinted glass or glass tinted in unnatural colors should be avoided.

- (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 grey 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 facade.

Applicant Response: At the request of City staff, the applicant is willing to install a 4' wainscot at the bottom of the north and northwest corners of the building. No other improvements to the existing building are being contemplated at this time.

Staff Response: The building is visible from all four sides, as it sits on an island, surrounded by streets on all sides. The site does not abut a rail yard or a heavily wooded area which will not be developed due to topography, therefore improvement should be made of all four sides of the building.

4. Overhead doors shall be painted to match the building.

Applicant Response: Acknowledged

Signage:

1. Shall comply with the sign ordinance.

Applicant Response: Acknowledged.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) If the change of zone is approved, comments are listed as stipulations below.
- B) Items that are conditions of approval (stipulations):
 - 1) The change of zone is a preliminary development plan. A final development plan will need to be approved by Planning Commission. Final plans require construction level drawings and final engineering design in accordance with UG standards and criteria.
 - 2) Provide a site plan with dimensions including but not limited to the drive entrance dimensions from the property line, drive entrance throat width, drive entrance curb return radii, parking stall dimensions, drive aisles, turn around area, existing utilities, UG node numbers for all nearby UG infrastructure, etc.
 - 3) The driveway approach at Matney Avenue is wider than UG standards and shall be reconstructed to include island(s) and a driveway approach in accordance with UG standards and criteria.
 - 4) The submitted site plan includes a proposed drive on the east side, sidewalks, and tree installation, which are land disturbance activities requiring erosion control. Provide an erosion control plan or indicate erosion control bmp's and notes on the site plan (i.e., silt fence, inlet protection, etc.) in accordance with UG standards and criteria.
 - 5) Final development plans will have to be approved before going to planning commission with approval to obtain permits. This will include final engineering, calculations, and complete drawings with construction notes and details in accordance with UG standards and criteria

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

1) None

Staff Conclusion:

The applicant has submitted a site plan/landscape plan that shows the planting of trees around the perimeter of the property in addition to a 4' sidewalk along the west property line, adjacent to South 51st Street between Matney Avenue and Gibbs Road. While these would be improvements to the site, rezoning the property from CP-1 Planned Limited Business District to CP-3 Planned Commercial District is not appropriate for the use proposed on the site because of its inability to meet code and previous neighbor complaints.

Although the property may need to be rezoned in the future for a project, there are a myriad of uses that are permitted on the property which do not require a change of zone or special use permit.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommend **DENIAL** of Change of Zone Petition #3152 and Special Use Permit Petition #SP-2017-65 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 9, 2018 City Planning Commission Minutes
Applicant Response Letter
Neighborhood Meeting Minutes
Project Narrative
Site Plan/Landscape Plan
Code Enforcement Citations
Zoning Enforcement Letter
Sidewalk and Trails Master Plan for Gibbs Road

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	April 9, 2018	April 26, 2018
Rezoning	Approval	
Public Hearing	April 9, 2018	April 26, 2018
Special Use	Approval	

STAFF CONTACT:

Byron Toy, AICP
btoy@wycokck.org

MOTIONS

Change of Zone Petition

I move the Unified Government Board of Commissioners **DENY** Petition #**3152**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition #**3152** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

Special Use Permit

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2017-65**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2017-65** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

April 9, 2018 City Planning Commission Minutes:

CHANGE OF ZONE APPLICATION #3152 – AMY GRANT – SYNOPSIS: Change of Zone from CP-1 Planned Limited Business District to CP-3 Planned Commercial District for an auto body shop at 5015 Gibbs Road.

#SP-2017-65 – AMY GRANT AND JOHN PETERSEN WITH POLSINELLI PC – SYNOPSIS: Special Use Permit for an auto body shop at 5015 Gibbs Road.

Detailed Outline of Requested Action: The applicant, Amy Grant with Polsinelli, PC on behalf of The Dent & Detail Clinic has filed a change of zone from CP-1 Planned Limited Business District to CP-3 Planned Commercial District and a special use permit to operate a 18,000 square foot auto body repair shop at 5015 Gibbs Road.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 9, 2018;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated October 19, 2017
7. The Notices to property owners dated October 17, 2017, November 8, 2017, December 4, 2017, January 3, 2018, February 2, 2018 and March 2, 2018;

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

Present in Support:

- ❖ Curt Petersen, Polsinelli, 6201 College Boulevard, Overland Park, Kansas, applicant representing Dent and Detail

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts at 41:16: - Planning Director Richardson stated that this case came to staff through Code Enforcement. There are a couple of concerning issues with what Mr. Petersen has gone through tonight. First the Board of Zoning Appeals is the only body that can approve a parking variance. An application would need to be filed for a parking variance as it has not been noticed for tonight's meeting. If the Planning Commission approves this application with the suggestions made by Mr. Petersen with regard to no cars in the parking lot, no outside storage, doors closed, and a filtered paint booth those would be requirements. The sidewalk and landscaping requirements are different than the parking. There are two parts to the landscaping code. The basic landscaping requirements must be met, or they must seek a variance and he is not sure where they are at on those particular numbers. The Planning

Commission could reduce the 75% overage required by the Overlay Zone. Given what he has reviewed, he believes that they would need a regular variance too. The Planning Commission could make a recommendation to the Board of Commissioners that they allow the sidewalks not to be built; however, it is not the normal practice not to have the sidewalks required even in areas where they are not readily available because sometimes that spurs continued building of them and further service to others in the neighborhood. The staff recommends that the sidewalks be constructed per code. Given that there are pre-existing roof top issues that aren't screened and provided that the new equipment is not taller than what is there now, the staff could say that they do not need the parapet. They do not show a dumpster on the site and have told staff that they do not need one, but they would have to haul their scrape to their other facility or to the dump itself without one. He would note that should they get a dumpster, it must be properly screened and match the building per code. The eastern side of the building, while masonry is painted CMU which is not allowed by code so that side of the building does not comply with the code; something needs to be done with that side of the building to make it more attractive. They are adding another driveway on Matney Avenue and that would be three on one side of the street; if they want to add a driveway, they should close the one that Mr. Petersen described (it is overly long and does not comply with Public Works' standards for driveway width.) He is fairly concerned with the nature of this application because it came to the staff because a neighbor smelled paint fumes and in a new facility he is not sure that meets anyone's standards for applying automotive paint when it is done without a paint booth. When Code Enforcement went to the site they said that they were not painting cars, but it is a fairly distinctive smell. This building appears to be much larger than their building on Shawnee Mission Parkway. It is 18,000 square feet to do four cars a week is quite a large location. The staff recommendation is to deny this application but if the Planning Commission wishes to recommend approval, he would recommend approving it with the noted stipulations he previously stated.

Planning Commissioner Connelly asked a question about which city the taxes would be paid since their corporate headquarters is in Overland Park and the work is being done in Wyandotte County. Assistant Counsel Waters and Planning Director Richardson stated that is a question that should not be answered as it is not something that can be considered in the Commission's decision (according to the Kansas Supreme Court decision – Golden versus the City of Overland Park – known as the Golden Factors – taxes cannot be discussed.)

Planning Commissioner Carson asked for clarification of the stipulations. Director Richardson stated:

1. No wrecked cars in parking lot
2. Only employee parking in parking lot
3. No outside storage in parking lot
4. 8 a.m. – 5 p.m. - hours of operation
5. All doors closed while working on vehicles
6. Paint booth must be filtered
7. Variance for parking and landscaping required
8. Sidewalks installed as per code

8. Paint booth exhaust stack not significantly taller than other existing rooftop units, which would eliminate the parapet requirement.
9. Any dumpster kept outside shall be screened per the code to match the building.
10. Northern half of east façade made of CMU is to be enhanced in compliance with the Overlay Zone in consultation with the staff.
11. Close Matney access.
12. Any other stipulation not objected to by the applicant.

Motion and Vote starts at 59:59:

On motion by Mr. Carson, seconded by Mr. Reasons, the Planning Commission voted as follows to **RECOMMEND APPROVAL of Change of Zone Application #3152 as follows:**

Carson	Aye
Childress	Aye
Connelly	No
Ernst	Aye
Jones	Aye
Miller	Aye
Pauley	No
Reasons	Aye
Huey	Chairman
Mose	Not Present
Serda	Not Present

Motion to recommend APPROVAL Passed: 6 to 2

Subject to:

1. No wrecked cars in parking lot
2. Only employee parking in parking lot
3. No outside storage in parking lot
4. 8 a.m. – 5 p.m. - hours of operation
5. All doors closed while working on vehicles
6. Paint booth must be filtered
7. Variance for parking and landscaping required
8. Paint booth exhaust stack not significantly taller than other existing rooftop units, which would eliminate the parapet requirement.
9. Any dumpster kept outside shall be screened per the code to match the building.
10. Northern half of east façade made of CMU is to be enhanced in compliance with the Overlay Zone in consultation with the staff.
11. Close Matney access.
12. Any other stipulations not objected to by the applicant in the staff report.
13. The applicant is to work with the staff on the remaining stipulations.

On motion by Mr. Carson, seconded by Mr. Reasons, the Planning Commission voted as follows to **RECOMMEND APPROVAL of Special Use Permit Application #SP-2017-65 for two (2) years as follows:**

Carson	Aye
Childress	Aye

Connelly	No
Ernst	Aye
Jones	Aye
Miller	Aye
Pauley	No
Reasons	Aye
Huey	Chairman
Mose	Not Present
Serda	Not Present

Motion to recommend APPROVAL Passed: 6 to 2
Subject to the above conditions.

1. Per Business License Department:

- If approved, applicant would need to file application with our office as they become operational.

RESPONSE: Acknowledged.

2. Please submit a development plan that complies with Sec. 27-593(b)(20).

RESPONSE: A development plan is being provided with this resubmittal.

3. The building is 18,000 square feet, therefore 72 parking spaces are required to be provided.

RESPONSE: The applicant is providing the enclosed Project Narrative that describes the proposed operations of the auto body use. The City's UDO does not appear to address parking for the proposed use. The applicant respectfully suggests that only five parking spaces are needed for employee parking and respectfully requests a waiver from any other parking requirements.

4. Please provide a site plan that indicates property lines, building placement, parking and sidewalks.

RESPONSE: A development plan is included with this resubmittal.

5. Because Gibbs Road 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 10 feet wide 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).

RESPONSE: Gibbs road currently has a sidewalk system on the north side of the road in addition to 40' of right-of-way that could allow for expansion of the roadway and/or construction of a trail system. The applicant respectfully requests that it be granted a waiver from this requirement.

6. 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.

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RESPONSE: At the request of City staff, the applicant has shown that 4' sidewalk could be installed along the east side of S. 51st Street. However, the applicant respectfully requests that it be granted a waiver from this requirement as there are currently no other sidewalks constructed along 51st Street and given the residential neighborhood to the south, the likelihood of a future sidewalk connecting to the south is highly unlikely.

7. Any making or assembly of products to be sold, including raw materials and any servicing or repair activities shall be totally within an enclosed building.

RESPONSE: The applicant acknowledges that all servicing or repair activities will be done totally within an enclosed building. Further, the applicant does not intent to make or assemble products at this location.

8. All overhead doors shall be closed when automobiles are being serviced.

RESPONSE: Acknowledged.

Landscaping and Screening:

1. Please provide a landscape plan.

RESPONSE: The enclosed site plan includes landscape information.

2. Based on the landscaping requirements in the CP-3 Planned Commercial 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), the number of trees that are required to be planted is twenty-four (24).

This total does not include the street tree requirement or trees to be planted in parking lot islands.

RESPONSE: The enclosed site plan/landscape plan shows shade trees on the perimeter of the site, where possible, at 50' on center average. There is not sufficient room along the west property line and western part of the north and south property lines to accommodate tree planting due to water and overhead power lines. In addition, the applicant has previously requested a waiver from improving the parking lot with landscape islands given the fact that customers will not be utilizing the parking lot. As such, the applicant also requests a waiver from the planting requirement associated with parking lot islands.

3. 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.

RESPONSE: The applicant respectfully requests that parking lot screening not be required as the parking lot will not be utilized other than three to five employee vehicles that will be parked facing the building.

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4. 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.

e

of

ornamental trees and shrubs should be placed in between street trees.

RESPONSE: The enclosed site plan/landscape plan shows shade trees on the perimeter of the site, where possible, at 50' on center average. There is not sufficient room along the west property line and western part of the north and south property lines to accommodate tree planting due to water and overhead power lines.

5. All landscaping must be irrigated.

RESPONSE: The applicant respectfully request that irrigation is not needed for the proposed perimeter street trees. .

6. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the site and 3 gallons internal to the development when planted.

RESPONSE: Acknowledged.

7. Only decorative lighting can be used on the exterior of the building. No pack lights or flood lights are permitted.

RESPONSE: Acknowledged.

8. All lighting, whether mounted on the building or in the parking lot shall have 90 cutoff fixtures.

RESPONSE: Acknowledged.

9. Any exterior dumpster will need to be screened with an architectural wall that matches the building and heavily landscaped.

RESPONSE: Acknowledged. The applicant is not proposing an exterior dumpster with this project.

10. All roof mounted units shall be screened by the parapet of the building.

RESPONSE: The applicant will be utilizing the existing building and is not proposing to structurally modify the building. The site plan includes a note that any new rooftop equipment will be screened per Code.

11. Sec. 27-467(c) Any outside storage or keeping of parts, equipment, inoperable vehicles or residual materials which is necessary, normally related and accessory to the principal use of the premises shall be screened from view from off the premises. Such outside storage shall be

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limited to areas directly adjacent to the main building, not including more than 20 percent of the area of the main building and not in a required yard.

RESPONSE: Acknowledged.

12. The wood privacy fence around the perimeter of the property, abutting residential property shall be 6' in height and have masonry columns every 32' on center.

RESPONSE: The property does not currently have a wood privacy fence and the applicant is not proposing one.

13. Outside storage may only be equal to or less than 20% of the building area and must be fenced in a similar fashion as the property lines.

RESPONSE: Acknowledged.

14. All inoperable or partially repaired vehicles must be stored inside the building or in the enclosed storage yard.

RESPONSE: Acknowledged.

Building and Architectural Design:

1. Submit a material palette for the auto body repair shop.

RESPONSE: The applicant will submit a material palette with a final development plan.

2. Provide photographs of the interior and exterior of the building

RESPONSE: The applicant has previously submitted photographs of the exterior of the building. Interior photographs are not provided.

3. 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.

- a. Building design should avoid large expanses of highly reflective surfaces and mirror glass exterior walls.
- b. Highly tinted glass or glass tinted in unnatural colors should be avoided.

RESPONSE: Acknowledged.

- (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 grey 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

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- f. EIFS at the ground level or comprising more than 15 percent of any facade.

RESPONSE: At the request of City staff, the applicant is willing to install 4' of wainscot at the bottom of the north and northwest corners of the building. No other improvements to the existing building are being contemplated at this time.

4. Overhead doors shall be painted to match the building.

RESPONSE: Acknowledged.

Signage:

1. Shall comply with the sign ordinance.

RESPONSE: Acknowledged.

Public Works Comments:

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

RESPONSE: Acknowledged.

- 1) The change of zone is a preliminary development plan. A final development plan will need to be approved by Planning Commission. Final plans require construction level drawings and final engineering design in accordance with UG standards and criteria. Further discussion with staff may be needed.

RESPONSE: Acknowledged.

- 2) Provide a site plan with dimensions including but not limited to the drive entrance dimensions from the property line, drive entrance throat width, drive entrance curb return radii, parking stall dimensions, drive aisles, turn around area, etc.

RESPONSE: Acknowledged.

- 3) The driveway approach at Matney Ave., is wider than UG standards and shall be reconstructed to include island(s) and a driveway approach in accordance with UG standards and criteria.

RESPONSE: The applicant is not proposing to utilize this drive approach and would respectfully request that this work be done when/if the drive is utilized in the future or the site is redeveloped.

- 4) It appears there is one overhead door on the north side of the building. Since the proposed use is for an auto body shop, are there any plans to add vehicle bays and overhead doors? The site plan shall show parking spaces, drive aisles, and vehicular door locations in accordance with UG standards and criteria.

RESPONSE: The applicant intends to only utilize the existing overhead doors located on the north and east building facades.

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5) The site plan shall show all applicable utilities, including existing sanitary sewer service line. Provide UG node numbers for all nearby UG infrastructure.

6) Will any of the business functions be related to oil or other fluids auto work that could enter the sanitary sewer system? Sanitary sewer pretreatment and/or an oil/water separator may be necessary. Please clarify and discuss further with staff as necessary.

RESPONSE: The body repair being proposed for this location does not involve full collision repair and, as such, does not typically involve oil or other auto fluid leaks. In the event, a vehicle started to leak oil or other fluids the applicant would take the necessary steps to contain those fluids and then contract with a service company to pick up and dispose of those fluids properly.

7) It appears that an auto body 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 the plans. Further discussion with staff may be needed.

RESPONSE: The body repair being proposed for this location does not involve full collision repair and, as such, does not typically involve oil or other auto fluid leaks. In the event, a vehicle started to leak oil or other fluids the applicant would take the necessary steps to contain those fluids and then contract with a service company to pick up and dispose of those fluids properly.

8) Provide a preliminary erosion control plan or indicate erosion control bmp's and notes on the site plan (i.e., silt fence, inlet protection, etc.) in accordance with UG standards and criteria.

RESPONSE: The applicant is not proposing any new construction or improvements to the property that would require an erosion control plan.

9) Final development plans will have to be approved before going to planning commission with approval to obtain permits. This will include final engineering, calculations, and complete drawings with construction notes and details in accordance with UG standards and criteria.

RESPONSE: Acknowledged.

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

1) None

RESPONSE: Acknowledged.

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

1) None

RESPONSE: Acknowledged.

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**Todd Huffman /5015 Gibbs
August 24, 2017 Neighborhood Meeting**

Attendance:

Todd Huffman, Developer
John Burdolski, Seller
Amy Grant, Polsinelli PC

The meeting was scheduled to begin at 6:00 p.m. The applicant remained at the meeting location until 6:40 p.m. and suspended the meeting at 6:45 p.m. due to no attendance by invitees.

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**The Dent and Detail Clinic
5015 Gibbs Road, Kansas City, Kansas**

The applicant currently owns and operates The Dent and Detail Clinic, located in Overland Park, Kansas. The applicant's desire is to utilize the property at 5015 Gibbs Road as an auxiliary location for this business. The subject property will not be a collision repair center but will service more cosmetic dent and detail work that may or may not include re-touching of body paint, as needed. The applicant anticipates servicing approximately 10-15 vehicles a week at the subject property. The vehicles will be delivered to the site by the applicant's employees and will not be delivered by customers or tow trucks. All vehicles being serviced will be kept inside the building at all times. At no time, will vehicles or parts be stored outside of the building. In addition, only two to three employees will be on-site each day and those employee vehicles will either be parked adjacent to the building or kept inside the building, if necessary.

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CODE ENFORCEMENT DIVISION

Neighborhood Resource Center
Unified Government of Wyandotte County/Kansas City, Kansas
4953 State Ave. Kansas City, Kansas 66102
p. (913) 573-8600 | f. (913) 573-8731 | www.wycokck.org/codeenforcement

Notice and Order of Abatement

October 03, 2017

BURDOLSKI TRUST
7821 COTTONWOOD CT
LENEXA, KS 66216

Case number: 17225-05166

You are hereby notified that a Code Inspector of the Unified Government of Wyandotte County/Kansas City, Kansas has determined the condition of **5015 GIBBS RD, KANSAS CITY, KS 66106**, to be a menace and dangerous to the neighborhood, families, and residents of the City, and thereby constitutes a nuisance. Reasons for this determination include:

Inspection Date: 10/03/2017

[ENFRNVRM05]

Environmental - Cut Weeds and/or Grass - NEED TO CUT EXCESSIVE WEEDS AND GRASS ON ENTIRE PROPERTY. NEED TO MAINTAIN WEEDS AND GRASS ON ENTIRE PROPERTY THROUGHOUT GROWING SEASON. Sec. 8-535. - Excessive growth unlawful. It shall be unlawful for any property owner, representative, tenant or other person with control, occupancy or possession of real property to allow excessive growth of vegetation on any lot or parcel of land within the city or in any area between the property lines of said lot or parcel and the centerline of any adjacent street or alley, including, but not specifically limited to, sidewalks, streets, alleys, easements, rights-of-way and all other areas, public or private. (Code 1988, § 8-575; Ord. No. 65619, § 6, 4-19-1991)-

You are further notified that in order to abate said nuisances from the premises you are required to cut the weeds/bushes and tree overgrowth, and remove all trash and debris. The nuisance must be removed within fourteen (14) calendar days of this letter. If you fail to act pursuant to the Unified Government Ordinance Sections 8-431 & 8-432, the Unified Government will proceed to abate the nuisance(s) and/or hazard(s) and assess a fee for the cost of removal. A summons and/or ticket to appear in court may also be issued. **Abatement action by the Unified Government shall begin no earlier than Tuesday, October 17, 2017.** NO FURTHER NOTICE WILL BE GIVEN.

You are entitled to request a hearing before the Public Officer concerning all aspects of this matter. A hearing may be requested or other information obtained, by contacting TURINA L LOPEZ at 913 573-8648. A hearing request must be made prior to the **Tuesday, October 17, 2017 deadline**. If accommodations are needed for a disability, contact the Code Enforcement Department 48 hours in advance at 913-573-8600. Si usted requiere adaptaciones para inhabilidad, entre en contacto con el departamento de codigos 48 horas por adelantado en 913-573-8600.

Please be aware that failure to comply may result in a Summons to appear before the Municipal Court on Misdemeanor Charges and/or the issuance of Administrative Citation with escalating civil penalties from \$100 to \$500. Unpaid civil penalties shall be assessed against the property and become a lien which may lead to foreclosure.

TURINA L LOPEZ, Inspector

913 573-8648

ceabate1.rpt

Page 1 of 1

Printed: 10/04/2017 (12:17 pm)



Urban Planning and Land Use

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

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

August 4, 2017

Burdolski Trust
7821 Cottonwood Ct
Lenexa, KS 66216

RE: Business Activity and Property Ownership at 5015 Gibbs Road

Mr. John Burdolski / Burdolski Trust / Mr. Todd Huffman,

The following is a written review of the Zoning Violations observed at 5015 Gibbs Road on July 24, 2017.

- Automotive Bodywork/Paint prep work being conducted on site.
- Automotive paint materials and solvents present on site
- Vehicles to be worked on parked outside on the grass, several without license tags

The property at 5015 Gibbs Road is zoned CP-1 Planned Limited Business District. Automotive work involving bodywork and paint, or prep therefore, is not allowed in any district less than C-3 Commercial. Automotive work of any kind also requires a Special Use Permit. In addition to meeting Building Codes, Zoning and Permit Requirements, any business activity at this location requires a business license, issued by the Unified Government, in order to be open for operation.

The current zoning of the property as CP-1 specifies that no outside storage is allowed. If the property were to become zoned as C-3 or greater, then any outside parking or storage of vehicles to be serviced is required to be fully screened from public view.

Parking of vehicles is required to be on an improved surface. Nine vehicles were parked on the grass in the southeast side yard. Several vehicles did not have valid license plates visible

From the Code of Ordinances:

27-464 (c)(1) All sales, services and storage shall be conducted within a fully enclosed building. No product may be handled or service rendered which cannot be accommodated within a building at all times, except that accessory storage and sale of landscaping and gardening supplies may occur outside during the spring planting season, and Christmas trees may be left outside during the period of sale if they do not reduce the capacity of a parking lot below that required by ordinance.

27-464 (c)(6) Sale of auto accessories shall be limited to those that do not require and do not normally involve installation in or on the vehicle on the premises. Tire and battery sales, transmission repair, body work and similar products and services are not allowed in this district.

27-467 (c)(3) No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building, and no dust, fly ash or gas that is toxic, caustic or otherwise injurious to humans or property shall be produced.

8-432 (c) (302.8) - *Motor vehicles*. Except as provided for in other regulations, no inoperative motor vehicle(s) shall be parked, kept or stored on any premises, including any inoperative motor vehicle parked on a trailer of any type. The term "inoperative motor vehicle," shall mean any motor vehicle(s) not currently registered or tagged pursuant to the applicable state law, or which is incapable of moving under its own power or in a condition of being junked, wrecked, wholly or partially disabled and/or dismantled, except that said provision shall not include motor vehicle(s) stored inside a completely enclosed structure. Inoperative motor vehicles are hereby declared a public nuisance.

No motor vehicle(s) shall be parked, kept or stored on unimproved surfaces. Improvement shall be in compliance with the standards set forth in the zoning code, section 27-675 (Improvement and Maintenance) of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas. Motor vehicles parked, kept or stored in violation of this section are hereby declared a public nuisance.

Ultimately, responsibility for activity on any property falls upon the registered owner of that property. Any business agreement between parties regarding use of the property does not supersede the current Zoning District assigned to the property. During our conversation on July 24, 2017 you indicated that there were some different options that you were considering for the property at 5015 Gibbs Road. Since the property is currently zoned as CP-1 Planned Limited Business District, any changes would need to start with a Plan review meeting with our office staff. I invite you, at your first convenience, to contact either myself or my colleagues to set up a meeting time where we can discuss whichever option you have selected.

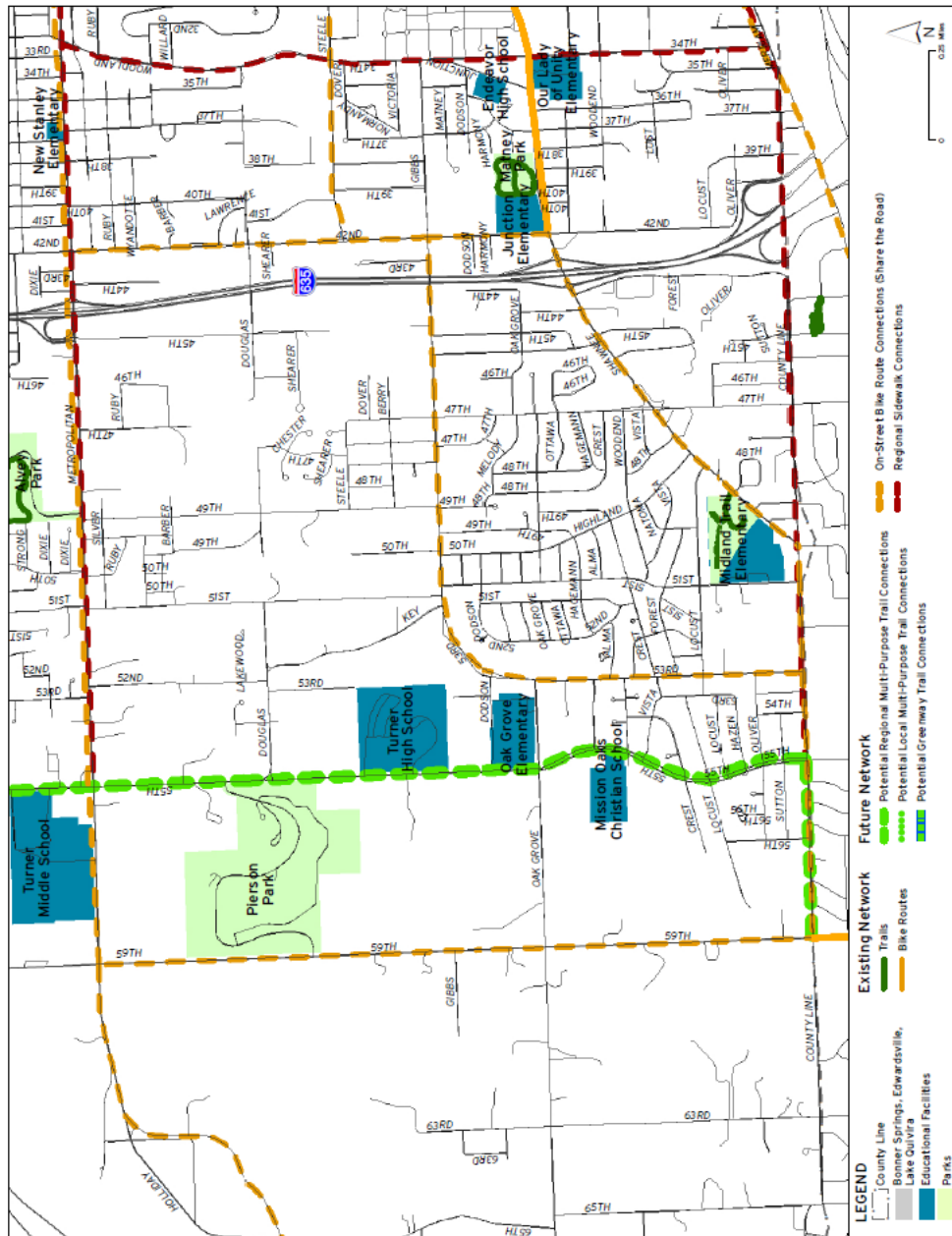
Thank you,

Jason Faust

**Urban Planning and Land Use
Enforcement Specialist**

701 N 7th Street, Suite 423
Kansas City, KS 66101

913-573-5756, 913-573-5758
jfaust@wycokck.org



Sidewalk and Trail Master Plan



C-16

Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners

From: City Staff

Date: April 26, 2018

Re: **Change of Zone Petition #3152 and Petition #SP-2017-65**

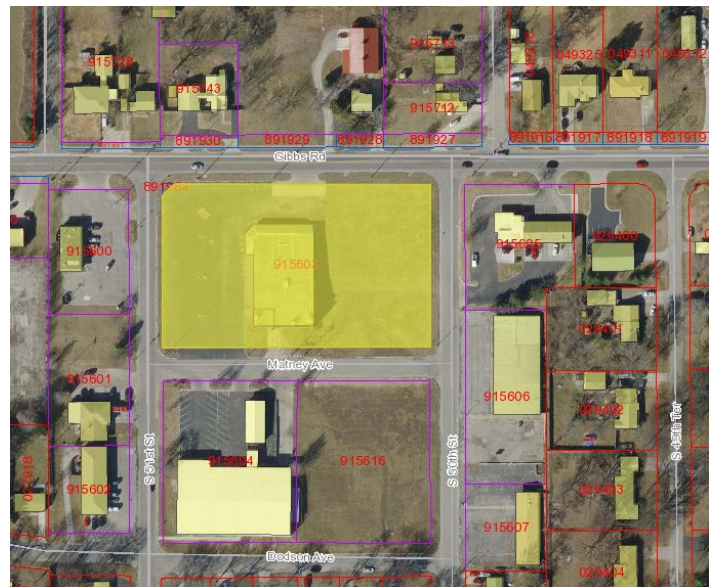
GENERAL INFORMATION

Applicant:
Amy Grant

Status of Applicant:
Representative
Polsinelli
6201 College Boulevard, Suite 500
Overland Park, KS 66210

Requested Actions:
Change of Zone from
CP-1 Planned Limited Business
District to CP-3 Planned Commercial
District

Special Use Permit to operate an auto body repair shop



Date of Applications:
Change of Zone: September 29, 2017
Special Use Permit: September 29, 2017

Purpose: To operate an auto body repair shop

Property Location: 5015 Gibbs Road

Existing Zoning: CP-1 Planned Limited Business District

Surrounding Zoning:

North:	A-G Agriculture and R-1 Single Family Districts
South:	CP-1 Planned Limited Business District
East:	CP-1 Limited Business and CP-2 Planned General Business Districts
West:	CP-1 Planned Limited Business District

Existing Uses:

North:	Single family homes (across Gibbs Road)
South:	Home healthcare service business (across Matney Avenue)
East:	Car wash and retail store (across South 50 th Street)
West:	Convenience store (across South 51 st Street)

Total Tract Size: 2.2 acres

Master Plan Designation: The City-Wide Master Plan designates this property as Community Commercial.

Major Street Plan: The City-Wide Master Plan classifies Gibbs Road as a Collector street.

Advertisement: The Wyandotte Echo – Change of Zone – October 19, 2017 and Special Use Permit – October 19, 2017
Letters to Property Owners – Change of Zone – October 17, 2017, November 8, 2017, December 4, 2017, January 3, 2018, February 2, 2018, March 2, 2018 and April 17, 2018; Special Use Permit – October 17, 2017, November 8, 2017, December 4, 2017, January 3, 2018, February 2, 2018 March 2, 2018 and April 17, 2018.

Public Hearings: April 9, 2018 and April 26, 2018

Public Opposition: No one appeared in opposition at the April 9, 2018 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Amy Grant with Polsinelli, PC on behalf of The Dent & Detail Clinic has filed a change of zone from CP-1 Planned Limited Business District to CP-3 Planned Commercial District and a special use permit to operate a 18,000 square foot auto body repair shop at 5015 Gibbs Road.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339 and Article VIII Sections 27-592 through 27-606

Code Enforcement Action: The property has two active Code Enforcement cases; however, there were five additional citations on August 9, 2017 for cars parked without tags and graffiti that have since been closed:

- 17225-05166 – citation on October 4, 2017 for excessive weeds on the entire property.
- 17215-00032 – citation on July 27, 2017 for automotive bodywork/paint prep occurring on site, storage of automotive paint materials and solvents and vehicles parked on the property and grass without tags.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

This site is in the middle of a two-block commercial development on the south side of Gibbs Road. The properties to the north are exclusively single-family residences.

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

The zoning and their uses are set out above. The proposed use is not compatible with them.

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

The removal of the restrictions could affect nearby property if the auto body repair shop does not comply with regulations and stipulations.

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

The property has been vacant since 2008 as zoned.

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

The proposed use is not reasonably necessary for the convenience of the public. The operator has knowingly operated without having the proper permits in place, having been cited by Code Enforcement. Neighbors have complained about the paint fumes, so the use has injured the appropriate use of nearby property.

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

The proposed use will not increase traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.

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

The proposed uses conform to the Master Plan.

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

The proposed use will not enhance the environment.

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

a. *Water service*

Available

b. *Sanitary sewer service*

Available

c. *Storm water control*

To be designed to meet City Code

d. *Police*

Police service is provided by South Patrol, District #334

e. *Fire*

Fire service is provided by Station #17

f. *Transit*

Kansas City ATA does not provide transit service near this property.

g. *Schools*

Turner USD 202

h. *Streets*

See item #6 above

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

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

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

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

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

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

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

Noise that is normally generated from a repair shop can cause issues for adjacent homeowners.

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

While the use could be determined not to pollute the air, as stated previously, neighbors have complained about the paint fumes in the neighborhood. Code Enforcement acted on those complaints and wrote the appropriate citations based on the code violations. The operators told staff they were not painting where the fumes were poignant and obvious.

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

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

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied, the operator will need to find another location to operate his business

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

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

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on October 24, 2017. According to the applicant, no one appeared at the meeting.

KEY ISSUES

Code Enforcement Violations
Noise and Odor
Compliance with the Commercial Design Guidelines

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 2 to recommend **APPROVAL** of Change of Zone Application #3152 and Special Use Permit Application #SP-2017-65, subject to:

1. No wrecked cars in parking lot
2. Only employee parking in parking lot
3. No outside storage in parking lot
4. 8 a.m. – 5 p.m. - hours of operation
5. All doors closed while working on vehicles
6. Paint booth must be filtered
7. Variance for parking and landscaping required
8. Paint booth exhaust stack not significantly taller than other existing rooftop units, which would eliminate the parapet requirement.
9. Any dumpster kept outside shall be screened per the code to match the building.
10. Northern half of east façade made of CMU is to be enhanced in compliance with the Overlay Zone in consultation with the staff.
11. Close Matney access.
12. Any other stipulations not objected to by the applicant in the staff report.
13. The applicant is to work with the staff on the remaining stipulations.
14. Approval of the Special Use Permit is for two (2) years.

STAFF COMMENTS AND SUGGESTIONS

The staff does not support the recommendation of the City Planning Commission.

Urban Planning and Land Use Comments:

General Planning:

1. Per Business License Department:
 - If approved, applicant would need to file application with our office as they become operational.

Applicant Response: Acknowledged.

2. Please submit a development plan that complies with Sec. 27-593(b)(20).

Applicant Response: A development plan is being provided with this resubmittal.

3. The building is 18,000 square feet; therefore 72 parking spaces are required to be provided.

Applicant Response: The applicant has provided the enclosed Project Narrative that describes the proposed operations of the auto body use. The City's UDO does not appear to address parking for the proposed use. The applicant respectfully suggests that only five parking spaces are needed for employee parking and respectfully requests a waiver from any other parking requirements.

Staff Response: The site plan needs to show that there are 72 parking spaces available on site, whether there are used depends entirely on the applicant's operations, otherwise a variance is necessary.

4. Please provide a site plan that indicates property lines, building placement, parking and sidewalks.

Applicant Response: A development plan is included with this resubmittal.

Staff Response: A requirement of the ordinance related to the special use permit is to install sidewalks where there are none and replace or repair existing sidewalks where they have been damaged.

5. Because Gibbs Road 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 10 feet wide 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: Gibbs Road currently provides a sidewalk along the north in addition to 40' of right-of-way that could allow for expansion of the roadway and/or construction of a trail system. The applicant requests that it be granted a waiver from this requirement.

Staff Response: Similar to B-Street Collision Center off North 99th Street, when development occurs along Gibbs Road that necessitates the construction of the trail, the owner of 5015 Gibbs Road shall at that time install the portion of the trail that is in front of the property.

6. 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: *At the request of City staff, the applicant has shown the 4' sidewalk could be installed along the east side of South 51st Street. However, the applicant respectfully requests that it be granted a waiver from this requirement as there are currently no other sidewalks constructed along 51st Street and given the residential neighborhood to the south, the likelihood of a future sidewalk connecting to the south is highly unlikely.*

Staff Response: The applicant has depicted on the site plan that a sidewalk can be installed and therefore should be installed to comply with ordinance.

7. Any making or assembly of products to be sold, including raw materials and any servicing or repair activities shall be totally within an enclosed building.

Applicant Response: *The applicant acknowledges that all servicing and repair activities will be done totally within an enclosed building. Further, the applicant does not intend to make or assemble products at this location.*

8. All overhead doors shall be closed when automobiles are being serviced.

Applicant Response: *Acknowledged.*

Landscaping and Screening:

1. Please provide a landscape plan.

Applicant Response: *The enclosed site plan includes landscape information.*

2. Based on the landscaping requirements in the CP-3 Planned Commercial 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), the number of trees that are required to be planted is twenty-four (24).

This total does not include the street tree requirement or trees to be planted in parking lot islands.

Applicant Response: *The enclosed site plan/landscape plan shows shade trees on the perimeter of the site, where possible, at 50' on center average. There is not sufficient room along the west property line and western part of the north and south property lines to accommodate tree planting due to water and overhead power lines. In addition, the applicant has previously requested a waiver from improving the parking lot with landscape islands given the fact that customers will not be utilizing the parking lot. As such, the applicant also requests a waiver from the planting requirement associated with parking lot islands.*

Staff Response: Per the code requirement, parking shall be upgraded to current standards and regulations including medians, landscaping and screening. This would include the installation of parking lot islands, where applicable.

3. 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: *The applicant respectfully requests that parking lot screening not be required as the parking lot will not be utilized other than three to five employee vehicles that will be parked facing the building.*

4. 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: *The enclosed site plan/landscape plan shows shade trees on the perimeter of the site, where possible, at 50' on center average. There is not sufficient room along the west property line and western part of the north and south property lines to accommodate tree planting due to water and overhead power lines.*

5. All landscaping must be irrigated.

Applicant Response: *The applicant respectfully request that irrigation is not needed for the proposed perimeter street trees.*

Staff Response: Should this application be approved; a water plan must be provided indicating how and when the trees will be watered while they are taking root.

6. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the site and 3 gallons internal to the development when planted.

Applicant Response: Acknowledged.

7. Only decorative lighting can be used on the exterior of the building. No pack lights or flood lights are permitted.

Applicant Response: Acknowledged.

8. All lighting, whether mounted on the building or in the parking lot shall have 90 cutoff fixtures.

Applicant Response: Acknowledged.

9. Any exterior dumpster will need to be screened with an architectural wall that matches the building and heavily landscaped.

Applicant Response: Acknowledged. The applicant is not proposing an exterior dumpster with this project.

10. All roof mounted units shall be screened by the parapet of the building.

Applicant Response: The applicant will be utilizing the existing building and is not proposing to structurally modify the building. The site plan includes a note that any new rooftop equipment will be screened per Code.

Staff Response: If approved, if there are ventilation requirements for the paint booth that will require penetration of the roof, that equipment shall be screened from public view.

11. Sec. 27-467(c) Any outside storage or keeping of parts, equipment, inoperable vehicles or residual materials which is necessary, normally related and accessory to the principal use of the premises shall be screened from view from off the premises. Such outside storage shall be limited to areas directly adjacent to the main building, not including more than 20 percent of the area of the main building and not in a required yard.

Applicant Response: Acknowledged.

12. The wood privacy fence around the perimeter of the property, abutting residential property shall be 6' in height and have masonry columns every 32' on center.

Applicant Response: The property does not currently have a wood privacy fence and the applicant is not proposing one.

Staff Response: Any vehicle that will be or is being worked is required to be screened from public view and residentially zoned property. The standard for such screening is a 6' privacy fence with masonry columns of 32'.

13. Outside storage may only be equal to or less than 20% of the building area and must be fenced in a similar fashion as the property lines.

Applicant Response: Acknowledged.

Staff Response: Any vehicle that will be or is being worked on is required to be screened from public view and residentially zoned property. The standard for such screening is a 6' privacy fence with masonry columns of 32'.

14. All inoperable or partially repaired vehicles must be stored inside the building or in the enclosed storage yard.

Applicant Response: Acknowledged.

Staff Response: Any vehicle that will be or is being worked on is required to be screened from public view and residentially zoned property. The standard for such screening is a 6' privacy fence with masonry columns of 32'.

Building and Architectural Design:

1. Submit a material palette for the auto body repair shop.

Applicant Response: The applicant will submit a material palette with a final development plan.

2. Provide photographs of the interior and exterior of the building

Applicant Response: The applicant has previously submitted photographs of the exterior of the building. Interior photographs are not provided.

3. 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 pre-stressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials.

- a. Building design should avoid large expanses of highly reflective surfaces and mirror glass exterior walls.
- b. Highly tinted glass or glass tinted in unnatural colors should be avoided.

- (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 grey 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 facade.

Applicant Response: At the request of City staff, the applicant is willing to install a 4' wainscot at the bottom of the north and northwest corners of the building. No other improvements to the existing building are being contemplated at this time.

Staff Response: The building is visible from all four sides, as it sits on an island, surrounded by streets on all sides. The site does not abut a rail yard or a heavily wooded area which will not be developed due to topography, therefore improvement should be made of all four sides of the building.

4. Overhead doors shall be painted to match the building.

Applicant Response: Acknowledged

Signage:

1. Shall comply with the sign ordinance.

Applicant Response: Acknowledged.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) If the change of zone is approved, comments are listed as stipulations below.
- B) Items that are conditions of approval (stipulations):
 - 1) The change of zone is a preliminary development plan. A final development plan will need to be approved by Planning Commission. Final plans require construction level drawings and final engineering design in accordance with UG standards and criteria.
 - 2) Provide a site plan with dimensions including but not limited to the drive entrance dimensions from the property line, drive entrance throat width, drive entrance curb return radii, parking stall dimensions, drive aisles, turn around area, existing utilities, UG node numbers for all nearby UG infrastructure, etc.
 - 3) The driveway approach at Matney Avenue is wider than UG standards and shall be reconstructed to include island(s) and a driveway approach in accordance with UG standards and criteria.
 - 4) The submitted site plan includes a proposed drive on the east side, sidewalks, and tree installation, which are land disturbance activities requiring erosion control. Provide an erosion control plan or indicate erosion control bmp's and notes on the site plan (i.e., silt fence, inlet protection, etc.) in accordance with UG standards and criteria.
 - 5) Final development plans will have to be approved before going to planning commission with approval to obtain permits. This will include final engineering, calculations, and complete drawings with construction notes and details in accordance with UG standards and criteria

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

1) None

Staff Conclusion:

The applicant has submitted a site plan/landscape plan that shows the planting of trees around the perimeter of the property in addition to a 4' sidewalk along the west property line, adjacent to South 51st Street between Matney Avenue and Gibbs Road. While these would be improvements to the site, rezoning the property from CP-1 Planned Limited Business District to CP-3 Planned Commercial District is not appropriate for the use proposed on the site because of its inability to meet code and previous neighbor complaints.

Although the property may need to be rezoned in the future for a project, there are a myriad of uses that are permitted on the property which do not require a change of zone or special use permit.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommend **DENIAL** of Change of Zone Petition #3152 and Special Use Permit Petition #SP-2017-65 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 9, 2018 City Planning Commission Minutes
Applicant Response Letter
Neighborhood Meeting Minutes
Project Narrative
Site Plan/Landscape Plan
Code Enforcement Citations
Zoning Enforcement Letter
Sidewalk and Trails Master Plan for Gibbs Road

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	April 9, 2018	April 26, 2018
Rezoning	Approval	
Public Hearing	April 9, 2018	April 26, 2018
Special Use	Approval	

STAFF CONTACT:

Byron Toy, AICP
btoy@wycokck.org

MOTIONS

Change of Zone Petition

I move the Unified Government Board of Commissioners **DENY** Petition #**3152**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition #**3152** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

Special Use Permit

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2017-65**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2017-65** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

April 9, 2018 City Planning Commission Minutes:

CHANGE OF ZONE APPLICATION #3152 – AMY GRANT – SYNOPSIS: Change of Zone from CP-1 Planned Limited Business District to CP-3 Planned Commercial District for an auto body shop at 5015 Gibbs Road.

#SP-2017-65 – AMY GRANT AND JOHN PETERSEN WITH POLSINELLI PC – SYNOPSIS: Special Use Permit for an auto body shop at 5015 Gibbs Road.

Detailed Outline of Requested Action: The applicant, Amy Grant with Polsinelli, PC on behalf of The Dent & Detail Clinic has filed a change of zone from CP-1 Planned Limited Business District to CP-3 Planned Commercial District and a special use permit to operate a 18,000 square foot auto body repair shop at 5015 Gibbs Road.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 9, 2018;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated October 19, 2017
7. The Notices to property owners dated October 17, 2017, November 8, 2017, December 4, 2017, January 3, 2018, February 2, 2018 and March 2, 2018;

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

Present in Support:

- ❖ Curt Petersen, Polsinelli, 6201 College Boulevard, Overland Park, Kansas, applicant representing Dent and Detail

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts at 41:16: - Planning Director Richardson stated that this case came to staff through Code Enforcement. There are a couple of concerning issues with what Mr. Petersen has gone through tonight. First the Board of Zoning Appeals is the only body that can approve a parking variance. An application would need to be filed for a parking variance as it has not been noticed for tonight's meeting. If the Planning Commission approves this application with the suggestions made by Mr. Petersen with regard to no cars in the parking lot, no outside storage, doors closed, and a filtered paint booth those would be requirements. The sidewalk and landscaping requirements are different than the parking. There are two parts to the landscaping code. The basic landscaping requirements must be met, or they must seek a variance and he is not sure where they are at on those particular numbers. The Planning

Commission could reduce the 75% overage required by the Overlay Zone. Given what he has reviewed, he believes that they would need a regular variance too. The Planning Commission could make a recommendation to the Board of Commissioners that they allow the sidewalks not to be built; however, it is not the normal practice not to have the sidewalks required even in areas where they are not readily available because sometimes that spurs continued building of them and further service to others in the neighborhood. The staff recommends that the sidewalks be constructed per code. Given that there are pre-existing roof top issues that aren't screened and provided that the new equipment is not taller than what is there now, the staff could say that they do not need the parapet. They do not show a dumpster on the site and have told staff that they do not need one, but they would have to haul their scrape to their other facility or to the dump itself without one. He would note that should they get a dumpster, it must be properly screened and match the building per code. The eastern side of the building, while masonry is painted CMU which is not allowed by code so that side of the building does not comply with the code; something needs to be done with that side of the building to make it more attractive. They are adding another driveway on Matney Avenue and that would be three on one side of the street; if they want to add a driveway, they should close the one that Mr. Petersen described (it is overly long and does not comply with Public Works' standards for driveway width.) He is fairly concerned with the nature of this application because it came to the staff because a neighbor smelled paint fumes and in a new facility he is not sure that meets anyone's standards for applying automotive paint when it is done without a paint booth. When Code Enforcement went to the site they said that they were not painting cars, but it is a fairly distinctive smell. This building appears to be much larger than their building on Shawnee Mission Parkway. It is 18,000 square feet to do four cars a week is quite a large location. The staff recommendation is to deny this application but if the Planning Commission wishes to recommend approval, he would recommend approving it with the noted stipulations he previously stated.

Planning Commissioner Connelly asked a question about which city the taxes would be paid since their corporate headquarters is in Overland Park and the work is being done in Wyandotte County. Assistant Counsel Waters and Planning Director Richardson stated that is a question that should not be answered as it is not something that can be considered in the Commission's decision (according to the Kansas Supreme Court decision – Golden versus the City of Overland Park – known as the Golden Factors – taxes cannot be discussed.)

Planning Commissioner Carson asked for clarification of the stipulations. Director Richardson stated:

1. No wrecked cars in parking lot
2. Only employee parking in parking lot
3. No outside storage in parking lot
4. 8 a.m. – 5 p.m. - hours of operation
5. All doors closed while working on vehicles
6. Paint booth must be filtered
7. Variance for parking and landscaping required
8. Sidewalks installed as per code

8. Paint booth exhaust stack not significantly taller than other existing rooftop units, which would eliminate the parapet requirement.
9. Any dumpster kept outside shall be screened per the code to match the building.
10. Northern half of east façade made of CMU is to be enhanced in compliance with the Overlay Zone in consultation with the staff.
11. Close Matney access.
12. Any other stipulation not objected to by the applicant.

Motion and Vote starts at 59:59:

On motion by Mr. Carson, seconded by Mr. Reasons, the Planning Commission voted as follows to **RECOMMEND APPROVAL of Change of Zone Application #3152 as follows:**

Carson	Aye
Childress	Aye
Connelly	No
Ernst	Aye
Jones	Aye
Miller	Aye
Pauley	No
Reasons	Aye
Huey	Chairman
Mose	Not Present
Serda	Not Present

Motion to recommend APPROVAL Passed: 6 to 2

Subject to:

1. No wrecked cars in parking lot
2. Only employee parking in parking lot
3. No outside storage in parking lot
4. 8 a.m. – 5 p.m. - hours of operation
5. All doors closed while working on vehicles
6. Paint booth must be filtered
7. Variance for parking and landscaping required
8. Paint booth exhaust stack not significantly taller than other existing rooftop units, which would eliminate the parapet requirement.
9. Any dumpster kept outside shall be screened per the code to match the building.
10. Northern half of east façade made of CMU is to be enhanced in compliance with the Overlay Zone in consultation with the staff.
11. Close Matney access.
12. Any other stipulations not objected to by the applicant in the staff report.
13. The applicant is to work with the staff on the remaining stipulations.

On motion by Mr. Carson, seconded by Mr. Reasons, the Planning Commission voted as follows to **RECOMMEND APPROVAL of Special Use Permit Application #SP-2017-65 for two (2) years as follows:**

Carson	Aye
Childress	Aye

Connelly	No
Ernst	Aye
Jones	Aye
Miller	Aye
Pauley	No
Reasons	Aye
Huey	Chairman
Mose	Not Present
Serda	Not Present

Motion to recommend APPROVAL Passed: 6 to 2
Subject to the above conditions.

1. Per Business License Department:

- If approved, applicant would need to file application with our office as they become operational.

RESPONSE: Acknowledged.

2. Please submit a development plan that complies with Sec. 27-593(b)(20).

RESPONSE: A development plan is being provided with this resubmittal.

3. The building is 18,000 square feet, therefore 72 parking spaces are required to be provided.

RESPONSE: The applicant is providing the enclosed Project Narrative that describes the proposed operations of the auto body use. The City's UDO does not appear to address parking for the proposed use. The applicant respectfully suggests that only five parking spaces are needed for employee parking and respectfully requests a waiver from any other parking requirements.

4. Please provide a site plan that indicates property lines, building placement, parking and sidewalks.

RESPONSE: A development plan is included with this resubmittal.

5. Because Gibbs Road 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 10 feet wide 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).

RESPONSE: Gibbs road currently has a sidewalk system on the north side of the road in addition to 40' of right-of-way that could allow for expansion of the roadway and/or construction of a trail system. The applicant respectfully requests that it be granted a waiver from this requirement.

6. 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.

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RESPONSE: At the request of City staff, the applicant has shown that 4' sidewalk could be installed along the east side of S. 51st Street. However, the applicant respectfully requests that it be granted a waiver from this requirement as there are currently no other sidewalks constructed along 51st Street and given the residential neighborhood to the south, the likelihood of a future sidewalk connecting to the south is highly unlikely.

7. Any making or assembly of products to be sold, including raw materials and any servicing or repair activities shall be totally within an enclosed building.

RESPONSE: The applicant acknowledges that all servicing or repair activities will be done totally within an enclosed building. Further, the applicant does not intent to make or assemble products at this location.

8. All overhead doors shall be closed when automobiles are being serviced.

RESPONSE: Acknowledged.

Landscaping and Screening:

1. Please provide a landscape plan.

RESPONSE: The enclosed site plan includes landscape information.

2. Based on the landscaping requirements in the CP-3 Planned Commercial 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), the number of trees that are required to be planted is twenty-four (24).

This total does not include the street tree requirement or trees to be planted in parking lot islands.

RESPONSE: The enclosed site plan/landscape plan shows shade trees on the perimeter of the site, where possible, at 50' on center average. There is not sufficient room along the west property line and western part of the north and south property lines to accommodate tree planting due to water and overhead power lines. In addition, the applicant has previously requested a waiver from improving the parking lot with landscape islands given the fact that customers will not be utilizing the parking lot. As such, the applicant also requests a waiver from the planting requirement associated with parking lot islands.

3. 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.

RESPONSE: The applicant respectfully requests that parking lot screening not be required as the parking lot will not be utilized other than three to five employee vehicles that will be parked facing the building.

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4. 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.

e

of

ornamental trees and shrubs should be placed in between street trees.

RESPONSE: The enclosed site plan/landscape plan shows shade trees on the perimeter of the site, where possible, at 50' on center average. There is not sufficient room along the west property line and western part of the north and south property lines to accommodate tree planting due to water and overhead power lines.

5. All landscaping must be irrigated.

RESPONSE: The applicant respectfully request that irrigation is not needed for the proposed perimeter street trees. .

6. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the site and 3 gallons internal to the development when planted.

RESPONSE: Acknowledged.

7. Only decorative lighting can be used on the exterior of the building. No pack lights or flood lights are permitted.

RESPONSE: Acknowledged.

8. All lighting, whether mounted on the building or in the parking lot shall have 90 cutoff fixtures.

RESPONSE: Acknowledged.

9. Any exterior dumpster will need to be screened with an architectural wall that matches the building and heavily landscaped.

RESPONSE: Acknowledged. The applicant is not proposing an exterior dumpster with this project.

10. All roof mounted units shall be screened by the parapet of the building.

RESPONSE: The applicant will be utilizing the existing building and is not proposing to structurally modify the building. The site plan includes a note that any new rooftop equipment will be screened per Code.

11. Sec. 27-467(c) Any outside storage or keeping of parts, equipment, inoperable vehicles or residual materials which is necessary, normally related and accessory to the principal use of the premises shall be screened from view from off the premises. Such outside storage shall be

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limited to areas directly adjacent to the main building, not including more than 20 percent of the area of the main building and not in a required yard.

RESPONSE: Acknowledged.

12. The wood privacy fence around the perimeter of the property, abutting residential property shall be 6' in height and have masonry columns every 32' on center.

RESPONSE: The property does not currently have a wood privacy fence and the applicant is not proposing one.

13. Outside storage may only be equal to or less than 20% of the building area and must be fenced in a similar fashion as the property lines.

RESPONSE: Acknowledged.

14. All inoperable or partially repaired vehicles must be stored inside the building or in the enclosed storage yard.

RESPONSE: Acknowledged.

Building and Architectural Design:

1. Submit a material palette for the auto body repair shop.

RESPONSE: The applicant will submit a material palette with a final development plan.

2. Provide photographs of the interior and exterior of the building

RESPONSE: The applicant has previously submitted photographs of the exterior of the building. Interior photographs are not provided.

3. 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.

- a. Building design should avoid large expanses of highly reflective surfaces and mirror glass exterior walls.
- b. Highly tinted glass or glass tinted in unnatural colors should be avoided.

RESPONSE: Acknowledged.

- (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 grey 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

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- f. EIFS at the ground level or comprising more than 15 percent of any facade.

RESPONSE: At the request of City staff, the applicant is willing to install 4' of wainscot at the bottom of the north and northwest corners of the building. No other improvements to the existing building are being contemplated at this time.

4. Overhead doors shall be painted to match the building.

RESPONSE: Acknowledged.

Signage:

1. Shall comply with the sign ordinance.

RESPONSE: Acknowledged.

Public Works Comments:

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

RESPONSE: Acknowledged.

- 1) The change of zone is a preliminary development plan. A final development plan will need to be approved by Planning Commission. Final plans require construction level drawings and final engineering design in accordance with UG standards and criteria. Further discussion with staff may be needed.

RESPONSE: Acknowledged.

- 2) Provide a site plan with dimensions including but not limited to the drive entrance dimensions from the property line, drive entrance throat width, drive entrance curb return radii, parking stall dimensions, drive aisles, turn around area, etc.

RESPONSE: Acknowledged.

- 3) The driveway approach at Matney Ave., is wider than UG standards and shall be reconstructed to include island(s) and a driveway approach in accordance with UG standards and criteria.

RESPONSE: The applicant is not proposing to utilize this drive approach and would respectfully request that this work be done when/if the drive is utilized in the future or the site is redeveloped.

- 4) It appears there is one overhead door on the north side of the building. Since the proposed use is for an auto body shop, are there any plans to add vehicle bays and overhead doors? The site plan shall show parking spaces, drive aisles, and vehicular door locations in accordance with UG standards and criteria.

RESPONSE: The applicant intends to only utilize the existing overhead doors located on the north and east building facades.

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5) The site plan shall show all applicable utilities, including existing sanitary sewer service line. Provide UG node numbers for all nearby UG infrastructure.

6) Will any of the business functions be related to oil or other fluids auto work that could enter the sanitary sewer system? Sanitary sewer pretreatment and/or an oil/water separator may be necessary. Please clarify and discuss further with staff as necessary.

RESPONSE: The body repair being proposed for this location does not involve full collision repair and, as such, does not typically involve oil or other auto fluid leaks. In the event, a vehicle started to leak oil or other fluids the applicant would take the necessary steps to contain those fluids and then contract with a service company to pick up and dispose of those fluids properly.

7) It appears that an auto body 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 the plans. Further discussion with staff may be needed.

RESPONSE: The body repair being proposed for this location does not involve full collision repair and, as such, does not typically involve oil or other auto fluid leaks. In the event, a vehicle started to leak oil or other fluids the applicant would take the necessary steps to contain those fluids and then contract with a service company to pick up and dispose of those fluids properly.

8) Provide a preliminary erosion control plan or indicate erosion control bmp's and notes on the site plan (i.e., silt fence, inlet protection, etc.) in accordance with UG standards and criteria.

RESPONSE: The applicant is not proposing any new construction or improvements to the property that would require an erosion control plan.

9) Final development plans will have to be approved before going to planning commission with approval to obtain permits. This will include final engineering, calculations, and complete drawings with construction notes and details in accordance with UG standards and criteria.

RESPONSE: Acknowledged.

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

1) None

RESPONSE: Acknowledged.

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

1) None

RESPONSE: Acknowledged.

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**Todd Huffman /5015 Gibbs
August 24, 2017 Neighborhood Meeting**

Attendance:

Todd Huffman, Developer
John Burdolski, Seller
Amy Grant, Polsinelli PC

The meeting was scheduled to begin at 6:00 p.m. The applicant remained at the meeting location until 6:40 p.m. and suspended the meeting at 6:45 p.m. due to no attendance by invitees.

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**The Dent and Detail Clinic
5015 Gibbs Road, Kansas City, Kansas**

The applicant currently owns and operates The Dent and Detail Clinic, located in Overland Park, Kansas. The applicant's desire is to utilize the property at 5015 Gibbs Road as an auxiliary location for this business. The subject property will not be a collision repair center but will service more cosmetic dent and detail work that may or may not include re-touching of body paint, as needed. The applicant anticipates servicing approximately 10-15 vehicles a week at the subject property. The vehicles will be delivered to the site by the applicant's employees and will not be delivered by customers or tow trucks. All vehicles being serviced will be kept inside the building at all times. At no time, will vehicles or parts be stored outside of the building. In addition, only two to three employees will be on-site each day and those employee vehicles will either be parked adjacent to the building or kept inside the building, if necessary.

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CODE ENFORCEMENT DIVISION

Neighborhood Resource Center
Unified Government of Wyandotte County/Kansas City, Kansas
4953 State Ave. Kansas City, Kansas 66102
p. (913) 573-8600 | f. (913) 573-8731 | www.wycokck.org/codeenforcement

Notice and Order of Abatement

October 03, 2017

BURDOLSKI TRUST
7821 COTTONWOOD CT
LENEXA, KS 66216

Case number: 17225-05166

You are hereby notified that a Code Inspector of the Unified Government of Wyandotte County/Kansas City, Kansas has determined the condition of **5015 GIBBS RD, KANSAS CITY, KS 66106**, to be a menace and dangerous to the neighborhood, families, and residents of the City, and thereby constitutes a nuisance. Reasons for this determination include:

Inspection Date: 10/03/2017

[ENFRNVRM05]

Environmental - Cut Weeds and/or Grass - NEED TO CUT EXCESSIVE WEEDS AND GRASS ON ENTIRE PROPERTY. NEED TO MAINTAIN WEEDS AND GRASS ON ENTIRE PROPERTY THROUGHOUT GROWING SEASON. Sec. 8-535. - Excessive growth unlawful. It shall be unlawful for any property owner, representative, tenant or other person with control, occupancy or possession of real property to allow excessive growth of vegetation on any lot or parcel of land within the city or in any area between the property lines of said lot or parcel and the centerline of any adjacent street or alley, including, but not specifically limited to, sidewalks, streets, alleys, easements, rights-of-way and all other areas, public or private. (Code 1988, § 8-575; Ord. No. 65619, § 6, 4-19-1991)-

You are further notified that in order to abate said nuisances from the premises you are required to cut the weeds/bushes and tree overgrowth, and remove all trash and debris. The nuisance must be removed within fourteen (14) calendar days of this letter. If you fail to act pursuant to the Unified Government Ordinance Sections 8-431 & 8-432, the Unified Government will proceed to abate the nuisance(s) and/or hazard(s) and assess a fee for the cost of removal. A summons and/or ticket to appear in court may also be issued. **Abatement action by the Unified Government shall begin no earlier than Tuesday, October 17, 2017.** NO FURTHER NOTICE WILL BE GIVEN.

You are entitled to request a hearing before the Public Officer concerning all aspects of this matter. A hearing may be requested or other information obtained, by contacting TURINA L LOPEZ at 913 573-8648. A hearing request must be made prior to the **Tuesday, October 17, 2017 deadline**. If accommodations are needed for a disability, contact the Code Enforcement Department 48 hours in advance at 913-573-8600. Si usted requiere adaptaciones para inhabilidad, entre en contacto con el departamento de codigos 48 horas por adelantado en 913-573-8600.

Please be aware that failure to comply may result in a Summons to appear before the Municipal Court on Misdemeanor Charges and/or the issuance of Administrative Citation with escalating civil penalties from \$100 to \$500. Unpaid civil penalties shall be assessed against the property and become a lien which may lead to foreclosure.

TURINA L LOPEZ, Inspector

913 573-8648

ceabate1.rpt

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Printed: 10/04/2017 (12:17 pm)



Urban Planning and Land Use

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

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

August 4, 2017

Burdolski Trust
7821 Cottonwood Ct
Lenexa, KS 66216

RE: Business Activity and Property Ownership at 5015 Gibbs Road

Mr. John Burdolski / Burdolski Trust / Mr. Todd Huffman,

The following is a written review of the Zoning Violations observed at 5015 Gibbs Road on July 24, 2017.

- Automotive Bodywork/Paint prep work being conducted on site.
- Automotive paint materials and solvents present on site
- Vehicles to be worked on parked outside on the grass, several without license tags

The property at 5015 Gibbs Road is zoned CP-1 Planned Limited Business District. Automotive work involving bodywork and paint, or prep therefore, is not allowed in any district less than C-3 Commercial. Automotive work of any kind also requires a Special Use Permit. In addition to meeting Building Codes, Zoning and Permit Requirements, any business activity at this location requires a business license, issued by the Unified Government, in order to be open for operation.

The current zoning of the property as CP-1 specifies that no outside storage is allowed. If the property were to become zoned as C-3 or greater, then any outside parking or storage of vehicles to be serviced is required to be fully screened from public view.

Parking of vehicles is required to be on an improved surface. Nine vehicles were parked on the grass in the southeast side yard. Several vehicles did not have valid license plates visible

From the Code of Ordinances:

27-464 (c) (1) All sales, services and storage shall be conducted within a fully enclosed building. No product may be handled or service rendered which cannot be accommodated within a building at all times, except that accessory storage and sale of landscaping and gardening supplies may occur outside during the spring planting season, and Christmas trees may be left outside during the period of sale if they do not reduce the capacity of a parking lot below that required by ordinance.

27-464 (c)(6) Sale of auto accessories shall be limited to those that do not require and do not normally involve installation in or on the vehicle on the premises. Tire and battery sales, transmission repair, body work and similar products and services are not allowed in this district.

27-467 (c)(3) No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building, and no dust, fly ash or gas that is toxic, caustic or otherwise injurious to humans or property shall be produced.

8-432 (c) (302.8) - *Motor vehicles*. Except as provided for in other regulations, no inoperative motor vehicle(s) shall be parked, kept or stored on any premises, including any inoperative motor vehicle parked on a trailer of any type. The term "inoperative motor vehicle," shall mean any motor vehicle(s) not currently registered or tagged pursuant to the applicable state law, or which is incapable of moving under its own power or in a condition of being junked, wrecked, wholly or partially disabled and/or dismantled, except that said provision shall not include motor vehicle(s) stored inside a completely enclosed structure. Inoperative motor vehicles are hereby declared a public nuisance.

No motor vehicle(s) shall be parked, kept or stored on unimproved surfaces. Improvement shall be in compliance with the standards set forth in the zoning code, section 27-675 (Improvement and Maintenance) of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas. Motor vehicles parked, kept or stored in violation of this section are hereby declared a public nuisance.

Ultimately, responsibility for activity on any property falls upon the registered owner of that property. Any business agreement between parties regarding use of the property does not supersede the current Zoning District assigned to the property. During our conversation on July 24, 2017 you indicated that there were some different options that you were considering for the property at 5015 Gibbs Road. Since the property is currently zoned as CP-1 Planned Limited Business District, any changes would need to start with a Plan review meeting with our office staff. I invite you, at your first convenience, to contact either myself or my colleagues to set up a meeting time where we can discuss whichever option you have selected.

Thank you,

Jason Faust

**Urban Planning and Land Use
Enforcement Specialist**

701 N 7th Street, Suite 423
Kansas City, KS 66101

913-573-5756, 913-573-5758
jfaust@wycokck.org



Urban Planning and Land Use

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www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: April 26, 2018
Re: Petition #SP-2018-39

GENERAL INFORMATION

Applicant:
Jason Steuber

Status of Applicant:
Steuber Motor Company
LLC
13005 King Street
Overland Park, KS 66213

Requested Action:
Renewal of a Special Use
Permit for an automotive
dealership

Date of Application:
February 23, 2018

Purpose:
Special Use Permit for an
automotive dealership

Property Location:
3017 Merriam Lane



Commission Districts: Commissioner At Large: Tom Burroughs
District Commissioner: Angela Markley

Existing Zoning: M-2 General Industrial District

Existing Surrounding Zoning: **North:** CP-2 Planned General Business District
South: M-2 General Industrial District
East: M-2 General Industrial District
West: M-2 General Industrial District

Existing Uses: **North:** Commercial/Warehouse-office combination
South: Commercial/Warehouse distribution/Storage facility
East: Lawn and garden supplies/Feed store
West: Warehouse-office combination

Total Tract Size: 1.5 acres

Master Plan Designation: The Southwest Boulevard Merriam Lane Corridor Master Plan designates this property as a Business Park.

Major Street Plan: The City-Wide Master Plan designates Merriam Lane as a Class C Thoroughfare.

Advertisement: The Wyandotte Echo – March 15, 2018
Letters to Property Owner – March 14, 2018 and April 17, 2018

Public Hearings: April 9, 2018 and April 26, 2018

Public Opposition: No one appeared in opposition at the April 9, 2018 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jason Steuber, is requesting a renewal of a Special Use Permit (#SP-2016-38) for an internet-based automotive dealership.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of this neighborhood is primarily industrial and commercial. The BNSF Railroad runs to the south of this property, while a major thoroughfare in Merriam Lane runs to the north of this property. There are single family residential lots to the north, however Merriam Lane and other commercial uses act as a buffer to those properties.

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

The zoning and uses of properties nearby are industrial and commercial in nature. The proposed use of an automotive dealership will be compatible with surrounding uses, as it will be commercial and industrial in nature.

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

The existing business on this property performs services that would now require a special use permit. Removing the restrictions should not detrimentally affect nearby property, as the business already exists on this location.

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

The property is not vacant.

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

Special Use Permits are not addressed in the Master Plan.

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

As Merriam Lane is a major thoroughfare, there will be sufficient street network to support the proposed use. The proposed use will not result in increasing the amount of vehicular traffic.

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

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

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

The noise or illumination normally associated with automotive dealerships will not create problems for nearby property, as all sales will be conducted on the internet, and all automobiles will be stored inside.

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

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

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

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

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

There is minimal relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners. If this application is denied, the applicant will have to find another location to conduct business.

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

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

PREVIOUS ACTIONS

The City Planning Commission previously approved Special Use Permit #SP-2016-38 on April 11, 2016.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 25, 2018. According to the applicant, there were no attendees of the meeting.

KEY ISSUES

Display of vehicles
Business update

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 1 to recommend **APPROVAL** of Special Use Permit Application #SP-2018-39, subject to:

Urban Planning and Land Use Comments:

- 1. Have there been any updates to your business operations since your last special use permit?**

Applicant Response: No, business operations have not changed.

- 2. Are all vehicles still stored inside?**

Applicant Response: Yes, all vehicles are stored inside.

3. Have the previously approved stipulations (below) been complied with?

The following stipulations from the previous special use permit approved in 2016 (#SP-2016-38) must be followed:

- (1) Overhead door shall be closed at all times except when showing a customer a vehicle in the parking lot.
- (2) Stripe ten (10) parking stalls in the parking lot for your auto sales business.
- (3) Comply with the aforementioned stipulations.

Applicant Response: All previous stipulations have been met. Property has more than 10 striped parking spots. Overhead door is always closed.

Staff Conclusion:

The applicant has worked with staff to answer questions regarding previous stipulations. Subject to approval, staff stipulates the following:

- (1) This special use permit shall be valid for five (5) years.
- (2) Overhead door shall be closed at all times except when showing a customer a vehicle in the parking lot.
- (3) Keep vehicles stored inside.
- (4) Comply with the aforementioned stipulations.

Business License Comments:

- 1. Steuber Motor Group, LLC has filed and maintained a current occupation tax application on file with this office.

Public Works and Engineering Comments:

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

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2018-39** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 9, 2018 City Planning Commission Minutes
Neighborhood Meeting Minutes
Neighborhood Meeting Affidavit
Aerial Photograph
Zoning Map

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 9, 2018	April 26, 2018
Special Use	Approval	

STAFF CONTACT: Mason Herrman
mherrman@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2018-39** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2018-39**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

April 9, 2018 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2018-39 – JASON STEUBER -

SYNOPSIS: Renewal of a Special Use Permit (#SP-2016-38) for an automotive dealership at 3017 Merriam Lane. **Detailed Outline of Requested Action:** The applicant, Jason Steuber, is requesting a renewal of a Special Use Permit (#SP-2016-38) for an internet-based automotive dealership.

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

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 9, 2018;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notices to property owners; and
7. The publications in The Echo for the special use permit renewals.

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

Chairman Huey asked if anyone wished to remove an item from the Consent Agenda. Planning Commissioner Connelly requested that #SP-2018-41 and #SP-2018-42 be removed from the Consent Agenda.

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

Carson	Aye
Childress	Aye
Connelly	Aye
Ernst	No
Jones	Aye
Miller	Aye
Pauley	Aye
Reasons	Aye
Huey	Chairman
Mose	Not Present
Serda:	Not Present
Motion to APPROVE Passed: 7 to 1	
Subject to:	

Urban Planning and Land Use Comments:

1. Have there been any updates to your business operations since your last special use permit?

Applicant Response: No, business operations have not changed.

2. Are all vehicles still stored inside?

Applicant Response: Yes, all vehicles are stored inside.

3. Have the previously approved stipulations (below) been complied with?

The following stipulations from the previous special use permit approved in 2016 (#SP-2016-38) must be followed:

- (1) Overhead door shall be closed at all times except when showing a customer a vehicle in the parking lot.
- (2) Stripe ten (10) parking stalls in the parking lot for your auto sales business.
- (3) Comply with the aforementioned stipulations.

Applicant Response: All previous stipulations have been met. Property has more than 10 striped parking spots. Overhead door is always closed.

Staff Conclusion:

The applicant has worked with staff to answer questions regarding previous stipulations. Subject to approval, staff stipulates the following:

- (1) This special use permit shall be valid for five (5) years.
- (2) Overhead door shall be closed at all times except when showing a customer a vehicle in the parking lot.
- (3) Keep vehicles stored inside.
- (4) Comply with the aforementioned stipulations.

Business License Comments:

1. Steuber Motor Group, LLC has filed and maintained a current occupation tax application on file with this office.

Public Works and Engineering Comments:

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

- 1) None

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

- 1) None

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

1) None

MINUTES:

Application SP-2018-39

Date and Location: 3/25/2018, 3017 Merriam Ln, Kansas City, KS 66106

Meeting called to order at: 7PM

Names of people in attendance:

Jason Steuber

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

No one else showed up

Questions and answers (include the following):

- Who asked question or gave comment
- What was the question or comment
- Who answered the question/comment
- What was the answer given

Meeting adjourned at: 7:30 PM

Minutes taken by: Jason Steuber

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

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

1. That I am the petitioner for Petition # 2018-39
2. That I conducted a neighborhood meeting on 3/25/18.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

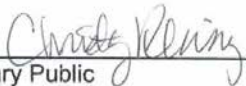
Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27 day of March, ~~200~~²⁰¹⁸

My commission expires 13 of February, ~~200~~²⁰²⁰




Notary Public







Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: April 26, 2018
Re: Petition #SP-2018-43

GENERAL INFORMATION

Applicant:
Noah Wambui

Status of Applicant:
Operator, Ideal Auto
11312 Indiana Avenue
Kansas City, MO 64137

Requested Action:
Renewal of Special Use Permit for
a salvage yard

Date of Application:
February 23, 2018

Purpose:
To continue the operation of a
salvage yard (vehicle
recycle/salvage parts)

Property Location:
810 South 26th Street



Commission Districts:

Commissioner At Large: Tom Burroughs
District Commissioner: Angela Markley

Existing Zoning: M-3 Heavy Industrial District

Existing Surrounding Zoning: **North:** M-3 Heavy Industrial District
South: M-3 Heavy Industrial District
East: M-3 Heavy Industrial District
West: M-3 Heavy Industrial District

Existing Uses: **North:** Vehicle recycler
South: Vehicle/metal recycler
East: Vehicle/metal recycler
West: Vacant land, Sinclair Truck Company

Total Tract Size: 0.27 acre

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

Major Street Plan: The City-Wide Master Plan classifies 26th Street as a local street.

Advertisement: The Wyandotte Echo – March 15, 2018
Letters to Property Owner – March 14, 2018 and April 17, 2018

Public Hearings: April 9, 2018 and April 26, 2018

Public Opposition: No one appeared in opposition at the April 9, 2018 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Noah Wambui of Ideal Auto wants to continue the operation of a salvage yard, specifically vehicle recycling and salvage auto parts at 810 South 26th Street.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is comprised of auto salvage businesses and metal recyclers. This area along South 26th Street has numerous salvage related businesses.

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

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

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

The removal of the restrictions should not detrimentally affect nearby property because the proposed use coincides with the businesses nearby.

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

The property has been occupied by the applicant since the approval of the prior Special Use Permit in 2016. Before then, the property had been vacant for several years.

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

Special Use Permits are not addressed in the Master Plan.

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

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

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

The proposed use is not reasonably necessary for the convenience and welfare of the public. If the proposed use is not properly managed and screened, the use could substantially injure the visual quality or marketability of adjoining property.

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

With similar uses along South 26th Street, the noise and illumination that is normally associated with the proposed use is of such duration and intensity would not create problems for nearby property.

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

The applicant says they drain all fluids prior to arriving on the property, which may mitigate environmental concerns. If any leaking fluids are not quickly cleaned up, the proposed use could pollute the land and water.

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

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

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

The relative gain to the public health, safety, and welfare is minimal. If this application is denied, the applicant will have to find an alternate location and apply for another special use permit to operate a salvage yard.

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

The site is fairly small and compact; the overcrowding of land can become a real problem when the storage yard is completely full of parts and accessories.

PREVIOUS ACTIONS

#SP-2016-27 – Previous Special Use Permit for Noah Wambui at 810 26th Street to operate a salvage yard

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting March 19, 2018. A copy of the sign-in sheet, neighborhood meeting minutes and neighborhood meeting affidavit are attached to this report. According to the applicant, no one was in attendance.

KEY ISSUES

Fluid containment and management
Storage of parts
Improvements to the property

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 1 to recommend **APPROVAL** of Special Use Permit Application #SP-2018-43, subject to:

Urban Planning and Land Use Comments:

1. Below are the stipulations from the previous Special Use Permit SP-2016-27:
 - (1) The special use permit shall be approved for two (2) years.
 - (2) Prior to opening you will need to obtain a building permit to bring the metal building up to code.
 - (3) The weeds in the concrete lot shall be removed and the concrete surfaced patched where roots have deteriorated the pavement.
 - (4) The four (4) parking stalls shall be striped and comply with the American Disabilities Act (ADA).
 - i. One (1) parking stall shall be ADA complaint when a 5' access aisle adjacent to the stall, a symbol painted on the ground, and a sign placard installed in front the stall 5' above the finished floor or ground surface.

Please provide photos to show that applicant is in compliance with stipulations 3 and 4.

2. Please also provide photos showing improvements to metal building.

Staff Note: Applicant submitted one photo, attached to this report. From this photo, it seems the applicant has not complied fully with the previous stipulations:

- (1) Prior to opening you will need to obtain a building permit to bring the metal building up to code.

Staff Note: It does not appear that any work has been done to the metal building. There are no building permits on record to bring the building up to code.

- (3) The weeds in the concrete lot shall be removed and the concrete surfaced patched where roots have deteriorated the pavement.

Staff Note: Weeds can be seen in the picture, and it does not appear that the surface has been patched where the pavement is deteriorated.

- (4) The four (4) parking stalls shall be striped and comply with the American Disabilities Act (ADA).

- i. One (1) parking stall shall be ADA complaint when a 5' access aisle adjacent to the stall, a symbol painted on the ground, and a sign placard installed in front the stall 5' above the finished floor or ground surface.

Staff Note: In the photo it seems there are at least three stalls striped and there is a sign placard installed for the ADA complaint

parking stall, however there is no symbol painted on the ground and it is unclear if there is a 5' access aisle.

Business License Comments:

1. Our office finds no record that this business has filed with our office. Our comments regarding original request identify their need to file. This office would oppose renewal until the business has filed for activities at this address.
 - a. Comments to SP-2016-27:
"If approved, applicant will need to file the occupation tax application with our office for this business activity."

Staff Note: Applicant has obtained his business license. See the attached receipt.

Public Works Comments:

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

Staff Conclusion:

Staff recommends approval for two (2) years subject to the applicant making the necessary improvements to the property. The applicant will have six (6) months to make the improvements stipulated by the previous permit, which would include obtaining a building permit to bring the metal building up to code, removing the weeds in the concrete lot and patching where the pavement has been deteriorated, striping four parking stalls, and making one stall ADA compliant by creating a 5' access aisle adjacent to the stall and a symbol painted on the ground. If applicant fails to make the necessary improvements, then this permit will be subject to revocation.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2018-43** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 9, 2018 City Planning Commission Minutes
Aerial map
Neighborhood meeting affidavit
Neighborhood meeting document
Occupation tax receipt
Applicant submitted photo

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 9, 2018	April 26, 2018
Special Use	Approval	

STAFF CONTACT: Kylie Wyatt
 kwyatt@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2018-43** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2018-43**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

April 9, 2018 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2018-43 – NOAH WAMBUI WITH IDEAL AUTO - SYNOPSIS: Renewal of a Special Use Permit (#SP-2016-27) for a salvage yard (recycling parts) at 810 South 26th Street. **Detailed Outline of Requested Action:** The applicant, Noah Wambui of Ideal Auto wants to continue the operation of a salvage yard, specifically vehicle recycling and salvage auto parts at 810 South 26th Street.

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

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 9, 2018;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notices to property owners; and
7. The publications in The Echo for the special use permit renewals.

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

Chairman Huey asked if anyone wished to remove an item from the Consent Agenda. Planning Commissioner Connelly requested that #SP-2018-41 and #SP-2018-42 be removed from the Consent Agenda.

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

Carson	Aye
Childress	Aye
Connelly	Aye
Ernst	No
Jones	Aye
Miller	Aye
Pauley	Aye
Reasons	Aye
Huey	Chairman
Mose	Not Present
Serda:	Not Present

Motion to APPROVE Passed: 7 to 1

Subject to:

Urban Planning and Land Use Comments:

1. Below are the stipulations from the previous Special Use Permit SP-2016-27:
 - (1) The special use permit shall be approved for two (2) years.
 - (2) Prior to opening you will need to obtain a building permit to bring the metal building up to code.
 - (3) The weeds in the concrete lot shall be removed and the concrete surfaced patched where roots have deteriorated the pavement.
 - (4) The four (4) parking stalls shall be striped and comply with the American Disabilities Act (ADA).
 - i. One (1) parking stall shall be ADA complaint when a 5' access aisle adjacent to the stall, a symbol painted on the ground, and a sign placard installed in front the stall 5' above the finished floor or ground surface.

Please provide photos to show that applicant is in compliance with stipulations 3 and 4.

2. Please also provide photos showing improvements to metal building.

Staff Note: Applicant submitted one photo, attached to this report. From this photo, it seems the applicant has not complied fully with the previous stipulations:

- (1) Prior to opening you will need to obtain a building permit to bring the metal building up to code.

Staff Note: It does not appear that any work has been done to the metal building. There are no building permits on record to bring the building up to code.

- (2) The weeds in the concrete lot shall be removed and the concrete surfaced patched where roots have deteriorated the pavement.

Staff Note: Weeds can be seen in the picture, and it does not appear that the surface has been patched where the pavement is deteriorated.

- (3) The four (4) parking stalls shall be striped and comply with the American Disabilities Act (ADA).
 - i. One (1) parking stall shall be ADA complaint when a 5' access aisle adjacent to the stall, a symbol painted on the ground, and a sign placard installed in front the stall 5' above the finished floor or ground surface.

Staff Note: In the photo it seems there are at least three stalls striped and there is a sign placard installed for the ADA complaint

parking stall, however there is no symbol painted on the ground and it is unclear if there is a 5' access aisle.

Business License Comments:

1. Our office finds no record that this business has filed with our office. Our comments regarding original request identify their need to file. This office would oppose renewal until the business has filed for activities at this address.
 - a. Comments to SP-2016-27:
"If approved, applicant will need to file the occupation tax application with our office for this business activity."

Staff Note: Applicant has obtained his business license. See the attached receipt.

Public Works Comments:

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

Staff Conclusion:

Staff recommends approval for two (2) years subject to the applicant making the necessary improvements to the property. The applicant will have six (6) months to make the improvements stipulated by the previous permit, which would include obtaining a building permit to bring the metal building up to code, removing the weeds in the concrete lot and patching where the pavement has been deteriorated, striping four parking stalls, and making one stall ADA compliant by creating a 5' access aisle adjacent to the stall and a symbol painted on the ground. If applicant fails to make the necessary improvements, then this permit will be subject to revocation.



Aerial map

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
COUNTY OF Wyandotte) ss:

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

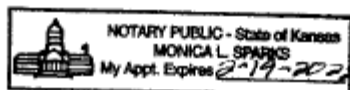
1. That I am the petitioner for Petition # SP-2018-43
2. That I conducted a neighborhood meeting on 3-19-2018.
3. Attached are the minutes/summary/sign-in sheet of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Noah Wambui
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26th day of MARCH, 2018.

My commission expires 19 of February, 2022.



Monica Sparks
Notary Public

Neighborhood meeting affidavit

Date:03/05/2018

Noah Wambui/ideal Auto parts
11312 indiana avenue
Kansas city MO 6137

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and
Land Use #_2018-43 The purpose of this:

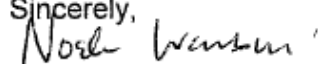
➤ special use permit

is for a salvage yard
at the following address: 810 s 26th street Kansas city Kansas 66102.

I/We am having a neighborhood meeting on 03/19/2018_at _4p.m. at the
following address 700 southwest blvd,Kansas city,Kansas 66103

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

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

Sincerely,

Noah Wambui

3/19/2018
No One Appeared

Neighborhood meeting document

**BUSINESS LICENSE DIVISION**

Neighborhood Resource Center
Unified Government of Wyandotte County/Kansas City, Kansas
4953 State Ave. Kansas City, Kansas 66102
p. (913) 573-8780 | f. (913) 573-8622 | www.wycokck.org/businesslicense

**2018
Occupation Tax Receipt**

Mailing Address

Date Receipt Issued: **3/20/2018**

IDEAL AUTO PARTS
11312 INDIANA AVE
KANSAS CITY, MO 64137

This certifies that

IDEAL AUTO PARTS
810 S 26TH ST
KANSAS CITY, KS 66106

has paid the Unified Government Occupation Tax for the privilege of conducting the business of

RETAIL/USED MOTOR VEHICLE PARTSin the City of Kansas City, Kansas. The Occupation Tax expires on: **12/31/2018**The tax paid on **3/20/2018** was **\$212.00**License # **18980-00194**

Phillip E. Henderson
License Administrator

THE ISSUANCE OF AN OCCUPATION TAX RECEIPT DOES NOT CREATE A PRESUMPTION THAT THE
BUSINESS HAS COMPLIED WITH THE UNIFIED GOVERNMENT REGULATORY ORDINANCES.

THIS RECEIPT MUST BE CONSPICUOUSLY DISPLAYED IN THE PLACE OF BUSINESS.
NO REFUNDS AVAILABLE.

BLExtRcpt.rpt

License #: 18980-00194

Date Printed: 3/20/2018

Occupation tax receipt



Applicant submitted photo



Staff Request for Commission Action

Tracking No. 1892

Full Commission Meeting Date: 4/26/18

Committee: Economic Development & Finance

Date of Standing Committee Action: 4/9/18

(If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
04/23/2018	Debbie Jonscher	x5847	djonscher@wycokck.org	Finance

Item Description:

A resolution authorizing the Unified Government of Wyandotte County/ Kansas City, Kansas to amend its Master Equipment Lease Purchase Agreement dated October 17th, 2013, with Banc of America Public Capital Corp. in connection with paying the costs of acquiring and installing certain equipment and to approve execution of certain documents in connection therewith.

The maximum amount is not to exceed \$12,500,000.

Submitted by Debbie Jonscher, Deputy CFO

Action Requested:

Please Approve

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution 2018 Master Lease Amendment 5, 2018 Lease Finance Detail, Wyandotte County Amendment Clean, Approved Master Lease Agreement 2013

RESOLUTION NO. R-__-18

**RESOLUTION AUTHORIZING THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO AMEND ITS MASTER
EQUIPMENT LEASE PURCHASE AGREEMENT WITH BANC OF AMERICA
PUBLIC CAPITAL CORP, THE PROCEEDS OF WHICH WILL BE USED TO
PAY THE COSTS OF ACQUIRING AND INSTALLING CERTAIN
EQUIPMENT.**

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) desires to obtain funds to pay the costs of acquiring and installing some or all of the equipment identified on *Annex I* attached hereto (the “Equipment”); and

WHEREAS, in order to facilitate the foregoing and to pay the cost thereof, it is necessary and desirable for the Unified Government, to amend its annually renewable Master Equipment Lease Purchase Agreement (the “Lease”) with Banc of America Public Capital Corp (the “Lessor”), dated as of October 17, 2013, to extend the Origination Period (as defined in the Lease);

WHEREAS, the amended further amends the tax-exempt pricing formula table as set forth in Section 3.04 of the Lease.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY KANSAS, AS FOLLOWS:

Section 1. Authorization of Lease Amendment. The Chief Financial Officer of the Unified Government of Wyandotte County/Kansas City, Kansas is hereby authorized to execute Amendment Number 5 to the Lease (the “Amendment”), attached hereto as *Exhibit A*, and take all other necessary action to amend the Lease.

Section 2. Authorization of Lease Transaction. The Unified Government states its intent to lease pursuant to the Lease and pursuant to separate Schedules of Equipment (the “Schedules”) some or all of the Equipment in a maximum principal amount of \$12,500,000. The Equipment to be leased and the related Schedule will be approved by subsequent resolution(s) of the Board of Commissioners.

Section 3. Authorization and Approval of Unified Government Documents. The Amendment is hereby approved in substantially the form submitted to and reviewed by the Board of Commissioners on the date hereof, with such changes therein as are approved by the County Administrator, the County Administrator’s execution of the Amendment being conclusive evidence of such approval.

The obligation of the Unified Government to pay Rental Payments (as defined in the Lease) under the Lease and any Schedules is subject to annual appropriation and will constitute a current expense of the Unified Government and will not in any way be construed to be an indebtedness or liability of the Unified Government in contravention of any applicable constitutional, charter or statutory limitation or requirement concerning the creation of indebtedness or liability by the Unified Government, nor will anything contained in the Lease or any Schedule constitute a pledge of the general tax revenues, funds or moneys of the Unified Government, and all provisions of the Lease and any Schedule will be construed so as to give effect to such intent.

The County Administrator is hereby authorized and directed to execute and deliver any Schedules on behalf of and as the act and deed of the Unified Government.

Section 4. Further Authority. The Unified Government will, and the officials and agents of the Unified Government are hereby authorized and directed to, take such actions, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution and to carry out, comply with and perform the duties of the Unified Government with respect to the Lease, any Schedules and the Equipment.

Section 5. Effective Date. This Resolution will take effect and be in full force from and after its passage by the Board of Commissioners.

ADOPTED by the Board of Commissioners of the Unified Government of Wyandotte County, Kansas City, Kansas, this April 26, 2018.

David Alvey, Mayor/ CEO

ATTEST:

Unified Government Clerk

APPROVED AS TO FORM:

Chief Counsel

Annex 1 - 2017-2018 Unified Government Lease Financed Equipment Projects

CMIP Project #	Item/Project	Term (yrs)	Rate*	Principal**	Interest***	Annual Pmt****	Service, Maintenance
2016 equipment (not financed)							
Fire	Air/Lights/Rehab vehicle	10		550,000	15,901	70,901	0
	Pumpers	10		660,000	19,081	85,081	0
NRC	Computer Database upgrade	3		264,000	-	88,000	0
2017 equipment (not financed)							
Public Works	Generator	5		125,000	3,351	28,351	0
Aging	Vehicles	5		100,000	2,681	22,681	0
Public Works	Dump Trucks	7		1,015,000	28,288	173,288	0
Fire	Pumper	10		660,000	19,081	85,081	0
	Fire Truck Aerial	10		950,000	27,465	122,465	0
	Fire Truck Quint	10		900,000	26,019	116,019	0
	Fire Truck Pumper	10		700,000	20,237	90,237	0
2018 Equipment							
Police	Patrol Vehicles (30) 2018 (LF 2018-2020)	3		1,200,000	30,228	430,228	0
Transit	Medium Duty Cutaway Buses - 2 (2018 - 2022 LF)	5		250,000	6,703	56,703	0
	Light Duty Cutaway Buses - 1 (2018 - 2022 LF)	5		92,000	2,467	20,867	0
Public Works	Dump Trucks (10) (2018-2024 LF)	7		1,050,000	29,264	179,264	0
	Sweepers (2) (2018-2022LF)	5		450,000	12,065	102,065	0
	Pothole Patcher (1) (LF 2018-2024)	7		245,000	6,828	41,828	0
	Street Striper (LF 2018-2027)	10		400,000	11,564	51,564	0
Fire	X-Series Monitor Upgrade Repl Program (2018-2021 LF)	5		400,000	10,076	90,076	0
	2013 Pumpers-Quints 2 LF (2018-2027)	10		1,520,000	43,943	195,943	0
Contingency	Other			<u>969,000</u>			
TOTAL				\$ 12,500,000			

* Interest is estimated, based on a formula in the master lease. Estimated rates as of February 8, 2018:

3 year: 2.519 %

5 year: 2.681 %

7 year: 2.787 %

10 year: 2.891 %

** Principal column is the estimated total purchase price without interest if paid for by cash.

*** Interest column is the annual interest amount using estimated rates.

**** Estimated

Bank of America

Amendment Number 5
to Master Equipment Lease Purchase Agreement
dated as of October 17, 2013

This Amendment Number 5 is made this 26th day of April, 2018 to the Master Equipment Lease Purchase Agreement dated as of October 17, 2013 ("Agreement") between Banc of America Public Capital Corp ("Lessor") and the Unified Government of Wyandotte County/Kansas City, Kansas ("Lessee")

WITNESSETH:

WHEREAS, Lessor and Lessee are parties to the Agreement; and

WHEREAS, Lessor and Lessee desire to amend certain provisions of the Agreement;

NOW, THEREFORE, in consideration of the premises and the mutual obligations hereinafter contained, and for other good and valuable consideration, the receipt whereof is hereby acknowledged, the parties hereto agree as follows:

1. Section 1.01 "Origination Period": is amended by deleting the reference to December 31, 2017, and replacing it with December 31, 2018.
2. In Section 3.04, the tax-exempt pricing formula table is deleted in its entirety and shall be replaced with the following table:

Term of Schedule	Index for Tax-Exempt Rate
3	2-year SWAP Rate x 79% + 99 basis points
4	2-year SWAP Rate x 79% + 106 basis points
5	3-year SWAP Rate x 79% + 106 basis points
6	3-year SWAP Rate x 79% + 120 basis points
7	4-year SWAP Rate x 79% + 120 basis points
8	4-year SWAP Rate x 79% + 139 basis points
9	5-year SWAP Rate x 79% + 136 basis points
10	5-year SWAP Rate x 79% + 154 basis points

3. Except as amended hereby, the Agreement shall remain in full force and effect and is in all respects hereby ratified and affirmed. Capitalized terms not otherwise defined herein shall have the meanings ascribed them in the Agreement.

IN WITNESS WHEREOF, the parties hereunto have caused this instrument to be executed by their duly authorized officers as of the day and year first above written.

Banc of America Public Capital Corp (Lessor)

Unified Government of Wyandotte County/Kansas City, Kansas (Lessee)

By: _____

By: _____

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

MASTER EQUIPMENT LEASE PURCHASE AGREEMENT

MASTER EQUIPMENT LEASE PURCHASE AGREEMENT (this Master Equipment Lease Purchase Agreement, including all exhibits and schedules hereto whether currently in existence or hereafter executed, being hereinafter referred to as the "Agreement") dated as of October 17, 2013 and entered into between **BANC OF AMERICA PUBLIC CAPITAL CORP**, a Kansas corporation ("Lessor"), and the **UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**, a municipal corporation existing under the laws of the State of Kansas ("Lessee").

RECITALS:

1. Lessee desires to lease certain equipment from the Lessor described in the schedules to this Agreement, substantially in the form of **Exhibit A** hereto, that currently exist or are hereafter executed from time to time by the parties hereto (such schedules, whether now or hereafter executed, are hereinafter collectively referred to as the "Schedules", and the items of equipment leased to Lessee hereunder, together with all substitutions, proceeds, replacement parts, repairs, additions, attachments, accessories and replacements thereto, thereof or therefor, are hereinafter collectively referred to as the "Equipment") subject to the terms and conditions of and for the purposes set forth in this Agreement.

2. The relationship between the parties shall be a continuing one and items of equipment may be added to the Equipment from time to time by execution of additional Schedules by the parties hereto and as otherwise provided herein.

3. Lessee is authorized under the constitution and laws of the State to enter into this Agreement for the purposes set forth herein.

NOW, THEREFORE, for and in consideration of the premises hereinafter contained, the parties hereby agree as follows:

ARTICLE I

Section 1.01. Definitions. The following terms will have the meanings indicated below unless the context clearly requires otherwise:

"Acquisition Costs" means, with respect to any Schedule, the amount paid or to be paid to the Vendor(s) for any portion of the Equipment upon Lessee's acceptance thereof, including reasonable administrative, engineering, legal, financial and other costs incurred by Lessor, Lessee and Vendor(s) in connection with the acquisition, installation and financing of such Equipment, all of which shall have been approved by Lessor in its sole discretion.

"Agent" means any agent for the Registered Owners, if any, to which all or a portion of Lessor's right, title and interest in, to and under the Agreement and any Schedule or any Equipment may be assigned for the benefit of the Registered Owners.

"Agreement" means this Master Equipment Lease Purchase Agreement, including any exhibit or escrow agreement made a part hereof by the parties hereto, whether currently in existence or hereafter executed, together with any amendments to this Agreement pursuant to **Section 13.05**.

"Code" means the Internal Revenue Code of 1986, as amended.

"Commencement Date" means, with respect to any Schedule, the date when the term of this Agreement with respect to that Schedule and Lessee's obligation to pay rent under that Schedule commence, which date will be the date on which proceeds of a Schedule are first disbursed pursuant to **Section 3.01**.

"Equipment" means the property listed in the Schedules and all replacements, repairs, restorations, modifications and improvements thereof or thereto made pursuant to **Section 8.01** or **Section 5.04**. Whenever reference is made in this Agreement to Equipment listed in a Schedule, that reference shall be deemed to include all replacements, repairs, restorations, modifications and improvements of or to that Equipment.

"Event of Default" means, with respect to any Lease, an Event of Default described in **Section 12.01**.

"Event of Nonappropriation" means, with respect to any Lease, a nonappropriation by Lessee pursuant to **Section 3.03**.

"Certificates of Participation" means certificates evidencing a right to receive a pro rata share of Rental Payments and Purchase Price Payments.

"Lease" means, at any time, any Schedule together with the terms and provisions of this Agreement as it relates to such Schedule and the Equipment listed therein, which shall constitute a separate single lease relating to that Equipment.

"Lease Term" means, with respect to any Lease, the Original Term and all Renewal Terms of that Lease.

"Lessee" means the entity described as such in the first paragraph of this Agreement, its successors and its assigns.

"Lessor" means, with respect to each Schedule and the Lease of which that Schedule is a part, (i) if Lessor's interest in, to and under that Schedule has not been assigned pursuant to **Section 11.01**, the entity described as such in the first paragraph of this Agreement or its successor, or (ii) if Lessor's interest in, to and under that Schedule has been assigned pursuant to **Section 11.01**, the assignee thereof or its successor.

"Maximum Lease Term" means, with respect to any Lease, the Original Term and all Renewal Terms through the Renewal Term including the last Rental Payment date set forth on any Schedule that is a part of that Lease.

"Net Proceeds" means the amount remaining from the gross proceeds of any insurance claim or condemnation award after deducting all expenses (including attorneys' fees) incurred in the collection of such claim or award.

"Original Term" means, with respect to any Lease, the period from the first Commencement Date for any Schedule under that Lease until the end of the budget year of Lessee in effect at that Commencement Date.

"Origination Period" means a period beginning on the date this Agreement is executed and delivered and ending on _____ December 31, 2014.

"Purchase Price" means, with respect to the Equipment listed on any Schedule, the amount that Lessee may, in its discretion, pay to Lessor to purchase that Equipment.

"Registered Owners" means the registered owners of Certificate of Participation.

"Renewal Terms" means, with respect to any Lease, the renewal terms of that Lease, each having a duration of one year and a term coextensive with Lessee's fiscal year.

"Rental Payments" means the basic rental payments payable by Lessee pursuant to Section 4.01.

"Rental Payment Date" means the monthly or quarterly payment dates as shown on the payment schedule attached to each Lease during the duration of the Lease Term.

"Schedule" means any schedule to this Agreement, substantially in the form of Exhibit A hereto, executed from time to time by the parties hereto.

"State" means the state of Kansas.

"Vendor" means a manufacturer of Equipment as well as the agents or dealers of the manufacturer from whom Lessor purchased or is purchasing Equipment.

ARTICLE II

Section 2.01. Representations and Covenants of Lessee. Lessee represents, covenants and warrants for the benefit of Lessor and any Registered Owners (as hereinafter defined) as follows:

- (a) Lessee is a municipal corporation duly organized and existing under the constitution and laws of the State with full power and authority to enter into this Agreement and the transactions contemplated hereby and to perform all of its obligations hereunder.
- (b) Lessee has duly authorized the execution and delivery of this Agreement by proper action by its governing body at a meeting duly called, regularly convened and attended throughout by the requisite majority of the members thereof or by other appropriate official approval, and all requirements have been met and procedures have occurred in order to ensure the validity and enforceability of this Agreement.
- (c) This Agreement constitutes the legal, valid and binding obligation of Lessee enforceable in accordance with its terms, except to the extent limited by applicable bankruptcy, insolvency, reorganization or other laws affecting creditors' rights generally.

- (d) No event or condition that constitutes, or with the giving of notice or the lapse of time or both would constitute, an Event of Default exists at the date hereof.
- (e) Lessee has, in accordance with the requirements of law, fully budgeted and appropriated sufficient funds for the current fiscal year to make the Rental Payments scheduled to come due during the current fiscal year and to meet its other obligations under this Agreement for the current fiscal year, and such funds have not been expended for other purposes.
- (f) Lessee will do or cause to be done all things necessary to preserve and keep in full force and effect its existence as a municipal corporation under the laws of the State.
- (g) Lessee has complied with such public bidding requirements as may be applicable to this Agreement and the acquisition by Lessee of the Equipment listed on the Schedules that currently exist.
- (h) There is no action, suit, proceeding, inquiry or investigation, at law or in equity, before or by any court, public board or body, pending or threatened against or affecting Lessee, nor to the best knowledge of Lessee is there any basis therefor, wherein an unfavorable decision, ruling or finding would materially adversely affect the transactions contemplated by this Agreement or any other document, agreement or certificate which is used or contemplated for use in the consummation of the transactions contemplated by this Agreement.
- (i) All authorizations, consents and approvals of governmental bodies or agencies required in connection with the execution and delivery by Lessee of this Agreement or in connection with the carrying out by Lessee of its obligations hereunder have been obtained.
- (j) The entering into and performance of this Agreement or any other document or agreement contemplated hereby to which Lessee is or is to be a party will not violate any judgment, order, law or regulation applicable to Lessee or result in any breach of, or constitute a default under, or result in the creation of any lien, charge, security interest or other encumbrance on any assets of Lessee or the Equipment pursuant to any indenture, mortgage, deed of trust, bank loan or credit agreement or other instrument to which Lessee is a party or by which it or its assets may be bound, except as herein provided.
- (k) The Equipment described in this Agreement is essential to the function of Lessee or to the service Lessee provides to its citizens. Lessee has an immediate need for the Equipment listed on the Schedules that currently exist and expects to make immediate use of the Equipment listed on the Schedules that currently exist. Lessee's need for the Equipment is not temporary and Lessee does not expect the need for any item of the Equipment to diminish in the foreseeable future including the Maximum Lease Term applicable to such item. The Equipment will be used by Lessee only for the purpose of performing one or more of Lessee's governmental or proprietary functions consistent with the permissible scope of Lessee's authority.

ARTICLE III

Section 3.01. Lease of Equipment. Lessor hereby demises, leases and lets to Lessee, and Lessee rents, leases and hires from Lessor, the Equipment listed in each Schedule in accordance with this Agreement and that Schedule for the Lease Term for the Lease of which that Schedule is a part. Upon fulfillment of the conditions set forth in **Section 3.04**, all the proceeds of a Schedule shall be disbursed by means of an electronic transfer to Lessee or the payees designated by the Lessee. Lessee's obligations under each Schedule shall commence and interest shall begin to accrue on the date the proceeds of that Schedule disbursed by Lessor in accordance with the Lessee's instructions.

Section 3.02. Continuation of Lease Term. The Lease Term for each Lease may be continued, solely at the option of Lessee, at the end of the Original Term or any Renewal Term for an additional Renewal Term up to the Maximum Lease Term for that Lease. At the end of the Original Term and at the end of each Renewal Term until the Maximum Lease Term has been completed for a Lease, Lessee shall be deemed to have exercised its option to continue that Lease for the next Renewal Term unless Lessee shall have terminated that Lease pursuant to **Section 3.03** or **Section 10.01**. The terms and conditions during any Renewal Term shall be the same as the terms and conditions during the Original Term, except that the Rental Payments shall be as provided in the Schedules. Lessee currently intends, subject to **Section 3.03** and **Section 4.02**, to continue the Lease Term for each Lease through the Original Term and all Renewal Terms and to pay the Rental Payments hereunder. Lessee reasonably believes that legally available funds in an amount sufficient to make all Rental Payments during the entire Lease Term for each Lease can be obtained. The responsible financial officer of the Lessee will do all things lawfully within his or her power to obtain and maintain funds from which the Rental Payments may be made, including making provision for such payments to the extent necessary in each budget or appropriation request submitted and adopted in accordance with applicable procedures of the Lessee, to have such portion of the budget or appropriation request approved and to exhaust all available reviews and appeals in the event such portion of the budget or appropriation request is not approved. Notwithstanding the foregoing, the decision whether or not to budget or appropriate funds or to extend this Agreement for any Renewal Term is solely within the discretion of the then current governing body of Lessee.

Section 3.03. Nonappropriation. Lessee is obligated only to pay such Rental Payments under this Agreement as may lawfully be made from funds budgeted and appropriated for that purpose during Lessee's then current fiscal year. Should Lessee fail to budget, appropriate or otherwise make available funds to pay Rental Payments under a Lease following the then current Original Term or Renewal Term, that Lease shall be deemed terminated at the end of the then current Original Term or Renewal Term. Lessee agrees to deliver notice to Lessor of such termination at least 90 days prior to the end of the then current Original Term or Renewal Term, but failure to give such notice shall not extend the term beyond such Original Term or Renewal Term. If a Lease is terminated in accordance with this Section, Lessee agrees, at Lessee's cost and expense, to peaceably deliver the Equipment then subject to that Lease to Lessor at the location or locations to be specified by Lessor.

Section 3.04. Conditions to Lessor's Performance Under Schedules. As a prerequisite to the performance by Lessor of any of its obligations pursuant to the execution and delivery of any Schedule, Lessee shall deliver to Lessor the following:

- (a) The fully completed and executed Schedule.
- (b) An opinion of counsel to Lessee in substantially the form attached hereto as **Exhibit B** respecting such Schedule and otherwise satisfactory to Lessor.

- (c) A Municipal Certificate executed by the Clerk or Secretary or other comparable officer of Lessee, in substantially the form attached hereto as **Exhibit C**, completed to the satisfaction of Lessor.
- (d) All documents, including financing statements, affidavits, notices and similar instruments, in form satisfactory to Lessor, which Lessor deems necessary or appropriate at that time pursuant to **Section 6.02**.
- (e) Such other items, if any, as are set forth in such Schedule or are reasonably required by Lessor.

Proceeds of a Schedule shall be disbursed to Lessee upon presentation to Lessor of the properly executed payment request, a form of which is attached as **Exhibit D**, executed by Lessee and approved by Lessor, together with an invoice for the Costs of Acquisition of the Equipment referred to in such Schedule. If the amounts available under a Schedule are insufficient to pay for all of the Costs of Acquisition of said Equipment, Lessee shall provide any balance of the funds needed to complete the acquisition of the Equipment. The principal component of each Schedule shall be at least \$50,000, and Schedules shall not be entered into more frequently than monthly.

The Lessor hereby agrees to enter into any Schedule during the Origination Period requested by the Lessee at the Lessee's option and not currently in existence. Lessor shall not be obligated to enter into any schedule if there has been any "Event of Default" that has occurred and is continuing under any Lease or if there has been an "Event of Nonappropriation" that has occurred and is continuing under any Lease.

The interest rate component of each Schedule will be determined and fixed five business days prior to funding. The tax-exempt interest rate component shall be determined using the most currently available Federal Reserve Statistical Release H.15 and will be in accordance with the following pricing formula:

<u>Term of Schedule</u>	<u>Index for Tax-Exempt Rate</u>
3	2-year Treasury Swap x 65% + 80 basis points
4	2-year Treasury Swap x 65% + 87 basis points
5	3-year Treasury Swap x 65% + 88 basis points
6	3-year Treasury Swap x 65% + 99 basis points
7	4-year Treasury Swap x 65% + 100 basis points
8	4-year Treasury Swap x 65% + 115 basis points
9	5-year Treasury Swap x 65% + 112 basis points
10	5-year Treasury Swap x 65% + 126 basis points

The taxable interest rate component shall be determined using the most currently available Federal Reserve Statistical Release H.15 and will be in accordance with the following pricing formula:

<u>Term of Schedule</u>	<u>Index for Taxable Rate</u>
3	2-year Treasury Swap + (80 basis points/64.1%)
4	2-year Treasury Swap + (87 basis points/64.1%)
5	3-year Treasury Swap + (88 basis points/64.1%)
6	3-year Treasury Swap + (99 basis points/64.1%)
7	4-year Treasury Swap + (100 basis points/64.1%)
8	4-year Treasury Swap + (115 basis points/64.1%)
9	5-year Treasury Swap + (112 basis points/64.1%)
10	5-year Treasury Swap + (126 basis points/64.1%)

Lessee will cooperate with Lessor in Lessor's review of any proposed Schedule. Without limiting the foregoing, Lessee will provide Lessor with any documentation or information Lessor may request in connection with Lessor's review of any proposed Schedule. Such documentation may include, without limitation, documentation concerning the Equipment and its contemplated use and location and documentation or information concerning the financial status of Lessee and other matters related to Lessee.

ARTICLE IV

Section 4.01. Rental Payments. Lessee shall promptly pay Rental Payments, exclusively from legally available funds, in lawful money of the United States of America to Lessor on each Rental Payment Date, in such amounts and on such dates as set forth in the Schedules. Lessee shall pay Lessor a charge on any Rental Payment not paid on the date such payment is due at the rate of 10% per annum or the maximum amount permitted by law, whichever is less, from such date. As set forth in each Schedule, a portion of each Rental Payment is paid as, and represents payment of, interest.

Section 4.02. Rental Payments to Constitute a Current Expense of Lessee. Lessor and Lessee understand and intend that the obligation of Lessee to pay Rental Payments hereunder shall constitute a current expense of Lessee and shall not in any way be construed to be a debt of Lessee in

contravention of any applicable constitutional or statutory limitation or requirement concerning the creation of indebtedness by Lessee, nor shall anything contained herein constitute a pledge of the general tax revenues, funds or moneys of Lessee.

Section 4.03. RENTAL PAYMENTS TO BE UNCONDITIONAL. EXCEPT AS PROVIDED IN SECTION 3.03, THE OBLIGATIONS OF LESSEE TO MAKE RENTAL PAYMENTS AND TO PERFORM AND OBSERVE THE OTHER COVENANTS AND AGREEMENTS CONTAINED IN THIS AGREEMENT SHALL BE ABSOLUTE AND UNCONDITIONAL IN ALL EVENTS WITHOUT ABATEMENT, DIMINUTION, DEDUCTION, SET-OFF OR DEFENSE, FOR ANY REASON, INCLUDING WITHOUT LIMITATION ANY FAILURE OF THE EQUIPMENT TO BE DELIVERED OR INSTALLED, ANY DEFECTS, MALFUNCTIONS, BREAKDOWNS OR INFIRMITIES IN THE EQUIPMENT OR ANY ACCIDENT, CONDEMNATION OR UNFORESEEN CIRCUMSTANCES.

ARTICLE V

Section 5.01. Delivery, Installation and Acceptance of Equipment. Lessee shall order the Equipment, cause the Equipment to be delivered and installed at the locations specified in the Schedules and pay any and all delivery and installation costs in connection therewith. When the Equipment listed in any Schedule has been delivered and installed, Lessee shall immediately accept such Equipment and evidence said acceptance by executing and delivering to Lessor a final acceptance certificate in the form attached hereto as a part of **Exhibit D**.

Section 5.02. Enjoyment of Equipment. Lessor shall not interfere with Lessee's quiet use and enjoyment of the Equipment during the Lease Term, except as otherwise expressly set forth in this Agreement.

Section 5.03. Location; Inspection. Once installed, no item of the Equipment will be moved from the location specified for it in the Schedule on which that item is listed without Lessor's consent, which consent shall not be unreasonably withheld. Lessor shall have the right at all reasonable times during regular business hours to enter into and upon the property of Lessee for the purpose of inspecting the Equipment.

Section 5.04. Use and Maintenance of the Equipment. Lessee will not install, use, operate or maintain the Equipment improperly, carelessly, in violation of any applicable law or in a manner contrary to that contemplated by this Agreement. Lessee shall provide all permits and licenses, if any, necessary for the installation and operation of the Equipment. In addition, Lessee agrees to comply in all respects (including, without limitation, with respect to the use, maintenance and operation of each item of the Equipment) with all applicable laws, regulations and rulings of any legislative, executive, administrative or judicial body; provided that Lessee may contest in good faith the validity or application of any such law, regulation or ruling in any reasonable manner that does not, in the opinion of Lessor, adversely affect the interest of Lessor in and to the Equipment or its interest or rights under this Agreement.

Lessee agrees that it will, at Lessee's own cost and expense, maintain, preserve and keep the Equipment in good repair, working order and condition. Lessor shall have no responsibility to maintain, repair or make improvements or additions to the Equipment.

ARTICLE VI

Section 6.01. Title to the Equipment. Upon acceptance of the Equipment by Lessee, title to the Equipment shall vest in Lessee subject to Lessor's rights under this Agreement; provided that title to the Equipment that is subject to any Lease shall thereafter immediately and without any action by Lessee vest in Lessor, and Lessee shall immediately surrender possession of that Equipment to Lessor, upon (a) any termination of that Lease other than termination pursuant to **Section 10.01** or (b) the occurrence of an Event of Default with respect to that Lease. It is the intent of the parties hereto that any transfer of title to Lessor pursuant to this Section shall occur automatically without the necessity of any bill of sale, certificate of title or other instrument of conveyance. Lessee shall, nevertheless, execute and deliver any such instruments as Lessor may request to evidence such transfer.

Section 6.02. Security Interest. To secure the payment of all of Lessee's obligations under this Agreement, Lessee hereby grants to Lessor a security interest constituting a first lien on the Equipment and on all additions, attachments, accessions thereto, substitutions therefor and proceeds therefrom. Lessee agrees to execute such additional documents, in form satisfactory to Lessor, which Lessor deems necessary or appropriate to establish and maintain its security interest and the security interest of any assignee of Lessor in the Equipment.

Section 6.03. Personal Property. Lessor and Lessee agree that the Equipment is and will remain personal property and will not be deemed to be affixed to or a part of the real estate on which it may be situated, notwithstanding that the Equipment or any part thereof may be or hereafter become in any manner physically affixed or attached to real estate or any building thereon. Upon the request of Lessor, Lessee will, at Lessee's expense, furnish a waiver of any interest in the Equipment from any party having an interest in any such real estate or building.

ARTICLE VII

Section 7.01. Liens, Taxes, Other Governmental Charges and Utility Charges. Lessee shall keep the Equipment free of all liens, charges and encumbrances except those created by this Agreement. The parties to this Agreement contemplate that the Equipment will be used for a governmental or proprietary purpose of Lessee and, therefore, that the Equipment will be exempt from all property taxes. If the use, possession or acquisition of the Equipment is nevertheless determined to be subject to taxation, Lessee shall pay when due all taxes and governmental charges lawfully assessed or levied against or with respect to the Equipment. Lessee shall pay all utility and other charges incurred in the use and maintenance of the Equipment. Lessee shall pay such taxes or charges as the same may become due; provided that, with respect to any such taxes or charges that may lawfully be paid in installments over a period of years, Lessee shall be obligated to pay only such instalments as accrue during the Lease Term.

Section 7.02. Insurance. Lessor acknowledges that the Lessee is currently self-insured as to both liability and casualty losses or damages, and Lessor agrees that Lessee's current self-insurance program is satisfactory. Lessee will annually provide information about its self-insurance program if requested by Lessor. Lessee agrees that it will either remain self-insured during the Lease Term or will, solely at its option and at its expense, maintain (a) casualty insurance insuring the Equipment against loss or damage by fire and all other risks covered by the standard extended coverage endorsement then in use in the State, and any other risks reasonably required by Lessor, in an amount at least equal to the then

applicable Purchase Price of the Equipment, (b) liability insurance that protects Lessor and Lessee from liability in all events in form and amount satisfactory to Lessor and (c) workers' compensation coverage as required by the laws of the State; provided that, with Lessor's prior written consent, Lessee resume at any time a program of self-insurance. Any insurance proceeds from casualty losses shall be payable as hereinafter provided. If Lessee chooses to obtain insurance, Lessee shall furnish to Lessor certificates evidencing such coverage during the Lease Term.

Any such casualty and liability insurance shall be with insurers that are acceptable to Lessor, shall name Lessee and Lessor as insureds and shall contain a provision to the effect that such insurance shall not be canceled or modified materially without first giving written notice thereof to Lessor at least 10 days in advance of such cancellation or modification. Any such casualty insurance shall contain a provision making any losses payable to Lessee and Lessor as their respective interests may appear.

Section 7.03. Financial Information. Lessee will annually provide Lessor with current financial statements as they become available, but in no event later than 270 days after the end of the Lessee's fiscal year, budgets as they become finally approved (which will serve as proof of appropriation for the ensuing budget year) and such other financial information relating to the ability of Lessee to continue this Agreement as may be requested by Lessor.

ARTICLE VIII

Section 8.01. Damage, Destruction and Condemnation. If (a) the Equipment listed on any Schedule or any portion thereof is destroyed, in whole or in part, or is damaged by fire or other casualty or (b) title to, or the temporary use of, the Equipment or any part thereof shall be taken under the exercise of the power of eminent domain by any governmental body or by any person, firm or corporation acting pursuant to governmental authority, Lessee and Lessor will cause the Net Proceeds of any insurance claim or condemnation award to be applied to the prompt replacement, repair, restoration, modification or improvement of that Equipment, unless Lessee shall have exercised its option to purchase that Equipment pursuant to **Section 10.01**. Any balance of the Net Proceeds remaining after such work has been completed shall be paid to Lessee.

Section 8.02. Insufficiency of Net Proceeds. If the Net Proceeds are insufficient to pay in full the cost of any repair, restoration, modification or improvement referred to in **Section 8.01**, Lessee shall either complete such replacement, repair, restoration, modification or improvement and pay any costs thereof in excess of the amount of the Net Proceeds, unless Lessee, pursuant to **Section 10.01**, purchases Lessor's interest in the Equipment destroyed, damaged or taken and any other Equipment listed in the same Schedule. The amount of the Net Proceeds, if any, remaining after completing such repair, restoration, modification or improvement or after purchasing Lessor's interest in the Equipment shall be retained by Lessee. If Lessee shall make any payments pursuant to this Section, Lessee shall not be entitled to any reimbursement therefor from Lessor nor shall Lessee be entitled to any diminution of the amounts payable under **Article IV**.

ARTICLE IX

Section 9.01. DISCLAIMER OF WARRANTIES. LESSEE HAS SELECTED THE EQUIPMENT AND THE VENDORS. LESSOR MAKES NO WARRANTY OR REPRESENTATION, EITHER EXPRESS OR IMPLIED, AS TO THE VALUE, DESIGN, CONDITION,

MERCHANTABILITY OR FITNESS FOR PARTICULAR PURPOSE OR FITNESS FOR USE OF THE EQUIPMENT, OR WARRANTY OR REPRESENTATION WITH RESPECT THERETO. IN NO EVENT SHALL LESSOR BE LIABLE FOR ANY ACTUAL, INCIDENTAL, INDIRECT, SPECIAL OR CONSEQUENTIAL DAMAGE IN CONNECTION WITH OR ARISING OUT OF THIS AGREEMENT OR THE EXISTENCE, FURNISHING, FUNCTIONING OR LESSEE'S USE OR MAINTENANCE OF ANY EQUIPMENT OR SERVICE PROVIDED FOR IN THIS AGREEMENT.

Section 9.02. Vendor's Warranties. Lessee may have rights under the contract evidencing the purchase of the Equipment; Lessee is advised to contact the Vendor for a description of any such rights. Lessor hereby assigns to Lessee during the Lease Term all warranties running from Vendor to Lessor. Lessor hereby irrevocably appoints Lessee its agent and attorney-in-fact during the Lease Term, so long as Lessee shall not be in default hereunder, to assert from time to time whatever claims and rights (including without limitation warranties) related to the Equipment that Lessor may have against the Vendor. Lessee's sole remedy for the breach of such warranty, indemnification or representation shall be against the Vendor of the Equipment, and not against Lessor. Any such matter shall not have any effect whatsoever on the rights and obligations of Lessor with respect to this Agreement, including the right to receive full and timely payments hereunder. Lessee expressly acknowledges that Lessor makes, and has made, no representations or warranties whatsoever as to the existence or the availability of such warranties by the Vendor of the Equipment.

ARTICLE X

Section 10.01. Purchase Option. Lessee shall have the option to purchase Lessor's interest in all of the Equipment listed in any Schedule, upon giving written notice to Lessor at least 60 days before the date of purchase, at the following times and upon the following terms:

- (a) On the last Rental Payment Date set forth in that Schedule (assuming this Agreement is renewed at the end of the Original Term and each Renewal Term), if the Agreement is still in effect on such day, upon payment in full of Rental Payments due on such Schedule and the payment of One Dollar to Lessor;
- (b) On the Rental Payment Date during the Original Term or any Renewal Term then in effect, upon payment in full to Lessor of the Rental Payments then due on that Schedule plus the then applicable Purchase Price set forth on that Schedule; or
- (c) In the event of substantial damage to or destruction or condemnation of substantially all of the Equipment listed in that Schedule, on the day specified in Lessee's notice to Lessor of its exercise of the purchase option upon payment in full to Lessor of the Rental Payments then due under that Schedule plus the then applicable Purchase Price set forth in such Schedule.

ARTICLE XI

Section 11.01. Assignment by Lessor. Lessor's interest in, to and under this Agreement and the Equipment may be assigned and reassigned in whole or in part to one or more assignees by Lessor and, to the extent of its interest, by any Registered Owner, but only with the prior written consent of Lessee; provided that (a) any assignment shall not be effective until Lessee has received written notice, signed by

the assignor, of the name, address and tax identification number of the assignee, and (b) any assignment to or by a Registered Owner shall not be effective until it is registered on the registration books kept by the Agent as agent for Lessee. Lessee shall retain all such notices as a register of all assignees (other than Registered Owners) and shall make all payments to the assignee or assignees designated in such register or, in the case of Registered Owners, to the Agent. Certificates of participation in this Lease may be executed and delivered by the Agent to Registered Owners, if any, provided such certificates of participation are sold only on a private placement basis (and not pursuant to any "public offering") to a purchaser(s) who represents that (i) such purchaser has sufficient knowledge and experience in financial and business matters to be able to evaluate the risks and merits of the investment (ii) such purchaser understands neither the Lease nor the certificates will be registered under the Securities Act of 1933, (iii) such purchaser is either an "accredited investor" within the meaning of Regulation D under the Securities Act of 1933, or a qualified institutional buyer within the meaning of Rule 144A, and (iv) that it is the intention of such purchaser to acquire such certificates (A) for investment for its own account or (B) for resale in a transaction exempt from registration under the Securities Act of 1933. Lessee agrees to execute all documents, including notices of assignment and chattel mortgages or financing statements that may be reasonably requested by Lessor or any assignee to protect its interests in the Equipment and in this Agreement. Lessee shall not have the right to and shall not assert against any assignee or Registered Owner any claim, counterclaim or other right Lessee may have against Lessor. Assignments in part may include without limitation assignment of all or a portion of Lessor's right, title and interest in, to and under the Equipment listed in a particular Schedule and all rights in, to and under the Agreement related to that Equipment.

Section 11.02. Assignment and Subleasing by Lessee. None of Lessee's right, title and interest in, to and under this Agreement and in the Equipment may be assigned or encumbered by Lessee for any reason; except that Lessee may sublease all or part of the Equipment if Lessee obtains the prior written consent of Lessor and an opinion of nationally recognized counsel in the area of tax exempt municipal obligations satisfactory to Lessor that such subleasing will not adversely affect the exclusion of the interest components of the Rental Payments from gross income for federal income tax purposes. Any such sublease of all or part of the Equipment shall be subject to this Agreement and the rights of the Lessor in, to and under this Agreement and the Equipment.

ARTICLE XII

Section 12.01. Events of Default Defined. Subject to the provisions of Section 3.03, any of the following events shall constitute an "Event of Default" under any Lease:

- (a) Failure by Lessee to pay any Rental Payment or other payment required to be paid under that Lease at the time specified in that Lease;
- (b) Failure by Lessee to observe and perform any covenant, condition or agreement on its part to be observed or performed under that Lease, other than as referred to in subparagraph (a) above, for a period of 30 days after written notice specifying such failure and requesting that it be remedied is given to Lessee by Lessor, unless Lessor shall agree in writing to an extension of such time prior to its expiration; provided that, if the failure stated in the notice cannot be corrected within the applicable period, Lessor will not unreasonably withhold its consent to an extension of such time if corrective action is instituted by Lessee within the applicable period and diligently pursued until the default is corrected;

- (c) Any statement, representation or warranty made by Lessee in or pursuant to that Lease or its execution, delivery or performance shall prove to have been false, incorrect, misleading or breached in any material respect on the date when made;
- (d) Any provision of that Lease shall at any time for any reason cease to be valid and binding on Lessee, or shall be declared to be null and void, or the validity or enforceability thereof shall be contested by Lessee or any governmental agency or authority if the loss of such provision would materially adversely affect the rights or security of Lessor, or Lessee shall deny that it has any further liability or obligation under that Lease.
- (e) Lessee shall (i) apply for or consent to the appointment of a receiver, trustee, custodian or liquidator of Lessee, or of all or a substantial part of the assets of Lessee, (ii) be unable, fail or admit in writing its inability generally to pay its debts as they become due, (iii) make a general assignment for the benefit of creditors, (iv) have an order for relief entered against it under applicable federal bankruptcy law, or (v) file a voluntary petition in bankruptcy or a petition or an answer seeking reorganization or an arrangement with creditors or taking advantage of any insolvency law or any answer admitting the material allegations of a petition filed against Lessee in any bankruptcy, reorganization or insolvency proceeding; or
- (f) An order, judgment or decree shall be entered by any court of competent jurisdiction, approving a petition or appointing a receiver, trustee, custodian or liquidator of Lessee or of all or a substantial part of the assets of Lessee, in each case without its application, approval or consent, and such order, judgment or decree shall continue unstayed and in effect for any period of 30 consecutive days.

Section 12.02. Remedies on Default. Whenever any Event of Default under any Lease exists, Lessor shall have the right, at its sole option without any further demand or notice, to take one or any combination of the following remedial steps:

- (a) By written notice to Lessee, declare all Rental Payments and other amounts payable by Lessee under that Lease to the end of the then current Original Term or Renewal Term to be due;
- (b) With or without terminating that Lease, Lessor may enter the premises where any Equipment that is subject to that Lease is located and retake possession of that Equipment or require Lessee at Lessee's expense to promptly return any or all of the Equipment to the possession of Lessor at such place within the United States as Lessor shall specify, and sell or lease the Equipment or, for the account of Lessee, sublease the Equipment, continuing to hold Lessee liable for the difference between (i) the Rental Payments and other amounts payable by Lessee under that Lease to the end of the then current Original Term or Renewal Term and (ii) the net proceeds of any such sale, leasing or subleasing (after deducting all expenses of Lessor in exercising its remedies under this Agreement, including without limitation all expenses of taking possession, storing, reconditioning and selling or leasing the Equipment and all brokerage, auctioneers' and attorneys' fees); and

- (c) Lessor may take whatever action at law or in equity may appear necessary or desirable to enforce its rights under that Lease or as the owner of any or all of the Equipment that is subject to that Lease.

Section 12.03. No Remedy Exclusive. No remedy herein conferred upon or reserved to Lessor is intended to be exclusive and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement now or hereafter existing at law or in equity. No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver thereof, but any such right or power may be exercised from time to time and as often as may be deemed expedient. In order to entitle Lessor to exercise any remedy reserved to it in this Article it shall not be necessary to give any notice other than such notice as may be required in this Article.

Section 12.04. Application of Moneys. Any net proceeds from the exercise of any remedy hereunder with respect to any Event of Default under any Lease (after deducting all expenses of Lessor in exercising such remedies including without limitation all expenses of taking possession, storing, reconditioning and selling or leasing Equipment and all brokerage, auctioneer's or attorney's fees) shall be applied to amounts due pursuant to that Lease and other amounts related to that Lease and the Equipment listed in the Schedule with respect to that Lease.

ARTICLE XIII

Section 13.01. Notices. All notices, certificates or other communications hereunder shall be sufficiently given and shall be deemed given when delivered or mailed by registered mail, postage prepaid, to the parties hereto at the addresses immediately after the signatures to this Agreement (or at such other address as either party hereto shall designate in writing to the other for notices to such party), to any assignee at its address as it appears on the registration books maintained by Lessee or by the Agent and to any Registered Owner at its address as it appears on the registration books maintained by the Agent.

Section 13.02. Release and Indemnification. To the extent permitted by law, Lessee shall indemnify, protect, hold harmless, save and keep harmless Lessor from and against any and all liabilities, obligations, losses, claims and damages whatsoever, regardless of cause thereof, and all expenses in connection therewith (including, without limitation, counsel fees and expenses, penalties connected therewith imposed on interest received) arising out of or as (a) result of the entering into of this Agreement, (b) the ownership of any item of the Equipment, (c) the ordering, acquisition, use, operation, condition, purchase, delivery, rejection, storage or return of any item of the Equipment, (d) or any accident in connection with the operation, use, condition, possession, storage or return of any item of the Equipment resulting in damage to property or injury to or death to any person, and/or (e) the breach of any covenant herein or any material misrepresentation contained herein. The indemnification arising under this paragraph shall continue in full force and effect notwithstanding the full payment of all obligations under this Agreement or the termination of the Lease Term for any reason.

Section 13.03. Binding Effect. This Agreement shall inure to the benefit of and shall be binding upon Lessor and Lessee and their respective successors and assigns.

Section 13.04. Severability. In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Section 13.05. Amendments, Changes and Modifications. This Agreement may be amended by Lessor and Lessee; provided that no amendment that affects the rights of the Registered Owners shall be effective unless it shall have been consented to by the Registered Owners of a majority, in principal amount, of the Certificates of Participation, if any, then outstanding.

Section 13.06. Execution in Counterparts; Chattel Paper. This Agreement, including each Schedule, may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument; except (1) to the extent that various Schedules and this Agreement as it relates thereto constitutes separate Leases as provided in this Agreement and (2) that Lessor's interest in, to and under any Schedule and the Agreement as it relates to that Schedule and the Equipment listed in that Schedule may be sold or pledged only by delivering possession of the original counterpart of that Schedule marked "Counterpart No. __," which Counterpart shall constitute chattel paper for purposes of the Uniform Commercial Code.

Section 13.07. Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State.

Section 13.08. Captions. The captions or headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Agreement.

Section 13.09. Electronic Transaction. Copies, telecopies, facsimiles, electronic files and other reproductions of original executed documents will be deemed to be authentic and valid counterparts of such original documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law. The parties agree that the transaction described herein may be conducted and related documents may be stored by electronic means.

IN WITNESS WHEREOF, Lessor and Lessee have caused this Agreement to be executed in their names by their duly authorized representatives as of the date first above written.

(LESSOR)

BANC OF AMERICA PUBLIC CAPITAL CORP

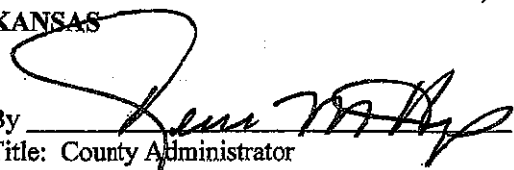
By *Yileen Harwell*
Title: Authorized Agent

ADDRESS FOR NOTICES

**555 California Street, CA5-705-04-01
San Francisco, CA 94104
Telephone: (415) 765-7371
Telecopy: (415) 343-0533
E-mail: yvette.m.montalvo_baron@baml.com**

(LESSEE)

**UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS**

By 
Title: County Administrator

ADDRESS FOR NOTICES

**Unified Government of Wyandotte County/
Kansas City, Kansas
Finance Department, Room 330
701 North 7th Street
Kansas City, Kansas 66101
Attention: Lew Levin
Telephone: (913) 573-5186
Facsimile: (913) 573-5003**



Staff Request for Commission Action

Tracking No. 18239

Full Commission Meeting Date: 4/26/18

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: Yes 05/03/2018

<u>Date:</u> 04/20/2018	<u>Contact Name:</u> Ryan Haga	<u>Contact Phone:</u> x5075	<u>Contact Email:</u> rhaga@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> An ordinance condemning land for the construction, maintenance, operation, reconstruction, and improvements of the Hutton Road Phase 2 Cleveland to Leavenworth Rd (Georgia included) – CMIP 1215 , all in Wyandotte County, Kansas; and directing the Chief Counsel to institute proceedings as provided by law to acquire said land in this ordinance described by condemnation proceedings. The ordinance is required because additional, recently identified easements must be acquired for the project.				
<u>Action Requested:</u> Approval of Ordinance				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Hutton Rd. Ordinance				

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE condemning land for the construction, maintenance, operation, reconstruction, and improvements of the **Hutton Road Phase 2 Cleveland to Leavenworth Rd (Georgia included) – CMIP 1215**, all in Wyandotte County, Kansas; and directing the Chief Counsel to institute proceedings as provided by law to acquire said land in this ordinance described by condemnation proceedings.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE COUNTY/KANSAS CITY KANSAS**

Section 1. The following described land is hereby condemned and appropriated to the Unified Government of Wyandotte County/Kansas City Kansas for the construction, maintenance, operation, reconstruction and improvements of the **Hutton Road Phase 2 Cleveland to Leavenworth Rd (Georgia included) – CMIP 1215**, all in Wyandotte County, Kansas to-wit:

Tract No. 19 – Parcel No. 947006

**Fee Owner: Betty Mulich and Ernest N Jane Mulich
2731 Hutton Road
Kansas City, KS 66109**

Temporary Construction Easement

A tract of land in the Northeast Quarter of Section 34, Township 10 South, Range 23 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

Commencing at the Southwest corner of the Southeast Quarter of said Northeast Quarter;

Thence North 01°33'38" West, along the West line of said Southeast Quarter of the Northeast Quarter, a distance of 40.20 feet;

Thence North 88°25'47" East, departing said West line, a distance of 42.62 feet, to the Point of Beginning, said point also being at the intersection of the East Right-of-Way line of Hutton Road and the North Right-of-Way line of Georgia Avenue, as both are now established;

Thence North 01°32'09" West, along said East Right-of-Way line, a distance of 21.00 feet;

Thence South 51°29'48" East, departing said East Right-of-Way line, a distance of 32.33 feet, to a point on said North Right-of-Way line;

Thence South 87°59'47" West, along said North Right-of-Way line, a distance of 24.75 feet, to the Point of Beginning, containing 259.90 square feet or 0.01 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 21 – Parcel 149300

Fee Owner: Paul J Leonard Jr. and Gladys E Leonard
2716 Hutton Road
Kansas City, KS 66109

Permanent Drainage Easement

A tract of land in Lot 1, HOMESTEAD ADDITION – LOTS 1 THRU 30, a subdivision in the Northeast Quarter of Section 34, Township 10 South, Range 23 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

Beginning at the Northeast Corner of said Lot 1, said point also being on the West Right-of-Way line of Hutton Road, as now established;

Thence South 01°32'46" East, along said West Right-of-Way line, a distance of 66.47 feet;

Thence South 88°27'14" West, departing said West Right-of-Way line, a distance of 53.95 feet;

Thence North 55°23'13" West, a distance of 81.81 feet, to a point on the West line of said Lot 1;

Thence North 01°32'46" West, along said West Lot line, a distance of 18.21 feet, to the Northwest corner of said Lot 1;

Thence North 88°27'14" East, along the North line of said Lot 1, a distance of 120.00 feet, to the Point of Beginning, containing 6,383.60 square feet or 0.15 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 37 – Parcel 214502

Fee Owner: Johnnie B Luciano and Beth Ellen Luciano
2906 North 109th Street
Kansas City, KS 66109

Permanent Drainage Easement

A tract of land in Lot 3, MCKENZIE ACRES NO. 2, a subdivision in the Northeast Quarter of Section 34, Township 10 South, Range 23 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

Commencing at the Northeast Corner of said Lot 3, said point also being on the West Right-of-Way line of Hutton Road, as now established;

Thence South 01°32'17" East, along said West Right-of-Way line, a distance of 67.23 feet;

Thence South 88°27'43" West, continuing along said West Right-of-Way line, a distance of 45.00 feet;

Thence South 01°32'17" East, continuing along said West Right-of-Way line, a distance of 37.10 feet, to the Point of Beginning;

Thence South 01°32'17" East, continuing along said West Right-of-Way line, a distance of 20.00 feet;

Thence South 88°27'43" West, departing said West Right-of-Way line, a distance of 20.00 feet;

Thence North 01°32'17" West, a distance of 20.00 feet;

Thence North 88°27'43" East, a distance of 20.00 feet, to the Point of Beginning, containing 400.00 square feet or 0.01 acres, more or less.

Subject to all easements and restrictions of record.

Temporary Construction Easement

A tract of land in Lot 3, MCKENZIE ACRES NO. 2, a subdivision in the Northeast Quarter of Section 34, Township 10 South, Range 23 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

Beginning at the Northeast Corner of said Lot 3, said point also being on the West Right-of-Way line of Hutton Road, as now established;

Thence South 01°32'17" East, along said West Right-of-Way line, a distance of 67.23 feet;

Thence South 88°27'43" West, continuing along said West Right-of-Way line, a distance of 30.00 feet;

Thence North 01°32'17" West, departing said West Right-of-Way line, a distance of 66.91 feet, to a point on the North line of said Lot 3;

Thence North 87°51'14" East, along said North Lot line, a distance of 30.00 feet, to the Point of Beginning, containing 2,012.08 square feet or 0.05 acres, more or less.

Subject to all easements and restrictions of record.

Tract No. 40 – Parcel 214500

Fee Owner: John W Chase and Janet M Chase
2948 Hutton Road
Kansas City, KS 66109

Permanent Drainage Easement

A tract of land in Lot 1, MCKENZIE ACRES NO. 2, a subdivision in the Northeast Quarter of Section 34, Township 10 South, Range 23 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

Commencing at the Southeast Corner of said Lot 1, said point also being on the West Right-of-Way line of Hutton Road, as now established;

Thence North $01^{\circ}30'53''$ West, along said West Right-of-Way line, a distance of 15.88 feet, to a point of curvature;

Thence Northerly and Northeasterly, continuing along said West Right-of-Way line, along a curve to the right, having a radius of 1507.40 feet, and a central angle of $01^{\circ}20'01''$, a distance of 35.09 feet, to the Point of Beginning;

Thence South $89^{\circ}43'16''$ West, departing said West Right-of-Way line, a distance of 15.00 feet;
Thence North $00^{\circ}16'44''$ West, a distance of 20.00 feet;

Thence North $89^{\circ}43'16''$ East, a distance of 15.16 feet, to a point on said West Right-of-Way line, said point also being on a non-tangent curve;

Thence Southwesterly and Southerly, along said West Right-of-Way line, along a curve to the left, having a radius of 1507.40 feet, a central angle of $00^{\circ}45'37''$, and whose initial tangent bearing is South $00^{\circ}33'22''$ West, a distance of 20.00 feet, to the Point of Beginning, containing 301.17 square feet or 0.01 acres, more or less.

Subject to all easements and restrictions of record.

Temporary Construction Easement

A tract of land in Lot 1, MCKENZIE ACRES NO. 2, a subdivision in the Northeast Quarter of Section 34, Township 10 South, Range 23 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

Beginning at the Southeast Corner of said Lot 1, said point also being on the West Right-of-Way line of Hutton Road, as now established;

Thence South $87^{\circ}51'14''$ West, along the South line of said Lot 1, a distance of 30.00 feet;

Thence North $01^{\circ}32'17''$ West, departing said South Lot line, a distance of 16.20 feet, to a point of curvature;

Thence Northerly and Northeasterly, along a curve to the right, having a radius of 1537.40 feet, and a central angle of $03^{\circ}36'56''$, a distance of 97.02 feet;

Thence South $87^{\circ}55'20''$ East, a distance of 30.00 feet, to a point on said West Right-of-Way line, said point also being on a non-tangent curve;

Thence Southwesterly and Southerly, along said West Right-of-Way line, along a curve to the left, having a radius of 1507.40 feet, a central angle of $01^{\circ}31'18''$, and whose initial tangent bearing is South $02^{\circ}04'40''$ West, a distance of 40.03 feet;

Thence South 89°43'16" West, departing said West Right-of-Way line, a distance of 15.16 feet;
Thence South 00°16'44" East, a distance of 20.00 feet;

Thence North 89°43'16" East, a distance of 15.00 feet, to a point on said West Right-of-Way line, said point also being on a non-tangent curve;

Thence Southwesterly and Southerly, along said West Right-of-Way line, along a curve to the left, having a radius of 1507.40 feet, a central angle of 01°20'01", and whose initial tangent bearing is South 00°12'15" East, a distance of 35.09 feet;

Thence South 01°30'53" East, continuing along said West Right-of-Way line, a distance of 15.88 feet, to the Point of Beginning, containing 3,062.14 square feet or 0.07 acres, more or less.

Subject to all easements and restrictions of record.

- Section 2. It is hereby found that the costs of this project will be paid from CMIP 1215.
- Section 3. The Chief Counsel of the Unified Government of Wyandotte County/Kansas City, Kansas is hereby ordered and directed forthwith to commence proceedings for the acquisition of the above described property and to do and perform all things which might be necessary and required by law to acquire the aforementioned rights in and to said property.
- Section 4. This ordinance shall take effect and be in force after its passage, approval and publication in the official County, newspaper, The Wyandotte Echo.

**PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS _____ DAY OF _____, 2018.**

Mayor/CEO David Alvey

Unified Government Clerk

Approved as to form:
Ryan P. Haga
Assistant Counsel



Staff Request for Commission Action

Tracking No. 18206

Full Commission Meeting Date: 4/26/18

Committee: Full Commission

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

Publication Required: No

<u>Date:</u> 04/04/2018	<u>Contact Name:</u> Emerick Cross	<u>Contact Phone:</u> x6784	<u>Contact Email:</u> ecross@wycokck.org	<u>Department/Division:</u> Commission Liaison
<u>Item Description:</u> Nominations for Boards & Commissions: John Tiszka, Landmarks Commission, 4/26/18 to 3/31/20, submitted by Commissioner Johnson				
<u>Action Requested:</u>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u>				

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

REGULAR SESSION
THURSDAY, MARCH 22, 2018

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, March 22, 2018, with eleven members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Joe Connor and Melissa Sieben, Assistant County Administrators; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Kathleen VonAchen, Chief Financial Officer; Jon Stephens, Director of Economic Development; Chris Slaughter, Land Bank Manager; Deputy Chief Garner; Bob Hamilton, KDOT Law Enforcement Liaison; Crystal Sprague, Municipal Court Administrator; Lynn Melton, Assistant to the Mayor; Wilba Miller, Community Development Director; Judge, Brandy Nichols-Brajkovic, Municipal Court; Ryan Haga, Assistant Counsel; Brent Thompson, Director of Engineering/County Surveyor; Chief Terry Ziegler, Police Dept.; and Major Dustin Dungan, Sergeant-at-Arms.

Mayor Alvey called the meeting to order.

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

INVOCATION was given by Sister Theresa Bangert of Our Lady and St. Rose Catholic Church.

Mayor Alvey said I'll ask the Clerk if there are any revisions to the agenda. **Bridgette Cobbins, UG Clerk,** said yes, Mr. Mayor. A blue sheet has been distributed. Under the Administrator's

Agenda, we have a new item, Item No. 1. A resolution regarding Memorandum of Understanding with the Sheriff's Department and Fraternal Order of Police, Lodge #40.

Mayor Alvey said I'd like to recognize a guest in the audience, Julie Steinbach, who's a nursing student at Pittsburgh State. Would you stand so we can recognize you? Thank you for coming.

MAYOR'S AGENDA

Item No. 1 – 1889...PRESENTATION: 2017 AAA KANSAS COMMUNITY TRAFFIC SAFETY AWARDS

Synopsis: Presentation of the 2017 AAA Kansas Community Traffic Safety Awards to the Wyandotte County Sheriff's Office and the KCK Police Department, presented by Bob Hamilton, KDOT Law Enforcement Liaison.

Bob Hamilton, KDOT Law Enforcement Liaison, said Mr. Mayor, City Councilmen, I appreciate the opportunity to be here this evening to present to your Police Department, as well as your Sheriff's Department, the Traffic Safety Awards for 2017. There are four law enforcement liaisons across the state. I consider myself very lucky to have the northeast section of Kansas because I think I have some of the better law enforcement agencies, if not the best, in the state of Kansas.

We work with AAA Insurance to pick out these agencies that we feel have went beyond what they need to do in traffic safety to help us save lives. Just to show you why I know these officers sitting here take a lot of grief whenever they stop someone and issue a citation, myself, being a retired law enforcement officer in traffic, I know what they go through every day.

Just to show you why they are important, in 2016, we lost 429 lives on our roadways across the state of Kansas. Last year we lost 462. This year, I am glad to report, we still lost 81; but at this time last year, we had lost 93. We are on an upward swing. I just hope we keep going that way.

Some of the things that the Police Department has done that we recognize them for was: holding monthly meetings of the Community Based Traffic Safety Committee that identifies traffic safety problems and it comes up with resolutions, having departmental policy requiring the use of seat belts, assisting with both the Safe Routes to School and Walking School Bus programs.

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In education, they receive points for their Child Safety Seat Technician Certification classes and in the fitting station they operate, delivered the Drive Wisely Wyandotte and Junior Police Academy Explorer's Program fostering seat belt use and driving safety as well as DUI awareness.

Some things that we've really noticed that we really like at KDOT, is adult seat belt use is on the rise from 83 in 2013 to 85 in 2016. Traffic fatalities fell from 27 in 2019, to 19 in 2016. Alcohol related crashes fell between 2015 and 201, from 176 to 108. Speed related crashes fell between 2015 to 2016, from 630 to 253.

I first want to thank you for supporting your Police Department. I know Chief Ziegler's been through a rough year with the Police Department, as well as my old department was in Johnson County when we lost an officer, to a traffic crash, when he was hit from behind by a DUI driver.

At this time, I would like to present the Kansas City, Kansas Police Department, which you are one of thirty-four agencies across the state, police departments that's receiving this award, a Silver Award.

Now, I would like to present the Sheriff's Office with their award. They're one of eleven sheriff's offices across the state that's receiving the Traffic Safety Award. Some of the things that they're being recognized for are: their monthly meetings on the Traffic Safety Committee; participating in highly successful teen seat belt usage program called SAFE, which, by the way, is the fastest growing use of seat belts that we have in our state right now; having a policy requiring employees to wear seat belts; and for high visibility, enforcement, implementation of You Drink.You Drive. You Lose. and Click it or Ticket. By the way, Click it or Ticket is coming up here in the very near future.

Wyandotte County Sheriff's Office is being presented their second Traffic Safety Award this year from KDOT. Some of the things that we've noticed with them is that adult seat belt use has grown from 87% to 94% in three years. Teen seat belt use has risen from 64% five years ago, to 76% in 2016. At this time, I would like to present the Sheriff's Office with the Bronze Award for their Community Traffic Safety.

Action: Awards were presented to the Police Department and to the Sherriff's Office.

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Item No. 2 – 18173...PRESENTATION: POLICE DEPARTMENT AWARDS

Synopsis: Police Department awards, presented by Chief Terry Ziegler, Police Department.

Chief Terry Ziegler, Police Dept., said thank you, Mayor, Commissioners, and I'd like to thank the family and friends of the officers who are going to be recognized tonight for being out. Tonight's a good night. Tonight's a night that we get to recognize the good work of our officers. They do some amazing things day in and day out. They chase down bad guys, vehicle pursuits, take drugs off our streets, they seize guns, and do a phenomenal job.

Another group of individuals that do an amazing job are the detectives who take those cases, work those cases up, and get good prosecution so we can lock our bad guys up for a long time. Those are going to be some great stories that you are going to hear tonight.

One thing that we're really excited about tonight, is that tonight you're going to hear some stories about some of our citizens. You know, we love community engagement. We love our citizens getting involved.

We're recognizing two citizens tonight who got involved in helping us apprehend bad guys. One of them put himself in harm's way to help apprehend the suspect as he fled from the scene. You're going to hear a lot of great stories. Our officers do a great job day in and day out. We can't recognize all of them, but these are the things that came to the top that we want to recognize our officers for.

I am going to turn this over to Major Dungan who's going to MC tonight.

Major Dungan, said, Mr. Mayor, Mr. Bach, and Commissioners, I would like to thank you for your time and for being here for the Kansas City, Kansas Department Awards Ceremony. It has been a privilege and an honor to be the commander over the Awards Committee. We have committee members that feel the men and women of the department and citizens should be recognized for the great work they do. I would also like to thank the family members because without their loving support of the officers, this department would not be able to accomplish the great work that is done throughout this city every day.

The first two awards we're going to present were Citizen's Awards but neither one was able to make it, so I'm going to read what they did. The first one was going to be going to Robert Boyles. On 11/2/2017, Officer Pleshka was in a vehicle pursuit when the vehicle the suspect was

driving died just before the 12th St. Bridge going into Kansas City, Missouri. The suspect got out of the vehicle and ran on foot attempting to make it to Missouri. Officers went into foot pursuit and this was observed by Robert Boyles. He drove past the pursuing officers and the suspect, got out of his vehicle, tackled the suspect and held him down until officers could arrive to take him into custody. The vehicle turned out to be a stolen auto. Without Robert's assistance, the suspect may have made it to Missouri and escaped from officers. The Kansas City, Kansas Police Department thanks Mr. Robert Boyles for his assistance in apprehending the suspect, who was in a stolen auto, and putting innocent lives at risk by running from officers in a vehicle pursuit.

The second one is going to go to Adrienne Gilchrist. She actually works for the Juvenile Department or the Sheriff's Department. On 11/14/2017 at about 1047 hours, Ms. Gilchrist was shopping at the Dollar General at 4505 Metropolitan. While she was shopping, a suspect entered the store and robbed it at gunpoint. The suspect exited the store and fled on foot. Ms. Gilchrist got into her vehicle and followed the suspect. Ms. Gilchrist flagged down officers and gave them a detailed description of the suspect and the last location that she saw him. Because of Ms. Gilchrist's brave actions and keeping the suspect insight, the suspect was apprehended and charged with armed robbery that occurred at the Dollar General Store.

Sergeant Wolf is being awarded the Meritorious Service Award. We would like to share with the Commission, family, and friends the events leading to her recognition. On 11/14/2017, at approximately 0019 hours, East Patrol dispatch advised of a male suspect calling about a roommate who had stopped breathing at 1633 Washington Ave., Apt. 35. Sergeant Wolf advised she would be responding.

Upon arrival, Sergeant Wolf made contact with the roommate who allowed Sergeant Wolf into the room where his roommate was at. Sergeant Wolf quickly checked the victim's pulse finding it to be extremely weak. She immediately began to conduct chest and knuckle rubs in attempt to revive the victim. This proved unsuccessful. Sergeant Wolf checked the pulse again and found the victim had stopped breathing.

Fearing for the life of the victim, Sergeant Wolf immediately began to administer CPR. Her live-saving efforts continued for approximately two minutes, at which point, KCK Fire Department EMS personnel arrived and took over the life-saving efforts of Sergeant Wolf. Because of Sergeant Wolf's quick actions of performing CPR until EMS could arrive, it's believed she may have saved the victim's life.

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Sergeant Golden and Officer Wilcox. Sergeant Golden wasn't able to make it tonight. He's in Jamaica. He's on vacation. These officers are being awarded the Valor Award. We would like to share with the Commission, family, and friends the events leading to their recognition. On 3/20/2017, Sergeant Golden was on patrol on the west end of the city when a pursuit entered our city from Bonner Springs. The pursuit originated in Leavenworth County. During the pursuit, the suspect had fired several shots at officers. Sergeant Golden had become actively involved in the pursuit until the driver bailed from his vehicle at 6035 Everette. When the suspect bailed from the suspect's vehicle, Sergeant Golden attempted to go foot pursuit. The suspect had turned and pointed his weapon at Sergeant Golden. Sergeant Golden fired two shots from his duty weapon and the suspect fled on foot.

Officer Wilcox and K-9 Officer Dax was called and tracked the suspect to 6009 Corona Avenue where the suspect was found hiding in a vehicle. The suspect refused to surrender and had locked himself in the vehicle. Officer Wilcox put himself in harm's way by gaining entry into the vehicle and deploying the K-9 officer into the vehicle. After being confronted by Dags, the suspect gave up and was taken into custody. Sergeant Golden and Officer Wilcox were nominated for a Valor Award because they had put their lives on the line in attempting to apprehend a suspect after the suspect had already fired several rounds at multiple police officers in multiple jurisdictions.

These officers are also being nominated for a Valor Award: Captain Nunez, Captain Michael Howell, Officer Dion Dundovich, Officer Edwards, Officer Leal, and Kansas City, Missouri Officer Keil and Sergeant Neal. We would like to share with the community, the Commission, family, and friends the events leading to their recognition.

On Monday, November 6, 2018, at approximately 2030 hours, the Kansas City, Kansas Police Department and other law enforcement entities took part in an investigation, specifically targeting violent crime and drive-by shootings. Officers received information that the suspects were armed with guns and planning on committing a violent act in the community. Officers quickly mobilized, were able to intercept the suspects near 13th & Haskell. Kansas City, Kansas Officer Lewis Edwards and Dion Dundovich were able to box the suspect in using their vehicles. This maneuver placed officers in a potential dangerous position. It was done to prevent the suspects from escaping and committing the planned violent act.

The armed suspects refused to give up and began to ram the officers' cars with their vehicles. Kansas City, Missouri Sergeant Matt Neal deployed a noise flash diversion device into the suspect's

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vehicle in an attempt to dissuade the suspects from continuing their violent acts. The suspects began to fire their weapons at officers. Officers returned fire to protect themselves and the community. The suspects eventually surrendered or taken into custody. Because of the brave acts of these officers, the suspects were taken into custody and they were not able to commit the violent act they were going to do within the community.

I'm going to call Captain Michael Howell back up. He's also being awarded for a Valor Award for what occurred at Costco in Lenexa. We'd like to share with the community, Commission, family, and friends the events leading to his recognition. On November 26, 2017, at approximately 1145 hours, Captain Michael Howell was at a Lenexa, KS Costco retail store. During his off-duty shopping experience, Captain Howell approached the front of the store to pay for his merchandise. He viewed a flood of people running toward the exits and became immediately aware that something was wrong. Patrons were screaming, running, and pushing others as they fled past him. A patron told Captain Howell, he's up there pointing a gun at people saying he's there to kill them. Captain Howell approached a Costco manager, identified himself as a police officer, and acquired a synopsis of what was going on there. The manager quickly told him, an armed suspect was in the store.

The suspect was described as a white male wearing a camouflage jacket walking north through the main aisle. The deranged man was claiming to be an off-duty US Marshal, an armed individual, and said he was there to kill people. Captain Howell sought out the person that met the description after he searched the store. Captain Howell found a position, a concealment behind a large display, in the center aisle. He yelled stop, police, drop the gun! The perpetrator turned towards Captain Howell and pointed a revolver at the officer. Captain Howell immediately fired ending the threat to himself and all innocent store bystanders. Without Captain Howell's quick thinking of bravery, the suspect could have shot many innocent patrons in the store. The officer was off duty, had no body armor and no backup. It is clear he took the lives of others as being more important than his own. Despite the danger to his own life, his valiant saved hundreds of people from clear and present danger.

Detective Miller and Detective Blackman. They're being awarded the Lancaster-Melon Award of Merit. We would like to share with Commission, family, and friends the events leading to their recognition. In mid-June 2017, Detective Miller approached Captain Nunez and asked if he could assist him with surveillance on an active gang house. He specifically said there were

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several mob gang members running drugs, committing crime, and causing fear into the neighborhood by doing drive-by shootings in the area. After listening to his concerns, he asked for TFO Eric Jones to assist with writing an affidavit and using narcotics unit for surveillance. Chief Ziegler approved Detective Miller and Detective Blackman's temporary assignment to the Violent Crimes Task Force.

In August 2017, the operation was launched. The two detectives were working side by side with officers in the VCTF. Both detectives were primarily assigned to monitor the wire for activity. Initially, their mission was to intercept phone conversations about violent crime plans to harm people, but it was quickly discovered that one of the key players, Ronald Kennedy, was shot several days prior to the launch of the operation which caused disruption within the gang.

Captain Nunez explained to both detectives that we needed to shift direction and target the drug trafficking patterns to provide their criminal enterprise. Both detectives agreed and started to target conversations related to drug sales. It was quickly discovered that this group was organized selling drugs and committing crimes to further increase their drug enterprise. Detectives were able to charge 11 gang members for racketeering through the Wyandotte County District Attorney's office. Currently, 10 of the 11 are in custody and off the streets of Kansas City, Kansas, making it a much safer place.

This group was causing fear in the neighborhood and committing violent crimes. Due to the hard work of Detectives Miller and Blackman, members of the VCTF and SOU, the citizens of Kansas City, KS, are much safer. The following detectives and officers took down a violent gang that was selling drugs in our city, involved in several drive-by shootings, and at least one homicide. For these reasons, they deserve to be recognized for their hard work and dedication to the citizens of Kansas City, KS.

I would like to thank you, Mr. Bach, Mr. Mayor, commissioners, Chief Ziegler, friends, family, and citizens for attending tonight's ceremony. This concludes the Awards Ceremony. Thank you for coming.

Mayor Alvey said on behalf of all of the residents and citizens of Wyandotte County, we want to thank all of our Police officers and members of our Sheriff's Department for their daily sacrifice

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for our safety. We invite all those who have joined us tonight to join us in the lobby. There is a reception in honor of these Police officers and Sheriff members.

Action: The Police and citizen awards were presented.

CONSENT AGENDA

Mayor Alvey asked does any member of the Commission, staff, or citizen in attendance tonight wish to set aside any item on tonight's Consent Agenda.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the Consent Agenda.

Mayor Alvey said I would like to have one item set aside, Item No. 3. Roll call.

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

Item No. 1 – 18172...ORDINANCE: HUTTON ROAD PHASE 2 - CLEVELAND TO LEAVENWORTH RD. (GEORGIA INCLUDED), CMIP 1215

Synopsis: An ordinance directing the Chief Counsel to commence legal proceedings to acquire property described in the survey and necessary for the Hutton Road Phase 2 – Cleveland to Leavenworth Road (Georgia included) project, CMIP #1215, submitted by Ryan Haga, Assistant Counsel. On March 10, 2016, the Commission unanimously adopted Resolution No. R-24-16, declaring the project to be a necessary, valid public improvement project, and authorizing a survey to identify and describe the property to be acquired.

Action: ORDINANCE NO. O-9-18, "An Ordinance condemning land for the construction, maintenance, operation, reconstruction, and improvements of the Hutton Road Phase 2 - Cleveland to Leavenworth Rd. (Georgia included), CMIP 1215, all in Wyandotte County, Kansas; and directing the Chief Counsel to institute proceedings as provided by law to acquire said land in this ordinance described by condemnation proceedings."

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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 – 1846...ORDINANCE: FRANCHISE ORDINANCE REVISIONS

Synopsis: An ordinance revising the UG’s prior franchise ordinance by requiring all entities installing, constructing, maintaining, extending or operating facilities such as lines, pipes, wires, cables, conduit, ducts, poles, towers, pedestals, boxes, appliances, antennas, transmitters, gates, meters, or wireless communication infrastructure for the purpose of providing or otherwise facilitating any service within the UG to enter into a franchise agreement with the UG that will require the franchisee to indemnify the UG, meet insurance and bond requirements, install excess conduit for the UG’s future infrastructure needs when appropriate, and to pay the UG a reasonable franchise fee for the use of its right-of-way, submitted by Ryan Haga, Assistant Counsel. On February 26, 2018, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **ORDINANCE NO. O-10-18**, “An ordinance relating to the updating of regulations, provisions, terms, and specifications for the use of the Unified Government’s right-of-way by service providers, amending Sections 32-206, 32-207, 32-210, and 32-213 through 32-223 and repealing said original sections.” **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. 3 – 1890...ORDINANCE: MUNICIPAL COURT COSTS

Synopsis: An ordinance amending Sec. 23-13(a)(4) regarding the cost associated with late fees when a defendant fails to appear at a scheduled court date to more accurately reflect the actual cost of court processing with missed court appearances, submitted by Crystal Sprague, Municipal Court Administrator. On February 26, 2018, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Mayor Alvey said I asked that this item be set aside simply to highlight the good work that the Municipal Court has done to try and create fair policies and fines for our citizens.

Judge Brandy Nichols-Brajkovic, said thank you for setting aside. We're pretty excited about this opportunity for our citizens. We call them our customers. About a year ago, if you were in our standing committee, you would have been introduced to our strategic plan that has governed everything we do for the last two years. Our Court Administrator Crystal Sprague introduced us to the idea of having a road map. She even created little note spots so that we quit bugging her with our ideas and we just write the notes where they correspond. It was a good idea when you have a lot of lawyers in your life.

We have our key outcome; its labeled 1-12. It operates with policies and practices that reflect the strengths and needs of the community, not imposing undue or unjust financial burdens. We believe that fits in nicely with the Board of Commissioners' strategic goal which is, I believe, it's your No. 4, Improve economic prosperity of all residents, improve financial resiliency. That's kind of where we look at everything. Everything we guide, we come up with ideas. We also identified—we told you that we would bring, in 2017, recommendations to modify the required \$50 late fee.

As it is now, if you miss a payment with Municipal Court, our computer system automatically assesses a \$50 late fee to every charge. If you have a traffic ticket with two to three charges: defective brake light, expired tags, and speeding, that's \$150 worth of late fees. You can come make a \$50 payment and you're \$100 in the hole. We didn't think this was fair to our citizens and we looked at a better way to do this. We also kind of adopted the CFO's idea where we needed to look at the fines and fees that are levied up with our citizens and making sure they actually reflect the cost of our time and our supplies. To make sure we're recovering the cost for our taxpayers, but not having undue financial burden on our citizens as well. We looked at that.

We did, initially, we used to levy the \$50 late fee because we did not have a good computer software system. Times were different. In 2013, that all changed for us. We bought a software system that speaks directly with the Police Departments system; it's the REGIS system. It brought all of the tickets, if they had multiple—the defendants or the citizens had multiple tickets, we knew where they were. We could get them all consolidated. This was an incredible regaining of our time because a computer was doing what used to take a lot of clerks' time to find all of those tickets.

The \$50 late fee that may have been appropriate when we were doing all of that time with hourly work, is no longer appropriate when the computer is doing it. We chose the \$5 fee because when you fail to appear, we are required by law to notify the state that you failed to appear. If you end up getting your license suspended, we are required by law to reinstate all of your licenses by charge. We decided that the \$5 per charge would be a fair amount because that would cost mailing, the time, the computer.

We did change the fact that you're no longer going to have a punitive \$5 late fee. In other words, it used to be if you showed up at 4 o'clock and you were supposed to be in court at 1 o'clock, you got the \$50 late fee because you were late. Now, we are tying the late fee to the actual issuing of the warrant because that is where the time, the energy, and the supplies are triggered by the warrant. If you beat us in to make your payment before we issue the warrant, you are not going to have the \$5 late fee assessed. You are only going to have the \$5 late fee assessed if you caused the taxpayers any money to be a loss. I kind of got lost because I kind of geek out sometimes on some of that, trying to save some people some money. That's where we got to the \$5. We go to the per charge. We're really hoping this will help assist people to pay off their tickets in a more timely manner.

Action: **ORDINANCE NO. O-11-18**, "An ordinance relating to Chapter 23 Municipal Court, amending Section 23-13 and repealing Section 23-13 of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas." **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. 4 – 1896...REQUEST: DESIGNATE OPPORTUNITY ZONES

Synopsis: On February 26, 2018, the County Administrator was authorized by the Administration and Human Services Standing Committee to pursue Opportunity Zone designation for all qualified census tracts within Wyandotte County, and to work with the State of Kansas to seek final designation and approval, submitted by Jon Stephens, Economic Development Director; and Wilba Miller, Community Development Director. The final plan, as submitted to the State, is attached.

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On February 26, 2018, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to authorize the County Administrator to submit a plan to the State and forward the plan to full commission.

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. 5 – 18171...PLAT: VICTORY HILLS MANOR 1ST ADDITION

Synopsis: Plat of Victory Hills Manor 1st Addition, located at North 70th Street and Greeley Avenue, being developed by Tom and Marylyn Owens, submitted by Brent Thompson, Director of Engineering/County Surveyor; and Troy Shaw, County Engineer.

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

Item No. 6 – 18132...NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and Commissions:

Housing Authority Board, Cardelia Walker, 4/1/18 – 3/31/22, submitted by Mayor Alvey
Planning and Zoning Commission, Jake Miller, 4/1/18 to 3/31/22, submitted by Commissioner Burroughs

Law Enforcement Advisory Board, Kevin Steele, 4/1/18 to 6/30/20, submitted by Commissioner Burroughs

Library Board, Micki Hill, 4/1/18 to 3/31/22, submitted by Commissioner Burroughs

Advisory Commission on Human Relations & Disability Issues, Winfred Manning, 3/22/18 to 3/31/22, submitted by Commissioner Townsend

Housing Authority, Racheal Jefferson, 3/22/18 to 3/31/22, submitted by Commissioner Townsend

Landmarks Commission, Karen French, 3/22/18 to 3/31/22, submitted by Commissioner Townsend

Planning & Zoning Commission, Karen Jones, 3/22/18 to 3/31/22, submitted by Commissioner Townsend

UG Board of Park Commission, Carolyn Wyatt, 3/22/18 to 3/31/22, submitted by Commissioner Townsend

Wy/Leavenworth Area Wide Advisory Council on Aging, Ida Pryor, 3/22/18 to 3/31/20,

submitted by Commissioner Townsend
Law Enforcement Advisory Board, Gregory Collins, 3/22/18 to 6/30/22, submitted by
Commissioner Townsend

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. 7 – MINUTES

Synopsis: Minutes from regular sessions of February 8 and 22, 2018; and special session of February 22, 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. 8 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated March 1, 8, and 15, 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.

Item No. 9 – 18174...ORDINANCE: TURKEY CREEK-MISSOURI INTERCEPTOR PROJECT, CMIP 1215

Synopsis: An ordinance directing the Chief Counsel to commence legal proceedings to acquire property described in the survey and necessary for the Turkey Creek-Missouri Interceptor Project, CMIP #5005, submitted by Ryan Haga, Assistant Counsel. On March 10, 2016, the Commission unanimously adopted Resolution No. R-24-16, declaring the project to be a necessary, valid public improvement project, and authorizing a survey to identify and describe the property to be acquired.

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Action: **ORDINANCE NO. O-12-18**, “An ordinance condemning land for the construction, maintenance, operation, use, repair, reconstruction, and improvements of the Turkey Creek-Missouri Interceptor Project – CMIP 5005, all in Wyandotte County, Kansas; that the condemnation of said land is declared to be a public necessity; and directing the Chief Counsel to institute proceedings as provided by law to acquire said land in this ordinance described by condemnation proceedings.” **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.

STANDING COMMITTEES' AGENDA

Mayor Alvey said we have two items under the Standing Committee Agenda. These items were presented to the Public Works and Safety Standing Committee this past Monday and received a unanimous vote of approval to be fast tracked to tonight’s meeting. I’ll ask Commissioner Bynum, who chaired the standing committee, if she would like to add anything. **Commissioner Bynum** said no, Mayor. It’s a unanimous passing at the Public Works and Safety Standing Committee.

Item No. 1 – 18136...RESOLUTION: 2018 LEASE-PURCHASE AGREEMENT (ZOLL)

Synopsis: A resolution authorizing the Unified Government to enter into a lease-purchase agreement, pursuant to K.S.A. 10-1116b and c, to obtain 13 Zoll X Series AEDs for a total purchase price of \$384,043.50, interest free, to be paid in yearly installments of \$100,000 starting in 2018, submitted by Ryan Haga, Assistant Counsel. Funds for the purchase have been allocated in the 2018 budget. This item was scheduled to appear before the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, on March 19, 2018. It was requested, and approved by the Mayor, to fast track this item to the March 22, 2018 full commission meeting.

Action: **RESOLUTION NO. R-20-18**, “A resolution authorizing the Unified Government of Wyandotte County/Kansas City, Kansas, to enter into a lease purchase transaction, and to approve the execution of certain documents in connection therewith.” **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.

(Mayor Alvey recused himself from Item No. 2)

Item No. 2 – 18135...ORDINANCE: AMENDMENT TO SEC. 15-92 FIREWORKS

Synopsis: The amendments to Sec. 15-92 revise the regulations for the storage and sale of consumer grade fireworks, the distribution of pre-ordered fireworks, and requirements for the issuance of permits for the retail sale of fireworks, which include the requirement that possession of more than 125 pounds of consumer grade fireworks be reported to the Fire Marshal and be stored in the same manner as professional grade fireworks, and that pre-ordered consumer grade fireworks be distributed from a licensed Kansas fireworks retailer’s permitted sale establishment, submitted by Ryan Haga, Assistant Counsel. This item was scheduled to appear before the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, on March 19, 2018. It was requested, and approved by the Mayor, to fast track this item to the March 22, 2018 full commission meeting.

Mayor Pro-tem Bynum said the second item is an amendment to Section 15-92, concerning fireworks, regulations for storage and sale of consumer grade fireworks, distribution of pre-ordered fireworks, and requirements for the issuance of permits for the retail sale of fireworks. This was also unanimously adopted at standing committee.

Action: **ORDINANCE NO. O-13-18**, “An ordinance relating to the updating of regulations, provisions, terms, and specifications for the storage of consumer grade fireworks, the distribution of pre-ordered fireworks, and retail sales of fireworks, amending Section 15-92, and repealing the original section.” **Commissioner Markley made a motion, seconded by Commissioner Philbrook, to approve the ordinance.**

Mayor Pro-tem Bynum said we have Fire Marshal John Droppelmann. Would you mind coming forward and giving us a quick synopsis of this. We do have a motion and a second, I believe.

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Commissioner Philbrook said thank you for coming forward to tell us about it.

John Droppelmann, Fire Marshal, said basically, we've got six changes or amendments to the original ordinance that we're dealing with. Most of them are things that we're actually already doing. When I looked at our ordinance a lot closer, I realized that it wasn't addressed in there. It's just been a process that's been taking place for the last six years.

The first modification deals with fire extinguishers that are needed at the sales outlets that we have. In the past, we required four extinguishers. They've always been dry chemical ones. If you know what those are, you squeeze them and the powder goes everywhere. One of them was required to be water. We're changing that to two because to be honest with you, the dry chems don't work when the grass is dry. When you're trying to put out a grass fire, you get one shot. You're done with. The water ones you can use, do a lot more work with them. Buy some time for the Fire Department to get there if there's fire or something encroaching on the tents. It shouldn't involve any extra cost to any of the tent retailers, just switching out one for the other. They typically rent these from one of the local outlets.

The second change, which is the biggest one and probably drew the most confusion, is the purchase and storage of larger quantities of these consumer grade fireworks. Consumer grade fireworks are not regulated by the ATF. They don't fall under an explosive category. They're just a high fire danger, unless somebody's trying to make some type of improvised explosive device out of them. That would only occur if you were able to obtain large quantities of them.

Last year, I put out a voluntary report letter in the information packets that went out to the retailers stating if you're going to sell a large quantity, about 125 pounds or more, fill this out. Basically, just get their ID, name, address, and where they live. If I notice a large quantity is being sold, then maybe I can look into it further and make sure that somebody's not doing something or storing them somewhere where we'd have some issues with. Everybody thought it was a pretty good idea. I think it's necessary to protect the citizens and the public safety responders if we have a fire at a house where this stuff is being stored. We're not out to try and prevent people from having fun or doing anything. I certainly wouldn't want PD or us or a neighbor to have a fire at their house then the one next door to start going off without us knowing about it.

The third item was to address what the State Fire Marshal issued last year. He issued a ruling on—and I don't know exactly where it came from, but when you get a Boy Scout troop or

a community group that's wanting to try and sell and make profit, like they would off cookies or popcorn sales or something, you're allowed to make preorder purchases through one of the vendors. It could be through one of our tent retailers. They cut a deal with them saying, hey, we'll sell you this product for this price if you can sell this much.

The State Fire Marshal said the transaction doesn't actually occur until you pick up the product. We wanted to make sure that one person wasn't going to pick up a van load of stuff for everybody that took out an order through him and take that back to a church, a school, somewhere where it's not supposed to be so that each individual purchaser must go back to that tent retailer with their ticket, or whatever they used to purchase it, and pick up the order there. We're basically just restating what the State Fire Marshal did but clarifying it for our city.

The fourth amendment was requested by Phil Henderson from Business Licensing. It stated that they needed to post a bond so that if the city has to incur the cost of cleaning up one of these tent stands that they don't do, that we revoke their bond and keep that thousand dollars. He said it's a lot easier if we do a cash bond instead of a check that they can cancel on the city and get out of paying for it. That's why we put that in there.

The fifth item is one that's been in there for years, but it wasn't in the ordinances when I looked them up and that's what people do with their leftover inventory. They've been asked to fill this out for years, and I thought it should go in the ordinance to make sure they fill it out. That's when retailers are done at the end of the 4th of July at 10 o'clock at night. They need to submit to me what they're doing with those leftovers. Whether they've cut a deal with somebody that's walked up and said I'll give you \$2,000 for what's left on the tables and take off with it in a van to lord knows where or send it back to the distributor, which is what most of them do, or store it in a facility that's already been approved by the Fire Department that meets all the requirements of the NFPA codes to do that. That one there, we're just catching what didn't get put in the ordinances years ago.

The sixth item, the last one that's in there, when we do these inspections, it takes a lot of the inspector's time. It's amazing that some of these retailers we see over and over again, when they set up their sites, there's always something wrong. Their distances are not correct. They've changed parking areas or done something. The ones that actually own the tent comply right away. They're there. We tell them look, you guys are wrong here. Can you fix this? We'll be back and recheck it before you can start selling.

The problem we've had is with firework stand owners that don't actually reside in Kansas City, Kansas. They reside outside of our city limits and its hard to hold them accountable, and contact them, and find them when we have issues with their stand. This kind of serves two parts. It's like you show up when we're doing these inspections so you'll understand, not some third party that you're paying a cut-rate price to operate your tent, but that you understand what the rules are, and we know exactly where you are so if we have a problem, I'm going to show up on your doorstep with a summons or close you down. That's what that one takes into account is that they need to be present for the initial inspection.

Commissioner Philbrook said I just want to thank you for going through this stuff. I know its boring for everybody, but it does help make a difference in our lives in Kansas City, Kansas. We still like to fire off fireworks. **Fire Marshal Droppelmann** said I understand that. I don't think this is going to affect anything. Its just going to make us a little safer. Nobody wants to show up or have something go off in our city that was purchased at one of our tents if we can help it. I think this will, hopefully, add another layer of protection for that.

Mayor Pro-tem Bynum said thank you, sir, for everything you're doing to keep us safer. We really appreciate that.

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

(Mayor Alvey returned to the meeting.)

ADMINISTRATOR'S AGENDA

Item No. 1 – 18176... RESOLUTION: MOU WITH THE SHERIFF'S DEPT. AND FRATERNAL ORDER OF POLICE, LODGE #40.

Synopsis: A resolution authorizing the County Administrator to execute a Memorandum of Understanding (MOU) with the Wyandotte County Sheriff's Department and Fraternal Order of Police, Wyandotte County Lodge #40, effective January 1, 2018, through December 31, 2019, submitted by Doug Bach, County Administrator. This represents the eighth of 12 union labor

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contracts to be ratified.

Action: **RESOLUTION NO. O-21-18**, “A resolution authorizing a Memorandum of Understanding between the Unified Government of Wyandotte County/Kansas City, Kansas, and the Wyandotte County Sheriff’s Department and Fraternal Order of Police, Wyandotte County Lodge #40, Kansas, January 1, 2018 thru 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.

Mayor Alvey said that concludes the portion of our regular meeting. We are adjourned in that capacity. I will call the Commission back to order as the Land Bank Board of Trustees.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Item No. 1 – 18103...LAND BANK BUSINESS

Synopsis: Communication requesting consideration of the following Land Bank applications, submitted by Chris Slaughter, Land Bank Manager. The Land Bank Advisory Board has recommended approval. On March 5, 2018, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.

Applications

3043 S. 37th St. - Wilma Manthe, yard extension

3300 Farrow Ave. - Tiffany Miller, property acquisition

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

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**MAYOR ALVEY
ADJOURNED THE MEETING AT 7:44 P.M.
MARCH 22, 2018**

Bridgette D. Cobbins
Unified Government Clerk

mbb

March 22, 2018

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

SPECIAL SESSION, THURSDAY, MARCH 22, 2018

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, March 22, 2018, with eleven members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District (arrived at 5:02 p.m.); McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. The following officials were also in attendance: Doug Bach, County Administrator; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Gordon Criswell and Joe Connor, Assistant County Administrators, Lynn Melton, Assistant to the Mayor; and Officer Doleshal, Sergeant-at-Arms.

MAYOR ALVEY called the meeting to order.

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

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, March 22, 2018, at 5:00 p.m. in the 5th floor conference room of the Municipal Office Building, regarding the Convention and Visitors' Bureau Annual Report. Immediately following, the Commission will reconvene to the 9th floor conference room for an executive session on the litigation report.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Alvey said tonight we will hear an Annual Report by the Convention and Visitors' Bureau and I will turn it over to Administrator Bach.

Doug Bach, County Administrator, said as part of our current agreement with the CVB, we had asked them to come forward each year and do a report and they have been willingly doing so coming forward and tell us all about what's going on. I know I've had the chance to sit through some of this being on the Board with them which has been enlightening over the last year to see all the operations. At this point I will turn this over to Bridgette Jobe or Matt and they will take it from here.

Matt Lawrence, General Manager of Schlitterbahn Waterpark and representing CVB as the Chairman of the Board of Directors; said thank you for allowing us to be here to share what the Visitor Bureau and what we are doing as the destination to drive business, to drive overnight stays and to be able to share 2017 and then also to be able to look ahead to 2018 and what we're looking at in terms of goals moving forward.

The mission of the KCK CVB is to market
Kansas City, KS as a visitor destination and to
increase the number of overnight stays

I think it's important to start with our mission. The CVB is driven to become a visitor destination to market KCK as a visitor destination and to increase the number of overnight stays. Everything that this team does as a bureau and we do as a Board is to keep KCK as top of mind, not only in Kansas City, but regionally. I think it's important that as we look at moving forward the focus is

not only on being able to support the other businesses, but to be able to help drive business to be able to increase people to a second and third night stay in the area.

2017 Board of Directors

Greg Jackson, Hooters	<i>Chair</i>
Matt Lawrence, Schlitterbahn	<i>Vice-Chair</i>
Gary Grable, Community First Bank	<i>Secretary / Treasurer through May 2017</i>
Kurt Mayo, KC Hotel & Lodging Association	<i>Secretary / Treasurer beginning June 2017</i>
Maureen Mahoney, Unified Government—Mayor's designee	
Doug Bach, Unified Government County Administrator	
Commissioner Angela Markley, Unified Government	
Commissioner Brian McKiernan, Unified Government	
Larry Boswell, Cabela's	
Renee Hadley, Holiday Inn Express VW	
John Moncke, Sporting KC	
Valerie Mussett, Design Mechanical—KCK Chamber chair designee	

The KCK CVB is a 501c6 organization contracted by the Unified Government. Up on the screen and in front of you is a list of our 2017 Board of Directors which is made up of a third of Unified Government representatives. The remaining Board members are made up of a mixture of lodging, retail, dining and business members. Again, up on the screen is 2017 Board of Directors.

2018 Board of Directors

Matt Lawrence, Schlitterbahn	<i>Chair</i>
Renee Hadley, Homewood Suites KC Speedway	<i>Vice-Chair</i>
Kurt Mayo, KC Hotel & Lodging Association	<i>Secretary / Treasurer</i>
Maureen Mahoney, Unified Government—Mayor's designee	
Doug Bach, Unified Government County Administrator	
Commissioner Tom Burroughs, Unified Government	
Commissioner Angela Markley, Unified Government	
Greg Jackson, Hooters	
John Moncke, Sporting KC	
Valerie Mussett, Design Mechanical—KCK Chamber chair designee	

As we move forward there were several changes starting with Commissioner Tom Burroughs taking over for and replacing Commissioner McKiernan as the designated chair for the Economic Development Standing Committee. Thank you, Commissioner McKiernan, for your work with

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the bureau over the years and we do welcome Commissioner Burroughs and through our first meeting already has been a very welcome and new insight has been great.

We do have a couple of openings on our Board that we are working on looking to fill with representations of the previous areas that we are talking about and the hospitality, retail and dining side trying to find as we're leading and working with Bridgette, trying to find the right leadership for this team to carry us forward.

2017 KCK CVB staff

Bridgette Jobe, Executive Director
Maila Yang, Marketing and Communications Manager
Kerry Green, Group Sales & Partnership Manager
Rebekah Baughman, Marketing Assistant
Justin Stine, Meetings & Sports Sales Manager
Alexa Savka, Visitor Services Coordinator

Moving forward, I want to be able to introduce, and we do have some of the team here, so the 2017 KCK CVB staff and we're led by Bridgette Jobe, Executive Director; Maila Yang, Marketing & Communications Manager and I believe she is here; Kerry Green, Group Sales & Partnership Manager; Rebekah Baughman, Marketing Assistant; Justine Stine, Meetings & Sports Sales Manager; and Alexa Savka, Visitor Services Coordinator.

I'm now going to turn it over to Bridgette to take it the rest of the way.

Bridgette Jobe, Executive Director of the KCK CVB, said I'm very excited to be here tonight and share what we have been doing recently. My number one goal is to make it through without coughing. That is my goal for the night. Other than that, my number two goal is to be able to share with you some economic impact data that we have on tourism and then talk about some of the projects that we've done.

KCK CVB Key Objectives

1. Attract leisure travelers
2. Attract group and business travelers
3. Attract sports and special events
4. Educate local residents on the tourism industry
5. Actively support Tourism Product Development
6. Be the voice of tourism at a regional, state and national level

A couple of years ago this Board set out key objectives to drive the work of the bureau and a good way to look at these is the top three really talk about the different types of visitors that we work with. We work with the leisure travelers, the group and business of some meetings and conventions, and then we also work with sports and special events. The final three objectives there are more internal and those talk about that we want to educate local residents not only on what there is to do in KCK, but also the economic impact of tourism and what we do as a bureau. We support and we want to be actively involved and at the table when new tourism product is being developed. We know that to keep visitors returning, we need new expanded and quality product to market so that's a very important part to us. Then, this Board sees the value in the staff taking a leadership role in tourism related organizations. There are a lot of issues whether they be legislative, social, business issues that affect our destination and we want to be the voice of tourism for Kansas City, Kansas.



We have a contract with the Unified Government through 2021 and that contract sets out our funding, the make-up of our Board and the requirements for our recording. Each of you, I know in the last week were given a written annual report that I hope you have read and memorized well. The CVB is funded through a portion of the Transient Guest Tax dollars that are collected in Kansas City, Kansas. In 2017, our budget was just over \$1M, \$1M or 97% of our budget came from that contract with the Unified Government. We also receive \$25K annually from Hollywood Casino as part of their agreement with the Unified Government.

So, how do we spend our money, 58% of our budget goes directly to Marketing & Sales Programs. We spend 6% on overhead Operating cost; our rent, utilities, office supplies; we live very inexpensively. Then, we spend 36% of our budget on Personnel.

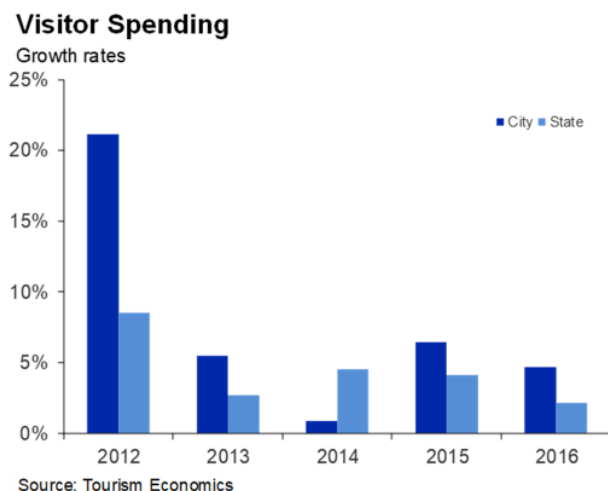
How do we gather data....

Lodging Data:	<i>Smith Travel Research (STR) Accommodations Report</i>
Economic Impact Event Data:	<i>Destinations International Economic Impact Calculator</i>
Economic Impact of Tourism in KCK:	<i>Tourism Economics partnership with KSWP&T</i>
Economic Impact for KC metro:	<i>H2R partnership with VisitKC</i>

Today I'm going to be sharing with you some data, some economic impact data and to gather that information we utilize a lot of different sources. For the lodging data that I'm going to be talking about we use Smith Travel Research (STR) Report. This is a third-party company that hotels report to directly with their occupancy rates, their average daily rates, and we purchase both daily and monthly data from them.

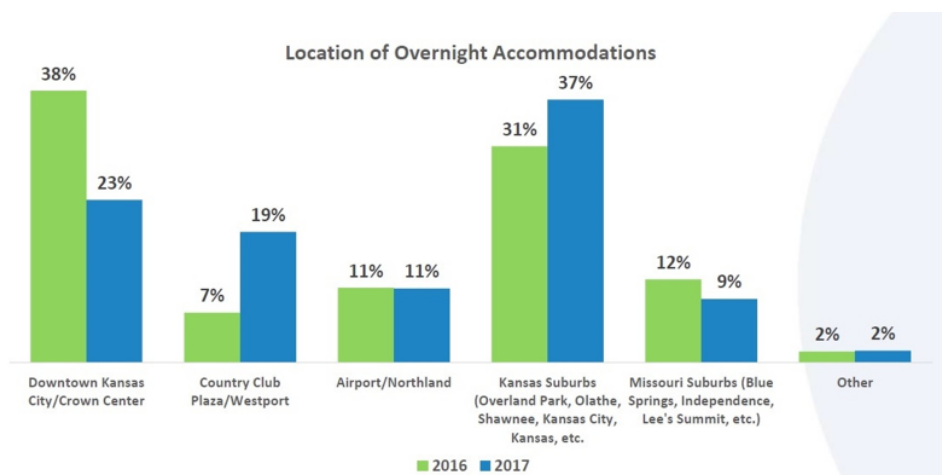
When I give you the economic impact of an event, we purchased this past year an Economic Impact Calculator and this is an industry wide standard calculator that is put out by Destinations International and it uses our local sales tax rates and our local information to really determine what the economic impact is for a specific event.

We also partner with Kansas Wild Life Parks & Tourism on the economic impact on tourism in Kansas City, Kansas and we do that because this allows for consistent research that we're sharing the same metrics, we're sharing the same data and speaking the same language as the State of Kansas. We also partner with VisitKC on economic impact for the Kansas City metro.



A few key findings from our research; Kansas City, Kansas continues to capture more visitor spending and become a larger piece of the overall state market. Visitor spending in 2016, and this is our last data from 2016, we're always a year behind; but 2016 visitor spending increased by 4.7% to reach \$423M with the growth continuing to be led by the lodging sector. In 2016 direct tourism employment increased by 150 jobs to 3,689 jobs that were directly supported through tourism. Overall, Kansas City, Kansas captured 6.4% of all tourism sales in the State of Kansas.

This chart that is up here is very interesting because it shows that visitor spending growth in Kansas City, Kansas has outperformed the State of Kansas over the past six years. We've grown at 44% while the State of Kansas has grown at 24% so we're kind of leading the way for the State.



Source: H2R

A very interesting trend that came from the Kansas City metro research we saw an increase in overnight visitors to the Kansas City region that are choosing to stay in Kansas suburbs and that is including Overland Park, Olathe, Shawnee and Kansas City, Kansas. People are coming to the metro, but choosing to stay in Kansas suburbs.



Source: Smith Travel Research Accommodations Report

One of the best ways we can track how the industry is doing is by how our hotels are performing. This gives us really a general health of the industry, but as we drill down to the specifics, we can

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see what's driving our visitation and any trends that might emerge. Again, we use the STR Report for that and you can see here over the past several years how our occupancy average daily rate and RevPar have continued to grow. Our occupancy rate in 2011 was 55%, we're now at 68.7%. Our average daily rate was \$90.67. This is a very high number. We're at \$124 as our average daily rate.

Mayor Alvey asked what does RevPar refer to. **Ms. Jobe** said RevPar is revenue per available room and that is the most important key metric when you're looking at hoteliers and what it does is it takes into account the number of rooms you have, the demand, the occupancy, the rate. This RevPar number right here, we've grown from 2011 from \$50.13 up to \$85.33.

2017 Comparables	Occupancy Rate	Average Daily Rate	RevPar
Wyandotte County	68.7%	\$124.20	\$85.33
Johnson County	64.7%	\$97.69	\$63.21
Wichita, KS	56.6%	\$83.53	\$47.28
Topeka, KS	55.1%	\$83.71	\$46.13
Jackson County, MO	65.4%	\$119.38	\$78.06
Clay County, MO	66.8%	\$83.67	\$55.86
Platte County, MO	68.7%	\$93.28	\$64.07

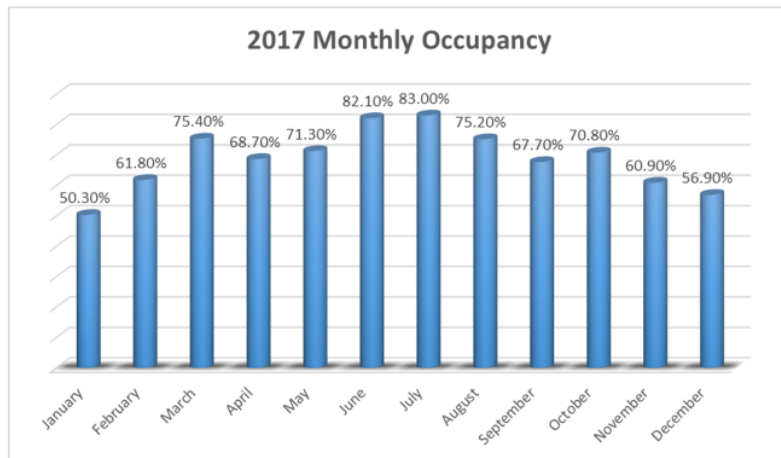
Source: Smith Travel Research Accommodations Report

To put this better into perspective, you can see how we compare with our surrounding counties. Every month these are the ones that we compare to and all of this information is shared at our board meetings so that we can monitor trends. As you can see, our annual occupancy rate is one of the highest in those that we compare to. Our average daily rate is the highest and so is our RevPar. This explains why hotels are wanting to build here.

Commissioner Burroughs said I appreciate that statement about the hotels wanting to build here. What is the increase in rooms, the number of rooms between 2011 to 2017? Do you have a number? **Ms. Jobe** said I do. We ended 2017 with 1,859 rooms with 197 under construction. I will have to look back to see what 2011 was. I was just researching with Mike Taylor recently on

STAR Bonds and we were talking about how we've grown from 2001 pre-Kansas Speedway and pre-Kansas Speedway we had about 600 rooms. We are now going over 2,000 so that's phenomenal growth in that time. I will have to get back with you exactly what 2011 was. **Commissioner Burroughs** said I guess in looking at this chart, it would justify continuing to invest and encourage hotel development in the community, not flooding the market, but it does show that an 68% occupancy rate we can absolutely have a little more room for development yet. **Ms. Jobe** said I would say very strategic growth and as we get into this you will see why because we do track why we lose business. I'm not sure we want to build every hotel that comes along. I think we need to be very strategic about what hotel we build, but you will see more as we go along here as to why I say that.

One of things to point out is, we monitor when our visitors are coming. We know that our highest occupancy days are Saturdays and then Fridays. Our lowest days are typically Sunday and then Monday.



Source: Smith Travel Research Accommodations Report

You can see by this chart here what months we have the highest and lowest occupancy. This is very important because it guides where we spend our resources. We try to focus on what days of the week and what months of the year we have the biggest potential for growth so if an event came and they were going to be held in November, I would be much more interested in working with that event than if we had one that was coming in July which really we don't have room for growth in hotels.

2017 Enhancements and Highlights

Add 2 new staff members
 Major focus on the Sports market
 New Website
 Added the Economic Impact Calculator
 Increased Social Influencer activity
 Won multiple awards

Let me show you some of the ways that CVB has contributed to some of these numbers. 2017 was really a year of growth and expansion for the bureau. Because of a significant funding increase from our contract with the UG we were able to add two new staff members. We put a major focus on the sports market of youth and amateur, a new website which I'm hoping you've all have gone and looked at. We added the economic impact calculator that I talked about. We really increased our social influencer activity and we just won a whole bunch awards.

Awards Won by KCK CVB in 2017

Received the following TIAK marketing awards at the Kansas Tourism Conference

- First Place – *Online Marketing for www.VisitKansasCityKS.com*
- Second Place – *Integrated Campaign for our Leisure Digital Campaign*
- Honorable Mention – *Visitors Guide, outsourced design*
- Honorable Mention – *Print Marketing for our 2017 Kansas City, KS Print Ads*
- Kansas Tourism Partnership – The KCK CVB was honored with the Kansas Tourism Partnership Award from the Kansas Department of Wildlife, Parks and Tourism, recognizing the collaboration this bureau has with the state to advance tourism in Kansas

www.VisitKansasCityKS.com was awarded a Silver W3 Award from the Academy of Interactive and Visual Arts. This award honors creative excellence on the web, and recognizes award winning web sites, videos and marketing programs.

SportsEvents Magazine named Kansas City Kansas Convention & Visitors Bureau as a 2018 Reader's Choice Award Winner for being an award winning destination for youth and amateur sports.

As you can see sitting there, and I have a lot of them that are up on the chart here, but many of these awards were from TIAK which is the Tourism Industry Association of Kansas, but one I really want to point out is the Kansas Tourism Partnership Award. I'm particularly proud of this

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one. We were honored from the Kansas Department of Wild Life Parks & Tourism recognizing our collaboration that we have with the State to advance tourism not only in Kansas City, Kansas, but in the entire State of Kansas.

Another one that I would point out is Sports Events Magazine where we were named as the 2018 Reader's Choice Award Winner for being a winning destination for youth and amateur sports. This award is a direct result of us having a staff person who is dedicated to sports marketing. He is attending trade shows, we increased our advertising and all of a sudden people started saying Kansas City, Kansas is a youth sports market and so we are very proud of that award.

2017 Goal	Corresponding Objectives in Marketing Plan (Page 2)	2017 Results
Generate 5,000 new room nights in meetings, group and sports market	2,3	Generated 6,429 new room nights
Generate 50 new quality leads in the meetings and sports market	2,3	Generated 71 new quality leads in the meetings (30) and sports (41) markets
Conduct 4 group training sessions and individual trainings as needed, to achieve a minimum of 50 people trained on the Simpleview Extranet.	1,2,3,4	Scheduled 18 different group trainings in which 20 partners participated. 54 people were given extranet access
Secure 50 new SMERF and Motorcoach market bookings. (Social, Military, Educational, Religious, Fraternal)	1,2	Generated 67 new bookings
Increase Jack Rabbit website hotel referrals by 15%. (1,694)	1,2,3	Showed a decrease in referrals in 2017. Made modifications for 2018.
Produce 16 blogs or stories through social influencer programs	1,2,3,4	Produced 14 local influencer blogs and 8 amplified stories
Increase Website sessions by 25%. (103,042)	1,2,3,4	172,435 sessions 52% increase

One of the requirements are our contract has with the UG is that we set annual goals. I know this is probably a little bit hard to read, but you can see we set seven goals in 2017. We also list the corresponding objectives that I just mentioned of those six objectives because every goal goes back to one of those objectives, one or more. Then, you can see here, the 2017 results. I've very pleased to say that we made six out of the seven goals. We wanted to generate 5,000 new room nights in the meeting, group and sports market. We generated 6,429. We wanted to generate 50 new quality leads in the meetings and sports market and quality leads we define that as a lead that we can really host, not just a lead that is something that's way out of something we can do. We really looked at those quality leads. We generated 71 new leads.

We unveiled our Extranet which is our behind the scenes Extranet where we can talk with our partners that they can go in and update their listings, we can communicate with them. We wanted to conduct four group training sessions. We ended up changing that throughout the year. We ended up going to smaller, just two or three people at a time, so we did 18 smaller trainings and we had 54 people trained on the Extranet.

We wanted to secure 50 new SMERF and Motorcoach market bookings. I know that Commissioner Markley always loves it when I talk about the SMERF market, but that is the Social, Military, Educational, Religious and Fraternal market. We ended up generating 67 new bookings.

The one goal that we did not meet was our Jack Rabbit website hotel referrals. We wanted to increase by 15%. This is our online hotel referral. We actually had a decrease and what happened is, when we unveiled our new website we went with where they recommended, we put the Widget. We found out that it was not in the right place and we were not getting as many referrals throughout the year. We ended up changing that and you will see here in a minute when I show you the website and our numbers are coming back up. We learned a lot from that.

We wanted to produce 16 blogs or stories through our Social Influencer Program. We ended up doing 14 local influencer blogs and 8 stories. We wanted to increase our website sessions by 25% and we kind of blew it out of the water by increasing by 52%.

Meetings & Conventions / Groups / Motorcoach / Sports Markets

8	Trade Shows Attended
608,965	Impressions from Print Ads Placed
105	New Leads Generated
107	Definite New Bookings
6,429	Room Nights Generated
\$2,033,047	Economic Impact Generated

Reasons for Lost Business

- 1) Desire for a Convention Center attached to a hotel in Village West area or Full Service Hotel
- 2) Room Rates
- 3) Availability

The CVB works with several types of travelers and leisure continues to be the majority of our visitors although we spend a lot of time and effort on the meetings and convention groups, Motorcoach and the sports markets. In the written report that you received last week, we break

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that out by category. What I've done here is put this altogether to show you that we attended eight trade shows, the Impressions, we had the new lead bookings, we generated over 6,400 room nights with an over \$2M economic impact from those that we directly worked with. One of the other things, and this kind of gets back to, Commissioner Burroughs, your question. We track for every market why we lose business. Sometimes it doesn't really matter how hard we work. Sometimes a meeting planner just chooses to go to another location, but we track that because we want to see if this is an area we need to improve on, is this something that our destination needs and we break it down by market in the written report, but here I just kind of put it altogether because you will see a trend.

The number one reason we lose business is for the desire for a convention center attached to a hotel in the Village West area or a full-service hotel. Sometimes those go hand-in-hand with each other. The second one is room rates. We talked that our room rates are higher than in surrounding area and sometimes we do lose business because someone can go somewhere else and pay less. Then, availability, and availability might be rooms. There may not be any hotel rooms. If you're trying to come on a weekend in July, there's probably not a hotel room, but it also might be availability of a facility if somebody wants to bring a soccer tournament to town and our fields are not available so sometimes we lose because of availability.

How do we attract visitors to KCK

VisitKansasCityKS.com
 Multiple partner websites
 Visitor Publications
 Digital Marketing Campaigns
 E-mail Marketing
 Social Media
 Online Hotel Booking
 Paid Print Advertising
 Media and PR
 Travel and Trade Shows
 Summer In-Market Campaign
 Guide By Cell Program

Let me tell you a little bit about our marketing programs and this is how we attract visitors to KCK. We use multiple types of marketing and we are constantly evaluating the results of each project that we're doing, we change as trends happen and as technology advances.

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VisitKansasCityKS.com

52% increase in website sessions over 2016

Website Awards:

1st Place Online Marketing – 2017 TIAK
Marketing Awards

Silver W3 Award – Academy of Interactive and
Visual Arts

57% of users are on a mobile device	
Top interests:	Demographics
1) Sports	96% are from the USA
2) Food and Beverage	30% from Kansas
3) Travel Attractions	29% from Missouri
4) Historical Sites and Buildings	10% from Illinois
	4% each from Nebraska and Iowa
Top 5 sources of visits:	Ages:
1) KCK Leisure Digital Campaign	34% are 25-34
2) Organic search	28% are 18-24
3) Social media	16% are 35-44
4) Direct entry	
5) Referral	46% female / 54% male

I have to start with the website because I am very proud of our website and all of advertising promotions sends our visitors to the website. I've got it here and I'm going to open it up. (This was not on PowerPoint.) I hope you guys do go to it because it is a really great website. It's very visually driven. As you can see one of the very first questions people ask is where is Kansas City, Kansas in relation to the rest of the metro area so we found this map to be very helpful. We divide up into the four areas here. If someone is coming to the KU Med Center area, this will give them more information about that area. This is the Widget that I talked about with the Jack Rabbit. You can actually go right here and you can book from this website and book a hotel room. I'm going to talk about a lot of the things here. I'm not going to spend a lot of time going through this, but I hope you will spend some time on our website.

We do track a lot of data from our website. Things like we know that 57% of the users are on a mobile device. We found some very interesting things this year. We have never had sports as our top interest. We have also never had more males than females going to our website. When we looked at this we spent a lot of time trying to figure out why. We spent a lot of money on sports marketing last year. We really think that kind of changed the needle just a little bit and drove the sports and more men going to our website. You can see we really try to track who's going to our website.

Digital Marketing Campaign

Total Impressions 42,062,526
Total Clicks: 85,737
Leads Generated 4,999



Prospecting Ad



Retargeting Ad

Digital Campaign Award:
2nd Place Integrated Campaign – 2017 TIAK Marketing Awards

We focus more and more dollars on digital advertising every year. About 40% of our marketing dollars are spent online and in digital. We do have to do print, we have to do other avenues, but we find digital is more trackable, it's more flexible. If we see something that is not working, we can change it up very quickly. Some key metrics of some of our digital campaign, we had over 42M impressions, we had over 85K people that clicked through on one of our ads and we had almost 5K people who actually then reached out to us for more information. You can see here are just some examples of some of our digital ads.

Amplified Storytelling



One of our digital programs, one of part of it is our Amplified Storytelling and the Amplified Storytelling is a themed story written by a third-party writer that explains their experiences in KCK

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and these stories live online and we've found them to be really helpful in generating new content, in generating new followers, and increasing the amount of time someone spends. This was one of my favorite ones that we did. (This was not on PowerPoint.) We generated eight stories in 2017, but this one if a person went to and read this story, they spent over 17 minutes on our website and that is a huge amount of time for someone to go and spend on our website. So, again, I hope you will go—these all live on our website and I hope you will go and look at them.

Arrivalist Technology

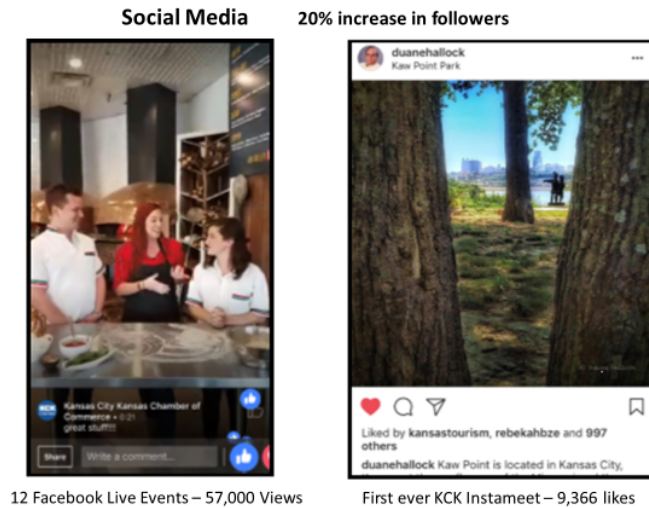
Estimated arrivals	1,260
Estimated Visitor Revenue	\$437,220
Average time to arrival after click:	45 days
Top 5 arrivals by city:	Lawrence, Topeka, Manhattan, Wichita, St Louis
ROI:	\$17.48

Partnership with VisitKC

Total Impressions by category:	
Digital:	140,206,516
Magazine & print:	4,112,109
Radio:	1,143,936
Television:	4,242,000
Campaign ROI to KC Metro:	\$85 for every \$1 spent

We use Arrivalist Technology with some of our digital advertising and Arrivalist is when we can track when and where a digital ad is viewed and how many people then visit KCK after they have viewed that ad. We don't use it on every digital ad. It's very expensive technology. I just don't have the budget to do that, but basically how it works is that there is a pixel placed on an ad. When someone in Oklahoma City clicks on that, then we know when they arrive in Kansas City, Kansas. We can say from the ads that we placed using Arrivalist, we had over 1,200 people who arrived. You can see the estimated visitor revenue. This is a return of \$17.48 for when we spend this. It's kind of a Big Brother type of thing but we can really focus and we can track who's coming and how affective our ads are.

We also partner with VisitKC. They do a metro wide Kansas City metro campaign. It's an \$850K campaign. We are part of that. You can see some of the Impressions for the metro and they have an ROI to KC Metro and that's not just to us but to the metro of \$85 for every \$1 spent.



We do a lot on social media and I hope that you follow us. We are on all the platforms, Facebook, Instagram and Twitter are the main ones that we are on. We had a 20% increase in followers this past year. Two really exciting things that we did well in 2017; we did 12 Facebook Live events and this is a picture here of one we did with 1889 Pizza. Rebekah from our office is kind of our face of our Facebook Lives and she goes out and she does some crazy things like make pizza, she taught people how to get into an innertube gracefully at Schlitterbahn. Yesterday she was at Splitlog Coffee learning how to make decorative coffee. We had over 57K views of our Facebook Lives. We also last year started an Instameet. It was the first ever, KCK Instameet, and if you are like me when staff came to me and said we would like to do an Instameet, I didn't know what it was. An Instameet is when people whether they be bloggers, photographers, just people who are on Instagram get together in one location, there is usually an educational component of some way of how to take better pictures and they post on Instagram. We had our first one last July, the hottest day of the year, we had 53 people show up. We were at Memorial Hall, we took them to Kaw Point, we took them to Rosedale Arch, they did a walking tour downtown of the murals. We generated over 9K likes and almost 300 photos just from that. By the way, we do have our first Instameet for 2018, it's Saturday at the Agriculture Hall of Fame, 9:00 if you would like to show up.

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[Finding Time for Family in Kansas City, KS](#)

December 12, 2017 by [Cynthia Wright](#) <https://www.visitkansascityks.com/blog/>

Cold weather months don't have to mean that all of your family's fun and travel are put on pause. Since the time around holidays and the New Year can be so chaotic, our family often finds that this is when we need to disconnect from our daily life and unwind more than ever. We did just that as we celebrated our daughter Caelyn's birthday at Great Wolf Lodge! She was turning 4 years old, and we wanted to make it a special adventure for her

We do a Social Local Influencer Program and this is a little bit different than the stories. This is more on blogs and this is one here. It just kind of tells you this is how it goes and you can actually click through and see how the blog looks on our website. We had four categories that we had chosen. (This was not on PowerPoint.) This is more of a behind the scenes what the locals do and this is our one on family fun. We also have a blogger who does arts and culture, we have mature travel and we have adventure travel. They produced over 10K blog views and we reached over 76K people on Facebook with these blogs.

Visitor Publications

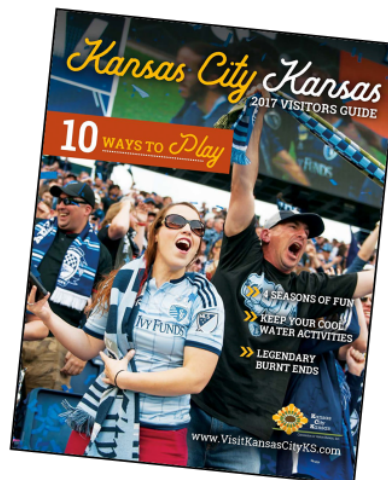
2017 Visitor Guide

64 page magazine

125,000 distributed

Digital Version

3rd Place Visitor Guide Award
TIAK 2017 Marketing Awards



We produced several Visitor Publications. Probably the one you know the most is our Visitor Guide. This is the 2017. You have 2018 I handed out with you tonight. We print and distribute 125K of these plus we have them online where you can digitally download them.

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3 new Video's

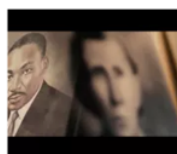
Used on YouTube, Digital Marketing, Website



[Active Adventures in Kansas City KS](#)



[Explore Family Fun in Kansas City KS](#)



[Diverse Attractions in Kansas City KS](#)

Last year we created three new videos'. We use these on YouTube, they are on our website, we use them with our digital marketing website if there is a special event. When we had the USA Track & Field in Lawrence last year, we were able to play on the screen there. This is my favorite one that we did last year. (This video was not on PowerPoint.) Hopefully, it will load here very quickly. (video was shown at this time). Again, these have been really successful and we've been able to use them in a lot of different ways.

PR and Media

Hosted 7 individual Travel Journalist producing 9 articles and 964,500+ social media reach

Hosted 14 Travel Journalist on 3 FAM Tours producing 12 stories with 700,000+ social media reach, a Radio interview on Travel Planners Radio Show and an article in Feast Magazine

Met with over 90 Journalist at Travel PR events

Assisted with and tracked 68 stories

Directly contributed to 27 travel articles



We work with the PR and Media. We host Travel Journalists whether we host an individual travel journalist who is wanting to come and learn more about Kansas City, Kansas and write. We also do FAM Tours. Those are familiarization tours where we bring a group of travel journalist together. Our most successful one last year was a Foody FAM. We basically brought them in and

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fed them at all the local restaurants. We fed them for two days. It was so successful we ended up doing a second one and you can see the stories and the social media reach. It's not just when we bring them to town, we're also going to PR events, meeting with travel journalists talking about what's up and coming, what's new, we tracked 68 different stories and we directly contributed to 27 different travel articles.

Solar Eclipse

50,000 commemorative eclipse glasses distributed
1,368 visitors signed in at the CVB office
277 joined e-newsletter list
481 Facebook Likes
500+ people watched from T-bones Stadium
Facebook Live Event in Downtown KCK – 5,198 views



999 rooms - 126% increase
Sunday Night Occupancy over previous year



I can't talk about 2017 without talking about the solar eclipse. We were talking in our office that we would like to give an award to someone for the solar eclipse. We didn't know who that could be other than God. What we did do was, we took advantage of a situation that was really dropped in our lap. We did not bring the solar eclipse to Kansas City, Kansas. It was here and so we just took advantage. We ordered 50K and distributed commemorative glasses. They were given to every hotel guest who was staying in Kansas City, Kansas. They were distributed at T-Bone games, sporting games, Schlitterbahn. We had 1,300 people sign in at the office, we did a Facebook Live event in downtown KCK with over 5,000 views and we had over 500 people at the T-Bone stadium to watch it. Probably the most important thing to notice here is a Sunday night is always our lowest occupancy and because this happened on Monday, we had a 126% increase in our occupancy on that Sunday night. We had 999 more rooms sold than the previous year so if anybody can get a solar eclipse in next year, we would love that.

2018 Advancement and Innovation

Community Marketing Grant

Reviewing and Updating Long Range Vision and Goals

2 new Media FAM tours

4 Instameet Opportunities

The Summer of Oz



2018 Advancement and Innovation; our funding is pretty consistent from what it was in 2017. I'm not going to be able to have significant growth like we did in '17. I'm not going to be able to add new staff, but what we will be doing is further refining, doing better what we are already doing. A couple of items to point out; we do have a Community Marketing Grant. We have committed \$5K that will be used to assist attractions and events in their marketing. The first round of applications are due March 30th and that has already been sent out to all of the attractions and I believe we've got two people who have applied already. The Board is going to be reviewing and updating our long-range plans and our goals for the bureau. We have media FAMs. We're doing Instameet and then it's all about the Summer of Oz.

I'm sure you have heard there will be a live Wizard of Oz production at Providence Amphitheater August 1-5. We have been working with a lot of our attractions to put on Oz themed specials and events during the summer. Ag Hall of Fame has really jumped all over this. They're going to have an Oz Comes to Kansas, what a farm town was like that you can go and experience a farm town and then go over to Providence Amphitheater and go watch the live production of Wizard of Oz. We're also going to be creating our summer campaign all around Oz.



Kansas City Kansas Convention & Visitors Bureau, Inc.

With that, I'm going to stop talking and see if there are any questions.

Commissioner Bynum said first, before the question, just a compliment to you and your staff and your Board. I'm glad that we were able to augment the funding that we give. It clearly has paid dividends for the Kansas City, Kansas community. You all do an amazing amount of work, really high-quality work on that budget and I, for one, appreciate it so I want to make sure I say that to you and everyone involved.

What is your impression of what will be needed when the American Royal is up and open and fully operating here? **Ms. Jobe** said we've talked about this in Board meetings. The American Royal is a gamechanger. The opportunities that we will have when I showed you the slide of when our lowest occupancy months are and the potential for growth, that gives us an indoor facility to bring in all kinds of events that we just cannot bring in. We will need staff to sell that. We will need dollars to sell that. It will be a gamechanger both for our bureau and I think for us as a destination. I think a convention center is the same thing also whether they are in conjunction with each other or separate, they are both gamechangers for us.

Commissioner Philbrook said just a follow-up with all of that; gamechanger, so when do you think you need to ramp up on that, as your knowledge, when do you need those new people, 2019 budget? I mean, what are we talking here? **Ms. Jobe** said I really don't know exactly when they're really going to be breaking. You cannot sell something that is not already at least under construction. That does not mean that we are already not talking about it to some very key—in

fact, the Mayor and I talked about something just recently that is a potential, that's out there. We can't really talk about it. They don't really want to talk about it, but they would be very interested if the facility was built in the way they could use it. We have several things that we can talk to, but we cannot sell it until it is built or at least we know it is for sure. **Commissioner Philbrook** said until we see action. **Ms. Jobe** said right. What we can do in the meantime, is to continue to market Kansas City, Kansas to create that awareness of all the things that we have here and every other destination is clamoring for those visitors and they are in their face all the time. The more we can be in the face of the visitor saying come to Kansas City, Kansas, look at all what we have to do, come to Kansas City, Kansas, the more we are top of mind so we could start marketing the destination immediately.

Commissioner Philbrook said another question; which is kind of a sticky-wicket because of another community, but they are bringing a smaller than you as far as convention, you know, area along with hotel across I-70; how are we going to play in that? Are they going—you know what I'm saying, because it's one of those situations where do we further that as well as—**Ms. Jobe** said these are great discussions and I don't know that I can answer them all tonight. I think you're talking about the Lowe's property. Depending on who you talk to, I think there is some concern that the market is being saturated with rooms and that might be the downtown market. I think the statistics that I showed you that more people are wanting to stay in the suburbs is very telling that as people are going to the Kansas City metro, not everybody wants the downtown experience. We offer an option and so I think we have something to offer there that many visitors want. **Commissioner Philbrook** said sorry to put you on the spot but you are in the middle of it.

Mayor Alvey said I just wanted to comment on the addition of Justin Stine to your staff. I thought that's a great move to really target the sport side of it and I was able to participate in the NAIA tipoff and that's an event that for those of us who grew up in Kansas City, we would go to the Municipal Auditorium and run around watching games here and there. It was a great event they held at Sporting KC even though the tournament is held at Municipal Auditorium, the tipoff event was held with all the teams and the coaches, the staffs at Sporting KC. It was a great event and I think it really showcased Kansas City, Kansas very well. Well done. **Ms. Jobe** said the first year Justin was a big part of that working to get that moved. It has always been held at Power & Light

and so we were able to get the tipoff event at Sporting KC this year and we appreciate you being there. That was great.

Commissioner Townsend said I was thinking back as you were making a presentation about what three or four years ago when this body had to consider whether or not the CVB was going to be joined with another organization and that's great also. Seeing the progress that's been made, I think that was the right decision to keep the CVB as a separate entity whose sole job was to market KCK, Wyandotte County. I would also like to applaud you for continuing to push places for visitors to come and appreciate and even local people on all sections of the city, Kaw Point Park on the northeast end, the John Brown area, all the way out west so great job and congratulations on your recognition and awards. Thank you also for clarifying Instameet. I thought we were going into the dating business too. Maybe you can join that with Dorothy & Oz. You know the theme is we meet in KCK, I don't know.

Mayor Alvey asked do we have a motion for Executive Session for consultation with our Attorney to discuss matters related to litigation.

Executive Session:

Commissioner Markley made a motion, seconded by Commissioner McKiernan, to go into Executive Session until 7:00 p.m. to consult with our attorneys and to discuss, under the attorney-client privilege, confidential matters related to pending claims and litigation, as permitted under the Kansas Open Meetings Act; and that staff designated by the County Administrator be present to participate in the discussion, and to reconvene in open session at 7:00 p.m. in the Commission Chambers located on the 1st floor. Roll call was taken and there were ten "Ayes," Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Present for the Executive Session: 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 Eight District; and Alvey, Mayor/CEO presiding. **Staff present:** Doug Bach, County Administrator; Ken Moore, Chief Legal Counsel; Joe Connor, Assistant County Administrator; Kathleen VonAchen, Chief Financial Officer; and Ryan Carpenter, Assistant Counsel.

**MAYOR ALVEY ADJOURNED
THE MEETING AT 6:35 p.m.**

dt

Bridgette D. Cobbins
Unified Government Clerk

March 22, 2018

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

SPECIAL SESSION, THURSDAY, APRIL 5, 2018

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, April 5, 2018, with ten members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; McKiernan, Commissioner Second District (arrived at 5:31 p.m.); 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. Townsend, Commissioner First District; was absent. The following officials were also in attendance: Doug Bach, County Administrator; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Gordon Criswell, Joe Connor and Melissa Sieben, Assistant County Administrators, Lynn Melton, Assistant to the Mayor; Emerick Cross, Commission Liaison; Interim Chief Kevin Shirley, Fire Department; Jack Andrade, Senior Assistant Chief of Logistics; Bob Wing, Fire Department; and Officer Doleshal, Sergeant-at-Arms.

MAYOR ALVEY called the meeting to order.

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

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, April 5, 2018, at 5:00 p.m. in the 5th floor conference room of the Municipal Office Building, for a report on the Fire Station Rebuild/Remodel Plan. Immediately following, the Commission will reconvene to the 9th floor conference room for an executive session regarding land acquisition.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in

such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Doug Bach, County Administrator, said the first item on the agenda is to talk about the Fire Station Building/Renovation Plan. This is a product of our joint Labor/Management Committee that's been in place for a couple of years; really since we went through the FACETS Study that the Commission had directed us to work on. That committee has been studying various things from staffing components to looking at buildings and this presentation this evening is specifically about the building and the buildings themselves, what the future of them is and where we looked where we feel like we may need to replace and then those that can be renovated over the coming years.

With that, I'm going to turn this over Chief Kevin Shirley and let him talk about it and introduce his team and go through the presentation.



Interim Chief Kevin Shirley, Fire Department, said prior to my retirement in 2014 I had spent 27 years with the Fire Department. I've held every rank except Assistant Chief in the Fire Department and it has been an honor and pleasure to serve the citizens and residents of this city.

Many of our fire stations are in dire straits. Over the last 20 years we have attempted to keep 18 fire stations in good repair; however, as the buildings aged repair costs have risen and budget have gotten tighter. Several of these buildings are quite old. A few of them we inherited as the city annexed adjacent communities. They all need various levels of improvements. There

should have been a comprehensive replacement process started many years ago. The city has faced many budgetary concerns. That caused, in my opinion, that hesitation to move forward with the replacement plans that would have cost millions of dollars. Unfortunately, those costs have only continued to rise.

The need for a Fire Station Build & Renovation Program is not only about providing a safe, functional facility for our firefighters, it's also about our neighborhoods. Fire stations should be, and are a source of pride, for our neighborhoods. Building new stations and renovating current stations shows the residents that the city understands the importance of our neighborhoods and the role of the neighborhood fire stations. I believe we live in a city that deserves a first-class fire department, one that has adequate facilities, equipment and staffing. I believe we should always see ourselves as a first-class city. I believe that residents of Kansas City, Kansas absolutely deserve the finest fire department in the nation.

Our firefighters are our biggest asset. Their health and safety is a top concern. If we can keep them safe and healthy, they continue to provide great service to the residents of our city. Providing a way to clean and decontaminate gear and equipment has been proven to reduce the risk of cancer in first responders. There is a proven link between firefighting and cancer. We can mitigate long-range health effects by providing specialized washing machines called Extractors to clean firefighting gear after each usage. We must provide for a second set of firefighting gear in the room to dry and store it.

The reduction of risk to our firefighters is a top priority. We have begun addressing this with new policies. They call for on-scene decontamination. We've have started identifying stations where there is room and infrastructure to install these Extractors. The department has started installing new ventilated lockers so our gear can dry quicker. We continue to seek ways to provide each firefighter with a second set of gear. The Fire Station Build & Renovation Program will help us address these issues by providing the facilities necessary to reduce the exposure to cancer causing agents.

We also need to provide more secure facilities for our firefighters. Our stations need better control of exits and entrances. We need to construct lobby areas that allows visitors to enter, but then restrict them from entering the main body of the fire station until an escort arrives. We need overhead doors that close quickly and automatically, surveillance cameras, secure parking

and adequate lighting, storm shelters, gender neutral facilities and workout areas are all items that can be addressed as we move forward with building and renovating our fire stations.

Other areas of concerns will be addressed in the PowerPoints that will be presented at the conclusion of my remarks.

The Fire Station Build & Renovation Program must move forward as rapidly as possible. With the new fire station in the Piper area as a springboard and the remodeling the remodeling of Fire Station 5 in the northeast, we are moving in the right direction. The Fire Department needs to move forward as quickly as possible building and renovating the remaining stations. It is encouraging to see the willingness of the Fire Department IAFF Local 64 and the city working together to accomplish these goals. I am confident that progress will be made.

I would like to introduce Assistant Chief Jack Andrade who will be delivering the PowerPoint presentation.

Jack Andrade, Senior Assistant Chief of Logistics, said thank you for allowing us to be here today in front of the Commission to discuss the Fire Department strategies on the Fire Station Buildings & Renovation Plan. Chief Shirley and I really do appreciate your time. The last two years the Fire Department has been reviewing the FACETS Study. We realize there is good information within this study and County Administration along with union representation and Fire Department Management have been reviewing the findings mentioned in this report. There have been several short-term committees and long-term committees formed to improve the deficiencies and these committees continue to discuss information that is relevant today.

We also formed Strategic Initiative Committees to look at various topics. A few of these topics pertain to training, hiring, policies and procedures, fire and emergency operations, and logistics. Logistics included a 10-year Replacement Plan for all apparatus and a 20-year Strategic Plan for the infrastructure.

This evening we will be discussing the strategic plan that will govern the Fire Stations Rebuild & Renovation Program. Just to mention, our stations have an average of a 60-year lifespan.

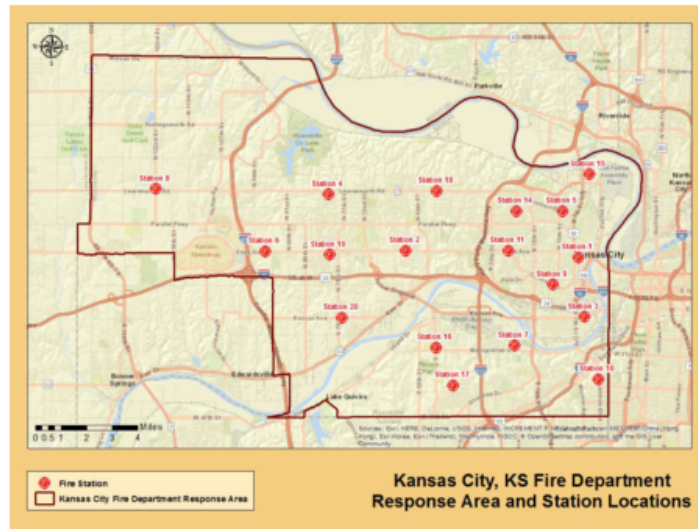
KCKFD Stats

• 2000 call Volume	
• Total Calls	18,312
• Total Personnel	368
• Fire Stations	18
• Fire/First Responders	22
• EMS Transport	MAST
• 2018 Call Volume	
• Total Calls	30,990
• Total Personnel	420
• Fire Stations	18
• Fire/First Responders	22
• EMS Transport	14
• Daily-Staffed	9
• Cross-Staffed	3
• Reserve	2

As I work through the slide presentation, you will see three common themes that I would like to mention. One is the age of the structures, overcrowding and noncompliance of gender neutral quarters, NFPA, and ADA compliance.

In 2001 we operated similar to how we do today except we added a major component and that is EMS. When we added that component (lost audio on YouTube and tape) and 14 ambulances to an existing 18 structures. They weren't used to accommodating that many people and extra apparatus. What you will notice is you're going to have overcrowding in every station with equipment and supplies.

One addition thing that happened that caused overcrowding is the event of 911. KCKFD added technical rescue and additional rescue teams because of the terrorism threats that affect us across the nation.



Map 1: Kansas City Kansas Fire Department Station Locations and Response Area.

This slide here shows where our fire stations are currently at today. There are 18 of them. We will be looking at building a nineteenth station at Leavenworth Road & Hutton and they should start occurring around fall of 2018.

Headquarters 815 N 6th Street

- Opened in 1930
- Not ADA and NFPA compliant
- Pumper 1
- Truck 1
- Rescue 1 (cross Staffed)
- Operations Chief
- Battalion Chief
- Admin
- Training
- Fire Prevention
- Fire Investigations



Headquarters, one of our oldest stations, is not ADA and NFPA compliant and it holds a lot of apparatus. We've got Pumper 1, Truck 1, Rescue 1, Operations Chiefs, Battalion Chiefs, and it also includes Administration, Training, Fire Prevention, and Fire Investigations. There are a

couple of apparatus that I did not mention that we have inside this structure for technical rescue and also three boats that we store in this building.

Station 2 6241 State Ave - 66102

- Opened in 1979
- Not ADA and NFPA compliant
- Quint 2
- Support 2 (HazMat apparatus)
- EMS 2
- EMS 22- reserve ambulance
- EMS Supervisor



Station 2 is one of our HazMat stations. It's not ADA and NFPA compliant. Quint 2 and Support 2 reside here along with two EMS units and an EMS supervisor.

Headquarters 815 N 6th Street

- Opened in 1930
- Not ADA and NFPA compliant
- Pumper 1
- Truck 1
- Rescue 1 (cross Staffed)
- Operations Chief
- Battalion Chief
- Admin
- Training
- Fire Prevention
- Fire Investigations



I'm going to backup one. Headquarters is a station that is classified as one that is built to house fire department employees. Here in a little bit, I'm going to show you some other stations that weren't meant for that. There are two different classifications. One that was built as a true fire station that is going to house individuals every day 24/48 and then there are others that were

volunteer fire departments, township fire stations. You're going to be able to tell the difference once I show it to you.

This station here, we want to do mild renovations to it. Mild renovations mean that we may do some light fixtures, we may paint, we may do some cabinetry work, put new carpet. Major renovations mean that we're going to gut the whole thing and we're going to leave the shell and we're going to rebuild walls. Then, there is another term I'm going to talk about, and that's rebuild and each station I will go through that with you.

Station 2 6241 State Ave - 66102

- Opened in 1979
- Not ADA and NFPA compliant
- Quint 2
- Support 2 (HazMat apparatus)
- EMS 2
- EMS 22- reserve ambulance
- EMS Supervisor



Station 2 is one of those that may need mild renovations; paint, some electrical work, some small items that may need to be redone.

Station 3 420 Kansas Ave - 66105

- Opened 1951
- Not ADA and NFPA compliant
- Quint 3
- EMS 3
- Support 3 (HazMat, cross staffed)



Station 3 is one of our other HazMat stations. It's down in Armourdale. It's not ADA compliant or NFPA compliant. Quint 3 and EMS 3 and Support 3 reside here. If you ever visit this station, you will go down there and it is very tight between the HazMat rig and the EMS rig. We have new lockers down there along with a lot of equipment that HazMat needs to have on standby in case they get a call.

Station 4 3044 North 81st - 66109

- Opened 1957
- Township Fire Station
- Not ADA and NFPA compliant
- Pumper 4
- EMS 4(cross-staffed)



Station 4; this is one of the stations that I was talking about. It's a township fire station. It's not ADA compliant nor NFPA compliant. It houses Pumper 4 and EMS 4. EMS 4 is a cross-staffed unit and this station here is one that we're going to classify as a rebuild. We need to build a new station. It houses three firefighters and it's very tight. If you walk into this station, you go into the bay, there's not very much room. Chief Shirley mentioned that's there's carcinogen initiatives that we're trying to do today and to try to get this compliant with any standards is very difficult because we can't put any Extractors or dryers in there.

Station 5

910 Quindaro Blvd - 66101

- Open 1955
- Not ADA and NFPA compliant
- Pumper 5
- EMS 5
- EMS 25 (reserve ambulance)



Station 5 is on 9th & Quindaro. It houses Pumper 5 and two EMS units. One is a reserve unit. A reserve unit is one that if one breakdowns, we will jump in this one and it's ready to go. This station does not have gender neutral bunkrooms. You go in there and it's like a room like here and you've got seven beds in there. That project is going to be underway within the next couple of weeks with the bidding process to get that bedroom taken care of. However, the kitchen or appliances, light fixtures, security are some other items that we need to make this fire station more livable. It's not one that we're going to remove walls. Once we start removing walls, then that goes into a major category where we have to place these firefighters in a different station to run out of.

Station 3 is a mild. I apologize.

Station 6

9548 State Ave - 66111

- Opened 2001
- Battalion Chief
- Quint 6
- EMS 6
- EMS 26 (cross-staffed)
- Brush Truck 6
- Gator 6
- Training Area



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Station 6 is a mild one. It's one of our newer stations. I've got some pictures at the end. I'm going to show you this one was built to think to the future. How are we going to house more equipment if we need to or if we need to move another pumper into this structure, we will have enough room. When we place EMS units though and all the equipment that is needed there, you're going to tell it's overcrowded. This one is ADA and NFPA compliant so there's not much that we need to do here; just some paint, maybe some tile work, tub work, bathroom work, so on and so forth, very minor.

Let me back up, we have a training area. We have a 420-firefighter department and the training classroom can hold about 24. To do a large matrix classroom event there, it's very difficult. We do have a tower in the back as well.

Station 7 2717 Strong Ave - 66106

- Opened 1951
- Not ADA and NFPA compliant
- Pumper 7
- Truck 7
- Safety Officer



Station 7 is at 27th & Strong. It's not ADA and NFPA compliant. Pumper 7, Truck 7 and the Safety Officer reside here. Here we've done some touchups on this station. When I was there we renovated this station. As of right now this station is pretty good to go. The kitchen does need to be remodeled. That is one thing we did not do and bathroom work.

Station 8 3131 North 123rd - 66109

- Opened 1979
- Not ADA and NFPA compliant
- Pumper 8
- Tanker 8
- Brush Truck 8



Station 8 is at 123rd & Leavenworth. It's not ADA compliant and NFPA compliant. **Commissioner Kane** said just call it the pole barn. **Asst. Chief Andrade** said Pumper 8, Tanker 8 and Brush Truck 8 reside here. We have some concrete work that's going to start within the next couple of months to replace some apparatus bays. Here is classified as mild as well. I apologize. This one is going to be a rebuild. The mild portion is the concrete work and some paint work to make it last a few more years. Let's say 10 to 12 more years. I will get to the timeline of which structure is going to be replaced and when.

Station 9 1100 Central Ave - 66102

- Opened 1967
- Not ADA and NFPA compliant
- Pumper 9
- Safety Officer
- EMS 9
- Boat 9
- Brush Truck 9



Station 9, 11th & Central, is not ADA and NFPA compliant and it houses Pumper 9, EMS 9, Boat 9, Brush Truck 9, and a safety officer. Here we are going to do some mild renovations. We have

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started those mild renovations last year with window work. We do have to get into the kitchen and into the bathrooms.

Station 10 2210 West 36th - 66103

- Opened 1996
- Battalion Chief
- Pumper 10
- Quint 10
- EMS 10
- Air/Rehab 10
- Foam 10



Station 10 is one of our newest stations. This one is just going to be mild work, mild renovation. This station is down by KU. I do have some pictures of this. At the end of the slide presentation you will notice that it is overcrowded with workout equipment and additional gear.

Station 11 3100 State Ave - 66102

- Opened 1924
- Not ADA and NFPA compliant
- Pumper 11



Station 11 is our oldest. This one I can tell you, if you go into this station, it is the most well-kept station that we have. You will go in there and be like why do you guys want to get rid of this one. Truly, to be honest with you, we really don't but it is not ADA and NFPA compliant. Some recommendations that were made were to give this to our Historical Society, Kansas City, Kansas Fire Department Historical Society where they would place artifacts in there; pictures, gear and so

on and so forth and I believe that's a great idea with this station. This one, we do plan on rebuilding and build it at a different location.

Station 14 2615 North 27th - 66104

- Opened 1956
- Not ADA and NFPA compliant
- Pumper 14
- Truck 14



Station 14 was built in 1956. It's not ADA and NFPA compliant. We do need to do some mild renovations in this one.

Station 15 444 Kindelberger Rd - 66115

- Opened 1987
- Pumper 15
- Air/Rehab 15
- Fleet maintenance



Station 15 opened in 1987. It houses Pumper 15, Air/Rehab 15 and our fire shop. You notice it looks like a pretty big station, but it does have on half of it our fire shop which we plan on moving to 5440 Kansas Ave. as soon as we get that building up and running. We do have overcrowding in the shop area. They've got gear that they have to have on standby for 420 firefighters along with fixing every piece of apparatus that we have today. They've got rotors, they've got

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extinguishers, they've got MSA packs scattered everywhere and anybody that would like to visit that station, we would be willing to do that.

Station 16 1437 South 55th - 66106

- Opened 1936
- Township Fire Station
- Not ADA and NFPA compliant
- Pumper 16



Station 16 is another township fire station that's going to be rebuilt. It's not ADA compliant and NFPA compliant. Pumper 16 is housed here. You go into this station and you will see some—I'm going to not say it's overcrowded, but when you go in there, it's very tight. When we had a smaller pumper in there, it was fine to get around, but when you start buying these newer pumpers it won't fit. This one also has one bathroom for three individuals. This one, if we were going to make this stretch, we would just do mild renovations in it to make it last a few more years, but we really need to get this rebuilt as soon as possible.

Commissioner Markley said on behalf of former Commissioner Hal Walker, I would like to mention that's the one known as the gnome house. Hal always called it the gnome house.

Station 17 2416 South 51st - 66106

- Opened 1952
- Township Fire Station
- Not ADA and NFPA compliant
- Pumper 17
- EMS 17



Assistant Chief Andrade said Station 17 is another township fire station. You know these were meant for volunteers. They come running to the station, they jump in the pumper and they go. It wasn't meant for anybody to live at. This one has one bathroom in it for five individuals so it's very difficult at times after structure fires and in the middle of the night you need to use the restroom, somebody is in there, you've got to wait. We have some issues with this and we've had it ever since we've put EMS units in it. We had to put an EMS unit down in the Turner area and this is the only place we had that option. The bunkroom that it had prior to EMS units only held four so we had to build two additional rooms out in the bay. Between the bay and the apparatus there's maybe two feet clearance. It's not very much, it's very tight. It could be a little dangerous at times having people sleeping in the bay where exhaust fumes could build up. We do have primal vents and sometimes those detach a little bit early, but those fumes stay inside the station and so this one needs immediate attention as well.

Station 18

5429 Leavenworth Rd - 66104

- Opened 1978
- Not ADA and NFPA compliant
- Pumper 18
- EMS 18
- Boat 18
- Brush Truck 18



Station 18 is not ADA or NFPA compliant. You have a pumper, an EMS unit, a boat and a Brush Truck 18. We would do mild renovations in this one.

Station 19

1011 North 80th Terrace - 66112

- Opened 1972
- Not ADA and NFPA compliant
- Pumper 19
- EMS 19
- Safety Officer
- Brush Truck 19
- KCKPD West Patrol



Station 19 is not ADA compliant, it's not NFPA compliant. It looks like a big structure. It looks like it's well worth the value there, but you have to understand that we share that building with the KCKPD. It's the West Patrol area. Half that building is theirs. It houses a pumper, an EMS unit, safety officer, Brush Truck and we would do mild renovations in this one as well.

Station 20 7741 Kansas Ave - 66111

- Opened 1967
- Township Fire Station
- Not ADA and NFPA compliant
- Pumper 20
- EMS 20 (cross-staffed)



Station 20, a township fire station. We've got a lot of problems with this one and this one will be the first one that needs to be replaced after the new Piper Station is built. We have the concrete within this station sinking. When you go to the restroom the door won't shut all the way and if you try to shut it too far, you're not getting out. We've had to respond with another pumper there to help get that door open so this station needs immediate attention.

Summary of projected costs per location per the FACETS Study done in 2015

Location	Minor Renovations \$50 per sq. ft.	Major Renovations \$100 per sq. ft. Abatement of HZMT \$25-150 per sq. ft.	New Construction \$175 per sq. ft.
Station 1	\$1.83 Million	\$9.2 Million	\$2.6 to \$3.5 Million
Station 2	\$810,000	\$2.7 Million	\$2.2 Million
Station 3	\$525,000	\$1.75 Million	\$1.4 Million
Station 4	\$187,500	\$625,000	\$1.4 Million
Station 5	\$472,500	\$1.575 Million	\$1.4 Million
Station 6	\$300,000	N/A	N/A
Station 7	\$525,000	\$1.75 Million	\$1.4 Million
Station 8	\$375,000	\$1.025 Million	\$1.75 Million
Station 9	\$229,500	\$765,000	\$1.75 Million
Station 10	\$340,000	N/A	N/A
Station 11	\$285,000	\$950,000	\$1.4 Million
Station 14	\$540,000	\$1.8 Million	\$1.4 Million
Station 15	\$331,500	N/A	N/A
Station 16	\$165,000	\$550,000	\$1.4 Million
Station 17	\$270,000	\$900,000	\$1.4 Million
Station 18	\$705,000	\$2.35 Million	\$1.4 Million
Station 19	\$345,000	\$1.15 Million	\$1.75 Million
Station 20	\$262,500	\$875,000	\$1.3 Million

Through the FACETS Study they had an independent contractor come in and evaluate each station and this individual came in and said you know what, I'm going to classify doing these stations in

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three categories. One, minor renovation; two, major renovations; and new construction if you were to build that station from scratch today. I encourage you to look over these numbers and understand that for existing structures to rebuild is a little bit cheaper today. It costs \$250 per sq. ft. to renovate a structure. To build a brand new one it's \$200 per sq. ft. If you look at an 80x80 structure, you're looking at around \$2M that you're going to spend to build that structure of an 80x80 ft. building.

Plan Moving Forward

		Strategic Initiative 1					
		Address	ADA/NFPA Compliant	DEMOLISH/REBUILD	REMODEL	PRIORITY	Budget year
HQ	1930	815 North 6th - 66101	No		X		
2	1979	6241 State Ave - 66102	No		X		
3	1951	420 Kansas Ave - 66105	No	X			
4	1957	3044 North 81st - 66109	no	X		X	2025
5	1955	910 Quindaro Blvd - 66101	no	*	X		
6	2001	9548 State Ave - 66111	yes		X		
7	1951	2717 Strong Ave - 66106	no	X			
8	1979	3131 North 123rd - 66109	no	X			2027
9	1967	1100 Central Ave - 66102	no	*	X		
10	1996	2210 West 36th - 66103	yes		X		
11	1924	3100 State Ave - 66102	no	X			
14	1956	2615 North 27th - 66104	no	X			
15	1987	444 Kindelberger Rd - 66115	yes		X		
16	1936	1437 South 55th - 66106	no	X		X	2023
17	1952	2416 South 51st - 66106	no	X		X	2023
18	1978	5429 Leavenworth Rd - 66104	no		X		
19	1972	1011 North 80th Ter - 66112	no	*	X		
20	1967	7741 Kansas Ave - 66111	no	X		X	2020
NEW Piper						X	2018
2nd New Piper Station			Evaluate the need for 3rd Piper Station in 2027				

Plan moving forward; listed there are all of your fire stations along with the date and address and whether they are ADA/NFPA compliant. We categorized this through our Strategic Initiative Committee as demolish or rebuild, remodel; so those terms are a little bit different than what I was suggesting today as mild renovation and major or rebuild. As you can see, we placed priority on Station 4, 16, 17, and 20 and the new Piper Station. On the last column is the budget year. If the plan works successfully and we get the new Piper Station groundbreaking in fall of 2018, we plan on building the next station around 2020.

Plan Moving Forward

- New Piper Station- 2018
- Construction Manager at Risk process
- RFP Selection Committee Established
- Timeline
 - Issue RFP for Architectural firm. March 29, 2018
 - Select Architectural firm. May 7, 2018
 - Contract with Architectural firm. May 25, 2018
 - Issue RFQ for Construction Manager June 14, 2018
 - Ground Breaking Fall 2018

The new Piper Station, we look to break ground in fall of 2018. There is a timeline that needs to be followed and it is time-consuming. We have to jump through a few hoops and one is to issue an RFP for architectural firms and we put that to bid March 29th. We would like to select that individual or that firm by May 7th and have a contract with them by May 25th. Then, we need to issue an RFQ for Construction Manager and we would like to get that done by June 14th and then break ground in the fall of 2018.

Plan Moving Forward

- After New Piper Station

1-3 yrs	3-5 yrs	5-7 yrs	7-9 yrs	9-11 yrs	11-13 yrs	13-15 yrs	15-17	17-19 yrs	19-21 yrs
20	4	8		14	3	9			2
16/17			11		7	5		HQ	
							19		18

Here is your timeline. The timeline can vary a little. It just depends on how things—how long it takes to build, weather, so on and so forth. There is a span on some of these; 1-3 years because we don't know when that new Piper Station will be completed. Our goal is that every two years we're starting to build a new station. As we're building new stations, what we would like to do is to continue that remodel process, that mild renovation to get those buildings stretched out a little bit further. As we do that, some of those buildings may not need to be built. For example, Station 9 in year 13-15. If in year 13-15 Station 9 looks great, there is no need to rebuild it. We may push it off until year 22-24 if need be.

We definitely do have a plan to keep these buildings going forward and you know I appreciate everybody that has participated in the FACETS Study and in the committee work because they have been able to help us figure all this out so we do appreciate it.



Carcinogen Prevention Initiatives Across the Nation



- Finding from a a Study of Cancer among U.S. Fire Fighters
 - Lung, brain, stomach, colon kidney, bladder, prostate, testicular, etc.



- Reducing the exposure to carcinogens
 - Lockers
 - Extractors/Dryers
 - PPE
 - SOP's

I have this slide here; Carcinogen Prevention Initiatives Across the Nation. Over the last year, year and a half, maybe even two years, we've been pushing this. It's been a national event where we're trying to figure out ways to prevent cancer within firefighters and pretty soon NFPA Standards are going to start changing. As we start building the new Piper Station in 2018, in 2019 this standard may change a little bit and we're going to try to keep ahead of that for our firefighters. One thing that we've been doing is new lockers for aeration so that when our firefighters go on a structure fire, they could have a second set of gear that they jump in. They can wash the first set, hang it up in their locker. It allows them to have two sets of gear and it also allows them to air dry. Air drying bunker gear is—I mean you could take a wet towel, soak it really good, throw it

in the corner and it ain't going to dry it. Even if you hang it up, it's still going to take time to dry so we're also looking at dryers. We're looking at dryers to be in place in each station so that our firefighters can go into a deacon room inside that fire station, get out of that wet, nasty fire gear and throw it in the washer and then hop into their new gear and before they go home in the morning, hang it up in the dryer.

Like Chief Shirley had mentioned, we're working on a second set of bunker gear as we speak. It's very difficult because to outfit all 420 firefighters that we have today, it's going to cost close to \$900K. To also add Extractors and dryers in each station, without installation cost, it's going to be another \$300-\$400K. We're looking at \$1-\$1.5M just for the equipment alone. As Chief Shirley mentioned, we are developing SOPs to combat reducing the exposure of carcinogen to our firefighters.



Here's Station 10. You notice that's there is an EMS unit, the Air Rehab unit along with weight equipment. Weight equipment inside the bay is not ideal. Granted, they can open up the doors and feel the nice cool breeze come through; however, starting our fire equipment, starting our fire apparatus inside the bay, eventually that stuff builds up with carcinogens. It's like if you come to a fire station or a structure that you run equipment inside the building, you will start noticing the walls turn black or dingy and that's the carcinogen build-up.

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Here's another station, Station 6. As I was explaining to you that we have overcrowding because of the EMS units, this is what occurs when you take out a bay and put two EMS units. You start placing gear lockers next to the exhaust of your Brush Truck. You've got a Gator Truck there and a fire department rescue which has rescue equipment in it and so everything is pretty tight when you start walking around. As the weather gets nice, we start moving that stuff around to try to make more room, but it's very difficult to do that. I would also like to mention at Station 6 we have an MCI trailer that we would love to put inside because it has medical equipment and some things freeze. Alright, that sits outside in the back. We don't have any room at any station for it today.



Station 2 is our HazMat station and you will notice—I guess a Lazy Boy is out there, and it's something that we have to—if we're truly going to push the carcinogen issue, we can't have this go on in our stations, but this talks to overcrowding. You know, in this station you've got seven to eight people that live in it and so sometimes firefighters need a break away from each other and there's not really anywhere to go. (**Commissioner Philbrook** was talking but without mic on in the beginning) it wouldn't be a mild reno if it's that packed and needs that much work. I'm just curious. **Asst. Chief Andrade** said it's mild in the sense that the living quarters isn't bad. The living quarters isn't bad for a pumper or a Quint and an EMS unit, but when you start adding additional functions to that station, for example, the HazMat unit which it is cross-staffed, but it's an additional unit in there. Should we think about our redeployment model and try to negotiate where stuff should be held. For example, in the new Piper Station, we haven't got that far in the planning process yet; however, we may have to move some things around to make more room in other areas and that's something that our committee is looking at or will look at it in the near future. **Commissioner Philbrook** said thank you. I'm probably jumping the gun, but my brain is just going 90 miles an hour when I'm listening to you guys. **Asst. Chief Andrade** said no, you're fine.

FACETS Recommendations

- Training Facility
 - Current location-Basement of Headquarters

I talked about our training area at Station 6. In my opinion, it's inadequate for 420 firefighters. We need it in an area where we can hold more than just one class and so the FACETS recommendation is to try to figure out a way to get our training facility in a better location including at headquarters. Right now, our training staff is in the basement at headquarters where headquarters also has Administration, Fire Prevention and Inspections, and Investigations. Headquarters, like you said Commissioner, where are you putting all this stuff. We've got to start thinking of our deployment model and is there a way to make things more livable.

That's all I have on the presentation and I encourage everybody to ask questions.

Mayor Alvey said thank you very much.

Commissioner Kane said following the FACETS Study, how are we with manpower following what they told us? Do we have the appropriate manpower for the appropriate amount of equipment we have or are we shortanded? **Chief Shirley** said I think right now we need to move towards 1710 compliance which is what the FACETS Study said. **Commissioner Kane** said so, we're out of compliance right now? **Chief Shirley** said on several pieces of apparatus, yes, that is correct.

Commissioner Kane said okay, then you go back to the map where all the fire stations are please. Mayor, west of 92nd Street, north of Parallel, we pay \$15.2M in taxes. I've been talking about this fire station since I've been here about 12—since I've been here I've been concerned this fire station and unfortunately October 31st I took my first ambulance ride. It took 20 some odd minutes to get me to KU and they left that whole area open. If you look at that map, there is one

fire station. We voted on it last budget to build a fire station and now we're being told they might break ground in the fall. Staff, in my mind, has drug their feet in performing this function that this Commission said we want a fire station. It bothers me, and should bother everyone on the Commission, that we voted for something that they've done very little work on. I'm extremely frustrated with the way that is done especially when you take the one fire station out, which we call the pole barn, and you leave the whole area open. We don't need just one fire station, we need two. I don't think that staff has done what they were supposed to do. We voted on it and we're just now—we might break ground in the fall. Well, there's not a whole lot of construction going on in the fall. I might work in the construction field, I'm not sure. When I ask about this, oh yeah, we're working on it. Well, here's our numbers. When did we vote on the budget? (response was inaudible). **Commissioner Kane** said last August. We have done a minimal amount of work since last August to get this done or I see a minimal amount of work. If I performed my job like this, I would be fired. I'm extremely frustrated with the way this has been handled and I want this project moved forward a lot faster. Once they get all the drawings—when they get the construction people to build this, they need to be build it as fast as they can and as safe as they can, but I cannot believe something this important that we've done and we've left ourselves exposed out there for years. We have an answer and we haven't done anything to fix it.

Mr. Bach said, Commissioner, I can assure you that staff has not drugged their feet on the project. I know it has taken longer than you like, it has taken longer than I like to get done. It has been one where we have been having not done a fire station since 2001, we didn't have expertise inhouse to go through where we started to look at and figure out how we wanted to build this, what different things we wanted to incorporate into it, so we spent extra time doing due-diligence in that regard to make sure we're doing this right. As we're looking ahead to a future many more stations in our community, we consider that there will be many aspects of this station that will be a model that we will work from, that we will be able to replicate and move on to the other ones. That has played into it as well. I know we would like to move through this at a much faster pace, but we're working hard to make sure we get it right as we go through it. Clearly the timing of the land took us a lot longer than we wanted to, to get all that closed and some of that was out of our control, but we moved through that as quickly as we could as well and I think we ended up with a very good location for this station. **Commissioner Kane** said the people in District 5 deserve better than

what they've been delivered on this project and I realize it took a while to get that property going, but I didn't see the staff jump around in a hurry to get this done. Now that I've taken an ambulance ride and know how long it takes and then my neighbor asked me who covers us—when I got back from the hospital—who covers us while that ambulance is gone. There were several of them, then you leave the other area. Nobody is left more open than we are and I would like this issue addressed as fast as possible.

Mayor Alvey said I'm going to go back to the time when we went from the Commissioner form of government to the City Council form of government and I can go back that far because my uncle happened to be elected the first City Councilmember from the Sixth District at that time, the Turner area. I recall a piece in the *Kansas City Kansan* at that time where the newly elected Councilmembers visited the fire stations across the city and I remember the comment that Ed Alvey, my uncle, made when he visited the two stations in the Turner area. He said you know when this was the township, and he had been on the Township Board as had my grandfather Leo and his dad, this was the pride of the township. Both of those townships were built—the first one under my grandfather Leo and the second one also under my grandfather and my uncle and what had happened from the time of annexation and then the first change in city government was just a long period of neglect. I understand why this is necessary. It just seems to me we're really, I'm just making a comment, and I'm frustrated because I think what we have to realize is we cannot repeat the pattern. We can't be 20 years down the road saying we have not put enough money into maintaining or keeping abreast of the technology, the changes that need to be made. I understand we're a cash strapped city and county. We all know that, but we have to make the commitment to providing the best quality of service that we can and some of these facilities—as we go through this process, we have to say at the same time, we're going to be ahead of the next curve. We're not going to get down the road 20, 30 years and say this is too far gone and we're facing demolish and rebuild. We shouldn't be getting to that point. We have to start thinking about when we build something, we're also building in the future care of those facilities.

It's the same way with our fire equipment. It doesn't make any sense that we are—I understand why, but we have to start making the commitment to providing the equipment that all of our employees need, all the resources they need to do the job they need to do to provide a good quality of life. That's just a comment I want to make that as we go through with this, we also have

to be looking forward where will we be and what will we have in reserve to solve the problems that are going to occur as this equipment ages and as these facilities age.

Commissioner Bynum said, Chief Andrade and Chief Shirley, in the plan you've put forward, I imagine that we need to stay semifluid I guess with changes that might have to come around. I can see two places where a combo, I still like the concept of the combo Police and Fire Station and I can see a couple of opportunities for that kind of construction in your teardown and rebuild options. The North 80th building itself isn't perfect, but I like the notion of Police and Fire housed in the same place and I can see that fitting in on this, potentially on Station 5, which I know you have as a remodel and I think you're actually starting soon. Then, Station 4 on 81st & Leavenworth Road; those both strike me as places where we have police meets also and I just wonder, has that been discussed at all? Has anybody discussed that? I know I have. **Chief Shirley** said I think we've considered that, but I think it would be better if we had a certain plot of land, wherever that is—**Commissioner Bynum** said right, not necessarily on the—**Chief Shirley** said separate, not joined so much—**Commissioner Bynum** said nearby. **Chief Shirley** said I've had a few problems when I was a Battalion Chief where I had to go out and fix the plumbing on the Police side because they all meshed together and something happened on ours and it was dumping on their side and they weren't real happy with that at the time. There are certain problems with trying to join those two, but a central location is not a bad idea at all especially if we can combine it with security, with a possible driving area for everybody to utilize, a possible training area for everybody; that would be a wonderful idea, but we haven't got anything planned for that yet.

Commissioner Johnson said as I look at the summary of projected cost per location for the FACETS Study in 2015, that's the slide I'm looking at, and I think, Chief Andrade, you had mentioned that it is more costly to renovate in many cases than for new construction. What is the thought process, because I see six locations where the cost of major renovation exceeds the cost of new construction? Have you all got down the road in terms of trying to figure out how do we address that dilemma? **Asst. Chief Andrade** said my response to that would be—you're absolutely correct. It's easier for construction companies to come in and build from scratch. They're not having to worry about what other contractors had done prior to and so that's why the cost per square footage is a little bit increased between renovation and building a new building.

Sometimes it doesn't make sense to do a mild renovation which means—when they say mild renovation, for example, let's go with Station 6, one of our newer stations. When they say mild renovation, they don't look at the electrical work at Station 6 and say you know what, it's good, let's take that off the price tag. What he did was looked at the square footage and said if I redo all of this, electrical, plumbing, lighting, tile work, carpet and I redid everything, it's a square footage price for everything. At Station 6 we wouldn't have to touch plumbing, we wouldn't have to touch electrical, we may not even have to do any work in the bathrooms and so we may just need to replace the carpet and may need a paint job and we're done. These are just estimations on square footage and the amount of square footage for those buildings.

Chief Shirley said, if I could Commissioner, I think the first station I see up there and I go wholly cow \$9.2M. **Commissioner Johnson** said right. **Chief Shirley** said that is a grand old building that houses almost everything we have so it wouldn't be just one couple bay stations. It would be a huge station and to do that on the site would probably cost that much and you probably could build a fire station over there for \$2.6-\$3.5M, but it couldn't house all of our training, all of our Administration, all the Fire Prevention and Investigations. I think that may be somewhat misleading because I was the same way when I saw that \$9.2M, why would I even consider that. **Commissioner Johnson** said there are some nuisances in these numbers a little bit there. **Chief Shirley** said then you see the abatements. **Commissioner Johnson** said yes. **Chief Shirley** said where they go in and they go okay you've got lead paint, we have to have specialized people for that. We have asbestos, whatever it is that they fine so I hope that helps you some. **Commissioner Johnson** said it helps a bit I think and looking at the next slide half of the fire stations are in excess of a 60-year lifespan that you speak of. I'm looking at some of them and it looks like they're either prioritized or they're identified with a budget year. The two in my district have neither. I just wanted to say that, neither a priority or a budget year, although one of them is the 3100 State Ave. and I do like the idea, by the way, of utilizing that as a historical site. They are certainly landlocked. You've got one bay there. It's a beautiful building, it's a picturesque building but I don't know how functional it really is in terms of parking and things of that nature. I've never been in so I don't know that piece.

I guess what I'm looking at is when you talk about rebuilding, can you talk about the difference between the priority basis versus the budget year and how you make sense of all of that?

Chief Shirley said I'm not sure I understand what it was you're asking me. **Commissioner Johnson** said some of them have them have priority. Let's just look at #4. It's a priority and you have it slated in budget year 2025. As we were going through the listing, you said—for instance I will look at #8, it's a rebuild. I don't know what the priority is, but we're looking at 2027 as the budget year that we will address that. Am I reading that right?

Mr. Bach said, Commissioner, I might speak to that. What I asked them to do as they were going through this was—and they went through and looked at which ones need to be replaced and they built a schedule that's on that other time graph that kind of shows which ones need to happen, but recognizing in the end they're recommending or requesting years to come into for a budget cycle. I said give me your highest priorities. Realistically what I'm looking at is what we can build into our CMIP Plan over the next 5-7 years and that's where they went back and said okay, these five stations really hit that highest priority and I think they threw the other one on there as another date just showing how that sequence of cycle could be. So, this is really in response to me trying to get the committee to come back with a good priority to it. Okay, what's the first one you would go after, the second one and third and then we have to take that back and build it into an actual budget cycle and find funding to go with it. That shows where these are. I mean if you want to give them the priority that these gentlemen would like, they would say let's start all of them next year and start moving, but I've got to put that back into reality of what may be practical for us to deal with. That's building in a Capital replacement schedule for buildings that we do not have really built into our cycle for debt at this time and identifying the funding to go with it and so that's where this comes from. **Commissioner Johnson** said okay, I will stop for now.

Commissioner Burroughs said in looking at your chart, I see that we built eight stations in a 10-year period through the 50's and 60's. Then, through the 70's to the 2000's, we built six—seven stations basically. Do you have a running total as to what the cost would be—do you have an aggregate number in your final righthand column on your previous slide? Do you have a total of what it would cost to replace those stations because I see \$1.4M repeated? You must have a template of a station that they're pulling those figures from. It's just different sizes for different needs for different stations? **Chief Shirley** said you're talking about the repeated number of \$1.4M all the way through there. **Commissioner Burroughs** said yes. **Chief Shirley** said yes, I

mean that's kind of the template for the station, but it may not in fact be the correct size for that station. Right now, I think FACETS looked at it and said \$1.4M.

Bob Wing, Fire Department, said to answer your question, what FACETS did—one of the issues that the firefighters agree with, with the FACETS Study, and we have some issues with that study I think as you all well know; but one of the things we do agree with is their evaluation of the stations. I think they employed someone, a professional architect, to come in here and take a look at these. What they did when they put those numbers on them, they made it uniform. Exactly what you're saying, Commissioner, that you would build that same station at the same place and get that piece of ground for that same piece of money if you had to buy it. That's not realistic. That's one thing that needs to be brought out that those figures are what they are. So, I hope that answers your question. That \$1.4M is not reasonable nor realistic at all. **Commissioner Burroughs** said I appreciate that statement. I would say there is going to be a 15-20% overrun on most of these prices that are here anyway and what I was looking at was trying to get an aggregate number at the bottom. So, if this is going to run us \$25M to replace these 20 stations hypothetically, how do we divide that out in a budget over a period of 10 years and if we put a \$3M piece in the budget for renovation and/or construction of a new fire station over 10 years, then we ought to be able to start chipping away at remedying some of the concerns here that we have and replacing them with a modern new facility. I mean, we have so much new advantage to utilize Lead Standards within the Fire Department and in our buildings within the city and I agree with the Mayor that not only should we build, but we should have money set aside for the maintenance factor of those buildings.

We have a tremendous amount of deferred maintenance in city buildings in this community. It's not just in our community, it's statewide. Budgets have been really tight, but the energy savings alone that we can get from a Lead building that is constructed in a uniform manner that is consist to what the Fire Department needs, would be something that we could use to help you reach your target prospect of replacing 20 stations.

Commissioner Murguia asked how much are we budgeting for the new fire station in Piper. **Asst. Chief Andrade** said \$4M. **Commissioner Murguia** asked is that going to be kind of a standard station? Would you say that you could put them in categories? Would that be comparable

to what with our new existing stations in size and capacity? **Asst. Chief Andrade** said I believe you—the station that’s going to be built in Piper may not fit the template that you want it to replace Station 4 depending on how big that station needs to be. We, as a committee, haven’t sit down and said we need a 10-bay station at Piper or a 2-bay station. We haven’t figured out our deployment model today; however, we do have \$4M set aside for that station and we’re going to try to work with that number. Does that make sense? I mean, for example, if I were to replace Station 7, it may not be a \$4M building to build a 2-bay station. It may be less, but it may be a similar template, maybe just a scale down template of the new station we’re building at Piper to fit the needs.

Mr. Bach said we budgeted high on this one with the intent that if we have money left in it, then we can start to use that if we approve these plans to roll into the next stages of it whether they be remodels or even next station building so, hopefully, we do come in significantly under that for that station, but we put the number in there so we could get going on it. **Commissioner Murguia** said I asked the question just because of what Mr. Wing was saying about the \$1.4M number that keeps being repeated and I also, like Commissioner Kane, do a little bit in real estate and construction and I just don’t know how that’s even remotely realistic for even a small fire station if you’re going to do new construction even if you own the land. **Chief Shirley** said I think that’s one of the problems as mentioned before by Bob Wing that those aren’t accurate probably. I think the \$4M allows us some flexibility as to the number of bays. It also gives us flexibility too if we can salvage some money from that to move into fixing something else and/or use that money for the next build. I think that’s quite accurate that this is not—yes, it’s one of the problems with the study. This is just a study and we look at it with the information and go okay, you gave us that information, but there is other information to be gotten elsewhere from your study or from the IAFF study to look at that and go okay, here we go, this is more accurate now with all of them together.

Commissioner Murguia said so the magnitude of the problem, is it fair to say, then the magnitude of the problem financially is much greater than what’s indicated? **Mayor Alvey** said it seems to me that what the study has done and what’s reported to us, we’re establishing the need, the desperate need frankly, to address the problems of the facilities that are out-of-date, not in compliance and that really offering the numbers probably was not a great help to us necessarily because until we actually get to the site and what the needs are in that particular service area, we

won't know what the cost is. What we're really trying to say, I think tonight is, we know what we have to do and this is how we're going to go about it and this is a rough timeline of how we will approach it. Is that fairly accurate?

Mr. Wing said, Mayor, if I might; we raised this point in our meeting the other day. What I'm hearing here is—and the firefighters are not in total agreement with this timeframe for replacement of stations. As a committee I make a minority report and say we need to tighten that up as much as we can, but noting that the funding mechanism that is in place today there's a lot of hogs at the trough right now, so to speak. What the firefighters have mentioned in the last meeting was—think along the lines of what Kansas City, Missouri did seven years ago when they were faced with two lawsuits for female employees whose Fire Department was in the same position we were with respect to fire stations and inadequate facilities for female employees at the time and employees living in and sleeping in toxic areas. That's what we've heard here. What I suggested to the committee, not any elaborate discussion, and the challenge to all of us I believe and the firefighters believe, is going to be to think outside the box and look at what Kansas City, Missouri did with respect to—I mean they built a bunch of fire stations after they paid out two lawsuits. You go over there and look at their stations now, they went to work. They went to the community and said we can't do it with the present funding mechanism that Commissioner Johnson said is going to place his district and his fire stations out 10 years. That's not realistic. What KCMO did in their case is, they went to the community and said—such as this elected body as done before, we've got to find another funding mechanism, a sales tax or something specifically for fire stations because we are so far behind the pail right now. We will never catch up. Before some of this is said and done, I will be dead and gone.

The discussion of what Chief Andrade said about the reality of the cancer of what's going on in these firehouses right now and how it affects the firefighters is very real. What we've found now is cancer in firefighters is not just from inhaling the smoke at fire scenes without adequate breathing apparatus. It's from contacting and coming through your skin and that's why firefighters have contracted so many different types of cancers today. That's why there is legislation in both the Congress and the State House to take this issue up. That is prevalent in our firehouses today. That's the concerns of the firefighters. I think these gentlemen spoke well to replacing the stations as it relates to what FACETS said, but when the rubber meets the road here, what I heard is we have inadequate fire stations for female employees, we have 15 out of 18 stations that do not meet

code, and we've known about that for three years now and nothing has been done. We've got firefighters sleeping in toxic rooms, in toxic situations, that can't go on much longer. That's another cost, Mayor, that if we don't tackle that one; that's going to be on top of the construction cost. That's been the real discussion and that's going to be my challenge to this committee and to the elected officials and to the community that we're going to have to find another funding mechanism to get all this accomplished in the timeframe that it needs to get accomplished.

Commissioner Philbrook said we were just kind of chatting a little bit about what came to our minds—of course, three of mine are at 15 or later so I'm grumbling about District 8 and I know there are some of the busiest because I get to hear them go past my place all the time. I wondering, do we have the stats, and I'm sure you guys do somewhere, about the number of calls from each of these stations? **Chief Shirley** said I don't have it with me, but yes. **Commissioner Philbrook** asked can you get those to us. **Chief Shirley** said yes, absolutely. **Commissioner Philbrook** said because it does matter. You know, the harder they work, the more they're in—they have to be able to rest and take care of themselves. It's just one of those things.

Chief Shirley said speaking to Bob Wings, the more contact you have in a fire if you're always the ones that run it, you need to take care of those. You need to have a place to cleanup, you need to be able to decontaminate yourself and your equipment. Interesting enough, just from 2015 we saw that the midtown area is becoming very, very active. No. 10 fire station is very active up at Rosedale by KU. There are certain areas that are really active all the time so I would certainly welcome the chance to get you those figures if that would help you. **Commissioner Philbrook** said I would appreciate that.

Commissioner Murguia said I have a question Mayor. It might be for Doug. We've raised some money up here before. I think there was a Capital campaign to raise money for the new Downtown Healthy Campus where there was supposedly like \$12M that was going to be raised. I know there were some people from foundations in the community that expressed interest. Would Public Safety being the number one concern for people in our community, has there ever been an initiative to raise private dollars to help assist us with our Public Safety facilities? **Mr. Bach** said I don't know that we've gone out from private foundations or such to get people to donate toward it, no, that's never been a major campaign. There are different grant opportunities to come about through

different federal programs. **Commissioner Murguia** asked did we apply for them. **Mr. Bach** said we will be, I can assure you of that. I don't think back—the last time we built one I don't think we received any grant dollars for that. **Commissioner Murguia** asked do we not have somebody—when whoever was talking about the need for a long-term plan to keep up with the maintenance of the buildings—it was Commissioner Johnson. Is there not somebody whose job it is to be looking at things like this and looking for opportunities that are available? Is that not someone's job? **Mr. Bach** said well we do—I mean funding for coming into the actual remodel work and such like that, that's usually not one you get a lot of opportunities to go for and we've just underfunded it as a government. I mean, it has been cut or other priorities have outweighed it over the years. Our directive has usually been more toward other areas regarding our mill rate. **Commissioner Murguia** said reducing our mill rate.

Commissioner Philbrook asked are we allowed to do fundraising as a city? Can we do that? **Mr. Bach** said we can. **Commissioner Philbrook** said alrighty then. I was just curious because sometimes we're limited to what cities can do and I didn't want to stick my foot in it, so to speak, but great idea Commissioner. Why not.

Mayor Alvey said it would seem to me, frankly, that philanthropic community would not fund the basic necessities that a city needs to provide the services to its residents. There might be some things, for instance, the Extractors maybe that would be something, but it would seem to me to be building fire stations it is going to require a commitment of the community to dedicate the funds to solve this problem. That's my sense.

Commissioner Murguia said I don't know that you could do a \$50M Capital campaign, but I personally feel pretty confident that—and would be more than happy and willing to work on the fire stations in my district because I feel pretty good about that I think people would help with that given the situation. Not to you, Mayor, but to our Administrator; I don't think we do a very good job at looking sometimes at opportunities. As you know, the philanthropic community is incredibly supportive and generous with the University of Kansas Hospital and the Medical Center. You've seen a new \$82M Medical Education Building that was just built. You're seeing a \$250M hospital tower that's being built close to State Line. I think if there is a way, and you alluded to

this already, to articulate to the philanthropic community the importance of those fire stations that are closest to that medical campus and that help with what happens at that medical campus and the businesses of those stations has increased dramatically, I think that those philanthropist that have given millions of dollars to that investment would want to ensure that investment continues to be taken care of as it grows and I think there could be an argument. I don't necessarily think we're going to be able to take all of our fire stations to foundations and say, hey, would you fund this; but I think if there are fire stations in strategic locations to something that funders value that they might be more willing to contribute to a cause like that. I would just like to see maybe staff or whoever be more strategic and creative when it comes to windows of opportunities like that. **Mr. Bach** said I would welcome any ideas and thoughts we would have to go in that direction to get other resources of funding to come in to pay for our buildings. **Commissioner Murguia** said I will be glad to help with that.

Commissioner McKiernan said I apologize for coming in a little late. It looks like you went through all of the stations that we have. Here is one thing that I think would help me as we start to plan for how we're going to fund either the renovation or the replacement of these stations. It looks like from the study there was just some sort of blanket per square foot. It's \$50 per sq. ft. if you're going to do minor and \$175 a sq. ft., I don't do commercial construction, but that seems like that's awfully low for new commercial grade construction that's going to be more than four walls and a roof. Is it possible to get maybe for the top five priorities for renovation or replacement a sharper pencil, what would it actually take and get some estimate of what it would take in real world dollars to either repair this to satisfaction or replace this station, use those first five for example, as the guide for then estimating all the rest of the way down or how much we're going to need on an annual or on a semiannual basis to fund this? I think like everybody else has said, I'm not very satisfied when I look at these numbers because I know they're not a good guide for how much money are we going to need to set aside on an annual basis to do what's necessary to do. So, can we take the top four or top five and get a sharper pencil on those? **Commissioner Johnson** said if you do the top four or five, I want you to add something in District 4 then. **Mr. Bach** said yes, there are other models that we have. I'm not sure why we put that righthand column up there for the presentation tonight because we knew that wasn't numbers we had to work with. We have other numbers that we're working with to show ranges of stations and that \$2M, \$2-\$4M,

depending on how many bays you're putting in play so those are the numbers we're working with. I'm not sure why we have this.

Mr. Wing said, Commissioner, I mean to follow-up on what you said and to follow-up on what Commissioner Murguia said where I was headed with thinking outside the box funding discussion; I know somewhat what Kansas City, Missouri did. They went to the voters for a sales tax. That may good, that may not be good, it deserves a discussion. The other piece of the puzzle that I was—and several commissioners and I have had this discussion over a period of years. Commissioner Murguia, Commissioner Burroughs, there are federal dollars out there for different types of structures in parks, in public grounds that are available that I don't think this community has capitalized on for quite a few years. For example, the one I've always used is if there is a need for a public building in a park and there are federal funds available for that building on somewhat of a match or total funding, the grants that I've seen over the years would allow a fire station to be attached to that and the federal government would pay for that. I've seen those. I've seen them in other cities build their fire station in parks or existing public grounds where there is other federal monies, not so much out of the fire fund or the fire grant act or specifically for fire stations per se, but for other public buildings where you can attach a fire station to it and you get the federal government to pay for all that. Those are the things I'm thinking of to be explored by this community because I think we have a lot of options here in the community and I think there are still those availabilities at the federal level with those monies. If we don't go get it as a community, somebody else is going to go it. That's kind of where I was headed to kind of train our thoughts, if you will.

Commissioner Burroughs said I would just state to my fellow commissioners, to the community, price of construction is going up. It's going to get nothing but more expensive as we move forward and these are issues that are going to cost the city and our community some investment dollars and the quicker we act on this, the better for us, not only financially but it sends a message to the community how much we value our Public Safety. We need to move forward quickly. The interest rates will be going up. As we well know, borrowing money will not be any cheaper. The construction continues to climb, the price of labor will go up and so we need to take some pretty prudent measures in enacting these policies fairly quickly.

Mayor Alvey asked any other questions or comments. Thank you very much. Do we have a motion for executive session to discuss preliminary matters related to the acquisition of real property?

Executive Session: 6:26 p.m.

Commissioner Markley made a motion, seconded by Commissioner McKiernan, to go into Executive Session until 7:00 p.m. to discuss confidential matters regarding purchase considerations and property locations related to the acquisition of real property, as permitted under the Kansas Open Meetings Act; and that staff designated by the County Administrator be present to participate in the discussion, and to reconvene in open session at 7:00 p.m. in the Commission Chambers located on the 1st floor. Roll call was taken and there were nine “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Present for the Executive Session: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second 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 Eight District; and Alvey, Mayor/CEO presiding. **Staff present:** Doug Bach, County Administrator; Ken Moore, Chief Legal Counsel; Melissa Sieben, Assistant County Administrator; Jeff Fisher, Executive Director of Public Works; Sarah White, Project Engineer for Public Works; Brent Thompson, Director of Engineering/County Surveyor; Rob Richardson, Director of Planning; Grant Williams, Assistant Counsel (leaving the meeting at 6:52 p.m.); and Maureen Mahoney, Chief of Staff in Mayor’s Office.

**MAYOR ALVEY ADJOURNED
THE MEETING AT 6:54 p.m.**

dt

Bridgette D. Cobbins
Unified Government Clerk

April 5, 2018



Unified Government Clerk's Office

Bridgette D. Cobbins
Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: April 5, 2018

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

mbb

Attachment

Weekly Business Material for April 5, 2018

1. PUBLIC NOTICE:

All City Tow Service, 1015 S. Bethany, held a public auto auction on March 8, 2018 at 10:00 a.m.

Action: Received and filed.

2. PERSONNEL ACTION COMMUNICATION, DATED APRIL 3, 2018:

Section I - Appointment

Name	Department/Division	Eff. Date	Job Title
Kylee Shrum	DA's Office	4/5/18	Admin Supt Spec

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Steve E Barron	PW/WPC	4/5/18	General Maint Worker Construction Worker	Storekeeper/Clerk
Douglas Beam	PW/WPC	4/5/18	II	Construction Worker III
Patrick T Rohrer	Sheriff/Admin	3/22/18	Deputy	Deputy
Dung Tran	PW/WPC	4/5/18	Caretaker	General Maint Worker

Section III - Separation

Name	Department/Division	Eff. Date	Job Title
Nicholas R Chaney	Sheriff/Juv	3/21/18	Juv Care Worker

Section V - Increase per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Erick A Perea Jr.	Pw/Fleet	3/7/18	Fleet Maint Tech I

Section VII - Reclassifications

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Todd Grasmick	Parks/Rec	3/22/18	Equipment Operator II	Groundskeeper II

Vacant	Parks/Rec	3/22/18	Equipment Operator I	Groundskeeper I
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Section VIII - Other Request

Name	Department/Division	Action Requested and Explanation
Patrick Rohrer	Sheriff/Admin	OC code change effective 3/14/13

Action: Received and filed. Copy previously forwarded to Payroll.

3. PERSONNEL ACTION COMMUNICATION, DATED APRIL 5, 2018

Section II-Transfer

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Robert C Anderson	GeoSpatial Services	4/5/18	Info System Analyst	Info System Analyst

Section III - Separation

Name	Department/Division	Eff. Date	Job Title
Brittany M Moore	Eco Development	4/4/18	Prof. Program Assistant

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Arlie Lindsey II	Comm Development	ACD code change effective 3/8/18
Rollin Sachs	Health	ACD code change effective 3/22/18

Action: Received and filed. Copy previously forwarded to Payroll.

4. CLAIMS FOR DAMAGES:

Aleece Cummings-Nunnally, 5817 Leavenworth Rd., alleging property damage due to the sewer backing up.

Richard Craddock, 8426 Clint Drive, #155, Belton, MO, through attorney Peter Jours Jr., 10500 Barkley, Suite 205, Overland Park, KS, alleging bodily injury from stepping on a drainage grate that gave way.

Action: Received and filed. Copies previously forwarded to Legal.

5. TRAVEL REQUESTS:

Mark Health, Fire, travel to Henderson, NV, June 10 – 13, 2018, to attend the Fire-Rescue Med. Conference, Employee Training and Travel.

Kynard Hylton, Police/Operations Bureau/Community Support Division/Bomb Squad, travel to Huntsville, AL, August 19 – September 27, 2018, to attend the Hazardous Devices Certification Course Conference, Employee Training and Travel.

Maureen Mahoney, Mayor's Office, travel to Denver, CO, September 23 – 25, 2018, to attend the Leadership Exchange 2018-Greater KC Chamber Trip, Employee Training and Travel.

Rollin Sachs, Air Quality, travel to Chattanooga, TN, May 20 – 23, 2018, to attend the NACAA 2018 Spring Membership Meeting, Federal Air Pollution Program.

Matt Tomasic, Pam Waldeck and Michael York, Police Dept., travel to Miami, FL, April 29 – May 4, 2018, to attend the National PAL 74th Annual Conference, Employee Training and Travel.

Maddie Waldeck, General Services Department/Delinquent Real Estate Division, travel to Manhattan, KS, April 3 – 6, 2018, to attend the Kansas Association of Code Enforcement (KACE) Conference, Employee Training and Travel.

Action: Approved by the Administrator's Office and received and filed.

6. APPLICATION FOR PRIVATE SECURITY BUSINESS:

Ward Guard Security/Michael Bradford DBA Ward Guard Security, 17215 S. Benton, Dr., Belton, MO

Action: Referred to License.



Suite 323
Kansas City, Kansas 66101-3070

Unified Government Clerk's Office

Bridgette D. Cobbins
Unified Government Clerk

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: April 12, 2018

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

tpl

Attachment

1. COMMUNICATION:

Bridgette Cobbins, UG Clerk, listing bids received April 11, 2018, for B#28325 – Kaw Valley Trail Levee, Phase I and II – P1709.

Action: Received and filed. Copies previously forwarded to County Administrator, Emma Scovil, Legislative Auditor and Public Works.

2. PUBLIC NOTICE:

Alandon Tow, 6224 Kansas Ave., held a public auto auction on April 3, 2018 at 10:00 a.m.

Action: Received and filed.

3. COMMUNICATION:

Pam Kahao, Interim Accounting Manager, regarding a warrant cancellation:

Warrant #	Issue Date	Amount	Fund	Reason	Vendor	Reissue Date
833637	3/16/2018	\$150.00	113	Lost Warrant	Ornelas	4/13/2018

Action: Received and filed.

4. PERSONNEL ACTION COMMUNICATION, DATED APRIL 10, 2018:

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
William J Bremenkamp	PW/WPC	4/5/18	Plant Maint Worker	Utility Maint Mechanic
Tyrone A Hooks	Fire	3/22/18	Trainee	Trainee
Willie P Horn Sr	PW/WPC	4/5/18	Plant Maint Worker	Utility Maint Mechanic
Betty L. Lane	Police	3/8/18	Program Coord	Professional Asst
Arturo D Mora	Fire	3/22/18	Trainee	Trainee
Scott R Roberts	PW/WPC	4/5/18	Construction Worker III	Utility Maint Mechanic
John R Simma	Fire	3/22/18	Trainee	Trainee
Blake E Swan	Fire	3/22/18	Trainee	Trainee

Section III - Separation

Name	Department/Division	Eff. Date	Job Title
Gwendolyn Williams	Health/WIC	4/4/18	Licensed Practical Nurse

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Brianna M Hand	Finance/Treasury	4/5/18	Fiscal Supt Asst
Rachel A Johnson	Finance/Treasury	4/5/18	Fiscal Supt Asst

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Chad Casper	Police	ACD code change effective 4/12/18
Abigail Fithian	Police	ACD code change effective 4/12/18
Anthony Lee	Health	ACD code change effective 3/22/18
Jackie Lynn	Police	ACD code change effective 4/12/18
Mark Moulin	Police	ACD code change effective 4/12/18
Mark Palmerin	Police	ACD code change effective 4/12/18
Phil Schwery	Police	ACD code change effective 4/12/18
Christina VanCleave	Health	ACD code change effective 3/22/18

Action: Received and filed. Copy previously forwarded to Payroll.

5. PERSONNEL ACTION COMMUNICATION, DATED APRIL 12, 2018:

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Chad Casper	Police	ACD code change effective 4/12/18
Brenda L Harris	PW/Parking Control	Amend PAC 3/22/18 to reflect change effective 3/8/18

Action: Received and filed. Copy previously forwarded to Payroll.

6. NOTICE OF CLAIMS:

Janice Barnett, 8506 Lathrop Ave., KCK, alleging loss of funds due to the meter being out of order and claimant is requesting a refund for money lost in the meter.

Julie and Michael Johnson, 312 N. 81st Terr., KCK, through Jon K. Lowe, Attorney, 10020 W. 52nd St., Merriam, KS, alleging damage to their property due to a sewage backup on August 22, 2017.

Bill Rodgers, 3018 N. 57th St., KCK, alleging damage to his properties at 3022 – 3024 N. 57th St., due to no drains or street curves on the southside of Leavenworth Road to prevent water from coming under the driveway into the building.

Bill Rodgers, 3018 N. 57th St., KCK, submitted an additional claim for 3014 – 3020 N. 57th St., alleging damage to his properties at due to no drains or street curves on the southside of Leavenworth Road to prevent water from coming under the driveway into the building.

Bob J. Settle, 3125 W. 44th Terr., KCK, alleging false claims about his property by a Unified Government of Wyandotte/KCK Code Inspector.

Revern Isaac Washington, 2734 N. 22nd St., KCK, alleging damage to his vehicle due to construction work on 51st Street.

Action: Received and filed. Copies previously forwarded to Legal.

7. TRAVEL REQUESTS:

Dustin Dierenfeldt, Richard Harris Chris O'Neill, Steve Super, Dennis Vallejo, Chad Williams, Police, travel to Washington, DC, May 11 – 16, 2018, to attend a police memorial service, Employee Training & Travel.

Wendy Green, Legal, travel to Milwaukee, WI, May 15 – 17, 2018, to attend the Reclaiming Vacant Properties Conference 2018, General Services & County Attorney.

John Grosko, KCKPD/Operations, travel to Cedar Rapids, IA, April 8 – 10, 2018, to attend Promotional Testing, Employee Training & Travel.

Richard Harris, Police/Services/Detective Bureau, travel to Kansas City, MO, September 10 – 14, 2018, to attend the Force Science Analysis Certification, Employee Training & Travel.

Jennifer Johnson, Fire Investigations, travel to Arlington, VA, May 23 – 27, 2018, to attend the International Association of Women in Fire Service, costs for meals only.

Brian Knehans, GeoSpatial Services, travel to St. Louis, MO, April 10 – 11, 2018, to attend the FME World Tour 2018, Employee Training & Travel.

Maureen Mahoney, Mayor's Office, travel to Boston, MA, July 7 – 11, 2018, to attend the US Conference of Mayors, Employee Training & Travel.

Matt May and Joel Thornton, Emergency Management, travel to Atlanta, GA, May 6 – 10, 2018, to attend the Intermedix 2018 Preparedness Summit/WebEOC, Reimbursable Travel Expense and Employee Training & Travel.

Wendy Medina, Police/CID/Victim Services Unit, travel to Jacksonville, FL, August 19 – 24, 2018, to attend the National Organization for Victim Assistance Conference, VOCA – August 2018 NOVA.

Angelina Sanchez-Vinson, Health/PHS/HFW, travel to Leawood, KS, May 16 – 19, 2018, to attend Growing Great Kids Prenatal to 36 Months Certification Seminar, DHCF OPEI.

Action: Approved by the Administrator's Office and received and filed.



Unified Government Clerk's Office

Bridgette D. Cobbins
Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: April 19, 2018

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

mbb/tpl

Attachment

Weekly Business Material for April 19, 2018

1. AFFILIATE AGREEMENT:

Altar Support, Inc., to provide services to eligible persons in compliance with the Developmental Disabilities Reform Act, K.S.A. 39-1801.

Community Living Opportunities, Inc., to provide services to eligible persons in compliance with the Developmental Disabilities Reform Act, K.S.A. 39-1801.

Eagle Case Management, LLC, to provide services to eligible persons in compliance with the Developmental Disabilities Reform Act, K.S.A. 39-1801.

Eeroma Resources, LLC, to provide services to eligible persons in compliance with the Developmental Disabilities Reform Act, K.S.A. 39-1801.

Action: Approved by County Administrator and received and filed.

2. COMMUNICATION:

Pam Kahao, Interim Accounting Manager, regarding warrant cancellations:

Warrant #	Issue Date	Amount	Fund	Reason	Vendor	Reissue Date
817223	6/30/2017	\$150.00	113	Wrong Vendor	Carter, T	4/20/2018
821621	9/1/2017	\$14,729.85	991	Wrong Vendor	UMB	4/20/2018
824911	11/3/2017	\$297.27	790	Stale Dated	Rushmore	4/20/2018
826283	11/17/2017	\$144.16	162	Stale Dated	Sooby	4/20/2018
826942	12/1/2017	\$18,463.41	991	Wrong Vendor	UMB	4/20/2018
827149	12/1/2017	\$77.74	790	Stale Dated	Newman, A	4/20/2018
		\$22.50	160			
831120	2/7/2018	\$199.32	110	Stale Dated	Hight, J	4/20/2018
833107	4/11/2018	\$199.80	110	Lost Warrant	Sims, H	4/20/2018
834111	3/23/2018	\$3,375.00	990	Wrong Vendor	Contreras	4/20/2018
834160	3/23/2018	\$1,155.00	990	Wrong Vendor	Thorne	4/20/2018

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION, DATED MARCH 29, 2018:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Adrian D Goodlow	Sheriff/Juv	4/5/18	Juv Care Worker I Program
Sasha T Wells	Parks/Rec	4/5/18	Coordinator

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Lindsey A Golubski	Police	3/8/18	Prof Assistant Admin Supt	Admin Coordinator Admin Supt
Brandy L Lynch	Register of Deeds	3/22/18	Asst	Spec

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
John Menkhus	PW/Engineering	Amend PAC 3/22/18 to reflect change effective 3/23/18
Mindy N Xiong	DOTS	Employee type change effective 03/22/18

Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION, DATED APRIL 17, 2018:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Nathan A Becker	Parks/Rec	4/5/18	Horticulturalist I
SueZanne M Bishop	DA's Office	4/19/18	ADA I
Kenneth D Clayborn	Parks/Rec	4/19/18	Groundskeeper I
Kyle W Creten	PW/WPC	4/19/18	Construction Worker I Program
Michael W Portley	Health	4/5/18	Coordinator
Barbara J Sheppard	Health	4/19/18	Nurse Practitioner

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Harold D Ellis	PW/Fleet	4/19/18	Equipment Operator I	Fleet Maint Tech I
Stephanie M Moore	Econ Development	4/5/18	Program Supervisor	Management Analyst

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Jennifer L Amayo	Fire	4/15/18	Firefighter III
Michael R Bond	Sheriff	5/12/18	Deputy
James C Bousfield	Fire	4/15/18	Firefighter III Sr
Kyle M Brady	Fire	4/24/18	Firefighter/MICT
Dennis W Brough	PW/Street	4/19/18	Dispatcher I

Charles W Bunnell	Sheriff/Admin	5/29/18	Deputy
Michael D Burns	Sheriff/Juv	5/16/18	Juv Care Worker I Sr
Keri L Christian	Fire	4/24/18	Firefighter/MICT
Amy L Coon	Sheriff	5/29/18	Deputy
Jason E Custer	Sheriff	4/21/18	Deputy
Daniel R Everhart	Sheriff	4/21/18	Deputy
Derrian D Goldsmith	Fire	4/15/18	Firefighter III
Kyle T Hensel	Sheriff	4/21/18	Deputy
Chad M Kampfer	Fire	4/15/18	Firefighter III
Courtney L Keegan	Fire	4/15/18	Firefighter III
Lorenzo A Kelly	Sheriff	5/12/18	Deputy
Joseph F Lyons	Sheriff	4/21/18	Deputy
Nicholas W Meador	Fire	4/13/18	Firefighter/MCIT II
Karla A Morales	Sheriff/Juv	5/16/18	Juv Care Worker I
Matthew E Nigh	Fire	4/15/18	Firefighter III Sr
Daniel T Parks	Fire	4/24/18	Firefighter/MICT
Joseph N Rowden	Fire	4/15/18	Firefighter III
Nathan T Russell	Fire	4/13/18	Firefighter/MICT II
Robert L Sanders	Fire	4/15/18	Firefighter III Sr
Brandon P Simpson	Fire	4/24/18	Firefighter/MICT Sr
Towan Smith	Fire	4/24/18	Firefighter/MICT Sr
Denton S Stein	Fire	4/24/18	Firefighter/MICT
Jacob F Swinney	Fire	4/15/18	Firefighter III Sr
Adrian T Swygert	Fire	4/24/18	Firefighter/MICT
Conrad S Vega III	Fire	4/15/18	Firefighter III
James B Wooten Sr	Sheriff	5/12/18	Deputy

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Janell Friesen	Health	ACD code change effective 4/5/18
Rebecca Garza	Health	ACD code change effective 4/5/18
Luke Rodriguez	Health	ACD code change effective 4/5/18
Christal Watson	Mayor	ACD code change effective 1/8/18
Erik Wolf	Health	ACD code change effective 4/5/18

Action: Received and filed. Copy previously forwarded to Payroll.

5. PERSONNEL ACTION COMMUNICATION, DATED APRIL 19, 2018:

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Jacob W Bradley	Sheriff/Detention	Per MOU change in rg/stp effective 1/1/18
Jason E Custer	Sheriff/Detention	Per MOU change in rg/stp effective 1/1/18
Daniel R Everhart	Sheriff/Detention	Per MOU change in rg/stp effective 1/1/18
Naomi N Green	Sheriff/Detention	Per MOU change in rg/stp effective 1/1/18
Kyle T Hensel	Sheriff/Detention	Per MOU change in rg/stp effective 1/1/18
Bryon W Letterman	Sheriff/Detention	Per MOU change in rg/stp effective 1/1/18
Joseph F Lyons	Sheriff/Detention	Per MOU change in rg/stp effective 1/1/18
Thomas A Macias	Sheriff/Detention	Per MOU change in rg/stp effective 1/1/18
Ronald D McKay	Sheriff/Detention	Per MOU change in rg/stp effective 1/1/18
Morgan M Meyers	Sheriff/Detention	Per MOU change in rg/stp effective 1/1/18
Elijah L Ming	Sheriff/Detention	Per MOU change in rg/stp effective 1/1/18
Drew M Potter	Sheriff/Detention	Per MOU change in rg/stp effective 1/1/18
Danial M Price	Sheriff/Detention	Per MOU change in rg/stp effective 1/1/18
Cialan C Rhodes-Hood	Sheriff/Detention	Per MOU change in rg/stp effective 1/1/18
Tim M Spoerl	Sheriff/Detention	Per MOU change in rg/stp effective 1/1/18
Tyler L Walton	Sheriff/Detention	Per MOU change in rg/stp effective 1/1/18
Timothy R Willis	Sheriff/Detention	Per MOU change in rg/stp effective 1/1/18

Action: Received and filed. Copy previously forwarded to Payroll.

6. CLAIM FOR DAMAGES:

Jesse A Ornelas, 6840 Yecker, KCK, alleging damage to his vehicle due to work being done on 67th Street, between Parallel and Leavenworth Rd.

Action: Received and filed. Copy previously forwarded to Legal.

7. CERTIFICATES OF INSURANCE:

ABC Professional Tree Services, Inc.
Custom Limousine, Inc.
Estrella Azul, LLC
Luis Tree Service
Special Response Corporation/Martin Herman
Semper Securus, LLC DBA Signal 88 Security of Douglas
Titan Protection & Consulting, Inc.
Vend-Tech Enterprise, LLC

Action: Referred to License.

8. BUSINESS BONDS:

Electrical Contractor's Bonds:

A.B. May Company
Anderson Electrical, LLC
Crockett Electric Company, Inc.
G&H Electric Co., Inc.
Jake Hawk Electric, LLC
Heineken Electric Co., Inc.
Lynch Electrical, Inc.
Lyric Enterprises Ltd DBA L&M Electric
Macario Arenas DBA Marcus Electric
Power Electric Service, Inc.
Rockhill Electric & Technology
Shogren Electric Service, LLC
SunSmart Technologies, LLC

Mechanical Contractor's Bond:

A.B. May Company
BCI Mechanical, Inc.
Complete Heating Cooling and Refrigeration, LLC
Numer Plumbing

Mechanical/HVAC Contractor's Bonds:

Olathe Heating & Cooling, Inc.
Wyandotte Refrigeration, Inc.

Plumber's Bonds:

A.B. May Company
Conard Plumbing, Inc.
Creative Associates, Inc.
Fortis Integrated Services, LLC
John Foulk DBA Fohn Foulk Plumbing
Just Plumbing KCMO, LLC
Numer Plumbing, LLC
On Time Plumbing and Heating, LLC

Action: Referred to License.

9. CONTINUATION CERTIFICATES:

Electrical Contractor's Bonds:

Linton Donnell DBA L Donnell & Son Construction Company
Electric Shop, Inc DBA Mr. Electric
Elite 1 Electric, LLC
Michael Hensley DBA Hensley Electric Company
Jason O. Meinershagen DBA J & W Electric
Eric Wilson DBA Wilson Construction & Electrical

HVAC Contractor's Bonds:

AmeriPure Water Company, Inc
River City Heating & Cooling, Inc.

Master Electrician Bond:
Custom Lighting Services LLC DBA Black & McDonald

Mechanical Contractor's Bond:
Lippert Mechanical Service Corp.

Mechanical/HVAC Contractor's Bonds:
John E. Briscoe DBA Biscoe Air & Heating
Ronald E. Scroggins

Miscellaneous Bonds:
Al's Electrical Maintenance
James Brunner DBA Brunner Electric, Inc.

Pawn Dealer's Bonds:
Metro Pawn, Inc. (2)

Plumber's Bonds:
AmeriPure Water Company, Inc.
Aqua Works Plumbing, LLC
Allen S. Evans DBA Home Town Handyman
Anthony Schmitt Master Plumber/DBA KC Construction, Inc
Taylor Mechanical, Inc.

Septic Tank and Cess Pool Installer & Cleaner's Bond:
Bud Sewer Service, Inc.

Action: Referred to License.

10. CANCELLATION NOTICES:

Electrical Contractor's Bonds:
Advanced Electrical, LLC DBA Summit Electric
James Brunner DBA Brunner Electric, Inc.
Grant Evans
Extreme Electrical Service, LLC
FC, LLC
Fishline Electric
Gordon Graham
Harrisonville Electric, LLC
Paul Humphrey DBA Powerone
Synergy Concepts, Inc.
Mike Busby DBA Total Home Service

HVAC Bonds:
City Wide Sheet Metal, Inc.
Del's TV & Appliances, Inc.
Rasmussen Heating & Cooling, Inc.

TG Heating and Cooling, LLC

Mechanical Contractor's Bonds:

Joe Anderson
Apex Heating & Air Conditioning, Inc.
Farr Mechanical, LLC
Bob Hamilton Plumbing, Heating & Cooling
Archie Herring Furnace Service Company
Iseman Air, Inc.
J. C. Love Installation, Inc.

Mechanical/HVAC Contractor's Bonds:

Able Air Heating & Cooling, LLC
All Seasons Heating & Air Conditioning, Inc.
E&Q Heating and Cooling, Inc.
Adam P. Lecuyer AJM A/C & Home Repair
Standard Heating & Cooling, LLC
Tru Air HVAC, LLC

Miscellaneous Bonds:

Commercial Service, Co.
Roy Herriott & Sherry Beets DBA Express Septic
Mid-America Sign, LLC
Odegard Sign and Lighting, LLC
C Scott Plumbing & Gas, LLC
Yonts Lawn Care, LLC

Plumber's Bonds:

4 Eco Services, Inc. DBA All Seasons Heating & Air Conditioning
A-Moore Service, Inc.
Above and Beyond Plumbing, LLC
All-N-One Investments, LLC DBA All-N-One Plumbing & Drain
Climate Control Heating & Cooling, Inc.
Mike Gravatt DBA Gravatts Plumbing
Bob Hamilton Plumbing, Heating & Cooling
Tracy Petersen DBA Petersen Plumbing
PlumCo, LLC
Trademark Plumbing, LLC

Residential Contractor's Bond:

SPI Corporation

Septic Tank & Cess Pool Installer & Cleaner's Bond:

Environmental Specialists, Inc.

Sign Hanger's Bonds:

Boyce Industries, Inc. DBA Missouri Neon Company
St. Joe Sign Company, LLC

Action: Referred to License.

11. RESCIND CANCELLATION NOTICES:

Miscellaneous Bonds:

Roy Herriott & Sherry Beets DBA Express Septic
Mid-America Sign, LLC
Mike Busby DBA Total Home Service

Sign Hanger's Contractor's Bond:

Odegard Sign and Lighting, LLC

Action: Referred to License.

12. REINSTATEMENT NOTICE:

Plumber's Bond:

Aqua Works Plumbing, LLC

Action: Referred to License.

13. SURETY RIDER:

Collection Agency Bond:

Commercial Claims Incorporated

Action: Referred to License.

14. APPLICATION FOR CMB LICENSE (PKG):

JK and Sons, LLC/Richard Rehorn DBA Shop N Go, 1710 Minnesota Ave.

Action: Referred to License.

15. APPLICATION FOR CMB LICENSE (OP):

Ovations Food Services of Kansas, LLC/William Hutton DBA Ovations Food Services, 1800 Village West Pkwy.

Action: Referred to License.

16. APPLICATIONS FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Club 403 Enterprises, LLC/Gordon Scholes, III DBA Club 403, 614 Reynolds Ave.

Naree Cuisine, LLC/Nareerat Lekphajit DBA Naree Kitchen Thai and Sushi, 7933 State Ave., #105

Samantha Morse DBA Sam's Pub, LLC, 1042 Central Ave.

Texaz Taco Restaurant, LLC/Ronald Mayer DBA Taco Republic, 500 County Line Rd.

Action: Referred to License.

17. APPLICATION FOR CATERER/DRINKING ESTABLISHMENT/HOTEL:

HP Kansas Beverage, LLC/Tomas Serra DBA Hilton Garden Inn, 520 Minnesota Ave.

Action: Referred to License.

18. APPLICATION FOR MASSAGE THERAPIST LICENSE:

Kelly Catlin d/b with Blue River Massage, 1275 N. 78th St.

Action: Referred to License.

19. APPLICATION FOR PRIVATE SECURITY BUSINESS:

VendTech-SGI, LLC/Curtis Lee Whitten DBA VendTech-SGI, 6858 Old Dominion Dr., Suite 307,
McLean, VA

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 18204

Full Commission Meeting Date: Fast track to 4/26/18

Committee: Administration & Human Services

Date of Standing Committee Action: 4/23/18

(If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
04/23/2018	Wilba Miller	x5112	wmiller@wycokck.org	Community Development

Item Description:

To hold public hearing to amend 2017-2021 Five Year Consolidated Plan to include Neighborhood Revitalization Strategy Area (NRSA) for the Park Drive Neighborhood. The Community Development Department requested and received approval from the Administration and Human Services Standing Committee to develop a Neighborhood Revitalization and Strategy Area (NRSA) plan for Census Tract 422 and buffer area of a few blocks surrounding the tract on April 24, 2017. The area, being referred to as the Park Drive Neighborhood is bounded by 16th on the East, City Park/32nd Street on the West, Central Avenue/Orville Avenue on the North, and I-70 on the South.

The plan contains the following criteria: boundaries, demographic criteria, consultation with stakeholders, an assessment of housing market and economic conditions of the area, examination of the opportunities for housing and economic improvements, and problems likely to be encountered, housing and economic opportunities to promote the area, performance measurements, and leverage of resources. UG staff has held 3 meetings with stakeholders, and 5 meetings with area residents, in addition to several meetings with other public/private partners. Using the feedback from these consultations, staff developed a NRSA Strategy Plan. The required 30 day citizen review and comment period started on September 23, 2017 and ended on October 23, 2017. The Plan was forwarded to the UG Commission on October 26, 2017 and was approved for submission to HUD.

HUD approved the plan in January 2018, and directed the UG to amend the 2017-2021 Five Year Consolidated Plan to include the NRSA for the Park Drive Neighborhood.

Federal Regulations require that the public be notified of amendments to the Five Year Consolidated Plan. The proposed amendment will be scheduled for the Administration and Human Services Standing Committee agenda on April 23, 2018 and if approved, fast-tracked for public hearing and adoption by the Full Commission on April 26, 2018. The Park Drive NRSA Plan can be found at <http://www.wycokck.org/SOAR/Park-Drive>. The notice of public hearing was published in the Echo on March 15, 2018 (see attached).

Action Requested:

Hold public hearing and fast track approval to April 26, 2018 Full Commission meeting.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Ad to amend 2017 Five Year Plan

Public Notice
Community Development Block Grant Program
Proposed Amendment to 2017-2021 Five Year Consolidated Plan

The Unified Government of Wyandotte County/Kansas City, Kansas proposes to amend its 2017-2021 Five Year Consolidated Plan add the Neighborhood Revitalization Strategy Area (NRSA) for the Park Drive Neighborhood. The Community Development Department requested and received approval from the Administration and Human Services Standing Committee to develop a Neighborhood Revitalization and Strategy Area (NRSA) plan for Census Tract 422 and buffer area of a few blocks surrounding the tract on April 24, 2017. The area, being referred to as the Park Drive Neighborhood is bounded by 16th on the East, City Park/32nd Street on the West, Central Avenue/Orville Avenue on the North, and I-70 on the South.

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Federal Regulations require that the public be notified of amendments to the Five Year Consolidated Plan. The proposed amendment will be scheduled for the Administration and Human Services Standing Committee agenda on April 23, 2018 and if approved, fast-tracked for public hearing and adoption by the Full Commission on April 26, 2018. The Park Drive NRSA Plan can be found at <http://www.wycokck.org/SOAR/Park-Drive>. Comments on this proposed amendment may be submitted in writing to the Community Development Department, Unified Government of Wyandotte County/KCK, 701 North 7th Street, Room 823, Kansas City, KS 66101



Staff Request for Commission Action

Tracking No. 18207

Full Commission Meeting Date: 4/26/18

Committee: Administration & Human Services

Date of Standing Committee Action: 4/23/18

(If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
04/23/2018	Robin H. Richardson	x5774	rrichardson@wycokck.org	Urban Planning & Land Use

Item Description:

Groundwork USA is a partnership between the National Park Service and the Environmental Protection Agency that supports a network of local organizations devoted to transforming the natural and built environment of marginalized communities. Groundwork USA has funding in place to support a new organization, called a Groundwork Trust, in a new community and is soliciting letters of interest. The selected community would receive up to \$200,000 in funding and technical assistance from NPA, EPA, and Groundwork USA to build the capacity of the local Groundwork Trust. The objectives of the program are to:

- Transform derelict and abandoned land
- Remediate and transform brownfields
- Improve outdoor facilities
- Enhance commercial areas
- Involve youth and young adults
- Ensure equitable and inclusive Participation.

The selected community must provide a local match of \$35,000 per year and a private sector match of at least \$10,000 per year for the first three years.

This request is for staff to work together with the Historic Northeast Midtown Association to form a steering committee and submit a letter of interest to Groundwork USA. Letters of Interest are due April 30, 2018.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:



Staff Request for Commission Action

Tracking No. 18238

Full Commission Meeting Date: 4/26/18

Committee:

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

Publication Required: No

<u>Date:</u> 04/20/2018	<u>Contact Name:</u> Doug Bach	<u>Contact Phone:</u> x5027	<u>Contact Email:</u> dbach@wycokck.org	<u>Department/Division:</u> Administrator's Office
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Item Description:

Ordinance calling for an election on August 7, 2018 and setting the ballot language for renewing the three-eighths of one percent citywide retailers' sales tax that would renew on July 1, 2020 and terminate 10 years after its commencement with the proceeds to be used for the purpose of financing public safety and neighborhood infrastructure, including the construction, repair, and maintenance of roads, curbs, and sidewalks.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Sales Tax Facts Info Sheet, Resolution, Notice of Election v1



Sales Tax Facts

Public Safety and Neighborhood Infrastructure

- ✓ KCK voters approved the 3/8-cent Public Safety and Neighborhood Infrastructure Sales Tax in April 2010 with 70% of the vote. The tax will expire in July 2020.
- ✓ Voters are being asked to renew the sales tax for an additional 10 years in the August 2018 Primary election.
- ✓ Voting to renew the tax will continue critical funding for public safety and neighborhood projects without requiring a tax increase. The 2018 Community Survey shows citizens place a high priority on public safety and infrastructure improvements.
- ✓ In 2018, the Public Safety and Neighborhood Infrastructure Sales Tax will generate \$10-million, with 35% spent on the KCK Fire Department, 35% spent on the KCK Police Department and 30% spent on neighborhood improvement projects. Over its 10-year life, the sales tax will have raised \$80-million for critical public safety operations and neighborhood infrastructure projects.
- ✓ In addition to purchasing new fire trucks, police cars and other public safety equipment, the sales tax pays for 25 firefighters and 25 police officers. Neighborhood improvement projects include, streets, curbs, sidewalks and parks.
- ✓ The 3/8-cent sales tax is paid on all retail sales in KCK. A significant portion of those sales are made in the Village West area, which means millions of tourists and shoppers from Johnson County, Lawrence, Topeka, Wichita, Missouri and other states are helping support KCK Police, Fire and and Public Works.
- ✓ While the 3/8-cent tax generates millions of dollars, it adds a few cents to most everyday purchases. For example, the tax on a \$15 pizza amounts to 6-cents; it adds 38-cents to a \$100 grocery bill; and 8-cents to the cost of a \$20 shirt.
- ✓ The Unified Government Commission reviews and votes on how the money will be spent as part of the annual budget process. However, all of the sales tax revenue must be spent on public safety and community infrastructure projects.
- ✓ A yes vote means this critical funding, generating \$10-million a year, will continue to support Public Safety operations and Neighborhood Infrastructure projects without a tax increase.
- ✓ A no vote means the \$10-million a year will disappear and budgets for Public Safety, Neighborhood improvement projects and other services the Unified Government provides will face drastic cuts. A property tax increase would be the only way to make-up the loss of the sales tax revenue.

CONTACT: Mike Taylor, Public Relations Director Office: 913.573.5565 Cell: 913.449.4848

Published _____

ORDINANCE NO. _____

AN ORDINANCE calling for an election to be held on August 7, 2018, in the City of Kansas City, Kansas, for the purpose of submitting to the electors of the City a question relating to the imposition of a citywide retailers' sales tax.

WHEREAS, K.S.A. 12-187 authorizes the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas, to submit to the electors the question of imposing citywide retailers' sales taxes; and

WHEREAS, the qualified voters of City of Kansas City, Kansas previously approved a three-eighths of one percent citywide retailers' sales tax as an additional source of revenue to finance public safety and neighborhood infrastructure, including the construction, repair, and maintenance of roads, curbs, and sidewalks within the City and which will sunset on June 30, 2020.

WHEREAS, the Board of Commissioners deems it advisable to continue to provide for an additional source of revenue to finance public safety and neighborhood infrastructure, including the construction, repair, and maintenance of roads, curbs, and sidewalks within the City by continued imposition of a three-eighths of one percent citywide retailers' sales tax (the "Sales Tax"), provided that the electors of the City authorize the continuation of such Sales Tax at an election held for such purpose; and

WHEREAS, the Board of Commissioners wishes to submit to the electors of Kansas City, Kansas, the question of continuing to impose the Sales Tax, and wishes to call an election for such purpose,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. In order to provide an additional source of revenue to finance public safety and neighborhood infrastructure within the City of Kansas City, Kansas, it is necessary and advisable pursuant to K.S.A. 12-187, as amended, to impose a special purpose three-eighths of one percent citywide retailers' sales tax. Collection of the Sales Tax, if approved by the electors of the City, shall commence on July 1, 2020, or as soon thereafter as permitted by the Kansas Department of Revenue and shall terminate ten years after its commencement.

Section 2. An election is hereby called to be held in the City of Kansas City, Kansas, on August 7, 2018, at which time there shall be submitted to the qualified electors of the City the question of whether the Sales Tax shall continue to be imposed, such election to be conducted by the county election officer.

Section 3. The proposition on the ballot shall be: Shall the following be adopted?

Shall the City of Kansas City, Kansas, be authorized to impose an additional three-eighths of one percent citywide retailers' sales tax the proceeds of which shall be used for the purposes of financing public safety and neighborhood infrastructure, including the construction, repair, and maintenance of roads, curbs, and sidewalks, the collection of such Sales Tax commencing on July 1, 2020, or as soon thereafter as permitted by law, and terminating ten years after its commencement?

Section 4. **Special Question Election Procedures.** The vote at said special question election shall be by ballot, and the propositions stated above shall be printed on the ballots, together with voting instructions as provided by law. The Unified Government Clerk shall cause the Election Commissioner of Wyandotte County, Kansas to give notice of the election as provided by law by publishing a Notice of Special Question Election in substantially the form attached hereto as ***Exhibit A***, once each week for two (2) consecutive weeks in a newspaper of general circulation in the City, with the first publication to be not less than twenty-one (21) days prior to the date of the election, and the last publication being not more than forty-five (45) days prior to the date of the election.

Section 5. This ordinance shall take effect when published once in the official Unified Government newspaper.

PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS 26th DAY OF APRIL 2018.

David Alvey
Mayor/CEO

Attest:

Unified Government

Approved as to Form:

EXHIBIT A

(First published in the *Wyandotte Echo* on _____,
and subsequently on _____)

NOTICE OF SPECIAL QUESTION ELECTION

Notice is hereby given to the qualified electors of the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government"), within the City of Kansas City, Kansas (the "City") that a special question election has been called and will be held on August 7, 2018, for the purpose of submitting to the qualified electors of the City the following proposition:

Shall the following be adopted?

Shall the City of Kansas City, Kansas, be authorized to impose an additional three-eighths of one percent citywide retailers' sales tax the proceeds of which shall be used for the purposes of financing public safety and neighborhood infrastructure, including the construction, repair, and maintenance of roads, curbs, and sidewalks, the collection of such Sales Tax commencing on July 1, 2020, or as soon thereafter as permitted by law, and terminating ten years after its commencement?

IT IS IMPORTANT FOR EACH QUALIFIED VOTER TO NOTE THAT YOUR BALLOT CANNOT BE COUNTED UNLESS YOU TAKE THE APPROPRIATE STEPS:

To vote in favor of any question submitted on this ballot, press the word "YES" on the voting machine or completely darken the oval to the left of the word "YES" on the paper ballot. To vote against it, press the word "NO" on the voting machine or completely darken the oval to the left of the word "NO" on the paper ballot.

☐ YES
☐ NO

The polls will open at []:00 A.M. and will close at []:00 P.M., on August 7, 2018, the election day. The voting places in the City and the area each voting place will serve will be as follows:

[To be updated by the [County Clerk][Election Commissioner] as necessary]

Voters Residing In Precinct

Will Vote At

Location

The election will be conducted by the officers and/or persons provided by law for holding elections, and the method of voting will be by ballot. Registered voters are eligible to vote by advance voting ballot upon application to the Election Commissioner of Wyandotte County, Kansas, set forth below pursuant to K.S.A. 25-1117 *et seq.*

ADDITIONAL INFORMATION

General

The following additional information is provided by the Unified Government with respect to the effect of this ballot proposition. Passage of this ballot proposition would authorize the Unified Government, acting as the City of Kansas City, Kansas, to impose a three-eighths percent (3/8%) citywide retailers' sales tax (the "Sales Tax"), the proceeds of which shall be used to finance public safety and neighborhood infrastructure, including the construction, repair, and maintenance of roads, curbs, and sidewalks (collectively the "Project"), the collection of the Sales Tax to commence on July 1, 2020, or as soon thereafter as permitted by law, and to terminate ten years after its commencement.

ELECTION INFORMATION

The election officer conducting the election will be the Election Commissioner of Wyandotte County, Kansas, whose address is: 850 State Avenue, Kansas City, Kansas 66101.

DATED: _____, 2018.

Bruce Newby, Election Commissioner
Wyandotte County, Kansas



Staff Request for Commission Action

Tracking No. 18210

Full Commission Meeting Date: 4/26/18

Committee: Full Commission

Date of Standing Committee Action: N/A
(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
04/11/2018	Jon Stephens	x5749	jstephens@wycokck.org	Economic Development

Item Description:

The Second Amendment to the Legends Apartments and Garage Development Agreement modifies certain elements of the First Amendment Agreement allowing for the design, development and construction of a structured parking garage and luxury apartment building adjacent to the Legends Shopping Center generally on the south side of Parallel Parkway, east of 110th Street in Kansas City, Kansas.

Action Requested:

Adopt a resolution approving the Second Amendment to the Development Agreement for Legends Apartments and Garage.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution, 2nd Amd

(Published in *The Wyandotte Echo* on _____)

RESOLUTION NO. R-____-18

A RESOLUTION ADOPTING THE SECOND AMENDMENT TO DEVELOPMENT AGREEMENT FOR LEGENDS APARTMENTS AND GARAGE FOR THE LEGENDS GARAGE AND LAWN COMMUNITY IMPROVEMENT DISTRICT

WHEREAS, on December 21, 2017 the Governing Body approved and created the Legends Garage and Lawn Community Improvement District and set forth the boundaries thereof, authorized community improvement district projects relating thereto, approved the estimated costs of such community improvement district projects and approved the method of financing the same, all in accordance with the provisions of the Act; and

WHEREAS, the Governing Body determined that it was advisable to enter into an amended Development Agreement with Legacy KCK Westside Venture, LLC with respect to the Legends Garage and Lawn Community Improvement District (the “First Amendment to Development Agreement for Legends Apartments and Garage; and

WHEREAS, the Governing Body has determined that it is advisable to enter into a second amended Development Agreement with Legacy KCK Westside Venture, LLC with respect to the Legends Garage and Lawn Community Improvement District (the “Second Amendment to Development Agreement for Legends Apartments and Garage”), attached as Exhibit A hereto, and incorporated by reference herein.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That the Unified Government Board of Commissioners hereby approves the Second Amendment to Development Agreement for Legends Apartments and Garage in substantially the form attached hereto.

Section 2. That the County Administrator is hereby authorized to execute in the name of the Unified Government of Wyandotte County/Kansas City, Kansas, the Second Amendment to Development Agreement for Legends Apartments and Garage and any other certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution. The Unified Government Clerk is hereby authorized and directed to publish this Resolution once in *The Wyandotte Echo*.

Section 3. This Resolution shall be effective upon adoption by the Governing Body.

ADOPTED BY THE UNIFIED GOVERNMENT BOARD OF COMMISSIONERS
THIS _____ DAY OF _____, 2017.

Mayor/CEO

ATTEST:

Unified Government Clerk

(Seal)

**SECOND AMENDMENT TO DEVELOPMENT AGREEMENT FOR LEGENDS
APARTMENTS AND GARAGE**

This SECOND AMENDMENT TO DEVELOPMENT AGREEMENT FOR LEGENDS APARTMENTS AND GARAGE (this "**Amendment**") dated May __, 2018, is made and entered into by and between the Unified Government of Wyandotte County/Kansas City, Kansas (the "**UG**"), and Legacy KCK Westside Venture, LLC, a Kansas limited liability company and successor-in-interest to Legends Apartments Legacy, LLC, a Kansas limited liability company ("**Developer**").

RECITALS

A. The UG and Developer, as successor-in-interest to Legends Apartments Legacy, LLC, entered into that certain Development Agreement for Legends Apartments and Garage dated November 20, 2015, as modified by that certain letter dated February 1, 2017, from Douglas G. Bach, County Administrator of the UG, to Dan Lowe of Legacy Development, and as further modified by that certain First Amendment to Development Agreement for Legends Apartments and Garage (collectively, as amended, the "**Agreement**") with respect to, among other things, the design, development, and construction of a first-class luxury apartment building, along with structured parking and related amenities, on certain real property generally located adjacent to the Legends Shopping Center on the south side of Parallel Parkway, east of 110th Street in Kansas City, Kansas, all as more particularly described in the Agreement. All capitalized terms which are not otherwise defined herein shall have the meanings assigned to them in the Agreement.

B. Notwithstanding anything set forth in Section 3.1(b) of the Public Financing Conditions in the Agreement, the UG and Developer have agreed that Developer shall only be required to provide proof of funds (if necessary) to finance the Parking Improvements, and not the financing for the apartment improvements, prior to issuance of the CID Bonds.

C. The UG and Developer hereto desire to amend the Agreement to provide for the foregoing, among other things, all as more particularly set forth below.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the UG and Developer agree as follows:

1. **Amendment of Section 3.1(b) Regarding Financing Conditions.** The parties hereby agree to modify Section 3.1(b) to read as follows:

"(b) If the projected construction costs of the Parking Improvements shall exceed \$14,273,077, then Developer shall provide the UG with a loan commitment or similar proof of funds to construct and complete the Parking Improvements;"

2. **Amendment of Section 2.2(c) Regarding Public Use of the Parking Improvements.** The following shall be added to the end of Section 2.2(c):

" Notwithstanding anything set forth above in this Section 2.2(c) (or in the balance of this Agreement to the contrary), until such time as Developer shall complete and open the apartment building described in Section 2.2(a), all of the parking spaces within the

Parking Improvements shall be available for public use. However, the parties hereby agree that upon completion and opening of the apartment building described in Section 2.2(a), that no more than three hundred and fifty (350) parking spaces shall be required to remain open and available to the public and the remaining spaces may be dedicated parking spaces for apartment units."

3. **Amendment to Section 2.2(e) Regarding Failure to Complete Sidewalk and Curb Improvements.** The parties hereby agree that following sentence shall be added to the end of Section 2.2(e) as follows:

"In the event that the CID Cap is reduced as set forth herein, an amount equal to \$500,000 shall be withheld from the final distribution of CID Proceeds [which amount shall be in addition to the 10% retainage held back pursuant to Section 4.5(b)(ii)], and the same shall be the UG's sole and exclusive remedy in connection with the same.

4. **Amendment to Section 7.13 Regarding Approval of Joint Ventures.** The parties hereby agree that the last two sentences of Section 7.13, beginning with the words "Further, it is anticipated..." shall be deleted in their entirety.

5. **Amendments to Section 8.2 Regarding LBE/MBE/WBE Goals and CID Cap Reductions.** The parties hereby agree that Section 8.2 of the Agreement is hereby deleted in its entirety and replaced with the following:

"8.2 **LBE/MBE/WBE Employment Opportunity Goals.** Developer agrees to comply with the goals set forth on **Exhibit I**, attached hereto and made a part hereof, in order to identify and provide employment opportunities for local businesses and contractors, women and local minority owned businesses. In the event Developer shall fail to use Best Efforts, as defined in **Exhibit I**, when following the guidelines for utilization of the LBE/MBE/WBE participation, as set forth on **Exhibit I** for the Project, as defined in **Exhibit I**, then the following shall occur:

(a) for a failure to use Best Efforts, as defined in **Exhibit I** on the Parking Improvements portion of the Project, the PILOTs shall be increased as set forth in **Exhibit G (Amended - 2017)**, and the CID Cap shall be automatically reduced by an amount equal to \$875,000, and such amount shall be withheld from the final distribution of CID Proceeds [which amount shall be in addition to the 10% retainage held back pursuant to Section 4.5(b)(ii)]. For a failure to use Best Efforts, as defined in **Exhibit I** on the Parking Improvements portion of the Project, the remedies set forth in this subsection (a) shall be the UG's sole and exclusive remedies.

(b) for a failure to use Best Efforts, as defined in **Exhibit I** on the apartment building Improvements, the PILOTs shall be increased as set forth in **Exhibit G (Amended - 2017)** as the UG's sole and exclusive remedy hereof."

6. **Recitals and Definitions.** The parties acknowledge that the Recitals set forth above are true and correct and are hereby incorporated into the body of this Amendment.

7. **No Further Modification.** Except as expressly set forth in this Amendment, all terms and provisions of the Agreement are hereby confirmed and remain unmodified and in full force and effect, such terms and provisions being hereby incorporated herein for all purposes.

8. **Conflict or Inconsistency.** In the event of any conflict or inconsistency between the terms and provisions of this Amendment and the terms and provisions of the Agreement, the terms and provisions of this Amendment shall control.

9. **Multiple Counterparts.** This Amendment may be executed in any number of counterparts, each of which may be executed by only one party, which shall be enforceable against the parties actually executing such counterparts, and all of which together shall constitute one instrument. Delivery by facsimile or electronic transmission of an executed counterpart of any signature page to this Amendment to be executed hereunder shall have the same effectiveness as delivery of a manually executed counterpart thereof.

[Remainder of page intentionally left blank. Signature pages immediately follow.]

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed as of the day and year first above written.

The UG:

THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

By: _____
Name: David Alvey
Its: Mayor/CEO

STATE OF KANSAS)
) SS.
COUNTY OF WYANDOTTE)

This instrument was acknowledged before me on May ____, 2018, by David Alvey as the Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas.

Printed Name: _____
Notary Public in and for said State
Commissioned in _____ County

My commission expires

[Seal]

[Signatures continue onto the next page.]

Developer:

Legacy KCK Westside Venture, LLC,
A Kansas limited liability company

By: _____
Name: _____
Its: _____

STATE OF _____)
) SS.
COUNTY OF _____)

This instrument was acknowledged before me on May __, 2018, by _____ as the _____ of Legacy KCK Westside Venture, LLC.

Printed Name: _____
 Notary Public in and for said State
 Commissioned in _____ County

My commission expires

[Seal]



Staff Request for Commission Action

Tracking No. 18197

Full Commission Meeting Date: 4/26/18

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 4/9/18

(If none, please explain):

Publication Required: No

<u>Date:</u> 04/17/2018	<u>Contact Name:</u> Chris Slaughter	<u>Contact Phone:</u> x8977	<u>Contact Email:</u> cslaughter@wycokck.org	<u>Department/Division:</u> Land Bank
<u>Item Description:</u> The Land Bank Manager respectfully requests that the Neighborhood & Community Development Committee review the proposed packets and forward them to the Land Bank Board of Trustees for final consideration. Item (1) - Applications (15) Item (2) - Transfers from Land Bank (2)				
<u>Action Requested:</u> The Land Bank Manager respectfully requests that the Neighborhood & Community Development Committee approve the above requests and forward them to the Land Bank Board of Trustees for final approval.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Applications, Transfer from Land Bank				

WYANDOTTE COUNTY LAND BANK - APPLICATIONS

APPLICANT	APPLICANT ADDRESS	LAND BANK ADDRESS	PROPOSED USE	STANDING COMMITTEE RECOMMENDATION
Armando Campos Cerrito	1043 Shawnee Ave	1041 Shawnee Ave	Yard Extension	APPROVED
Mauricio Mares	291 S 8th St	289 S 8th St	Yard Extension	APPROVED
Michael B Patterson	1510 N 44th St	1516 N 44th St	Yard Extension	APPROVED
Cookie F Sutton	20 N James St	22 N James St	Yard Extension	APPROVED
Gail Mitchell Johnson	864 Troup Ave	2003 N 9th St	Yard Extension	APPROVED
Sharon Turner	2523 Alden St	2525 Alden St	Yard Extension	APPROVED
Lolita Marshall	3620 Haskell Ave	2415 N 37th St	Yard Extension	APPROVED
Robbin Clint Chandler	1022 Lowell Ave	1020 Lowell Ave	Yard Extension	APPROVED
Elizabeth Aviles-Pineda	272 S Bethany St	270 S Bethany St	Yard Extension	APPROVED
Miguel Valdez	2929 Farrow Ave	2921 Farrow Ave	Yard Extension	APPROVED
Ricardo Balderrama	234 N Early St	232 N Early St	Yard Extension	APPROVED
Lidia Pacheco Patino	1972 Stewart Ave	1968 R Stewart Ave	Yard Extension	APPROVED
Henson Memorial Church	901 Greeley Ave	917 Greeley Ave	Property Acquisition	APPROVED
Obdulia Valles (Lopez)	1251 Kansas Ave	610 S Valley St	Property Acquisition	APPROVED
Michael L Knight	1722 Short Ave	1933 N 18th St	Property Acquisition	APPROVED
LAND BANK ADVISORY BOARD RECOMMENDATION	The Land Bank Advisory Board recommends forwarding the application(s), to the Land Bank Board of Trustees, for final approval.			

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RECEIVED
JAN 17 2018


Application to Purchase a Vacant Land Bank Property as Yard Extension

Use this application if the following is correct:

- You are the Owner of Record of an adjacent occupied structure that shares a property line with an undeveloped Land Bank lot and wish to acquire the lot to expand your property.

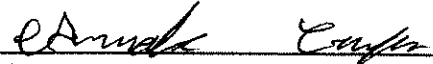
Separate applications are available to purchase property for new construction or the rehab of an existing residential or commercial structure. WCLB property that is determined to be developable may not qualify for the Yard Extension program.

Program Requirements and Policies:

- All properties for sale are listed on the WCLB website. Not all land bank properties are available for sale— if a property is on the “Hold” listing, it may not currently be for sale.
- An application is required for all purchases of property. Applications are not considered until all required information is provided. If an application is incomplete, it may be rejected or other completed applications will be given priority.
- Applications will automatically be rejected if the applicant is currently tax delinquent or has any outstanding code violations on any property owned in Wyandotte County.
- WCLB reserves the absolute right to accept or reject any and all applications and offers for purchase. In cases of multiple applications, the WCLB will give precedence to applications from adjacent, occupied homeowners.
- Splitting a Land Bank lot for two adjacent owners – In a case where two property owners of record apply for a lot, the WCLB may split the parcel between the two owners.
- All transfers include deed restrictions and/or a reversionary clause allowing the WCLB to regain ownership and possession of the property if the buyer fails to meet the restrictions placed on the property.
- The Wyandotte County Land Bank Board of Trustees (LBBOT) must approve all application(s) in order for the WCLB to transfer property.
- Closings are held at the WCLB offices. The WCLB will only accept cashier’s checks or money orders made payable to the **Wyandotte County Land Bank**.
- All property is sold “as-is”. The buyer agrees to accept the property in its “as is” condition, without any warranties or representations by the WCLB. The buyer agrees to hold harmless and release the WCLB and the Unified Government of Wyandotte/KCK (UG) for all conditions known or unknown to the property.
- The buyer agrees to indemnify, protect, hold harmless, defend, and release the WCLB and UG from any claims, losses, damages, costs, or expenses including, without limitation, all reasonable attorneys’ fees asserted against, incurred, or suffered by the WCLB resulting from any contract breaches, personal injuries, or property damages occurring in, on, about, or related to the property resulting from any causes, except resulting from the acts or omissions of the WCLB or the WCLB agents, employees, or contractors. Nothing in this article restricts the WCLB rights and remedies available at law or in equity.

Signature (Required)

I have read and understand the information provided above and contained in this application.

 Date 1/17/2018
Sign here

Armando Campos Cerrito
Print Name

Application to Purchase a Vacant Land Bank Property as Yard Extension

Land Bank Property You Wish to Purchase: 1041 Shawnee Ave

Parcel ID Number: 072088

Applicant Information (Please Print)

Name: Armando Campos

Company/Organization: _____

Mailing Address: 1043 Shawnee ave Kansas city ks

Phone Number(s): _____

E-mail(s): _____

Address of the adjacent structure you own: 1043 Shawnee Ave

Do you live in the adjacent structure above? Yes ☒ No ☐

Please Respond to the Following Questions:

1. Are you currently delinquent on property taxes for any property owned in Wyandotte County?
Please explain a "yes" answer on a separate attachment.
Yes _____ No ☒
2. Do you currently have a notice from the Code Enforcement Department indicating that you are in violation of City Code? Please explain a "yes" answer on a separate attachment.
Yes _____ No ☒

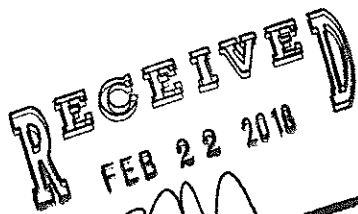
Note: As a part of the review of this application, WCLB staff will review records from other UG Offices, such as Code Enforcement, Treasury and other available records. Failure to honestly answer these questions may result in the rejection of the application.

Signature (Required)

I hereby authorize the Wyandotte County Land Bank to obtain information necessary to verify the information supplied in this application. All the information that I have provided is accurate to the best of my knowledge, and will remain confidential.

 Date 7/17/2018
Sign here

Armando Campos Cerrito
Print Name



19

Application to Purchase a Vacant Land Bank Property as Yard Extension

Use this application if the following is correct:

- You are the Owner of Record of an adjacent occupied structure that shares a property line with an undeveloped Land Bank lot and wish to acquire the lot to expand your property.

Separate applications are available to purchase property for new construction or the rehab of an existing residential or commercial structure. WCLB property that is determined to be developable may not qualify for the Yard Extension program.

Program Requirements and Policies:

- All properties for sale are listed on the WCLB website. Not all land bank properties are available for sale— if a property is on the "Hold" listing, it may not currently be for sale.
- An application is required for all purchases of property. Applications are not considered until all required information is provided. If an application is incomplete, it may be rejected or other completed applications will be given priority.
- Applications will automatically be rejected if the applicant is currently tax delinquent or has any outstanding code violations on any property owned in Wyandotte County.
- WCLB reserves the absolute right to accept or reject any and all applications and offers for purchase. In cases of multiple applications, the WCLB will give precedence to applications from adjacent, occupied homeowners.
- Splitting a Land Bank lot for two adjacent owners – In a case where two property owners of record apply for a lot, the WCLB may split the parcel between the two owners.
- All transfers include deed restrictions and/or a reversionary clause allowing the WCLB to regain ownership and possession of the property if the buyer fails to meet the restrictions placed on the property.
- The Wyandotte County Land Bank Board of Trustees (LBBOT) must approve all application(s) in order for the WCLB to transfer property.
- Closings are held at the WCLB offices. The WCLB will only accept cashier's checks or money orders made payable to the **Wyandotte County Land Bank**.
- All property is sold "as-is". The buyer agrees to accept the property in its "as is" condition, without any warranties or representations by the WCLB. The buyer agrees to hold harmless and release the WCLB and the Unified Government of Wyandotte/KCK (UG) for all conditions known or unknown to the property.
- The buyer agrees to indemnify, protect, hold harmless, defend, and release the WCLB and UG from any claims, losses, damages, costs, or expenses including, without limitation, all reasonable attorneys' fees asserted against, incurred, or suffered by the WCLB resulting from any contract breaches, personal injuries, or property damages occurring in, on, about, or related to the property resulting from any causes, except resulting from the acts or omissions of the WCLB or the WCLB agents, employees, or contractors. Nothing in this article restricts the WCLB rights and remedies available at law or in equity.

Signature (Required)

I have read and understand the information provided above and contained in this application.

Mauricio Mares

Date 2-21-18

Sign here

Mauricio Mares

Print Name

Application to Purchase a Vacant Land Bank Property as Yard Extension

Land Bank Property You Wish to Purchase: 289 S 8th St

Parcel ID Number: 122025

Applicant Information (Please Print)

Name: MAURICIO MARE ORTIZ

Company/Organization: _____

Mailing Address: 291 S 8th St

Phone Number(s): _____

E-mail(s): _____

Address of the adjacent structure you own: 291 S 8th St

Do you live in the adjacent structure above? Yes ☒ No ☐

Please Respond to the Following Questions:

1. Are you currently delinquent on property taxes for any property owned in Wyandotte County?
Please explain a "yes" answer on a separate attachment.
Yes _____ No ☒
2. Do you currently have a notice from the Code Enforcement Department indicating that you are in violation of City Code? Please explain a "yes" answer on a separate attachment.
Yes _____ No ☒

Note: As a part of the review of this application, WCLB staff will review records from other UG Offices, such as Code Enforcement, Treasury and other available records. Failure to honestly answer these questions may result in the rejection of the application.

Signature (Required)

I hereby authorize the Wyandotte County Land Bank to obtain information necessary to verify the information supplied in this application. All the information that I have provided is accurate to the best of my knowledge, and will remain confidential.

Mauricio Mares Date 2-21-18
Sign here

Mauricio Mares
Print Name

RECEIVED
FEB 22 2018

#20

Application to Purchase a Vacant Land Bank Property as Yard Extension

Use this application if the following is correct:

- You are the Owner of Record of an adjacent occupied structure that shares a property line with an undeveloped Land Bank lot and wish to acquire the lot to expand your property.

Separate applications are available to purchase property for new construction or the rehab of an existing residential or commercial structure. WCLB property that is determined to be developable may not qualify for the Yard Extension program.

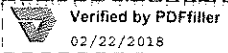
Program Requirements and Policies:

- All properties for sale are listed on the WCLB website. Not all land bank properties are available for sale—if a property is on the “Hold” listing, it may not currently be for sale.
- An application is required for all purchases of property. Applications are not considered until all required information is provided. If an application is incomplete, it may be rejected or other completed applications will be given priority.
- Applications will automatically be rejected if the applicant is currently tax delinquent or has any outstanding code violations on any property owned in Wyandotte County.
- WCLB reserves the absolute right to accept or reject any and all applications and offers for purchase. In cases of multiple applications, the WCLB will give precedence to applications from adjacent, occupied homeowners.
- Splitting a Land Bank lot for two adjacent owners – In a case where two property owners of record apply for a lot, the WCLB may split the parcel between the two owners.
- All transfers include deed restrictions and/or a reversionary clause allowing the WCLB to regain ownership and possession of the property if the buyer fails to meet the restrictions placed on the property.
- The Wyandotte County Land Bank Board of Trustees (LBBOT) must approve all application(s) in order for the WCLB to transfer property.
- Closings are held at the WCLB offices. The WCLB will only accept cashier’s checks or money orders made payable to the **Wyandotte County Land Bank**.
- All property is sold “as-is”. The buyer agrees to accept the property in its “as is” condition, without any warranties or representations by the WCLB. The buyer agrees to hold harmless and release the WCLB and the Unified Government of Wyandotte/KCK (UG) for all conditions known or unknown to the property.
- The buyer agrees to indemnify, protect, hold harmless, defend, and release the WCLB and UG from any claims, losses, damages, costs, or expenses including, without limitation, all reasonable attorneys’ fees asserted against, incurred, or suffered by the WCLB resulting from any contract breaches, personal injuries, or property damages occurring in, on, about, or related to the property resulting from any causes, except resulting from the acts or omissions of the WCLB or the WCLB agents, employees, or contractors. Nothing in this article restricts the WCLB rights and remedies available at law or in equity.

Signature (Required)

I have read and understand the information provided above and contained in this application.

Michael B. Patterson



Date 2/22/2018

Sign here

Michael B. Patterson

Print Name

Application to Purchase a Vacant Land Bank Property as Yard Extension

Land Bank Property You Wish to Purchase: 1510 N. 44th Street

Parcel ID Number: 060456

Applicant Information (Please Print)

Name: Michael B. Patterson

Company/Organization: N/A

Mailing Address: 1510 N. 44th Street

Phone Number(s): -

E-mail(s):

Address of the adjacent structure you own: 1510 N. 44th Street

Do you live in the adjacent structure above? Yes ☒ No ☐

Please Respond to the Following Questions:

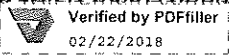
1. Are you currently delinquent on property taxes for any property owned in Wyandotte County?
Please explain a "yes" answer on a separate attachment.
Yes ☐ No ☒
2. Do you currently have a notice from the Code Enforcement Department indicating that you are in violation of City Code? Please explain a "yes" answer on a separate attachment.
Yes ☐ No ☒

Note: As a part of the review of this application, WCLB staff will review records from other UG Offices, such as Code Enforcement, Treasury and other available records. Failure to honestly answer these questions may result in the rejection of the application.

Signature (Required)

I hereby authorize the Wyandotte County Land Bank to obtain information necessary to verify the information supplied in this application. All the information that I have provided is accurate to the best of my knowledge, and will remain confidential.

Michael B. Patterson



Date 2/22/2018

Sign here

Michael B. Patterson

Print Name

#22

RECEIVED
FEB 26 2018

C45

Application to Purchase a Vacant Land Bank Property as Yard Extension

Use this application if the following is correct:

- You are the Owner of Record of an adjacent occupied structure that shares a property line with an undeveloped Land Bank lot and wish to acquire the lot to expand your property.

Separate applications are available to purchase property for new construction or the rehab of an existing residential or commercial structure. WCLB property that is determined to be developable may not qualify for the Yard Extension program.

Program Requirements and Policies:

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- The Wyandotte County Land Bank Board of Trustees (LBBOT) must approve all application(s) in order for the WCLB to transfer property.
- Closings are held at the WCLB offices. The WCLB will only accept cashier's checks or money orders made payable to the **Wyandotte County Land Bank**.
- All property is sold "as-is". The buyer agrees to accept the property in its "as is" condition, without any warranties or representations by the WCLB. The buyer agrees to hold harmless and release the WCLB and the Unified Government of Wyandotte/KCK (UG) for all conditions known or unknown to the property.
- The buyer agrees to indemnify, protect, hold harmless, defend, and release the WCLB and UG from any claims, losses, damages, costs, or expenses including, without limitation, all reasonable attorneys' fees asserted against, incurred, or suffered by the WCLB resulting from any contract breaches, personal injuries, or property damages occurring in, on, about, or related to the property resulting from any causes, except resulting from the acts or omissions of the WCLB or the WCLB agents, employees, or contractors. Nothing in this article restricts the WCLB rights and remedies available at law or in equity.

Signature (Required)

I have read and understand the information provided above and contained in this application.

Date 2-26-18

Sign here



Print Name

Application to Purchase a Vacant Land Bank Property as Yard Extension

Land Bank Property You Wish to Purchase: 22 N James St, KCKs 66118

Parcel ID Number: 141345

Applicant Information (Please Print)

Name: C. Francene Sutton

Company/Organization: _____

Mailing Address: 5630 EDGEMILL DR. KCKs 66106

Phone Number(s): _____

E-mail(s): _____

Address of the adjacent structure you own: 20 N. James St, KCKs. 66118

Do you live in the adjacent structure above? Yes ☐ No ☒

Please Respond to the Following Questions:

1. Are you currently delinquent on property taxes for any property owned in Wyandotte County?
Please explain a "yes" answer on a separate attachment.
Yes ☐ No ☒
2. Do you currently have a notice from the Code Enforcement Department indicating that you are in violation of City Code? Please explain a "yes" answer on a separate attachment.
Yes ☐ No ☒

Note: As a part of the review of this application, WCLB staff will review records from other UG Offices, such as Code Enforcement, Treasury and other available records. Failure to honestly answer these questions may result in the rejection of the application.

Signature (Required)

I hereby authorize the Wyandotte County Land Bank to obtain information necessary to verify the information supplied in this application. All the information that I have provided is accurate to the best of my knowledge, and will remain confidential.

C. Francene Sutton Date 2/26/18
Sign here

C. Francene Sutton
Print Name

RECEIVED
MAR 01 2018
BAM

#24

Application to Purchase a Vacant Land Bank Property as Yard Extension

Use this application if the following is correct:

- You are the Owner of Record of an adjacent occupied structure that shares a property line with an undeveloped Land Bank lot and wish to acquire the lot to expand your property.

Separate applications are available to purchase property for new construction or the rehab of an existing residential or commercial structure. WCLB property that is determined to be developable may not qualify for the Yard Extension program.

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- The buyer agrees to indemnify, protect, hold harmless, defend, and release the WCLB and UG from any claims, losses, damages, costs, or expenses including, without limitation, all reasonable attorneys’ fees asserted against, incurred, or suffered by the WCLB resulting from any contract breaches, personal injuries, or property damages occurring in, on, about, or related to the property resulting from any causes, except resulting from the acts or omissions of the WCLB or the WCLB agents, employees, or contractors. Nothing in this article restricts the WCLB rights and remedies available at law or in equity.

Signature (Required)

I have read and understand the information provided above and contained in this application.

Gail Mitchell Johnson

Sign here

Date 3-1-18

Gail Mitchell Johnson

Print Name

Application to Purchase a Vacant Land Bank Property as Yard Extension

Land Bank Property You Wish to Purchase: 2003 N 9th St

Parcel ID Number: 095077

Applicant Information (Please Print)

Name: Gail Mitchell Johnson

Company/Organization: _____

Mailing Address: 864 Troup Avenue

Phone Number(s): _____

E-mail(s): _____

Address of the adjacent structure you own: 864 Troup Avenue

Do you live in the adjacent structure above? Yes ☒ No ☐

Please Respond to the Following Questions:

1. Are you currently delinquent on property taxes for any property owned in Wyandotte County?
Please explain a "yes" answer on a separate attachment.
Yes _____ No ☒
2. Do you currently have a notice from the Code Enforcement Department indicating that you are in violation of City Code? Please explain a "yes" answer on a separate attachment.
Yes _____ No ☒

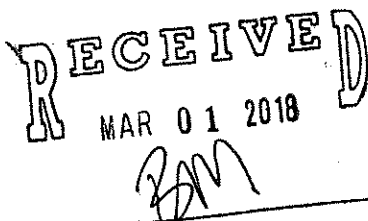
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Signature (Required)

I hereby authorize the Wyandotte County Land Bank to obtain information necessary to verify the information supplied in this application. All the information that I have provided is accurate to the best of my knowledge, and will remain confidential.

Gail Mitchell Johnson Date 3-1-18
Sign here

Gail Mitchell Johnson
Print Name



#25 9

Application to Purchase a Vacant Land Bank Property as Yard Extension

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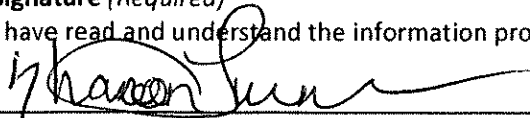
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- The buyer agrees to indemnify, protect, hold harmless, defend, and release the WCLB and UG from any claims, losses, damages, costs, or expenses including, without limitation, all reasonable attorneys’ fees asserted against, incurred, or suffered by the WCLB resulting from any contract breaches, personal injuries, or property damages occurring in, on, about, or related to the property resulting from any causes, except resulting from the acts or omissions of the WCLB or the WCLB agents, employees, or contractors. Nothing in this article restricts the WCLB rights and remedies available at law or in equity.

Signature (Required)

I have read and understand the information provided above and contained in this application.



Sign here

Date 02-23-2018

Sharon Turner

Print Name

Application to Purchase a Vacant Land Bank Property as Yard Extension

Land Bank Property You Wish to Purchase: 2525 Alden Street Kansas City KS 66104
Parcel ID Number: 158211

Applicant Information (Please Print)

Name: Sharon A. Turner

Company/Organization: Self

Mailing Address: 2523 Alden Street Kansas City KS 66104

Phone Number(s): _____

E-mail(s): _____

Address of the adjacent structure you own: 2523 Alden Street KCK 66104

Do you live in the adjacent structure above? Yes X No _____

Please Respond to the Following Questions:

1. Are you currently delinquent on property taxes for any property owned in Wyandotte County?
Please explain a "yes" answer on a separate attachment.
Yes _____ No X
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Yes _____ No X

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Signature (Required)

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Sign here

Date 02-23-2013

Sharon Turner
Print Name

RECEIVED
MAR 01 2018

#26

1 ~~BM~~ **Application to Purchase a Vacant Land Bank Property as Yard Extension**

Use this application if the following is correct:

- You are the Owner of Record of an adjacent occupied structure that shares a property line with an undeveloped Land Bank lot and wish to acquire the lot to expand your property.

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- The buyer agrees to indemnify, protect, hold harmless, defend, and release the WCLB and UG from any claims, losses, damages, costs, or expenses including, without limitation, all reasonable attorneys' fees asserted against, incurred, or suffered by the WCLB resulting from any contract breaches, personal injuries, or property damages occurring in, on, about, or related to the property resulting from any causes, except resulting from the acts or omissions of the WCLB or the WCLB agents, employees, or contractors. Nothing in this article restricts the WCLB rights and remedies available at law or in equity.

Signature (Required)

I have read and understand the information provided above and contained in this application.

Lolita Marshall Date 2-20-18
Sign here

Lolita Marshall
Print Name

Application to Purchase a Vacant Land Bank Property as Yard Extension

Land Bank Property You Wish to Purchase: 2415 N 37th St

Parcel ID Number: 216809

Applicant Information (Please Print)

Name: Lolita Marshall

Company/Organization: N/A

Mailing Address: 3620 Haskell Ave, Kansas City KS. 66104

Phone Number(s):

E-mail(s):

Address of the adjacent structure you own: 3620 Haskell Ave, K.C. KS 66104

Do you live in the adjacent structure above? Yes ☒ No ☐

Please Respond to the Following Questions:

1. Are you currently delinquent on property taxes for any property owned in Wyandotte County?
Please explain a "yes" answer on a separate attachment.
Yes ☐ No ☒
2. Do you currently have a notice from the Code Enforcement Department indicating that you are in violation of City Code? Please explain a "yes" answer on a separate attachment.
Yes ☐ No ☒

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Signature (Required)

I hereby authorize the Wyandotte County Land Bank to obtain information necessary to verify the information supplied in this application. All the information that I have provided is accurate to the best of my knowledge, and will remain confidential.

Lolita Marshall Date 2-20-18
Sign here

Lolita Marshall
Print Name

RECEIVED
MAR 06 2018

#28

Application to Purchase a Vacant Land Bank Property as Yard Extension

Use this application if the following is correct:

- You are the Owner of Record of an adjacent occupied structure that shares a property line with an undeveloped Land Bank lot and wish to acquire the lot to expand your property.

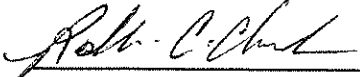
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- The buyer agrees to indemnify, protect, hold harmless, defend, and release the WCLB and UG from any claims, losses, damages, costs, or expenses including, without limitation, all reasonable attorneys’ fees asserted against, incurred, or suffered by the WCLB resulting from any contract breaches, personal injuries, or property damages occurring in, on, about, or related to the property resulting from any causes, except resulting from the acts or omissions of the WCLB or the WCLB agents, employees, or contractors. Nothing in this article restricts the WCLB rights and remedies available at law or in equity.

Signature (Required)

I have read and understand the information provided above and contained in this application.



Sign here

Date 3-6-18

Robbin C. Chandler

Print Name

Application to Purchase a Vacant Land Bank Property as Yard Extension

Land Bank Property You Wish to Purchase: 1020 Lowell Ave Kansas City, KS 66102

Parcel ID Number: 069497

Applicant Information (Please Print)

Name: Robbin Clint Chandler

Company/Organization: _____

Mailing Address: 1022 Lowell Ave Kansas City, KS 66102

Phone Number(s): _____

E-mail(s): _____

Address of the adjacent structure you own: 1022 Lowell Ave Kansas City, KS 66102

Do you live in the adjacent structure above? Yes X No _____

Please Respond to the Following Questions:

1. Are you currently delinquent on property taxes for any property owned in Wyandotte County?
Please explain a "yes" answer on a separate attachment.
Yes _____ No X
2. Do you currently have a notice from the Code Enforcement Department indicating that you are in violation of City Code? Please explain a "yes" answer on a separate attachment.
Yes _____ No X

Note: As a part of the review of this application, WCLB staff will review records from other UG Offices, such as Code Enforcement, Treasury and other available records. Failure to honestly answer these questions may result in the rejection of the application.

Signature (Required)

I hereby authorize the Wyandotte County Land Bank to obtain information necessary to verify the information supplied in this application. All the information that I have provided is accurate to the best of my knowledge, and will remain confidential.

Robbin C. Chandler

Sign here

Date 3-6-18

Robbin C. Chandler

Print Name

RECEIVED
DEC 12 2017
[Signature]

Application for Land Bank Property Acquisition

Use this application if:

- You are purchasing an undeveloped Land Bank property that is not adjacent to any property that you own.

Separate applications are available to purchase property for yard extension, new construction or the rehab of an existing residential or commercial structure. WCLB property that is determined to be developable may not qualify for this program.

Program Requirements and Policies:

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- All transfers include deed restrictions and/or a reversionary clause allowing the WCLB to regain ownership and possession of the property if the buyer fails to meet the following restrictions placed on the property.
 - Property owner must not obtain any code violations
 - Property owner must pay property taxes within the allotted time frame
 - Property owner must not sell the property for a period of 36 months
- The Wyandotte County Land Bank Board of Trustees (LBBOT) must approve all application(s) in order for the WCLB to transfer property.
- Closings are held at the WCLB offices. The WCLB will only accept cashier's checks or money orders made payable to the **Wyandotte County Land Bank**.
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- The WCLB will discuss the asking price for each property upon the receipt of a completed application.
- The buyer agrees to indemnify, protect, hold harmless, defend, and release the WCLB and UG from any claims, losses, damages, costs, or expenses including, without limitation, all reasonable attorneys' fees asserted against, incurred, or suffered by the WCLB resulting from any contract breaches, personal injuries, or property damages occurring in, on, about, or related to the property resulting from any causes, except resulting from the acts or omissions of the WCLB or the WCLB agents, employees, or contractors. Nothing in this article restricts the WCLB rights and remedies available at law or in equity.

Signature (Required)

I have read and understand the information provided above and contained in this application.

Elizabeth Aviles

Signature

Date 12-6-17

Elizabeth Aviles

Print Name

Application for Land Bank Property Acquisition

Land Bank Property You Wish to Purchase: 270 S Bethany St

Parcel ID Number: 070905

Intended Usage of Property: gardening

Applicant Information (Please Print)

Name: Elizabeth Aviles

Company/Organization: _____

Mailing Address: 272 S Bethany St

Phone Number(s): _____

E-mail(s): _____

Please Respond to the Following Questions:

1. Are you currently delinquent on property taxes for any property owned in Wyandotte County?
Please explain a "yes" answer on a separate attachment.
Yes _____ No ✓
2. Do you currently have a notice from the Code Enforcement Department indicating that you are in violation of City Code? Please explain a "yes" answer on a separate attachment.
Yes _____ No ✓

Note: As a part of the review of this application, WCLB staff will review records from other UG Offices, such as Code Enforcement, Treasury and other available records. Failure to honestly answer these questions may result in the rejection of the application.

Signature (Required)

I hereby authorize the Wyandotte County Land Bank to obtain information necessary to verify the information supplied in this application. All the information that I have provided is accurate to the best of my knowledge, and will remain confidential.

Elizabeth Aviles
Sign Here

Date 12-6-17

Elizabeth Aviles
Print Name

RECEIVED
MAR 21 2018

Application to Purchase a Vacant Land Bank Property as Yard Extension

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- WCLB reserves the absolute right to accept or reject any and all applications and offers for purchase. In cases of multiple applications, the WCLB will give precedence to applications from adjacent, occupied homeowners.
- Splitting a Land Bank lot for two adjacent owners – In a case where two property owners of record apply for a lot, the WCLB may split the parcel between the two owners.
- All transfers include deed restrictions and/or a reversionary clause allowing the WCLB to regain ownership and possession of the property if the buyer fails to meet the restrictions placed on the property.
- The Wyandotte County Land Bank Board of Trustees (LBBOT) must approve all application(s) in order for the WCLB to transfer property.
- Closings are held at the WCLB offices. The WCLB will only accept cashier’s checks or money orders made payable to the **Wyandotte County Land Bank**.
- All property is sold “as-is”. The buyer agrees to accept the property in its “as is” condition, without any warranties or representations by the WCLB. The buyer agrees to hold harmless and release the WCLB and the Unified Government of Wyandotte/KCK (UG) for all conditions known or unknown to the property.
- The buyer agrees to indemnify, protect, hold harmless, defend, and release the WCLB and UG from any claims, losses, damages, costs, or expenses including, without limitation, all reasonable attorneys’ fees asserted against, incurred, or suffered by the WCLB resulting from any contract breaches, personal injuries, or property damages occurring in, on, about, or related to the property resulting from any causes, except resulting from the acts or omissions of the WCLB or the WCLB agents, employees, or contractors. Nothing in this article restricts the WCLB rights and remedies available at law or in equity.

Signature (Required)

I have read and understand the information provided above and contained in this application.

Miguel Valdez Date 3-5-18
Sign here

Miguel Valdez
Print Name

Application to Purchase a Vacant Land Bank Property as Yard Extension

Land Bank Property You Wish to Purchase: 2921 Farrow Ave KCK, KS 66104

Parcel ID Number: 164906

Applicant Information (Please Print)

Name: Miguel Valdez

Company/Organization: _____

Mailing Address: 2929 Farrow Ave Kansas City, KS 66104

Phone Number(s): _____

E-mail(s): _____

Address of the adjacent structure you own: 2929 Farrow Ave, KCK, KS 66104

Do you live in the adjacent structure above? Yes ☒ No ☐

Please Respond to the Following Questions:

1. Are you currently delinquent on property taxes for any property owned in Wyandotte County?
Please explain a "yes" answer on a separate attachment.
Yes ☐ No ☒
2. Do you currently have a notice from the Code Enforcement Department indicating that you are in violation of City Code? Please explain a "yes" answer on a separate attachment.
Yes ☐ No ☒

Note: As a part of the review of this application, WCLB staff will review records from other UG Offices, such as Code Enforcement, Treasury and other available records. Failure to honestly answer these questions may result in the rejection of the application.

Signature (Required)

I hereby authorize the Wyandotte County Land Bank to obtain information necessary to verify the information supplied in this application. All the information that I have provided is accurate to the best of my knowledge, and will remain confidential.

Miguel Valdez Date 3-05-18
Sign here

Miguel Valdez
Print Name

RECEIVED
MAR 13 2018

#36

Application to Purchase a Vacant Land Bank Property as Yard Extension

Use this application if the following is correct:

- You are the Owner of Record of an adjacent occupied structure that shares a property line with an undeveloped Land Bank lot and wish to acquire the lot to expand your property.

Separate applications are available to purchase property for new construction or the rehab of an existing residential or commercial structure. WCLB property that is determined to be developable may not qualify for the Yard Extension program.

Program Requirements and Policies:

- All properties for sale are listed on the WCLB website. Not all land bank properties are available for sale— if a property is on the “Hold” listing, it may not currently be for sale.
- An application is required for all purchases of property. Applications are not considered until all required information is provided. If an application is incomplete, it may be rejected or other completed applications will be given priority.
- Applications will automatically be rejected if the applicant is currently tax delinquent or has any outstanding code violations on any property owned in Wyandotte County.
- WCLB reserves the absolute right to accept or reject any and all applications and offers for purchase. In cases of multiple applications, the WCLB will give precedence to applications from adjacent, occupied homeowners.
- Splitting a Land Bank lot for two adjacent owners – In a case where two property owners of record apply for a lot, the WCLB may split the parcel between the two owners.
- All transfers include deed restrictions and/or a reversionary clause allowing the WCLB to regain ownership and possession of the property if the buyer fails to meet the restrictions placed on the property.
- The Wyandotte County Land Bank Board of Trustees (LBBOT) must approve all application(s) in order for the WCLB to transfer property.
- Closings are held at the WCLB offices. The WCLB will only accept cashier’s checks or money orders made payable to the **Wyandotte County Land Bank**.
- All property is sold “as-is”. The buyer agrees to accept the property in its “as is” condition, without any warranties or representations by the WCLB. The buyer agrees to hold harmless and release the WCLB and the Unified Government of Wyandotte/KCK (UG) for all conditions known or unknown to the property.
- The buyer agrees to indemnify, protect, hold harmless, defend, and release the WCLB and UG from any claims, losses, damages, costs, or expenses including, without limitation, all reasonable attorneys’ fees asserted against, incurred, or suffered by the WCLB resulting from any contract breaches, personal injuries, or property damages occurring in, on, about, or related to the property resulting from any causes, except resulting from the acts or omissions of the WCLB or the WCLB agents, employees, or contractors. Nothing in this article restricts the WCLB rights and remedies available at law or in equity.

Signature (Required)

I have read and understand the information provided above and contained in this application.


Sign here

Date 03-04-18

Ricardo B.
Print Name

Application to Purchase a Vacant Land Bank Property as Yard Extension

Land Bank Property You Wish to Purchase: 232 N Early

Parcel ID Number: 119819

Applicant Information (Please Print)

Name: Ricardo Balderrama

Company/Organization: _____

Mailing Address: 839 Tenny Ave Kansas City KS 66101

Phone Number(s): _____

E-mail(s): _____

Address of the adjacent structure you own: 234 N Early KCR 66101

Do you live in the adjacent structure above? Yes ☒ No ☐

Please Respond to the Following Questions:

1. Are you currently delinquent on property taxes for any property owned in Wyandotte County?
Please explain a "yes" answer on a separate attachment.
Yes _____ No ☒
2. Do you currently have a notice from the Code Enforcement Department indicating that you are in violation of City Code? Please explain a "yes" answer on a separate attachment.
Yes _____ No ☒

Note: As a part of the review of this application, WCLB staff will review records from other UG Offices, such as Code Enforcement, Treasury and other available records. Failure to honestly answer these questions may result in the rejection of the application.

Signature (Required)

I hereby authorize the Wyandotte County Land Bank to obtain information necessary to verify the information supplied in this application. All the information that I have provided is accurate to the best of my knowledge, and will remain confidential.

Ricardo B. Date 03-04-18
Sign here

Ricardo B.
Print Name

RECEIVED
MAR 08 2018

#29

Application to Purchase a Vacant Land Bank Property as Yard Extension

Use this application if the following is correct:

- You are the Owner of Record of an adjacent occupied structure that shares a property line with an undeveloped Land Bank lot and wish to acquire the lot to expand your property.

Separate applications are available to purchase property for new construction or the rehab of an existing residential or commercial structure. WCLB property that is determined to be developable may not qualify for the Yard Extension program.

Program Requirements and Policies:

- All properties for sale are listed on the WCLB website. Not all land bank properties are available for sale— if a property is on the "Hold" listing, it may not currently be for sale.
- An application is required for all purchases of property. Applications are not considered until all required information is provided. If an application is incomplete, it may be rejected or other completed applications will be given priority.
- Applications will automatically be rejected if the applicant is currently tax delinquent or has any outstanding code violations on any property owned in Wyandotte County.
- WCLB reserves the absolute right to accept or reject any and all applications and offers for purchase. In cases of multiple applications, the WCLB will give precedence to applications from adjacent, occupied homeowners.
- Splitting a Land Bank lot for two adjacent owners – In a case where two property owners of record apply for a lot, the WCLB may split the parcel between the two owners.
- All transfers include deed restrictions and/or a reversionary clause allowing the WCLB to regain ownership and possession of the property if the buyer fails to meet the restrictions placed on the property.
- The Wyandotte County Land Bank Board of Trustees (LBBOT) must approve all application(s) in order for the WCLB to transfer property.
- Closings are held at the WCLB offices. The WCLB will only accept cashier's checks or money orders made payable to the **Wyandotte County Land Bank**.
- All property is sold "as-is". The buyer agrees to accept the property in its "as is" condition, without any warranties or representations by the WCLB. The buyer agrees to hold harmless and release the WCLB and the Unified Government of Wyandotte/KCK (UG) for all conditions known or unknown to the property.
- The buyer agrees to indemnify, protect, hold harmless, defend, and release the WCLB and UG from any claims, losses, damages, costs, or expenses including, without limitation, all reasonable attorneys' fees asserted against, incurred, or suffered by the WCLB resulting from any contract breaches, personal injuries, or property damages occurring in, on, about, or related to the property resulting from any causes, except resulting from the acts or omissions of the WCLB or the WCLB agents, employees, or contractors. Nothing in this article restricts the WCLB rights and remedies available at law or in equity.

Signature (Required)

I have read and understand the information provided above and contained in this application.

Lidia Pacheco Patiño
Sign here

Date 3-8-18

Lidia Pacheco Patiño
Print Name

Application to Purchase a Vacant Land Bank Property as Yard Extension

Land Bank Property You Wish to Purchase: 1968 R Stewart Ave

Parcel ID Number: 159626

Applicant Information (Please Print)

Name: Lidia Pacheco Patiño

Company/Organization: _____

Mailing Address: 1972 Stewart Ave Kansas City KS 66104

Phone Number(s) _____

E-mail(s): _____

Address of the adjacent structure you own: 1972 Stewart Ave KCK 66104

Do you live in the adjacent structure above? Yes ✓ No _____

Please Respond to the Following Questions:

1. Are you currently delinquent on property taxes for any property owned in Wyandotte County?
Please explain a "yes" answer on a separate attachment.
Yes _____ No ✓
2. Do you currently have a notice from the Code Enforcement Department indicating that you are in violation of City Code? Please explain a "yes" answer on a separate attachment.
Yes _____ No ✓

Note: As a part of the review of this application, WCLB staff will review records from other UG Offices, such as Code Enforcement, Treasury and other available records. Failure to honestly answer these questions may result in the rejection of the application.

Signature (Required)

I hereby authorize the Wyandotte County Land Bank to obtain information necessary to verify the information supplied in this application. All the information that I have provided is accurate to the best of my knowledge, and will remain confidential.

Lidia Pacheco Patiño Date 3-8-18
Sign here

Lidia Pacheco Patiño
Print Name

RECEIVED
MAR 12 2018

#30

Application for Land Bank Property Acquisition

Use this application if:

- You are purchasing an undeveloped Land Bank property that is not adjacent to any property that you own.

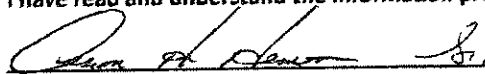
Separate applications are available to purchase property for yard extension, new construction or the rehab of an existing residential or commercial structure. WCLB property that is determined to be developable may not qualify for this program.

Program Requirements and Policies:

- All properties for sale are listed on the WCLB website. Not all land bank properties are available for sale— if a property is on the "Hold" listing, it may not currently be for sale.
- An application is required for all purchases of property. Applications are not considered until all required information is provided. If an application is incomplete, it may be rejected or other completed applications will be given priority.
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- WCLB reserves the absolute right to accept or reject any and all applications and offers for purchase. In cases of multiple applications, the WCLB will give precedence to applications from adjacent, occupied homeowners
- All transfers include deed restrictions and/or a reversionary clause allowing the WCLB to regain ownership and possession of the property if the buyer fails to meet the following restrictions placed on the property.
 - Property owner must not obtain any code violations
 - Property owner must pay property taxes within the allotted time frame
 - Property owner must not sell the property for a period of 36 months
- The Wyandotte County Land Bank Board of Trustees (LBBOT) must approve all application(s) in order for the WCLB to transfer property.
- Closings are held at the WCLB offices. The WCLB will only accept cashier's checks or money orders made payable to the **Wyandotte County Land Bank**.
- All property is sold "as-is". The buyer agrees to accept the property in its "as is" condition, without any warranties or representations by the WCLB. The buyer agrees to hold harmless and release the WCLB and the Unified Government of Wyandotte/KCK (UG) for all conditions known or unknown to the property.
- The WCLB will discuss the asking price for each property upon the receipt of a completed application.
- The buyer agrees to indemnify, protect, hold harmless, defend, and release the WCLB and UG from any claims, losses, damages, costs, or expenses including, without limitation, all reasonable attorneys' fees asserted against, incurred, or suffered by the WCLB resulting from any contract breaches, personal injuries, or property damages occurring in, on, about, or related to the property resulting from any causes, except resulting from the acts or omissions of the WCLB or the WCLB agents, employees, or contractors. Nothing in this article restricts the WCLB rights and remedies available at law or in equity.

Signature (Required)

I have read and understand the information provided above and contained in this application.



Date 3-12-18

Sign here

AARON H. HENSON SR.

Print Name

Application for Land Bank Property Acquisition

Land Bank Property You Wish to Purchase: 917 Greeley Ave / Kansas City, KS

Parcel ID Number: 154016

Intended Usage of Property: Potential Extra Parking

Applicant Information (Please Print)

Name: Aaron H. Henson

Company/Organization: Henson Memorial Church

Mailing Address: P.O. Box 12307, Kansas City, KS 66112

Phone Number(s): _____

E-mail(s): _____

Please Respond to the Following Questions:

1. Are you currently delinquent on property taxes for any property owned in Wyandotte County?
Please explain a "yes" answer on a separate attachment.
Yes _____ No ☒
2. Do you currently have a notice from the Code Enforcement Department indicating that you are in violation of City Code? Please explain a "yes" answer on a separate attachment.
Yes _____ No ☒

Note: As a part of the review of this application, WCLB staff will review records from other UG Offices, such as Code Enforcement, Treasury and other available records. Failure to honestly answer these questions may result in the rejection of the application.

Signature (Required)

I hereby authorize the Wyandotte County Land Bank to obtain information necessary to verify the information supplied in this application. All the information that I have provided is accurate to the best of my knowledge, and will remain confidential.

Aaron H. Henson Sr. Date 3-12-18
Sign here

AARON H. HENSON SR.
Print Name

#21

RECEIVED
FEB 26 2018

CS

Application to Purchase a Vacant Land Bank Property as ~~Yard Extension~~

Property Acquisition

Use this application if the following is correct:

- You are the Owner of Record of an adjacent occupied structure that shares a property line with an undeveloped Land Bank lot and wish to acquire the lot to expand your property.

Separate applications are available to purchase property for new construction or the rehab of an existing residential or commercial structure. WCLB property that is determined to be developable may not qualify for the Yard Extension program.

Program Requirements and Policies:

- All properties for sale are listed on the WCLB website. Not all land bank properties are available for sale— if a property is on the "Hold" listing, it may not currently be for sale.
- An application is required for all purchases of property. Applications are not considered until all required information is provided. If an application is incomplete, it may be rejected or other completed applications will be given priority.
- Applications will automatically be rejected if the applicant is currently tax delinquent or has any outstanding code violations on any property owned in Wyandotte County.
- WCLB reserves the absolute right to accept or reject any and all applications and offers for purchase. In cases of multiple applications, the WCLB will give precedence to applications from adjacent, occupied homeowners.
- Splitting a Land Bank lot for two adjacent owners – In a case where two property owners of record apply for a lot, the WCLB may split the parcel between the two owners.
- All transfers include deed restrictions and/or a reversionary clause allowing the WCLB to regain ownership and possession of the property if the buyer fails to meet the restrictions placed on the property.
- The Wyandotte County Land Bank Board of Trustees (LBBOT) must approve all application(s) in order for the WCLB to transfer property.
- Closings are held at the WCLB offices. The WCLB will only accept cashier's checks or money orders made payable to the **Wyandotte County Land Bank**.
- All property is sold "as-is". The buyer agrees to accept the property in its "as is" condition, without any warranties or representations by the WCLB. The buyer agrees to hold harmless and release the WCLB and the Unified Government of Wyandotte/KCK (UG) for all conditions known or unknown to the property.
- The buyer agrees to indemnify, protect, hold harmless, defend, and release the WCLB and UG from any claims, losses, damages, costs, or expenses including, without limitation, all reasonable attorneys' fees asserted against, incurred, or suffered by the WCLB resulting from any contract breaches, personal injuries, or property damages occurring in, on, about, or related to the property resulting from any causes, except resulting from the acts or omissions of the WCLB or the WCLB agents, employees, or contractors. Nothing in this article restricts the WCLB rights and remedies available at law or in equity.

Signature (Required)

I have read and understand the information provided above and contained in this application.

Date 2-23-2018

Sign here



Print Name

Property Acquisition

Application to Purchase a Vacant Land Bank Property as ~~Yard Extension~~

Land Bank Property You Wish to Purchase: 1010 S. Valley St.

Parcel ID Number: 072230

Applicant Information (Please Print)

Name: Obdulia Barron Valles

Company/Organization: _____

Mailing Address: 1265 Hasbrook Ave

Phone Number(s): _____

E-mail(s): _____

Address of the adjacent structure you own: 1253 Kansas Ave

Do you live in the adjacent structure above? Yes ___ No ✓

Please Respond to the Following Questions:

1. Are you currently delinquent on property taxes for any property owned in Wyandotte County?
Please explain a "yes" answer on a separate attachment.
Yes _____ No ✓
2. Do you currently have a notice from the Code Enforcement Department indicating that you are in violation of City Code? Please explain a "yes" answer on a separate attachment.
Yes _____ No ✓

Note: As a part of the review of this application, WCLB staff will review records from other UG Offices, such as Code Enforcement, Treasury and other available records. Failure to honestly answer these questions may result in the rejection of the application.

Signature (Required)

I hereby authorize the Wyandotte County Land Bank to obtain information necessary to verify the information supplied in this application. All the information that I have provided is accurate to the best of my knowledge, and will remain confidential.

Obdulia B Valles

Sign here

Date 2/22/18

Obdulia Barron Valles

Print Name

RECEIVED
MAR 14 2018
SM

#32

Application for Land Bank Property Acquisition

Use this application if:

- You are purchasing an undeveloped Land Bank property that is not adjacent to any property that you own.

Separate applications are available to purchase property for yard extension, new construction or the rehab of an existing residential or commercial structure. WCLB property that is determined to be developable may not qualify for this program.

Program Requirements and Policies:

- All properties for sale are listed on the WCLB website. Not all land bank properties are available for sale— if a property is on the "Hold" listing, it may not currently be for sale.
- An application is required for all purchases of property. Applications are not considered until all required information is provided. If an application is incomplete, it may be rejected or other completed applications will be given priority.
- Applications will automatically be rejected if the applicant is currently tax delinquent or has any outstanding code violations on any property owned in Wyandotte County.
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- All transfers include deed restrictions and/or a reversionary clause allowing the WCLB to regain ownership and possession of the property if the buyer fails to meet the following restrictions placed on the property.
 - Property owner must not obtain any code violations
 - Property owner must pay property taxes within the allotted time frame
 - Property owner must not sell the property for a period of 36 months
- The Wyandotte County Land Bank Board of Trustees (LBBOT) must approve all application(s) in order for the WCLB to transfer property.
- Closings are held at the WCLB offices. The WCLB will only accept cashier's checks or money orders made payable to the **Wyandotte County Land Bank**.
- All property is sold "as-is". The buyer agrees to accept the property in its "as is" condition, without any warranties or representations by the WCLB. The buyer agrees to hold harmless and release the WCLB and the Unified Government of Wyandotte/KCK (UG) for all conditions known or unknown to the property.
- The WCLB will discuss the asking price for each property upon the receipt of a completed application.
- The buyer agrees to indemnify, protect, hold harmless, defend, and release the WCLB and UG from any claims, losses, damages, costs, or expenses including, without limitation, all reasonable attorneys' fees asserted against, incurred, or suffered by the WCLB resulting from any contract breaches, personal injuries, or property damages occurring in, on, about, or related to the property resulting from any causes, except resulting from the acts or omissions of the WCLB or the WCLB agents, employees, or contractors. Nothing in this article restricts the WCLB rights and remedies available at law or in equity.

Signature (Required)

I have read and understand the information provided above and contained in this application.

Michael L Knight
Sign here

Date 12-12-17

MICHAEL L KNIGHT SR.
Print Name

Application for Land Bank Property Acquisition

Land Bank Property You Wish to Purchase: 1933 N 18th ST KCKS 66104

Parcel ID Number: 098648

Intended Usage of Property: PARKING and garden spot.

Applicant Information (Please Print)

Name: MICHAEL L KNIGHT SR.

Company/Organization: NONE

Mailing Address: 1722 SHORT ST

Phone Number(s): _____

E-mail(s): _____

Please Respond to the Following Questions:

1. Are you currently delinquent on property taxes for any property owned in Wyandotte County?
Please explain a "yes" answer on a separate attachment.
Yes _____ No ✓
2. Do you currently have a notice from the Code Enforcement Department indicating that you are in violation of City Code? Please explain a "yes" answer on a separate attachment.
Yes _____ No ✓

Note: As a part of the review of this application, WCLB staff will review records from other UG Offices, such as Code Enforcement, Treasury and other available records. Failure to honestly answer these questions may result in the rejection of the application.

Signature (Required)

I hereby authorize the Wyandotte County Land Bank to obtain information necessary to verify the information supplied in this application. All the information that I have provided is accurate to the best of my knowledge, and will remain confidential.

Michael Knight Date 12-12-17
Sign here

MICHAEL L KNIGHT SR.
Print Name

TRANSFERS FROM LAND BANK

Recipient	Property Address	Parcel	Comments	Standing Committee Recommendation
Carlson Custom Homes, LLC	20 S Boeke St	069194	Carlson Custom Homes, LLC is currently a rehabber in the WCLB Rehab Program. They are currently rehabbing 18 S Boeke St and this property will be combined at completion of rehab.	APPROVED
J-Bloc, LLC	4100 Roswell Ave	105324	J-Bloc, LLC is currently a rehabber in the WCLB Rehab Program. They are currently rehabbing 4110 Roswell Ave and this property will be combined at completion of rehab.	APPROVED

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Staff Request for Commission Action

Tracking No. 18104

Full Commission Meeting Date: 4/26/18

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 3/5/18, 4/9/18

(If none, please explain):

Publication Required: No

<u>Date:</u> 04/17/2018	<u>Contact Name:</u> Chris Slaughter	<u>Contact Phone:</u> x8977	<u>Contact Email:</u> cslaughter@wycokck.org	<u>Department/Division:</u> Land Bank
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Item Description:

The Land Bank Manager respectfully requests that the Neighborhood & Community Development Committee review the proposed policy updates and forward them to the Land Bank Board of Trustees for final consideration.

Action Requested:

The Land Bank Manager respectfully requests that the Neighborhood & Community Development Committee approve the above requests and forward them to the Land Bank Board of Trustees for final approval.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Memo to WCLB BOT - Donation Policy



Wyandotte County Land Bank

Economic Development Department

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5730
Fax: (913) 573-5745
Email: cslaughter@wycokck.org

MEMORANDUM

TO: Wyandotte County Land Bank Board of Trustees

FROM: Chris Slaughter, Land Bank Manager

DATE: April 9, 2018

SUBJECT: Propose Policy Update – Donation to Land Bank

The purpose of the Wyandotte County Land Bank is to return tax delinquent and distressed property to productive use that benefits the community.

The Land Bank will be presenting new policy for Donation Requests to the Land Bank; the purpose of this policy is to give the Land Bank direction for upcoming requests, this will also include requests of existing structures, and to make further recommendations to the Board.

Highlights of the proposed policy are:

The WCLB will only present requests to the Board of Trustees, for approval, when at least one or more of the following conditions are met:

- The property owner does not have the resources to properly care for the property or to comply with orders to correct code violations
- The property is located in an area targeted
- There is a written agreement with an owner of an adjoining property to purchase the property
- The property is a candidate for the WCLB Rehab Program
- Any Wyandotte County entity has agreed to fund the demolition of an improved property within its City limits

Exclusions & Exceptions

- Properties with adverse environmental conditions or maintenance requirements will not be accepted without a satisfactory plan and funding in place for remediation
- WCLB may require a clear and marketable title
- Properties that are occupied may not be accepted as donations
- WCLB shall not determine donation value for the purpose of tax benefits
- All exceptions must come before the Board of Trustees

The WCLB reserves right to accept/reject any & all requests.

Any Tax Sale eligible property, that is determined not to be a need or can't be accepted; will be referred for a future tax sale and advise the requestor.

**WYANDOTTE COUNTY LAND BANK
(WCLB)**

**ADMINISTRATIVE POLICY
AND
PROCEDURE GUIDELINES**

**APPROVED 03/26/15
UPDATED 08/17/17**

Wyandotte County Land Bank
Administrative Policy and Procedure Guidelines
As approved and adopted by the Board of Trustees
on March 26, 2015

These policy and procedure guidelines are a consolidation and codification of all prior policies and procedures of the Wyandotte County Land Bank and supersede all such prior policies and procedures.

Section 1. Authority and Role

- 1.1 Establishment.** The Wyandotte County Land Bank (WCLB) was established by the Unified Government of Wyandotte County/Kansas City, Kansas (UG) by the power vested in it by K.S.A. 19-26,103 et. seq.
- 1.2 Governance.** The WCLB is governed by a Board of Trustees (BOT) comprised of the Mayor/Chief Executive and the UG Commissioners. The WCLB manager is charged with its administration.
- 1.3 Land Bank Advisory Board.** A Land Bank Advisory Board (LBAB) shall be available to advise the BOT and WCLB manager on matters relating to the business and affairs of the WCLB, and to suggest or be available for consultation with regard to projects, proposals and/or activities which the WCLB may undertake. The membership of the LBAB shall consist of eight representatives designated by the Executive Board of the Liveable Neighborhoods Task Force and, subject to the modification and approval of the County Administrator, representatives from the following UG Departments: Administration, Community Development, Delinquent Real Estate, Economic Development, GeoSpatial Services, Neighborhood Resource Center, Treasury, and Urban Planning and Land Use. The LBAB shall serve solely in an advisory capacity.
- 1.4 Governing Authority.** The core governing documents of the WCLB are the applicable state statutes and the UG Code of Ordinances. The policies and procedures set out in this document constitute guidelines only and the Board of Trustees reserves discretion to deviate therefrom when it deems appropriate.
- 1.5 Purpose.** The purpose of the WCLB is to return tax delinquent and distressed property to productive use that benefits the community.

Section 2. Priorities for Property Use

- 2.1 Government Use.** The first priority for use of real property of the WCLB is to make available its properties to local governments for public use and ownership.
- 2.2 Housing.** The first priority for use of real property of the WCLB for nongovernmental purposes is the production or rehabilitation of property for housing.
- 2.3 Other Purposes.** When there is no governmental purpose or use for a property, nor a feasible use for housing, the WCLB may consider permitting the property to be used for other community improvement purposes. These uses should be consistent with the following priorities:
- a. Neighborhood revitalization;
 - b. The return of property to productive tax-paying status;
 - c. Land assemblage for economic development;
 - d. Long-term “banking” of properties for future strategic uses; and/or
 - e. The provision of financial resources for operating functions of the WCLB.
- 2.4 Neighborhood Consultation.** The WCLB encourages every applicant seeking to acquire property from the WCLB to demonstrate prior consultation with neighborhood associations and non-profit entities operating in the geographical area of the property.
- 2.5 City-Wide Master Plan.** The WCLB shall encourage the development and use of properties in a manner consistent with the UG City-Wide Master Plans and other government-approved plans.

Section 3. Priorities for Identity of Transferees.

- 3.1 Priority Transferees.** Except where limited by the terms of the acquisition of a property, the WCLB may, at its discretion, give priority to:
- a. Government entities;
 - b. Non-profits that will hold title to the property on a long-term basis or hold title to the property for the purposes of subsequent reconveyance to private third parties for housing or other public purposes;
 - c. Other individuals and entities seeking to obtain the property for housing;
 - d. Non-profit institutions such as academic and religious institutions;

- e. Entities that are a partnership, limited liability corporation or joint venture comprised of a private non-profit corporation and a private for-profit entity; and
- f. Individuals who own and occupy residential property for purposes of a yard extension disposition program.

3.2 Transferee Qualifications. All applicants seeking to acquire property from the WCLB, or to enter into transaction agreements with the WCLB, may be required to provide as part of their application information regarding, but not limited to:

- a. The legal status of the applicant, its organizational and financial structure;
- b. Its prior experience in developing and managing housing;
- c. The financial health and resources of the applicant; and/or
- d. Adequate plans for development.

3.3 Reserved Discretion. The WCLB reserves full and complete discretion to decline applications and proposed transaction agreements from individuals and entities that meet, among others, any of the following criteria:

- a. Failure to perform in prior transactions with the WCLB;
- b. Ownership of properties that became delinquent in ad valorem tax payments and remain delinquent in ad valorem tax payments during their ownership;
- c. Parties that are barred from transactions with local government entities;
- d. Inability to demonstrate sufficient experience and/or capacity to perform in accordance with the requirements of the WCLB;
- e. Ownership of properties that have a history of violations of state and/or local laws, codes or ordinances; and/or
- f. Properties that have been used by the transferee or a family member of the transferee as his or her personal residence at any time during the twelve (12) months immediately preceding the submission of application (except in rental cases).

Section 4. Priorities Concerning Neighborhood and Community Development.

4.1 Neighborhood and Community Development. The WCLB reserves the right to consider the impact of a property transfer on short and long-term neighborhood and community development plans. In doing so, the WCLB may prioritize the following in any order it deems appropriate:

- a. The preservation of existing stable and viable neighborhoods;
- b. Neighborhoods in which a proposed disposition will assist in halting a slowly occurring decline or deterioration;

- c. Neighborhoods that have recently experienced or are continuing to experience a rapid decline or deterioration;
- d. Geographic areas that are predominately non-viable for purposes of residential or commercial development; and/or
- e. Potential impact on areas targeted by a strategic development plan.

Section 5. Conveyances to the WCLB

- 5.1 Sources of Property Inventory.** Sources of real property inventory of the WCLB include, but are not limited to, the following:
- a. Transfers from local governments;
 - b. Acquisitions at tax foreclosure sales;
 - c. Donations from private entities;
 - d. Market purchases;
 - e. Conduit transfers contemplating the simultaneous acquisition and disposition of property;
 - f. Other transactions such as land banking agreements.
- 5.2 Policies Governing the Acquisition of Properties.** In determining which, if any, properties might be acquired, the WCLB may give consideration to the following circumstances and factors:
- a. Proposals and requests by individuals or entities in which specific properties are identified for ultimate acquisition and redevelopment.
 - b. Residential properties that are occupied or are available for immediate occupancy without need for substantial rehabilitation.
 - c. Improved properties that are the subject of an existing order for demolition of the improvements and/or meet the criteria for demolition of improvements.
 - d. Vacant properties that are appropriate for the yard extension disposition program.
 - e. Properties for which reutilization would be in support of strategic neighborhood stabilization and revitalization plans.
 - f. Properties that would form a part of a land assemblage development plan.
 - g. Properties that will generate operating resources for the functions of the WCLB.
 - h. Properties that would allow for the creation or expansion of community, garden, green, and/or recreational space.
- 5.3 Transaction Agreements.** In most cases involving conduit transfers and land banking agreements, a transaction agreement must be approved in advance by the BOT and executed by the WCLB and the grantor of the property. In the case of conduit transfers, such a

transaction will generally be in the form of an acquisition and disposition agreement prepared in accordance with these policies. In the case of a land banking relationship, such a transaction agreement will generally be in the form of a land banking agreement prepared in accordance with these policies. These transaction agreements shall be in form and content as deemed by the WCLB to be in the best interest of the WCLB, and shall include to the extent feasible specification of all documents and instruments contemplated by the transaction as well as the rights, duties and obligations of the parties.

- 5.4 Transactions Requiring Board of Trustees Approval.** WCLB BOT approval shall be required prior to any conduit transfer, land banking agreement, or any acquisition of property with improvements.
- 5.5 Title Assurance.** Generally, the WCLB requires all property acquired to have marketable title. In some instances, the WCLB may require a policy of title insurance or other assurances prior to acquiring a property.
- 5.6 Environmental Concerns.** The WCLB reserves full and complete discretion to require in all transactions that satisfactory evidence or assurances be provided that the property is not affected by or subject to environmental contamination.
- 5.7 Set Off Program.** Property that has been placed in the State of Kansas Set Off Program may be deemed ineligible for conveyance to the WCLB.

Section 6. Establishing Hold Areas

- 6.1 Hold Areas.** The WCLB shall work with the UG Economic Development Department and the WCLB BOT to identify geographical areas that are contemplated for development. After approval by the BOT, any Land Bank parcels in such areas shall be held for designated partnering developers and may not be available for other interested parties.

Section 7. Conveyances from the WCLB

- 7.1 Covenants, Conditions and Restrictions.** All conveyances by the WCLB to third parties shall include such covenants, conditions and restrictions as the WCLB deems, in its sole discretion, necessary and appropriate to ensure the use, rehabilitation and redevelopment of the property in a manner consistent with the public purposes of the WCLB.

- 7.2 Deed Without Warranty.** All conveyances by the WCLB to third parties shall be by quitclaim deed.
- 7.3 Conveyances requiring Board of Trustees Approval.** With the exception of conveyances of property within a hold area to previously-approved, WCLB BOT-designated partnering developers, and properties subject to WCLB Rehab Program, all transfers of WCLB property shall require the approval of the BOT.
- 7.4 Conveyances pursuant to WCLB Rehab Program.** The WCLB Manager shall seek prior approval from the WCLB BOT for all properties entering the WCLB Rehab Program. Once the WCLB receives an offer from a contractor that meets the qualifications of the WCLB Rehab Program; the WCLB Manager will seek the approval of the County Administrator to commence the rehab and subsequent conveyance of the property.
- 7.5 Conveyance Reports to the Board of Trustees.** All transfers unilaterally authorized and completed by the WCLB manager shall be reported in writing to the Board of Trustees at the immediately following Neighborhood and Community Development Standing Committee meeting.
- 7.6 Conveyance Time Allowance.** All undeveloped Land Bank property shall be conveyed and deed recorded within 180 days of Award and approval of the Land Bank Board of Trustees. Any property not conveyed within the above time period, and without a written extension from the Land Bank manager, will have Award voided and property returned to Land Bank Inventory. For any property awarded pursuant to a development/rehab agreement, the terms of said agreement shall control when such property will be conveyed.

Section 8. Collaboration with Not-For-Profit Entities

- 8.1 Transactions with Not-For-Profit Entities.** The WCLB is willing to enter into conduit transfers with not-for-profit corporate entities as outlined in this section. After executing an agreement with the WCLB, these not-for-profit corporate entities would secure donations of or purchase tax delinquent properties from owners, transfer these properties to the WCLB for waiver of taxes, and “buy back” these properties for development and/or rehabilitation.
- 8.2 Documentation of Lot Purchase.** The collaboration applicant must document the purchase process extensively. This documentation should include, at minimum, the following information per parcel:

- a. The total purchase price for the property, including the net proceeds paid or payable to the seller
- b. The total amount spent to acquire the property (e.g. legal counsel, administrative costs).
- c. The development or rehabilitation costs impacting the anticipated final sale price.
- d. The total amount of delinquent ad valorem taxes, special assessments, and other liens and encumbrances against the property and the length of delinquency for each.

8.3 Maximum Costs. The total of these costs should exceed the maximum allowable lot cost (i.e., the cost that will permit rehabilitation or development) before the WCLB may consider the waiver of back taxes in part or in total.

8.4 WCLB Discretion. Some properties may present unusual or extenuating circumstances to the developer due to lack of funding for housing production or related costs. The WCLB reserves the right to evaluate and consider these properties case-by-case.

Section 9. Collaboration with For-Profit Entities

9.1 Transactions with For-Profit Entities. The WCLB is willing to enter into conduit transfers with for-profit entities as outlined in this section. The corporate entities would secure donations of or purchase tax delinquent properties from owners, transfer these properties to the WCLB for waiver of taxes, and “buy back” these properties for use for development and/or rehabilitation.

9.2 Eligibility. Eligibility for this option will be based on numerous criteria. Among others, these shall include geographical location of the property. The corporate entity must first identify and consult with any active non-profit entities that may have an interest in developing the property. If such interest exists, it may be required that the for-profit and non-profit forge an agreement for joint development.

9.3 Documentation of Lot Purchase. The applicant must document the purchase process extensively. This documentation should include, at a minimum, the following information per parcel:

- a. The total purchase price for the property, including the net proceeds paid or payable to the seller.
- b. The total amount spent to acquire the property (e.g. legal counsel, administrative costs, etc.).
- c. The development costs impacting the final sale price.

- d. The total amount of delinquent ad valorem taxes, special assessments, and other liens and encumbrances against the property and the length of delinquency for each.

9.4 Maximum Costs. The total of these costs should exceed the maximum allowable lot cost (i.e., the cost that will permit rehabilitation or development before the WCLB may consider the waiver of back taxes in total or in part.

9.5 WCLB Discretion. Some properties may present unusual or extenuating circumstances to the developer due to lack of funding for housing production or related costs. The WCLB reserves the right to evaluate and consider these properties case-by-case.

Section 10. Property for Community Improvements

10.1 Community Improvement Property. The WCLB is willing to accept donations of property to be transferred to a non-revenue generating, non tax-producing use that is for community improvement or other public purposes. Additionally, the WCLB is permitted to assemble tracts or parcels of property for community improvement or other public purposes.

10.2 Eligibility. Properties can be conveyed to the WCLB for waiver of delinquent taxes and then reconveyed by the WCLB to be utilized for community improvement purposes including, but not limited to, community gardens, parking for non-profit functions such as a school or cultural center, or playground for after-school or day care. The application must demonstrate that no alternative tax-generating use is available for the property, and that the proposed community improvements are consistent with the area redevelopment plans and community revitalization.

10.3 Transferee. The application must identify and be signed by the ultimate transferee from the WCLB. The transferee should be a governmental entity, a not-for-profit property entity, or, in rare cases, a for-profit entity that is capable of holding and maintaining the property in the anticipated conditions and for the anticipated purposes.

10.4 Covenants, Conditions and Restrictions. The WCLB, in the conveyance of the property to the transferee, may require covenants, conditions and restrictions as necessary to ensure that the property is used for the contemplated community improvement or other public purposes.

Section 11. Conduit Transfers – Reasonable Equity Policy

- 11.1 Purpose.** In order to prevent benefits accruing to owners of property that is tax delinquent by virtue of the exercise of the tax waiver power of the WCLB, the WCLB establishes this reasonable equity policy guideline.
- 11.2 Definitions.** The reasonable equity policy is based on the value of the property and the equity of its owner. While any valuation is subjective, it can be reasonably estimated.
- a. “Fair Market Value” shall be determined by staff according to the County Appraiser’s valuation, in conjunction with the average sale price in a given community. The WCLB staff or WCLB BOT shall have full authority to require a professional appraisal for proposals that have significant variances in valuation and entail transactions in which the owner received consideration in excess of nominal compensation.
 - b. “Net Equity” shall mean the current fair market value, as determined by WCLB staff or the WCLB BOT, less the total amount of all liens and encumbrances (tax liens, associated interest and penalties, special assessments, mortgages, judgments, etc.).
- 11.3 Less than \$2,000 Net Equity.** To ensure that an owner does not receive unwarranted benefit, the WCLB will not consider transactions in which the owner’s net equity is less than \$2,000 and the owner receives more than nominal compensation for the sale of his property. Nominal compensation is hereby defined as \$2,000.
- 11.4 Equity in Excess of \$2,000.** To ensure that the owner does not receive an unwarranted benefit, the WCLB will not consider transactions in which the owner receives an amount greater than 75% of net equity.
- 11.5 Speculation.** To ensure that speculators do not seek to take advantage of the WCLB, staff shall closely review instances in which the owner is receiving money far in excess of his investment while consistently ignoring his tax responsibility. Particular attention shall be given to properties purchased in the past three years.
- 11.6 Excessive Sale Price.** In communities that are experiencing internal and surrounding redevelopment, it is unacceptable for an owner to seek a profit in excess of 75% of his net equity. Such an owner may believe that the market will bear more than is offered and would therefore be unwilling to sell the property for a reasonable amount. In

such an instance, it would likely fall to the Delinquent Real Estate Department to sell the property at a tax sale.

- 11.7 Non-Conforming Situations.** To ensure flexibility and protect the interests of the WCLB and the public, the WCLB BOT reserves the right to modify, change, or deviate from this policy, if a situation clearly warrants such action.
- 11.8 Strategic Importance.** To preserve the integrity of the WCLB's mission, all properties petitioned to the WCLB Board must pass the test of strategic importance. The WCLB may receive proposals that may pass other criteria but which may not be crucial to the redevelopment of a neighborhood. Staff must be able to assure the WCLB BOT that the transaction is not simply allowable but a crucial component of the comprehensive redevelopment of a neighborhood. Such a transaction must be evaluated in terms of neighborhood redevelopment and ensure a long-term tax benefit to the Unified Government.

Section 12. Agreements For Temporary Use of Land

- 12.1 Adopt-a-lot.** The WCLB may enter agreements for residents and organizations to participate in an adopt-a-lot program designed to encourage and support recreation including community-based greening and gardening of available vacant lots.
- a. Agreements shall expire on December 31 of the agreement year and be renewable on March 1 of the next year provided the lot has not been sold.
 - b. The lot will be available to be sold during the term of the agreement with the purchaser obtaining possession at the expiration of the adopt-a-lot agreement.
 - c. There will be no fee.
 - d. The agreements shall specify that the lot must be kept clean, the grass mowed, or otherwise maintained in compliance with applicable ordinances of the UG and other requirements made specific.
 - e. Participants must sign liability release waivers or add the UG to their insurance policies.
 - f. The agreements will not permit building on the lots (including fences).

Section 13. Yard Extension Disposition Program

- 13.1 Yard Extension Transfers.** Individual parcels of property may be acquired by the WCLB and transferred to individuals in accordance with the following policies. The transfer of any given parcel of

property in the yard extension Disposition Program is subject to override by higher priorities as established by the WCLB.

13.2 Qualified Properties. Parcels of property eligible for inclusion in the yard extension Disposition Program shall meet the following minimum criteria:

- a. The property shall be vacant unimproved real property;
- b. The property shall be physically contiguous to adjacent owner-occupied residential property, with not less than a 75% common boundary line at the side;
- c. The property shall consist of no more than one lot capable of development. Initial priority shall be given to the disposition of properties of insufficient size to permit independent development; and
- d. No more than one lot may be transferred per contiguous lot.

13.3 Yard Extension Transferees.

- a. All transferees must own the contiguous property, and priority is given to transferees who personally occupy the contiguous property.
- b. The transferee must not own any real property (including both the contiguous lot and all other property in the County) that is subject to any unremediated violations of state and/or local laws, codes or ordinances.
- c. The transferee must not own any real property (including both the contiguous lot and all other property in the County) that is tax delinquent.
- d. The transferee must not have been the prior owner of any real property in the County that was offered for sale as a result of tax foreclosure proceedings unless the WCLB approved the anticipated disposition prior to the effective date of completion of such tax foreclosure proceedings.

13.4 Lot Consolidation. As a condition of transfer of a lot, the transferee must enter into an agreement that the lot transferred will be consolidated with the legal description of the contiguous lot, and not subject subdivision or partition within an agreed period of time following the date of transfer.

Section 14. Land Banking Program

14.1 Scope. As set forth in these policies and procedures, the land banking program consists of transactions in which a grantor transfers real property to the WCLB and the property is held by the WCLB pending a transfer back to the original grantor, to a grantee identified in a banking agreement, or to a third party selected by the WCLB.

- 14.2 Goals.** The goals of this land banking program include but are not limited to the acquisition of real property for or on behalf of a governmental entity or not-for-profit corporation in order to:
- a. Permit advance acquisition of potential development sites in anticipation of rapidly rising land prices;
 - b. Facilitate pre-development planning, financing, and structuring;
 - c. Minimize or eliminate violations of housing and building codes and public nuisances on properties to be developed; and/or
 - d. Hold parcels of land for future strategic governmental purposes such as housing development, opens spaces and green spaces.
- 14.2 Land Banking Optional.** The WCLB is not required to enter into a banking agreement with any person or entity, and at all times retains full discretion and authority to decline to enter into a banking agreement. These policies are applicable only to real property of the WCLB which is acquired in accordance with an executed banking agreement and are not otherwise applicable to real property acquired by the WCLB pursuant to any other agreements or procedures.
- 14.3 Definitions.** As used in these policies, the following terms shall have the definitions set forth:
- a. **“Banking Agreement”** shall mean a written agreement between a grantor and the WCLB which identifies the property, the length of the banking term, the potential grantee or grantees, the range of permissible uses of the property following transfer by the WCLB, the permitted encumbrances on the property, the rights and duties of the parties, the responsibility of the grantor for the holding costs, the possible advance funding of holding costs, the forms of the instruments of conveyance and such other matters as may be appropriate.
 - b. **“Grantor”** shall mean the party that transfers or causes to be transferred to the WCLB a tract of property pursuant to a banking agreement.
 - c. **“Grantee”** shall mean the party or parties identified in a banking agreement as the party or parties to whom the property is to be transferred from the WCLB.
 - d. **“Holding Costs”** shall mean any and all costs, expenses, and expenditures incurred by the WCLB, whether as direct disbursements, as pro rata costs, or as administrative costs, that are attributable to the ownership and maintenance of a tract of property. The WCLB shall maintain records of the monthly holding costs for each property.

- e. **“Property”** shall mean the real property and improvements (if any) located thereon identified in a banking agreement and transferred to the WCLB pursuant to a banking agreement, together with all right, title and interest in appurtenances, benefits and easements related thereto.

14.4 Eligible Property. Property which is eligible for a banking agreement must either be (a) unimproved real property or (b) real property with unoccupied single-family residences.

- a. In the event that a tract of property contains improvements which are to be demolished or removed, such property may qualify as eligible property for a banking agreement so long as adequate and sufficient funds are placed in escrow at the time of the banking agreement closing so as to assure that all improvements will be demolished and removed within sixty (60) day of closing.
- b. Property that is ineligible for a banking agreement includes all other forms of improved real property, all real property which is occupied, and all real property that has been identified as containing hazardous substances and materials.

14.5 Eligible Grantors and Grantees. Parties eligible to be a grantor or a grantee are governmental entities and not-for-profit corporations defined as tax-exempt entities by the Internal Revenue Code. A limited partnership entity is eligible to be a grantor or grantee so long as a governmental entity or not-for-profit corporation has a controlling interest in such entity.

14.6 Title.

Unless and except to the extent expressly authorized in a banking agreement, property transferred to the WCLB pursuant to a banking agreement shall be fee simple title free and clear of all liens and encumbrances. The issuance of a policy of marketable title in favor of the UG may be required at the closing pursuant to the banking agreement containing such exceptions as are approved by the WCLB.

- a. Governmental liens may exist at the time of closing only if such liens are expressly acceptable to the WCLB.
- b. A mortgage or other security instrument may encumber property at the time of transfer to the WCLB provided that that the obligations secured by such instruments do not require monthly or periodic payments by the WCLB to the mortgagee. Under no circumstances will the WCLB have direct liability to a mortgage pursuant to a security instrument. It is anticipated that each banking agreement that contemplates the transfer of property to the WCLB encumbered by a security instrument will require a separate written agreement between the

mortgagee and the WCLB which provides, among other things, that:

1. The mortgagee expressly consents to the transfer to the WCLB;
 2. The mortgagee expressly subordinates its interests to covenants, conditions and restrictions as may be required by the WCLB; and
 3. Prior to the exercise of mortgagee rights under the security instrument, the mortgagee will request, on behalf of the grantor, the conveyance of the property to the grantor and pay to the WCLB the holding costs attributable to the property.
- c. At the time of closing pursuant to a banking agreement, all ad valorem taxes which are due and payable on the property must be paid in full. An exception to this requirement of no outstanding ad valorem tax liens may be granted:
1. When the grantor is acquiring the property from a third party and immediately conveying the property to the WCLB pursuant to a banking agreement, and
 2. The acquisition of the property by the grantor from the third party otherwise complies with the reasonable equity policy of the WCLB.

14.7 Length of Banking Term. A banking agreement may permit a maximum banking term of thirty-six (36) months for transactions in which the grantor is a not-for-profit entity, and sixty (60) months for transactions in which the grantor is a governmental entity.

14.8 Transfers at Request of Grantor. A banking agreement shall authorize a grantor to request a transfer of the property by the WCLB to a grantee at any time within the banking term.

- a. A conveyance by the WCLB to the grantee identified pursuant to a banking agreement shall occur within thirty (30) days of receipt of a written request for a transfer.
- b. As a condition precedent to the transfer by the WCLB, the full amount of holding costs incurred by the WCLB attributable to the property shall be paid to the WCLB. The WCLB shall provide to the grantor in accordance with section 13.13 a statement of the holding costs attributable to the property.
- c. At the time of the transfer by the WCLB to the grantee, the WCLB shall impose such restrictions and conditions on the use and development of the property in accordance with section 13.12 hereof and the applicable banking agreement.
- d. Conveyance by the WCLB to a grantee shall be by quitclaim deed.

14.9 Transfer at Request of WCLB. At any time and at all times during the term of a banking agreement, the WCLB shall have the right, in its sole discretion, to request in writing that the grantor or its designee accept a transfer of the property from the WCLB.

- a. A transfer by the WCLB pursuant to this section shall be subject to the same terms and conditions as set forth in section 13.8.
- b. In the event that the grantor (or its designee) is unwilling or unable to accept a transfer of the property from the WCLB, and reimburse the WCLB in full for the holding costs, then the WCLB shall have the right to terminate in writing the banking agreement. The property shall then become an asset of the WCLB and subject to use, control and disposition by the WCLB in its sole discretion subject only to the provisions of applicable statutes and ordinances.

14.10 Banking Agreement Closing. Within a time period specified in a fully executed banking agreement, a closing of the transfer of the property to the WCLB shall occur. At such closing, the fully executed instrument of conveyance and other closing documents shall be delivered by the appropriate party to the appropriate parties. The appropriate documents shall be immediately recorded, and a title insurance policy shall be issued. All costs of closing shall be borne by the grantor.

14.11 Holding Costs. Holding costs shall be paid as a condition precedent to a transfer of property from the WCLB. Either the grantor or the grantee can request in writing at any time a statement of the holding costs, which statement will be provided by the WCLB within fifteen (15) business days of receipt of the request. The WCLB shall also have the right to request in writing that the grantor or grantee reimburse on written demand the WCLB for holding costs. In the event that the WCLB is not timely reimbursed for its holding costs in response to its written request for reimbursement, the WCLB may request a transfer pursuant to section 13.9.

14.12 Public Purpose Restrictions. All property held by the WCLB and transferred by the WCLB pursuant to a banking agreement shall be subject to covenants and conditions providing that the property is to be used for the following goals:

- a. The production or rehabilitation of housing for persons with low incomes;
- b. The production or rehabilitation of housing for persons with low or moderate incomes;
- c. Community improvements; and/or
- d. Other public purposes.

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Each banking agreement will specify the range of permissible uses and the manner in which such use restrictions is secured. Such restrictions and conditions may be imposed either in the form of contractual obligations, deed covenants, rights of reacquisition, or any combination thereof.

Section 15. Land Banking Donation Program

15.1 Donation to WCLB. The WCLB may only accept donated property(ies) that will advance the goals of the WCLB. The WCLB will only present requests to the Board of Trustees, for approval, when at least one or more of the following conditions are met:

- a. The property owner does not have the resources to properly care for the property or to comply with orders to correct code violations that are present, and evidence of the hardship has been presented.
- b. The property is located in an area targeted for redevelopment efforts or in a neighborhood with a large number of existing WCLB property.
- c. There is a written agreement with an owner of an adjoining property to purchase the property from the WCLB; this is only in reference to unimproved vacant lots in a non-targeted area.
- d. The property is a candidate for the WCLB Rehab Program without any conditions that would prohibit a donation.
- e. The Unified Government of Wyandotte County/Kansas City (UG), Kansas, City of Bonner Springs or City of Edwardsville has agreed to fund the demolition of an improved property within its City limits.

15.2 Exclusions and Exceptions

- a. Properties with adverse environmental conditions or maintenance requirements will not be accepted without a satisfactory plan and funding in place for remediation, as determined by the UG.
- b. WCLB may require that donated property(s) be conveyed with clear and marketable title.
- c. Properties that are occupied may not be accepted as donations.
- d. WCLB shall not determine donation value for the purpose of tax benefits.
- e. Any exceptions to the provisions of the above must come before the Board of Trustees.

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WCLB reserves the absolute right to accept or reject any and all donation requests.

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Any property that is determined not to be an immediate need or could not be accepted by the WCLB and is determined to be tax sale eligible, will be referred for an upcoming tax sale by the WCLB. The WCLB will send a letter to the requestor with that information.

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