

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

**PLANNING & ZONING AND
REGULAR SESSION
THURSDAY, OCTOBER 1, 2015**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, October 1, 2015, with nine members present: Bynum, Commissioner At-Large First District; Walker, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Mayor Holland, Mayor/CEO, presiding. Kane, Commissioner Fifth District; and Markley, Commissioner Sixth District, were absent. The following officials were also in attendance: Gordon Criswell, Assistant County Administrator; Melissa Mundt, Assistant County Administrator; Bridgette Cobbins, Unified Government Clerk; Ken Moore; Interim Chief Counsel; Rob Richardson, Director of Urban Planning and Land Use; Bryon Toy, Planner; Jamie Ferris, Planner; Janet Parker, Administrative Assistant; Emerick Cross, Commission Liaison; Marlon Goff, Economic Development; Charles Brockman, Economic Development; George Brajkovic, Director of Economic Development; and Captain D. L. Dungan, Sergeant-At-Arms.

MAYOR HOLLAND called the meeting to order.

ROLL CALL: McKiernan, Murguia, Johnson, Walters, Philbrook, Bynum, Walker, Townsend, Holland.

INVOCATION was given by Reverend Harold Johnson.

Mayor Holland asked if there were any revisions to the agenda.

Bridgette Cobbins, UG Clerk, said yes, Mr. Mayor, a blue sheet has been distributed. Under Section XVI, Public Announcements, we have three items that will be announced at that time.

Mayor Holland said we do have some announcements so I just posted those and I will go through them at the end of the meeting. Tonight, we have two distinct parts of our meeting. Planning and Zoning will be handled followed by the regular Commission meeting.

Ms. Cobbins, UG Clerk, asked if any members of the commission wished to disclose contact with proponents or opponents on any item on the agenda. **Mayor Holland** said I have had contact with proponents for Vacation Utility Petition #U/E-2015-10. **Mayor Holland** said I see no others.

Ms. Cobbins, UG Clerk, read all items on the Planning and Zoning Consent Agenda.

Mayor Holland asked would any member of the Commission or anyone in attendance tonight like to set-aside any item on the Planning and Zoning Consent Agenda. If an item is not set-aside, it will be voted on by a single vote. **Commissioner Walker** asked to set aside Item 2, Special Use Permit #SP-2015-49 and Plan Review Petition #PR-2015-21.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Walker, to approve the Consent Agenda, excluding the set-asides.** Roll call was taken and there were eight “Ayes,” McKiernan, Murguia, Johnson, Walters, Philbrook, Bynum, Walker, Townsend.

PLANNING AND ZONING CONSENT AGENDA

SPECIAL USE PERMIT APPLIATIONS

ITEM NO. 1 – 130353...SPECIAL USE PERMIT APPLICATION #SP-2015-47 – STEVE MCDONALD/GEIGER READY MIX

Synopsis: Renewal of a special use permit (#SP-2014-54) for a portable concrete plant at 4313 Speaker Road, submitted by Robin H. Richardson, Director of Urban Planning. Ronald Cowger with AGC Engineers, Inc. is representing Ready Mix in seeking a renewal of their special use permit (#SP-2013-54) for a portable wet mix concrete plant. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2015-47, subject to:

Urban Land Use and Planning Comments

1. Where do employees and others that are coming and going from the plant park their personal vehicles?

Applicant’s Response: Geiger has acquired the Blue Hat property north of Speaker Road and employees are currently parking on that lot. Visitor parking and office personnel park on the north side of the office/maintenance building.

2. Please respond and provide pictures to show that all stipulations in the original special use permit (#SP-2013-54) have been followed and complied with. These stipulations are listed below:

- A 24' wide road will be paved from the entrance gate to the plant and around to the exit. This is a one-way road designed for all ready-mix trucks being batched by the portable plant.

Applicant's Response: See Photo 1 and Photo 10

- An additional 14' will be paved on the west side of building 4401 as a staging area for trucks to prepare to load (this 14' section will be a part of the entrance road, making it 38' for approximately 225').
- Applicant's Response: See Photo 1 and Photo 10
- A concrete slab 80' x 12' will be placed for the base of the plant.

Applicant's Response: See Photo 4 and Photo 11

- A concrete slab 56' x 16' will be placed under the aggregate loading hoppers.

Applicant's Response: See Photo 5

- A concrete slab 55' x 136' will be placed as a base for the rock and sand stockpiles.

Applicant's Response: See Photo 1

- When necessary, water and/or calcium chloride will be applied to unpaved sections to suppress dust.

Applicant's Response: Geiger Ready Mix has operational procedures in place to make sure that dust is not a problem. In fact, KDHE has commended Geiger on their efforts to minimize air pollutions from the plant.

- The batch plant will use the wet batch mixing process-no dust during production of the concrete mix.

Applicant's Response: See Photo 6 and Photo 7 for dust collection system.

- A central dust collection system will collect dust from rock and sand as it is being charged into the wet batch mixer.

Applicant's Response: See Photo 6 and Photo 7

- Two cement silos will have individual dust collectors.

Applicant's Response: See Photo 7

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- Two cement silos will also have pinch valves installed to limit overfilling.
- When necessary water spray bars will be activated to dampen dry rock being conveyed to the plant bins.

Applicant's Response: Geiger Ready Mix has operational procedures in place to make sure that dust is not a problem. One part of that procedure is to use spray bars on the conveyor (see Photo 9).

3. Any approval for a renewed special use permit would be for five years.

Applicant's Response: No comment

Action: Commissioner McKiernan made a motion, seconded by Commissioner Walker, to approve Special Use Permit #SP-2015-47 for five years, subject to the stipulations. Roll call was taken and there were eight "Ayes," McKiernan, Murguia, Johnson, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 2 – 150266...SPECIAL USE PERMIT APPLICATION #SP-2015-49-KATHERINE KELLY

Synopsis: Special use permit for three storage containers at 4223 and 4225 Gibbs Road, submitted by Robin H. Richardson, Director of Planning. The applicant is requesting a special use permit to replace two small storage sheds with three new storage containers. One will be the processing facility, one for long-term storage and one to better house the equipment that they use. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2015-49, subject to:

Urban Planning and Land Use Comments

1. What are the current hours of operation? Between what hours are volunteers and staff members on site?

Applicant's Response: Monday through Friday, 6:30 a.m. – 3:30 p.m.

2. Is the overflow parking agreement with Master's Community Church still in place? If so, please provide a letter from them showing their willingness to serve as a location for overflow parking when notified in advance.

Applicant's Response: The agreement with Master's Community Church is still in place. Please see attached letter.

3. What are the current and proposed setbacks between paved surfaces for parking and structures along the eastern edge of property that abuts the properties of two adjacent residential homes? Please provide these dimensions on a map or drawing.

Applicant's Response: Please see map attached.

4. Any approval would be recommended for two years. Upon renewal of the special use permit, a permit could be extended to a longer period of time.
5. There are 2014 taxes due on this property; they should be paid as soon as possible.

Applicant's Response: Payment has been delayed due to health issues of the property owner, but should be completed shortly. (NOTE: They have been paid.)

Linda Siemens, Operations Manager of Cultivate Kansas City, said we're a non-profit organization. This is for our Gibbs Road Farm. We are putting three storage containers on the property. One will be used as a refrigerated unit. It will be used to store vegetables. Another one will be used to handle the vegetables and the third one for storage of tools.

Commissioner Walker said I was going to ask Mr. Richardson a question which the spokesperson has answered. This is not related to the property which we've got trucks coming in and out dumping. That's further down Gibbs Road isn't it. **Rob Richardson, Director of Planning**, said I believe there is a fill permit or there maybe there is an expired fill permit a little bit farther down the road. **Commissioner Walker** said alright. I have no objections.

Mayor Holland asked is there going to be any screening of these from the road in terms of, is there any stipulation in this. Mr. Richardson you might know the answer to this. Is there going to be like a wooden fence or anything that prevents the containers from being seen from the road? **Mr. Richardson** said it's my understanding they're going to be set back on the property where you wouldn't see them. If you look at the diagram on the front page of the staff report, it's my understanding is they will be back behind those buildings up along the front. Is that correct? **Ms. Siemens** said that is correct. **Mayor Holland** said so you're anticipating they will not be seen from the road. **Ms. Siemens** said correct.

Commissioner Walker said I think you have to ask which road. They're not going to be seen from I-635 or they're not going to be seen from Gibbs Road? **Ms. Siemens** said from Gibbs Road. **Mayor Holland** asked will they be visible from 635. **Commissioner Walker** said

absolutely. That whole operation is. I live off Shawnee Drive. I go down that road everyday multiple times. There's no way you're going to have those storage containers there for very long without everybody being able to see them. It's not possible. **Ms. Siemens** said we are working with a board member who is also an architectural designer and she has been working really hard at making sure that the design is right for what we want. We do want the place to look great. **Commissioner Walker** said the only design that will be right is if it's not visible from 635 which has a substantial amount of traffic. Whether it matters to some people or not, I care what people coming through our town think when they drive down 635. Storage facilities are unattractive by nature in my opinion.

Mayor Holland said I will state just for the record, I have a long standing opposition to storage containers in neighborhoods. There is frontage on Gibbs Road, 635 and on 42nd St. I would just want to make sure—do we have a location specific for the containers? **Mr. Richardson** said on page 13 of the staff report, there's an illustration of how they will be placed. Two of the containers, I presume for the vegetables will have another roof structure over them presumably for insulation from the sun and they'll up against a fence on one part of the property. I don't have the site plan in front of me that shows me where they are but perhaps the applicant could tell us.

Mayor Holland said I would think that it is part of the staff's recommendation that they be screened from the roads, adequately screened from the roads. **Ms. Siemens** said they are behind our main building. **Commissioner Walker** said the main building is a green house, is it not? **Ms. Siemens** so no, we have an office building, it's more of a house. **Commissioner Walker** asked is the house next door to the greenhouse. **Ms. Siemens** said no. **Commissioner Walker** asked where's the house? **Mr. Richardson** said we're pulling it up here, Commissioner. **Commissioner Walker** said there's the green house, there's 635. **Ms. Siemens** said the pointer is at the house actually. The greenhouse is that big structure to the left. That's the the greenhouse, that area, yes, that is where—not that far. **Commissioner Walker** said that's where they're going to put the containers. **Ms. Siemens** said right.

Mayor Holland said I would just ask as a stipulation, they be screened from view. It looks like it's only going to be Gibbs Road but I think we need to make sure those are screened from view. **Ms. Siemens** said okay. **Mayor Holland** asked do you have a problem with that stipulation on

it. **Ms. Siemens** said I don't think so. We've been talking about different ways of making it more attractive.

Action: Commissioner Walker made a motion, seconded by Commissioner Murguia, to approve Special Use Permit #SP-2015-49 for two years, subject to the stipulations.

Commissioner Philbrook said I just want to say that I've been to that facility before. I know where she's talking about putting it. You'll have to look for them to find them in there. It'll pretty much blend in.

Roll call was taken and there were eight "Ayes," McKiernan, Murguia, Johnson, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 3 – 040308...SPECIAL USE PERMIT APPLICATION #SP-2015-50- JANELLE PETERSON

Synopsis: Special use permit for a bed and breakfast at 3200 North 115th Street, submitted by Robin H. Richardson, Director of Planning. The applicant is seeking a special use permit in order to operate a bed and breakfast out of the four-bedroom home. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2015-50, subject to: Urban Planning and Land Use Comments

This house, as built seems to be very well suited for this type of use, with the ability to have private areas for the homeowners and proprietors and large accommodations as well as communal spaces for guests. The large lot should ensure the privacy of any future neighbors as well as alleviate any parking or congestion concerns.

Staff feels this locally owned and operated bed & breakfast could be a positive addition to the area, which has seen tremendous growth and gained on popularity for out of town visitors with the Legends Outlets, Schlitterbahn waterpark, Kansas Speedway, T-Bones and Sporting Park, as well as the development of new corporate offices for national companies Cerner and Dairy Farmers of America. Providing visitors to Kansas City, Kansas, with many options for accommodations is important for remaining a destination in the region.

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Staff would also like to note that the Petersons have made themselves available to their potential neighbors, working to come to solutions for contentious issue potential problems before they had arisen. Having open and productive dialogues with adjacent property owners is always the goal of the neighborhood meeting requirement of the Special Use Permit process and staff is pleased to see such cooperation among neighbors.

Stipulations

1. No signage will be permitted
2. No on-street parking will be permitted
3. Owners must maintain residence in the home
4. Approval for two years initially
5. All proper building permits must be obtained for existing work, as noted below, as well as the finishing the above-garage space
6. The above-garage space must use the same address as the main house and must remain on the same utility meter

Public Works Comments

None

Business Licensing Comments

The following permits were issued for the completion of this house – Permit 02300-00022, 03300-00926 and 06300-00419. This project is completed through the rough-in inspection. All permits were abandoned and the project was never completed. Records indicate the house is occupied without a final inspection. Renew permits and request a final inspection.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Walker, to approve Special Use Permit #SP-2015-50 for two years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” McKiernan, Murguia, Johnson, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 4 – 150267...SPECIAL USE PERMIT APPLICATION #SP-2015-51-MICHAEL YEAGER

Synopsis: Home occupation special use permit for the making of yard and garden ornamentation , custom automotive parts and general customer metal work at 4855 Georgia Avenue, submitted by Robin H. Richardson, Director of Planning. The planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2015-51, subject to: Urban Planning and Land Use Comments

1. What types of firearms parts will you manufacture at your home?
Applicant Response: After much thought, I have decided to exclude the making of firearm parts and accessories. The target market is already flooded with the items that I have the equipment and skills to manufacture.
2. Are you planning on having customers come to your home? Please explain.
Applicant Response: No, I do not intend to have customers come to my home. Besides the liability created by having a customer in the workplace, this is my home, I live here and don't want a parade of people I don't know coming here. If there ever were a need for a customer to come to my home, it would be on a very limited, appointment only basis
3. What kind of noise, vibration, and/or dust can be expected with the work you do?

Applicant Response: Noise, dust, and vibration will be a factor within the confines of the workspace. However, the noise and vibration is no greater than the average lawn mower, and the workspace is contained within four stone walls and a concrete floor. The noise and vibration will remain well contained within the workspace. I am currently installing a ventilation and filtration system to take care of the dust created by my work.
4. Please submit photos of the workspace and its relation to the neighboring properties
See below.

Stipulations

1. No signage will be permitted on site
2. Noise and dust must be kept to a minimum; noise-producing work should conclude by 8 pm each night
3. Customers may only come to the home on a "by-appointment" basis
4. Approval is for two years.

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Public Works Comments

None

Business Licensing Comments

If approved, applicant will need to file occupation tax application with our office.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Walker, to approve Special Use Permit #SP-2015-51 for two years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” McKiernan, Murguia, Johnson, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 5 – 130079...SPECIAL USE PERMIT APPLICATION #SP-2015-52 –W IL ANDERSON WITH BHC RHODES

Synopsis: Renewal of two special use permits (#SP-2012-53 and #SP-2013-10) for a fill site with recycling and truck weigh scale at 626R North 47th Street, submitted by Robin H. Richardson, Director of Planning. The applicant is seeking to renew two special use permits, combined into one application, to fill and remove dirt on the property for a materials recycling operation and operate a truck weigh scale. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2015-52, subject to:

Urban Planning and Land Use Comments

This is the combining of two existing special use permits. Staff notes that while the use is not changing, the review process is now combining the applications.

Note that 3:1 is the maximum allowable slope for maintenance of turf.

Approval would be for two years.

Public Works Comments

Items that require plan revision or additional documentation before engineering can recommend approval: Site visit shall be required between A/E and Unified Government. Contact Brent Thompson 573-5710 to schedule site visit. Applicant Response: Applicant met with County Surveyor and discussed. This was at the same time a hard copy of the full set of plans as submitted was supplied to NRC.

Business Licensing Comments

Special use permit for a recycling operation at 822 North 47th Street raises the question, will there be an expansion of recycle materials (to include tree and yard composting, mulching, tire and rubber, aluminum and metals, glass and plastics) that would be processed. Is there expectation that they would continue to expand to the south across vacant properties toward the prior Forest View landfill?

Applicant Response: There is no intention to handle the above enclosed materials.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Walker, to approve Special Use Permit #SP-2015-52 for two years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” McKiernan, Murguia, Johnson, Walters, Philbrook, Bynum, Walker, Townsend.

VACATION APPLICATION

ITEM NO. 1 – 040033...VACATION APPLICATION #U/E-2015-10 – MONITA IRELAND WITH UNIVERSITY OF KANSAS

Synopsis: Vacation of utility easements at 2146 West 39th Avenue, submitted by Robin H. Richardson, Director of Planning. The applicant wants to vacate the re-entry rights of this utility easement that was previously vacated in 1967. In the future, an educational building will be built on the property. The Planning Commission voted 8 to 0 to recommend approval of Utility Vacation Petition #U/E-2015-10, subject to:

Vacation Application #U/E-2015-10, subject to

Urban Planning and Land Use Comments:

1. If approved, the applicant will be responsible for a \$50 ordinance publication fee.

Applicant Response: Acknowledged.

Public Works Comments

None

Action: Commissioner McKiernan made a motion, seconded by Commissioner Walker, to approve Vacation Application #U/E-2015-10, subject to the stipulations. Roll call was taken and there were eight “Ayes,” McKiernan, Murguia, Johnson, Walters, Philbrook, Bynum, Walker, Townsend.

PLAN REVIEW APPLICATION

ITEM NO. 1 – 130077...PLAN REVIEW APPLICATION #PR-2015-21 - KHALID BANDAY/KAM DESIGN AND CONSTRUCTION

Synopsis: Preliminary plan review for a convenience store at 4116 Metropolitan Avenue, submitted by Robin H. Richardson, Director of Planning. The applicant with KAM Design & Construction, Inc. wants to build a 1,650 square foot addition to an existing convenience store at 4116 Metropolitan Avenue. The Planning Commission voted 8 to 0 to recommend approval of Preliminary Plan Review Application #PR-2015-21, subject to:

Urban Planning and Land Use Comments

Building Architecture:

1. Sec. 27-576(c)(1) - Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building.

The bar has been raised with commercial buildings. The pictures of the Family Dollar in the attachments are the level of detail we expect to see with smaller commercial buildings.

2. Sec. 27-576(c)(2) - In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of not more than 45 feet through articulation of the façade.

This can be achieved through combinations of at least three of the following techniques:

- a. Divisions or breaks in materials;
 - b. Building offsets (projects, recesses, niches);
 - c. Window bays;
 - d. Separate entrances and entry treatment; or
 - e. Variation in roof lines.
3. Sec. 27-576(e)
 - (1) Building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or

synthetic stone, brick, stucco, integrally colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials.

- a. Building design should avoid large expanses of highly reflective surfaces and mirror glass exterior walls.
- b. Highly tinted glass or glass tinted in unnatural colors should be avoided.

(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: Please see the revised elevations (below)

Staff Response: The revised elevations do not meet the Commercial Design Guideline criteria. The elevation labeled 'West' with no windows (two of the elevations are shown as 'West') needs to include more variation from the above list including variation in roof line, columns, window, and differentiation in color as well as materials.

- 1. Downspouts shall be internalized.

Applicant Response: Please see Sheet A2 (below)

- 2. Masonry columns shall wrap the entire metal column underneath the gas canopy. Please provide gas canopy elevations.

Staff Response: Metal casings are not allowable under the Commercial Design Guidelines, the gas canopy columns shall be wrapped with masonry.

Landscaping and Screening

- 1. Sec. 27-577(a)(5) - Landscaping shall exceed the typical code requirements by at least 75 percent.
 - a. The district requirement is one tree per 7,000 square feet of site area. The property is .377 acres, so 3 trees are required per code.

- b. All deciduous trees shall be at least 2½” caliper when planted. All evergreens must be at least 6’ in height when planted. All shrubs must be planted at a minimum of 5 gallons.
 - c. Landscaping shall be irrigated.
- 2. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent developments or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. Please add note on landscape plan and revise as necessary.
- 3. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be planted at least six feet tall (when planted) provided for every 30 feet of street easement or frontage.
 - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in-between the street trees.
- 4. Sec. 27-577(d)(1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
- 5. Utility connections (including transformer boxes) shall be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building. All rooftop mechanical equipment shall be screened from public view on all sides by a parapet.
- 6. Sec. 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.

All lighting shall have 90 degree cutoff fixtures. Any lighting that is physically mounted to the building shall be decorative and have 90 degree cutoffs, as not to cast light on

adjacent properties and public right-of-way. Light shall not exceed one foot candle as measured from said property line. Wall pack lighting is not permitted.

Applicant Response: Please see the revised Landscaping Plan that has taken care of all requirements of landscaping and screening needs.

7. A wooden privacy fence adjacent to all residential properties with masonry columns every 32 running feet is installed.

Signage

1. Sec. 27-727 states that in C-2, three wall signs are permitted at seven percent signable wall area or in lieu of one wall sign, a detached sign can be constructed. In the case of the monument sign, the sign face may be 40 square feet, 8 feet in overall height and 5 feet setback from the property line.
2. Staff stipulates that if this petition is approved, a monument sign is the only permitted detached sign on the property.
3. Banners are not allowed to be hung from the building or on the structure of the gas canopy. Attention attracting devices such as streamers, pennants, inflatables, and wind catchers are prohibited. The applicant is still eligible to use these devices for special events on a temporary basis by applying for a temporary banner permit through the Urban Planning and Land Use Department.
4. Window graphics must be scenic pictures only and cannot take up more than 25% of the window area. No painted messages are allowed. All graphics must be at least 6 inches back from the glass of window.

Applicant Response: No new exterior signs are proposed in this project.

Staff Response: Please note that all existing signage must meet these requirements as well.

Public Works Comments

Items that require plan revision or additional documentation before engineering can recommend approval: This project shall design, construct and replace fallen retaining wall.

Mayor Holland asked if the applicant was here tonight. **Rob Richardson, Director of Planning**, said I don't see the applicant in the audience, Mayor.

Commissioner Walker said I want to find out if I'm thinking it's the same problem property that has existed for a long time. Show me where it's at on this map. **Mr. Richardson** said it's the northeast corner of 42nd & Metropolitan. **Commissioner Walker** said this one has been at times problem, well the same problem we have with 24th & Metropolitan, let's just say a lot of trash accumulates around that building and they don't maintain it in a very sightly manner. I just wanted an explanation of what this means. **Mr. Richardson** said although the first name might be confusing, this is a different applicant and a different owner than the 24th & Metropolitan site. Both architects are named Khalid but it's different guys. They are going to be doing a substantial rehabilitation of this building and expansion of the building. Page 18 of the staff report has the elevations. It will be a much improved look for the building and the canopy as well. As far as how they will maintain it in the future, I can't speak to the trash issue but the structure itself will have a very significant rehab to the structure and the canopy. **Commissioner Walker** said okay. I will defer to the—I guess the Commissioner for that location isn't here tonight. **Mr. Richardson** said I would also note that one of the stipulations is to add a fence, the typical commercial fence with the masonry pilasters and the solid wood fence adjacent to the east and north property lines so that too will help make the area a little bit more attractive. **Commissioner Walker** said good, thanks Mr. Richardson.

Commissioner Murguia said, Rob, if you could help me with this. Didn't we had a section on property tax history. Has this property had any property tax delinquencies in the past? Didn't we add a section to our packet? **Mr. Richardson** said well, if they were currently past due, if they hadn't paid 2014 taxes or previously, we would note those otherwise we don't note those in the staff report because they're all still payable this year. If they were actually delinquent and hadn't paid 12, 13, 14 we would note that. We have looked at that. If it doesn't come up on the report, I haven't looked into it beyond that. Whether they've had past delinquencies or not, that's not ever been an issue. **Mayor Holland** said it is at the end of the agenda. It's the last item, Tax Status Report, it says none of the properties in the applications to be considered had delinquent taxes prior to 2014. **Commissioner Murguia** said just prior to 2014. **Mayor Holland** said that's what defines them as delinquent.

Commissioner Murguia said you're just checking the current taxes, right, when you check on these properties. **Mr. Richardson** said no, we check for back taxes so you'll sometimes see things that have taxes due from 2009, 2010, 2012, and 2014 because they'll pay—before we

changed the policy, they will have paid some years and they haven't got caught. You have to pay the oldest one first yet. **Commissioner Murguia** asked do you reflect that. For example, if someone doesn't pay for three years and then right before the ability to put it into tax sale and they pay then, but it's paid, does it show up in this report. **Mr. Richardson** said no, we don't do that because taxes aren't something that are a voting criteria so we haven't put that much into it. **Commissioner Murguia** said I understand; that's fine.

How many, or if any, did you see if there were any code violations or how many times they have been violated by our Code Enforcement Department. **Mr. Richardson** said I don't believe so on this one. We don't typically check the plan review. We didn't have anything. We sent it to Code Enforcement and they didn't notify us of any outstanding code enforcement citations at the time so we really deal with what's been outstanding and what's been there if we're aware ahead of time of significant issues. **Commissioner Murguia** said I'll need to get with you at some point to go back over what is something we can consider during voting versus what we're not allowed to consider. I need a refresher on that or maybe you could just email me the criteria.

I agree with Commissioner Walker that this property at times, as not looked very good with trash and things that are very fixable. I'm not talking about major structural things. I'm glad they're fixing up their property. It doesn't matter if you fix up a piece of property if there is trash thrown all around it and it doesn't look good. **Mr. Richardson** said I don't know when they acquired this property either. That would be the other thing—when the ownership changed because they may have recently acquired this to improve it. **Commissioner Murguia** said well, that definitely makes me feel better so I appreciate the answers. If you could get me the details, that would be fantastic. Thank you very much.

Action: **Commissioner Murguia made a motion, seconded by Commissioner McKiernan, to approve Plan Review Application #PR-2015-21, subject to the stipulations.** Roll call was taken and there were eight "Ayes," McKiernan, Murguia, Johnson, Walters, Philbrook, Bynum, Walker, Townsend.

ORDINANCE AMENDMENTS

ITEM NO. 1 – 150202...ORDINANCE AMENDMENT - SEC. 27-340

Synopsis: Certain amendment to Section 27-340, Planning and Development of Kansas City, Kansas Code of Ordinances, generally concerning the definition of a dog kennel, submitted by
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Robin H. Richardson, Director of Planning. The Planning Commission voted 8 to 0 to recommend approval of this ordinance amendment.

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

ITEM NO. 2 – 100058...ORDINANCE AMENDMENT - SEC. 27-726

Synopsis: Certain amendments to Section 27-726, Planning and Development of Kansas City, Kansas Code of Ordinances, generally concerning signs in the right-of-way, submitted by Robin H. Richardson, Director of Planning. The Planning Commission voted 8 to 0 to recommend approval of this ordinance amendment.

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

MISCELLANEOUS – ORDINANCES (Final action on previously approved items)

ITEM NO. 1 – 150236...ORDINANCE: STREET VACATION

Synopsis: An ordinance vacating a street (#S-2015-7) at 4826 McGurk Street, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-58-15,** “An ordinance vacating all of McGurk Street adjacent to Lots 9-22, Lee Wood Acres Annex, a subdivision in Kansas City, Wyandotte County, Kansas, located at approximately 4826 McGurk Street, Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Walker, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” McKiernan, Murguia, Johnson, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 2 - 140351.... ORDINANCE: ROW

Synopsis: An ordinance vacating right-of-way (#R/W-2014-6) at approximately 3717 Cambridge, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-59-15**, “An ordinance vacating right-of-way: All of the East Half of Cambridge Avenue Right-of-Way extending to the centerline of 38th Street and all of 38th Street Right-of-Way and all of the Alley adjoining Block 1 of Mable Park; All the North Half of 38th Street Right-of-Way extending to the Northerly prolongation of the Westerly Line of Block 1 Maple Park; All the South Half of 37th Street and all of the Alley adjoining Lots 51 through 100 of Oxford Place; All of Cambridge Avenue Right-of-Way adjacent to Lots 26 through 30 and all of the Alley adjoining Lots 21 through 30, except the North 3.00 feet thereof, Oxford Place; All of 37th Street Right-of-Way and all of the Alley, adjoining Lots 1 through 17 and Lots 34 through 50, except the South 10 feet thereof, Oxford Place; All of the Alley adjoining Lots 61 through 95 Oxford Park, all subdivisions lying in the Southwest Quarter of Fractional Section 26 and the Northwest Quarter of Fractional Section 35, Township 11 South, Range 25 East, in Kansas City, Wyandotte County, Kansas, located at approximately 3717 Cambridge, Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Walker, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” McKiernan, Murguia, Johnson, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 3 – 140351...ORDINANCE

Synopsis: An ordinance vacating right-of-way (#R/W-2014-3) at approximately 3717 Cambridge, submitted by Robin H. Robinson, Director of Planning.

Action: **ORDINANCE NO. O-60-15**, “An ordinance vacating right-of-way between West 36th Avenue and West 39th Avenue known as Cambridge Street, also West 37th Avenue between Eaton Street and Cambridge Street all lying in the Southwest ¼ of Fractional Section 26, and Northwest ¼ of Fractional Section 35, Township 11 South, Range 25 East, Kansas City, Wyandotte County, Kansas, located at approximately 3717 Cambridge Street, Kansas City, Kansas.”

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Commissioner McKiernan made a motion, seconded by Commissioner Walker, to approve the ordinance. Roll call was taken and there were eight “Ayes,” McKiernan, Murguia, Johnson, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 4 – 15202...ORDINANCE

Synopsis: An ordinance relating to dog kennels; amending Chapter 27, Article VIII, Section 27-340 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, submitted by Robin H. Richardson, Director of Planning.

Action: **ORDINANCE NO. O-61-15**, “An ordinance relating to dog kennels; amending Chapter 27, Article VIII, Section 27-340 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Walker, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” McKiernan, Murguia, Johnson, Walters, Philbrook, Bynum, Walker, Townsend

ITEM NO. 5 – 100058...ORDINANCE: SIGNS IN ROW

Synopsis: An ordinance relating to portable signs in the right-of-way; amending Chapter 27, Article VIII, Section 27-726 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, submitted by Robin H. Richardson, Director of Planning, 573-5774

Action: **ORDINANCE NO. O-62-15**, “An ordinance relating to portable signs in the right-of-way; amending Chapter 27, Article VIII, Section 27-726 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas. **Commissioner McKiernan made a motion, seconded by Commissioner Walker, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” McKiernan, Murguia, Johnson, Walters, Philbrook, Bynum, Walker, Townsend.

PLANNING AND ZONING NON-CONSENT AGENDA

Special Use Permit Application

ITEM NO. 1 – 130035...SPECIAL USE PERMIT APPLICATION #SP-2015-16 - RANDEL AND BARBARA VANBEBER

Synopsis: Renewal of a special use permit (#SP-2013-8) to keep two goats at 3415 North 63rd Street, submitted by Robin H. Richardson, Director of Planning. Randel and Barbara VanBeber are requesting renewal of a special use permit to continue to keep two goats on 1.4 acres of property. The Planning Commission voted 7 to 1 to recommend approval of Special Use Permit Application #SP-2015-16, subject to:

1. Approval would be for two years
2. Property owners maintain daily disposal of goats' waste
3. Property owners complete fence addition within a three month time span
4. The goats' diet remain as stated in applicant's response—molasses, corn, oats, hay, carrots and cabbage—to ensure that the grass is not overgrazed
5. Animal Control issues permits for two goats. The permits should be issued continuously through the special use permit approval period and the permit will become invalid if the permits are not renewed or not issued for noncompliance of the city codes.

Randy VanBeber, 3415 N. 63rd St., said I haven't done anything else. Everything is pretty much the same as far as me keeping goats/animals. They wanted me to keep it clean and we clean it every night. That's about it so.

Mayor Holland opened up the public hearing.

No one appeared in support .

No one appeared in opposition.

Mayor Holland closed the public hearing.

Action: **Commissioner Philbrook made a motion, seconded by Commissioner Walters, to approve Special Use Permit Application #SP-2015-16 for two years, subject to the stipulations.**

Commissioner Walker said I would direct this question to Commissioner Philbrook because I know she has been working with the committee to deal with domestic livestock. Are they going to come forward with some advanced and innovative ideas in dealing—**Commissioner Philbrook** said I would like to suggest that behooved animals will be number three in line. The next list of animals to deal with are chickens and rabbits. After the chickens and rabbits come the hooved animals. Hopefully, that's taken care of before his special use permit comes due again.

Mayor Holland said are you saying it would behoove us to wait for that. **Commissioner Philbrook** said I would say that I wouldn't want to jump the gun and say anything more than I have already said about hoofed animals in town. We will have people coming in that are very responsible and know about how much space these animals need when we put together our codes and you guys will get plenty of chance to see those.

Commissioner Walker said part of the initiative in living healthy hasn't really mandated that we all have chickens and goats and cows in our yard to have sustainability. I think there is a point at which we need to—apparently the gentleman has done everything we've asked about the goats. I'm not getting anything in the documents to suggest that there's been a problem or the neighbors complained, but I wonder what it would be if everybody on that block had two goats or chickens next door and one guy had a little bigger yard so he had a cow because he wanted the milk. I know it's not happening but we need to address those issues. I would not be happy with two goats living next door to me. I'll just be blunt about it. **Commissioner Philbrook** said I understand. **Commissioner Walker** said I would be up here and you would be hearing me. **Commissioner Philbrook** said and I understand that. All I have to say is you chose your animal. I don't know what to tell you.

Commissioner Walker said I'm anxiously awaiting the—**Commissioner Philbrook** said it all takes a lot of time because we have to go through all the codes plus not just the codes that we

have, but the ones we don't have and what is fair and safe for the whole community and it just all takes time. You are more than welcome to come help.

Mayor Holland said I will say this, I remember, I think it was eight years ago that Commissioner Cooley and I took this on and it got so complexed between the health issues with KDHE, with zoning issue and with ordinances of what allows what. There are multiple layers to livestock in the city limits. It's infinitely complicated. **Commissioner Philbrook** said it's very labor intensive and I want to thank Doug for making it available for us to be able to do this because we have a wonderful lawyer that knows what she's doing and understands and we have extra help in this area. We are going to be diligently starting up the rabbits and chickens soon. **Mayor Holland** said we look forward to your report.

Commissioner McKiernan said I just have a couple of questions for Rob. As I look back through the Planning Commission materials, there were some allegations brought up about potential mistreatment of animals previously kept on that property but it looks like in the last report that Animal Control had no problem with care of any previous animals. Is that correct? **Mr. Richardson** said that's correct. **Commissioner McKiernan** said it appears that the staff's stipulations are that these permits can be invalid if at any time they are in violation of city codes. Is that correct? **Mr. Richardson** said correct. **Commissioner McKiernan** said it was also alleged that this individual had more than the allowed number of dogs currently on that property and that they were not in a fenced enclosure but allowed to run free. Was that ever resolved? Does he have more than the allowed number? **Mr. Richardson** said when Animal Control visited he was asked to remove one dog and did so. **Commissioner McKiernan** said okay. **Mr. Richardson** said that's my understanding. **Commissioner McKiernan** said and Animal Control didn't have any problem with the enclosure or the containment of those dogs. **Mr. Richardson** said when they visited, there was not an issue with that.

Roll call was taken and there were eight "Ayes," McKiernan, Murguia, Johnson, Walters, Philbrook, Bynum, Walker, Townsend.

REGULAR SESSION

MAYOR'S AGENDA

No items of business.

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NON-PLANNING CONSENT AGENDA

Mayor Holland said that brings us to our Non-Planning Consent Agenda. We have a Consent Agenda before us. Would any member of the Commission or member of the audience like to set-aside any of the three items on the Non-Planning and Zoning Consent Agenda. Let the record show no one came forward to remove an item.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve the Non-Planning and Zoning Consent Agenda.** Roll call was taken and there were eight “Ayes,” McKiernan, Murguia, Johnson, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 1 – 15110...RESOLUTION: UG SMALL BUSINESS INCENTIVE PILOT PROGRAM

Synopsis: A resolution adopting the creation of the UG Small Business Incentive Pilot Program, submitted by Charles Brockman, Economic Development. On September 14, 2015, the Economic Development and Finance Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-62-15,** “A resolution that the Board of Commissioners of the Unified Government is committed to fostering an environment where small businesses can grow and prosper and to that end, the Mayor/CEO, County Administrator, and the Unified Government’s other officers, agents, and employees are hereby authorized and directed to take such further action, and to execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this resolution as it relates to the Economic Development’s UG Small Business Pilot Program.” **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to adopt the resolution.** Roll call was taken and there were eight

“Ayes,” McKiernan, Murguia, Johnson, Walters, Philbrook, Bynum, Walker, Townsend.

ITEM NO. 2 – MINUTES...

Synopsis: Minutes from special session of September 3, 2015.

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

ITEM NO. 3 - WEEKLY BUSINESS MATERIAL...

Synopsis: Weekly business material dated September 24, 2015.

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

PUBLIC HEARING AGENDA

ITEM NO. 1 – 15108...PUBLIC HEARING/RESOLUTION: DAIRY FARMERS OF AMERICA IRBS

Synopsis: Conduct a public hearing to consider a resolution of intent to issue \$46M in Industrial Revenue Bonds (IRBs) and approve a PILOT structure for Dairy Farmers of America's (DFA) global headquarters to be located at the intersection of France Family Dr. and 98th St., submitted by George Brajkovic, Economic Development Director. DFA is requesting an increase in the IRB issuance amount from \$30M to \$46M. On February 26, 2015, the commission unanimously adopted Resolution No. R-18-15, approving the Development Agreement with the DFA. Subsequently, on May 14, 2015, the commission unanimously adopted Resolution No. R-31-15, authorizing the intent to issue \$30M in IRBs.

Mayor Holland said we have the Dairy Farmers of America (IRBs) Industrial Revenue Bonds. In this structure, we have moved it through the normal process that brings us to authorizing the intent to issue the IRBs. When I went to the groundbreaking, several of the Commissioners joined me at the groundbreaking, which was a great event that was held at Sporting. They were

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trying to work on an agreement to have cows graze on the nice grass at Sporting. There's no news on that agreement at this time though it seems unlikely. I will ask if the Commission would like to hear this presentation. We are prepared to do so. If you are satisfied, we would take a motion.

Mayor Holland opened the public hearing.

No one appeared in opposition.

No one appeared in support.

Mayor Holland closed the public hearing.

Action: **RESOLUTION NO. R-63-15**, "A resolution determining the intent of the Unified Government of Wyandotte County/Kansas City, Kansas, to issue its industrial revenue bonds in one or more series in the aggregate amount not to exceed \$46,000,000 to finance the costs of acquiring, constructing and equipping multiple facilities for the benefit of Dairy Farmers of America, Inc." **Commissioner Walker made a motion, seconded by Commissioner Philbrook, to adopt the resolution.** Roll call was taken and there were eight "Ayes," McKiernan, Murguia, Johnson, Walters, Philbrook, Bynum, Walker, Townsend.

Mayor Holland said we want to thank the gentlemen from the Dairy Farmers for being here tonight. Congratulations. We look forward to the construction phase.

STANDING COMMITTEES' AGENDA

No items of business.

ADMINISTRATOR'S AGENDA

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No items of business.

COMMISSIONERS' AGENDA

No items of business.

PUBLIC ANNOUNCEMENTS

Announcements
October 1, 2015

1. Notice of Need (NON) posted for Chief Knowledge Officer recruitment services. Submittals are due October 2, 2015 to the Purchasing Department's eProcurement site.
2. FACETS will present the final Fire Department Study report on October 2015 at 5:00 PM to the Full Commission and members of the public.
3. Planning Updates:
 - a. BNIM and TranSystems have been selected as leads consultants for the Rosedale Master Plan.
 - b. The team of Vireo, Olsson, and Gould Evans has been selected to work on the Tri-City, K-32 Corridor Study.
 - c. White, Smith & Associates has been selected to work on the Sign Code amendment.

Mayor Holland said we do have three announcements I'd like to make tonight. A Notice of Need was posted for the Chief Knowledge Officer position. That's the person who would oversee our innovation, technical, and open data pieces. They're decision was made to hire a recruitment firm for that position. We've had quite a bit of interest from different firms to provide that search. Those proposals are due tomorrow but I did want to clarify. Some people have asked if this was the posting of the position. This is a posting of a recruitment firm. Then that selection will be made and then the position will be posted after that. I wanted to bring that to your attention.

The FACETS Group that did our fire study will present to this full Commission on October 15 at 5:00 p.m. in the 5th Floor Conference Room. That will be on October 15 at 5:00

p.m. on the 5th Floor. That's a much anticipated study and it will be a comprehensive study and quite a long presentation.

Planning Updates. BNIM and TranSystems have been selected as lead consultants for the Rosedale Master Plan. That is in partnership with the Rosedale Development Association, the Unified Government, the hospital, the med center, and the Endowment Association, also the ATA has joined that study as well and are going to be helping us because of the number of employees and the need for transit at that site. We have a good team put together. There was a Request for Proposals, Notice of Need and BNIM was selected by the committee to lead that particular master plan.

Also the team for Vireo, Olson, and Gould Evans have been selected to work on the Tri-City K-32 corridor and quiet zone studies. That's an effort that we received a grant from the Mid-America Regional Council to do that study and that group has been selected and that study is underway. I've never heard it called the Tri-City. It's like the Tri-Wizard Cup, it's a Harry Potter reference.

Finally, White, Smith & Associates has been selected to work on a Sign Code revamp. There has been a lot of interest by this group to look at our Sign Code in a comprehensive way and that group has been selected. Those projects are all underway and wanted to make those announcements.

MAYOR HOLLAND ADJOURNED
THE MEETING AT 7:45 P.M.
October 1, 2015

tk

Bridgette Cobbins
 Unified Government Clerk

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