

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

**PLANNING & ZONING AND
REGULAR SESSION
APRIL 26, 2018**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, April 26, 2018, with nine 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 (via phone at 7:02 p.m.); Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; and Alvey, Mayor/CEO, presiding. Johnson, Commissioner Fourth District; and Philbrook, Commissioner Eighth District; were absent. 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; Maureen Mahoney, Chief of Staff in Mayor's Office; Christal Watson, Deputy Chief of Staff in Mayor's Office; Lynn Melton, Assistant to the Mayor; Misty Brown and Angela Lawson; Deputy Chief Counsels; Wendy Green, Assistant Counsel; Jon Stephens, Director of Economic Development; Chris Slaughter, Land Bank Manager; Wilba Miller, Community Development Director; Kevin Shirley, Interim Fire Chief; Alan Howze, Chief Knowledge Officer; Rob Richardson, Director of Planning; Zach Flanders and Bryon Toy, Planners; Janet Parker, Administrative Assistant; Sarah White, Project Engineer in Public Works; and Major Mike Vivian, Sergeant-at-Arms.

MAYOR ALVEY called the meeting to order.

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

INVOCATION was given by Mayor Alvey

Mayor Alvey said I would like to take a moment to recognize a young man, Kyle Bammer, who is with the Star Scout Troup #522. He is working on his citizenship badge so congratulations. He didn't shy away at all.

Mayor Alvey said our first order of business is a presentation of the MS4 Youth Award to students from Piper Middle School, Rosedale Middle School and Harmon High School.

MAYOR'S AGENDA

ITEM NO. 1 – 18240...MS4 YOUTH AWARDS

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

Sarah White, Public Works, said thank you for allowing us to come today to give words today to our youth that participated in our First Annual Stormwater PSA Contest. This was open to all middle schools, high schools and community colleges in the Wyandotte County area. We had three schools that participated, and the topic is How You Can Protect Our Waterways. This fits in with our MS4 program. This is part of our permit that we have with the state as well as our permit with EPA and part of that is both education on stormwater quality and pollution prevention as well as youth outreach. So, this paired really well. This is above and beyond what we have committed to EPA. This is a very creative program that no one else in the metro area is doing. So we're very excited about this.

We're going to go through the winners and we're going to ask the students to come up and line up by Jeff Fisher, who's our Public Works Director and we'll go through the winners and present their awards. Another item I'd like to point out is we submitted this idea and presentation to a national conference, the Water and Environment Federation Conference, and we did get selected out of lots of different applicants so we're really excited about that. I'd also like to recognize the participating schools and teachers and if they're here, could they also come up front.

From Harmon High School, Mr. David Bennett. From Rosedale Middle School, Ms. Jen Hill and from Piper Middle School, Ms. Jessica LaFollette,

There were two categories of our competition; one was posters and one was video. For the posters, we had lots of entries and we had a committee that judged them and came up with our top three in both the middle school and high school levels. I'll just run through these and then we can give the awards. These will be showcased on our website as well as UGTV as public service announcements. So, this is the first place for the middle school. Second place, third place and sorry, we tied for third place. First place for high school and second place, third place and then

we had a video competition and we will go through these. You guys will be able to see them. This is our first-place winner that will be showcased on UGTV.

The winning videos were played.

Ms. White said well, we apologize for that. It seems like we have an audio glitch on that. We'll try to get that fixed and maybe show it later, but we want to go ahead and have the students—it was a really good one. We'll go ahead and have the students come up and present the awards. So, for our first place for middle school posters, Samantha Gomez. Second place, Kelvin Xiong. Third place, a tie with Kimberly Escobedo and Brylie Reese. Third place for high school poster is Adriana Mendoza, Leslie Chavez and Karla Ramos. Second place is Oscar Silva, Juan Robles and Mecca Cameron and for first place Damarys Gonzalez, Diego Herrera and Yamireli Lopez. Third place for video is Brandon Dark. Second place, Alecia Lopez and Alandra Castillo. First Place, Brenton Ruano, Ram Guronz and Javier Soto. If we could please give everyone a big round of applause. We want to thank you again for letting us come and give these awards.

Mayor Alvey said thank you very much and congratulations. Next item, I'll ask the Clerk if there are any revisions to tonight's agenda? **Bridgette Cobbins, UG Clerk**, said yes, Mayor, a blue sheet was distributed on yesterday. We have an update to the agenda under the Public Hearing Agenda. This additional information is for the public hearing amending the Five-Year Consolidated Plan and that item is for a resolution to be added to that part of the agenda.

PLANNING AND ZONING CONSENT AGENDA

Mayor Alvey said we have two distinct parts to our meeting. The Planning & 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 & Zoning portion of our meeting followed by the items on the Planning & Zoning Consent Agenda. **Ms. Cobbins** asked has Commissioner Murguia joined us? **Commissioner Murguia** said yes, I'm here.

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

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Ms. Cobbins asked if any members of the Commission wished to disclose any contact with proponents or opponents on any item on the agenda. **Commissioner McKiernan** disclosed contact with proponents of SP-2018-33. **Commissioner Markley** disclosed contact with opponents of #SP-2018-11. **Commissioner Bynum** disclosed contact with proponents and opponents of #SP-2018-12. **Commissioner Kane** disclosed contact with proponent of #SP-2018-12. **Commissioner Burroughs** disclosed contact with proponents and opponents on #SP-2018-12 and proponents on #SP-2018-45. **Mayor Alvey** said and I have had communications with opponents and proponents of #SP-2018-12.

Commissioner Murguia said, Mayor, this is Commissioner Murguia. I have had contact with proponents and opponents for #SP-2018-12 as well.

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

Mayor Alvey asked if 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. Are there any set-asides?

Rebecca Miracle, 2410 S. Mill St., said I'd like to have the SP-2018-12 pulled.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the Planning and Zoning Consent Agenda, excluding the set-aside.**
Roll call was taken on the motion and there were eight "Ayes," McKiernan, Murguia, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 18223...CHANGE OF ZONE APPLICATION #3160 – JASPER MULLARNEY

Synopsis: Change of Zone from M-2 General Industrial District to R-2(B) Two Family District for an existing duplex at 819 Southwest Boulevard, submitted by Robin Richardson, Director of

Planning. This property was originally built as a single-family house and was later converted to a duplex use. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3160, subject to:

Urban Planning and Land Use Comments:

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

The following are stipulations of approval:

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

Public Works Comments: None

Fire Department Comments:

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

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #3160, subject to the stipulations. Roll

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call was taken on the motion and there were eight “Ayes,” McKiernan, Murguia, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

SPECIAL USE PERMITS

ITEM NO. 1 – 18226...SPECIAL USE PERMIT APPLICATION #SP-2018-11 – JAIRO S. FLORES-TRUJILLO

Synopsis: Special Use Permit for the temporary use of land to park two commercial trucks and to keep two horses and six chickens at 8001 Swartz Road, submitted by Robin H. Richardson, AICP, Director of Planning. The Planning Commission voted 8 to 0 to recommend denial of Special Use Permit Application #SP-2018-11, based on the reasons listed in the staff report.

Urban Planning and Land Use Comments:

1. Please provide photos of the property. Staff Note: See attached.
2. How often will horse and chicken waste be disposed of and in what way? Applicant Response: Twice a week, we use it for garden fertilizer.
3. Please provide operation plan for the horses’ and chicken’s diet, including how and where food is being stored. Applicant Response: We have a shed and we will store grains and hay there.
4. Do you plan to have a stable for the two horses that meets the R-1 Family District regulations? Applicant Response: We have a pole barn on the property and he can use that.
5. How often will you clean the coop? It is imperative that the area around the coop is maintained, ensuring that adjacent property owners are not affected by this use. Applicant Response: We clean it twice a day, keep it very clean is great to keep smell at a minimum.
6. Do you plan to put in a rotational grazing plan to keep mulch cover and not allow more runoff, per the Conservation District comments? Applicant Response: No, we would buy hay and feed that to them.
7. Contact Animal Control to make sure the proposed number of chickens is appropriate. Staff Note: Animal Control encouraged applicant to reduce the amount of chickens being kept from twenty to six in order to adhere to the city code. Applicant said that he would do this.
8. How many structures are on your property? What are the dimensions of each structure? Applicant Response: There are two but we will be taking one down once we get the permit and the second one will be less than 1,000 square feet.

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9. What are the proposed hours of operation for your business? Applicant Response: 8 a.m. to 6 p.m. in the summer, very slow in the winter.
10. What time will you start the ignition to warm up the vehicle? Applicant Response: Around 7 a.m.

Public Work Comments:

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

Conservation District:

1. There are two major soil types identified: Knox silt loam, 7 to 12 percent slopes and Ladoga silt loam, 3 to 8 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
2. The lot is mostly covered with trees making it unsuitable for a grazing pasture. The slope of the property is going to cause erosion when animals are allowed to roam the hillsides. The animal traffic destroys the mulch cover and allows more runoff. There is a waterway that can be polluted with animal waste. Animals need to be fenced out of the waterway and a 30-foot buffer area.
3. In order to raise animals there will need to be fencing put in and shelters built to house the animals.
4. Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.

Staff Conclusion:

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

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

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

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

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

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

1. The applicant shall plant grasses (ground cover) to prevent erosion.
2. The truck parking area shall be a paved surface.
3. Any area where vehicles will drive beyond the pad where the vehicles are parked must be paved as well.
4. One accessory structure must be removed. Only one accessory structure is allowed by code.
5. Up to six chickens may be kept with the appropriate Animal Control permit.
6. Approval shall be for two years.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to deny Special Use Permit Application #SP-2018-11. Roll call was taken on the motion and there were eight “Ayes,” McKiernan, Murguia, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

ITEM NO. 2 – 18228...SPECIAL USE PERMIT APPLICATION #SP-2018-12 – JOHN L. PETERSON

Synopsis: Special Use Permit for a performance auto service shop at 1110 Merriam Lane, submitted by Robin H. Richardson, AICP, Director of Planning. The business, Modified by KC, has been operating out of the space without a special use permit or a business license. Google street view images shows a number of vehicles parked bumper to bumper in the parking lot and cars that appear to be associated with the business lining the public street. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2018-12, subject to:

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

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onto I-635.

7. Approval for two years.

Urban Planning and Land Use Comments:

1. How long has this business been in operation at this location without business permits or a special use permit? Applicant Response: To applicant's knowledge, this business always has been officially licensed by the Unified Government and this license was again renewed in late 2017. The owners were not aware that they needed a special use permit until late in calendar year 2017. Staff Response: Did the Planning Department sign off on this business license at this address? Please provide a more definitive answer.
2. Please explain why cars are parked bumper to bumper in the parking lot and along the public streets. Are these customer cars? Are they being used for parts? Are all the cars parking on and off site operable? Applicant Response: As a stipulation herein, there will be no more cars parked in the parking lot bumper to bumper, but only in marked spots. These cars were not being used for parts and all cars in the lot are operable. Some cars inside the building are not operational; however, it must be emphasized that this business is not an automobile repair or body shop. It is a precision automobile enhancement business. In addition, assuming that Ron Buck, the owner of the building, obtains UG permission, he intends to build an additional parking lot directly behind the present parking lot on land he has purchased and begun clearing. He will allow applicants to use this parking lot as needed in addition to the present parking lot.
3. How do you plan to mitigate the noise associated with performance auto tuning, especially considering that there are single family residences in the area? The C-3 Commercial District performance standards state that no operation shall produce noise that exceeds 60dB(A) (approximately the level of a normal human conversation) at repeated intervals for a sustained length of time measured at any point on the property line. Applicant Response: The mitigation of the noise level will be addressed by keeping the garage door shut on premises and when a car is being test driven, it will be driven at moderate speeds until it gets away from the neighborhood up on the highway.
Staff Response: Applicant should testify if they uniformly obey the speed limits when testing "performance vehicles."

4. All outside trash receptacles must be completely screened from view with architectural screening. Applicant Response: No problem as to the trash receptacles and screening that will be so stipulated
5. All overhead doors shall be closed when automobiles are being serviced. Applicant Response: That will be stipulated

Business License Comments:

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

Update from Staff:

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

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

Robin Richardson, Director of Planning, said the application was recommended to the Board of Commissioners by the Planning Commission with a unanimous vote with several stipulations related to the operation and how it's conducted, where they can park and how the parking lot can

be organized. The applicant's here and can make presentation related to the full operation of the facility.

Mayor Alvey said I'll ask the applicant to come to the microphone to present this item to test to the concerns brought up by staff.

Pete Peterson, 748 Ann Avenue, said with me tonight is Ryan Charleton who is the owner of the business in question. I realize your plate's rather full tonight but in all fairness to my client I will though be as brief as I can. I will tell you exactly how this permit application came to being. I'm an attorney here locally. I represent Ryan and his brother Chad who own Modified By KC, LLC, which is the business in question. They are tenants at 1110 Merriam Lane. The landlord is Ron Buck who owns Buck Roofing who could not be here, I don't believe this evening, but was at the Planning Commission meeting. Ryan and his brother had a thriving business at 728 Southwest Boulevard beginning in 2011. It got so successful that they needed an expansion.

They moved then and knew Mr. Buck who had just built a brand new building in 2016 at 1110 Merriam Lane. He looked at it. They liked it. It was zoned C-3 Industrial. They thought for sure it would be fine for their business, so did Mr. Buck. They did not realize that they needed a special use permit and they signed then a five-year lease with Mr. Buck commencing in January of 2017. If they would have known that they would have needed a special use permit, they would have of course had the lease subject to the acceptance of an application successfully completed for a SUP, but that was not found out until later.

There are a few, I won't say contradictions but misconceptions in the staff report. The staff report states, I believe at page 2 that there are no business licenses held by this company. That is incorrect. They had an active business license in 2017 at 728 Southwest Boulevard. They then moved in January of 2017 to their new location. They then applied for another business license, copies of which I have here. They then received them, but were told when they asked for a renewal through calendar year 2018 they would need a special use permit. That's what has us here this evening.

We applied in December of 2018, a month after we found out that we needed the special use permit. As we all know, once the special use permit was applied for then we had to have a neighborhood meeting. I sent out, as their attorney, 39 letters of residences and businesses within

200 feet pursuant to ordinance and statute. We had our neighborhood meeting on January 29, 2018. Out of 39 letters sent only three individuals showed up. One of the individuals was Mr. Braden who owns Braden Roofing right across the street from Buck Roofing who really just had some questions and was not opposed.

There was one lady who I believe is here tonight. She was not at the Planning Commission meeting. She was interested in purchasing a house in that area and she did mention that she was concerned somewhat about the noise. The other individual that was there opposing was Erin Stryka with the Rosedale Development Association. For brevity sake I'll refer to Rosedale Development Association as RDA here on out.

I had met with Erin and RDA prior to the January 29th meeting. I realize Erin's got a job to do. She told me flat out that Rosedale Development Association is opposed across the board to any type of automotive business on Merriam Lane, any type of automotive business. Now, I think all of you are too young to remember the song back in 1971 called "Signs." It's not one of my favorites, but there was a line in there that I remembered because a young man was applying for a job and there was a sign that said long hairs need not apply. That's sort of the mentality that we're dealing with here when it means automobile—any kind of automobile type of commercial business is not welcome in Rosedale. I just think they should be judged individually on the basis, the contributions that they make.

We then had a Planning Commission meeting on April 9th as noted in the notes. We had a unanimous vote for approval of this application and there were two people that were opposing this. One of course Erin with RDA and there was another individual, Mr. Hernandez who we met with after the meeting who was concerned about some traffic on Stine. That has been addressed and remedied. I think he was under a little misconception. I don't believe he's here tonight.

So, that brings us to what the issues sort of are here and I think the two issues that have stood out that people have talked about are noise and parking. Well, Mr. Buck has purchased additional property behind the building that he now owns and his intention, with your approval I assume, I do not represent Mr. Buck, is to extend more parking in that area for this business; however, we have stipulated to certain things about parking and I think that will be handled quite easily.

Also, the noise factor. We will make sure that the noise factor is at a minimum. It is quite unusual, in my opinion, that RDA is objecting to noise and parking when none of their individual

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members that I know of even work or live around this business at 1110 Merriam Lane. None of our neighbors have come forward either at the neighborhood meeting, the planning committee meeting and voiced any opposition to noise or parking. Some of the contributions that my clients have made is that just today two Kansas City, Kansas Police Officers were at the business and it was just a coincidence. My clients have 24/7 surveillance cameras that film Merriam Lane and the police from South Patrol every two to three days come by and look at it and review it to make sure everything is fine. They do that naturally gratis and Officers Rodriguez and Ball said I may use their name for tonight because they are in favor of this application.

Also, my clients have not a formal intern program, so to speak with high schools and junior highs in the Kansas City, KS area. They have contacted them, invited youngsters to come down to sort of learn the ropes to see what working with your hands is all about and that's what they do in that project and application is used during the summer for these young folks.

Finally, I would like to state that both of these men were born and bred here in Kansas City, KS. They'd like to keep their business here in Kansas City, KS. They pay approximately \$4,000-\$6,000 a month in sales tax. They pay real estate taxes. They employ five full-time people. I do not have any idea what Mr. Buck would do with this building if we are not approved, but it's a pretty single purpose building right now. These young men have spent over \$30,000 in tenant improvements. They've built hoist in there for these automobiles and they will certainly abide by the conditions and the stipulations that are in the staff report. So, on behalf of them I would sincerely ask for your support here tonight and I will be glad to answer any questions now or after any other individuals object and have questions also.

Mayor Alvey said I want to open the public hearing and ask if there is anyone present who would like to speak in favor of # SP-2018-12, if so please come to the podium at this time. Give us your name and address for the record. You will be given up to three minutes to state your comments.

Wes Neal, 1051 Merriam Lane, said I'm directly across the street from these young guys. As far as I can tell, the main objection is the noise that they may create. I can say that I'm there all day and night and I haven't heard any excessive noise, not near as much noise as the cars which go along Merriam Lane all day. Not only during rush hours, but all day long, and I never hear any noise from the shop from these guys here.

Mayor Alvey asked is there anyone else that would like to speak in favor. **Mr. Peterson** said now that Mr. Neal has spoken has spoken, Mayor, there was a comment by staff about a recent incident down on Merriam Lane where a transport carrier that had carried some and delivered some cars to my client, which is a rare occasion because normally customers drive there, it was blocking a bicycle lane. There were some words perhaps exchanged. It was not with my clients. It was with the independent driver of the transport. We have successfully negotiated with Mr. Neal who owns the Boulevard Drive-In right across that if and when any more transports arrive, we can use his lot to either take the cars off or put the cars on so they'll be no more incidents on Merriam Lane.

Mayor Alvey said we have one more person who wanted to speak in favor.

Ryan Charlton, 1110 Merriam Lane, said we're just trying to operate a niche type of business for automotive. We specialize in turbo charged vehicles. We've been doing it; we've been in operation since 2007. It's something that's totally different for the area. We think we bring something viable to the area. It's kind of neat to see the high school kids and the junior high kids that walk the area, they come in, they take pictures and they video the area. It's neat to see the young kids getting involved in it because we've kind of lost touch with that with the younger generation with being so in touch with their phones and social media and whatnot. It's neat to see them kind of coming back to playing with their cars, hands and whatnot. That's what we try to bring back to the area.

Mayor Alvey said if there is no one else that would like to speak in favor, is there anyone present in opposition who would like to speak on this item. If so, now is the time to come to the podium. Please state your comments. Please come forward and give us your name and address again.

Rebecca Miracle, 2410 S. Mill Street, said this is just down the street from their business. I was born and raised in Rosedale and I've been trying forever to get Rosedale built up. Southwest Boulevard and Merriam Lane is the main street that goes through our district and when you go down there all you see is cars. We've got 13 already. We don't need another one. We're trying to bring in better business. When you go down, it almost looks like you're going down 26th Street. All you see are cars, like the junkyard on 26th Street in Argentine. We don't need anymore of

these. It's not that I'm opposing, but we have enough and we're trying to get better business in and when you go down and you see all these cars they're not wanting in so I'm opposed to that because of this.

Bonnie Meadows, 2525 South 12th, said my only concern is the parking. It's hard to get down that little narrow street. So, that's my only objection to it.

Jetaime Taylor, 2303 South Early Street, said I am with Rosedale Association Development at 1403 Southwest Boulevard as well. RDA opposes this application because of the performance auto shops is not appropriate use of this site. The UG has invested an enormous amount of money into improving this corridor over the past several years. With the improvement, stormwater controls, sidewalks and bike lanes as the corridor has improved we have seen the increased interest in businesses looking to locate on the corridor. It's extremely important to make wise decisions here about the best possible use of the property along the corridor to continue the revitalization in this area. The Southwest Boulevard Merriam Lane Corridor is already home, as Becky said, to 13 used car lots and other automotive businesses creating the appeal of a mile of cars when you drive up and down the road. The overwhelming number of the car lots decreases the neighborhoods marketability to other types of businesses making it harder to develop a healthy mix of office, light industrial, retail and residential uses in the neighborhood.

I'm particularly concerned that this business is the furthest west along the corridor in Rosedale so far as it gives the appearance of a longer corridor devoted to the automotive uses. RDA has opposed all recent applications for SUPs for automotive uses on this corridor, not because there's anything wrong with automotive businesses, but because the cumulative effect of the high concentration of automotive businesses makes it harder to achieve the vision laid out for the Southwest Boulevard Merriam Lane Corridor Master Plan which includes a diverse mix of businesses, a visually appealing streetscape, connected and walkability in the neighborhoods.

In addition to the problems created by the automotive uses at this site, this business has especially been problematic. Neighbors have expressed concerns about the noise of raving cars, about the speeding neighborhood in the corridor and especially about parking. In the neighborhood meeting on January 30th when RDA staff expressed concerns about the huge number of cars parked end to end in the parking lot and on 11th Street; the applicant's lawyer stated that the excessed cars

would be moved and the cars would no longer be parked end to end, but only in marked spaces. They did not follow through with that. RDA has sent photos taken three different times during the day this month showing the cars parked in the driveway, on the street and directly behind the front of the cars.

Mayor Alvey asked is there anyone else who would like to express opposition comments. Seeing none, I will now close the public hearing. Would the petitioner like to make any additional closing comments? **Mr. Peterson** said again, nothing used car lots or anything like that, but this is a specific design business, high performance. There's only like—there's people that come from four, five states around here. They stay in our motels. They go to eat Dagwood's. They go to Rosedale Barbeque. Is it automotive? Yes, but is it a body shop? No. There's no parts laying around or anything like that. So, you know given that and we have stipulations and conditions concerning parking. I mean I can't be down there every day. My clients are there every day and they're just going to have to abide by those. We know that. So, again we'd ask for your support.

Mayor Alvey asked are there any questions or comments from the Commission?

Commissioner Bynum said I have questions that are actually, I think, possibly mostly directed to staff; just trying to understand this entire process. So, I read the minutes of the Planning Commission meeting I then went and listened to the audio recording. Then I went and read the Southwest Boulevard Merriam Lane Corridor Plan. That plan looks like it's about 2011. I can't tell because there's not really a date on it but based on it, it looks like maybe around 2011. **Mr. Richardson** said probably late 2010, but maybe it was adopted in 2011.

Commissioner Bynum said I'm asking partly, did our process work correctly when I think I heard Mr. Peterson say when the applicant went to the new location and informed the Business License that there was a new address, that did trigger the SUP process. That did trigger the special use permit? **Mr. Richardson** said correct. There is no business license at this address. **Commissioner Bynum** said okay.

Mr. Richardson said I just looked in the system again just now. There is one still at 728 Southwest Boulevard, but it has not been changed to this location.

Commissioner Bynum said so I'm hoping our processes are operating properly in terms of it's my understanding Business License gives you their data and then you look to see if zoning matches up with the use. **Mr. Richardson** said that's correct.

Commissioner Bynum said and at some point, someone discovered there was a new address. I thought I heard Mr. Peterson say they told Business License they had a new address. **Mr. Richardson** said well, when a new form comes to us with a new address, we check it against the zoning. Mr. Peterson made one slight error. He said it was C3 Industrial. C3 is not an industrial district. It's a commercial district. They're currently in an industrial district along Southwest Boulevard and they moved into a commercial district. **Commissioner Bynum** said okay.

Mr. Richardson said when we were made aware of the change in address, we sent back the form saying that they need a special use permit because of the zoning wasn't appropriate. **Commissioner Bynum** said and so the requirement for the special use permit is because the ordinance that we adopted recently. **Mr. Richardson** said correct, about two and a half years ago.

Commissioner Bynum said so that is not just for used auto sales. That must be a more broad, global ordinance. **Mr. Richardson** said it's more broad than just the used car sales.

Commissioner Bynum said so in the corridor study that is seven, eight or nine years old, one of the pages toward the end talks about a corridor zoning overlay. I'm wondering if that happened because that looked like a recommendation. **Mr. Richardson** said it was a recommendation. It has not been implemented yet. **Commissioner Bynum** said it did not happen. It's the current recent adoption of the automotive ordinance that triggers this special use permit. **Mr. Richardson** said correct.

Commissioner Bynum said okay. Alright, I went to Merriam Lane today and the business looks nice even though there might be pictures in the packet of the parking that was addressed today. It was not that way at all, which is good. Merriam Lane looks nice also. I'm really happy and

pleased with Merriam Lane, but I also saw a whole variety of businesses there and many of them seemed to me light industrial and many seemed automotive. That particular building and that particular activity don't strike me as necessarily out of character with anything else that's happening there.

I want to state and stress that not only do I understand the concerns of RDA and I really appreciate the work RDA does. They do important work. I don't find anything necessarily out of line with what's being requested and based on the stipulations that the Planning Board has asked for, that we can only assume will be adhere to, I will make a motion for approval. I just had all these questions that I needed to make sure were understood.

Action: Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2018-12.

Mayor Alvey said we have two others that would like to comment. **Commissioner Kane** said well, unlike my fellow Commissioner, I drove down there too; except I didn't drive there once. I work on that road so I drove down there several times since this has come up and looked at it. I don't do it at just this particular site. I do it at all the sites that looks like we're going to be here for a while and in fact I toured it today. You know I worked at General Motors for 35 years and I would not want those guys to see my garage.

It's a beautiful building. It sits back a little off the road and when we, I don't like foreign cars, but when we are bringing something that's unique to the community and we can have it here, which means we draw people from outside the community. You couldn't tell what it was unless you walked in there. I'm right down the street and if you saw the way we parked our cars down there, you might come down and complain. Everyone of those cars was parked the way they were supposed to be, and I probably drove down there a dozen times and I'm also in favor of it.

Commissioner Townsend said I'd just like to know from the applicants what are the business hours and days of the week and if all of the modifications are done inside of the building, you know whether or not there's anything done outside other than just parking.

Mr. Charlton said our hours are posted. They're 9:30 a.m. – 6:30 p.m. Monday through Friday. 11 a.m. – 5 p.m. on Saturdays and we do not do any work outside of our facility. Everything is done inside.

Mayor Alvey asked are there any further questions or comments from the Commission. Seeing none, I'll entertain a motion.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2018-12.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Murguia, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

ITEM NO. 3 – 18229...SPECIAL USE PERMIT APPLICATION #SP-2018-19 – JIMMY SMITH WITH SMITH SERVICES

Synopsis: Special Use Permit for the temporary use of land to keep two storage container units on site at 5401 State Avenue, submitted by Robin Richardson, Director of Planning. The applicant is keeping several semi-truck trailers at 5407 State Avenue and 5421 State Avenue. After being cited with a zoning violation, the applicant has filed for a special use permit to keep the trailers at this location. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2018-19, for two years subject to:

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

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-19 for two years, subject to the stipulations. Roll call was taken on the motion and there were eight “Ayes,” McKiernan, Murguia, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

ITEM NO. 4 – 18230...SPECIAL USE PERMIT APPLICATION #SP-2018-33 – JESSICA ZIEG WITH RZ PROPERTIES, LLC

Synopsis: Special Use Permit for an Airbnb at 625 Northrup Avenue, submitted by Robin Richardson, Director of Planning. The applicant is applying to use the property at 625 Northrup as a bed and breakfast. Previously the downstairs of this property was rented to full-time tenant and the upstairs was being used for Airbnb. The application has been amended and the house has been converted back into a single-family house, and the entire house will be rented to one party at a time. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2018-33, subject to:

Urban Planning and Land Use Comments

1. Are the upper level and lower level currently connected with an interior staircase? If the house is divided into two separate units, a change of zone to R-2(B) would be required in addition to the special use permit. There may be other changes to the structure needed to maintain two units such as separating utilities. Applicant Response: It is a single-family residence with interior stairs that connect the two floors.
2. How long has the business been in operation? Applicant Response: The business has been in operation since December 2016.
3. Were neighbors consulted prior to opening the business? Applicant Response: Immediate neighbors knew it was a rental. Tenant in the lower part of the house understood it was an Airbnb prior to renting. Staff Note: The applicant will only be permitted to rent to one party at a time. Renting to a tenant on one level and an Airbnb guest on the second level creates a duplex use.
4. Do you have a business license? Applicant Response: No, we were unaware we needed one. We will get one as required by the SUP process.

5. Have you paid appropriate lodging taxes? Applicant Response: It is our understanding that Airbnb and the state of Kansas currently collect taxes on 2+ bedroom spaces. As of right now, we believe that since we have a studio we are currently not required to pay the occupancy and transient taxes. Staff Note: This application has been amended since the applicant response and they are now proposing to use the entire space for a single Airbnb and renting to one party at a time. Appropriate lodging taxes will need to be collected through Airbnb.
6. How many rooms are rented? Applicant Response: Second floor studio is rented on Airbnb. It is one large studio, LR and BR in one and a bathroom. Staff Note: This application has been amended since the applicant response and they are now proposing to use the entire space for a single Airbnb. See the floor plan for the lower level rooms.
7. What is the maximum number of people that will be staying at any one time? Applicant Response: Two people, occasionally people have a baby. We are very honest with guests that it is a small space and not designed for more than two people. Staff Response: No more than five unrelated individuals may stay at the house at any one time.
8. What is the maximum number of vehicles and where will they park? Applicant Response: Two vehicles max, although we have not yet had any guests with more than one car at a time. Guests are informed they can park on the street, not in front of neighbors' driveways or in the back (through the alley) where there is room for one vehicle. The alley is very bumpy and rough, and many people do not venture back there. We are up front about the poor condition of the alley since we have gotten bad reviews/comments due to the current condition of the alley.
9. How often are guests in the residence? Applicant Response: Our average occupancy rate is 70-90% depending on the month. Since opening in December 2016, we have hosted approximately 160 guests.
10. Do you have a rental license from the Unified Government for the facility? Applicant Response: No, we applied in June of 2017. Our inspection for the main part of the house is scheduled for 3/20/18. It is our understanding that the Airbnb portion of the house does not need a rental license if it is considered a commercial space.
11. Provide a detailed description of the area(s) rented for Airbnb/other rental operations. Include bedrooms, bathrooms, common areas, etc. Applicant Response: Second floor, has separate exterior entrance and interior access to main floor. It has a small living room area,

minimal kitchenette, bedroom area and bathroom. Guests walk around the back of the house and go up one flight of stairs. Main floor tenant has access to our Airbnb calendar and leaves the front porch light on when guests are arriving. Staff Note: This application has been amended since the applicant response and they are now proposing to use the entire space for Airbnb and renting to one party at a time.

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

- a. Working smoke detectors in each bedroom plus each level of the unit/house.
- b. GFCI outlets are required in bathrooms.
- c. Double keyed locks are not allowed.
- d. Copper cannot be used for gas supply lines.
- e. Windows must be operable, not blocked or boarded.
- f. Handrails are required at sets of 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: The entire house is up to code, GFCI's, working smoke detectors, no double keyed locks, no copper lines for gas supply lines, windows are operable, all stairways have handrails, H2O heater and furnace are vented properly and electric panels are up to code and in safe working order. We maintain the highest level of safety and oversight with this property. Jessica does all of the cleaning and landscaping. She is at the house anywhere from 3-5 times a week, any problems that arise we immediately repair.

13. Approval shall be for one year.

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):
There shall be no parking in the alley, and the vehicles shall not block the alley.
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-2018-33, for one year, subject to the stipulations. Roll call was taken on the motion and there were eight “Ayes,” McKiernan, Murguia, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

ITEM NO. 5 – 18231...SPECIAL USE PERMIT APPLICATION #SP-2018-38 – JOE MCLAUGHLIN WITH BHC RHODES

Synopsis: Special Use Permit for a cemetery at 2726 Shawnee Drive and 2301 South 34th Street, submitted by Robin Richardson, Director of Planning. The applicant, Joe McLaughlin with BHC Rhodes on behalf of owner and operator, Maple Hill Funeral Home and Cemetery wants to remove a two-story home and revert the use of the land back to a cemetery as it was originally intended to be on 3.03 acres located at 2726 Shawnee Drive. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2018-38, subject to:

Urban Planning and Land Use Comments

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

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

3. Provide a map of the burial plots. Staff Response: See in the attachments.
4. Please explain the long-term care and maintenance of the cemetery.

Applicant Response: Kansas law requires that 15 percent of grave sales, 10 percent of crypt sales and 5 percent of niche sales be placed in a Permanent Maintenance Trust Fund, audited by the KSOS and to be used most generally to maintain the cemetery after it has reached its full potential. Currently Maple Hill’s Trust is approximately two million dollars. Conservatively speaking, I would say there is 100 plus years before this cemetery would be considered full and in need of the fund. While one cannot predict the funds worth at that time, Maple Hill Cemetery

should never be a burden to the city or state. Current 2 – 5-year plan would be the development of what now is marked Block 40, 36 and 41.

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

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

Public Works Comments: None.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-38, subject to the stipulations. Roll call was taken on the motion and there were eight "Ayes," McKiernan, Murguia, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

ITEM NO. 6 – 18232...SPECIAL USE PERMIT APPLICATION #SP-2018-40 – ELLEN RITCHIE

Synopsis: Special Use Permit for an Airbnb at 444 Shawnee Road, submitted by Robin Richardson, Director of Planning. The applicant is applying to use a single-family home located at 444 Shawnee Road as a short-term rental space, rented through sites such as Airbnb and VRBO. This home is not the applicant's primary residence, although she lives next door at 448 Shawnee Road. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2018-40, subject to:

Urban Planning and Land Use Comments

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

We hosted our first Airbnb guests in September 2015.

2. Were neighbors consulted prior to opening the business? Applicant Response: No.
3. Do you have a business license? Applicant Response: No.
Staff Response: You are required to obtain a business license from Business Licensing.
4. Have you paid appropriate lodging taxes? Applicant Response: Yes.
5. How many rooms are rented? Applicant Response: The entire house – two bedrooms, one bathroom, kitchen, living/dining room.
6. What is the maximum number of people that will be staying at any one time? Applicant Response: Four adults or two adults and up to three children.
7. What is the maximum number of vehicles and where will they park? Applicant Response: Two vehicles. Off street parking is available at the house.
8. How often are guests in the residence? Applicant Response: We hosted Airbnb guests on 90 nights in 2017.
9. Do you have a rental license from the Unified Government for the facility? Applicant Response: No.
10. Describe in detail the area(s) rented for Airbnb/other rental operations. Includes bedrooms, bathrooms, common areas, etc. Applicant Response: We have working smoke detectors in each bedroom and in the kitchen and a fire extinguisher in the kitchen. We have GFCI outlets in the bathroom. No double keyed locks, broken or boarded up windows, or copper pipes for gas supply lines. We installed a handrail for the two steps at the entrance. We had a full inspection and repairs made to the water tank and furnace to ensure they are operational and properly vented. The electrical panel and circuits are safe.
11. As this is not your primary residence, where are you located? Applicant Response: We live in the house directly next door – 448 Shawnee Road. The houses are approximately 30 feet apart.
12. How often do you visit the property? Applicant Response: We visit daily, as it is basically an extension of our own house. We go regularly to clean, maintain the garden, etc. regardless of whether we have guests or not.
13. Who is responsible for issues that may arise when tenants are renting the house, if neighbors have concerns, or to clean and prepare the house between tenants? Applicant Response: I am

personally responsible for all aspects of managing the rentals (communication with guests, problem solving, cleaning, etc.).

14. Have you provided your surrounding neighbors with your contact information should they have concerns? Applicant Response: All of our surrounding neighbors know that we own the property at 448 Shawnee Road and know how to find us. Based on feedback from one neighbor at the community meeting, if approved, I plan to print up a summary of the listing and explain to neighbors how Airbnb works and make clear how they can report concerns to us. Staff Response: Please provide your neighbors your contact information so they can call you if there are issues or concerns.
15. Per Business Licensing: If approved, the applicant will need to file the occupation tax application with our office for the business activity. Applicant Response: We will do so as soon as possible if approved.

Public Works Comments: None.

If approved, the following will be stipulations of approval:

1. Host will maintain a safe environment including:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house.
 - b. GFCI outlets are required in bathrooms.
 - c. Double keyed locks are not allowed.
 - d. Copper cannot be used for gas supply lines.
 - e. Windows must be operable, not blocked or boarded.
 - f. Handrails are required at sets of 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 four adults (not including an infant/child).
4. Only two (guest) cars are permitted.
5. House rules must include provisions indicating no parties or events to be held on site.
 6. Approval is for two years.

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Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-40 for two years, subject to the stipulations. Roll call was taken on the motion and there were eight “Ayes,” McKiernan, Murguia, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

ITEM NO. 7 – 18217...SPECIAL USE PERMIT APPLICATION #SP-2018-41 – TIM SCRIBNER WITH PQ CORPORATION

Synopsis: Renewal of a Special Use Permit (#SP-2016-21 - expired 1/24/2018) for an office trailer at 1700 Kansas Avenue, submitted by Robin Richardson, AICP, Director of Planning. The applicant wants to continue using a temporary construction office trailer located on Union Pacific Railroad owned property. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2018-41, subject to:

Urban Planning and Land Use Comments

1. Have there been any changes in use since your last special use permit was approved?
Applicant Response: No changes, trailer is still being used for engineering and construction office.
2. Have you complied with the previously approved stipulations? Applicant Response:
Yes, have complied with all stipulations.

The following stipulations from the previous special use permit (#SP-2016-21) approved in 2016 must be followed:

No structural or functional changes take place to the structure over the approved period. Applicant Response: None.

Staff Conclusion:

The applicant has worked with staff to answer questions regarding previous stipulations and current use of the trailer. Subject to approval, staff stipulates the following:

1. This special use permit shall be valid for two years.
2. Comply with aforementioned stipulations.

Business License Comments:

PQ Corporation has filed and maintained a current occupation tax application on file with this office since 1964.

Public Works and Engineering Comments: None.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-41, for two years, subject to the stipulations. Roll call was taken on the motion and there were eight “Ayes,” McKiernan, Murguia, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

ITEM NO. 8 – 18218...SPECIAL USE PERMIT APPLICATION #SP-2018-42 – WIL ANDERSON WITH BHC RHODES

Synopsis: Renewal of a Special Use Permit (#SP-2015-31 - expired 7/30/2017) for auto auction parking facility at 8501 Gibbs Road, submitted by Robin Richardson, Director of Planning. The applicant, Wil Anderson with BHC Rhodes on behalf of Greater Peoria Properties LLC wants to continue the operation of a parking lot for an auto auction business on 14.07 acres at 8501 Gibbs Road. This property is an extension of the business at the adjoining property to the south. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2018-41, subject to:

Urban Planning and Land Use Comments

1. The fence is very nice; thank you for improving the area! Applicant Response: Thank you for the feedback.
2. Below are the stipulations from the previous Special Use Permit (#SP-2015-31):
 1. Obtain a building permit from Building Inspection.
 2. Planning staff will not issue a building permit until a LOMA-F is issued from FEMA.
 3. The perimeter fence along the east and west property lines shall be solid and at 8’ in height. The fence that faces Gibbs Road shall have masonry columns every 32’ on center.

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4. One shade tree shall be planted every 40 feet on center along Gibbs Road.
5. The parking lot drive aisles shall be asphalt. The parking area or “pads” may be asphalt millings. Gravel is not a permitted surface.
6. Parking lot shall be striped in accordance with the Parking and Loading section of the City Code.

Please provide photos to show that applicant is in compliance with stipulations 5 and 6. Photo evidence of stipulations 3 and 4 were provided with the application packet.

Staff Note: See attached comment letter and photos.

Approval shall be for five years to line up with the Special Use Permit SP-2013-30 for adjoining property. Applicant may then apply for renewal for both properties under one permit.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: None
2. Items that are conditions of approval (stipulations):
 - a. Provide an O&M manual for storm water BMP’s that were installed in accordance with previous approved plans. Please submit the O&M manual to Public Works Department, Sarah White or Troy Shaw.
 - b. Storm water BMP’s shall be maintained in accordance with the O&M manual or per any UG inspection requirements.
 - c. The UG shall have access to inspect storm water BMP’s as needed.
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-2018-42, for five years, subject to the stipulations.** Roll call was taken on the motion and there were eight “Ayes,” McKiernan, Murguia, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

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ITEM NO. 9 – 18233...SPECIAL USE PERMIT APPLICATION #SP-2018-44 – ELBERT TRAVIS UNDERWOOD

Synopsis: Special Use Permit for an Airbnb at 4523 Adams Street, submitted by Robin Richardson, Director of Planning. The applicant is applying to use a single-family home, located at 4523 Adams Street as a short-term rental space, rented through sites such as Airbnb and VRBO. This home is not the applicant's primary residence, as he lives in downtown Kansas City, Missouri. The Planning Commission recommended 8 to 0 to recommend approval of Special Use Permit Application #SP-2018-44, subject to:

Urban Planning and Land Use Comments

1. How long has the short-term rental business been in operation? Applicant Response: The property has been used as a short-term rental since September 2017.
2. Were neighbors consulted prior to opening the business? Applicant Response: Yes, our immediate neighbors were informed of our intentions to convert the property into an Airbnb and had no issues.
3. Do you have a business license? Applicant Response: No, but I would be open to getting one. Staff Response: You are required to obtain a business license from the Business Licensing Department.
4. Have you paid appropriate lodging taxes? Applicant Response: Yes, Airbnb collects and remits lodging taxes on all stays.
5. How many rooms are rented? Applicant Response: The entire house is rented in whole. The house consists of two bedrooms, one bathroom, kitchen, and living room.
6. What is the maximum number of people that will be staying at any one time? Applicant Response: Four adults.
7. What is the maximum number of vehicles and where will they park? Applicant Response: Two vehicles can park in the driveway.
8. How often are guests in the residence? Applicant Response: Guests are in the residence as often as possible. Since beginning operation, occupancy has been around 80 percent.
9. Do you have a rental license from the Unified Government for the facility? Applicant Response: No, that department said only yearlong rentals required a rental license when I

inquired last summer. I would be open to getting one. Staff Response: You must obtain a rental license from the Rental Licensing Department if guests stay longer than thirty days.

10. Describe in detail the area(s) rented for Airbnb/other rental operations. Include bedrooms, bathrooms, common areas, etc. Applicant Response: The entire house is rented. One bedroom contains a queen bed, the second bedroom contains one full-size bed and one twin bed. The kitchen provides basic appliances (stove, fridge, table and chairs) and the living room contains basic furniture (chairs, sofa, television).
11. As this is not your primary residence, where are you located? Applicant Response: My permanent residence is in downtown Kansas City, MO.
12. How often do you visit the property? Applicant Response: I visit the property at the conclusion of every stay to clean and prepare for the next guest.
13. Who is responsible for issues that may arise when tenants are renting the house, if neighbors have concerns, or to clean and prepare the house between tenants? Applicant Response: Myself.
14. Have you provided your surrounding neighbors with your contact information should they have concerns? Applicant Response: Yes.
15. Please provide a floor plan of the home. Applicant Response: See attached.
16. Per Business Licensing: If approved, the applicant will need to file the occupation tax application with our office for the business activity. Applicant Response: I would be open to this. Staff Response: As stated previously, you are required to obtain a business license from Business Licensing Department.

Public Works Comments: None.

If approved, the following will be stipulations of approval:

1. Host will maintain a safe environment including:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house.
 - b. GFCI outlets are required in bathrooms.
 - c. Double keyed locks are not allowed.
 - d. Copper cannot be used for gas supply lines.

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- 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 four adults (not including an infant/child).
 4. Only two (guest) cars are permitted.
 5. House rules must include provisions indicating no parties or events to be held on site.
 6. Approval is for one year.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-44, for one year, subject to the stipulations. Roll call was taken on the motion and there were eight “Ayes,” McKiernan, Murguia, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

ITEM NO. 10 – 18234...SPECIAL USE PERMIT APPLICATION #SP-2018-45 – RYAN DENK WITH MCANANY VAN CLEAVE & PHILLIPS P.A.

Synopsis: Special Use Permit for continuation of tractor trailer truck parking at the American Motel at 7949 Splitlog Avenue, submitted by Robin Richardson, Director of Planning. The applicant has applied for a special use permit to continue to park tractor trailer trucks at the American Motel. The proposed use includes seven truck trailer parking spaces in the southeast corner of the parking lot. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2018-45, subject to the 8’ fence recommended by staff be erected on the west side of the property and all truck parking and access is located in the southeast corner of the property (where it was originally designated) and approval is for two years.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-45, for two years. Roll

call was taken on the motion and there were eight “Ayes,” McKiernan, Murguia, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

VACATION APPLICATION

ITEM NO. 1 – 18235...VACATION APPLICATION #R/W-2018-2 – WIL ANDERSON WITH BHC RHODES

Synopsis: Vacation of right-of-way at 342 South Bethany Street, submitted by Robin Richardson, Director of Planning. The applicant on behalf of the operator, Board of Public Utilities has submitted an application to vacate a portion of South Bethany Street in order to build a guard house, establishing a control checkpoint for the BPU facility for three buildings that have building permits to construct; a guard house for site access, a hydrant building to repair and maintain fire hydrants and a pipe supply building to protect PVC pipes from solar degradation. The Planning Commission voted 8 to 0 to recommend approval of Vacation Application #R/W-2018-2, subject to:

Urban Planning and Land Use Comments

1. Subject to approval, a \$50.00 rezoning ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Board of Commissioners meeting. Applicant Response: A check for \$50 for the publication of the ordinance will be provided following the Board of Commissioners meeting.
2. Speakers are not permitted to be installed on the guard house. Applicant Response: Architect has confirmed there will be no speakers.
3. Any lights that will be installed on the guard house shall have 90 cutoff fixtures and shall not exceed one footcandle at the property line. Applicant Response: Architect has indicated that the lights are mounted in the soffit and therefore a 90-degree cut-off.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: None.
2. Items that are conditions of approval (stipulations): The County Surveyor makes separate technical review of the vacation documents and submits comments directly to the preparer of

the vacation. Provide revised vacation documents in accordance with County Surveyor comments.

3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Vacation Application #R/W-2018-2.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Murguia, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

MISCELLANEOUS-ORDINANCES

ITEM NO. 1 – 18182...ORDINANCE

Synopsis: An ordinance rezoning property at 9410, 9340 and 9304 Hurrelbrink Road (#3158) from R-1 Single Family District to A-G Agriculture, submitted by Robin Richardson, AICP, Director of Planning.

Action: **ORDINANCE NO. O-14-18,** "An ordinance rezoning property hereinafter described located at approximately 9410, 9340 and 9304 Hurrelbrink Road in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District and A-G Agriculture District to R-1 Single Family District." **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Murguia, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

ITEM NO. 2 – 1850...ORDINANCE

Synopsis: An ordinance rezoning property at 1300 Meadowlark Lane (#3156) from CP-O Planned Non-Retail Business District to CP-3 Planned Commercial District, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-15-18**, “An ordinance rezoning property hereinafter described located at approximately 1300 Meadowlark Lane in Kansas City, Kansas, by changing the same from its present zoning of CP-O Planned Non-Retail Business District to CP-3 Planned Commercial District.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were eight “Ayes,” McKiernan, Murguia, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

ITEM NO. 3 – 18115...ORDINANCE

Synopsis: An ordinance vacating utility easements at 12940 and 12934 Hubbard Road (#U/E-2018-1), submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-16-18**, “An ordinance vacating a strip of land previously taken for easement along the easterly lot line of Lot 1, and the westerly lot line of Lot 2, of Freeman Farms North, Phase 1, a subdivision of land in Kansas City, Wyandotte County, Kansas located at approximately 12940 and 12934 Hubbard Road.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were eight “Ayes,” McKiernan, Murguia, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

Commissioner Murguia said I apologize. I am having a hard time staying connected through our audio system. I apologize. I know you keep hearing a recorded message. I’m sorry to disrupt the meeting, but I’ve been disconnected a couple times. I apologize for that. **Mayor Alvey** said we understand. Thank you.

PLANNING AND ZONING NON-CONSENT AGENDA

Mayor Alvey said we have four items under the Planning & Zoning Non-Consent Agenda. Item A-1, Change of Zone Application #3152 and B-1, Special Use Permit Application #SP-2017-65 will be heard together; however, they will require separate votes.

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 18221...AMY GRANT AND JOHN PETERSEN WITH POLSINELLI PC

Synopsis: Change of Zone from CP-1 Planned Limited Business District to CP-3 Planned Commercial District for an auto body shop at 5015 Gibbs Road, submitted by Robin Richardson, AICP, Director of Planning. The application, on behalf of the Dent & Detail Clinic, has filed a change of zone from CP-1 Planned Limited Business District to CP-3 Planned Commercial District and a special use permit to operate a 18,000 square foot auto body repair shop at 5015 Gibbs Road. The Planning Commission voted 6 to 2 to recommend approval of Change of Zone Application #3152 and Special Use Permit Application #SP-2017-65, subject to:

1. No wrecked cars in parking lot
2. Only employee parking in parking lot
3. No outside storage in parking lot
4. 8 a.m. – 5 p.m. - hours of operation
5. All doors closed while working on vehicles
6. Paint booth must be filtered
7. Variance for parking and landscaping required
8. Paint booth exhaust stack not significantly taller than other existing rooftop units, which would eliminate the parapet requirement.
9. Any dumpster kept outside shall be screened per the code to match the building.
10. Northern half of east façade made of CMU is to be enhanced in compliance with the Overlay Zone in consultation with the staff.
11. Close Matney access.
12. Any other stipulations not objected to by the applicant in the staff report.
13. The applicant is to work with the staff on the remaining stipulations.
14. Approval of the Special Use Permit is for two years.

And

SPECIAL USE PERMIT APPLICATION ITEM NO. 1 – 18222...SPECIAL USE PERMIT #SP-2017-65-AMY GRANT AND JOHN PETERSEN WITH POLSINELLI PC

Synopsis: Special Use Permit for an auto body shop at 5015 Gibbs Road. submitted by Robin Richardson, Director of Planning. The Planning Commission voted 6 to 2 to recommend approval of Change of Zone Application #3152 and Special Use Permit Application #SP-2017-65, subject to:

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

Urban Planning and Land Use Comments General Planning:

1. Per Business License Department: If approved, applicant would need to file application with our office as they become operational. Applicant Response: Acknowledged.
2. Please submit a development plan that complies with Sec. 27-593(b)(20). Applicant Response: A development plan is being provided with this resubmittal.
3. The building is 18,000 square feet therefore, 72 parking spaces are required to be provided. Applicant Response: The applicant has provided the enclosed project narrative that describes the proposed operations of the auto body use. The City's UDO does not appear to address parking for the proposed use. The applicant respectfully suggests that only five parking spaces are needed for employee parking and respectfully requests a waiver from any other parking requirements. Staff Response: The site plan needs to show that there are 72 parking spaces available on site, whether they are used depends entirely on the applicant's operations, otherwise a variance is necessary.
4. Please provide a site plan that indicates property lines, building placement, parking and sidewalks. Applicant Response: A development plan is included with this resubmittal. Staff Response: A requirement of the ordinance related to the special use permit is to install sidewalks where there are none and replace or repair existing sidewalks where they have been damaged.
5. Because Gibbs Road is part of the trail network, specifically the On-Street Bike Route Connections (Share the Road), all new trails shall subscribe to the following:
 - Provide at least 10 feet wide and will include enhanced pedestrian amenities including wayfinding and interpretative signage, benches, litter receptacles and generous landscaping.
 - All trails will be illuminated with pedestrian lights with a consistent spacing.
 - All sidewalk and trails should meet the requirements of the American with Disabilities Act Accessibility Guidelines (ADAAG).

Applicant Response: Gibbs Road currently provides a sidewalk along the north in addition to 40' of right-of-way that could allow for expansion of the roadway and/or construction of a trail system. The applicant requests that it be granted a waiver from this requirement.

Staff Response: Similar to B-Street Collision Center off North 99th Street, when development occurs along Gibbs Road that necessitates the construction of the trail, the owner of 5015 Gibbs Road shall at that time install the portion of the trail that is in front of the property.

6. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided.
 Applicant Response: At the request of City staff, the applicant has shown the 4' sidewalk could be installed along the east side of South 51st Street. However, the applicant respectfully requests that it be granted a waiver from this requirement as there are currently no other sidewalks constructed along 51st Street and given the residential neighborhood to the south, the likelihood of a future sidewalk connecting to the south is highly unlikely. Staff Response: The applicant has depicted on the site plan that a sidewalk can be installed and therefore should be installed to comply with ordinance.
7. Any making or assembly of products to be sold, including raw materials and any servicing or repair activities shall be totally within an enclosed building. Applicant Response: The applicant acknowledges that all servicing and repair activities will be done totally within an enclosed building. Further, the applicant does not intend to make or assemble products at this location.
8. All overhead doors shall be closed when automobiles are being serviced. Applicant Response: Acknowledged.

Landscaping and Screening:

1. Please provide a landscape plan. Applicant Response: The enclosed site plan includes landscape information.

2. Based on the landscaping requirements in the CP-3 Planned Commercial District (one tree per 7,000 square feet of site area) and the Commercial Design Guidelines (at least 75 percent greater than the district requirement), the number of trees that are required to be planted is twenty-four.

This total does not include the street tree requirement or trees to be planted in parking lot islands.

Applicant Response: The enclosed site plan/landscape plan shows shade trees on the perimeter of the site, where possible, at 50' on center average. There is not sufficient room along the west property line and western part of the north and south property lines to accommodate tree planting due to water and overhead power lines. In addition, the applicant has previously requested a waiver from improving the parking lot with landscape islands given the fact that customers will not be utilizing the parking lot. As such, the applicant also requests a waiver from the planting requirement associated with parking lot islands. Staff Response: Per the code requirement, parking shall be upgraded to current standards and regulations including medians, landscaping and screening. This would include the installation of parking lot islands, where applicable.

3. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. Applicant Response: The applicant respectfully requests that parking lot screening not be required as the parking lot will not be utilized other than three to five employee vehicles that will be parked facing the building.
4. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be (at least six feet tall when planted) provided for every 30 feet of street easement or frontage.
 - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between street trees.

Applicant Response: The enclosed site plan/landscape plan shows shade trees on the perimeter of the site, where possible, at 50' on center average. There is not sufficient room along the west property line and western part of the north and south property lines to accommodate tree planting due to water and overhead power lines.

5. All landscaping must be irrigated. Applicant Response: The applicant respectfully request that irrigation is not needed for the proposed perimeter street trees. Staff Response: Should this application be approved; a water plan must be provided indicating how and when the trees will be watered while they are taking root.
6. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the site and 3 gallons internal to the development when planted. Applicant Response: Acknowledged.
7. Only decorative lighting can be used on the exterior of the building. No pack lights or flood lights are permitted. Applicant Response: Acknowledged.
8. All lighting, whether mounted on the building or in the parking lot shall have 90 cutoff fixtures. Applicant Response: Acknowledged.
9. Any exterior dumpster will need to be screened with an architectural wall that matches the building and heavily landscaped. Applicant Response: Acknowledged. The applicant is not proposing an exterior dumpster with this project.
10. All roof mounted units shall be screened by the parapet of the building. Applicant Response: The applicant will be utilizing the existing building and is not proposing to structurally modify the building. The site plan includes a note that any new rooftop equipment will be screened per Code. Staff Response: If approved, if there are ventilation requirements for the paint booth that will require penetration of the roof, that equipment shall be screened from public view.
11. Sec. 27-467(c) Any outside storage or keeping of parts, equipment, inoperable vehicles or residual materials which is necessary, normally related and accessory to the principal use of the premises shall be screened from view from off the premises. Such outside storage shall be limited to areas directly adjacent to the main building, not including more than 20 percent of the area of the main building and not in a required yard. Applicant Response: Acknowledged.

12. The wood privacy fence around the perimeter of the property, abutting residential property shall be 6' in height and have masonry columns every 32' on center. Applicant Response: The property does not currently have a wood privacy fence and the applicant is not proposing one. Staff Response: Any vehicle that will be or is being worked is required to be screened from public view and residentially zoned property. The standard for such screening is a 6' privacy fence with masonry columns of 32'.
13. Outside storage may only be equal to or less than 20% of the building area and must be fenced in a similar fashion as the property lines. Applicant Response: Acknowledged. Staff Response: Any vehicle that will be or is being worked on is required to be screened from public view and residentially zoned property. The standard for such screening is a 6' privacy fence with masonry columns of 32'.
14. All inoperable or partially repaired vehicles must be stored inside the building or in the enclosed storage yard. Applicant Response: Acknowledged. Staff Response: Any vehicle that will be or is being worked on is required to be screened from public view and residentially zoned property. The standard for such screening is a 6' privacy fence with masonry columns of 32'.

Building and Architectural Design:

1. Submit a material palette for the auto body repair shop. Applicant Response: The applicant will submit a material palette with a final development plan.
2. Provide photographs of the interior and exterior of the building. Applicant Response: The applicant has previously submitted photographs of the exterior of the building. Interior photographs are not provided.
3. Sec. 27-576(e)
 1. Building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally-colored, textured, or glazed concrete masonry units, high quality pre-stressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials.
 - a. Building design should avoid large expanses of highly reflective surfaces and mirror glass exterior walls.

- b. Highly tinted glass or glass tinted in unnatural colors should be avoided.
- 2. Exterior building materials shall not include the following:
 - a. Split shakes, rough sawn, or board and batten wood
 - b. Vinyl siding
 - c. Smooth-faced grey concrete block, painted or stained concrete block, tilt-up concrete panels
 - d. Field painted or prefinished corrugated metal siding
 - e. Standard single-tee or double-tee concrete systems; or
 - f. EIFS at the ground level or comprising more than 15 percent of any facade.

Applicant Response: At the request of City staff, the applicant is willing to install a 4' wainscot at the bottom of the north and northwest corners of the building. No other improvements to the existing building are being contemplated at this time.

Staff Response: The building is visible from all four sides, as it sits on an island, surrounded by streets on all sides. The site does not abut a rail yard or a heavily wooded area which will not be developed due to topography, therefore, improvement should be made of all four sides of the building.

- 4. Overhead doors shall be painted to match the building. Applicant Response: Acknowledged

Signage:

Shall comply with the sign ordinance. Applicant Response: Acknowledged.

Public Works Comments:

- 1. Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1. If the change of zone is approved, comments are listed as stipulations below.
- 2. Items that are conditions of approval (stipulations):
 - a. The change of zone is a preliminary development plan. A final development plan will need to be approved by Planning Commission. Final plans require

construction level drawings and final engineering design in accordance with UG standards and criteria.

- b. Provide a site plan with dimensions including but not limited to the drive entrance dimensions from the property line, drive entrance throat width, drive entrance curb return radii, parking stall dimensions, drive aisles, turn around area, existing utilities, UG node numbers for all nearby UG infrastructure, etc.
- c. The driveway approach at Matney Avenue is wider than UG standards and shall be reconstructed to include island(s) and a driveway approach in accordance with UG standards and criteria.
- d. The submitted site plan includes a proposed drive on the east side, sidewalks, and tree installation, which are land disturbance activities requiring erosion control. Provide an erosion control plan or indicate erosion control bmp's and notes on the site plan (i.e., silt fence, inlet protection, etc.) in accordance with UG standards and criteria.
- e. Final development plans will have to be approved before going to Planning Commission with approval to obtain permits. This will include final engineering, calculations, and complete drawings with construction notes and details in accordance with UG standards and criteria

3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None

Staff Conclusion:

The applicant has submitted a site plan/landscape plan that shows the planting of trees around the perimeter of the property in addition to a 4' sidewalk along the west property line, adjacent to South 51st Street between Matney Avenue and Gibbs Road. While these would be improvements to the site, rezoning the property from CP-1 Planned Limited Business District to CP-3 Planned Commercial District is not appropriate for the use proposed on the site because of its inability to meet code and previous neighbor complaints.

Although the property may need to be rezoned in the future for a project, there are a myriad of uses that are permitted on the property which do not require a change of zone or special use permit.

Mr. Richardson said this case at 50th & Gibbs Road is I believe the old grocery store there and it is proposed for a body shop where all of the body work would be on the interior of the site. Mr. Petersen is here and he'll present the rest of his case.

Curt Peterson, 6201 College Boulevard, Overland Park, KS, said I'm here on behalf of Denton Detail Clinic. The owner Todd Huffman is also with me. As Mr. Richardson said, the project site here is at 5015 Gibbs just west of I-635 on Gibbs Road. It's a 2.2-acre site. The cursor on the screen you can see here.

It has an 18,000 ft. building there. As Rob said, a former grocery store, then a printing shop. It's been over 10 years now that it's been vacant. In terms of the site surroundings and I'll actually give you a few shots. I think you probably have this in your packet, but I'll give you a few different angles looking to the south, all four sides here. That's the back and back to the west. In terms of our neighbors, it's always good to know our surroundings. To the west we have a Quick Shop and then west of that an auto mechanic shop. To the southwest we have a retail strip that has a battery exchange there. To the north across Gibbs you can see there's three residential properties. We also have a water tower and a substation just to the north, a little bit to the west. To the east we have a carwash, a thrift shop and one other commercial building. To the south we have a homecare service building.

In terms of the proposed use for the site Denton Detail Clinic, which is a business that's been operating for 19 years by Mr. Huffman over in Overland Park off Shawnee Mission Parkway. This would be an overflow site for repairs. He is a contract purchaser, so he doesn't own this property yet, but would assuming things go well tonight, would like to purchase it. There would be primarily dent and detail work with minor paint repairs, kind of retouching that would be done at this facility, estimate about 10–15 vehicles a week. This would not be a retail location. So customers would not show up. You or I would not drive our car here.

This is an overflow facility where the cars will be moved from the other facility in Overland Park to have work done here and brought back to the other facility to deliver to the customers. All vehicles would be brought inside at night. This would not have cars or any vehicles other than about two to three, maybe four employee's cars in the parking lot at any time and those would be parked right up against the north side of the building where they would enter. There'd be no storage or materials whatsoever, zero, none on the site.

This use does conform with the master plan. In terms of the application, as Mr. Richardson said, this is a request both for rezoning and a special use permit. The Planning Commission did recommend this application by a vote of 6 to 2 and our only discussion here tonight for you, fortunately, is just to talk very briefly about two stipulations that were passed along with the Planning Commission recommendation. Before I go to that, kind of giving the big picture, we obviously—you've probably had a chance to look at the record with the Planning Commission. We spent more time on some of this, but I think this is even relevant to the two stipulations and the big picture is this, this is one of the nicest buildings in this—even though it's been vacant for 10 years, it's one of the nicer buildings in the area. It's a good masonry building. There will be improvements made as we can go into that but detail by the applicant. It's part of this proposal to the site and the building.

Like I said, it's been vacant for 10 years. The proposed use would be extremely low traffic, given that's it's not a retail building. It's just something that employees will bring cars over during the week as an overflow. It'd be a very light commercial use with all work done inside the building. There's no neighborhood opposition. We had a neighborhood meeting. I sent out all the notices. No neighbors showed up at the Planning Commission. We talked to each neighbor individually, the owner has and there's no neighborhood opposition to this. The building has been repeatedly vandalized as happens when buildings are vacant for a long time. It will obviously deteriorate over time without a use, but the good news is we have a great longtime business owner that wants to make this a secondary home.

So, with that big picture we focus now just on the two stipulations we wish to bring before you for consideration. In your packets, stipulation number 7. We'd ask that you would omit that or delete that from an approval tonight. That specific stipulation said variance for parking and landscaping is required. First dealing with the landscaping aspect of that, that's actually and staff will corroborate that, that is actually a typo. During the Planning Commission meeting it was brought up by staff that is not something that requires a BZA hearing, a variance if you will. So, I'm just on the record reporting that that should not be there.

The second piece of it was parking and after the Planning Commission hearing as we sit down with staff and showed the size of the parking lot and worked through the details, there was an agreement and by the way we are patching the parking lot where necessary and then up in the—I'll put the cursor up on the screen. This is the only part of the site that will be used to access the

building. There's the garage right there that you go in. Here's how you enter the building on foot. A couple of parking stalls will be here. All the ceiling and the striping will be here so in terms of the parking it meets code because there's more than enough parking for anybody to use this building however they want, although again, like I said we don't need it so as staff will also corroborate, there's not a BZA variance that's necessary for parking for this project.

Quickly, in and out on stipulation 1, again, for those reasons we'd ask that you omit that for hopefully an approval tonight. Lastly, is stipulation 11. We also would ask that this be omitted and not part of tonight's hopefully approval. The stipulation itself says to close Matney access to the parking lot. Matney is that drive down here to the south that runs here and as you can see where the cursor is from here to here that's an opening to the parking lot, which is larger, you know when we do new developments nowadays we don't have an access point that is that wide so Public Works, specifically, staff had asked would you go ahead and just close that up. What we would say, especially as a professional in this industry, again, if we're doing something new we definitely don't build access points to parking lots that wide. The reason we don't primary is for when there's volume going in and out that there could be conflicts that doesn't constrain the traffic appropriately.

I would say here for the reasons I said before, not being overly repetitive, literally, no one will ever use that access point, ever. I can't usually say ever as part of this business so there really isn't any traffic safety reasons at all. Second of all, you can't— if someone thought that was an aesthetic issue, I personally don't think it's an aesthetic issue but in case that's in your mind; because of the gray drop as you head south, you can't even perceive that from Gibbs. Also, this is a side street that is—I was going to call it a secondary, but it's some number below that or higher than that, if you will. It's just as you can see all it serves is really this homecare facility here. It's just not a street that people are even really using. If we measure it out, it would be about 100 ft. of trying to do a hardscape work and it just frankly to close it up is just not a good use of resources, to weigh it against no public good, right, that would come out of it.

So someday when this is a two-year special use petition, SUP application; if these folks came back or someone else in two years and wanted to do something more intense, I think this should be—frankly, I think should be on the table and talked about, certainly if there's ever redevelopment someday, rezoning and a redevelopment.

Respectfully, I would ask among all the other things that they're doing to this site that's been vacant and excited to become a business in this area, we would ask that this just not be something that's part of this approval tonight because we don't see any public good that comes out of it. There's certainly expense and effort to do it. So, again, we ask you to omit stipulation 11. With that, Mayor, and members of the Commission we would ask for your support and approval tonight of the application as recommended by the Planning Commission with the only exceptions being omission of stipulations 7 and 11.

Mayor Alvey opened the public hearing. If there is anyone present who would like to speak in favor of Change of Zone #3152 and/or Special Use Permit #SP-2017-65. No one appeared in support.

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

Mayor Alvey closed the public hearing.

Mayor Alvey asked would the petitioner like to make any closing comments. **Mr. Peterson** said no, Mayor. Thank you.

Mayor Alvey asked does any member of the Commission have any questions or comments.

Commissioner Markley asked do I need to do anything with stipulations on that one or is it the same. Okay, the same.

Action: **Commissioner Markley made a motion, seconded by Commissioner Kane, to approve Change of Zone Application #3152, removing stipulations 7 and 11.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Murguia, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

Action: **Commissioner Markley made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2017-65 for two years, removing**

stipulations 7 and 11. Roll call was taken on the motion and there were eight “Ayes,” McKiernan, Kane, Markley, Walters, Bynum, Burroughs, Townsend, Alvey. (Murguia was disconnected.)

ITEM NO. 2 – 18216...JASON STEUBER

Synopsis: Renewal of a Special Use Permit (#SP-2016-38) for an automotive dealership at 3017 Merriam Lane, submitted by Robin Richardson, Director of Planning. The applicant is requesting a renewal of a special use permit for an internet-based automotive dealership. The Planning Commission voted 7 to 1 to recommend approval of Change of Zone Application #3152 and Special Use Permit Application #SP-2018-39, subject to:

Urban Planning and Land Use Comments:

1. Have there been any updates to your business operations since your last special use permit?

Applicant Response: No, business operations have not changed.

2. Are all vehicles still stored inside?

Applicant Response: Yes, all vehicles are stored inside.

3. Have the previously approved stipulations (below) been complied with?

The following stipulations from the previous special use permit approved in 2016 (#SP-2016-38) must be followed:

1. Overhead door shall be closed at all times except when showing a customer a vehicle in the parking lot.
2. Stripe ten parking stalls in the parking lot for your auto sales business.
3. Comply with the aforementioned stipulations.

Applicant Response: All previous stipulations have been met. Property has more than ten striped parking spots. Overhead door is always closed.

Staff Conclusion:

The applicant has worked with staff to answer questions regarding previous stipulations. Subject to approval, staff stipulates the following:

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1. This special use permit shall be valid for five years.
2. Overhead door shall be closed at all times except when showing a customer a vehicle in the parking lot.
3. Keep vehicles stored inside.
4. Comply with the aforementioned stipulations.

Business License Comments:

Steuber Motor Group, LLC has filed and maintained a current occupation tax application on file with this office.

Public Works and Engineering Comments: None.

Mr. Richardson said, Mayor, this renewal and the following case were both on the Consent Agenda at Planning Commission. The no vote on the Consent Agenda didn't relate to these two cases. By kind of happenstance it ended up on Non-Consent tonight. Staff has recommended in favor of both of them. They've both complied with the previous stipulations. **Mayor Alvey** asked is the petitioner here to make any comments. If the applicant would come forward, say you want this and give us your name and address, say you want it and we'll move on.

Jason Steuber, 13005 King, Overland Park, said I'm here for the renewal of my special use permit.

Mayor Alvey asked is there is there anyone who would like to speak in favor. No one appeared in support.

Mayor Alvey asked is there is there anyone who would like to speak in opposition. No one appeared in opposition.

Mayor Alvey asked are there any comments from Commissioners. There were none.

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Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-39 for five years, subject to the stipulations. Roll call was taken on the motion and there were eight “Ayes,” McKiernan, Murguia, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

Mayor Alvey asked was there another item? Mr. Richardson said the next is a renewal that’s also complied with all our stipulations.

ITEM NO. 3 – 18219...SPECIAL USE PERMIT #SP-2018-43-NOAH WAMBUI WITH IDEAL AUTO

Synopsis: Renewal of a Special Use Permit (#SP-2016-27) for a salvage yard (recycling parts) at 810 South 26th Street, submitted by Robin Richardson, Director of Planning. The applicant wants to continue the operation of a salvage yard, specifically vehicle recycling and salvage auto parts at 810 South 26th Street. The Planning Commission voted 7 to 1 to recommend approval of Special Use Permit #SP-2018-43, subject to:

Urban Planning and Land Use Comments:

1. Below are the stipulations from the previous Special Use Permit SP-2016-27:

- a. The special use permit shall be approved for two years.
- b. Prior to opening you will need to obtain a building permit to bring the metal building up to code.
- c. The weeds in the concrete lot shall be removed and the concrete surfaced patched where roots have deteriorated the pavement.
- d. The four parking stalls shall be striped and comply with the American Disabilities Act (ADA).
 - 1) One parking stall shall be ADA complaint when a 5’ access aisle adjacent to the stall, a symbol painted on the ground, and a sign placard installed in front the stall 5’ above the finished floor or ground surface.

Please provide photos to show that applicant is in compliance with stipulations 3 and 4.

- 2) Please also provide photos showing improvements to metal building.

Staff Note: Applicant submitted one photo, attached to this report. From this photo, it seems the applicant has not complied fully with the previous stipulations:

- a. Prior to opening you will need to obtain a building permit to bring the metal building up to code.

Staff Note: It does not appear that any work has been done to the metal building. There are no building permits on record to bring the building up to code.

- b. The weeds in the concrete lot shall be removed and the concrete surfaced patched where roots have deteriorated the pavement.

Staff Note: Weeds can be seen in the picture, and it does not appear that the surface has been patched where the pavement is deteriorated.

- c. The four parking stalls shall be striped and comply with the American Disabilities Act.
 - 1) One parking stall shall be ADA complaint when a 5' access aisle adjacent to the stall, a symbol painted on the ground, and a sign placard installed in front the stall 5' above the finished floor or ground surface.

Staff Note: In the photo it seems there are at least three stalls striped and there is a sign placard installed for the ADA complaint parking stall, however there is no symbol painted on the ground and it is unclear if there is a 5' access aisle.

Business License Comments:

Our office finds no record that this business has filed with our office. Our comments regarding original request identify their need to file. This office would oppose renewal until the business has filed for activities at this address. Comments to SP-2016-27: "If approved, applicant will need to file the occupation tax application with our office for this business activity."

Staff Note: Applicant has obtained his business license. See the attached receipt.

Public Works Comments: None.

Staff Conclusion:

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Staff recommends approval for two years subject to the applicant making the necessary improvements to the property. The applicant will have six months to make the improvements stipulated by the previous permit, which would include obtaining a building permit to bring the metal building up to code, removing the weeds in the concrete lot and patching where the pavement has been deteriorated, striping four parking stalls, and making one stall ADA compliant by creating a 5' access aisle adjacent to the stall and a symbol painted on the ground. If applicant fails to make the necessary improvements, then this permit will be subject to revocation.

Noah Wambui, 11312 Indiana Avenue, Kansas City, MO, said I'm here for a renewal and I hope you guys approve it for me.

Mayor Alvey asked is there anyone who would like to speak in support. No one appeared in support.

Mayor Alvey asked is there anyone who would like to speak in opposition. No one appeared in opposition.

Mayor Alvey asked are there any questions or comments from Commission. There were none.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-43 for two years, subject to the stipulations.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Murguia, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

REGULAR CONSENT AGENDA

Mayor Alvey asked does any member of 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 Bynum made a motion, seconded by Commissioner McKiernan, to approve the Consent Agenda.** Roll call was taken on the motion and there were

eight “Ayes,” McKiernan, Murguia, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

ITEM NO. 1 – 1892...RESOLUTION: AMEND MASTER EQUIPMENT LEASE PURCHASE AGREEMENT WITH BANC OF AMERICA

Synopsis: A resolution amending the Master Equipment Lease Purchase Agreement, dated October 17, 2013, with Banc of America Public Capital Corp., in connection with paying the costs of acquiring and installing certain equipment, submitted by Debbie Jonscher, Deputy Chief Financial Officer. The maximum amount is not to exceed \$12.5M. On April 9, 2018, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-23-18**, “A resolution authorizing the Unified Government of Wyandotte County/Kansas City, Kansas, to amend its Master Equipment Lease Purchase Agreement with Banc of America Public Capital Corp, the proceeds of which will be used to pay the costs of acquiring and installing certain equipment.” **Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken on the motion and there were eight “Ayes,” McKiernan, Murguia, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

ITEM NO. 2 – 18239...ORDINANCE: HUTTON ROAD PHASE 2, CLEVELAND TO LEAVENWORTH RD. (GEORGIA INCLUDED), CMIP 1215

Synopsis: An ordinance condemning land for the construction, maintenance, operation, reconstruction, and improvements of the Hutton Road Phase 2 Cleveland to Leavenworth Rd. (Georgia included), CMIP 1215, all in Wyandotte County, Kansas; and directing the Chief Counsel to institute proceedings as provided by law to acquire said land in this ordinance described by condemnation proceedings, submitted by Ryan Haga, Assistant Counsel. The ordinance is required because additional, recently identified easements must be acquired for the project. On March 10, 2016, the Commission unanimously adopted Resolution No. R-24-16, declaring the

project to be a necessary, valid public improvement project, and authorizing a survey to identify and describe the property to be acquired.

Action: **ORDINANCE NO. O-17-18**, “An ordinance condemning land for the construction, maintenance, operation, reconstruction, and improvements of the Hutton Road Phase 2 Cleveland to Leavenworth Rd. (Georgia included) – CMIP 1215, all in Wyandotte County, Kansas; and directing the Chief Counsel to institute proceedings as provided by law to acquire said land in this ordinance described by condemnation proceedings.” **Commissioner Bynum made a motion, seconded by Commissioner McKiernan, approve the ordinance.** Roll call was taken on the motion and there were eight “Ayes,” McKiernan, Murguia, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

ITEM NO. 3 – 18206...NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations to Boards & Commissions:

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

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

ITEM NO. 4 – MINUTES

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

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

ITEM NO. 5 – WEEKLY BUSINESS MATERIAL

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

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

PUBLIC HEARING AGENDA

ITEM NO. 1 – 18204...AMEND 2017-2021 FIVE YEAR CONSOLIDATED PLAN TO INCLUDE NEIGHBORHOOD REVITALIZATION STRATEGY AREA (NRSA) PLAN

Synopsis: Conduct a public hearing to consider amendments to the 2017-2021 Five Year Consolidated Plan to include Neighborhood Revitalization Strategy Area (NRSA) for the Park Drive Neighborhood, submitted by Wilba Miller, Director of Community Development. This item was scheduled to appear before the Administration and Human Services Standing Committee, chaired by Commissioner Markley, on April 23, 2018. It was requested, and approved by the Mayor, to fast track this item to the April 26, 2018 full commission meeting.



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Wilba Miller, Director of Community Development, said we're asking tonight for a public hearing to amend the 2017-2021 Five Year Consolidated Plan to incorporate the Park Drive Neighborhood Revitalization Strategy Area.



WHAT IS A NRSA?

- Is a comprehensive place based initiative, unlike CDBG or HOME
 - Works with through intense collaboration in a neighborhood to bring **transformation**
 - Makes the neighborhoods attractive for investment
 - Ensures that the benefits of economic activity remain in neighborhoods for long-term development
 - Supports the use of Community Development Corporations and Community Development financial institutions to bridge gaps between local government agencies, the business community, community groups and residents
 - Foster the growth of resident-based initiatives to identify and address their housing, economic and human service needs.
- **This is not a grant – it is a Strategy!!**

That Neighborhood Revitalization Strategy Area we call NRSA is a HUD designation. It is not a grant. It is a strategy. It's a comprehensive plan, a place-based initiative unlike CDBG or HOME. It works through intense collaboration in a neighborhood to bring transformation. It is a SOAR initiative. I wanted to bring that up also. It makes the neighborhood attractive for investment, ensures that benefits of economic activity remain for the long term and it supports the use of our Community Development corporations and Community Development financial institutions to bridge gaps between local agencies, the business community and community groups and it fosters the growth of resident-based initiatives to identify and address their housing, economic and human service needs.

NRSA TIMELINE

- **January – March 2017** – KU Master's in Planning Students research and prepare a report on tipping point neighborhoods for NRSA project
- **April 24, 2017** – NRSA neighborhood data presented to Stand Committee, recommending Census Tract 422
- **June 14, July 12, and September 13, 2017**
 - Held public meeting with the residents and broader community to discuss the NRSA concept and to learn from them about their needs
- **June 14, July 12 and September 13, 2017**
 - Held Stakeholder meetings to discuss the NRSA concept and neighborhood feedback



Last year we started pursuing a Neighborhood Revitalization Strategy Area in January. We met with KU Master's students and gave them information about our community with data and asked them to prepare a report on tipping neighborhoods that we could work with. They came back to us and recommended Census Tract 422 and later on you will see a map that designates the area. After that we drafted, we held meetings with the residents and the businesses in the area as well as stakeholders such as LISC, lenders, neighborhood groups, social service agencies, and other willing partners. We held meetings in June, July and September to discuss these concepts.

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NRSA TIMELINE, CONT.

- September 23 through October 23, 2017
 - Required 30 day citizen comment period of draft Park Drive Neighborhood NRSA plan
- October 26, 2017
 - Full Commission adoption of NRSA plan
- November 6, 2017
 - NRSA submitted to HUD for review
- February 12, 2018
 - HUD approval of NRSA Plan
- April 26, 2018
 - Public Hearing to amend the 5 year Consolidated Plan to include NRSA Plan



In September we put out a draft plan for 30 day required citizen comment period and then brought it forward to the full Commission for adoption in October. That adoption permitted us to submit to HUD for their review. We were hoping that we would get approval right away. We did not receive it until February of this year. So, today is taking that approved plan from HUD and putting it into the Consolidated Plan for the next five years to work on.

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Here is the map of the area. You can see that it's I-70 along approximately 16th Street up to Central Avenue, over to Orville, down I think to 34th Street. It includes the City Park Animal Shelter and all of those areas.

Mayor Alvey opened the public hearing. No one commented.

Mayor Alvey closed the public hearing.

Mayor Alvey asked does any member of the Commission have any questions or comments. There were none.

Action: **RESOLUTION NO. R-25-18**, "A resolution authorized the Mayor to execute in the name of the Unified Government, and the Unified Government Clerk is hereby authorized and directed to attest the signature of said Mayor/Chief Executive Officer and to attach the seal of the Unified Government thereto as the voluntary act of the Unified Government to Amendment #1 of the 2017-2021 Five Year Consolidated Plan to include the Neighborhood Revitalization Strategy Area Plan for the Park Drive Neighborhood; thereto, as a voluntary act of the Unified

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Government to the amendment to be submitted to the U.S. Department of Housing and Urban Development.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken on the motion and there were eight “Ayes,” McKiernan, Murguia, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

STANDING COMMITTEES’ AGENDA

ITEM NO. 1 – 18207...REQUEST: GROUNDWORK USA FUNDING OPPORTUNITY

Synopsis: Request staff work with the Historic Northeast Midtown Association to form a steering committee and submit a letter of interest to Groundwork USA to support a new organization called Groundwork Trust, submitted by Rob Richardson, Director of Planning. The selected community would receive up to \$200,000 in funding and technical assistance from NPA, EPA, and Groundwork USA to build the capacity of the local Groundwork Trust. Letters of Interest are due April 30, 2018. This item was scheduled to appear before the Administration and Human Services Standing Committee, chaired by Commissioner Markley, on April 23, 2018. It was requested, and approved by the Mayor, to fast track this item to the April 26, 2018 full commission meeting.

Commissioner Markley said you’ll just note from the agenda that this item requires a Letter of Interest by April 30th, which is why it was fast tracked. **Mayor Alvey** asked are there any comments or questions from the Commission?

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

ADMINISTRATOR’S AGENDA

ITEM NO. 1 – 18238...ORDINANCE: RENEWAL OF PUBLIC SAFETY & INFRASTRUCTURE SALES TAX

Synopsis: The City of Kansas City, Kansas seeks the renewal of an initiative approved in 2010 by the voters to finance public safety and neighborhood infrastructure, including the construction, repair, and maintenance of roads, curbs, and sidewalks within the City by setting a retailers’ sales

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



Doug Bach, County Administrator, said tonight we have on our agenda the consideration of the renewal of the dedicated sales tax, the continuance of this tax.

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INVESTING IN OUR FUTURE: WHAT SALES TAX CONTINUANCE MEANS

If approved by voters, the Public Safety & Neighborhood Infrastructure sales tax continuance will:

- Maintain the current sales tax rate – no tax increase
- Dedicate 3/8th cent to Public Safety & Neighborhood Infrastructure
- Recommend August 7, 2018 election
- Continues from July 1, 2020 - remains in effect for ten years
- Expenditures approved annually by the Board of Commissioners



Investing in Our Future: Public Safety & Neighborhood Infrastructure Dedicated Sales Tax Continuance

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If approved by the voters, this would be something that would maintain our current sales tax rate, which does not constitute an increase in our sales tax rate. It dedicates 3/8 of a cent to public safety and neighborhood infrastructure. At this time, we're recommending that this goes for the August 7th election, which is the date of our current primary. It would continue this from July 1, 2020 for a ten-year period and any expenditures that we do under the dedicated sales tax are approved annually by the governing body.

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HISTORY OF THE PUBLIC SAFETY & NEIGHBORHOOD INFRASTRUCTURE DEDICATED SALES TAX

- Passed in April 2010 with 70% voter support
- City tax – only collected within Kansas City, Kansas
- 10 year original term, expires June 30, 2020
- Collection started July 1, 2010
- More than \$54M collected to date, expect \$80M by 2020
- Funds can only be used for public safety and neighborhood infrastructure as specified in the ballot language

Investing in Our Future: Public Safety & Neighborhood Infrastructure Dedicated Sales Tax Continuance

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A little bit of history on the sales tax, it was initially approved in April of 2010 with 70% of voter approval. It is a city tax, which means it is only collected within the city of Kansas City, KS. It had a ten-year original term which expires in June of 2020. The collection started on July 1, 2010. You may think since we're in 2018, we look at this and think why are we doing this now, but as you know we are planning our 2019 Budget at this time so if this were to be approved later in the year, that would let us know what we are doing as move into the 2019 year as we plan 2020.

We've collected more than \$54M to date. We expect about \$80M to come in from the original 10-year period by 2020. The funds for this can only be used for public safety and neighborhood infrastructure as specified in the ballot language.

WHERE DOES THE SALES TAX COME FROM?

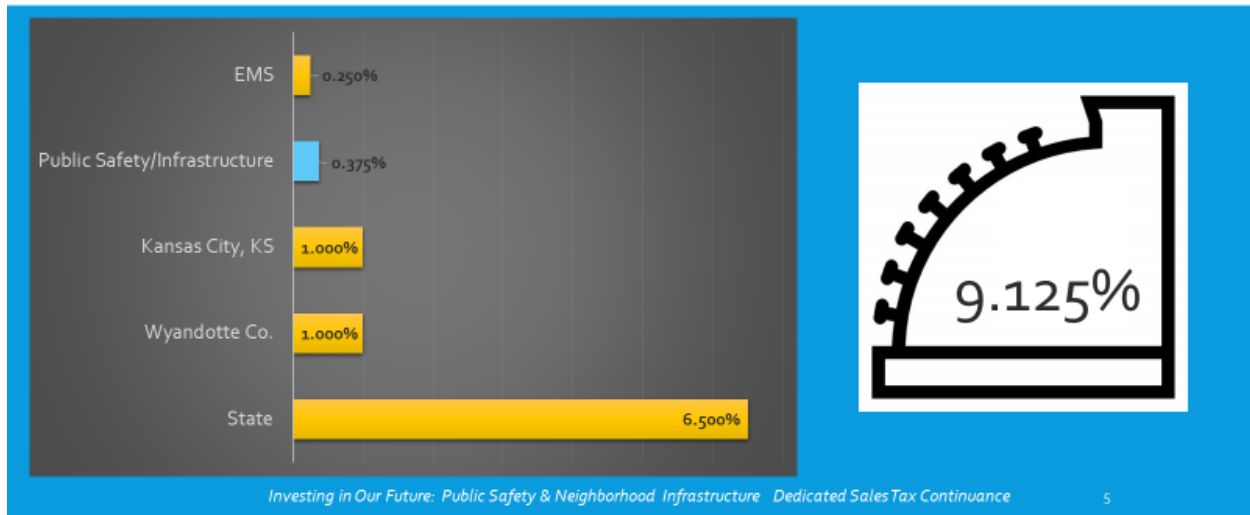
- All retail sales within Kansas City, Kansas collect the dedicated 3/8 cent tax
- Village West receives 12 million visitors per year - sales tax is paid by tourists and visitors, benefitting all KCK residents
- Continuance of the Public Safety and Neighborhood Infrastructure dedicated sales tax will keep sales tax rate unchanged

Investing in Our Future: Public Safety & Neighborhood Infrastructure Dedicated Sales Tax Continuance

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All retail sales within Kansas City, KS collect the 3/8 cent sales tax. The Village West area receives 12M visitors per year and the sales tax is paid by tourist and visitors visiting all of these KCK areas. This benefits our KCK residents by putting more into the sales tax and a less burden on property tax. The continuance of the Public Safety and Neighborhood Infrastructure Dedicated Sales Tax will keep the sales tax rate unchanged going forward in this ten-year period.

KANSAS CITY KANSAS CURRENT SALES TAX



This shows you just where we're at from a sales tax perspective. We're at 9.125%. As you can see by this bar chart, the majority of the sales tax that's collected by our city goes to the State of Kansas, 6.50%. There's a penny each for the county and then the city. Then we have the two special taxes, one being for the emergency medical service, our ambulance service and that's a quarter cent; and then the public safety/infrastructure which is being considered to be continued at 0.38 cents.

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SALES TAX COMPARED TO OTHER AREAS



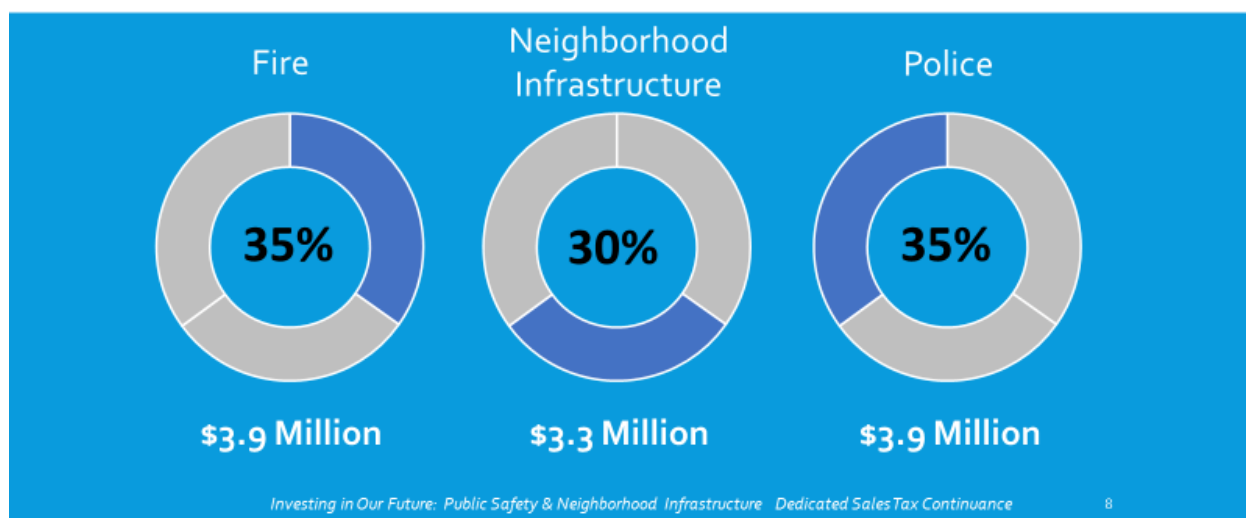
As in comparison to where we are in the rest of the metro, most of the cities on this chart are in Johnson County, but we also looked at cities to the west of us, and north up in the Leavenworth area and also Kansas City, MO. One thing I'll note is you see Kansas City, MO, their state sales tax is about 2.25 cents less than ours. So, even though their overall sales tax is less, they get more as a city than we do. You can see here we're the red line through the middle so we're on the lower end at least or below the midpoint of what other places are doing in collection of sales tax.

HOW MUCH DOES $\frac{3}{8}$ CENT COST?



How does this affect the average consumer coming in? So we put a few items up here that people may do. You buy pizza, it is costing you about \$0.06 and you can see the different examples we have. You go out and buy \$100 worth of groceries, that can cost you an additional \$0.38.

2018 DEDICATED SALES TAX ALLOCATION

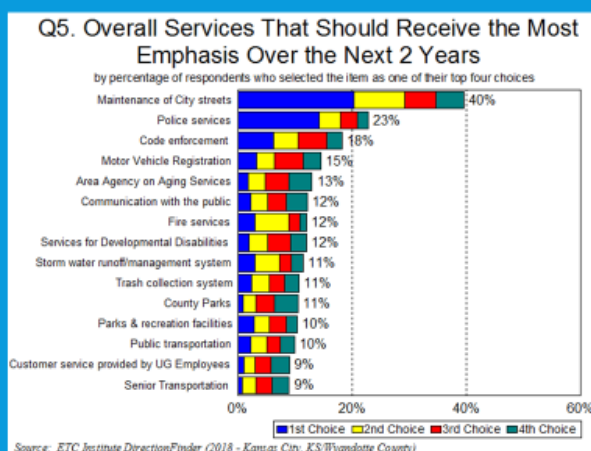


How we're programming this money into 2018, we have \$3.9M that's directed toward fire

operations and \$3.9M toward police. We have \$3.3M that's headed toward neighborhood infrastructure. We're working toward being at even thirds really as we go through this. There's nothing that says that it has to be balanced that way, but this is where we've targeted it for 2018 and what's in the approved budget this year.

RESIDENT SURVEY: SERVICES THAT SHOULD RECEIVE THE MOST EMPHASIS OVER NEXT TWO YEARS

- #1 priority - streets
- #2 priority - police



Investing in Our Future: Public Safety & Neighborhood Infrastructure Dedicated Sales Tax Continuance

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We looked back at a survey that was done earlier this year. We asked our residents about where their areas of emphasis were, and they were in line with what this dedicated sales tax does. Streets was #1 and you can see by an overwhelming majority our citizens said not only are streets a priority, but it's an area where we should spend more money in the future. They also ranked police as another high area, the number two priority in our community. When you look at it and break it down district by district it's the same from the same survey.

RESIDENT SURVEY: INFRASTRUCTURE AND PUBLIC SAFETY ARE COMMUNITY PRIORITIES

- Maintenance of city streets was the highest rank priority across districts

Rank	Overall Priorities	# of Districts ranked in top 4	District 1	District 2	District 3	District 4	District 5	District 6	District 7	District 8
1st	Maintenance of City streets	8	Maintenance of City streets	Maintenance of City streets	Maintenance of City streets	Maintenance of City streets	Maintenance of City streets	Maintenance of City streets	Maintenance of City streets	Maintenance of City streets
2nd	Code Enforcement	6	Police services	Code enforcement	Storm water runoff	Code enforcement	Police services	Code enforcement	Communication	Communication
3rd	Police Services	7	Code enforcement	Communication	Police services	Police services	Communication	Police services	Code enforcement	Code enforcement
4th	Communication	6	Communication	Police services	Public Transit	Communication	Parks & rec facilities	Storm water runoff	Trash collection system	Police services

Investing in Our Future: Public Safety & Neighborhood Infrastructure Dedicated Sales Tax Continuance

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Maintenance of city streets was number one across the board in all areas. You'll also notice the police services hit in each of the areas too for most all of the areas as well.

RESIDENT SUPPORT FOR CONTINUANCE

- 2018 Resident survey
- 76% of residents supportive of continuing dedicated sales tax

Q21. How supportive would you be of continuing the public safety and streets/infrastructure sales tax?

by percentage of respondents



Source: ETC Institute DirectionFinder 2018 - Kansas City, KS/Platte County

Investing in Our Future: Public Safety & Neighborhood Infrastructure Dedicated Sales Tax Continuance

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Continuing on from a look at the survey we asked the question if the residents would be interested

in us continuing the sales tax going forward. We had over 76% of our residents supportive of continuing the dedicated sales tax.

NEIGHBORHOOD INFRASTRUCTURE

- Streets
- Commission neighborhood improvement projects (CNIP)
- Safe routes to schools
- Community centers
- Curbs
- Sidewalks
- Parks

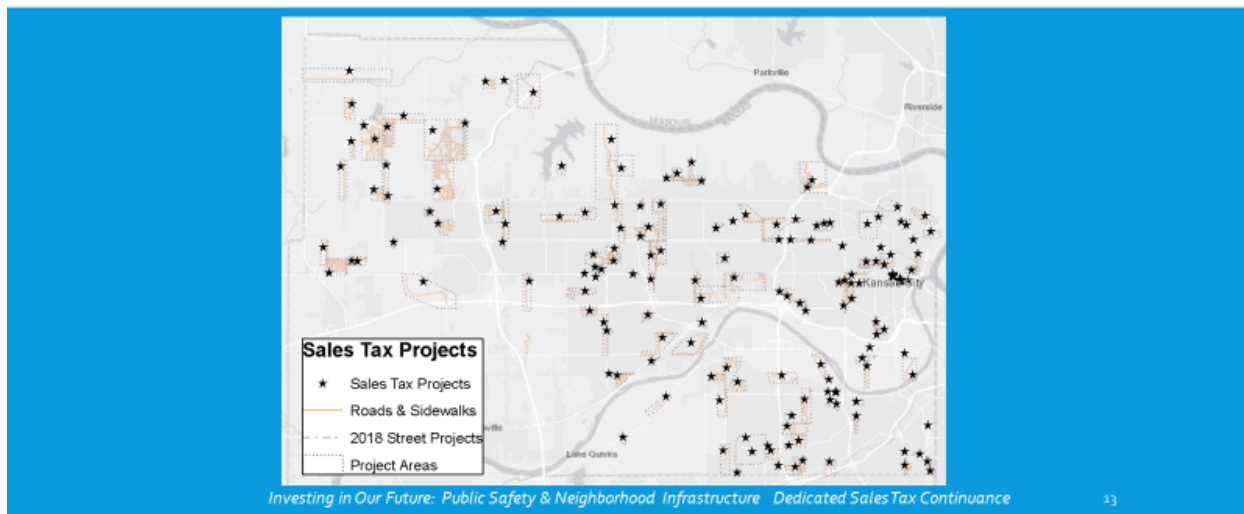


Investing in Our Future: Public Safety & Neighborhood Infrastructure Dedicated Sales Tax Continuance

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So, what's in neighborhood infrastructure, that includes our streets. It also includes a program that we called CNIP (Commission Neighborhood Improvement Projects) which was very specified projects that went out into specific districts and allowed the commissioners to do some nice improvements in those areas. Many of our Safe Routes to Schools Programs, which means the sidewalks that we're doing up to the schools that we do our local match on comes from this money. We put money toward community centers, curb, sidewalks and parks.

MAP OF INFRASTRUCTURE PROJECTS



This is a smattering to show just where we've done different infrastructure projects through the city over the past 7 to 8 years that we've been in this program.

PUBLIC SAFETY EQUIPMENT



50 Police Patrol Vehicles





15 Fire vehicles and ambulances



8 Police motorcycles

Police vehicle and body cameras

Investing in Our Future: Public Safety & Neighborhood Infrastructure Dedicated Sales Tax Continuance

We've also purchased 50 Police vehicles, 15 different pieces of Fire vehicles, various apparatus.

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8 Police motorcycles, our Police vehicle and body cameras. We bought them for the vehicles, we're just now buying that for the body cameras that come from this funding.

PUBLIC SAFETY FACILITY IMPROVEMENTS



Investing in Our Future: Public Safety & Neighborhood Infrastructure Dedicated Sales Tax Continuance

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We've put this money in each of these different facilities that you all see up here. That's Police Headquarters, Fire Headquarters on the side and then our South Patrol had money from this funding in it as well.

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PUBLIC SAFETY OPERATIONS



Annually we are paying for 50 different public safety positions out of this fund.

HOW IS THE DEDICATED SALES TAX MANAGED? WHERE IS THE ACCOUNTABILITY?

- UG Commission approves all appropriations
- UG Commission reviews revenues and expenditures annually
- Residents have input into annual budget
- Expenditure information is available on UG open-data website – www.wycokck.org/SalesTaxData

Investing in Our Future: Public Safety & Neighborhood Infrastructure Dedicated Sales Tax Continuation

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Okay, how do we manage this money annually? The UG Commission approves all appropriations that we look at. The Commission reviews revenues and expenditures on an annual basis. So, we go through as we're doing this year, we prepare the budget, we put it together, we bring it forward

to the governing body. We break out where we are from the dedicated sales tax, so you see that. Residents have been input on that annual budget. We already had a public hearing for this year to tell us where we ought to be putting priorities as was the survey in that budget. We hear that about public safety and our infrastructure. Then the expenditure information is available on our open data site so residents can go see and you can break that back over the years that we've had our dedicated sales tax in place to see where we have spent that money.

RECAP OF PUBLIC SAFETY & NEIGHBORHOOD INFRASTRUCTURE DEDICATED SALES TAX

- Not a new tax – retains current 3/8 cent dedicated sales tax
- Paid by millions of annual visitors
- Generates over \$10 million annually
- Funds Neighborhood Infrastructure improvements, including streets, sidewalks, safe routes to schools, and parks
- Funds essential Police and Fire operations, and capital improvements for facilities, equipment and technology
- 10-year continuance period - July 1, 2020 through June 30, 2030

Investing in Our Future: Public Safety & Neighborhood Infrastructure Dedicated Sales Tax Continuance

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As I stated at the beginning, this is not a new tax. This retains our current 3/8 cent dedicated sales tax that's in place today. It's paid by millions of annual visitors. Just to stress that point, as I projected that we're looking at \$10M annually now, but we're only looking at about \$80M coming in over the ten-year time period. That's because the Village West area came online at the end of 2016 so there's \$1.5M to \$2M that's coming out of that area specifically that goes into this dedicated sales tax fund, so that's adding to it. So, that's money that outside visitors that are coming to our community are paying that our residents don't have to pay as much of.

It funds the neighborhood infrastructure improvements including streets, sidewalks, safe routes to schools and parks. It funds the essential Police and Fire operations and capital improvements, and this will be for a 10-year continuance period from July 1, 2020 to June 30, 2030.

BALLOT LANGUAGE

Shall the City of Kansas City, Kansas be authorized to impose an additional three-eighths of one percent citywide retailers' tax, the proceeds of which shall be used for the purposes of financing Public Safety operations and Neighborhood Infrastructure improvements, including the construction, repair, and maintenance of roads, curbs and sidewalks, the collection of such Sales Tax commencing on July 1, 2020, or as soon thereafter as permitted by law, and terminating ten years after its commencement?

Investing in Our Future: Public Safety & Neighborhood Infrastructure Dedicated Sales Tax Continuance

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This is the specific ballot language. This is listed in the ordinance that's before you tonight. That's the ordinance. That ordinance recommends the approval to take it forward to the Election Commissioner.

TIMELINE WITH ACTIVITIES

- Commission Action on April 26, 2018 - adopt ordinance calling for election and approving ballot language
- File with Election Commission by June 1, 2018
- August 7, 2018 election
- Upon approval by residents, the UG Commission approves ordinance levying dedicated sales tax

Investing in Our Future: Public Safety & Neighborhood Infrastructure Dedicated Sales Tax Continuance

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The Commission action that we're asking tonight is to adopt the ordinance calling for this election

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and approving the ballot language that I just showed you. We'll file this with the Election Commissioner before June 1. We need to get it to him by that date. We'll get it well before then. We'll have an August 7, 2018 election. That is the date of the primary as we're recommending and upon approval by the residents, then we would bring an item back before the Commission, so you would approve the ordinance levying the dedicated sales tax going forward.

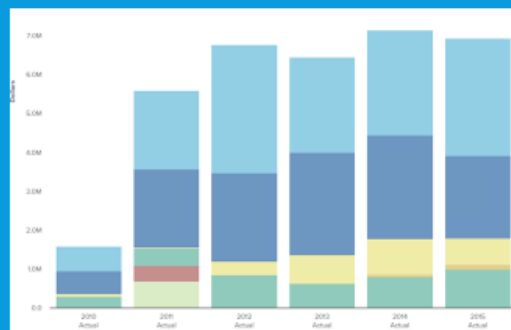
MORE INFORMATION AVAILABLE ON UG WEBSITE

Public Safety and Neighborhood Infrastructure Sales Tax website

- <http://www.wycokck.org/SalesTax>

OpenGov Sales Tax Financial Data

- <http://www.wycokck.org/SalesTaxData>



Investing in Our Future: Public Safety & Neighborhood Infrastructure Dedicated Sales Tax Continuance

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As I said, we have information about the sales tax at this website. Residents can go to that to find it. You can also go to our OpenGov site and you'll see a chart that's similar to this and if you hover over each of those areas, you can see one where it shows where we are spending money in the Police Department or we're spending money in the Fire Department. Also, you can see some of the breakouts down below where I referenced public neighborhood infrastructure. It shows the money that's in parks, different money that's been in different Public Works projects and such like that. Our OpenGov site is very transparent about showing our residents where that is. With that, Mayor, I would recommend approval of this ordinance, but I'll clearly stand for any questions that you may have of me or either of my chiefs or Public Works directors are here as well that can answer questions about where there's questions about where money has been spent with them.

Commissioner McKiernan said, Doug, thank you so much for the presentation. Certainly, I am very much in favor of continuing this very beneficial tax but it's on that continuation point. I just want to say when you brought up your examples of how much additional we would pay on and you said \$100 worth of groceries would be an additional \$0.38. I want to clarify. I'm paying that \$0.38 today gladly. It will not be an additional \$0.38 over what I am currently paying today and so that's the point that I want to is this is in place and has been in place for ten years. It will not represent any additional on any purchases we make, correct. **Mr. Bach** said you are correct. Commissioner, a misstatement on my part. It's a continuation of what that is. No additional.

Commissioner Townsend said thank you Administrator for the presentation. I know several times in the last several budget cycles I've asked how we can go about continuing the pot of money from which the CNIP comes and so here it is. Commissioner McKiernan has already made the point this is a continuation, not an addition to taxes that are already made. This is the money from which commissioners can target projects in their respective districts and one is how to redo at least three parks and our ballfields, new sidewalks in well-established communities and hope we get the chance to do that additionally in other parts of the district and the city.

Commissioner Townsend made a motion, seconded by Commissioner Burroughs, to approve the ordinance.

Commissioner Bynum said just a quick comment. I've never gotten to allocate any CNIP money, so I would really like us to be looking at—if this is approved, seeing about a return to a CNIP conversation.

Action: **ORDINANCE NO. O-18-18**, “An ordinance calling for an election to be held on August 7, 2018, in the City of Kansas City, Kansas, for the purpose of submitting to the electors of the City a question relating to the imposition of a citywide retailers' sales tax.” Roll call was taken on the motion and there were eight “Ayes,” McKiernan, Murguia, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

ITEM NO. 2 – 18210...RESOLUTION: LEGENDS GARAGE AND WEST LAWN DEVELOPMENT AGREEMENT AMENDMENT

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



Doug Bach, County Administrator, said I will go and recognize our director of Economic Development, Jon Stephens, who's going to present this item this evening.

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What we're here for tonight

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Consider a resolution approving the Second Amendment to the Legends Apartments & Garage Development Agreement.

Jon Stephens, Economic Development Director, said the item that I bring before you tonight is to consider a resolution approving the Second Amendment to the Legends Apartment Garage Development Agreement and I think it's important to highlight why the Second Amendment is important to be brought before you tonight. What it does, is it seeks to add further clarification to several elements of the original development agreement that are crucial to the bond approval. Documentation specifically it clarifies the provisions that provide for LBE, MBE and WBE recourse should the developer fail to comply, meet or exceed the LMW requirements for this project.

Project Details

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- A new CID sales tax of 1.0% was established, and the previous .6% sales tax was terminated.
- The CID is designated to fund a new parking garage and common area amenities and improvements.
- The CID will generate a total of \$26.5 million in proceeds to fund improvements.
- An existing .6% TDD funding previous infrastructure work remains unchanged - It has approximately 10 years remaining.

Just to refresh you, in short order this body previously terminated the \$0.06 sales tax and imposed a \$0.01 CID sales tax at the Legends Shopping Center. It was designated to fund a new parking garage, common area, amenities and improvements called the West Lawn Commonly. The CID will generate a total approximately \$26.5M in proceeds to fund these improvements and the existing \$0.06 of a cents TDD (Transportation Development District) for previous infrastructure work remains unchanged at approximately 10 years, 9.5 years remain on that.

Garage & Apartments Project

- Construct a minimum of 265 high-end apartments above an approximately 615 space parking garage.
- A minimum of 350 spaces will be public parking spaces.
- A vehicular bridge will connect the new garage to the existing Legends parking garage.
- Project budget is approximately \$64.3 million
- Industrial Revenue Bonds will be issued, but developer will receive no property tax abatement.
- Developer will pay a 10 year PILOT
- Complete the project by December 31st, 2020
- The CID proceeds will only fund the garage, land, sidewalk and landscape portion of the project and are capped at \$17.5 million.

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IRBs will be issued but the developer will receive no property tax abatements on that. The developer will pay a 10-year PILOT of which I'll highlight the schedule with you. The project is scheduled to be completed by December 31, 2020. The CID proceeds will only fund the garage, the land acquisition, there's a portion of land acquisition, sidewalk and landscape elements associated with that. All of the project is capped at \$17.5M from the CID.



Very briefly, there is the West Lawn Improvement Area. You've already seen if you've been out to the Legends recently the video boards, several other improvements, façade improvements and a lot of new retail activity. That's that area that they're targeting and now that the weather is improving from the developer's feedback, you'll be seeing a lot more improvements of sidewalks and decorative areas for the public and to continue to enhance this district to continue to make it a top-flight retail destination, as well as where the additional garage and the apartments above are.

Project Details

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This was one of the concept renderings that the developer provided related to the parking garage and the apartment complex.

Project Details

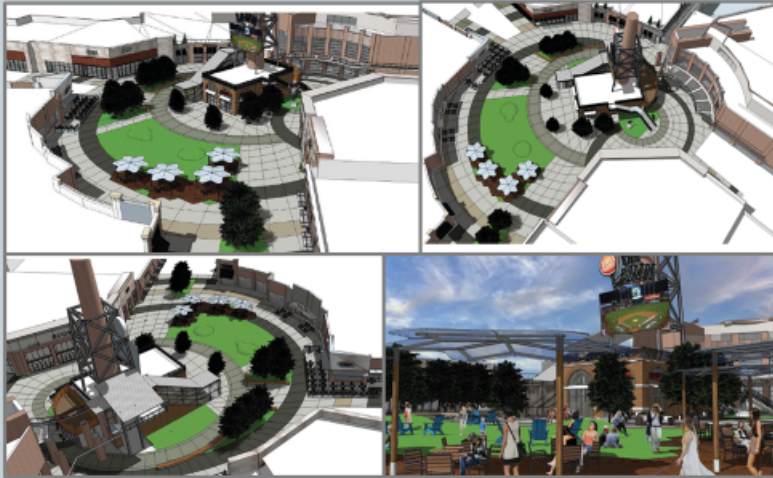
8



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Project Details

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There's another view showing the scale of the project in relation to the Legends.

Project Details

9

- \$9.0M CID Cap, complementing a \$40 million total developer spend for an enhanced amenity district at Legends Outlets
- West Lawn builds on current owner's improvements:
 - Saks Off Fifth replaced by H&M
 - Under Armour upsized
 - T-REX space in Building K transitions to core of West Lawn's aspirational fashion nucleus
 - 40' LED video board



The \$9M CID Cap for the \$40M total spend on the Legends Outlets. The West Lawn, some of the highlights the developer wanted staff to highlight was the Saks Fifth Avenue replacing H&M,

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Under Armour has upsized the T-Rex space in Building K, it's being transformed for multiple new retail tenants and a 40' LED board.

Project Details					
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Garage & Apartments					
Project					
PILOT Schedule					
NOTE: More than 50% of the PILOT revenue will go to the school district and KCKCC.					
Value/unit	# units	Projected Value	2017 mill rate for 2018 prop. taxes	PILOT*	per door taxes
\$65,000.00	300	\$19,500,000.00	172.250252	\$ 395,368	\$1,317.89
* Includes \$9,142 fixed amount					
Year	Annual Increases	Annual Increases if Failure on L/M/WBE			
1	\$395,368	\$395,368			
2	\$399,322	\$403,276			
3	\$403,315	\$411,341			
4	\$407,348	\$419,568			
5	\$411,422	\$427,959			
6	\$415,536	\$436,519			
7	\$419,691	\$445,249			
8	\$423,888	\$454,154			
9	\$428,127	\$463,237			
10	\$432,409	\$472,502			

Here's the PILOT Schedule. I wanted to just quickly note in there that more than 50% of the PILOT revenue will go back to the school districts and the Kansas City Kansas Community College.

Project Details

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- MBE/WBE/LBE goals are:
 - Garage & Apartment Goals
 - LBE 18% MBE 15% WBE 7%
 - Failure penalty is a 1% annual increase in PILOT payments and a reduction of CID cap by \$875,000.
 - West Lawn Project Goals
 - LBE 18% MBE 15% WBE 7%
 - Failure penalty is a reduction of CID cap by \$450,000.

Second Amendment Items

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Key Items included in Second Amendment of the Development Agreement:

- If parking improvements exceed \$14,273,077 Developer must provide a loan commitment or similar proof of financing.
- Garage currently requires 350 parking spaces for public use. Amendment allows for all garage spaces to be used for public use until such time as apartments are completed.
- Additional definition of penalty requirements and withholdings for:
 - Failure to complete sidewalk improvements
 - Failure to meet LBE/MBE/WBE goals.

Very briefly, since this is one of the core elements of the second amendment is the LMW requirements. I want to highlight what the original LMW requirements are. That's 18%, 15% and 7% compliance for both. The codified penalty for failure to perform is 1% annual increase in the PILOT payments and a reduction of the CID cap by \$875,000 for the garage and apartment project. The West Lawn project failure penalty would be a reduction of that CID proceeds cap by \$450,000.

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In conclusion, and to highlight some of the elements that I wanted to highlight with you tonight are a cap on the parking improvements costs that should the developer cost for the garage exceed the \$14.273M, the developer must provide proof and loans of private financing if they go beyond that costs because that is the CID assigned cost of that public improvement.

The garage currently requires 350 spaces minimum to be public, so we have added in the Second Amendment that until such time as the apartments are built and occupied that all of the parking spaces constructed. So, all anticipated of 615 will remain open to the public for the Legends use until such time as the apartments need those for their residents.

Finally, we added more definition to the penalty requirements and the withholding requirements to ensure that the money that I highlighted here for the penalties are available should the developer fail to meet this. I must note that this developer has never failed to meet their LMW requirements in this project, but we wanted to make sure that this was held and that was reflected when we come before you again for the bond issuance. That's it.

Next Steps

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- Adopt resolution approving the Second Amendment to the Legends Apartments & Garage Development Agreement.
- Bond issuance approval will be considered at a future Commission meeting.

This evening we're asking for adoption of the resolution approving the Second Amendment. Then I just wanted to note that the future Commission action that will be before you at a future date will be the bond issuance approval. With that I will take any questions if necessary. **Mayor Alvey** asked are there any questions or comments from the Commission?

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Commissioner Townsend asked when is the evaluation of whether or not the WBE, etc. targets have been met? **Mr. Stephens** said excellent question. The developer will submit signed construction documents stating and stipulating that they will meet those at different phases; however, that is one of the keys of the Second Amendment is we will not pay out the CID proceeds, the \$875,000 and the \$450,000 until such time as they have certified that they have met that. If they've met or exceeded it at a portion through the construction or generally it would be at the conclusion of the garage construction or the conclusion of the West Lawn construction. We would then certify that they have met or exceeded those requirements and then that final CID proceeds payment would be issued to them. That is one of the key stipulations. The First Amendment of the development agreement did not stipulate the exact process of would those funds be remaining or available should we need to withhold those for penalty. So, this Second Amendment, it ensures that those funds would be available if it were necessary to have a penalty imposed. **Commissioner Townsend** said so the determination that was made at the very end, of the project conclusion or is there any other—**Mr. Stephens** said it can occur near the end or towards the end but traditionally it occurs at the end once all the contractors and subs and everyone have submitted their certifications and we make sure that it's been met.

Action: **RESOLUTION NO. R-24-18**, “A resolution adopting the Second Amendment to the development agreement for the Legends Apartments and Garage for the Legends Garage and Lawn Community Improvement District.” **Commissioner McKiernan made a motion, seconded by Commissioner Walters, to adopt the resolution.** Roll call was taken on the motion and there were eight “Ayes,” McKiernan, Murguia, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

COMMISSIONERS' AGENDA

No items

Mayor Alvey said that concludes the portion of our regular meeting. I adjourn us in that capacity. I will call us back to order as the Land Bank Board of Trustees.

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LAND BANK BOARD OF TRUSTEES' AGENDA

ITEM NO. 1 – 18197...LAND BANK BUSINESS

Synopsis: Communication requesting consideration of the following Land Bank applications, submitted by Chris Slaughter, Land Bank Manager. The Land Bank Advisory Board has recommended approval. On April 9, 2018, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.

Applications for yard extension, unless specified otherwise

1041 Shawnee Ave. - Armando Campos Cerrito

289 S. 8th St. - Mauricio Mares

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

22 N. James St. - Cookie F. Sutton

2003 N. 9th St. - Gail Mitchell Johnson

2525 Alden St. - Sharon Turner

2415 N. 37th St. - Lolita Marshall

1020 Lowell Ave. - Robbin Clint Chandler

270 S. Bethany St. - Elizabeth Aviles-Pineda

2921 Farrow Ave. - Miguel Valdez

232 N. Early St. - Ricardo Balderrama

1968 R Stewart Ave. - Lidia Pacheco Patiño

917 Greeley Ave. - Henson Memorial Church, property acquisition

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

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

Transfers from Land Bank

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

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

4100 Roswell Ave. - J-Bloc, LLC

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

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

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ITEM NO. 2 – 18104...RECOMMENDATION: LAND BANK POLICY UPDATES

Synopsis: Recommend approval of the proposed Land Bank policy updates, submitted by Chris Slaughter, Land Bank Manager. On April 9, 2018, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.

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

PUBLIC ANNOUNCEMENTS

No items

**MAYOR ALVEY
ADJOURNED THE MEETING AT 8:35 P.M.
April 26, 2018**

Bridgette D. Cobbins
Unified Government Clerk

tpl

April 26, 2018