

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

SPECIAL SESSION, THURSDAY, MAY 31, 2018

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, May 31, 2018, with nine members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO presiding. Townsend, Commissioner First District; and Markley, Commissioner Sixth District; were absent. The following officials were also in attendance: Ken Moore, Chief Legal Counsel; Carol Godsil, Deputy Unified Government Clerk; Joe Connor, Gordon Criswell and Melissa Sieben, Assistant County Administrators; Rob Richardson, Director of Planning; Emerick Cross, Commission Liaison; Lynn Melton, Assistant to the Mayor; and Officer Dent, Sergeant-at-Arms.

MAYOR ALVEY called the meeting to order.

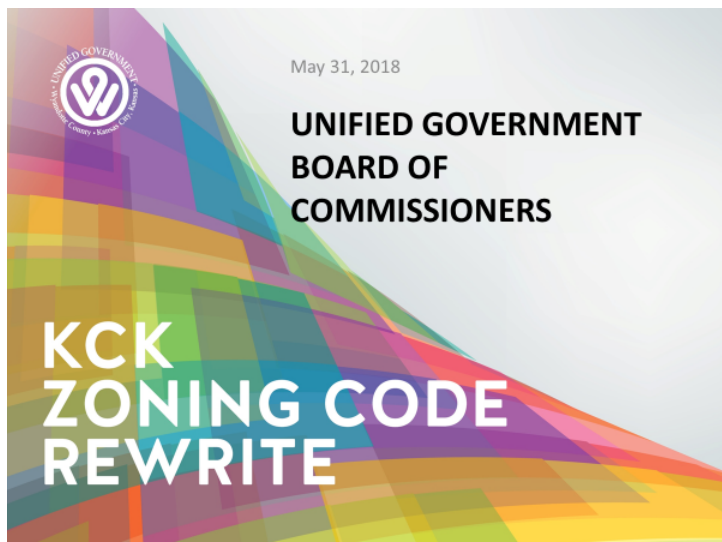
ROLL CALL: Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, McKiernan, Alvey.

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, May 31, 2018, at 6:00 p.m. in the 5th floor conference room of the Municipal Office Building, for a presentation regarding the Planning & Zoning Code Rewrite.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Alvey said we have a presentation regarding the Planning and Zoning Code rewrite. I will ask Mr. Connor, Assistant County Administrator, to make some opening remarks.

Joe Connor, Assistant County Administrator, said this evening is kind of the launch of our Zoning Code Rewrite. This is part of our continuing effort to update all of our policies, ordinances and codes. You will see a major undertaking by the Planning Office, but Rob is pretty excited about it and is here to talk more about it.



Rob Richardson, Director of Planning, said we have been trying to hit the Boards and Commissions that will have cases before them from the Planning & Zoning Code so we've been to the Planning Commission, Landmark's Commission, Board of Zoning Appeals, and now to you all this month. In advance of our first set of public meetings, which will be on June 20th, we will meet with the Advisory Council that you all have appointed on June 18th just after the lunch hour and once right after work during that day so people have the chance to attend. We're also sending postcards. We have about 20K postcards we're sending out to make people aware of this in addition to the regular media and other things that we do to make folks aware of the zoning code process.

This is a rewrite of the Kansas City, Kansas Zoning Code. This applies to the municipality, not to the County, but the code was rewritten in the 70's and then had a major amendment in the early 80's and has only been piecemeal amended since then. That has made it very difficult to use. It's made it antiquated in many ways and we've also adopted several plans since it's adopted by ordinance, they have some code like revisions in them that make it even more difficult to figure out what we're doing in difference places. While the staff, we're generally able to figure that out, for members of the public it's very difficult so we want to take the code and the

design regulations and other zoning related things that are in the plan documents and consolidate them into one document so that it's easier for the public, the development community, and all of us to use on a daily basis.

To that end, we have hired White & Smith. Mark White is the principal of that firm. He is nationally known for doing zoning work, sign codes, a lot of agriculture work in other states related to feedbox and things like that. Mark is here to do what we want done with the zoning code and so we are going to be active participants in this process. Ask lots of questions as you will see at the end of this presentation to make sure we get to what we want. It's not a can zoning code that we're kind of picking off from somebody else, but we're looking at the issues we have and we will be addressing those through the public process and rewriting the code.

With that brief introduction, I will turn it over to Mark and let him go through the presentation. We will have some time for questions afterwards.

Today's Meeting

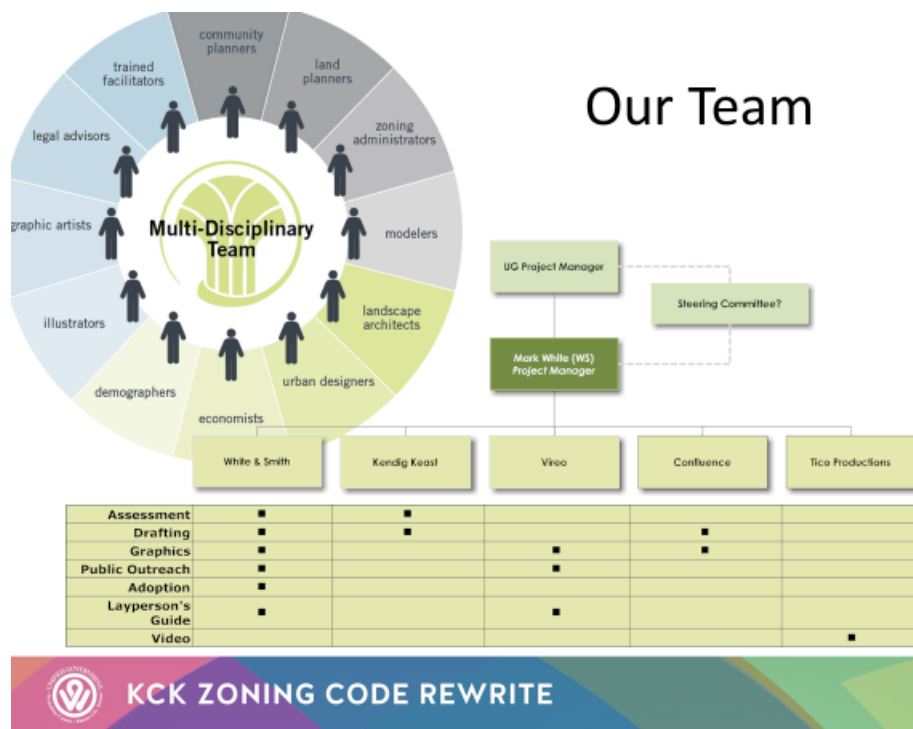
- Overview of Process
- Initial Diagnosis
- Q&A



Mark White, White & Smith, said what I'm going to talk tonight, because I know you have a busy agenda coming up, so I will try to be as quick as I can so I can hear from you all about your priorities and your thoughts on this process is to get you an overview of what we're going to do, our process, some of the milestones involved, a little bit about our initial thoughts and diagnosis. Then, questions and answers and I want to hear from you all about what you would like to see emerge from this process when this ordinance is presented to you.

Just quickly, I'm leading the consultant team here as Rob mentioned. We're organized as a law firm. I have a law degree, but I'm also a City Planner. I think of myself as a planner first

and we've done over 150 projects like this in 36 states around the country although I live in Lee's Summit so we're in the region. It doesn't take long to get here.



We have with us Kendig Keast, they're a national firm that does what we do. They put together the encode site where you can currently access the zoning code and the link to the zoning map and things like that. Between the two of us we've done over 300 codes around the country, so a lot of experience.

A local teaming partner, Verio, has done a lot of work with the Unified Government on other plans and they're helping us with public outreach. They are a multidisciplinary firm, also a minority and women-owned business and they have graphic expertise and so forth. They are a key partner of ours and have done a great job setting up some of the public outreach that's coming up.

Confluence is a Landscape Architecture firm with offices in Iowa, in Des Moines and in Kansas City, and so they are going to help us with things like landscaping and greenspace; those sorts of things.

Then, this was an interesting feature of the RFP. It's going to be a video. I usually explain, most people don't read a 300-page zoning ordinance and then want to go out and watch the movie. This video is going to help people understand what's in the zoning ordinance. I mean, you all use it all the time so you kind of know how—and Rob and his staff know the ordinance.

For people that don't use it every day, it's really daunting and so this will help people understand what's in the code, how to find the information they need and so forth and so that will be an innovative tool that we will use.

Process Overview



Like I mentioned earlier, we've read all the plans, we've read through the zoning code, we've read through other parts of the Unified Government code and so forth so we've done a bit of an initial diagnostic of our own. We've met with the Planning Commission and the Landmark's Commission and so forth so we've assembled some of our own internal diagnostic of some of the direction the City needs to go in to accomplish its planning goals and to deal with the issues that you all see come before you all the time. Things like short-term rentals and some of the uses that tend to create constant issues.

This summer we are doing an initial public outreach. On June 18th we're meeting with the Steering Committee and we will get their thoughts. We're going to drilldown in a little more detail than we will do in the public meetings, but that will be a group of folks; some power users of the code, some members of the community that have been involved in zoning issues that will help us identify issues that will help sell this product as we go forward. Then, we have two public workshops on the 20th so there will be two opportunities for people to come out and talk to us face-to-face and find out what's going on.

We plan to have a revised draft in the fall that will go forward. There will be several drafts as we go forward. The first one, you will read it, they're will be things you like, there may be some things you're concerned about so there will be other opportunities to make mid-course corrections before we present a final review draft to the Planning Commission in the winter of 2019. About this time next year, you should have a brand-new zoning code to work with.



I think of a zoning code as kind of a three-legged stool. The first one being the substance. I mean those are the matrix of the code. What uses are allowed on the property, how do we design buildings, how far back from the street are they or how close to the street do we want them to be, where do they face, what building materials do we require; that sort of thing. Those are all the substance of matrix's that any new development or new use in the community has to live with.

The second part is process; what process does an applicant have to go through to get their project or their use entitled.

The third leg of this stool is how do we communicate all of this information to the public. How do we lay out the code in a way that makes the information you're looking for easy to find, how do we write it in language that people, other than planners, attorney's and professional engineers can understand? All three of those things; the substance, the process and how we

illustrate the code and so forth, having graphics that are side-by-side with the standards that people know what it is they are reading are all critically important.

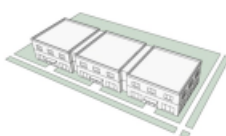
Mr. Richardson said before you go from that though, that file that was on that picture was to build a deck in Los Angeles. It was about a four-inch thick file so somebody could build a deck on their house. **Mr. White** said they actually have a similar issue to what you've got because they have general plans that are regulatory, they have specific plans that are a blend of policy and regulations, they have an old zoning code that's 1,500 pages long now. So, whenever you do something in that city, you've got to look at multiple documents to figure out what's going on. We're trying to unify everything, like Rob said, so you look in one place to figure out what the rules of the game are. That will make it not only easier for applicants, I mean that's an obvious one, but for neighborhood people who want to know what's going on with a project, for you all, Planning Commissioners, people on the Landmark Commission who administer the ordinance; it's just a benefit to everyone to have things more streamlined and accessible in one place.

Commissioner Bynum said you know it might be for now or later, maybe after the presentation, but the communication piece is so interesting to me because it seems like we've had probably those of you that have been here longer than me, but I've seen my share of folks who buy a property or they buy a building and then they check on all the requirements and the codes. We've had conversations internally about how do we help our community understand better like not only what all the process is, but please look at that first before you make an investment. I'm just curious—that can be a conversation for later, but it seems to be a big topic in this town. **Mr. Richardson** said that's why we—when the RFP we had the layperson guides included so those will paper documents, PFD documents online, and the video. One of the reasons I was happy that Kendig Keast was on the team is that they have encode product which allows people to do that. We want to work that into the laypersons guides, go here and this is how you use this to find out what you can do and what you can't do and the video and bring all those pieces together so that we have an effective tool for people to use so they don't get in that position.

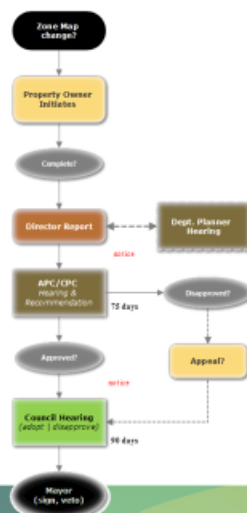
Mr. White said we will also have for the permitted uses instead of a laundry list for each district, we will have a table and every single use will be defined and with encode if you use the code online, it will be hyperlink's you just click and you will see the definition. That should make

it easier for investors I think, both in terms of identifying places where they want to build something, but also making it clear what exactly is allowed.

Understanding



1. Comprehensive framework
2. User-friendly
3. Community support
4. Make the right things easy
5. Update the code
6. Right-size
7. Community cohesion
8. Clear processes
9. Avoid nonconformities
10. Effective enforcement



Our initial analysis and even I think from the RFP forward, just Rob and his staff's discussion and their work in front of you and in front of the Planning Commission over the years, we put together—we saw sort of a top ten list of what we think the priorities are. If we miss anything, let us know, but one is to make sure there is a comprehensive framework, that we haven't left anything out. Like for example, with that list of uses, that we haven't left out key uses that you're getting a lot of applications for and Rob's staff is having to scratch their head and figure out what districts are these allowed in and so forth and making sure your use and setback, building design, and standards like that work in concert with your street design standards and so forth. They need to be cohesive so that we're giving applicants and we're giving neighborhoods sort of a unified vision of what's expected of them.

Secondly, it's to make it as user-friendly as possible. Again, you know most people don't sit down and read a zoning code cover to cover like you would a Harlan Coben novel or something. You look at it when you need to find information about something you're interested in. The language of reading these to be easily understood, and we're working with state law and we're working with federal law, like when we're talking about cell towers and things like that for

example, there's federal law we need to deal with. To the extent possible through graphics, through the use of plain English, short declaratives, active voice sentences; there's a lot we can do to make this a much easier read for people.

Number 3, we want to make sure we have good community support for what we're doing. This is going to be a community-driven process, not a consultant-driven process. I'm sort of agnostic about what goes in the ordinance myself. What I'm passionate about is finding out what this community wants to see and making sure it's expressed in the ordinance as clearly as possible. That's our priority. We want people to know what we're doing and we want people in the community to support it.

Number 4, we want to make the right things easy. One of the historic knocks on zoning codes is that there's a lot of mandates, but I think to the extent possible we need to look at incentives. For example, your Citywide Master Plan talks a lot about things like conservation and clustered subdivisions that preserve open space. Some communities mandate it, but maybe there is a way to incentivize it with regulations that are—if you provide the amount and the type of open space this community wants, maybe it should be easier to get through the process, maybe you would get more development potential, maybe there are other concessions we can make that make it easier to preserve that open space because that's what the plan talks about, but at the same time developing that kind of subdivision easier for the applicant to do.

Mayor Alvey said explain the benefit of doing the incentive versus the mandate. **Mr. White** said several things. Number one, incentives are much more acceptable to the regulating community. Most people would rather have a door to go through where it's easier to do as opposed to just being told they have to do it. I'm not saying we're getting rid of mandates. There will be a lot of things in the code that are—you know the permitted uses or the permitted uses that setbacks are setbacks, but if there is way we can make it easier for people to implement the objectives in the comforts of plan, to implement the design themes that come out from the community and from the Board of Commissioners and the Planning Commission, that's just something the regulated community is interested in. It makes it more likely if people are going to invest in Kansas City, Kansas and Wyandotte County here as opposed to somewhere else maybe where they could go. To the extent that we can make things incentive-based, it's always a good thing.

Number 5 is making sure the code is up-to-date. One of the obvious examples is your list of permitted uses to make sure it contemplates things like short-term rentals, things like new

housing types that we see a demand for in the community and that that language is clear and easy for people to understand.

Number 6 is sort of tied in with the issue of incentives, but it's also making sure we right size things and this comes up a lot with design standards. We can make building design—for example, we can be real fussy about the standards we mandate for buildings, but how many of those do we really need to make the appearance of a building and the function of a building acceptable to the community. Maybe that's a lot of standards, maybe you all have a lot of things on your agenda that you want to see people accomplish, but maybe there are four or five things we could put in and people do that. If they put their building closer to the street, if they have windows and things at the ground level so when people walk to places it's interesting to walk to and you're not facing the rear loading portion of the building. Maybe four or five standards like that and maybe not be as fussy about how the actual components of the architecture work for example. We just want to make sure that the standards mandate what need to be mandated, but don't mandate more. I think that is critical in getting this code right and getting the mix of standards that make this an attractive place for people to invest while at the same time making sure what comes out of the ground is consistent with your expectations for development.

We want to make sure we're abiding by the one Wyandotte County sort of objective that you've had that every part of this community is as important as the other. That urban neighborhoods and suburban neighborhoods both have design standards that implement the things that are important to them and that we're not just cutting back on things because we think some place in this community isn't as important as another. That's critical.

We want to make sure that the processes are clear. We flowchart everything, we write our processes so that each section tells you how you file an application, how we certify completeness, whether you need a public hearing or not, and what your approvals mean. We sort of follow that same theme throughout.

We also want to look at maybe ways to streamline things. I looked at your agenda tonight, it's over 400 pages long and Rob tells me that was a short one. I don't know how you all do it. If there are ways we can write standards that are clear and predictable and easy to administer behind the permit counter, maybe you guys can spend more time sleeping as opposed to hearing zoning cases. That's a good thing if we can there.

We want to avoid nonconformities whenever possible. Sometimes if we change zoning district regulations and you're very intentional about what you want to do, nonconformities will be inevitable, but to the extent that we can avoiding nonconformities is a good thing. We want to make sure that everything we write is legally enforceable because that's the difference between a zoning code and a plan. The zoning code is the legal part of your planning process. The plans are your overall policies so this has to be enforceable on the ground when we're done.

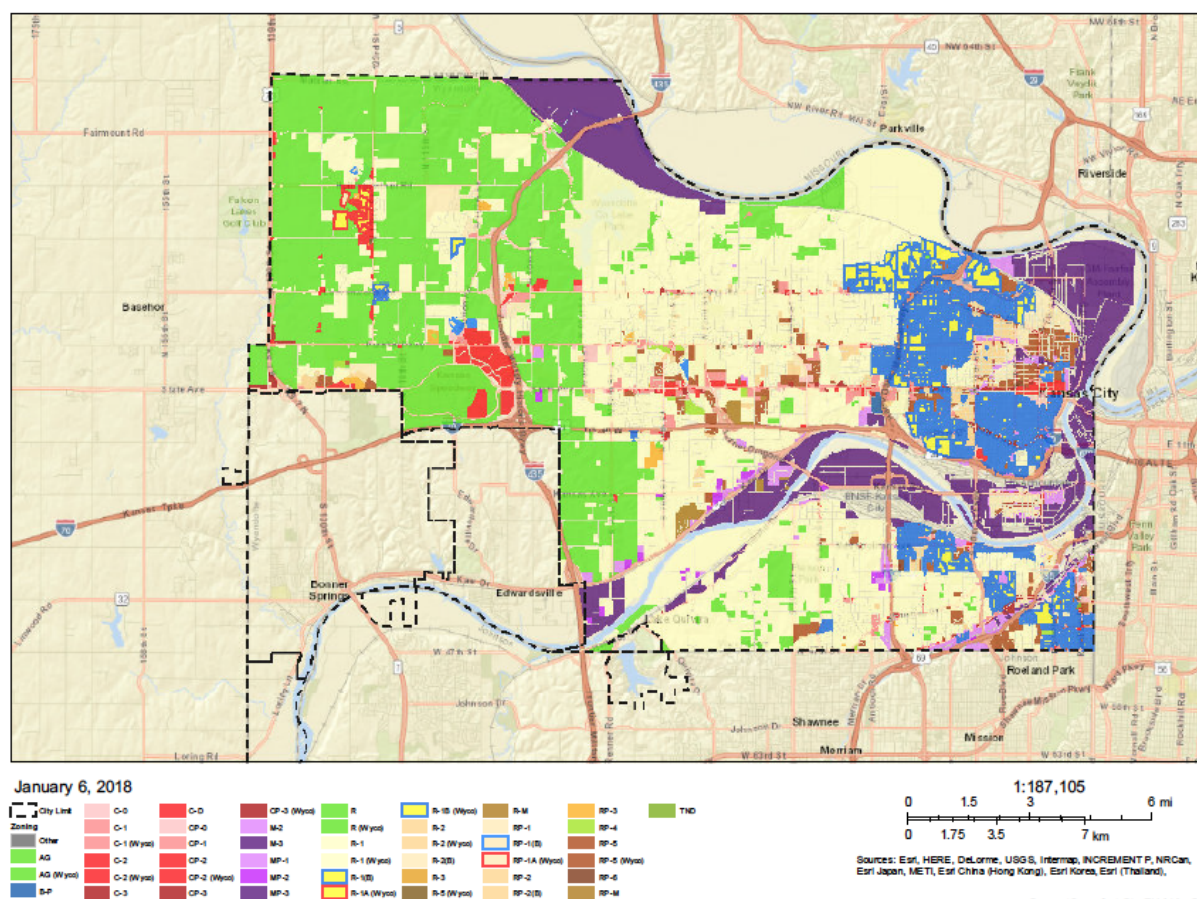
That's my top 10 list when I talk to staff and when I look at your plans. Those are thing that you want to make sure you get right when we go forward.

Mr. Richardson said I would just add on the non-conformities, that's the things that people would might consider to be grandfathered and so when we make changes in the code that are different and we have to set a line of well that was okay before this year, but it's not okay after. Those kind of things make all of our jobs difficult.

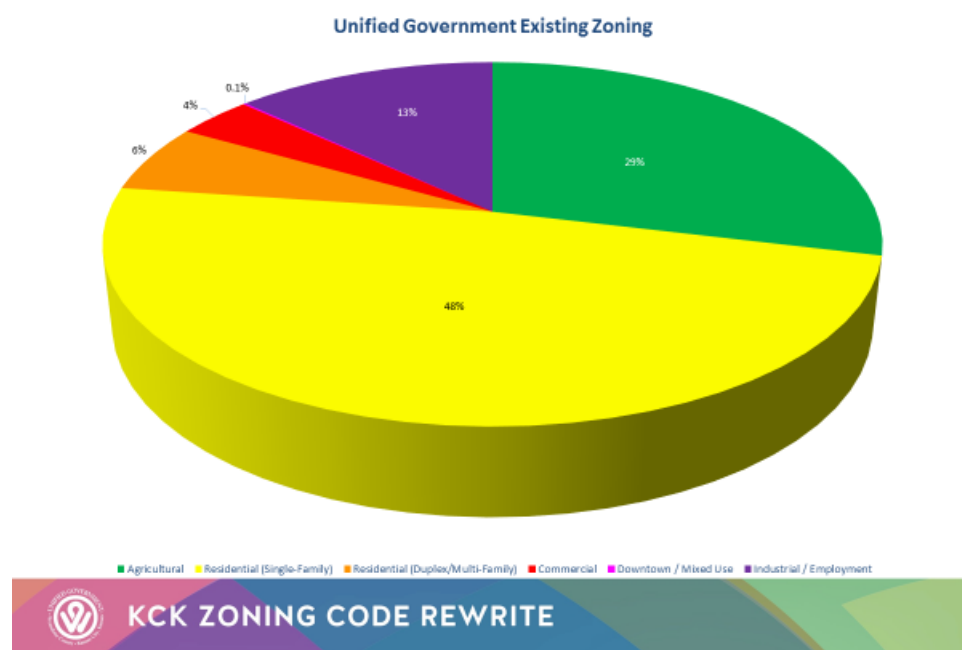
Commissioner Philbrook said to extrapolate on that, what you're saying is no grandfathering when you change the code, then everybody complies. **Mr. Richardson** said no. **Mr. White** said there will be grandfathering. **Commissioner Philbrook** said I just wanted to make sure I understood what he said. **Mr. Richardson** said we want to minimize that as much as possible, but when you have an existing condition you don't have to update that with the new code. You were legal when you built it that way so it can remain, but that creates insurance issues and it creates all other kinds of issues with neighborhoods and future development. **Mr. White** said financing issues. **Mr. Richardson** said financing. You've seen a lot of zoning cases lately because somebody had M-2 zoning which allowed a residential use in that, but they couldn't finance the rehab on that because the financial institution didn't understand that was an allowed use within the M-2. They thought that was Industrial, you need residential zoning and so they forced them to go back and rezone. There are a lot of things like that we're going to try to avoid with the way we do the new code.

Mr. White said a lot of communities that I work in nonconformities never go away, they just get worse and worse and then they become a blighting influence on the neighborhood. One example is, if we have a neighborhood center, for example, and we want buildings to be up to the streets;

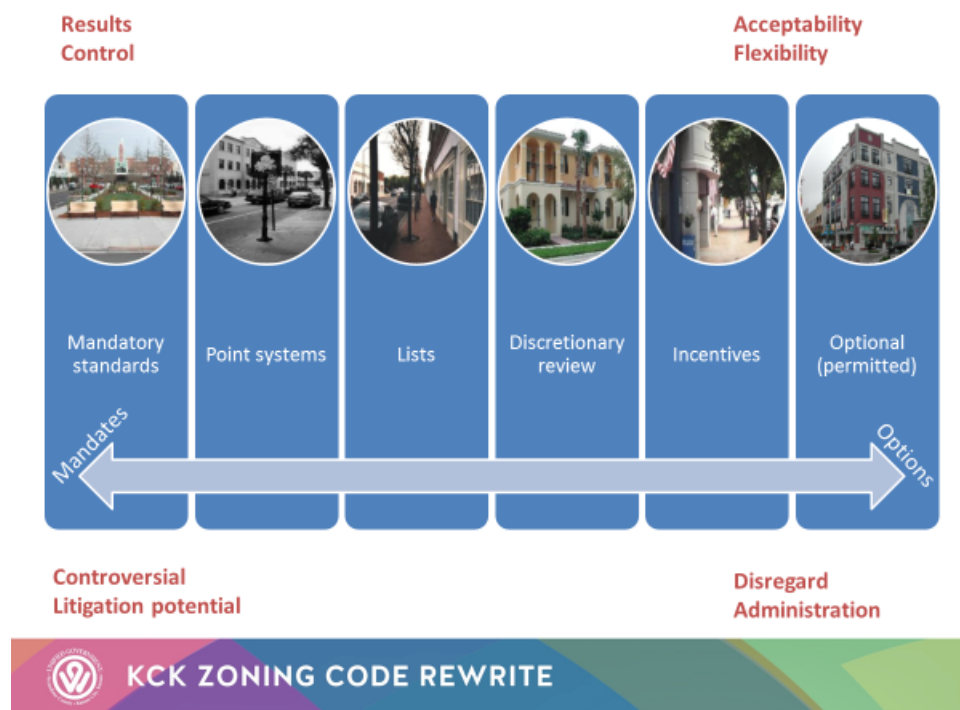
we have a maximum setback. What do we do with all those buildings that are further back? I mean, are they allowed to do anything, can they expand and how. I mean, those are things we need to come to grips with because otherwise if we just say you can't do anything unless you tear that building down and bring it up to the front setback, first of all that's not going to be real popular with the business community. Secondly, if we successfully pass that, those buildings just tend to deteriorate over time. We want new expansions to come forward to the street, but we don't want that building to sit empty either. **Commissioner Philbrook** said so, what you're saying then is that you're creating a pathway for them to do things that would still work even though they were grandfathered in under something else. **Mr. White** said correct. **Mr. Richardson** said today, we don't really have that clear path for them. It's very difficult, if not an impossible process under the current code.



that came from the old Kansas City, Kansas zoning ordinances. Fifteen are in the Piper annex and the western part of the community. Ten of them are unmapped although five of them have used the Parallel Planned Development process to get applied and that Planned Development process for the most part except for your traditional neighborhood development district, which covers around three acres of this community which isn't even a speck on the percentage. That's where most of your design standards and things like—the things that implement the vision in your Citywide Master Plan really come in. You can negotiate better building design and so forth, but that only covers 8% of the community. There has to be an easier way to do that.



We're looking at—there's sort of a pie chart that breaks it out. Most of the community is single-family, residential or residential duplex. A little bit of duplex in multi-family. Almost 30% is zoned Agricultural, but you don't have a lot of real Agriculture in your community. Do you have issues with animals and so forth which we will need to deal with in the regulations, but not a lot of real Agriculture, but a lot of Agriculture zoning and 13% Industrial. In a lot of communities, I work with want to protect that Industrial land because that's your employment base, a lot of people work there, and it's a good thing to have it.



That's kind of a picture of your existing zoning. Then again, this gets to sort of that dance we're talking about between incentives and mandates. If we mandate everything, you can be sure that if something is built, it's going to comply for the most part unless they get a variance, but that's supposed to be rare that you get variances. That's another issue that tends to come up. To the extent that we mandate everything and we have a long list of mandates, it's going to be a controversial thing for the community. On the other hand, we could do everything optionally.

We could have a light set of standards and then just have optional guidelines and those are nice. I mean nobody usually objects to guidelines. Even the development community doesn't object to guidelines because they're not binding and we can give them an easy path to do them, but you know we're not going to see a lot of that happen. People usually default a lot of times to the cheapest and easiest way to build. We want to find something in-between. What's the right mix of things this community wants to mandate in the zoning code in terms of building design, in terms of amenities for new projects and so forth versus the things we want to just make as easy as possible or to reward with additional density or maybe relief from landscaping, parking and parking is another big issue we will talk about in a second, but you know, where is that balance. That's what we're looking for.

- General
- Design / Use Patterns
- Zoning
- Procedures
- Development Standards
- Supplemental Use Regulations
- Nonconformities / Vested Rights
- Agencies
- Legal Status



 **KCK ZONING CODE REWRITE**

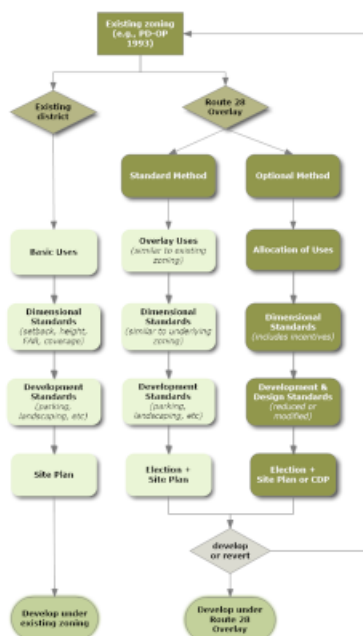
The next chapter would be your procedures; how you get projects entitled and then we go to development standards. Things like landscaping and parking and then we get the supplemental use regulations and so that chapter is going to do a lot of heavy lifting I think. I think ideally that chapter is going to include a lot of standards that right now are negotiated on a case-by-case basis that end up in front of the Planning Commission and end up in front of you at a public hearing. Some that tend to be controversial, some they just have to wait another 15 days

or a month to get in front of the Board of Commissioners so they can get something approved. If we can deal with those with standards, it makes everybody's life easier. Then we have to deal with nonconformities. Again, we want to minimize nonconformities, but they have to be dealt with somehow. So, there are nonconforming uses, there nonconforming structures, there are people that may be nonconforming as to our new landscaping and building design standards and so forth and so, how do we deal with those, how are they allowed to go forward?

Then, we write a code and we always put the boring stuff in back so the material, the legal material about how we set up agencies, what the jurisdiction is and so forth, the severability clause which your legal counsel is familiar with, but nobody ever reads it unless you're in front of a judge. Then, at the end we usually put the glossary and we may even have the checklist of some middle requirements that's at the end of the ordinance. That's basically how a development code is laid out.

Efficient Process

- Why?
- For whom?
- Incentives?
- Balance?
- Sweet spot?
- How?
- Eliminate unnecessary steps / agencies
- Minimize discretionary review
- Replace *gobbledygook* with standards



Then I mentioned too that we use a lot of flowcharts. We flowchart the processes, we try to create a smooth workflow and a transparent workflow so that applicants know how they file applications, how completeness review works, what kind of process they have to undergo, and then once they're approved what that approval means. Does that take them to the next step of the process, does that mean they can go in and file for a building permit, what does that mean, and so all of that will be

included in the process standards. Then, again, looking at better standards that deliver the quality of development you're looking for in a way that's context specific.

Better Standards

• Opportunities

- Districts
 - Character/design-based
 - By-right mixed use
 - Integrate TND standards
 - Housing palette
- Use Types
 - Comprehensive table
 - Convert special uses to standards
- Design
 - Established Neighborhoods
 - Multifamily
 - Limited Business (C-O / C-1)
 - Commercial corridors (Mission Rd + Commercial Site / Guidelines)
 - Mixed Use (by-right + standards)



A new building downtown or a new building in Strawberry Hill or an urban neighborhood near downtown is going to have a different building design, different setbacks and so forth than a building in western Wyandotte County where the densities are lower, people may have built or—people may live out there because they expected different type of development pattern. They don't mind driving someplace, but when they get there they want the buildings to look nice so that's going to mean while every part of the community is important, the standards are going to vary somewhat because they have to reflect the character areas in the community. They have to reflect the Citywide Master Plan and so forth.

User-Friendly Format

ZONING USE INDEX—Residential

USES PERMITTED

RESIDENTIAL ZONES

	R-20	R-12	R-8	R-5	R-3-5	RA	RB	RCK	RC	RD	RM	RS	RT
Apartment Hotel									S	S			
Banks, Savings and Loans, etc.								S*	P*/S*				
Barber/Beauty Shop								S*	P*/S*	P*			
Bed and Breakfast											P*		
Cemetery	S	S	S	S	S	S	S	S	S	S	S	S	S
Child or Elder Care Home	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Church	P	P	P	P	P	P	P	P	P	P	P	P	P
Community/Rec. Center (non-commercial)		S	S	S	S	S	S						

KCK ZONING CODE REWRITE

Then, again, in terms of making the ordinance more user-friendly, we're going to have a lot more tables so your list of permitted uses will be organized in tables so if I want to do a bed & breakfast, all I have to do is scroll across and it will tell me what districts they are allowed in, it will tell me immediately if I'm in the right district. Maybe if I'm investing, maybe I need to go somewhere else that's already zoned that way or go through the zoning process. **Mr. Richardson** said that would also link to encode so that table when you go into encode and say I want to do a bed & breakfast, it will show you on the zoning map what zoning districts are available for that and even what commercial properties for sale or for lease and what Land Bank properties are in those districts.

Mr. White said we will have a purpose statement so it won't be a mystery why the development standards are there. They come from some policy in your Comprehensive Plan or some policy in an Area Plan and then we will have graphics and images that show what this looks like. They will be 3-dimensional. We can even use pictures for some things and we have a huge image library to draw from.

Questions

- What are the top changes you would like to see occur?
- What are 3 aspects of high quality design for new development or redevelopment?
- How can the zoning regulations respond better to the needs of neighborhoods and the general public?
- How can the zoning regulations respond better to the needs of applicants?
- What types of zoning issues (permitted uses, density, lot size, height, setbacks) are most problematic from the public's perspective? From the applicant's perspective?
- What type of development is being precluded or stymied by the current regulations?
- Are there bottlenecks in the review process?
- Is the process transparent? How can we communicate better with the public? With applicants?
- Is the zoning code easy to read? What improvements do you suggest?
- In what ways do projects differ from your expectations?



With that, I've just got a few teaser questions here for you all and then with whatever time we have left before your main meeting tonight anything else that you can think of that you would like me to hear before we start this process. I will start by just asking based on your experience as commissioners with the zoning ordinance and based on what you hear from your constituents and so forth, what are some of the top changes you would like to see occur. There are three things that could come out of this process, what would those three things be? Can anybody think of anything?

Mayor Alvey said if you would just go to that question, the top bullet point on the right, what type of development is being precluded or stymied by the current regulations. That's an interesting question and I'm sure it will be when you talk with developers and you know small rehabbers. I'm really concerned especially for the small-scale developers that, and maybe it's not the regulations all the time, maybe it's the process, certainly the cost sometimes because you know for a small developer, someone just coming in and rehabbing—let's say a small single commercial building that they look at the cost upfront, they look at the process and see all the fees and costs associated with just going through the process, that might actually discourage investment. That might be a different question than the process itself or the regulations, stymied development. I think it's also something for us to consider.

The fourth bullet point on the left, how can the zoning regulations respond better to the needs of applicants. Again, how do they enter into the process in a way that encourages them that says oh, I can see my way through this and there is light at the end of the tunnel? **Mr. White** said building on what you said too, a couple of the guerillas in the room with zoning that can be hot button issues and can also actually discourage kind of through regulations the vision the community said it wants to achieve. One is parking. A lot of places are overparked and sometimes they are overparked because the developer chose to put in twice the amount of parking that your regulations required. For your small developer, let's say you've got a small lot in your downtown, and you would like to do a nice restaurant or something, but the zoning code requires so many spaces, you would have to buy three lots. To put in a restaurant, it would be a nice asset for the community, it would bring in business and tax revenues and places for people to walk.

A lot of communities are going to at least partially eliminating minimum parking, letting the market dictate that. I mean, what kind of developer—developers have an interest in putting parking in anyway, but you know parking is just simple geometry. Math isn't my best subject, but it takes up a lot of space that could be used better. **Mayor Alvey** said I think that's an important point because let's say even the Strawberry Hill area, if someone wants to open a restaurant and the parking requirements are such, it might discourage that. At the same time, understand that the people that live in the neighborhood want to be able to park in front of their homes and that's a serious consideration. It's one of those things where we have—that's a difficult—I'm not sure how that's going to be resolved.

Commissioner Johnson said as we look at the understanding part, and this is on slide 6, one of the things that kind of came into my mind was that as we're writing or rewriting this that we need to be culturally competent in terms of the language. We have cultural different language issues and so to talk about being user-friendly, it needs to be user-friendly across cultures so that persons that are from other ethnicities or different backgrounds can understand the process. Then, our engagement I think relative to community support, I think should be very deliberate in terms of—and this is not just for persons that may be from different areas of the country or different lands, but I'm just thinking about it as a layperson. If I didn't have the experience that I have now as a commissioner, I would be very ignorant to the process and might make some major financial blunders before I realize what all of the steps are in the process. So, as we talk about deliberate

engagement, maybe we can provide—I'm trying to be real elementary with this, it might be a zoning prep process to let them know before you get started guys, ladies, or whatever; these are some things that you need to consider and maybe even a cheat sheet because I'm still learning right-of-way setbacks, variances. I'm still learning what all those mean as a commissioner. Maybe I shouldn't admit my ignorance to certain things, but I think it would help a lot of our constituents, particularly the smaller ones, that are trying to move forward. **Mr. Richardson** said we are doing some bilingual information. In the postcards we will have a Spanish notice on them as well when they go out so we're starting that process. There is a long way to go in the bilingual part of our code.

Commissioner Bynum said in my time here, things that I've bumped up against that are not allowed currently per our zoning codes or have encountered difficulty coming to fruition per zoning codes are the tiny houses. We've had issues around locating farmer market's, I think those were parking issues, Rob, I can't remember. The mobile market, the mobile grocer ended up with a struggle at the end that we didn't get resolved yet. **Mr. Richardson** said that's correct. **Commissioner Bynum** said the little free libraries are not currently allowed by our current code and those are things that folks in our community have been trying to do to improve quality of life for people here and then when they bump up against the fact that our code doesn't allow that, I think that needs to be looked at.

Then, I just want to go back to the communication piece overall. I think the calendar that we follow, the process that we follow, and I think it certainly has certain statutory requirements and deadlines that it seems clunky. What people tell us is, it seems to take a long time to get through the process. **Mr. Richardson** said in the current process there is probably 10 days maybe that aren't statutorily required and part of those days are due to the fact that we use the *Echo* as our publication system and it only goes out once a week and so we lose some days there. We also use some of those days to make it so we can operate with a smaller staff so we don't have multiple items piling up at one time so they can possibly get done. That is one of the things we're going to look at because we have problems within that process as well for ourselves especially on the engineering side. It works pretty well for the planning side, but I think the other part of that is that trying to find out how to get uses out of that process through developing standards for them that we would allow them under and having to follow those standards so we don't have so many people

in the process to begin with. The State process and the notice requirements are pretty cumbersome to get into that process.

Commissioner Bynum said my last question just to throw out is, and I don't know, sir, if your firm works with this end of the process or not, but the Commission side of us prepping and being ready to hear these cases as you referenced the agenda for just tonight of 400+ pages and I haven't found a way yet that's satisfactory to me, I should say, to get to everything I feel like I want to know to be ready for an agenda like tonight which really isn't a difficult agenda, but it's a lot of information. Mr. Richardson knows that on some of these previous agenda's I've struggled with missing pieces because we've worked hard internally to try to collapse, if you will, so much information and make some of it available via audio and then I find myself having to ask staff to go back and find me the link so I can listen to the hour of testimony that I need to hear. It's either that or attend the Planning & Zoning Board meetings which I don't have time to do and they stretch on for hours and hours. So, I just wonder about that whole part of it and whether you all work with municipalities on any of that piece of it.

Mr. White said the best way to deal with that is to put less things on your plate. Again, that's the hard lift here because it's easier said than done. If we can get the community to support a standard that you would routinely apply as a condition of approval, after going through the public hearing process I think it makes sense to say if we're going to do this any way, why do we have to go through this public hearing to do this. You know what people are going to say. We know what the community wants and that's where we're going to end up and that's part of our task here is going through a lot of these uses. I mentioned up there what things tend to aggravate the public and your constituents and so forth and when I presented to the Planning Commission a few weeks ago, there were I don't know how many short-term rentals that had to go to the Planning Commission. Three of them, no comments. One of them was controversial, but what standards can we apply so that those things, even the Planning Commission—I mean, ideally, the Planning Commission is sort of at 30,000 feet making policy; that's what you all should be doing in a perfect world. So, things that we can resolve administratively through standards are the best way to deal with that because that way you can focus. Your agenda should drop down to a lot smaller than it is tonight if we can. That's part of our task here.

Mr. Richardson said we have to use what we've learned on those. Like on the short-term rentals, we've learned if somebody lives there, we don't have any neighborhood objections.

If they don't live there, then on a third to half of them we have some neighbors that are real interested in that in way or another so we have to think of those things and how we deal with a lot of these special use permits especially and what has gone well and what hasn't and let the stuff that has gone well we know how to deal with, deal with administratively and keep the other stuff in the special use permit or some other public process because we know it will garner more attention in the future.

Commissioner Murguia said I haven't had as many problems or concerns—there have been problems and concerns with the Planning & Zoning process, and it sounds like you're going to address those. I've had more issues with equal enforcement of those codes in the time that I've been here. The only example that I can really give you right now is, after the Walmart Neighborhood Market was built on a Superfund site that sat dormant for 30 years, somebody decided that their outside vending machines needed to be removed. They called them and removed them which caused a lot of phone calls to me which prompted me to go out and take pictures of all the vending machines in front of almost every other grocery store in the county, and I'm not to mention a whole other variety of places that had outdoor vending. I think it's important that when we make rules that we enforce them for everyone equally regardless of where they're at and that we do it in a very open and public way so that everybody is on the same page.

I also think—I hope, I don't know exactly these committees, I know I was asked to appoint a couple of people to this committee and I know they asked for them to be local. A lot of the developers that work in Wyandotte County that do larger developments, many of them unfortunately don't reside in Wyandotte County and I just hope there is a forum to hear from the developers and get their input about what has been an impediment for them. One of the things that I just saw, again, sticking with the Walmart Market; it was definitely an unusual deal to have a market be built in an urban neighborhood and on a Superfund site, but there were also some business and industry standards within Walmart as to the kind of facility that they were building. They weren't just picking out a specific design for that site. It was sort of what they were doing across the board across the country. So, when we see those kinds of things, we may have our own standard and have some influence, but when there is a very large gap between what the businesses are willing to invest and what our code is we have to decide, and I can't speak for all the

commissioners, whether or not we want those 90 jobs and that retail access, affordable retail access, versus a specific kind of siding or roofing material on the building.

Hopefully, there is a way to address that comprehensively instead of just based on individual deals that happen. I know that with the Menards that just came through one of the things holding up that large development was cart corrals. Their standard industry in—or their standard internally is that they put in metal cart corrals, but our code says they have to have some, I think it's masonry work around them, so I'm glad we did that deal. We moved it through anyway. I think it's a good deal. The metal cart corrals at a hardware store I think are okay; however, there were businesses prior to that that came in that were held to that standard of building masonry cart corrals. You think that's not really a big deal, but there are like 10 of those issues. When Menards came in front us, that was one of probably 20 things that they hadn't complied with and that was holding up this huge development deal. Hopefully, and I don't know what the answer is, that's why we have you apparently; so hopefully, there is going to be an easier way to deal with those things.

Mr. Richardson said we will have a meeting with the development community. We will invite everybody that has submitted an application for probably five years back so we will catch all those folks that have been in from out-of-town and do that.

One of the other—related to the question that you asked about, what are the standards and what they do, one of the other games that is played by the national retailers is they will come in and they will have grades of stores and they will say oh that's KCK, we will give them the grade D or E, when a community to our south might get grade A building and are we satisfied with that. I think that's another question we need to ask because even with Menards, we got close to what they would do for someone else, but not all the way to the top of what their best building would be. Do we want their best buildings, do we need their best buildings, and those are questions we need to ask because they will usually play a little bit of a game within the standards and that?

Mayor Alvey said we have ran out of time. Thank you for your presentation.

**MAYOR ALVEY ADJOURNED
THE MEETING AT 6:50 p.m.**

dt

Carol Godsil
Deputy Unified Government Clerk

May 31, 2018