

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

PLANNING AND ZONING AND
REGULAR SESSION
APRIL 5, 2018

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, April 5, 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; Lynn Melton, Assistant to the Mayor; Maureen Mahoney, Chief of Staff in Mayor's Office; Emerick Cross, Commission Liaison; Rob Richardson, Director of Planning; Zach Flanders, Planner; Byron Toy, Planner; Janet Parker, Administrative Assistant; and Major Rance Quinn, Sergeant-at-Arms.

Mayor Alvey called the meeting to order.

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

INVOCATION was given by Reverend George Kemper, Ebenezer Ministries.

Mayor Alvey asked are there any revisions to tonight's agenda. **Bridgette Cobbins, UG Clerk,** said yes, Mayor, a blue sheet has been distributed. Under the Regular Consent Agenda, we have an additional item. It's Item #4, a Nomination for Boards and Commissions for the Housing Authority Board.

MAYOR'S AGENDA

ITEM NO. 1 – 18202...APPEARANCE: REBECCA MEDITZ

Synopsis: Appearance of Rebecca Meditz, President, Wyandotte County Historical Society, to present a Certificate of Meritorious Service to Commissioner Bynum.

Rebecca Meditz, Wyandotte County Historical Society, said thank you very much, Mayor. Thank you, Commissioners, for giving me the opportunity to address you today. As Mayor Alvey said, I am Rebecca Barber Meditz. I am the President of the Wyandotte County Historical Society, Inc.

Our mission is to collect, preserve and disseminate material that tell the history of Wyandotte County and its environs. The Historical Society started some 115 years ago when men and women were finding that our history was being destroyed, we were losing it. Without that history, we would not be able to tell our family, our generations that followed us what we did and how we did it. They started the Historical Society and it's been running pretty smoothly since then, but the Historical Society would not be able to do this all by themselves. For the last two or three decades we have been recognizing individuals and organizations that have been helping preserve the history and culture of Wyandotte County. This last year, in March, we recognized several individuals in two groups that have been helping us greatly in the last year

For example, the Bonner Springs Historical Preservation Society was presented the Margaret Landis Regional Historic Preservation Award. The St. John the Divine Community Art and Education Center Inc. received the V.J. Lane Award which was for historic preservation. Virginia Glandon Award was presented to Diana Eickhoff who is very strong in women's history. The Volunteer of the Year went to Roger Miller. Garland Smith Award went to Monte Gross who is a volunteer at the Wyandotte County Museum. Patricia Adams was recognized for her lifetime service in the preservation of Wyandotte County History and the history of Kansas City, Kansas Public Schools. Dr. Curtis V. Smith received the Presidential Recognition Award.

Now, I'm here to inform you that two of your own was recognized. One, a volunteer on your Landmarks Commission. Landmark Commissioner Chair David Meditz received the Historian of the Year Award for all his research presentations and co-authoring of articles, but one was not able to attend the meeting in March. I'd like to recognize her today for her many years of continuous service to our county and our community. She was very active with the Sheppard's

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Center and Wyandotte County Historical Society just to name two of the organizations that she's been working with until she answered the call to elected public office. We miss her greatly. I would like to recognize Commissioner Melissa Bynum for her Meritorious Service for her past efforts in preserving the history of our community and for our future generations. Thank you and congratulations Commissioner Bynum.

Also, I would like to invite you all, all of the commissioners, and anyone else that would like to attend, the next quarterly meeting is June 10 at 2:00 at the George Meyn Center and it is going to be the Latino history of Wyandotte County. I think it'll be very fun. There is a mariachi band and all kinds of things that are going to be going on. We invite all of you to attend.

Thank you, Mayor and Commissioners, all of you; because you are writing the next chapter to our history for ourselves right now and our future generations.

May I approach so I can give the award.

Action: Presentation.

Mayor Alvey said thank you Ms. Meditz and congratulations Commissioner Bynum.

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

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

Ms. Cobbins asked if any members of the Commission wished to disclose any contact with proponents or opponents on any item on the Planning and Zoning Agenda. **Commissioner Philbrook** disclosed contact with proponents and opponents to #SP-2018-32. **Commissioner McKiernan** disclosed contact with proponents for #SP-2018-15 and contact with opponents to #SP-2018-32. **Commissioner Townsend** disclosed contact with proponents of #SP-2018-32.

Commissioner Bynum disclosed contact with proponents and opponents of #SP-2018-32.
Commissioner Johnson disclosed contact with proponents and opponents of #SP-2018-32

Ms. Cobbins read the items on the Planning and Zoning Consent Agenda. Item 2, I will turn it over to Rob Richardson for clarification. **Rob Richardson, Director of Planning**, said there was an error on the staff report in the stipulations. Stipulation 3 on page 7 should be deleted. That stipulation was to limit the use of two adults and children. That would no longer be the case. It would default to five adults or five unrelated individuals per local, state, and federal law. Delete stipulation 3 on page 7. **Ms. Cobbins** continued reading the items.

PLANNING AND ZONING AGENDA

Mayor Alvey asked does any member of the Commission or anyone in attendance tonight wish to set-aside any item on the Planning and Zoning Consent Agenda. If an item is not set-aside, all items on the Planning and Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission.

Mayor Alvey said I would like to set-aside D-1 Master Plan Amendment and D-2 the resolution adopting the Rosedale Mater Plan Amendment.

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

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 18182...CHANGE OF ZONE APPLICATION #3158 – MARC MOSER

Synopsis: Change of zone from A-G Agriculture District to R-1 Single-Family District and R-1 Single Family District to A-G Agriculture District in order to split lots to build a house (R-1 property) and have cattle (A-G property) at 9410 Hurrelbrink Road, submitted by Robin Richardson, Director of Planning. The applicant wants to rezone and plat portions of properties along Hurrelbrink Road from R-1 Single Family District to A-G Agriculture District and A-G

Agriculture District to R-1 Single Family District to build single family homes, raise cattle and create three residential lots on 41.58 acres. The Planning Commission voted 6 to 0 to recommend approval of Change of Zone Application #3158, subject to:

Urban Planning and Land Use Comments

1. Subject to approval, a \$50.00 (made payable to the Unified Treasurer) rezoning ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Board of Commissioners meeting.
2. Lots 1 and 3 conform to the subdivision code. A variance application has been filed for the 3:1 lot ratio dimensions for Lot 2 and will be presented at the March 12, 2018 Board of Zoning Appeals.
3. Lot 1 will remain unchanged with regards to structures and orientation. In addition to the variance, Lot 2 will be rezoned from R-1 Single Family District to A-G Agriculture District to raise cattle. Lot 3 will be rezoned from A-G Agriculture District to R-1 Single Family District to build a single-family home.

Public Works Comments

- 1) Items that require plan revision or additional documentation before engineering can recommend approval: None
- 2) Items that are conditions of approval (stipulations):
 - a) Signature lines shall include a County Surveyor statement and signature, a Register of Deeds statement and signature, etc., please coordinate with Brent Thompson, County Surveyor.
 - b) The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents in accordance with County Surveyor comments.
- 3) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Petition #3158. Roll call was taken and there were ten “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 18184...SPECIAL USE PERMIT APPLICATION #SP-2018-20 – JOHN L. ROSS, JR.

Synopsis: Special use permit for an AIRBNB at 4164 State Line Road, submitted by Robin Richardson, Director of Planning. The applicant is applying to use the property at 4164 State Line Road as a Bed and Breakfast. Although this is the applicant’s primary home, the applicant spends the majority of his time traveling. The applicant rents the entire house. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2018-20, subject to:

Urban Planning and Land Use Comments

1. How long has the business been in operation?
Applicant Response: Since October 2017
2. Were neighbors consulted prior to opening the business?
Applicant Response: Yes, I contacted both Mark Steger (property to the N) and Ryan Gregory (property to the S) prior to starting.
3. Do you have a business license?
Applicant Response: I own two companies, an LLC and a Corporation, both have federal ID numbers, no business license.
4. Have you paid appropriate lodging taxes?
Applicant Response: Yes, through AIRBNB
5. How many rooms are rented?
Applicant Response: The whole house, two bedrooms
6. What is the maximum number of people that will be staying at any one time?
Applicant Response: Four
7. What is the maximum number of vehicles and where will they park?
Applicant Response: Two in the back, off the street
8. How often are guests in the residence?

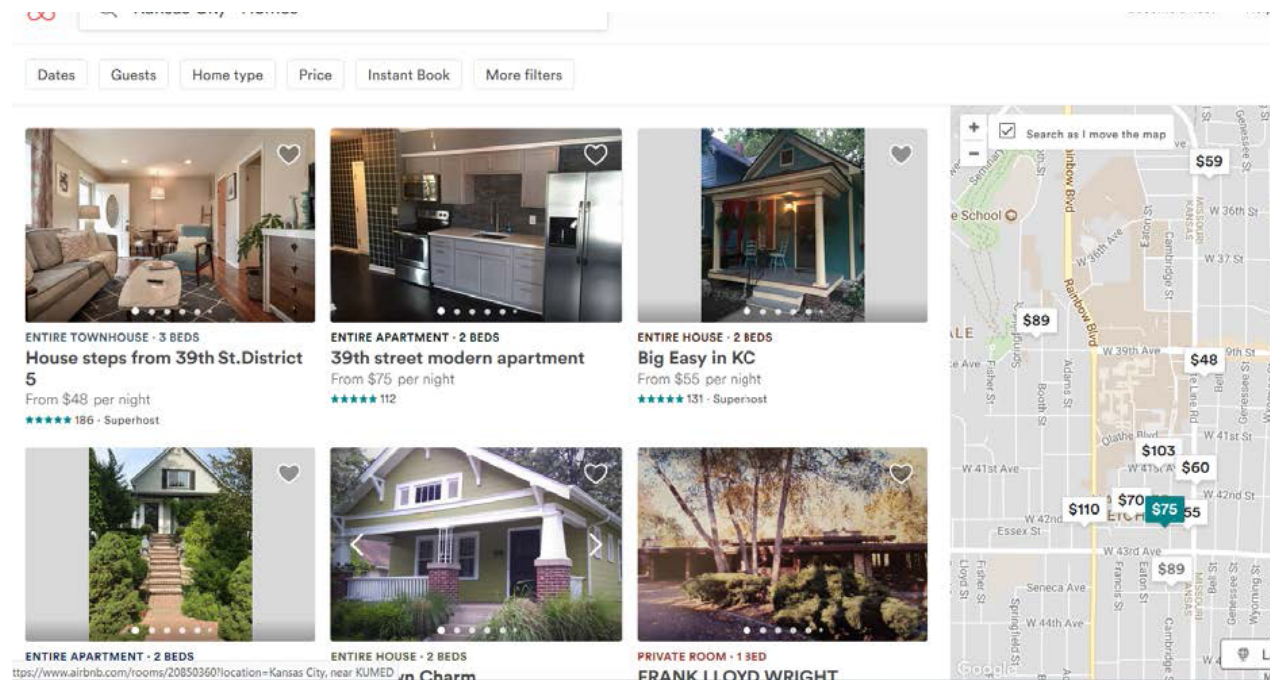
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Applicant Response: Twice per month, on average, about 6-8 days

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

Applicant Response: No, not for this property

10. Describe in detail the area(s) rented for Airbnb/other rental operations. include bedrooms, bathrooms, common areas, etc.



Several homes, rooms, and townhouses in the area are available through AIRBNBs. KU Med is just a few blocks away, which might be the primary reason. The screenshot above, shows the results of a search for AIRBNBs around KU Med.

Choices include entire 3-bedroom townhomes, single family homes, single rooms to let, and apartment units to let for AIRBNB. This seems to be a popular location and a popular method. Many of my neighbors are also involved in hosting

11. Describe how you will maintain a safe environment including:

A. Working smoke detectors in each bedroom plus each level of the unit/house.

Applicant Response: Three smoke detectors, one carbon monoxide detector, two fire extinguishers.

B. GFCI outlets are required in bathrooms.

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Applicant Response: Yes, and in the kitchen as well

- C. Double keyed locks are not allowed

Applicant Response: None present

- D. Copper cannot be used for gas supply lines

Applicant Response: None

- E. Windows must be operable, not blocked or boarded

Applicant Response: All windows operational

- F. Handrails are required at sets of four or more stairs/risers

Applicant Response: Done

- G. Hot water tank and furnace must be vented properly and operational.

Applicant Response: Properly vented and inspected

- H. Electric panel and circuits must be safe

Applicant Response: Done

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Petition Application #SP-2018-20 for one year, subject to the stipulations. Roll call was taken and there were ten “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 2 – 18185...SPECIAL USE PERMIT APPLICATION #SP-2018-21 – TYLER G. HARNETT

Synopsis: Special use permit for an AIRBNB at 4521 Cambridge Street, submitted by Robin Richardson, Director of Planning. The applicant is applying to use the property at 4521 Cambridge Street as a Bed and Breakfast/AIRBNB. This property is not the applicant’s primary home, and the entire structure is being rented as a Bed and Breakfast/AIRBNB. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2018-21, subject to:

Urban Planning and Land Use Comments

1. How long has the business been in operation?

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Applicant Response: Since August. The listing went live on August 8th, and the first booking was for August 16th.

2. Were neighbors consulted prior to opening the business?

Applicant Response: Yes. Only the neighbors on either side of the property on my side of the street were consulted, though, to be completely honest.

3. Do you have a business license?

Applicant Response: No.

4. Have you paid appropriate lodging taxes?

Applicant Response: I selected that AIRBNB collect and remit occupancy taxes on my behalf. There is a way on the website to see when occupancy taxes have been collected. I assume that AIRBNB has been remitting these occupancy taxes as there is no way on their website to determine for sure.

5. How many rooms are rented?

Applicant Response: There are two bedrooms, but it is allowed to sleep in the living room on a fold out couch and fold out ottoman.

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

Applicant Response: Seven people.

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

Applicant Response: I don't think that I can limit the vehicles that people can drive to the residence, but there are two places where I mention parking. On the listing it says, "There's a parking spot (or two if you're careful) attached to the backyard and an alley. Our neighbors are great people. There is on-street parking in front of the house that is usually available." Once someone has booked, I send them a large packet of information. It mentions parking, "The house is easily accessible from either Rainbow Blvd. or State Line Rd. Traffic on Cambridge St. is both ways, but parking is only on the southbound side of the street. If you're heading to the house, that would mean taking 45th from either Rainbow Blvd or State Line Rd. Please be respectful of the neighbors and do not park so that your car extends over a driveway. Also, there are some parking spots on Cambridge St. that are clearly only for one car, some that can fit two cars, and a few that can fit more than two cars. Be attentive to try to squeeze your car close to the edge of the space if it seems like another car could fit behind or in front. Parking in the alley is on the property, so it is accessed heading north or

south in the alley. It is easy to fit one car into the spot, but it is possible to squeeze two in a pinch.”

8. How often are guests in the residence?

Applicant Response: Guests may be in residence any day. Since the first booking on August 16th until today January 5th, there has been occupancy on 103 of the 143 nights. That makes for a 72% occupancy rate.

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: The property can be accessed from the front or the back. The front door can be accessed up 10 stairs between two 10’ stone retaining walls and then up three concrete deck stairs with a handrail. There is a 10’x10’ deck on the front of the house. The front door opens into the living room. The living room is a 10’X10’ area with a sleeper couch that folds out into a queen, an ottoman that folds out into a twin, a tv and stereo system, and two sconces. The living room has hardwood floors. The living room is connected to the kitchen and guest bedroom with a 10’x10’ hallway that doubles as an office/bar. There is a small writing desk on one side of the hallway and a small bar cabinet on the other side. There is an overhead light in the hallway. The guest bedroom connects the first floor to the guest bath and is 10’x10’. In the guest bedroom, there is a twin bed that folds out into a king. There are two small closet spaces. One is blocked by the bed, so the door is taken off and has an end table with a lamp on it. The guest bedroom has hardwood floors. The guest bathroom has a tub/shower, toilet, and vanity. It has a small linen closet as well. The guest bathroom has tile floors and a tile wainscoting. The kitchen has a large granite countertop that extends from the main entry to the dining room. It has a dishwasher, double oven stove, microwave, coffee maker, garbage disposal, and refrigerator as appliances. All are less than 7 years old; most are stainless steel. The kitchen is a 10’x10’ space, has hardwood floors and a chandelier. The dining room is 10’x10’ and has a door to the basement stairs, a door to the back patio, a door to a large pantry, and stairs to the second floor. It has a dining table with a ceiling light overhead and is tiled. The dining room also has the end of the kitchen countertop, which extends into a peninsula. This peninsula has

two barstools and a pendant light. The second floor has the master bedroom, two closets, and master bath. The master bedroom is 10'x10' and has hardwood floors. It has a queen bed and an overhead light/fan. The master bath has a 6'x4' shower without a tub. It has an oversized vanity and toilet as well. The bathroom floor and shower are tiled. The back patio is up 10 stairs between 10' rock retaining walls has two 10'x10' bricked areas. One has an outdoor table and three chairs; the other area has three chairs and a firepit. There is 10'x10' paver path leading to a 10'x10' parking area. This parking area is gravel and is connected to the alleyway.

11. The applicant will maintain a safe environment including:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house.
 - b. GFCI outlets are required in bathrooms.
 - c. Double keyed locks are not allowed
 - d. Copper cannot be used for gas supply lines
 - e. Windows must be operable, not blocked or boarded
 - f. Handrails are required at sets of four or more stairs/risers
 - g. Hot water tank and furnace must be vented properly and operational
 - h. Electric panel and circuits must be safe

Public Works Comments

- 1) Items that require plan revision or additional documentation before engineering can recommend approval: None
- 2) Items that are conditions of approval (stipulations):
 - a) Parking shall not block the alley, behind the house.
- 3) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None

Stipulations

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.

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- f. Handrails are required at sets of four or more stairs/risers.
 - g. Hot water tank and furnace must be vented properly and operational.
 - h. Electric panel and circuits must be safe
2. Host will obtain a business license with the City for each address.
 3. The maximum number of guests is limited to two people (not including an infant/child).
 4. Only one additional (guest) car is permitted.
 5. Approval is for one year.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-21 for one year, subject to the stipulations. Roll call was taken and there were ten “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 3 – 18186...SPECIAL USE PERMIT APPLICATION #SP-2018-22 – CYNTHIA PESSELATO

Synopsis: Home occupation special use permit for an AIRBNB at 3107 South 7th Street, submitted by Robin Richardson, Director of Planning. The applicant is applying to use her single-family home, located at 3107 South 7th Street as a short-term rental space, in addition to her primary residence, rented through sites such as AIRBNB and VRBO. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2018-22, subject to:

Urban Planning and Land Use Comments

1. How long has the short-term rental business been in operation?
Applicant Response: October of 2017
2. Were neighbors consulted prior to opening the business?
Applicant Response: Yes, some
3. Do you have a business license?
Applicant Response: All requirements of the Urban Planning Division are in process and being fulfilled.
4. Have you paid appropriate lodging taxes?
Applicant Response: Yes, through the AIRBNB platform

5. How many rooms are rented?
Applicant Response: One
6. What is the maximum number of people that will be staying at any one time?
Applicant Response: Two
7. What is the maximum number of vehicles and where will they park?
Applicant Response: One guest car – in driveway
8. How often are guests in the residence?
Applicant Response: As bookings occur, depending on my schedule and the length of stay
9. Do you have a rental license from the Unified Government for the facility?
Applicant Response: All requirements of the Urban Planning Division are in process and being fulfilled.
10. Describe in detail the area(s) rented for Airbnb/other rental operations. Include bedrooms, bathrooms, common areas, etc.
Applicant Response: The lower level includes a large bedroom, office, living and bathroom. Common areas are entrance via door by garage and laundry room.

If approved, the following would 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 four or more stairs/risers
 - g. Hot water tank and furnace must be vented properly and operational.
 - h. Electric panel and circuits must be safe
2. Host will obtain a business license with the City for each address.
3. The maximum number of guests is limited to two people (not including an infant/child).
4. Only one additional (guest) car is permitted.
5. Approval is for two years.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-22 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 4 – 18187...SPECIAL USE PERMIT APPLICATION #SP-2018-23 – DANIEL BAUER

Synopsis: Special use permit for a farm winery (Kaw Point Meadery) specializing in the production of mead or honey wine at 613 North 6th Street, submitted by Robin Richardson, Director of Planning. The applicant is applying to use the property at 613 North 6th Street as a farm winery for producing mead. The property includes 3,750 square feet of building area and an 11-space parking lot. The proposed business would include a 1,100 square foot tasting room in the front retail space, a 1,100 square foot production facility in the back of the facility, and 950 square feet of office space on the second floor. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2018-23, for two years subject to:

Urban Planning and Land Use Comments

1. Based on the area of the building, greater than 17 parking spaces would be required under the minimum parking requirements. A variance will be required to operate this business.
Applicant Response: A Zoning Variance Application was submitted for the Feb 23, 2018 deadline.
2. What are the proposed hours of operation for the business?
Applicant Response: Initially we anticipate being open for retail operations
Thursday 4pm-10pm
Friday 11am-11pm
Saturday 11am-11pm
Sunday 1pm-6pm

We anticipate expanding these hours to include Wednesdays in similar operation to Thursdays at some point, but will allow consumer demand to dictate our final hour of operation. We will not

operate beyond 11 pm on weekends or 10 pm on weekdays. Hours of production are highly variable upon seasonality and consumer demand.

3. What is the size of the seating area of the tasting room and what will be the hours?

Applicant Response: The hours of the tasting room will at first be:

Thursday 4pm-10pm

Friday 11am-11pm

Saturday 11am-11pm

Sunday 1pm-6pm

We anticipate expanding these hours to include Wednesdays in similar operation to Thursdays at some point, but will allow consumer demand to dictate our final hours of operation.

4. How many staff and customers are anticipated to be present at the business?

Applicant Response: Up to three staff at any given point will be present at the business during production and retail hours. We anticipate an average of 15-30 customers at any given point during retail operations.

5. Will there be any live entertainment (e.g. live music, etc.)? A special use permit for live entertainment is required for more than four live events per year.

Applicant Response: We intend to have a small acoustic stage to allow for live entertainment. A special use permit for this will be applied for in the future once construction has begun.

Staff Note: A Special Use Permit is required if there will be live entertainment beyond four events per year.

6. Will you be selling food in addition to alcoholic beverages?

Applicant Response: We will not be selling food initially; however, in the future we would like to partner with a local chef to operate a commercial kitchen nearby and cater food to our location.

7. Please provide a security plan that details how you will ensure safety of employees, patrons, and the general public.

Applicant Response: Overall safety of our customers, employees, and the general public is of paramount importance to Kaw Point Meadery. We will be operating our establishment in such a way that encourages responsible choices and the safety of all. Our hours of operation reflect this.

Customer Security

- A. Anyone who is deemed to be too boisterous, rude, or verbally abusive will be asked to leave the premises.
- B. Anyone who threatens violence or is involved in an altercation will be removed from the premises and barred from re-entry for a period of three months.
- C. Security cameras will be present on all four corners of the building to ensure safety surrounding the property.
- D. Additional lighting will be installed surrounding the building, illuminating the building and the area surrounding the property.

Employee Security

- A. Security cameras will be present in the cash register's area and the production area.
- B. Any customer who is verbally abusive to an employee will be asked to leave.
- C. Any customer who threatens violence to an employee will be removed from the premises and banned.
- D. Security cameras will be present on all four corners of the building to ensure safety surrounding the property.

General Public Security

- A. Security cameras will be present on all four corners of the building to ensure safety surrounding the property.
- B. Additional lighting will be installed surrounding the building, illuminating the building and the area surrounding the property
- C. All employees will be going through proper training to ensure no customer becomes over-served.
- D. Anyone deemed unfit to operate a motor vehicle will have a cab/Uber summoned on his or her behalf. We take drunk driving very seriously. A drunk driver killed a close friend of ours in 2016.

8. Are you proposing any changes to the exterior of the building or the lot (e.g. changing paint color, adding landscaping, etc.?)

Applicant Response: We will be landscaping the area between the parking lot and sidewalk on the north side of the property with bee-friendly plants and a station for dogwalkers to take a free doggybag. We will also be providing a trashcan for the disposal of used

doggybags in an effort to help clean up that corner of the block. We will be repainting the parking lot for increased safety and order. We will be painting the north, east, and south sides of the building as well as planning a mural on the north face of the building.

9. As a stipulation of approval, the sidewalk on the north side of the property shall be reconstructed with brick pavers. A right-of-way permit will be required for this work.

Applicant Response: This will be done through the proper channels and a right-of-way permit will be attained.

10. All signs will undergo a separate review and will need to obtain the appropriate sign permits.

Applicant Response: We will be seeking sign permits for a planned mural on the north face of the building, as well as a replacement lighted sign for the west face.

Public Works Comments

- 1) Items that require plan revision or additional documentation before engineering can recommend approval: None
- 2) Items that are conditions of approval (stipulations):
 - a) There shall be no parking along 6th Street and at the intersection with Barnett Ave. that is restricted and painted as “No Parking”.
 - b) Parking shall not block the alley.
 - c) Parking at the public lot across the street is not available during weekdays, from 8:00 am to 5:00 pm.
 - d) Please coordinate with Scott Craig, Environmental Manager, at 913-573-1313 or scraig@wycokck.org regarding whether or not any evaluation, testing, or other requirements will be needed for the proposed business operation, and potential discharge to the sanitary sewer system.
 - e) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- 3) Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents: None

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-23 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 5 – 18177...SPECIAL USE PERMIT #SP-2018-25 – JOAN SHEARER WITH CIDER HILL FAMILY ORCHARD

Synopsis: Renewal of a special use permit (#SP-2013-15) for a bed and breakfast, event barn, and u-pick apple orchard at 3341 North 139th Street, submitted by Robin Richardson, Director of Planning. The applicants are proposing to continue operation of a bed and breakfast, event barn, and u-pick apple orchard (Cider Hill Family Orchard). The orchard also has a gift shop that sells products from the orchard along with other locally produced products. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2018-25, subject to:

Urban Planning and Land Use Comments

1. If approved, approval for fifteen years.
2. Please address the prior approval stipulations and any changes to the use.

Issue from the previous approval

The Board of Commissioners approved the original special use permit for the multifaceted suburban orchard on January 6, 2011 (as case #SP-2010-50). During that case staff and the applicant worked diligently to resolve issues with parking, garbage removal, the number of guests at an event, the hours of operation for the bed and breakfast and shared drive agreements. All of those issues are still resolved and are in good standing with the city.

Length of approval

Staff is recommending a 15-year approval. This length of approval is somewhat rare and in some people’s mind, it opens up staff to claims of inconsistent recommendations. We would like to take this opportunity to give the specific reason why this case is getting a 15-year recommendation.

1. This applicant has done an exceptional job of living up to the stipulations and promises made to the UG, Planning Staff, their neighbors and they have done everything to the letter of the code.

2. The size of the property is large enough (25 acres) that it creates its own buffer to the neighbors.
3. The size of the neighboring properties are large enough (15.84 acres on average) that they act as a buffer from the activities on the subject property.
4. All activities that create loud noise for an extended period of time are held inside buildings.
5. The proper improvements (a parking lot, lighting etc.) were made to ensure that the site would not have dead grass and path ruts from customer use.

Business License Comments

1. The u-pick orchard is an agricultural business exempt activity. Applicant has filed and maintained current application with our office for the retail/gift shop and for the reception facility. Previous SUP approved for bed and breakfast and this application would renew, there has not been application filed with our office for any bed and breakfast business activity and applicant still needs to do so.

Public Works Comments - None

Staff Conclusion

The applicant has done an excellent job of complying with previous stipulations; approving this Special Use Permit for 15 years should not be an issue.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-25 for 15 years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 6 – 18188...CACHAULO VAN LAANEN

Synopsis: Special use permit for an AIRBNB at 4440 Cambridge Street, submitted by Robin Richardson, Director of Planning. The applicants are applying to use their single-family home, located at 4440 Cambridge Street as a short-term rental space, rented through sites such as AIRBNB and VRBO. This home is not the applicant’s primary residence. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit application #SP-2018-26, subject to:

Urban Planning and Land Use Comments

April 5, 2018

1. How long has the short-term rental business been in operation?
Applicant Response: Since July 2017
2. Were neighbors consulted prior to opening the business?
Applicant Response: Yes
3. Do you have a business license?
Applicant Response: No
Staff Response: Applicant will be required to obtain a business license.
4. Have you paid appropriate lodging taxes?
Applicant Response: Yes
5. How many rooms are rented?
Applicant Response: Entire house
6. What is the maximum number of people that will be staying at any one time?
Applicant Response: Five
7. What is the maximum number of vehicles and where will they park?
Applicant Response: There is no vehicle limitation in the listing, but the driveway and garage can accommodate three cars. In the past, guests have all shared one car.
8. How often are guests in the residence?
Applicant Response: I don't know how to answer this, it varies depending upon the season and I have no way to predict. Sometimes, only one or two weekends per month, sometimes full time.
9. Do you have a rental license from the Unified Government for the facility?
Applicant Response: Yes
10. Describe in detail the area(s) rented for Airbnb/other rental operations. Include bedrooms, bathrooms, common areas, etc.
Applicant Response: The guests have access to the entire property - 2 bed 1 bath house, yard, driveway and garage.
11. As this is not your primary residence, where are you located?
Applicant Response: Menlo Park, California
12. How often do you visit the property?
Applicant Response: My family stays at the property whenever we are in town to visit family in Kansas City. My husband or I also make specific trips to visit the property as needed.

April 5, 2018

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 (Yola Van Laanen) am primarily responsible for communicating with guests, managing any issues that may arise, and coordinating with those assisting with maintaining the property. I am available 24/7 by phone or Airbnb messaging and have I have experience managing short term rentals remotely year round for four years. We have a close relationship with our next-door neighbors on Cambridge St. who help to manage the property, have access to our guest calendar, are generally available to guests if needed, and frequently prepare the house for guests. My parents are also very familiar with the property and are available to assist. They live 10 minutes away. We chose to operate a short-term rental rather than long term because we feel we have more control over maintenance of the property and it also allows us to stay at the house with our children when we are in town to visit family.

Public Works Comments - None

If approved, the following would 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 four or more stairs/risers
 - g. Hot water tank and furnace must be vented properly and operational.
 - h. Electric panel and circuits must be safe

Applicant Response: Electric panel and circuits must be safe

Applicant Response: All of these things are required and verified by the Wyandotte County rental license inspection which we passed prior to hosting any guests.

2. Host will obtain a business license with the City.
3. Approval is for one year.

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Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-26 for one year, subject to the stipulations. Roll call was taken and there were ten “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 7 – 18178...SPECIAL USE PERMIT APPLICATION #SP-2018-27 – CAROLYN TOBABEN WITH VOX THEATRE, LLC

Synopsis: Renewal of a special use permit for an event center (change in ownership) at 1405 Southwest Boulevard, submitted by Robin Richardson, Director of Planning. The applicant, Carolyn Tobaben, on behalf of the property owner, Alistair Tutton, proposes the approval of a special use permit to operate an event center at 1405 Southwest Boulevard. The space would be available to rent by interested parties and could facilitate a variety of events such as wedding receptions, corporate hospitality parties, dance recitals, and live bands. The property owner currently has a 10-year special use permit for this business that expires in 2025 but is selling the property to the applicant. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2018-27, subject to:

Urban Planning and Land Use Comments

1. All new shared parking agreements will need to be recorded with the Register of Deeds.
Staff Note: Five new shared parking agreements have been recorded with the Register of Deeds, totaling 133 spaces. The city code requires 89. Staff believes that this addresses the parking issue. Copies of the agreements are attached in this report.
2. Verify with the Business License Division that you do not need to reapply for a live entertainment license and alcohol license because of the change in physical ownership.
Applicant Response: The Business License Division says that no new licenses need to be applied for as the current occupation tax and annual entertainment license are for the Vox Theater LLC. We just have to file the change in ownership with the Secretary of State.
We will attempt to provide paper copies of this and send them to the Urban Planning Department.
3. Verify with KDOT that you do not need to make a new agreement with the change in physical ownership to use the space under the Interstate 35 bridge.

Applicant Response: KDOT cancelled the agreement a few years ago because they wanted to use the bridge parking as their own staging area. We have provided parking agreements that make up for the lost spaces.

4. Please provide current photos of the interior and exterior of the building.

Staff Note: See attached photos.

5. Approval is for ten years.

Business License Comments:

1. VOX Theater LLC filed, maintained, and has current application with our office. If the LLC has changed ownership, filing with the Secretary of State will need to reflect that ownership change, but VOX Theater LLC is still the Licensee and applicant. If new LLC or other entity begins operations, that entity will need to file applications with our office.

Public Works Comment - None

Staff Conclusion

The applicant has worked closely with the proposed owner of the property on this application as she is preparing to purchase the property and Vox Theater from him. The current owner, Alistair Tutton, successfully applied for a ten-year special use permit in 2015 for the business. As this is a change in ownership, a renewal of the permit is required. The applicant plans on operating the business exactly as it is currently being operated. No complaints for this business have been received and staff believes that no new issues will arise with the transfer of ownership. Staff recommends approval be for ten years.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-27 for 10 years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 8 – 18179...SPECIAL USE PERMIT APPLICATION #SP-2018-28 – TIM CONRAD WITH PIPER USD 203

Synopsis: Renewal of a special use permit (#SP-2016-29) for a modular classroom for Piper Middle School at 4420 North 107th Street, submitted by Robin Richardson, Director of Planning.

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USD 203 is requesting the renewal of a special use permit that allows them to place a temporary structure adjacent to Piper Middle School for the purposes of having classrooms for 8th grade students. This is intended to be a temporary measure until funding and plans can be put in place for a more permanent solution. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2018-28, subject to:

Urban Planning and Land Use Comments

1. When you last applied for a special permit, you stated that the length of time that this structure will be necessary will be at least two years. At the expiration of another two-year special use permit, do you foresee the structure still being necessary?

Applicant response: As far as I know, it will be necessary for the foreseeable future due to variance in school enrollment and available finances.

Staff Conclusion

Denying this special use permit would provide a hardship on USD 500 due to financial restrictions, as well as the unknown variable of enrollment numbers. Staff recommends approval for two years.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-28 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 9 – 18189...SPECIAL USE PERMIT #SP-2018-29 – LJUPKA SCHWANTES

Synopsis: Special use permit for an AIRBNB at 2309 West 45th Avenue, submitted by Robin Richardson. The applicant is applying to use her single-family home, located at 2309 West 45th Avenue as a short-term rental space, rented through sites such as AIRBNB and VRBO. This home is not the applicant’s primary residence. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2018-29, subject to:

Urban Planning and Land Use Comments

1. How long has the short-term rental business been in operation?
Applicant Response: January 1, 2016
2. Were neighbors consulted prior to opening the business?

Applicant Response: The properties adjacent to Ms. Schwantes were notified. The adjoining neighbor on west side of the residence, Mr. Esteban Ruiz residing at 4501 Adams Street, Kansas City, KS 66103 was consulted and he had no objections. The tenants on east side of residence at 4500 Rainbow Avenue were notified of the operations and had no objections. In addition, the residence is parallel to a church and Rainbow Pet Hospital who operate commercially.

3. Do you have a business license?

Applicant Response: No. I was told a business license will be obtained once the special use permit process is completed.

4. Have you paid appropriate lodging taxes?

Applicant Response: Yes, along with property taxes

5. How many rooms are rented?

Applicant Response: Two bedrooms

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

Applicant Response: Four adults; I allow up to six people if additional two are children

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

Applicant Response: Up to three vehicles in the attached carport

8. How often are guests in the residence?

Applicant Response: Guests are in residence day and night as they often visit family. They have stayed at the home for such things as family gatherings, graduations (high school, college, and graduate school), Mother's Day, American Royal BBQ Contest and KCMO convention to name a few. Most importantly, the rental provides a very persistent and permanent need for long term and intermittent residence to families whose family members are doing treatment at neighboring hospitals like KU Medical Center, Saint Luke's Hospital and even Children's Mercy Hospital.

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

Applicant Response: Yes

10. Describe in detail the area(s) rented for Airbnb/other rental operations.

Include bedrooms, bathrooms, common areas, etc.

Applicant Response: The property is a two-bedroom one bath residence with a connected kitchen, living and dining area in a fenced in yard with brick patio. There is also a

washer/dryer area in back. It has full unfinished basement to serve as a tornado shelter. There is one bedroom with queen size bed, one bedroom with two twin beds and pullout sofa bed in the living room. The property has a connected carport with a driveway.

11. As this is not your primary residence, where are you located?

Applicant Response: 4501 Booth Street Kansas City, KS 66103 which is my primary residence. I live two houses down from the rental.

12. How often do you visit the property?

Applicant Response: Every single time a guest checks in and out and also regularly during the week if there needs to be maintenance done on the property.

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 live very close to the rental and I am responsible for any issues which there have been none. My adjacent neighbors have my email and phone contact information. I have a cleaning crew that comes in the property and professionally cleans between guests. I am also very involved in the community and I am a regular attendant at Frank Rushton monthly neighborhood meetings. My neighbors are aware of my rental property as I had to organize a neighborhood watch group to perform crime watch from January 2017 to May 2017. With the neighbors help we successfully caught a habitual burglar who burglarized the rental as well as five other properties in the Frank Rushton area in this time period. For further detail you can refer to Case No. 2017CR0759 filed in Wyandotte County District Court. In the two years, I have not been informed of any issue affecting any neighbors and in fact have been thanked by neighbors for the impeccable upkeep of the property.

Public Works Comments - None

If approved, the following would 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

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- f. Handrails are required at sets of four or more stairs/risers
 - g. Hot water tank and furnace must be vented properly and operational.
 - h. Electric panel and circuits must be safe
 - i. Electric panel and circuits must be safe
- 2. Host will obtain a business license with the City for each address.
 - 3. Approval is for two years.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-29 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 10 – 18180...SPECIAL USE PERMIT #SP-2018-30 – JENNIFER FINE WITH K-9 CABIN LLC

Synopsis: Renewal of a special use permit (#SP-2016-3) for a doggie day care and boarding operation at 4001 North 74th Street, submitted by Robin Richardson, Director of Planning. The applicant wants to renew her previous special use permit to continue operating a dog day care and boarding facility for up to 15 dogs on her 9.2 acre property where she resides at 4001 North 74th Street. She picks up dogs from various locations for the day and brings them to her property, where they are outside from 11am-2pm, Monday through Friday, weather permitting. She also on average boards five dogs overnight, but during peak times, such as spring break, boards up to 15 dogs. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2018-30, subject to:

Urban Planning and Land Use Comments

- 1. Please address compliance with the previously approved stipulations:
 - a. No signage is allowed on site.
Applicant Response: We have no signs on the property of the business.
 - b. Property owner maintains regular removal of dogs’ waste (describe the procedure to remove the waste).

Applicant Response: I collect the dog waste daily and dispose of in biodegradable bags and put in an in-ground dog waste disposal system.

- c. Hours of day-care operation are from 9 a.m. to 5 p.m.

Applicant Response: No problem on hours being 9-5. I usually only have daycare 11:30-2 p.m. by the time I pick them all up and get back to my house.

- d. Approval would be for two years.

2. How many dogs will be staying overnight in the boarding facility?

Applicant Response: As far as how many dogs board overnight, it varies by season like Christmas break and other holidays. In the off season (Jan, Feb, April, May, late Aug, Sept, Oct, early Nov) I may have 1-5 overnight. During the summer I average a few more, closer to 10 a night. Per my city license I do not have a number of dogs that I am limited to, but I feel very comfortable with 15 dogs in my facility during peak season. I kind of watch the same dogs over and over again (they are usually the same dogs that go to my daycare), so they know what I expect of them and I know their behaviors in and out. Most all of my dogs are happy go lucky poodle mixes.

Stipulations of Approval

1. If approved, applicant will need to register and file the occupation tax application with the Business License office.
2. Approval is for two years.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-30 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 11 – 18190...SPECIAL USE PERMIT #SP-2018-31 – TARYN GLIDEWELL

Synopsis: Home occupation special use permit for an AIRBNB at 2914 West 44th Avenue, submitted by Robin Richardson, Director of Planning. The applicant is applying to use the property at 2914 West 44th Avenue as a Bed and Breakfast/AIRBNB. This is the applicant's primary residence, and the applicant is listing up to two bedrooms. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2018-31, subject to:

Urban Planning and Land Use Comments

1. How long has the business been in operation?
Applicant Response: Since November 2015.
2. Were neighbors consulted prior to opening the business?
Applicant Response: No, but some neighbors are aware and supportive.
3. Do you have a business license?
Applicant Response: I was not aware I needed one, but can get one.
4. Have you paid appropriate lodging taxes?
Applicant Response: Yes. AIRBNB collects local taxes on our behalf. I have the amounts I can show, if needed.
Staff Note: Airbnb now collects and remits taxes on behalf of the host in the State of Kansas. Airbnb collects the following taxes: Kansas Retailers' Sales Tax, Local Sales Tax, and Transient Guest Tax.
5. How many rooms are rented?
Applicant Response: One or two, depending on how many people stay.
6. What is the maximum number of people that will be staying at any one time?
Applicant Response: Typically, it is four, but sometimes if they have kids, it can be five or six, and they stay on air mattresses or the couch.
7. What is the maximum number of vehicles & where will they park?
Applicant Response: I have no maximum, but as people come from out of town, I haven't ever had more than two vehicles. I have ample off-street parking in my two driveways.
8. How often are guests in the residence?
Applicant Response: Typically, two to four times a month, typically weekends, but also during the week. Usually, it is no more than 1/3 of a calendar year total.
9. Do you have a rental license from the Unified Government for the facility?

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Applicant Response: No, this is my primary residence.

10. Describe in detail the area(s) rented for Airbnb/other rental operations. Include bedrooms, bathrooms, common areas, etc.

Applicant Response: My home is one-story, with two bedrooms and one shared bath. There is a living room, dining room, and kitchen. I have a porch and deck outside as well that guests can use.

11. Describe how you will maintain a safe environment including:

- a. Working smoke detectors in each bedroom plus each level of the unit/house.

Applicant Response: AIRBNB mandates that we have working smoke detectors and carbon monoxide detectors in the home. I already have these in each room.

- b. GFCI outlets are required in bathrooms.

Applicant Response: I have one already in the bathroom.

- c. Double keyed locks are not allowed.

Applicant Response: I do not have any of these.

- d. Copper cannot be used for gas supply lines.

Applicant Response: I will look into this to see if I have any or not.

- e. Windows must be operable, not blocked or boarded.

Applicant Response: None of my windows are boarded or blocked and I live on the ground floor, so egress is easy.

- f. Handrails are required at sets of four or more stairs/risers.

Applicant Response: I have a handrail on my front stairs.

- g. Hot water tank and furnace must be vented properly and operational.

Applicant Response: They are.

- h. Electric panel and circuits must be safe.

Applicant Response: They are. As this is my primary residence, I am aware of the condition of all appliances and systems and fix them as soon as they need any repair.

Business License Comments

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

Stipulations of Approval

1. Host will maintain a safe environment described above.

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2. Host will obtain a business license with the City.
3. The maximum number of guests is limited to five people.
4. Approval is for one year.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-31 for one year, subject to the stipulations. Roll call was taken and there were ten “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 12 – 18181...SPECIAL USE PERMIT #SP-2018-35 – HENRY C. MENDEZ WITH HENRY’S AUTO REPAIR AND TOWING

Synopsis: Renewal of a special use permit (#SP-2016-22) for auto sales and repair shop at 3402 Gibbs Road, submitted by Robin Richardson, Director of Planning. The applicant is requesting a renewal of a Special Use Permit (#SP-2016-22) for an auto sales and repair shop. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2018-35, subject to:

Urban Planning and Land Use comments

Below are the previous stipulations for approval; please indicate if all the stipulations have been complied with:

1. In order to calculate the required parking, please provide the square footage of the building. The parking ratio for vehicle repair is four spaces for every 1,000 square feet of building area.
Applicant Response: The building is 1,200 square feet.
Staff Response: Based on the square footage, five spaces are required for customer parking.
2. Per Sec. 27-593(b)(20)a.
 - a. Upgrade parking, including striping and/or resurfacing of parking lots, if deemed necessary by staff.
 - b. Landscaping, screening, and façade improvements to meet commercial design guidelines.

The parking lot needs to be restriped and resurfaced, as the asphalt and concrete lot has become degraded. With that said, on the scaled site plan (drawing), please illustrate where the cars will be parked.

Additionally, the Commercial Design Guidelines requires that trees be planted at least 75 percent greater than the district requirement. The requirement is one tree per 7,000 square feet of site area; therefore, four trees are required to be planted. Please indicate on the scaled site plan (drawing) where the trees will be planted.

Applicant Response: We will restripe the parking stalls, reseal the parking lot and plant four Maple trees.

3. Per Sec. 27-593(b)(20)d.1-3.

- a. Parking of the automobiles under heavy service repair, or mechanics shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required by sections 27-466 through 27-470.
- b. Parking shall be upgraded to current standards and regulations including medians, landscaping, and screening.
- c. Each automobile shall be in a striped, designated parking space. Please provide a more detailed drawing that shows the parking allocated for 3400 Gibbs Road. This includes parking spaces for customers, vehicles that are being repaired and those that are for sale.

Applicant Response: Please see the site plan.

4. In order to have legitimate signage, a sign permit must be filed with the Urban Planning and Land Use Department by a licensed and bonded sign company with the Kansas City, Kansas Business Licensing Department.

Applicant Response: The current sign is encased in a cabinet that is posted with cement poles to the ground and welded in place. This sign is not free flowing and not in the form of a banner.

5. No displays on the sidewalk, this includes signs, pennants, attention-attracting devices, etc.

Applicant Response: Understood.

Staff Conclusion

The applicant has worked with staff to answer questions regarding the addition of used auto sales to the existing mechanic and tire shop. The applicant has agreed to comply with the ordinance and guidelines. Subject to approval, staff stipulates the following:

- (1) This special use permit shall be valid for two years.
- (2) Four trees shall be planted to comply with the Commercial Design Guidelines.
- (3) Overhead doors shall be closed when working on vehicles.
- (4) The applicant has stated that six parking spaces will be allocated along South 34th Street to display used automobiles.
- (5) No vehicles that are in any state of disrepair may be seen from public view (South 34th Street or Gibbs Road).
- (6) Comply with aforementioned stipulations
- (7) Applicant has six months to comply or the special use permit will be terminated.

Business License Comments

1. Applicant has filed and maintained current occupation tax application with this office for auto sales and auto repair.

Public Works and Engineering Comments

- 1) Items that require plan revision or additional documentation before engineering can recommend approval:
 - A) Do the auto repairs include oil changes? If so, indicate if the facility has an oil water separator and its location.
Applicant Response: Yes, auto repairs do include oil changes. We do have an oil and water separator.
 - B) Are there wrecked vehicles stored on site? If so, provide a hot spot analysis in accordance with Appendix B of the 2009 MARC BMP Manual.
Applicant Response: No wrecked vehicles are stored on site.
- 2) Items that are conditions of approval (stipulations): None
- 3) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-35 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 13 – 18192...SPECIAL USE PERMIT #SP-2018-36 – DANA AND PATTI MEIER

Synopsis: Special use permit for an AIRBNB at 3910 Springfield Street, submitted by Robin Richardson, Director of Planning. The applicants are applying to use a single-family home, located at 3910 Springfield Street as a short-term rental space, rented through sites such as AIRBNB and VRBO. This home is not the applicant’s primary residence. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2018-36, subject to:

Urban Planning and Land Use Comments

1. How long has the short-term rental business been in operation?
Applicant Response: Since November 2017.
2. Were neighbors consulted prior to opening the business?
Applicant Response: Yes, we spoke with neighbors on all sides and across the street before starting the short-term rental.
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: AIRBNB collects taxes from guests and remits directly to the State.
5. How many rooms are rented?
Applicant Response: The entire house is rented.
6. What is the maximum number of people that will be staying at any one time?
Applicant Response: Five guests.
7. What is the maximum number of vehicles and where will they park?
Applicant Response: Two vehicles is the maximum. They can park in the driveway or garage.
8. How often are guests in the residence?

Applicant Response: It varies, based on bookings, but approximately 20 days per month.

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: This house has two bedrooms, one bathroom, plus kitchen, dining and living room areas.

11. As this is not your primary residence, where are you located?

Applicant Response: We live at 629 West 39th Terrace, Kansas City, MO 64111.

12. How often do you visit the property?

Applicant Response: We visit the 3910 Springfield property two or more times a week.

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: Patti and Dana Meier, the homeowners are contacted and are responsible for all issues at 3910 Springfield Street.

14. Have you provided your surrounding neighbors with your contact information should they have concerns?

Applicant Response: All neighbors adjoining our property on our side of the street and behind us (to the west), we have met and have provided them with our contact information. Neighbor on the east side of Springfield Street, we have met and explained what our intention with the property was, but when I suggested we swap contact information, they indicated they would like to do that later and have not contacted since that initial meeting.

15. Per Business Licensing: If approved, the applicant will need to file the occupation tax application with our office for the business activity.

Public Works Comments – None

AIRBNB and other short-term rental operators do not fall into the same category. In this instance, Mr. and Mrs. Meier rent out the entire home, while they live 1.5 miles from the property. Staff has not received reports of issues from neighbors, and Mr. and Mrs. Meier appear to have sufficient parking to accommodate any tenants. Staff feels there is minimal effect on the surrounding neighbors, no more than traditional guests of an owner/occupant would have.

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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 four or more stairs/risers.
 - g. Hot water tank and furnace must be vented properly and operational.
 - h. Electric panel and circuits must be safe.
- 2) Host will obtain a business license with the City.
- 3) The maximum number of guests is limited to five people (not including an infant/child).
- 4) Only one additional (guest) car is permitted.
- 5) House rules must include provisions indicating no parties or events to be hold on site.
- 6) Approval is for one year.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-36 for one year, subject to the stipulations. Roll call was taken and there were ten “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

PLAN REVIEW APPLICATION

ITEM NO. 1 – 18194...PLAN REVIEW APPLICATION #PR-2018-2 – ROD BROADHURS WITH R&S BUILDERS INC.

Synopsis: Preliminary and Final Plan Review for an addition and parking lot for an existing dentist office at 6708 State Avenue, submitted by Robin Richardson, Director of Planning. The applicant wants to construct a 2,737 square foot building addition and parking lot expansion for State Avenue Dental Office at 6708 State Avenue. The Planning Commission voted 6 to 0 to recommend approval of Plan Review Application #PR-2018-2, subject to:

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Urban Planning and Land Use Comments

1. The proposed roofing shingles shall match the existing shingles unless the entire roof is being re-roofed.
2. E.I.F.S may only comprise 15% of each façade, so it is suggested, as noted on the black and white building elevations that stucco is the exterior material.
Staff Response: The applicant updated the building elevations.
3. The Commercial Design Guidelines requires a 25-foot setback for landscaping adjacent to right-of-way. The applicant is seeking a deviation of 15 feet because shifting the parking lot to the east will overlap the proposed building addition.
4. The trash enclosure shall be comprised of the same exterior building materials as the dental office. The enclosure door shall remain closed except when in service.

Public Works Comments

- A) Items that require plan revision or additional documentation before engineering can recommend approval: None
- B) Items that are conditions of approval (stipulations):
 - 1) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Plan Review Petition Application #PR-2018-2, subject to the stipulations. Roll call was taken and there were ten "Ayes," McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

MISCELLANEOUS

ITEM NO. 1 – 18195...MASTER PLAN AMENDMENT #MP-2018-1 – UG URBAN PLANNING AND LAND USE DEVELOPMENT

Synopsis: Master Plan Amendment for the Rosedale University Town Plan and Fisher Park Development Concept Plan, submitted by Robin Richardson, Director of Planning. The Rosedale Master Plan includes the recommendation to establish a 'Rosedale University Town' adjacent to

the University of Kansas Hospital and Medical Center. The goal of the Rosedale University plan is for the neighborhood to grow alongside the university and hospital in a way that benefits everyone, and for the area to become an active hub of dense activity.

The University Town redevelopment idea creates a plan for the neighborhood to grow alongside the university and hospital in a way that benefits everyone. This area is envisioned as an active hub of dense activity that includes retail and services, offices, living opportunities, a welcoming streetscape, and a seamless connection into an enhanced Fisher Park and the Rosedale Regional Nature Trail. – (Rosedale Master Plan, Pg. 39)

The implementation chapter lists creating a “Fisher Park Development Concept Plan” that includes “trails, transit, traffic improvements, and new development” and shows “how these components best fit together.” (Rosedale Master Plan, Pg. 130). This plan, the Rosedale University Town District Transit Oriented Development & Multimodal Transportation Plan, accomplishes this action item and is a first step toward implementing the University Town vision. The Rosedale University Town district spans along 39th Avenue from The University of Kansas Medical Center Campus in the east to Fisher Park in the west and includes several blocks to the north and south from 38th Avenue to 40th Avenue. This plan provides additional analysis, public engagement, and recommendations to achieve the goals in the Rosedale Master Plan and includes:

- **Fisher Park Community Center**

- o Fisher Park is envisioned as home to a new community center or library. This plan creates additional detail for how this park could be enhanced to achieve this goal. The plan considers the relocation of BPU’s existing Fisher Park electrical substation, coordinates with existing and future underground utilities, and includes a plan for how the improvements can be phased over time.

- **An Enhanced Transit System**

- o Transit is vital to the continued growth of Rosedale. This plan calls for improving transit in Rosedale by establishing a transit center near 39th Avenue and Rainbow Boulevard. This move improves the efficiency of transit operations and user experience by better aligning the 107 and 39 routes. The plan also calls for premium transit features that make transit a more attractive option.

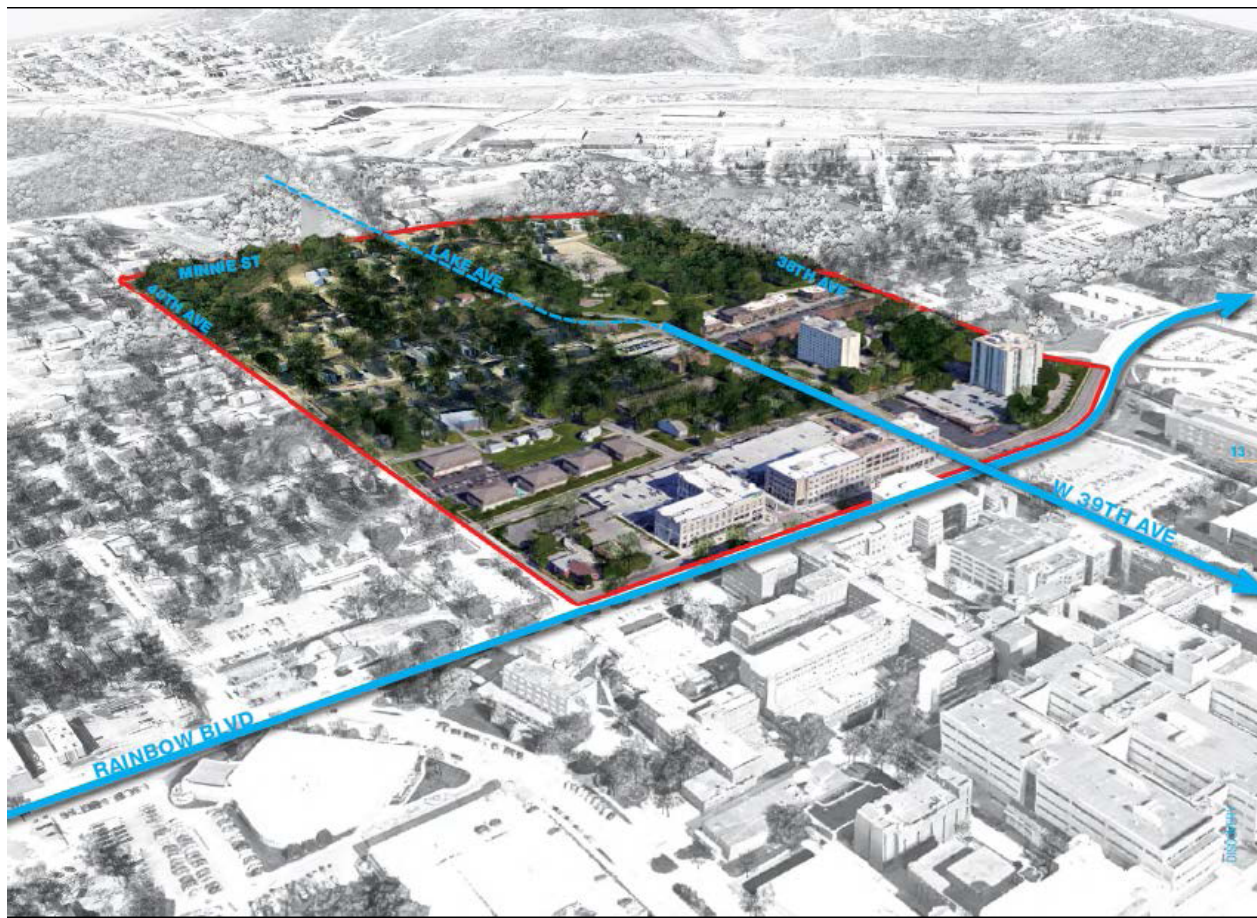
- **39th Avenue Complete Street**

- o The University Town District is envisioned as a walkable area with a high quality of life. Improving the streets and public spaces to support multimodal transportation is central to this vision. This plan calls for improving 39th Avenue and creating a complete street that supports walking, biking, transit, and vehicles. The plan includes a protected bikeway on 39th Avenue that connects parks, institutions, businesses, and mixed-use development.

- **Planning for Bicycles**

- o Comfortable, safe, and convenient bicycle infrastructure is critical to creating a truly multi-modal environment. This plan includes improvements to the bicycle circulation system and proposes appropriate facilities to support this mode of transportation.
- **Additional Green Space and Landscaping**
- o This plan recommends using green space and landscaping to connect the University Town District. This includes transforming Marty Ave into a park space and pedestrian thoroughfare and using landscaping and street trees along 39th Avenue to connect Fisher Park and the Rozarks Trails to the University of Kansas Medical Center and Hospital.
- **Housing and Quality Development**
- o There is a housing shortage in Rosedale that is pushing up prices. Housing affordability is an issue for the area as the strong demand and lack of supply is driving high prices. This plan further refines development scenarios in the University Town District and includes options for increasing housing supply, introducing high quality apartments, and transitioning density to protect established single-family neighborhoods.
- **Future Land Use Update.**
 - This plan amends the Rosedale Master Plan Future Land Use map from General Urban to Urban Mixed Use between Booth and Adams Streets between 39th Avenue and 40th Avenue in order to implement plan recommendations. This amendment is formed by market analysis, stakeholder information, and public engagement.

Property Location: This plan updates both the City-Wide and Rosedale Master Plans for the area along 39th Street from Rainbow Boulevard to the east, Minnie Street to the west, 40th Avenue to the south, and 38th Avenue to the north.

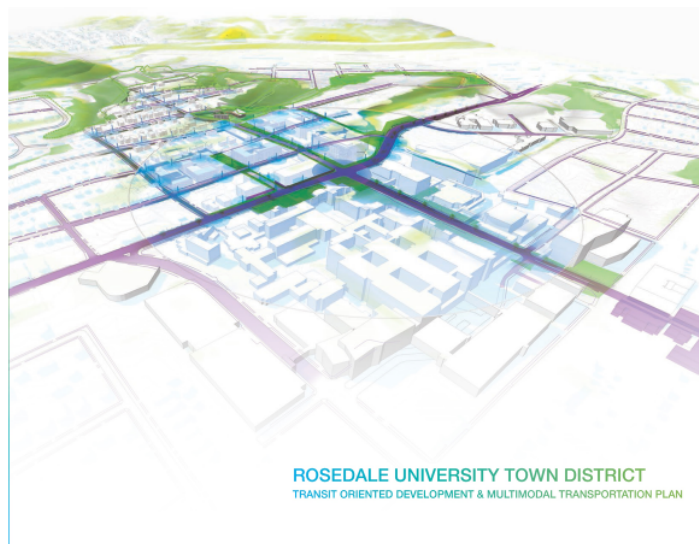


The Planning Commission voted 6 to 0 to recommend approval of Master Plan Amendment #MP-2018-1.

Mayor Alvey said I asked to set-aside this item to allow our Planning Department to provide a brief presentation.

Zach Flanders, Planning Department, said I want to thank the Mayor and the Commission for their support of this project and especially the members of the public and the stakeholders who put their time towards this project. I'll give a brief overview of the main highlights of the plan and then if there are any questions, I'd be happy to answer those.

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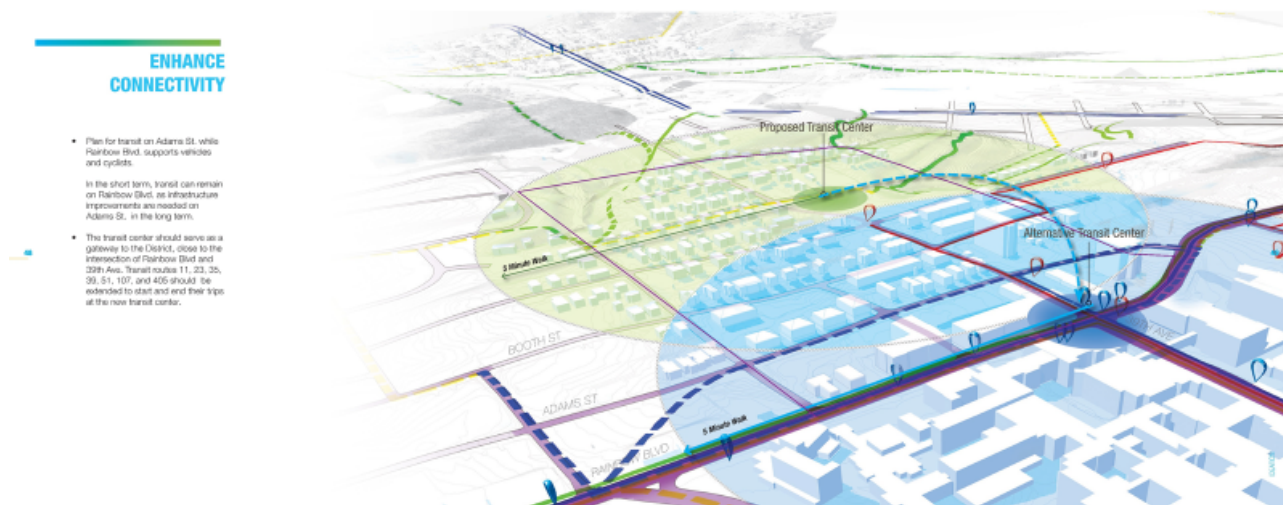


First of all, this is the area of the plan. We adopted the Rosedale Master Plan at the end of 2016 and one of the implementation items of that plan was to take a closer look at the area around 39th Street and Rainbow just adjacent to KU Med and to create a plan for a University Town District.

This plan was funded by the Mid-America Regional Council Plans to Sample Places Grant. It allowed us to take a more detailed look at this area you see highlighted on your screen. This is Rainbow. This is 39th. This is KU Med in the foreground here and then going back to Fisher Park

and a block in either direction from 38th to 40th. We we're able to do additional study in this area, some more stakeholder engagement and public engagement.



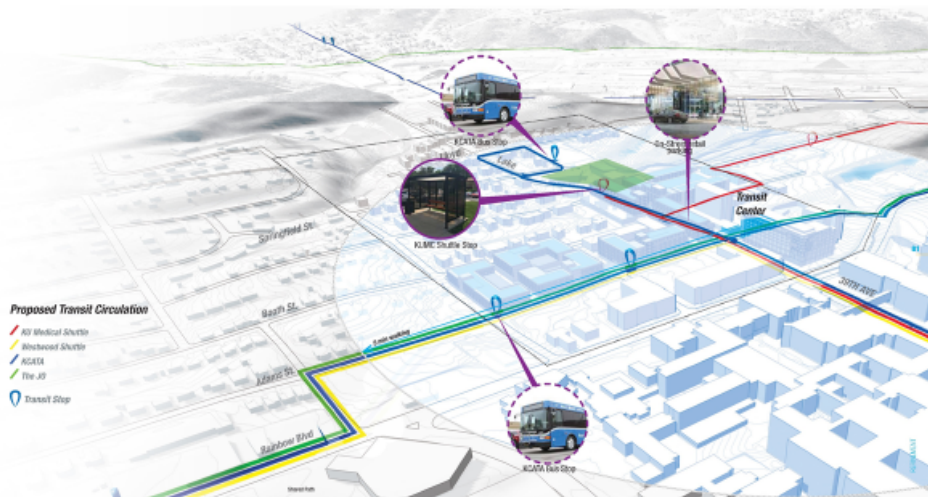


The key priorities for the plan were to create a Transient Land Development Plan. We know that transit is an important part of this area as KU continues to grow. We want to make sure that we plan for transit and also walkable, vibrant urban neighborhood. Improve the parks and trails. There was a desire to the Rosedale Master Plan for a community center or library branch so we looked at how that could be incorporated into Fisher Park. Then pursue housing strategies to accommodate the diverse housing needs of the area and look at multi-multiple transportation strategies.

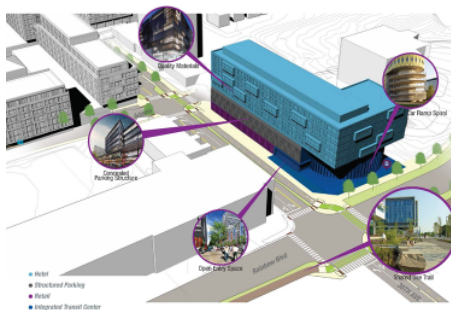
TRANSIT FACILITIES AND CIRCULATION PLAN

Near term: Enhancement of on-street transit facilities include new shelters and arrival time displays on both northbound and southbound sides of Rainbow Blvd and 39th Ave. For the purposes of promoting transit and making it a more visible component of the District, transit routes that terminate nearby should be extended to start and end their trips at the new transit center, thereby strengthening its place as a main hub of activity. This includes extending Routes 11, 23 to the transit center (to provide direct service to downtown KCMo) as well as Routes 35, 39, 51, 10V, and 405.

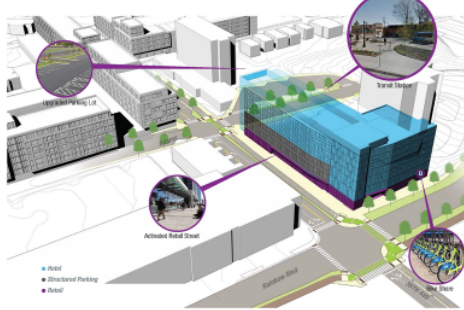
Long term: The final location of a new transit center will require continued coordination between the Unified Government, KCMo and other stakeholders to ensure compatibility with the roadway street network and activities in the area. The proposed transit center should be designed to serve as a major transit hub for transfer activity as well as a mobility hub for people traveling to and from the District. Whether those users arrive and depart by transit, automobile, by bicycle, or on foot, the transit center should serve as a gateway to the District.



INTEGRATED CORNER HOTEL AND TRANSIT CENTER



ALTERNATE LOCATION: ADAMS/39TH ST. TRANSIT STATION



TRANSIT CENTER- 39TH AVE/RAINBOW BLVD LOOKING WEST



ALTERNATE - 39TH AVE LOOKING EAST



I'll start with transit. One of the key recommendations, we we're looking at the major routes which are the 107 and the 39 which goes east/west, and is the most heavily trafficked transit route in the city that goes east/west, in the metro actually. We want to make transfers between those two routes very easy. We proposed doing a transit center around 39th & Rainbow. That would consolidate those stops and allow people to do transfers more easily. Right now, people are forced to cross the street three times to get in between those two stops.

We also looked at the new 11 Route that KCATA recently extended to this area and the KU Med shuttle service and ways to coordinate that. The goal is really to make transit easier to use, and to make it more of a premium experience so that more people will be willing to use it because we know that it is a going to be an important part. We can't solve the traffic with our road capacity alone, we have to look at transit. We looked at how it could be incorporated into the new hotel project and make it a transit hub right on the corner. Working with that property owner, that wasn't part of their plans, so we looked at an alternative at using some of the KCATA housing land to put a transit hub back there.



NETWORK APPROACH TO UNIVERSITY TOWN CENTER AT RAINBOW AND 39TH STREET



Also, looked at how that could be coordinated with BIKE Share and other mobility options.

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This is a rendering of how that could look on Rainbow here & 39th and then looking back towards the med center. We also looked at bicycle circulation and kind of revamped the bicycle circulation plan for the Rosedale Master Plan, worked with bicycle consultants on this. This is kind of up close how it could look on 39th & Rainbow. This is 39th and we looked at doing a separated cycle track on 39th and then a separated mixed trail along Rainbow. This is an example of another hospital campus in Minneapolis where they did this mixed trail along the major road and incorporated a bike trail as well. We're thinking of something along Rainbow, on the KU Med site.



Above: Protected intersection of two one-way bike lanes and a bus-only lane in Chicago. Source: San Francisco Bicycle Coalition.

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This is an example of a protected intersection, which if I scroll back to the Rainbow & 39th, we could see a protected intersection here. That actually provides physical protection for cyclists and pedestrians. This is an example of a built intersection of that type in Chicago.



We we're really thoughtful about how we could incorporate additional high-quality development in this area and transition from the major corridors where the density is concentrated down to the neighborhoods.

LOCATING NEW HOUSING

APPROPRIATE HOUSING	HIGH DENSITY OFFICE	LOW DENSITY OFFICE	TOWNHOMES
 Avg. Rent Per Month: \$1,000-\$1,200 Unit Sizes (Sq. Ft.): 700-1,200 Avg. Rent Per Sq. Ft.: \$1.50-\$2.50 Units Per Acre: 40-60 Comments: 10% Affordability Requirement, 1 BR, 2 BR, 3 BR Units	 Avg. Rent Per Month: \$2,000-\$3,000 Unit Sizes (Sq. Ft.): 500-1,200 Avg. Rent Per Sq. Ft.: \$1.50-\$2.50 Avg. Per-Sale Price: \$250K+ Comments: 10% Affordability Requirement, 1 BR, 2 BR, 3 BR Units	 Avg. Rent Per Month: \$1,000-\$1,500 Unit Sizes (Sq. Ft.): 500-1,200 Avg. Rent Per Sq. Ft.: \$1.50-\$2.50 Units Per Acre: 40-60 Comments: Surface Parking, Studios, 1 BR, 2 BR Units	 Avg. Rent Per Month: \$1,000-\$1,500 Unit Sizes (Sq. Ft.): 1,000-1,500 Avg. Rent Per Sq. Ft.: \$1.50-\$2.50 Avg. Per-Sale Price: \$250K+ Units Per Acre: 20 Comments: 2 BR, 3 BR Units

Proposed Strategies:

- Create a land lease policy for RM-2 Environment-owned land that is aimed at reducing development cost, promoting affordable housing, and creating high-quality development.
- Partner with developers experienced with high-quality urban redevelopment projects that use multiple funding sources to create successful mixed-use and mixed-income properties.
- Create an affordable housing fund that is funded by a portion of the incremental revenue gain that will be generated by new market-rate development.
- Leverage existing housing and development programs.
- Adopt an affordable housing policy that requires a certain percentage of new housing units meet defined affordability requirements. For instance, 15% of all new housing units in Roosevelt UDT should be affordable to households earning at or below 60% or 80% of the area median income. Incentives, developers would receive density bonuses or other public incentives.



We looked at different prices for housing and the bottom line in this area is that housing prices are really skyrocketing because this area is growing very, very quickly, but we've not done a great job of increasing the housing stock in this area.

In fact, from 2002 to 2010 the number of housing units have actually decreased and so this is an area where we have an opportunity to increase the amount of housing in Rosedale and maybe match the housing better with the demand where there's a lot of professionals and students who are wanting a smaller apartment style living closer to where they work or go to school which is KU Med.

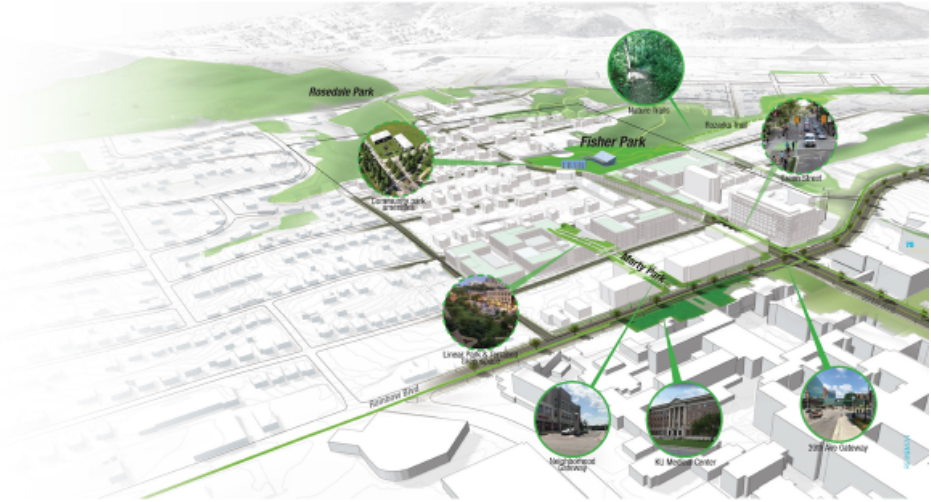


To do that we're proposing a Land Use Plan amendment that would take this block between Adams and Booth and 39th and 40th and increase that to higher density mixed-use.

A GREAT PUBLIC REALM FOR THE COMMUNITY

Near term: Green space and landscape should be used to connect the University Town District. This includes improvements to Fisher Park and using landscaping and street trees along 39th Avenue to connect Fisher Park and the Rozarka trails to the University of Kansas Medical Center and Hospital. Landscape-based strategies can provide amenities and gathering space in Fisher Park while community programs are developed and incubated in storefront spaces along 39th Avenue.

Long term: Fisher Park is envisioned as the long-term home to a new community center or library. With the anticipated relocation of BPU's existing Fisher Park electrical sub-station, improvements can be phased over time while coordinating with existing and future underground utilities and preserving open space in the park. In the long term, this facility will collect multiple community programs and serve as a visual anchor at the terminus of 39th Avenue.



Finally, I talked about transit, transportation and talked about development, but the secret ingredient for any community is its public spaces so we spent a long time thinking about parks and public spaces and trails and how those could be coordinated with the plan. This is an overview of that work.



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FISHER PARK PLAZA & GARDENS (NEAR TERM)

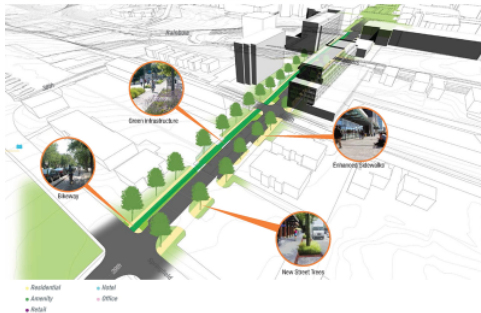


COMMUNITY CENTER EMBEDDED IN FISHER PARK (LONG TERM)

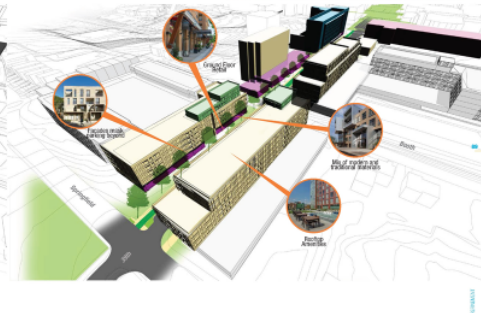


For Fisher Park we looked at how, in the short term, we could incorporate a pavilion and potentially move the Farmer's Market into this space as more of a permanent space and then overtime a library, community center and recreation center could be incorporated in that park. Working with BPU on relocating that substation while keeping underground utilities and working around those.

39TH AVE - ENHANCED STREETSCAPE AND ACTIVE MIXED USE (NEAR TERM)



39TH AVE - DENSE URBAN CHARACTER (LONG TERM)



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ACTIVE STREET LIFE - 39TH AVE LOOKING EAST (NEAR TERM)



NEW COMMUNITY ASSETS - 39TH AVE (LONG TERM)

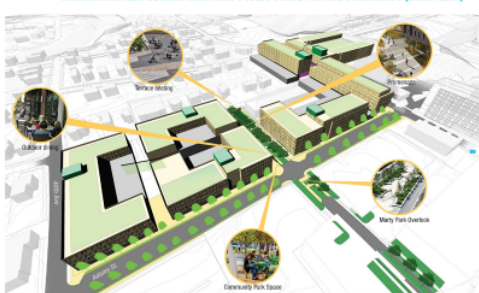


Here's a view of how that could look on 39th Street. Going from the park towards KU Med really thinking about streetscape and incorporated landscaping and again those bike lanes and development on 39th Street and how that could look as it continues to develop.

PROVIDING HIGHLY AMENITIZED HOUSING OPTIONS (NEAR TERM)



INTEGRATING NEW DEVELOPMENT AND PUBLIC SPACE FOR THE COMMUNITY (LONG TERM)



This is the site where we would be increasing the land use from general urban to urban mixed-use which is the next highest level to facilitate kind of development like this and working with this

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property owner as well throughout the process where looking directly in KU Med, you could build new housing and incorporate green space to make a really nice residential corridor.

BUILDING A DESTINATION FOR THE ROSEDALE COMMUNITY - MARTY AVE LOOKING EAST
(NEAR TERM)



GATHERING IN MARTY PARK (LONG TERM)



AERIAL VIEW



This is an overview of how that could look.

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Next steps for us are to do some more scoping on the costs of doing this. The goal would be to submit this March 2020 call for projects which would be federal funding and then in the meantime figure out the scope and continue to work with our local partners such as KU Med to get that local match in place to actually build some of this infrastructure.

PUBLIC MEETING #1: JUNE 26TH, 2017

III PROJECT GOALS, WHAT IS MISSING?

- Maintain diverse neighborhood while providing a range of affordable housing with lower rental rates
- Maintain community scale
- Develop Fisher Park into a Central Hub - connection between higher density and residential
- Expand park to reduce speed of traffic
- Improve 39th street appearance by 10-fold
- Higher density along 39th and Rainbow, residential near Fisher Park and further West

III WHAT DO YOU SEE AS THE BIGGEST CHALLENGE TO THE SUCCESS OF THIS EFFORT?

- Traffic and parking
- Educating people on the benefits of this project
- Changing the perception of Rosedale schools
- Fisher Park as an amenity & destination space that draws people in other than neighbors

III WHAT IS THE MOST IMPORTANT THING WE AS YOUR DESIGN TEAM NEED TO GET RIGHT?

- Host public meetings to encourage conversation
- Transit at 39th and Rainbow
- Security along 39th
- Create a timeline for development
- Affordable housing - provide data on current rental rates
- Subsidized housing opportunities
- Keep high density growth near major roads, keep single family separate

III WHAT IS REALLY WORKING WELL THAT YOU THINK WE SHOULD KEEP?

- Range of affordable housing
- Diversity and longevity of neighborhood
- Fisher Park, Rosedale trails & walkability
- Residential-like feel along edges

III WHAT IS REALLY NOT WORKING WELL THAT YOU THINK WE SHOULD LOSE?

- KU parking - relocate student street parking to KU property
- Sidewalks - need to be upgraded for better accessibility
- Streets - improve paving, lighting, street trees
- Infrastructure - water and sewer needs to be updated
- Lack of amenities - increase for existing neighborhood
- Non-existent businesses and empty buildings on rainbow

III WHAT IS THE MOST ASPIRATIONAL THING WE SHOULD CREATE?

- Fair rental rates for families in Rosedale
- Community center with pool / gym / library
- Children's amenities at Fisher Park
- Hotel
- Assisted living housing / retirement housing
- Develop mixed use off of rainbow - retail and neighborhood services
- Bikeable/walkable sidewalks and streets
- Transit - KCATA route plans
- BPU substation



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PUBLIC MEETING #2: SEPTEMBER 13TH, 2017

III CIRCULATION & TRANSIT?

- Consensus on locating the transit center near 39th and Rainbow.
- Increased on-street parking
- Improved bicycle / pedestrian facilities on Rainbow / Adams.
- Agreement on need for bike share stations and more street trees.

III OPEN SPACE & AMENITIES?

- Connect 38th Avenue corridor from Fisher Park to Rainbow via a linear green space.
- Create a central hub at Fisher Park with a community center, open space and trails.
 - Reading Rooms / Seating Areas
 - Meeting Spaces / Fitness Room
 - Pavilion / Trail Head
 - Outdoor Basketball Courts
 - Playground
- Protect the green space and provide additional amenities.

III DENSITY & CHARACTER?

- Improve the existing community by connecting the 39th Avenue corridor with neighborhood retail.
- Maintain separate single family housing and transition from University / Office to single family by using missing middle housing.
- The community likes the idea of locating higher density development along the edges of the neighborhood and near major roads.

III HOUSING STRATEGIES?

- Maintain diverse neighborhood while providing a range of affordable housing.
- Provide higher density along the edges of the community.



PUBLIC MEETING #3: DECEMBER 12TH, 2017

III GENERAL CONSENSUS

- General approval and appreciation for the basic concept – a mix of uses, diverse development, improved walkability, integrated transit options and enhanced green space.
- The community seems very excited for a positive change!

III ADDITIONAL COMMENTS

- Great campus concept and atmosphere for commuters, students, residents.
- Include local retail and dining.
- More trees!
- Maintain fruit trees in Fisher Park
- Love the idea of making “affordability” a policy.
- Very important to maintain a high amount of affordable housing.
- Include appropriate bike parking at buildings.
- Upgrades to Fisher Park will increase property values.
- Consider a playground before anything else at Fisher Park.



I would just point out that we had a really great public process. We sent postcards to every address in this area ahead of each meeting, had a really great turnout. I won't go through these in detail. You can read that in the plan.

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PUBLIC MEETING #3

PUBLIC OUTREACH AND COMMUNITY ENGAGEMENT

OPEN HOUSE FEEDBACK FORM
Tuesday | December 12, 2017 | 5:30-7:30 PM | Rainbow Mennonite Church

Name Gray La Rue Email Address LARUE@GMAIL.COM
 Address 4600 Cambridge Phone Number 857-3794

Anything else you would like to share with us about Rosedale University Town?
looks good - I hope we can see more clearly and introduce
and public transportation

How did you hear about this meeting?
☐ Email
☐ Mailer
☐ Website
☒ Word of mouth
☐ Other _____

THANKS FOR YOUR FEEDBACK!

OPEN HOUSE FEEDBACK FORM
Tuesday | December 12, 2017 | 5:30-7:30 PM | Rainbow Mennonite Church

Name BETH CROSBY Email Address bethcrosby@gmail.com
 Address 4535 Cambridge St Wc 66103 Phone Number 918-242-1942

Anything else you would like to share with us about Rosedale University Town?
1- DEVELOP MORE PHOTO REALISTIC RENDERINGS
2- MAKE FUTURE PROOFING
3- HOW MUCH OF JOBS # IS BEC & BECOMES LOCAL

How did you hear about this meeting?
☒ Email
☐ Mailer
☐ Website
☐ Word of mouth
☐ Other _____

THANKS FOR YOUR FEEDBACK!

PUBLIC MEETING #3

PUBLIC OUTREACH AND COMMUNITY ENGAGEMENT

OPEN HOUSE FEEDBACK FORM
Tuesday | December 12, 2017 | 5:30-7:30 PM | Rainbow Mennonite Church

Name Shela Sanders Email Address sewbait02@yahoo.com
 Address 3729 Thompson Circle Phone Number _____

Anything else you would like to share with us about Rosedale University Town?
I love the concept and appreciate all the hard
work that has gone into planning this. I really
hope that this project goes thru.

How did you hear about this meeting?
☐ Email
☒ Mailer
☐ Website
☐ Word of mouth
☐ Other _____

THANKS FOR YOUR FEEDBACK!

OPEN HOUSE FEEDBACK FORM
Tuesday | December 12, 2017 | 5:30-7:30 PM | Rainbow Mennonite Church

Name BETH CROSBY Email Address bethcrosby@gmail.com
 Address 4535 Cambridge St Wc 66103 Phone Number 918-242-1942

Anything else you would like to share with us about Rosedale University Town?
1- DEVELOP MORE PHOTO REALISTIC RENDERINGS
2- MAKE FUTURE PROOFING
3- HOW MUCH OF JOBS # IS BEC & BECOMES LOCAL

How did you hear about this meeting?
☒ Email
☐ Mailer
☐ Website
☐ Word of mouth
☐ Other _____

THANKS FOR YOUR FEEDBACK!

PUBLIC MEETING #3

OPEN HOUSE FEEDBACK FORM
Tuesday | December 12, 2017 | 5:30-7:30 PM | Rainbow Mennonite Church

Name Rene Staudenig Email Address r.staudenig@kumc.edu
 Address KUMC Phone Number 9135883000

Anything else you would like to share with us about Rosedale University Town?

Great Concept To Create "Campus" Atmosphere For
Transient And Students, Hopefully Will Increase
Local Retail And Dining Environment

How did you hear about this meeting?

- ☐ Email
☒ Mailer
☐ Website
☐ Word of mouth
☐ Other _____

**THANKS FOR YOUR
 FEEDBACK!**

OPEN HOUSE FEEDBACK FORM
Tuesday | December 12, 2017 | 5:30-7:30 PM | Rainbow Mennonite Church

Name Janel Friesen Email Address jfriesen@wyckoff.org
 Address _____ Phone Number _____

Anything else you would like to share with us about Rosedale University Town?

Creating criteria for affordable housing (Why 10% of housing?
60% of median income in the area - what area? Rosedale?
KCK?) Existed for changes to Fisher Park (as long
as we include living room trees in plan)

How did you hear about this meeting?

- ☐ Email
☐ Mailer
☐ Website
☒ Word of mouth
☐ Other _____

**THANKS FOR YOUR
 FEEDBACK!**

PUBLIC MEETING #3

OPEN HOUSE FEEDBACK FORM
Tuesday | December 12, 2017 | 5:30-7:30 PM | Rainbow Mennonite Church

Name Barbara Grayba Email Address barbarag@kumc.edu
 Address 3133 W 41 Ter Phone Number _____

Anything else you would like to share with us about Rosedale University Town?

Consider connecting Fisher Park to Frank Reinton Sh
Please maintain our fruit trees in Fisher park, I've
idea of making housing affordable a policy it is very
important to maintain a high cost of affordable ho
housing. Love the amount of bike infrastructure pl

How did you hear about this meeting?

- ☐ Email
☐ Mailer
☐ Website
☒ Word of mouth
☐ Other VEDA

**THANKS FOR YOUR
 FEEDBACK!**

OPEN HOUSE FEEDBACK FORM
Tuesday | December 12, 2017 | 5:30-7:30 PM | Rainbow Mennonite Church

Name Robert Drexler Email Address rdrexler@kumc.edu
 Address 3133 W 41 Ter KCK Phone Number 316-346-1000

Anything else you would like to share with us about Rosedale University Town?

Don't build the town in Fisher park (the first town going south) it's like the
sustainability and sustainability. Don't place the town in the middle of personal safety risk
to the first town. Community is a lot of people (especially at the new health center building) don't
only threaten to the road, making it difficult to get back on the road (See back!)

How did you hear about this meeting?

- ☐ Email
☐ Mailer
☐ Website
☒ Word of mouth
☐ Other _____

**THANKS FOR YOUR
 FEEDBACK!**

PUBLIC MEETING #3

OPEN HOUSE FEEDBACK FORM
Tuesday | December 12, 2017 | 5:30-7:30 PM | Rainbow Mennonite Church
 Name Jessy D Sullivan Email Address jsullivan56@gmail.com
 Address 1231 Lawton LN Phone Number 913-677-5334
913-304-0106 Cell

Anything else you would like to share with us about Rosedale University Town?

Thank you, your plans look good for the future.
If you decide to build bus route in all of the
Rosedale Area - please let me know

How did you hear about this meeting?

- ☐ Email
☐ Mailer
☐ Website
☐ Word of mouth

☒ Other Walk my club

**THANKS FOR YOUR
FEEDBACK!**

OPEN HOUSE FEEDBACK FORM
Tuesday | December 12, 2017 | 5:30-7:30 PM | Rainbow Mennonite Church
 Name Cathlin M Reynolds Email Address ajollyy64@gmail.com
 Address 4000 Adams St Phone Number 620-229-1456

Anything else you would like to share with us about Rosedale University Town?

I love the idea of a library-gardening space & seeing someone
getting the town's market a better home. I'm concerned about parking
here that housing stays affordable for my neighbors & family.

How did you hear about this meeting?

- ☐ Email
☒ Mailer
☐ Website
☐ Word of mouth
☐ Other _____

**THANKS FOR YOUR
FEEDBACK!**

OPEN HOUSE FEEDBACK FORM
Tuesday | December 12, 2017 | 5:30-7:30 PM | Rainbow Mennonite Church
 Name Tony Rouse Email Address trbiker@comcast.net
 Address 2303 S. Gandy St Phone Number 316-310-0987

Anything else you would like to share with us about Rosedale University Town?

I like the basic concept. It is aggressive and is it business
could really improve the area. Adding walkability and
bikeability are desirable features. Adding a community center
should increase use of Fisher Park and attract more people.

How did you hear about this meeting?

- ☐ Email
☐ Mailer
☐ Website
☐ Word of mouth

☒ Other Facebook invitation from RDA

**THANKS FOR YOUR
FEEDBACK!**

OPEN HOUSE FEEDBACK FORM
Tuesday | December 12, 2017 | 5:30-7:30 PM | Rainbow Mennonite Church
 Name Billy Brane Email Address billybrane@gmail.com
 Address 3906 Fisher St Phone Number 913-206-3527

Anything else you would like to share with us about Rosedale University Town?

Playground before everything else at Fisher Park

How did you hear about this meeting?

- ☒ Email
☐ Mailer
☒ Website
☐ Word of mouth
☐ Other _____

**THANKS FOR YOUR
FEEDBACK!**

PUBLIC MEETING #3

OPEN HOUSE FEEDBACK FORM
 Tuesday | December 12, 2017 | 5:30-7:30 PM | Rainbow Mennonite Church

Name Gil Pinter Email Address gripinter@gmail.com
 Address 4378 Cambridge Phone Number 912-314-2905

Anything else you would like to share with us about Rosedale University Town?

*Since the Fisher Lake area is in the plan area
 need to show the existing BT school parking, I think
 think you'd want to show that the need
 for a school is for the north/south and how it
 How did you hear about this meeting?*

☒ Email

☐ Mailer

☐ Website

☐ Word of mouth

☐ Other

**THANKS FOR YOUR
 FEEDBACK!**

OPEN HOUSE FEEDBACK FORM
 Tuesday | December 12, 2017 | 5:30-7:30 PM | Rainbow Mennonite Church

Name Andrea Carlson Email Address andrea@carlson.com
 Address 4540 Adams St Phone Number (413) 664-1641
Kick 66105

Anything else you would like to share with us about Rosedale University Town?

*Great plan. Plan was well thought out and is
 a good about. I think it's important to have
 as much green as possible. I think it's important to have
 a lot of green and it should be supported from
 How did you hear about this meeting?*

☒ Email

☐ Mailer

☐ Website

☐ Word of mouth

☐ Other

**THANKS FOR YOUR
 FEEDBACK!**

I also included some of the comments that we got, which I won't read, but the last public meeting; there were three public meetings in all. I was really happy with the turnout and the response that we got. It was a meeting where, I think, it was almost 100% positive which is great for a public meeting. With that I'll ask if there's any questions.

Mr. Richardson said I would just add one comment to Zach and the increase in the density in the area. One of the things we discovered recently, we did some analysis of property values by acre within the county. It turns out the highest property tax paying parcel per acre in the county is the 39Rainbow Project so that mixed density, high density development, actually is paying off for us. It's a great development. It has good stuff with it and replicating that would seem to pay benefits for us in the long run.

Mayor Alvey said thank you. Any questions or comments.

Commissioner Murguia said, Rob, since you brought it up, I wasn't going to say anything about it, but it's a missed opportunity, I guess, if I don't. When that 39Rainbow project was initially introduced to us, it was very controversial and a lot of commissioners at that time viewed it as an

incredibly high risk and not a lot of return from that project. The developer of that project had to jump through a lot of hoops and luckily he was tenacious enough to stay with it and not give up on the project. This is just another good example when we know the area, when we engage our community and we take risks, how we can begin to be part of turning around a once very blighted urban area which is just coming back, as you know, by leaps and bounds.

Mayor Alvey asked if there is anyone of the public who would like to speak in support of this change.

The following appeared in support of:

David Meditz, 12801 Sewell, said yes, my name was mentioned briefly as being Chairman of the Landmarks Commission. I have had no connection with this project whatsoever. I was lucky enough last fall to participate in a seminar down in Wichita which talked about urban development and the benefits that could be developed from that; tax revenues, etc. It is my belief, as a private citizen, that this is one of the most beneficial projects that we could develop.

No one else appeared.

No one appeared in opposition.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Master Plan Amendment #MP-2018-1.** Roll call was taken and there were ten “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 2 – 18196...RESOLUTION: ROSEDALE MASTER PLAN AMENDMENT

Synopsis: A resolution adopting the Rosedale Mater Plan Amendment – Rosedale University Town, submitted by, Robin Richardson, Director of Planning.

April 5, 2018

Acton: **RESOLUTION NO. R-22-18**, “A resolution adopting the Rosedale Master Plan Amendment - Rosedale University Town.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were ten “Ayes” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 18183...SPECIAL USE PERMIT APPLICATION #SP-2018-15 – CASEY BOND

Synopsis: Home occupation special use permit for an AIRBNB at 35 South 7th Street Trafficway, submitted by Robin Richardson, Director of Planning. The applicant is applying to use the property at 35 South 7th Street Trafficway as a Bed and Breakfast. This is the applicant’s primary residence, and the applicant is listing up to four bedrooms. The Planning Commission voted 5 to 1 to recommend approval of Special Use Permit Application #SP-2018-15, subject to:

Urban Planning and Land Use Comments

1. How long has the business been in operation?
Applicant Response: 1 year and 5 months. First reservation was in August 2016.
2. Were neighbors consulted prior to opening the business?
Applicant Response: The neighbors next door was.
3. Do you have a business license?
Applicant Response: No, but I have recently paid the city a fee for it.
4. Have you paid appropriate lodging taxes?
Applicant Response: Yes, AIRBNB takes taxes out before paying me
Staff Note: Airbnb now collects and remits taxes on behalf of the host in the State of Kansas. Airbnb collects the following taxes: Kansas Retailers’ Sales Tax, Local Sales Tax, and Transient Guest Tax.
5. How many rooms are rented?
Applicant Response: One to four depending on the reservation.
6. How often are guests in the residence?

Applicant Response: An average of 9-12 days per month. Typical stays are Friday through Sunday.

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

Applicant Response: Eight, one couple per bedroom; however, the typical number is two to four.

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

Applicant Response: 0 -1 vehicles is the normal. I have never had more than two vehicles. Yes, my driveway is on the north side of my house and fits two cars, front to back, and there is room for two more vehicles on the street in front of my house. I share this double wide driveway with my neighbors.

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

Applicant Response: I think so, I recently paid a fee to the UG for this.

Staff Note: Rental Licensing does not have record of a rental license at this address.

10. Describe in detail the area(s) rented for Airbnb/other rental operations. Include bedrooms, bathrooms, common areas, etc.

Applicant Response: I rent my whole home, meaning my guests have access to my entire house. My fully furnished home has an eat in kitchen, a living room, laundry room, and a half bath on the first floor. The second floor has a full bath, a linen closet, two bedrooms, and an office nook. The third floor has two bedrooms. Other details include: Central heat and air, smoke detectors on each floor and in each bedroom. GFCI outlets in the bathrooms, all windows are unobstructed and in proper working order, keyless entry keypad lock on front door, handrails on both sets of stairs, and a fire extinguisher in the kitchen. Rules guests must agree to are: no guests under the age of 21, no smoking indoors, no parties, no pets, and no children.

Business License Comments

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

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.

April 5, 2018

- c. Double keyed locks are not allowed
 - d. Copper cannot be used for gas supply lines
 - e. Windows must be operable, not blocked or boarded
 - f. Handrails are required at sets of four or more stairs/risers
 - g. Hot water tank and furnace must be vented properly and operational.
 - h. Electric panel and circuits must be safe
2. Host will obtain a business license with the City.
 3. The maximum number of guests is limited to five people.
 4. Approval is for one year.

Rob Richardson, Director of Planning, said you have accurately described the positioning of the case from the Planning Commission. They discussed the case. Some are fashioned to many of the other cases that were on the Consent Agenda tonight where the owner was not present while the guests from the AIRBNB were in the home. We've recommended this for approval for one year on a trial basis.

Jessica Zieg, 3025 N. 51st St., said I am Casey Bond's emergency contact while she is not in Kansas City. I'm filling in for Casey tonight, as she is currently out of town for work.

When she currently applied for the special use permit she was given a schedule for deadlines and the Commission hearings in her packet. Her packet, as well as many of the other host packet, said the meeting would be on the 29th so she took off work on the 29th to be here and then it somehow got changed. Not sure what the disconnect was there, but she cannot be here tonight, so I am here for her.

Casey is applying for a special use permit to host a short-term renters out of her personal house at 35 S. 7th St. Trfwy. Do you want me to go into any information about her? I certainly can.

I would say it was her understanding that the nay vote was because she was the first one on the agenda and I think the nay vote was in regard to the term limits, not anything against her actual application. **Mr. Richardson** said I would agree with that assessment.

Mayor Alvey opened the public hearing.

April 5, 2018

No one appeared in support.

No one appeared in opposition

Mayor Alvey closed the public hearing.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve Special Use Permit #SP-2018-15 for one year, subject to the stipulations. Roll call was taken and there were ten “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 2 – 18191...SPECIAL USE PERMIT APPLICATION #SP-2018-32 – REGINALD DAVIS FOR EGYPTIAN COBRA

Synopsis: Special use permit for a private club at 2519 Park Drive, submitted by Robin Richardson, Director of Planning. The applicant, Reginald Keith Davis representing Egyptian Cobra, has applied for a special use permit to operate a private club at 2519 Park Drive. The property includes a single-story building with less than 2,000 square feet and a parking lot. It is surrounded on three sides by single family residences and a public park to the west. The Planning Commission voted 4 to 1 to recommend approval of Special Use Permit Application #SP-2018-32, subject to:

Urban Planning and Land Use Comments

1. The previous special use permit stated that “Should the applicant renew this special use permit in two years, the applicant and owner shall close the west entrance by submitting plans to the Public Works Department and obtain the necessary right-of-way permit to conduct the work.” Has this work been completed? If not, please provide a development plan illustrating how the work will be completed.

Applicant Response: No, the applicants were just made aware of this requirement by the question being proposed to them in the staff comments.

My clients informs me that this is an easy fix! The plan is simple. One of the members works for a concrete company. The organization plans to purchase two concrete barriers and place

them in a position where egress and ingress into the parking lot from the west entrance is blocked. Of course, this is subject to UG approval.

2. What are the proposed hours of operation?

Applicant Response: The organization is not operating as a place of business. The organization considers the building as a clubhouse. When they use the word private club, its usage only implies that it's a member only social networking organization which is created for the sole purpose of the members being able to fellowship and enjoy riding their motorcycles together.

Nevertheless, the organization is willing to set and abide by the following hours as to when a club member may use the clubhouse. They propose that Sunday through Thursday that the clubhouse will be available for usage during the hours of 2:00 PM until 10:30 PM and that on Friday and Saturday the clubhouse hours will be 1:00 PM until 12:00 AM. There may be sometimes when a member may come earlier and stay later, but they are in agreement to holding these hours. In addition, please be informed that the clubhouse is not opened every day. The members come and go as they see fit. Most likely than not, they expect to be present in the clubhouse two to three times a week.

Planning Commission Stipulation: No congregating in the parking lot or music being played in the parking lot.

3. Are you proposing to serve alcohol at this site? Are you proposing to have live entertainment of any kind? A separate special use permit is required for live entertainment.

Applicant Response: No, the organization does not plan to sell or serve alcohol at the clubhouse. However, there may be some members who might bring in alcohol to consume while at the clubhouse to enjoy themselves.

No, the organization has no plans to provide live entertainment at the clubhouse.

4. Please provide a security plan that demonstrates how you will keep club patrons and the public safe.

Applicant Response: The clubhouse is not open to the public. The Egyptians Cobras are a members only organization which permits only members, friends, family and other motorcycle club members into the clubhouse. However, the organization does provide security at the clubhouse in the form of two sergeants-at-arms, one is posted outside the door of the clubhouse. He monitors the parking lot and questions everyone including

members who enter the clubhouse as to anything he deems to be dangerous or illegal. The other sergeant-at-arms is posted inside the clubhouse and he, assisted at times by a female member, checks everyone including members for weapons before they are allowed to enter.

5. One off-street parking space is required for each 50 square feet of seating area in the building and an additional space for each additional 200 square feet of total floor area. Please provide a floor plan of the building that designates the seating area and a plan for the parking lot that shows how the required parking will be accommodated on site.

Applicant Response: In accordance with our previous conversation in your office, I am providing the measurement as taken by the membership. My understanding was that the measurement was 22 feet by 40 feet. Once again, I inquire as to what was presented to the UG by the previous applicant and if there are records kept? And if so, is it fair to assume that there is adequate parking at the clubhouse now?

6. Has the applicant been in contact with the neighborhood group, Wyandotte Countians Against Crime (WCAC) prior to your neighborhood meeting?

Applicant Response: Yes, the attorney, Reginald Davis for the organization, phoned Mr. Paul Soptick and they had a quite lengthy conversation concerning the application for the special use permit.

7. If approved, the applicant will comply with the security codes, ordinances related to alcohol, and all other relevant ordinances.

Applicant Response: The organization does not plan to sell or serve alcohol at the clubhouse. However, if approved, they are willing to comply with all Federal, State, and Local laws, codes and ordinances.

8. Why did the applicant attempt to hold an event after being told they were prohibited?

Applicant Response: The organization never attempted to hold an event at that location of 2519 Park Drive after being instructed to cease all activities at the clubhouse by both the Department of Planning and Zoning and the Kansas City Kansas Police Department; who visited there twice. The visits included one visit by Sergeant Jeff Miskec and another visit by Captain George Sims, who indicated that he was dispatched there by Major Ken Anderson on a request which came directly to him from Mr. Robin Richardson.

Public Works Comments

- 1) Items that require plan revision or additional documentation before engineering can recommend approval: None
- 2) Items that are conditions of approval (stipulations):
 - A) If there will be a kitchen, a grease interceptor shall be provided.
- 3) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None

Rob Richardson, Director of Planning, said the Planning Commission did recommend approval 4 to 1, but staff is still recommending denial of this case for reasons stated in your staff report. I believe Mr. Davis is here to represent the applicant this evening.

Reginald Keith Davis, Attorney at Law, 750 Ann, said tonight I am here on behalf of Egyptian Cobra and I am asking that you approve the special use permit that they have applied for. If there is any questions, I'd be more than glad to try to answer any questions that you all might have. I know we have been in front of the Planning and Zoning Board. It was a very long lengthy discussion that we had that night. They have approved the special use permit with quite a few stipulations which my clients are willing to abide by.

Mayor Alvey opened the public hearing.

No one appeared in support of.

The following appeared in opposition:

Paul Soptick, 65 S. 24th St., said we had a lengthy discussion at the Planning and Zoning meeting the other day and we talked about the hours of operations, the alcohol that might or might not be served there, the security that they are supposed to have there, the street parking over parking in general, and the noise ordinances or the noise issues. We still have to oppose it for those particular issues. I noticed in the packet here that factors to be considered, it talks about the property that has remained vacant. The comment was it was not vacant. It was in operation as a private club by the Cobras without a permit. They talked about the degree of conformance to the proposed use of it by

the master plan and it said it was not compatible with the Citywide Master Plan. They talked about the convenience and welfare of the public and it said it may substantially injure the appropriate use, visual quality, or marketing of adjoining properties. They talked about the noise and vibration dust and elimination. It says that it could create problems for nearby properties. They talked about the relative gain to the public health, safety, and welfare. Again, it says there is no relative gain to the public health, safety and welfare associated with proposed usage.

There was an issue on here where it talks about hours of operation. Basically, it says that they propose that the club will be used from 2:00 p.m. to 10:30 p.m. Monday – Thursday, Fridays and Saturdays would be 1:00 p.m. to 12:00 a.m., but they also mention that there may be sometimes where members come earlier and stay later, so why do we have hours of operation when they say they can get there early and stay later.

Again, it says that staff does not agree with the recommendation of the City Planning Commission. The staff agrees with the neighbors that the use is not appropriate for the neighborhood and recommends denial of the application. I hope that's the way it is.

Jan Moore, 42 S. Valley, said I don't have a lot to say. I will just say really noise pollution is what we're here for. We don't have anything against the group or anything. I just want to say that to your people. We don't have anything against them. We just would like a quiet zone. We have sirens, police, fire trucks, ambulances, helicopters, and traffic. There urban core is controlled pretty good. It's very busy. We have a quiet zone, we'd like to keep it like that. Motorcycles, don't know much about them, but that bumps up the noise factor.

Also, I noticed at last Planning and Zoning that some of the members were from the west side of Wyandotte County. It's not my proposal or anything, but if they could find a location with more open land and where some of the members live, that would help us keep our quiet zone. We have City Park which is a nice place, always has been, right by it.

Jorge Vasquez, 2319 Riverview, said we, who live along the Park Drive community have faith and trust that you and this governing body will do what's best for our community. I have some information, just general information, for you that will probably be passed around. Let's not forget the whole area that is affected by your vote for the best for our community. Let's not forget the whole area. This affects not only Park Drive, but also Ridge Avenue to the south, Riverview

Avenue and Grandview to the north, and also the north and south streets. We should not forget about City Park and Reagan Park. Our neighborhood has concerns with the function of this establishment at 2519 Park Drive. While I was gathering signatures for a petition for four-way stop signs for safety concern along Riverview Avenue, maybe calming of the traffic, may be a solution. People, the community, asked me about this building at the corner of 26th & Park Drive. My answer was, maybe if you should call the city, they'll have some answers for you.

Then there is the EPA emission, noise pollution. They have a list to protect human health and the environment, noise abatement and control harmful affects from noise pollution. Then there's the quiet committee's act and other studies on noise pollution and useness. There's some commissioner's comments like the residents and the community deserve the right to live in a quiet, peaceful, and safe community. Other commissioners have said the same thing. Then there's the NRSA Plan and the SOAR project improvements for our community.

I'll close with this Commissioner's, Mayor Alvey, would your vote against the opposition, which is the community, set a precedence for private clubs, bars, party halls, and motorcycle gangs to be injected, be injection sites for our community, a family-oriented community with senior citizens.

No one else appeared.

Mayor Alvey closed the public hearing.

Mr. Davis said I understand completely the neighbor's concerns, but I think that their concerns and fears are unfounded. My clients aren't a motorcycle gang, they're a social club. They don't sell alcohol. I would argue that they're not subject to the special use permit, but they have come forward wanting to get along and go along. They have expressed a willingness to work with the neighborhood group. If you would note, there have been no incidents that can be sited that happened at 2519. That location was visited twice by the Kansas City, Kansas Police Department and no citations were issued. I talked to both of those officers and they said they found nothing that was improper within that location. I would ask that you give my clients the opportunity to exemplify that they can be good neighbors and that they can get along with other members of this community and enjoy their freehold estate. I'm sure that they can and they will demonstrate to you

their best behavior. I just ask that you would go ahead and stand by your appointees that you appointed to the board, that Planning and Zoning Board, each and everyone of those members represent each and every one of you. I would argue that it would be wholly improper to second guess their decision. With that in mind, I ask that you approve the special use permit for my clients, the Egyptian Cobras.

Commissioner Johnson said can you tell me how many members are part of the Egyptian Cobra?

Mr. Davis said my clients, their group is a very small group. It's about 30 members. Probably 2/3 of that membership are retirees. There's only about 12 active members. All of them are over the age of 50 moreless. They have one member that is about 40. They all hold jobs. As a matter-of-fact, I believe that some of their membership works for the UG as firefighters and I believe they also have a police officer or a police officer initiated the group.

Commissioner Johnson said at any given time can you estimate how many persons might be at that location? **Mr. Davis** said my understanding would be anywhere ranging from at most a handful, 5 to maybe 30 at most. Five at the least, 30 at the most. That would not be an everyday occurrence. The quote 'club' it's not a drinking establishment is the first thing that I'd like to point out. No alcohol is served at that location nor is anything else sold at that location. That would be on special occasions. Usually the clubhouse is not utilized more than two or three times a week and there's always an officer that's present.

Commissioner Johnson said the comment response says, no, they don't sell or serve alcohol. It sounds like there is some BYOB kinds of situations. Would that be a correct interpretation of that? **Mr. Davis** said I would beg the difference is that BYOB, I'm not going to deny that alcohol may be shared and used at that facility, but as you know, it's a motorcycle club so they're self-governing. I don't know if you ever rode a motorcycle, I never have myself. **Commissioner Johnson** said I wanted to, but I was not permitted to. **Mr. Davis** said one of the things they don't do is drink to excess out of precaution and safety for their membership. There is going to be occasions where maybe a member might bring in some alcohol to try and enjoy himself or share that alcohol, but as far as that being a "private club" as defined under statute, a drinking establishment, that is not a private club in that sense.

Commissioner Johnson asked how many motorcycle society, what do you call it clubs, right word, do we have in Wyandotte County? **Mr. Richardson** said I think I know of three

clubhouses, but I'm not sure of how many other gangs and we're working on enforcement on the other clubhouses. **Commissioner Johnson** said I just want to make sure we got our terms clear, that they said they weren't a gang, they were club. I just want to get clarity on the number of clubs that we have. We have three others that we have? **Mr. Richardson** said at least that have clubhouses that have some type of signage on them. I don't know. Some of them are harder to identify than others. **Commissioner Johnson** said I'll defer the floor to my colleagues.

Mayor Alvey said let's be clear, this is not a motorcycle gang. A gang would not be applying for a special use permit.

Commissioner Philbrook said I'm happy to know that we don't have a gang applying. This is all good. I'm know we're splitting hairs and you're not a private club, I get that. Well, technically speaking they're a private club, but they're not a club that deals with selling alcohol or anything like that. They're a group of people getting together. They don't have to have a license for alcohol and so on, but that doesn't preclude the alcohol as you say.

The other thing is I was confused on the hours conversation where you stated some hours here, but then also said that within that the members still come and go at other hours and so on and so forth. That's like no, we're open only this way, but we can do it anytime because it's—does that make sense and so that really does kind of muddy the water. That's one thing.

The other thing is the parking. How many motorcycles can you get in that lot? I'm just curious. **Mr. Davis** said let me address the hours first and foremost. I think that was somewhat misleading. I'm not quite sure where that came from. I think when I addressed the concerns of the Planning and Zoning Board, I mentioned that, but I believe that when we stood in front of the Planning and Zoning Board that they were very clear on the hours. My clients have agreed to abide by those hours so they won't be coming a little early and leaving a little late even though I mentioned that in my response to the Planning and Zoning Board. **Commissioner Philbrook** said well I was just reading what was in our information and so that's why I wanted clarification on that. Then the motorcycles, how many motorcycles? **Mr. Davis** said in my opinion, I think that there is adequate enough space in the parking lot that if every member brought their motorcycle to the clubhouse that they could get all 30 motorcycles in the parking lot.

Commissioner Philbrook said can I get something from Mr. Richardson on that? **Mr. Richardson** said there was, during this process, there was a time when they were going to have another club or another group of clubs of Egyptian Cobras from other cities and they were going to have a prestaging event at this location and then they were going to go to the Armory for the event. I'm not sure how many people would have been there at that. They do have those type of operations or those kinds of gatherings throughout the year for my understanding. It might be appropriate to discuss how many people might be there when they have other clubs joining them for inner-club social events. **Commissioner Philbrook** said thank you.

Commissioner McKiernan said, Mr. Davis, with all due respect the detailed outline of requested action says the applicant Reginald Keith Davis, representing Egyptian Cobra, has applied for a special use permit to operate a private club. That is the Request for Action that I have in front of me and that's the request for action, so you are in fact requesting to operate as a private club. Earlier this evening you said, no, that's not what we're really doing, but that is the Request for Action. Do I misunderstand that? **Mr. Davis** said no, Commissioner, you are correct. My clients have conceded that they need a special use permit. I had repeatedly questioned the Legal Department here as to why my client needs a special use permit. They kept citing the statute which applies—it's the statutes that talks about drinking establishments and private clubs and it dealt with alcohol beverage and control. Nowhere, and I know there's a couple of lawyers here on the Commission, nowhere is that applicable to this situation. Once again, I regress my clients want to go along and get along. They're not putting up a stink. **Commissioner McKiernan** said thank you, sir.

Mr. Richardson, did you tell Commissioner Johnson a moment ago that there are currently, to the best of our knowledge, three private clubs in existence in Kansas City, Kansas? **Mr. Richardson** said related to motorcycles. **Commissioner McKiernan** said how many total private clubs are there? **Mr. Richardson** said I don't know because there are some of them that are lingering from the past when you could only get a drink in a private club way before the state laws changed. I don't know which ones of those have the bars and taverns and restaurant bars around town are still private clubs from those days. I really have no idea on that. **Commissioner McKiernan** said okay, because, I mean in the document that was attached here, I think we've already referenced this once, it says this will not be a drinking establishment. We will not sell—**Mr. Richardson** said they have said they won't sell or serve alcohol there, but they might share

amongst friends. I would just note that the state law doesn't require the sale of alcohol to be a private club. **Commissioner McKiernan** said that's what I was getting to. It says the organization does not plan to sell or serve; however, there may be some members who might bring in alcohol to consume while at the club to enjoy themselves. What I want to know is does Alcohol, Tobacco and Firearms, does ABC in Topeka, does anybody have any oversight over private clubs in terms of how alcohol is brought, consumed, shared? **Mr. Richardson** said I don't know the answer to that. **Commissioner McKiernan** said if this were a bar, there would be oversight. **Mr. Richardson** said correct. **Commissioner McKiernan** said but since it's a private club you're suggesting there might not be any oversight? **Mr. Richardson** said they will have a special use permit from us as a private club and I would assume they would license themselves a business license. They're not-for-profit so they wouldn't need a business license. I don't know if there would be any trigger that would indicate that ABC would want to be involved in this at all. **Commissioner McKiernan** said so the whole sharing and consumption of alcohol would just be unmonitored. **Mr. Richardson** said could be.

Commissioner McKiernan said there was a neighborhood group meeting and you had provided, Mr. Davis, quite extensive accounting of the questions and answers from this neighborhood group meeting and I just wanted to ask about a couple of things that caught my eye. You have here that in the 33 years the club existed the organization has never had a shooting or a fight and that they are a motorcycle club, not a gang, in other words they have no rivals. I could have sworn I read in the report of the Planning Commission somewhere else that there was in fact a history with this particular club, did I misread that? **Mr. Richardson** said that's correct, Commissioner. **Commissioner McKiernan** said so there was a history of shooting? **Mr. Richardson** said correct. **Commissioner McKiernan** said I'm just curious how the response could be made to the neighborhood group that there was no history, when in fact, there appears to be evidence that there was. **Mr. Davis** said, Commissioner, I was misled just plain and simple. I was told that there was no history of violence later to learn that there was one incident. I would like to say that what I have learned was that my clients were the victims, not the perpetrators in that incident in that three of their members were shot and I think one was actually murdered that night and it had nothing to do with rivals from another motorcycle group/club. It was other individuals who came and tried to force their way into the facility in which they were at. That was my understanding of what happened. Had I known prior to me submitting that report that there was an

incident of violence, then I would have drawn the sting by going ahead and acknowledged there had been one incident, but there has not been an incident since then concerning this club.

I would also like to take the opportunity to address the previous question that you presented to Rob concerning the ABC. I did take the liberty to contact Special Agent Hamilton and asked him about that scenario as to whether or not there was an issue with my clients partaking of alcohol inside the clubhouse. He indicated to me that there was no issue. It was nothing that ABC would be involved in and he did not see that to be a violation of the law. It was just as if one was drinking at their home and have invitees over to their home to share their beer while watching a Chiefs game.

Mr. Richardson said I would note that there were incidents in 2012 and 2013 where gun fire was involved with one of their clubhouses. **Commissioner McKiernan** said so more than one. Okay. At another point in the neighborhood group, it says one of the neighbors said that she had seen two EMS vehicles and wondered why they might be parked there. She was told that those EMS vehicles who belong to two club members who are Kansas City, Kansas Firefighters. I was just curious. What kind of vehicles those were. Were they driving ambulances over to the club. Does the Fire Department get to drive ambulances to private clubs? What kind of EMS vehicles did she observe and how were they determined that they belonged to members of the Kansas City, Kansas Fire Department? **Mr. Davis** said I don't have any personal knowledge as to what those vehicles were Commissioner, but it was my understanding from consulting with my clients, that they were members of the club. I don't know what vehicles they were in, but obviously they were marked.

Commissioner McKiernan said and then finally there was a neighbor who asked why members were being in the club when they have been told not to be there. Was there some issue of people being told not to be on the premises and then they were anyway? **Mr. Davis** said it was my understanding that there was an order given by Mr. Richardson that no one was to go in and out that facility. There was times when folks would go in and out of the facility to check on it, but as far as holding meetings and any activities my understanding was all that ceased once they were told they could no longer go in and out of the clubhouse pending approval of the special use permit.

Commissioner Kane said I don't belong to any clubs. Several of my friends are motorcycle riders and they do poker rides. They go from place to place to place to place. If I had a club, I'd want them to come to my club. Commissioner McKiernan and I are familiar with the area because we

were raised there. If I lived there, I wouldn't want 30 or 40 or 50 motorcycles, not just the ones that belong to the club, but their friends that are coming over to the poker ride. I'm not sure that you can say there's only going to be 30 or the maximum of 30 if they have some sort of event like a fundraiser. That would make me extremely nervous.

The comment about, when you said something about staff, I don't always agree with staff. There's rules and regulations that we're supposed to go by and that's what they tell you. You can question that if you want, but they are there for a reason. **Mr. Davis** said there are two large events that my clients hold and neither of those events are held at 2519 Park Drive. They utilize the Firelight and they also utilize the National Guard Armory to hold those large events. I don't think that at any time will there ever be a situation where there will be more than 30. I doubt very seriously if 30 motorcycles would ever be parked outside that facility. If that was true, if there was some type of incident, if there was a large congregation of folks there of bikes, of cars; then I'm sure that someone who was part of this neighborhood group would provide photos of those bikes or cars or large congregation of people. None of that has happened and none of that will happen.

Commissioner Townsend said just a few questions that I'm not sure I heard the answer to, and some questions were asked before. Who owns the building that we're talking about? **Mr. Davis** said I'm not sure of the gentlemen's name. He has owned the building for quite a long time. If you would give me a second, I think I might be able to find his name or maybe staff could find that quicker.

Commissioner Townsend asked is it a club member, I guess is what I'm getting at. I didn't see any thing in our packet. **Mr. Davis** said he's not a club member. He actually owns the building. My clients lease, they entered into a lease agreement with him to utilize the building.

Commissioner Townsend asked how long is the lease agreement for, do you know? **Mr. Davis** said I'm not quite sure on the length of the lease.

Commissioner Townsend said I saw in the packet where the estimated square footage inside was around 2,000 sq. ft. Can anyone tell me what the Fire Marshal Code for Occupancy would be permitted for that much square footage in a building. **Mr. Davis** said I can only guesstimate. I've been inside the facility myself and it looks like it would comfortably about 60 people. **Mr. Richardson** said that's probably right. I don't know what the fire code rating on it would be, but it seems reasonable.

Commissioner Townsend said we said, I think I've heard tonight that there are about 30 members in the club, so I was just wondering. What's the likelihood, I think, several other commissioners mentioned that their invitees of the motorcycle clubs invited to come to that premises? **Mr. Davis** said I'm not going to rule out that there might be invitees that will show up to the club. I just don't think they are going to show up in mass. Usually, like I indicated, they have two large events that they host yearly, and both of those events are held away from the clubhouse. There would not be a debt location, but obviously they have acquaintances, other people who ride motor cycles also that I believe would, at times, come by the facility. As far as 50, 60 motorcycles, I think that's probably a little exaggeration and those fears are unfounded. **Commissioner Townsend** said well, I guess, my concern would be that there's nothing that would prohibit that. I do live near another motorcycle club facility. There is quite a bit of noise associated with them during certain times of the year when the weather gets better, so I understand the concerns of the neighborhood residents.

Commissioner McKiernan said so to the issue of who owns the property. It's very interesting. I pull up our map here and it illustrates a comment I made to some commissioners earlier about my frustration to sometimes we can't find people through our own records, our own records aren't good enough. If you look up the property, and you look, and you find the owner, it gives the owner's name, I won't say what it is, and it gives the owners address as one block to the east and just a few houses north of Park Drive. When you go to that property and click on it, it says oh, this guy lives there, but it lists a different address on a different street. Here we have a case where we have apparently incomplete, at the very least information, about who actually does own this because we're led on a trail and we try to find what's this person's mailing address and we go to one place and it says oh no, his mailing address is this other place. I really have a concern when our records are that incomplete that we could actually find the owner should we need to talk to the owner about something.

Commissioner Kane said since I'm not sure that we have all the information, perhaps we should send it back and have staff find out who does what? **Mayor Alvey** said that would require 8 to 0 vote. **Commissioner Kane** said not to send it back, it wouldn't. **Mayor Alvey** said six.

Commissioner Philbrook said just to interject into this, we didn't have really a lot of our Commissioners, Planning Commissioner's there that night. There was a big absence. It was only five present. If we're going to talk about representation from all of us, I know mine wasn't there, he was on spring break with his kids. I'm not so sure it would be a bad idea to send it back.

Action: **Commissioner Philbrook made a motion, seconded by Commissioner Kane, to send Special Use Permit #SP-2018-32 back to the Planning Commission.**

Ken Moore, Chief Legal Counsel, said for clarification, you have to have some direction as to why you are sending it back. **Commissioner Philbrook** said we need more information and more succinct information on ownership of this property and other things like that.

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

Mr. Richardson said the date of that meeting would be May 14.

Mr. Davis said, Mayor, I have a question. **Mayor Alvey** said sorry, I don't think so Mr. Davis. **Mr. Davis** said I can't have ask a question as legal representative? **Mayor Alvey** said I think we've taken the action we need to take. If you want to follow-up with Mr. Richardson afterwards that would be appropriate.

ITEM NO. 3 – 18193...SPECIAL USE PERMIT APPLICATION #SP-2018-37 – CHAD BARTLETT WITH HOME REMEDY INVESTMENTS, LLC

Synopsis: Special use permit for an AIRBNB at 4448 Booth Street, submitted by Robin Richardson, Director of Panning. The applicant is applying to use a single-family home, located at 4448 Booth Street as a short-term rental space, rented through sites such as AIRBNB and VRBO. This home is not the applicant's primary residence. The Planning Commission voted 5 to 1 to recommend approval of Special Use Permit Application #SP-2018-37, subject to:

Urban Planning and Land Use Comments

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

- Applicant Response: The short term began in October 2017.
2. Were neighbors consulted prior to opening the business?
Applicant Response: I did talk about it with the neighbors on either side of me.
 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, they are calculated and paid via AIRBNB.
 5. How many rooms are rented?
Applicant Response: The whole house is rented.
 6. What is the maximum number of people that will be staying at any one time?
Applicant Response: Eight guests.
Staff Response: Eight guests staying in a two-bedroom, one-bathroom home is too many. As with other AIRBNB/bed and breakfast applicants, we have limited it to two occupants per bedroom, so in this case five adults should be the maximum.
 7. What is the maximum number of vehicles and where will they park?
Applicant Response: Unknown, probably three.
Staff Response: Will vehicles be able to park in the driveway?
 8. How often are guests in the residence?
Applicant Response: On average, once or twice a week.
 9. Do you have a rental license from the Unified Government for the facility?
Applicant Response: Not for this property.
 10. Describe in detail the area(s) rented for AIRBNB/other rental operations. Include bedrooms, bathrooms, common areas, etc.
Applicant Response: This house has two bedrooms, one bathroom, living, dining, kitchen, basement and garage.
 11. As this is not your primary residence, where are you located?
Applicant Response: I live in Overland Park and my office is in Overland Park, Kansas.
 12. How often do you visit the property?
Applicant Response: I have a team member visit the property at least twice per week.

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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: Those are my responsibility.

14. Have you provided your surrounding neighbors with your contact information should they have concerns?

Applicant Response: Yes, both neighbors on either side have my number, as well as everyone I mailed.

15. Please provide a floor plan as the one submitted with the application cannot be read by any format we have on our computers.

16. Please provide interior/exterior photos of the residence.

Applicant Response: See attached.

AIRBNB and other short-term rental operators do not fall into the same category. In this instance, Mr. Bartlett rents out the entire home, while he lives eight miles from the property and his team/company will visit the site at least twice per week. Staff has not received reports of issues from neighbors, and Mr. Bartlett appear to have sufficient parking to accommodate any tenants.

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 four or more stairs/risers.
 - g. Hot water tank and furnace must be vented properly and operational.
 - h. Electric panel and circuits must be safe.
- 2) Host will obtain a business license with the City.
- 3) The maximum number of guests is limited to five people (not including an infant/child).
- 4) Only one additional (guest) car is permitted.
- 5) House rules must include provisions indicating no parties or events to be hold on site.

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6) Approval is for one year.

Rob Richardson, Director of Planning, said once again this is AIRBNB that is owned by the resident, but they are not present when the guests are present in the home.

Mayor Alvey said at this time I'll ask the petitioner to come forward to present his application.

Commissioner Murguia said excuse me Mayor. I don't mean to interrupt, and I forget the procedure here always, but this application is exactly the same as the other ones we have just approved only we're asking for a year instead of two. Isn't two years? He's denied on the two-year, but he would have been approved on the one-year. That would have been consistent with the other ones. Just to cut to the chase because it's getting late, if you're okay with a year, as you being in my district, I take a lead on this and make a motion to approve for one year. However; the process goes, you know where I'm at, just tell me when do to what I have to do.

Mayor Alvey said again, if you would like to make your application.

Chad Bartlett, 5901 W. 90th Terr., Overland Park, KS, said I am operating a short-term rental property at 4448 Booth St. I've never had any incidents. I've never had any issues.

Mayor Alvey opened the public hearing.

No one appeared in support.

The following appeared in opposition:

Dana Swedo, 4446 Booth, said I've been a resident there for 18 years and I've had concerns. I wasn't sure of my rights as a homeowner next to an AIRBNB. I have a constant flow of strangers in and out of the house. It is advertised on the site as a popular location next to Oklahoma Joe's, nightclub, the amount of people that are coming and going. Maybe one person will come and show up and then I'll have eight people in my backyard smoking, I don't know fapping. There's no privacy fence.

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On March 14 there were three people that entered the house. Lights stayed on for two days. There was no activity except rap music going on. I actually went to my computer and goggled what kind of illegal activity AIRBNBs are for young people. Obviously, there's not a lot of rights, I think, for owners who live next to AIRBNBs and it's a new industry. Obviously, Wyandotte County is making money with this. Maybe it's just my time to move back out to the country. Chad, I realize, I'm grateful that he bought that property because previously it was an older woman and it was abandoned for the past five years. My husband and I took care of the property. She was in an old folks home. He's put a lot of money into it. I would just like to see it promoted as possibly put a privacy fence up, maybe there's a swing set in the back. He says, hey, why don't you go down to Crown Center with your kids and go to some of the family-oriented industries that Kansas City has and not so much as let's go party—you know I've had. On Friday, March 30, I had two girls enter the house at 4:30 a.m. My husband is a union pipefitter and was going to work. A gentleman pulled up and entered the house. At 8:00 when I was coming home or going to the park, the gentleman was exiting out of the house in the backyard and I was concerned that these two girls were there. I don't know my rights. Should I call the police. It's just very uncomfortable. Maybe if it was promoted differently. I know Chad is an entrepreneur. I'm not sure what to do. Clearly, there's been other AIRBNBs that there have been issues and I'm not sure how to address this or what to do.

Mr. Bartlett said the way that the property is advertised is to show people who might be interested in visiting the neighborhood of Kansas City, Kansas to show them the great things that are there. I don't know that I mentioned a nightclub. I'm not sure where there is one, but Oklahoma Joe's is a main stay and I think if people are coming from out of town they should visit Oklahoma Joe's. It's within walking distance.

As far as incidences at the house, I can assure you this is the first time I heard of any incidences and I'm not sure that I've heard of any incidences still today, as it sits. I'm sorry to find out that my neighbor has some concerns.

Her husband and I have shared multiple conversations also talking about the gratitude of me taking a house that has been abandoned for a long time, has been targeted as a vacant property and had some intruders in it. I think that your husband caught one of those intruders. That doesn't

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happen anymore. I invested a lot of time and money into that property to make it what I feel like is one of the nicest properties in the neighborhood.

No one else appeared.

Commissioner Murguia said I'd like to make a motion, but before I do that I want to explain some things. You are exactly right. This whole new policy around AIRBNBs is brand new and we are continuing all the time to work on that and refine that policy. I definitely hear what your concerns are. My concern is that if we deny this application, when it is exactly the same as the other ones we just approved, there is an incredible inconsistency there. All of that said, I think that you have some very legitimate concerns. I would make the motion that we send this back, see if the two of you can't get together and come to some sort of agreement as neighbors and I don't think a privacy fence is an unrealistic request, but there might be some reasoning for that not being there. I think if we send this back, give the two of you under staff supervision a chance to communicate about your concerns and see if you can come to some sort of agreement and we can't move this forward. I'm more concerned about neighbors getting along with each other. That's very important especially in an area like Rosedale where the houses are so close to one another. My motion is to send this to the Planning Commission.

Action: Commissioner Murguia made a motion, seconded by Commissioner Markley, to send back to the Planning Commission.

Mr. Richardson said that would be May 14.

Commissioner Townsend said not so much on the motion, but I think that if Commissioner Murguia's recommendation gets to some questions I had about it. I would be interesting in knowing what the proponent thinks about his neighbor's request and concern about a privacy fence and doing things to minimize the distraction to who may be come from your house to her house. While it's commendable that someone is taking a house that may have otherwise been abandoned, it doesn't necessarily mean that just anything is preferable if it's not still something that works in concert where the other neighbors stand, especially, if you are somewhere else. You're not a

resident of the house, right? **Mr. Bartlett** said correct. **Commissioner Townsend** said I'm hopeful that if it goes back that's something that you would consider.

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

Mayor Alvey said that concludes the Planning and Zoning portion of tonight's meeting. We'll now move to the regular portion of our agenda.

REGULAR CONSENT AGENDA

Mayor Alvey asked does any member of the Commission or anyone in attendance tonight wish to set aside any item on the regular Consent Agenda. If an item is not set aside, all items on the Consent Agenda will be voted on by one vote.

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

ITEM NO. 1 – 18137...REQUEST: BLOOMBERG PUBLIC ART GRANT

Synopsis: Request to apply for the maximum amount of \$1M for a Bloomberg Public Art Grant for a downtown art project and market, submitted by Melissa Sieben, Assistant County Administrator. An Undefined match is required. On March 19, 2018, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

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

ITEM NO. 2 – 18-1...PLAT: LEGENDS AUTO MALL 4TH PLAT

Synopsis: Plat of Legends Auto Mall 4th Plat, located at 99th Street and Parallel Parkway, being developed by Car Bax, KS, Par LLC, 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 Mayor to sign said plat.** Roll call was taken and there were ten “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend,

ITEM NO. 3 – 18198...PLAT: CEDAR PALMS

Synopsis: Plat of Cedar Palms, located along Hurrelbrink Road, east of 99th Street and west of Wyandotte County Lake, being developed by Mark Moser, 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 Mayor to sign said plat.** Roll call was taken and there were ten “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend,

ITEM NO. 4 – 18175...NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Board and Commissions:

Golf Advisory Board, Dan Duncan, 4/5/18 to 3/31/22, submitted by Commissioner Burroughs
Self-Support Municipal Improvement Board, Jerrell Royal, 4/5/18 to 3/31/20, submitted by Commissioner Markley.

Housing Authority Board, Matt Watkins, 4/5/18 to 3/31/22, submitted by Commissioner Walters

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

ITEM NO. 5 – MINUTES

Synopsis: Minutes from special session of March 1 and 7, 2018; and regular session of March 1, 2018.

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

ITEM NO. 6 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated March 22 and 29, 2018.

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

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES’ AGENDA

No items

ADMINISTRATOR’S AGENDA**ITEM NO. 1 – 18203...ADMINISTRATOR’S UPDATE**

Synopsis: Administrator’s Update.

Doug Bach, County Administrator, said I submitted to you earlier this afternoon my update which I will periodically do that talks about various activities going on. This update is a new format you’ll note. I put in play the commissioner’s goals that are laid there and tried to tie all the different update information to them by going through and listing out areas from reducing blight, increasing safety, perception of safety, increasing community health, economic prosperity for all, improve customer

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service and satisfaction and community cohesion. I'll also go through the value section that you have laid out as part of it. I'll guess I will say since it's 8:25 this information is before you. You have it all to go through. I am happy to go through and give summary points on each one or whatever your pleasure is.

Commissioner Bynum said I did read through it briefly when you sent it this afternoon and it's very comprehensive and to me, once again, impressive. I'm open to hearing it or not hearing it, but what I'm interested in, I think it's really good information for the public. Anyone who would want to see the complexity that's engaged in running a city or a county or a Unified Government. If it could be placed on the website or in a link where we could share it, I just think that would be really helpful. That would be my request. I'm happy to hear it now, but I think it's more important that we make it available for the community to see.

Mr. Bach said I believe I could tie it both, probably tie it to tonight's agenda as well as we could establish a link for Administrator's updates and people could access that. **Mayor Alvey** said that sounds good. I think that's a great idea.

Action: No action taken.

COMMISSIONERS' AGENDA

No items

LAND BANK BOARD OF TRUSTEES' AGENDA

No items

PUBLIC ANNOUNCEMENTS

No items

**MAYOR ALVEY
ADJOURNED THE MEETING
AT 8:30 P. M.**

Bridgette D. Cobbins
Unified Government Clerk

tk

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