

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

PLANNING & ZONING AND
REGULAR SESSION
SEPTEMBER 27, 2018

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, September 27, 2018, with ten members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. Murguia, Commissioner Third District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell and Joe Connor, Assistant County Administrators; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Patrick Waters, Senior Attorney; Kathleen VonAchen, Chief Financial Officer; Rob Richardson, Director of Planning; Byron Toy and Zach Flanders, Planners; Janet Parker, Administrative Assistant; Lynn Melton, Assistant to the Mayor; Alan Howze, Chief Knowledge Officer; Chris Slaughter, Land Bank Manager; and Captain Ronald Schumaker, Sergeant-at-Arms.

Mayor Alvey called the meeting to order.

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

INVOCATION was given by Dr. Clarence Miller, III, pastor of Calvary Missionary Baptist Church.

Mayor Alvey asked I'd ask the Clerk if there are any revisions to tonight's agenda. **Bridgette Cobbins, UG Clerk**, said there are no revisions.

PLANNING AND ZONING AGENDA

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

Bridgette Cobbins, UG Clerk, asked if any members of the Commission wished to disclose any contact with proponents or opponents on any item on the Planning and Zoning Agenda. **Commissioner Bynum** said I've had contact with both the Unified Government and the School District on Plan Review #PR-2018-18. I've also had contact with the community. **Commissioner Walters** said (inaudible). **Commissioner Kane** said I had the same contacts that Commissioner Bynum had. **Mayor Alvey** said I also had contact with the School District.

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

Mayor Alvey asked does any member of the Commission or anyone in attendance tonight wish to set aside any item on the Planning and Zoning Consent Agenda. If an item is not set aside, all items on the Planning and Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission. **Jennifer Rios, 6601 Leavenworth Rd.**, requested to set aside #SP-2018-77. **Doug Bach, County Administrator**, asked to set aside C1, #PR-2018-18. **Commissioner Townsend** asked to set aside the miscellaneous ordinances concerning the mobile grocery store operations. There are two of them. **Rob Richardson, Director of Planning**, said that would be D1 and E1, Mayor. There are two of them. They are both related. **Larry J. Wilson, 3115 N. 41st St.**, asked to set aside Item No. 2, the nightclub issue for live entertainment. **Mayor Alvey** asked at 4220 Leavenworth Road. **Mr. Wilson** said yes. **Mayor Alvey** said that's #SP-2018-66. **Eric Crew, representing the building at 2217 and 2223 W. 39th Avenue**, asked to set aside Item No. 5, for karaoke at Tanner's Bar & Grill. **Mr. Richardson** said that's B5.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve all the items, except the set asides, subject to the stipulations.** Roll call was taken and there were nine "Ayes," Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley.

September 27, 2018

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 18420...CHANGE OF ZONE APPLICATION #3167 - DWIGHT REAGAN

Synopsis: Change of zone from R-1 Single Family District to A-G Agriculture District for agricultural activities at 3504 North 49th Drive, submitted by Robin Richardson, Director of Planning. The request is for a 15.1-acre property to be used for residential and agricultural processes and have more than one accessory structure on the property. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3167, subject to the stipulations.

Urban Planning and Land Use Comments:

1. How many structures are currently on the property and what are their uses? 3
2. Do you plan to keep livestock on the property? Yes
3. Apparently, livestock are already being kept on the property according to comments by the Conservation District and the neighbor. This is legal as they have a 15-acre tract.
4. The Conservation District indicates over grazing and potential erosion issues with the current level of pasture maintenance.
5. The neighbor indicates significant smell and pest (rodents, flies and fleas) issues since the livestock arrived.
6. There were no issues raised from the neighborhood meeting. The neighbors that wrote the opposition letter did not attend the neighborhood meeting.

Code Enforcement Comments: Property still has a portion of a foundation left from a previous demolition. The demolition is not complete until the foundations are removed.

Public Works Comments: None.

Stipulations:

1. The owner meet with the Conservation District and implement their best practice recommendations.
2. All livestock, structures, and manure/manure spreading be kept 100 feet from the southern property line, and that all runoff from areas where there is manure and/or livestock be kept away from the southern neighbor.
3. The remainder of the foundation related to the demolition be built upon or removed within 18 months.
4. Items 1-3 must be completed within 1 year. The rezoning ordinance will not be published until Items 1-3 have been completed.
5. If approved by the Board of Commissioners, a \$50 ordinance publication fee is due immediately.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #3167, subject to the stipulations.** Roll call was taken and there were nine “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley.

September 27, 2018

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 18413...SPECIAL USE PERMIT APPLICATION #SP-2018-64 - DALLAS WOLFE WITH 12TH STREET AUTO SALES

Synopsis: Renewal of a special use permit (#SP-2016-25 - expired 4/28/2018) for auto sales and repair shop at 914 South 12th Street, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2018-64 for two years, subject to:

Urban Planning and Land Use Comments: Please complete sidewalk on the north side to the edge of adjacent pavement:



Public Works Comments: None.

Business License Comments: The auto dealer at this location has filed the required occupation tax application and is current and renewed for this calendar year. However, the auto repair shop has still yet to renew and is in delinquent status.

Staff Conclusion:

Subject to approval, staff stipulates the following:

1. This special use permit shall be valid for two years.
2. Overhead doors shall be closed when vehicles are being worked on to prevent noise generated from the machinery projecting across the street.
3. Vehicles that are being repaired shall be stored in the rear of the property away from public view of South 12th Street. All inoperable vehicles must be screened from public view.
4. No displays on the sidewalk – this includes signs, pennants, attention-attracting devices, etc.
5. Comply with the aforementioned stipulations.

September 27, 2018

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-64 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley.

ITEM NO. 2 – 18421...SPECIAL USE PERMIT APPLICATION #SP-2018-66 - DARREN ALLEN WITH LOUNGE 42

Synopsis: Special use permit for a drinking establishment with live entertainment at 4220 Leavenworth Road, submitted by Robin Richardson, Director of Planning. The applicant is taking over the establishment from Timothy Drummer, Rhythm and Blues Lounge, the original applicant in 2014 and renewal in 2016. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2018-66 for two years, subject to:

Urban Planning and Land Use Comments:

1. How will this business’ operations differ from the previous bar and lounge?
Applicant Response: Operations will not differ from the previous owner. Age limit will change from 21 years old to 30 years of age.
2. Safety and Security:
 - a. Please provide a security plan documenting how you will ensure safety and security of the patrons and the public.
Applicant Response: There will be security guards provided both inside and out. Security at the door will check IDs to ensure proper age to enter as well as the use of a metal detecting device. We also have parking patrol in place to ensure proper parking.
 - b. Doors and windows will remain closed when entertainment is provided in order to mitigate noise.
Applicant Response: The doors and windows will remain closed at all times except to allow passage in and out of the main entrance.
 - c. Applicant must employ a card scanner for live entertainment events.
Applicant Response: Lounge 42 has employed a card scanner for live entertainment dates and events.
 - d. What days/hours will live entertainment be held?
Applicant Response: We will have a live DJ playing R&B and jazz until close – which is from 9:00 PM to 1:30 AM, Wednesday through Saturday. Jazz and blues bands will perform from 5:00 PM to 10:00 PM on Sundays.
 - e. What type of live entertainment will be provided?
Applicant Response: We will have blues, jazz R&B and a live DJ.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: None.
2. Items that are conditions of approval (stipulations): If changes are made to the existing access to the site, an updated access permit from KDOT shall be required.
3. Comments that are not critical to engineering's recommendations for this specific submittal but may be helpful in preparing future documents: None.

Business License Comments:

If approved, applicant will need to file and maintain the occupation tax application and regulatory licenses with our office for the business activities. Will there be any entertainment activities occurring at the business?

Applicant Response: We currently do not have any plans for entertainment activities. We only have plans for a DJ at this time. If anything changes, I will be sure to contact your office to see how we should proceed.

Kansas Department of Transportation:

If changes are made to the access, an updated access permit will be required.

Staff Conclusion:

The applicant has worked with staff to answer questions within the report. The applicant is taking over the Rhythm and Blues Lounge LLC from the owner and operator, Timothy Drummer, who has received two special use permits, 2014 (#SP-2014-8) and 2016 (#SP-2016-1) for live entertainment.

Darren Allen, operator of Lounge 42 LLC will conduct the establishment in a similar manner except for increasing the age admittance from 21 to 30 years of age. As previously stated, security will be present at the door and in the parking lot when the DJ and jazz and blues bands are performing.

Subject to approval, staff stipulates that following:

1. The special use permit is valid for two years.
2. Doors shall remain closed when music is being played or performed.
3. Sec. 27-464(c)(9) Retail businesses with parking areas or other outside customer-oriented areas within 100 feet of any residence shall restrict hours of operation to between 6:00 AM and 1:00 AM of the following day. The business shall close at 1:00 AM.
4. ID scanner shall be used during live entertainment dates and events.
5. Apply for an occupational tax application with the Business Licensing Department.

Rob Richardson, Director of Planning, said the application here is a change in ownership of the drinking establishment with live entertainment at 4220 Leavenworth Road. It comes to you recommended for approval for two years. I believe the applicant is present and can speak to the details of his operation.

Darren Allen, 4220 Leavenworth Road, appeared stating I worked at the lounge for over five years. A guy by the name of TS owned it and I was a DJ at the place. He got a little older and was going into retirement. He made me a deal on the place so I took it from him.

Just while I worked there, I saw different things that he could have done better. It still was a nice place; never had any problems or anything like that. I purchased it and just made a couple of upgrades on it; raised the age limit from 21 to 30.

We used to have a lot of smokers that would kind of congregate out in front, so we made a little deck thing in the back for them to go smoke so it wouldn't be a lot of in and out of the building for the safety of the customers.

Did a lot of upgrades on the place: did some painting, the wiring—the Fire Marshal and all of them really got me so the building is up to par on that.

We decided to come with a little more security. We've got some outside security to kind of help people in and out of the cars and just keep the riff-raff from sitting. If you're not going in, you have to leave. We've got special people just for that.

We've got an off-duty officer hired for inside and out to keep any type of problems down.

Any entertainment will be held inside; windows closed, kind of concealed inside the building or whatever it may be. I don't see any problem.

We've got the parking lot people that we've got to take care of the trash and stuff like that, really just trying to get something a little bit nicer for the older people of Kansas City, KS. Sundays, we're going to have jazz and blues, something different. We're not trying to have something where people are jumping around, just something—I know a lot more like bands off of Vine.

I work at UPS. I've been there over 30 years. There are some people who have some nice bands that really don't have a lot of places to play at.

Me and my buddy here, he works for the railroad. We saw the opportunity so I kind of talked him into it. Hopefully, it will be okay. I'm pretty sure it will. We've made a lot of upgrades on it and whatever we have to do to make it happen. We're in it now. The wives—we've got to make it happen. It took me a while to tell her I bought it.

Mayor Alvey opened the public hearing and asked if there is anyone present who would like to speak in support of #SP-2018-66. No one appeared.

Mayor Alvey asked is there anyone who would like to speak in opposition to this application.

Larry J. Wilson, 3115 N. 41st St., appeared stating I'm in proximity of the club. The previous owner, Mr. Drummer, agreed to police the area after the club's closing hours and before it opened the next day. There was a huge problem there with trash and debris being left by the patrons of the club throughout the neighborhoods. I feel that the new owners should do no less than Mr. Drummer did. I don't have a problem with the new activities that they want to present. I don't have a problem with that, but just don't do any less than the previous owner.

Mr. Wilson said I would like to ask the Board if they would entertain the idea of putting towaway zone signs on 41st St. rather than no parking signs because it's about as bad as Leavenworth Road. There are no shoulders on either side of the street. With the overflow patrons from the club, if they park there, it's non-negotiable. I would just entertain the idea of putting towaway zone signs as to no parking signs. Everything else, I'm comfortable with as far as the policing of your parking lot or your added security and everything. I'm good with everything else. Just don't do any less than Mr. Drummer did.

Alfie Carter, 4220 Leavenworth Road, appeared stating I'm a business partner with Mr. Allen. As he stated, we have parking patrol. They'll be canvassing the neighborhood. We also contacted the city about the vacant lot that's next door to the property about obtaining it so we can add additional parking. There was parking in the back, but there was no lighting; some overgrown weeds, so we're in the process of trimming that back and adding additional parking so that parking won't be an issue on 41st St.

Juan Antonio Vividor appeared stating he owns 4100 Leavenworth Road. Previous nights of, I guess, the party or club being opened, they would come into my driveway and park on my property for no reason. We started laying a big, old log right in front of the drive and they would move that to get into the property or go to 41st in the yard; park at the yard. If they would organize that pretty good, like he said, maybe towaway signs.

Commissioner Townsend said it is amazing how quickly two years can pass because I can remember when this was brought two years ago and some of the neighbors had concerns about trash that was being left and security. It sounds as though—even though I haven’t heard anything since that was approved, I’m glad to hear that the new owner, Mr. Allen, and his partner are going to continue to make noise, security, and trash collection in the neighborhood a paramount concern.

Listening to the other two gentlemen, your neighbors, something still has to be done. We hope you can step it up to circulate outside your club and see where the parking violations are occurring and develop some way to address that issue so it’s not a problem to your neighbors.

As I said, I have not heard in the last two years from your predecessor that some of the things we instituted as stipulations two years ago for the drinking establishment/entertainment were violated, but sometimes it takes this to bring concerns to the floor. We want to see those addressed if this goes forward.

Also, I’m not sure who would be—is it Public Works who would address the issue of towaway versus no parking? How can that be addressed? **Doug Bach, County Administrator**, said that’s what we would do. We would take a look at it. We’d look at it probably from both Planning to see what uses are on that street, but also, we would then take Traffic Engineering to take a look at it.

Commissioner Townsend said in the meantime, I would expect the new owners to make that their paramount concern so it’s not a problem for your neighbors. Other than that, I would support it and wish you well, and the request concerning the parking will be looked at.

Action: **Commissioner Townsend made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-66 for two years, subject to the stipulations, and look at the request concerning parking.** Roll call was taken and there were nine “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley.

ITEM NO. 3 – 18414...SPECIAL USE PERMIT APPLICATION #SP-2018-69 - JACK MCDONALD WITH ENVIRONMENTAL MANAGEMENT OF KC

Synopsis: Renewal of a special use permit (#SP-2008-13 - expired 5/1/2018) for an oil recycling facility at 861 South 66th Terrace, submitted by Robin Richardson, Director of Planning. This is a

proposal to continue to operate the facility in the Muncie Industrial Park that processes petroleum products, primarily so that they can be reused for fuel. The special use permit is necessary because it is considered to be a solid waste processing, storage, and transfer site. The proposal was originally approved in 1998. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2018-69, subject to:

Urban Planning and Land Use Comments:

1. Does the operation emit any odors?

Applicant Response: There is no odor because the operation uses a thermal oxidizer that incinerates gases that could be a nuisance. The operation has been through Unified Government air quality division process.

2. Have there been any complaints by neighbors?

Applicant Response: The property owner to the north has generated several complaints, which resulted in audits by KDHE, EPA, and the Fire Marshal. No problems were found during the audits. The complaints may have been in retaliation to an incident involving the property owner to the north wanting to burn a large brush pile near the shared property line.

3. If approved, recommend approval for another ten-year period.

Public Works Comments: None.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-69 for ten years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley.

ITEM NO. 4 – 18415...SPECIAL USE PERMIT APPLICATION #SP-2018-70 - LILIANA S. GONZALEZ WITH LILIANA'S HAIR HOUSE

Synopsis: Renewal of a home occupation special use permit (#SP-2013-31 - expired 5/30/2018) for a beauty shop in the application's home at 4402 Roswell, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2018-70 for ten years, subject to:

Urban Planning and Land Use Comments:

1. Has your operation changed since the approval of the SUP in 2013?

Applicant Response: See attachment providing comments from the applicant.

2. Approval for 10 years.

Public Works Comments: None.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-70 for ten years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley.

ITEM NO. 5 – 18425...SPECIAL USE PERMIT APPLICATION #SP-2018-71 – STEVE SENECA WITH TANNER’S BAR AND GRILL

Synopsis: Special use permit for live entertainment in conjunction with Tanner's Bar and Grill at 3900 Rainbow Boulevard, submitted by Robin Richardson, Director of Planning. The proposed live entertainment is karaoke on Friday nights from 8 PM to 10 PM. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2018-71 for two years, subject to:

Urban Planning and Land Use Comments:

1. Live entertainment shall be limited to karaoke on Friday nights between 8 PM and midnight.
2. The business must use an ID card reader when live entertainment is occurring.
3. Approval is for two years.

Public Works Comments: None.

Rob Richardson, Director of Planning, said I would just note that this is a special use permit request for live entertainment, basically karaoke and other game night kind of things for Tanner’s on Fridays and Saturdays. The applicant, I believe, is here and can give more details on that. It is recommended for approval.

Rodney Cuy(sp), 3900 Rainbow, Tanner’s Bar & Grill, appeared stating we are looking to do some live entertainment, low key, no big bands or anything, but karaoke and items like that. Basically, we’ve got a lot of requests from the neighborhood, customers coming in. Right now, we have no entertainment at night. We’re just trying to get something that’s a little bit of fun that the patrons can enjoy doing while they’re eating and having a few drinks.

Mayor Alvey opened the public hearing and asked if there is anyone present who would like to speak in support of #SP-2018-71. No one appeared.

Mayor Alvey asked is there anyone who would like to speak in opposition to this application.

Eric Crew appeared stating I represent the apartment building just across the alley from Tanner's where we have approximately 24 residents that like to have the quiet use and enjoyment of their apartment. They do have balconies that they're able to sit on. One family has a one-year-old child. Currently, we—I patronize Tanner's; our residents do. We like Tanner's. He's even come by my table making sure everything is alright before.

We already have a noise factor problem where we get complaints from the neighbors that live there. We have a parking issue where they park on our lot.

What we're looking for is more of a compromise if they could make sure all the doors, windows, and openings to the exterior are closed during the karaoke time period. We think we could get along and live as good neighbors together. If they're just blasting music out the window, I mean, some of them are just literally 40 feet from the band, or some guy singing like crazy at midnight. We're just looking for a compromise.

Mayor Alvey closed the public hearing and asked if the petitioner would like to make closing comments.

Mr. Cuey(sp) said I have no problems with his request—the windows and whatnots—I don't know if anybody has been down there, we do have garage doors and people do like them. I can understand and respect what he's saying about the noise. I have no problem closing that during those times. We have speakers on the outside. We do have a patio. We normally keep them at a lower volume sometimes at night. They might sound louder than what they are. We can turn them off at night; we can turn them down at night. We can get a personal rapport together and any requests, whatnots, will be handled directly by myself, I'm the general manager, and my management team there. We can basically squash any problems that we might have. I have no problems closing the windows and keeping the volume down.

As far as the parking is concerned across the street, we do have signs in our place saying, “Do not park across the street.” We have a parking garage. Maybe we can work together to make some more signs maybe in his area so it’s a little clearer because people do park. Unfortunately, sometimes when we’re busy, it’s kind of hard to police everybody that’s coming through the door and where they’re parking. I do notice that that is an issue, so the parking is something that we can work together as well. Are those the two main—okay, I have no problem on either of those or anything else that might arise—trash or anything like you were saying about the other club, anything like that, we have no problem policing our area and keeping the neighborhood nice.

Mr. Richardson said their hours are 8:00 – 11:00 for their live entertainment, so that would be the hours that they keep the doors closed and keep the outside speakers off.

Action: **Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2018-71 for two years, subject to the stipulations to include closing the doors and working with the neighbors on the parking issue.** Roll call was taken and there were nine “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley.

ITEM NO. 6 – 18416...SPECIAL USE PERMIT APPLICATION #SP-2018-72 - ANDRE D. HAMPTON

Synopsis: Renewal of a home occupation special use permit (#SP-2016-58 - expired 8/25/2018) for gun repair/sales at 1728 North 32nd Street, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2018-72 for two years, subject to:

Urban Planning and Land Use Comments:

Neighborhood Concerns:

Firearms of any kind in a neighborhood can create some legitimate concerns among neighbors. Staff will gauge neighborhood concerns or lack thereof expressed during public hearing to help determine if this renewal is appropriate for this area.

Amount of Inventory on the Premises:

1. How much inventory have you kept, on average, during your two-year permit term?

Applicant Response: Four items.

2. What has been the maximum number of firearms for sale you have had on the premises at one time?

Applicant Response: One firearm.

Sales:

What has been the number of sales per day/month/year?

Applicant Response: I sold three firearms in 2017 and four firearms in 2018.

Safety and Security:

Have there been any incidents at your residence during these two years?

Applicant Response: None.

Restrictions:

If approved, staff recommends the following stipulations. The applicant shall have:

1. No signs.
2. No employees other than members of the immediate family residing on the premises.
3. No more than two clients at any one time.
4. Hours of operation being Monday through Friday, 6:00 PM to 9:00 PM and Saturday through Sunday, 10:00 AM to 6:00 PM.
5. Ammunition on the premises shall be limited to the amount that is for the applicant's personal use.
6. Approval will be for two years.

Public Works Comments: None.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-72 for two years, subject to the stipulations. Roll call was taken and there were nine "Ayes," Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley.

ITEM NO. 7 – 18417...SPECIAL USE PERMIT APPLICATION #SP-2018-73 - SEAN TULIPANA WITH 5252 SPEAKER ROAD, LLC

Synopsis: Renewal of a special use permit (#SP-2016-44 - expired 5/26/2018) for a maintenance/servicing facility for trucks at 5252 Speaker Road, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2018-73 for ten years, subject to:

Urban Planning and Land Use Comments:

1. Have any of the business practices changed in the past two years?

Applicant Response: No

2. Is this facility still closed to the public?

Applicant Response: Yes

3. It should be noted the applicant's represented indicates that Factors to be Considered 8-10 should not increase due to the current use as it is an existing use. This is a special use permit and it assumes this is a new use as its continuation is not guaranteed.

4. If approved, this petition is valid for ten years.

Public Works Comments: None.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-73 for ten years, subject to the stipulations. Roll call was taken and there were nine "Ayes," Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley.

ITEM NO. 8 – 18418...SPECIAL USE PERMIT APPLICATION #SP-2018-74 - TERRY D. MASON WITH POSITIVE ROLE MODELS INTO DEMANDING EXCELLENCE

Synopsis: Renewal of a special use permit (#SP-2016-62 - expired 8/25/2018) for a group home/emergency shelter for youth 12 to 17 at 1634 South 29th Street, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2018-74 for two years, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, the special use permit shall be valid for two years.

2. What, if any, changes have occurred since your renewal in 2016?

Applicant Response: The only change is that we have added "Emergency Shelter" to the services. We were already able to take children who were PPC (Police Protective Custody). This allows us the flexibility of admitting an emergency placement and both parties being able to see if it is a good fit. It also allows the child to start therapy immediately because of the in-house therapist.

3. Are the youths from Wyandotte County or are they from the Kansas City metropolitan area?

Applicant Response: Wyandotte County.

4. How are the youths chosen for this particular group home?

Applicant Response: The population we serve are: SED (Severely Emotionally Disturbed), abused, abandoned, ward of the state, CINC children (Children in Need of Care), non-adjudicated kids experiencing trauma from dysfunctional parenting.

5. How many vehicles will be making daily trips to this location?

Applicant Response: There will be 2-3 trips per day. The staff on duty, director and therapist.

6. How many staff members will reside at the home?

Applicant Response: No staff members will reside at the home.

7. What are the proposed hours of operation?

Applicant Response: The facility is open 24 hours a day, 365 days a year.

8. What is the typical, day-to-day operation of the group home?

Applicant Response: A typical day will include: the children being woke up for breakfast, medication, given encouragement for the day before they leave for school. Anyone who has appointments will be taken to them by staff. Once home from school, they will have a snack, do homework and chores. Some will have individual therapy; the others will do what we all plan for the evening. They will then have dinner, get showers, take medication and prepare for bed.

9. Are there plans for visitors?

Applicant Response: The caseworker is the primary visitor. However, there may be an hour visit with a parent to be involved in a therapy session from time to time.

10. No signs shall be posted on the property.

Applicant Response: There will be no signs posted on the property.

11. Have there been any issues with the neighbors in the past two years since the group home has been renewed?

Applicant Response: There have been no issues with neighbors.

Public Works Comments: None.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-74 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley.

ITEM NO. 9 – 18426...SPECIAL USE PERMIT APPLICATION #SP-2018-75 – FARIS FARASSATI WITH KC OUTLOOK ROSEDALE, LLC

Synopsis: Special use permit for renovations and expansion for KC Outlook Rosedale Daycare at 2605 West 39th Avenue, submitted by Robin Richardson, Director of Planning. This will be a commercial daycare. The building was previously used as a daycare from 1989 until 2004. The

Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2018-75 for two years, subject to:

Urban Planning and Land Use Comments:

1. Approximately how many employees will be at the daycare at any given time?

Applicant Response: There will be up to 10 employees.

2. Approximately how many children will the daycare serve?

Applicant Response: There will be up to 85 kids, (partly determined by the state based on size).

3. What are the proposed hours of the daycare?

Applicant Response: Hours will be 6:30 AM to 6 PM.

4. Are there any signs proposed to go along with the daycare?

Applicant Response: We will propose 3 signs, one on the east, one on the west, and a monument sign on the corner.

5. Sidewalks are required to be installed. Please install a new 5-foot-wide sidewalk on the northwest side of the property along 39th Ave. & Lake Avenue to the western edge of the property. Replace broken sidewalks on the east side of the property and install an ADA ramp at the corner of Springfield and 39th Avenue.

Applicant Response: We agree to adding sidewalks and ADA ramps at the corner.

6. Landscaping is required. Please install street trees every 30 feet along Springfield and 39th & Lake Avenue.

Applicant Response: We agree to street trees at 30' O.C. Is there a minimum caliper or type required?

Staff Response: Trees are required to have a minimum caliper of two inches. Please see attached list of permitted street trees.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: None.

2. Items that are conditions of approval (stipulations): Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.

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

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-75 for two years, subject to the stipulations. Roll call was taken and there were nine "Ayes," Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley.

ITEM NO. 10 – 18427...SPECIAL USE PERMIT APPLICATION #SP-2018-77 – JENNIFER L. RIOS

Synopsis: Special use permit for a daycare for children ages 2 to 12 at 6601 Leavenworth Road, submitted by Robin Richardson, Director of Planning. The applicant is seeking to operate a daycare in a home that is not her primary residence. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2018-77 for two years, subject to:

Urban Planning and Land Use Comments:

1. How many children do you expect to have in your care?

Applicant Response: 10

2. How many employees do you intend to have working at any one time?

Applicant Response: 2

3. If approved, the applicant must obtain a business license tax receipt.

4. Please explain how you plan to keep noise down as to not bother neighbors nearby.

Applicant Response: The applicant will build a privacy fence.

5. How do you plan to ensure parking and traffic is not an issue when parents are dropping off and picking up their children?

Applicant Response: The drive can accommodate up to 11 cars.

6. Any parking area needs to be striped and meet code requirements for dimensions.

Applicant Response: The applicant agrees.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: The Leavenworth Road improvement project early designs for this section of the road indicates the closure of one of the drive entrances i.e. close to the intersection with N. 65th Street. along with the construction of a new drive entrance to the property on N. 65th Street. The applicant shall adjust access to the site in accordance with the Leavenworth Road improvements.

Applicant Response: I will have maps for the parents indicating they must come from 72nd Street toward the daycare and my driveway curves like a cul-de-sac and has enough driveway to where they can enter my driveway and then turn left to exit facing head out to Leavenworth Road not backing out into the street. So, this ensures a safe exit to Leavenworth Road. This work on Leavenworth Road will not be an issue at all.

2. Items that are conditions of approval (stipulations): None.

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

Rob Richardson, Director of Planning, said this is the applicant. She's asked for this to be set aside. There was a stipulation regarding the number of children at the Planning Commission that I think she's going to ask you all to increase that. I'll let her give her specific request.

Jennifer Rios, 6601 Leavenworth Road, appeared stating I realized in a later conversation with Planning and Zoning that I was being considered for only 10 children for the daycare. I truly need at least a minimum of 20 children total, especially for that two-year period. It's a long time to kind of (microphone was adjusted). I was saying I need a minimum of 20 children total within those two years to kind of get the business running and be able to pay for the expenses that I'll have and the help that I'll need.

When I had previously said 10 in the conversation that I had last time, I was just saying that would be the amount that I would have in my group at the daycare, is what I was trying to say. Among the 10, that would include my two children, which are my 10-year-old and 7-year-old, so it's really 8. I was wanting to see if we could add at least another 10 so that I could have another teacher and have 20 total within those two years. I do believe that I can meet that amount within the two years. I also would actually need that to be able to cover my expenses. Who do I need to see if we can amend that?

Commissioner Philbrook said I'm the commissioner on that one. I've got a couple of questions for her. Originally when this came before our Planning Commission, they approved what you asked for was 10, right? **Ms. Rios** said no. I had actually put on there that I was going to have several teachers and I think it was a maximum of—I was talking about long term and how many I could have. I hadn't really personally specified like a minimum amount. I was just saying—**Commissioner Philbrook** said I want to get Rob's response on this because I wasn't at that particular meeting.

Mr. Richardson said we asked the question, how many children do you expect to have in your care. We meant the whole facility as her care. She took that as her care as a personal provider in that, so she said 10 and that's what we went through with.

I would just note that no one came to her neighborhood meeting, and there was no one at the Planning Commission meeting for or against this so, I don't think that there is any issue of letting people know. We didn't put a specific number in our notice or anything like that.

I would just also, Ms. Rios, you might say, I know you've asked for a minimum of 20, but you might also say what you would like to have approved if it's more than 20. **Commissioner Philbrook** said say that again. **Mr. Richardson** said she said that the minimum that she would like would be 20, but is that the whole number that she might want in two years. The Commission might be inclined to say 22 is fine or 28 is fine or 18 is fine, I don't know what the number is. It might be that you would ask for more than 20. You should do that at this time so we don't come into this situation again. **Mayor Alvey** said in other words, what is your capacity. **Ms. Rios** said 60. **Mayor Alvey** said I'm sorry. **Ms. Rios** said from what I understand, it's 60 based on the square footage. We talked about the parking space also having enough for people to actually park; the acreage for the yards, and the children would be half an acre. That's the max.

Commissioner Philbrook said I'm feeling kind of back to the wall on this one because I really—since I don't know what you really should have, and I really always hesitate, not that I don't appreciate what you're trying to do, but I like to hear from the professionals other than the person that's coming forward on what they feel the capacity on stuff like this. I do have a problem with people coming forward to do that.

Do you want to send it back to get an approval or leave it like it is? I'm really intending to go back and get an official opinion from somebody that does this kind of work before I give a kneejerk reaction and say oh, sure; go ahead. Sorry. What do you want to do? I think the option is accept the 10 or send it back. **Ms. Rios** said it really wouldn't make any sense for me to have just 10. My minimum, I would say, would be the 20 and then maybe we could entertain more down the road.

Action: **Commissioner Philbrook made a motion, seconded by Commissioner Johnson, to return Special Use Permit Application #SP-2018-77 back to the Planning Commission using 12.**

Mayor Alvey said we would need to hold a public hearing. **Ken Moore, Chief Legal Counsel**, said all items coming from the Planning Commission should have a public hearing. Before the Commission takes any action, you ought to see if anyone present wants to speak for or against before the Commission votes.

Commissioner Bynum said I'm not an expert in this either, but 60 sounds like way too many. I am very familiar with your building. I'm very familiar with the size of your building. It is not a big building.

About a year ago, we approved a special use permit for foster care very near your building for a building five or six times the size of your building for maybe 30 kids. You can see we're all struggling here with the concept of 60 kids in your building. **Ms. Rios** said right. **Commissioner Bynum** said I think one question I have for you is, do you mean at a time; 60 kids at a time? **Ms. Rios** said, the whole house would be for the daycare. It is, I believe, almost 2,000 square feet with the finished basement now. What I did was I took in some people that actually have daycares, and when I took the classes, I inquired on how much square footage it is. That's kind of what they mentioned. I don't personally know if I would want that many myself either, but that was kind of the number that was thrown out to me. I was thinking myself, I would like to have at least the 20. I know for sure that basically we have, I guess, it would be like six rooms dedicated for the 20. They would all be themed rooms.

Commissioner Bynum said this question is technical for staff. With regard to sending it back to Planning and Zoning for a more professional answer on how many children that size building can accommodate, I think that's what we're being asked to do. Is that one of our factors to be considered when we determine a special use permit? Which factor would that fall under for us? **Mr. Richardson** said I think that would fall under criteria 12, whether the proposed use would result in overcrowding of land or cause undue concentrations of population. **Commissioner Bynum** said okay. Good enough for me. Thanks, Rob.

Commissioner Markley said probably not relevant to sending it back, but I was just going to clarify. You're going to be a licensed facility so someone else is going to be deciding how many kids to each person. It's not that you would be handling—**Ms. Rios** said yes, exactly. **Commissioner Markley** said somebody else takes care of that. **Ms. Rios** said everything would be according to the rules and the laws. Again, I do say, I want to say I do have my master's in education and I also studied childcare development. I have a lot of experience with children. Yes, I know the rules change and if anything ever changed, I would definitely follow them. Actually, my teacher to student ratio, I'd want to be lower than other places. That's really what I want to

strive for because I want them to have that extra attention, that extra care. Again, that's another reason why 10 really wouldn't work for me. It will be me and I'll actually have someone else with the 10 with me. That's my plan. It's not just going to be me.

Commissioner McKiernan said I appreciate Commissioner Markley's point. I just looked this dwelling up on LandsWeb and it says it has 1,508 square feet in the living area. It seems to me that 1,500 square feet is an awfully small space for 20 children, plus whatever adults are required to supervise those children and keep them safe while they're on that premise.

I definitely think this deserves more attention. It should go back to the Planning Commission. I think that somewhere there's got to be a regulation that specifies how much square area there needs to be per child or per person in any daycare facility. I don't know what it is, but there's got to be. **Mr. Richardson** said there's a state law regarding that. If it goes back, we'll get that information provided. **Ms. Rios** said, also, I think that only includes the—it doesn't include the finished basement actually, that square footage. **Commissioner McKiernan** said it is the official record of this dwelling in our records.

Mayor Alvey opened the public hearing and asked if there is anyone present who would like to speak in support of #SP-2018-77. No one appeared.

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

Faris Farassati, 12704 Woodson St., Overland Park, KS, appeared stating same type of application I had. It's about 35 a square foot per kid by the state. There is a pamphlet/website by the State of Kansas, so they would come and take a look exactly like you guys said. They would come and take a look. The bathroom and kitchen are out of it. The rest of the area that is defined as the classroom, then it's 35 a square foot per kid. In my humble eyes—the State of Kansas in many cases, basement is not in their official records. I have a 6,000 square foot; it's listed as 4,000 square foot. Below the ground, they won't even put it in. From the Health Department, they would come and they'd look at the areas that are defined as classrooms. They measure it and they tell you exactly how many kids you can have there. I just thought that information might be useful. From

what I collected, I think 20 would be okay for that square footage after you count out bathroom and the kitchen. No conflict of interest.

Marcia Rupp, 2816 N. 46th St., appeared stating I don't know if Angela—I didn't hear her very good. Did you hit on how many were going to be over these children per child? **Commissioner Markley** said yes.

Mayor Alvey closed the public hearing.

Roll call was taken on the motion to refer the application back to the Planning Commission, per criteria 12, and there were nine “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley.

Mr. Richardson said just to clarify, this will go, I think we can get this onto the October 8th Planning Commission meeting so that would be the date that it's heard at the Planning Commission. I'll talk to Ms. Rios right now about the other issue.

ITEM NO. 11 – 18419...SPECIAL USE PERMIT APPLICATION #SP-2018-78 - JEFFREY ZIMMERMAN

Synopsis: Renewal of a special use permit (#SP-2016-45 - expired 7/11/2018) for an auto repair shop and used car dealership at 6863 State Avenue, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2018-78 for two years, subject to:

Urban Planning and Land Use Comments

1. Front parking area shall be stripped according to the site plan that was submitted with one ADA space and one customer space. The front parking lot shall be reserved for customers. Cars for sale may not be parked in the front parking lot.
2. Building shall be maintained in good condition.
3. Landscaping shall be maintained in good condition.
4. No automobiles available for sale, rent, lease will be inoperable, ruined, dismantled, or wrecked.
5. Approval for two years.

Public Works Comments: None.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-78 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley.

ITEM NO. 12 – 18428...SPECIAL USE PERMIT APPLICATION #SP-2018-79 - JOE HEIDRICK WITH CACTUS BED PROPERTIES LLC

Synopsis: Special use permit for short-term rental Airbnb at 3841 Lloyd Street, submitted by Robin Richardson, Director of Planning. The applicant will not live in the house and will rent the entire residence through short-term rental websites. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2018-79 for one year, subject to:

Urban Planning and Land Use Comments:

1. How long has the business been in operation?

Applicant Response: We have yet to start operation of the business, and the house is currently occupied by a family friend who is going through cancer treatment at KU Med.

2. Were neighbors consulted prior to opening the business?

Applicant Response: I have personally met both neighbors and have kept them in the loop throughout the process. I have asked them about their thoughts and offered my personal phone number to each of them if they have any concerns with the state of the property. Both have indicated they are very pleased with improvements that have been made.

Please see the neighborhood meeting minutes. Neighbors are pleased with the use of the property as a house for patients and families but have concerns with Airbnb.

3. Do you have a business license?

Applicant Response: I currently do not hold a business license but do have a rental license. I will obtain a business license.

4. Have you paid appropriate lodging taxes?

Staff Response: The applicant did not respond to this question; but if the property is not operating as a short-term rental, then there is no need to pay lodging taxes.

5. How many rooms are rented?

Applicant Response: There are five conforming bedrooms in the house and two full bathrooms. We offer this for rent as a four bedroom to control the number of occupants.

The house has five bedrooms and six beds. One king, one queen, three full, and one single. At maximum, eight adults and two children can stay comfortably.

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

Applicant Response: If the tenants are all related, the maximum number of occupants in the house is ten. Otherwise, we will comply with the city regulations of no more than five occupants who are not related.

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

Applicant Response: We limit the number of vehicles to three during any rental period. The 40-yard driveway and 2 car garage is plenty to handle three vehicles without disrupting the neighborhood.

Staff Response: While parking is available on both sides of the street, on-street parking is often a source of concern and conflict for neighbors. To minimize this concern and because the driveway extends to the rear yard, renters shall be required to park in the driveway and not on the street.

Applicant Response: Tenants will be required to park in the driveway.

8. How often are guests in the residence?

Applicant Response: The house will be available for rent any time except days needed for maintenance.

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

Applicant Response: Yes.

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

Applicant Response: See details of house in the attachments.

11. How often are you at the property? How often do you travel? Staff has concerns that if you're out of town and an issue arises for neighbors, you are not physically there to address the situation.

Applicant Response: I personally live 10 minutes from the property and work 4 blocks away. I have great pride in the transformation of this property and will continue to work to make sure it is great for our guests and an asset to the neighborhood.

Staff Response: Could you elaborate how often you visit the property?

Applicant Response: Currently, I am at the property at least 5 days a week.

12. Who is the point person for any issues that may arise?

Applicant Response: I am the point of contact.

13. Do your neighbors have your contact information?

Applicant Response: Yes, I have met with my neighbors on either side of me.

Staff Response: We suggest reaching out to your nine other residences on the street to let them know that you are intending to operate a short-term rental at 3841 Lloyd Street. Additionally, contact your neighbor to the east, off Fisher Street as they are an abutting property owner.

Applicant Response: Yes, my contact information has been shared in person and in a letter. I have attempted to reach the homeowner on Fisher Street unsuccessfully to this point.

14. In addition to no parties and events, as associated with Airbnb and other website bookings, no outside visitors, and only overnight guests who have a reservation are permitted to stay.

15. Weekday and weekend quiet time shall be at 10:00 PM.

Business License Comments:

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

Public Works Comments: None.

Stipulations for Approval:

1. Host will maintain a safe environment including:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house.
 - b. GFCI outlets are required in bathrooms.
 - c. Double keyed locks are not allowed.
 - d. Copper cannot be used for gas supply lines.
 - e. Windows must be operable, not blocked or boarded.
 - f. Handrails are required at sets of 4 or more stairs/risers.
 - g. Hot water tank and furnace must be vented properly and operational.
 - h. Electric panel and circuits must be safe.
2. Host will obtain a business license with the city for the property.
3. The maximum number of guests is limited to eight people (not including an infant/child).
4. Only one additional (guest) car is permitted.
5. Quiet hours begin daily at 10:00 PM.
6. Approval is for one year as the applicant does not reside in the home but works four blocks away at KU Medical Center.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-79 for one year, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley.

PLAN REVIEW APPLICATIONS

ITEM NO. 1 – 18436...PLAN REVIEW APPLICATION #PR-2018-18 - BRIAN HILL WITH MKEC ENGINEERING

Synopsis: Preliminary plan review for an elementary school (Brune Elementary School) at 8833 Waverly, submitted by Robin Richardson, Director of Planning. The applicant, on behalf of Kansas City Kansas Public Schools, wants to build a new 72,004 square foot elementary school on 17.44 acres. The Planning Commission voted 8 to 0 to uphold its previous recommendation and recommends approval of Plan Review Application #PR-2018-18, subject to the previously

approved stipulations (listed below) and one additional stipulation that the school district work with staff to attempt to find a solution for a sidewalk to be constructed that will connect to Waverly: constructed that will connect to Waverly:

Urban Planning and Land Use Comments:

1. The landscape plan does not include a legend indicating quantity or species.

Applicant Response: Legend including quantities and species will be included with final development plan submittal once final landscaping has been determined. For additional landscaping added to southern property line, a revised landscape plan is included in this resubmittal.

2. One tree is required per 7,000 square feet of site area; therefore, 92 trees are required to be planted. This does not include street trees or parking lot islands. How many trees are included in the existing screening to the northwest and northwest of the proposed building?

Applicant Response: Over 92 trees currently exist and will be preserved to meet this requirement.

3. All rooftop mechanical equipment shall be screened from public view by the parapet. The public view extends to the boundary of the property line and public right-of-way.

Applicant Response: Rooftop mechanical equipment shall be located so it is typically not visible from the public right-of-way as confirmed by Rob Richardson previously. Rooftop equipment that is visible from the public right-of-way shall be screened by parapets or similar building elements. The owner may, at their discretion, elect to provide equipment-mounted screens on RTU's which are otherwise not visible from the public right-of-way. Adjacent private property is not considered public right-of-way.

4. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building.

Applicant Response: Comment acknowledged; all items will be screened with landscaping.

5. All downspouts will be internalized.

Applicant Response: Typically, downspouts will be internalized. There will be a few cases where proper building design renders this approach infeasible. In such cases, downspouts will be minimized visually and/or design by other building elements.

6. The parking lot islands shall not be hatched, instead they shall be curbed and landscaped.

Applicant Response: The site plan proposes a 28' landscaped median located in the center of the parking lot. The large median will exceed parking lot landscape requirements and is a more conducive location for landscaped than curbed islands. Also, snow removal will be plowed over the west curb line of the parking lot. The striped islands better allow for snow removal. We propose the site plan remain unchanged and is a better option aesthetically than adding additional smaller medians.

Staff Response: Mark Twain Elementary, Hazel Grove Elementary, and Frank Rushton Elementary Schools have curbed and landscaped parking lot islands that bookend their parking lots and Lowell W. Brune Elementary School shall be treated no differently.

7. All lighting, whether mounted on the wall or installed in the parking lot shall have 90-degree cutoff fixtures. Light fixtures mounted on the wall shall be decorative, including those above egress doors.

Applicant Response: Comment acknowledged.

8. The trash enclosure doors shall not be oriented towards the street. At the entrance into the site from the roundabout, the enclosure doors are in full view.

Applicant Response: The trash enclosure is currently outside of all the fenced play areas and is located in close proximity to the kitchen. Relocating the trash enclosure east would result in a potential truck conflict with students at play areas. The proposed site plan currently provides a landscape buffer along the perimeter of the enclosure and the drive approach to the enclosure. The trash enclosure will be approximately 20' higher in elevation relative to the right-of-way at North 91st Street. In addition, the enclosure and doors will be made of materials consistent with the building. Due to the overall functionality of the site and limited views from the street, we propose the enclosure location and orientation to remain unchanged.

Staff Response: The landscape buffer has been extended from the trash enclosure to shield the enclosure doors from North 91st Street.

9. A sidewalk shall be extended from Parallel Parkway to Georgia Avenue on 91st Street. This school is combining two schools in the area, White Church at 85th and Greeley Avenue and Bethel Elementary School at 77th and Yecker Avenue.

Applicant Response: The District will be changing the standard bussing policy for Lowell W. Brune Elementary and will be providing bus service for all students attending Brune Elementary. The School District will build a sidewalk on District property across the 91st Street property frontage shown on the preliminary development plans.

Staff Response: There will be students walking to this elementary school along 91st Street as there are residences north towards Georgia Avenue. If this sidewalk extension is not approved with this project, it will be included in the Safe Routes to School Program which the City would likely need to be required to fund.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: Engineering comments are listed as stipulations below.
2. Items that are conditions of approval (stipulations):
 - a. Public Works' staff is still evaluating the roundabout option. Further discussion with staff will need to occur prior to final plan submittal.
 - b. With final plan submittal, revise the detention outlet location so the flared end section or rip rap level spreader is not within the utility easement along the property line. With final plans, provide all calculations and construction details for the rip rap level spreaders so they are acceptable to the UG.
 - c. As discussed with staff previously, extend the public sanitary sewer main north in order to serve the homes to the west of 91st Street.
 - d. Relocate the power pole that is illustrated to be reset nearly on top of the proposed public sanitary sewer.

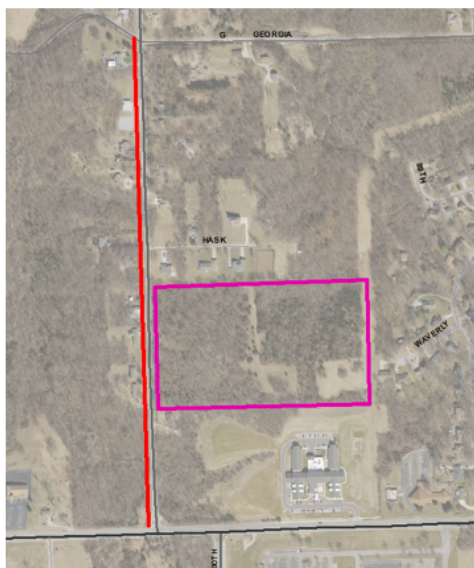
- e. Provide additional sewer easement along the east side of 91st Street because the ROW is only 6' from the proposed sanitary sewer. Per UG requirements, minimum sewer easement shall be 15' centered on the sewer line.
 - f. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
3. Comments that are not critical to engineering's recommendations for this specific submittal but may be helpful in preparing future documents: None.

Doug Bach, County Administrator, said we were glad to see the school moving forward with the elementary school. I set this item aside as it relates to the related infrastructure that we believe is going to be required in relation to it. As the commissioners saw, we did an update, an addendum that was put out with the Monday agenda at the beginning of your packet. I shared a copy of this with the School District before we intended to issue out.

**91st Street Reconstruction,
Parallel Pkwy. to Georgia
Ave.**

- Current alignment of 91st St.
- New school intersection
- Minimal improvements at Georgia Ave. intersection

**Current Estimate = \$6.0
Million**

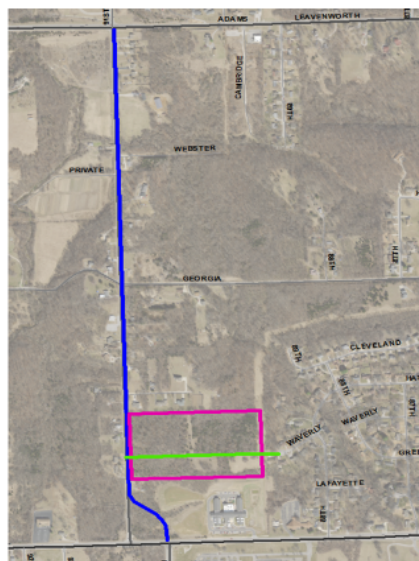


The issue at hand really comes to not the building itself and what they're putting in on the property, but rather as it connects to 91st St. today. What we anticipate seeing is the traffic that would be caused by the school as it comes to 91st. We do not believe that road, in its present condition, would be able to last very long through this. In fact, we anticipate it would probably require a total reconstruction, at a minimum, from Parallel up to Georgia. We estimate that cost would be around \$6M. If we were to look at it all the way from Parallel to Leavenworth Road, that could be a project over \$20M.

91st Street Reconstruction, Parallel Pkwy. to Leavenworth Rd.

- Re-alignment of 91st St. to match 90th St. and Parallel Pkwy. intersection.
- New school intersection
- Georgia Ave. intersection reconstruction
- Potential signal improvements at Leavenworth Rd. and 91st St.
- Major ROW implications
- Connection from Waverly Ave. to 91st St.

Current Estimate = \$24.0 Million



On the screen, you can see the site where it is and then the actual roadway along Leavenworth Road. What we've talked to the school about as an alternative that potentially we could make this road connect down to the south to 90th St.

Extends 90th Street to school to the north.

- Requires land acquisition
- Provides for future realignment connecting 90th to 91st Street



This is a little different look at it, but the school's property is right at the north end of this new road. This allows for essentially, we would just build right off of 90th St. where there's currently a light and build up through that way.

As we looked at this from our own engineering perspective, that would probably allow us for the future if we wanted to go ahead and connect that new 90th St. and align it over to 91st St.,

and then probably just do away with that little corner road down how 91st runs today. Then, essentially, the street coming off there would be almost like a driveway that moves on up to the school property, which would require them to re-align some of their property.

The difference here is we think this project—I put in the memorandum a note of up to 2.5. We think some of our numbers are probably well below 2 to make this happen, if not below a million and one-half. It would require some land acquisition via acquiring all the property or at least the right-of-way to build the road through that property and then also to come into this from—the construction that it would take to add onto the intersection.

I have a recommendation that I can go into that, but I wanted to provide the opportunity if we want to have the school say anything or a public hearing.

(Options for approval are:

1. Approve the current plan proposed by USD 500
 - a. Require improvements to allow an adequate roadway to be maintained and for the cost of those improvements to be borne by the project at the time the project is constructed; or
 - b. Require improvements to allow an adequate roadway to be maintained and for the cost of those improvements to be shared between the project and the Unified Government, with funding percentages and timing to be determined later; or
 - c. Require improvements to allow an adequate roadway to be maintained and for the cost of those improvements to be borne by the Unified Government with the timing of the improvements determined later.
2. Approve the alternate plan connecting from the current southern property line of the project to Parallel at 90th for development concurrently with the project.
 - a. Require improvements with the cost of those improvements to be borne by the project; or
 - b. Require improvements with for the cost of those improvements to be shared equally by the project and the Unified Government; or
 - c. Require improvements with the cost of those improvements to be borne by the Unified Government.)

Dr. Kelli Mather, Chief Operating Officer for KCK Public Schools, 2010 N. 59th St., appeared stating thank you for letting me take an opportunity to speak on this after Mr. Bach had presented his recommendation. I know I don't have a lot of time, but I do want to provide a little bit of history and kind of what our perspective is from the School District as we move along this cooperative and collaborative process.

We know we're here tonight to really just focus on the development of the new elementary school. We're simply a school district trying to build a school where we're combining White Church and Bethel Elementary schools.

A very quick history. Back in August of 2017, we realized that we could not build on the existing property of White Church and/or Bethel Elementary School, either one. That was the original intent with the \$235M bond referendum. At that point, we started looking for the acquisition of property. Back in November of 2017, we actually approached the City's Planning team and asked for a meeting specifically to address issues regarding the piece of property that we looked at to make sure that there weren't any significant obstacles that any of us could foresee in advance prior to the acquisition of the property.

Kind of moving forward; speed ahead a little bit. We got to June 11, 2018, and we actually went to the Planning Commission. We were approved at the Planning Commission for our full plan to access the new elementary school off 91st St. unanimously on that Planning Commission. We then came to the County Commissioners' meeting on the 28th of June. At that point, I think some of the concerns that Mr. Bach was addressing came about. It was the first time that we had heard about the cost estimates for 91st St. improvements, and we were sent back to Planning Commission.

We went back to Planning Commission on August 13th and we were approved with our same plan a second time, unanimously by the Planning Commission.

We then came, after talking with the Mayor and Mr. Bach, on August 30th and we were aware of the fact that the Mayor was going to ask for our item at the County Commissioners' meeting on the 30th of August to be tabled so we could have further conversation again with the UG and the City's Planning team, which we certainly want to continue to cooperate and do this. So, we did. We met with Mr. Bach and his team on September 13th and now we're back here today.

I think that history is important because we've been dealing with this process to develop and build this new school for an extensive period of time.

We acknowledge that the construction of any new school—and we don't have the luxury in KCK of building a lot of them, but we have had recently. We recognize and acknowledge that it can trigger the need for other public improvements. We have clearly acknowledged that even in this project.

I wanted to point out that we approached this project initially with offering and volunteering over \$600,000 worth of road improvements on 91st St. right at the frontage of the school property.

That did not only include the road just in front of our property. I'm not a planner, but my understanding is the requirement—but we did the whole road, over 730 feet of road improvement, over \$600,000 of improvements in front of the school. We felt that was our obligation and we still feel it's our obligation because we want to ensure the safety of our kids and families in getting into and out of the school frontage area, as well as be good neighbors with the neighbors. We wanted to make sure that we were making their homes—right across the street there are three or four homes right on 91st St.—making sure they were viable for them to get in and out of safely.

We did acknowledge that there are sometimes costs associated with that and certainly willing to pay for the costs associated with the development of our school.

Also, I'm going to kind of jump down a little bit, so in summary, basically, we want, I think we all want what's best for our kids. We're trying to develop the school. We want to get it built. We want to both be fiscally responsible; the School District does with our tax dollars. I know you all do. I know in speaking with the City's Planning team as well as Mr. Bach, that's the case.

Mr. Bach is going to propose two options. We would be in support potentially of the recommendation of what he's going to identify as 2b, only with the stipulation of some language changes and this becomes important from the School District's perspective. We would recognize, or have asked you to recognize, that changing the leg which is equally shared to shared costs between the School District and the Unified Government is important. The distinction is important because the District, per the request of the City, as Mr. Bach had indicated—we utilized one of our professional construction estimators to identify the costs. We anticipate that the costs for this connection off of Parallel to our property, which we do not own that property, is under \$1.5M, with the School District contributing \$600,000 and the Unified Government contributing approximately \$800,000.

The problem that we're running into in the other stipulations is we don't own the property between our property and Parallel. I feel like we'd have to make it very clear that the School District has shared on every occasion, from Planning Commission on through that we are not interested in acquiring additional property in order to access this school. The reason we feel strongly about that is we feel like we've been approved on more than two occasions for our access off of 91st St. and we're willing to spend over \$600,000 on improving that roadway. I understand and respect that that could be much more if you improve 91st St. away from south or north of the school site. I want

to make it clear that we acknowledge that. We appreciate the concern there, but we believe we are contributing financially to that.

With that stipulation or that exception, we would be willing to work collaboratively with the Unified Government, as we have been doing, for Option 2b. If that's not possible, the District would respectfully request that the Board of County Commissioners approve our original plan as submitted by the District providing that access off of 91st St. with our contribution of over \$600,000 in road improvements for 91st St. So, as it was presented and approved before, if we can't come to an agreement on the other language.

With that, I want to thank Mr. Bach and his team for continuing to work with us. I know this has been a challenge for all of us. I do believe that we're all on the same page in trying to get this school built. We are respectfully asking that we can move forward this evening on this. We have lost several months in this process. Frankly, I'm getting a little bit concerned that we're going to be able to open the school on time. We had hoped to do an early grading permit actually now, right now as I'm speaking. That is not obviously the case. We still have a little bit of flex time, but we would certainly hope we can move forward.

Mayor Alvey opened the public hearing and asked if there is anyone present who would like to speak in support of #PR-2018-18. No one appeared.

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

Mayor Alvey closed the public hearing.

Commissioner Bynum said, Dr. Mather, to you and your team and our team, thanks for hanging with us through this. I can't even quantify how baffling it is to me that a process for building the school that began almost a year ago, if not more, made its way all the way to a consent agenda for full commission before the Commission became aware of the dollar amount of 91st St. improvements. Not only did this project make its way all the way to a consent agenda for approval, we sat through a budget season with a full CMIP and still never heard that we had a school building project in need of major road improvements. That disturbs me. It's not your fault. I'm expressing

it out loud because it's really hard for me to get my head around how that happened. That being said, I appreciate the diligence that's been shown by us and by your team to now resolve that issue, come to some kind of resolution on that issue so that you can stay on schedule, appropriately use the bond dollars that you're allowed to use in the way that you're allowed to use them.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Kane, for approval of Plan Review Application #PR-2018-18, subject to the stipulations to include 2b, which is require improvements for the cost of those improvements to be shared by the project and the Unified Government at the level that Dr. Mather is offering, which is the \$600,000 commitment that was made to 91st St. If I understand correctly, you're now offering to locate into the other area for the different access to the school.**

Commissioner Townsend said I just wanted to be clear with Commissioner Bynum's motion and what I heard Administrator Bach say. With the \$600,000 that Dr. Mather referenced from the School District, what is the number that that leaves the Commission to deal with in terms of the improvement? Also, I heard Dr. Mather mention some property. Will acquisition of additional property be required or not to go forward with this proposal? If so, who does that fall on? Did I understand you correctly, Dr. Mather? The School District is not looking to purchase it so do we need to purchase additional property, or does it need to be purchased for this process to go through? Those are just the basic questions I have.

Mr. Bach said the project running south would require the acquisition of property that is privately held at this time. Total costs, I believe, Dr. Mather's staff, firm she has on this has calculated the costs. They think this would be somewhere around the \$1.5 range. That puts more on our share. I can't sit here tonight and verify for you that our costs couldn't be more. When our team looked at it, they said we should be able to do this for less than \$2M though we haven't spent a lot of time working on this project, which is why I put forth a recommendation that said we should share the cost of any property acquisition or any land cost.

My reason for pointing this out, as it came forward, and I think the Planning Commission looked at this and said it's not our responsibility to pay for projects. Noting it would cause infrastructure concerns, I wanted to make sure you all knew typically a developer will pay for the

infrastructure costs that they cause. I wanted you to make sure you knew, in approving this item and moving forward, that somewhere along the line, somebody is going to be paying for new streets. Fortunately, school districts, we've talked about it—we had developed an alternative solution to drop this to the south so going from a \$6M to \$20M of infrastructure costs to less than \$2M seemed much more palatable, whether we're paying the whole bill or we're sharing the bill with them, or having them pay the whole bill for it, which are all within the purview of what you can do as a governing body regarding new projects that want to come forward. That's typically what we do with any private development that comes.

Where the money comes from, this is not identified yet. I would have to come back to you. As we finalize the costs, I'd probably come back as we negotiate the land costs. I have no problem from our staff perspective of working forward to acquire the costs or acquiring the land, whether that be one that we needed to do because I think we have a willing land seller, but they always have prices that comes to it. We'd be able to try to work with them to acquire it. We're building a street, so we can always use eminent domain for access. We can get a hold of the property. We still need to identify how that comes out of our CMIP fund.

Commissioner Townsend said I'm still a bit confused as to the number that you're talking about. The \$2M, is that after or before the \$600,000 of Dr. Mather? **Mr. Bach** said that would include that. **Commissioner Townsend** said okay, so we're looking at about \$1.4M. **Mr. Bach** said potentially. **Commissioner Townsend** said not including potentially acquisition costs. **Mr. Bach** said no, I think that would probably—that should get us there.

Commissioner McKiernan said I want to go back to Commissioner Bynum's original point. It does not have to be here tonight, but I'm going to ask our staff to please double back and report to us where did our process breakdown that we made it so far into a process before this roadblock, or potential roadblock, was uncovered. I do think that it's an important point that as we have similar projects slated to come forward in coming months and years, we try to avoid repeating this.

Rob Richardson, Director of Planning, said I could answer that if you'd like. Before the property was acquired, their real estate agent met with Zach Flanders in my office to express to them a marriot of issues with this property and did everything to say don't buy this. It appears that information didn't get conveyed to the School District. That's error one.

The second part relayed to the actual quality of the street. You'll recall that as part of the Public Works' Program, they had some firm go out and test the quality of all of our streets. Until that happened, we didn't know how bad this street really was. That report came out between Planning Commission and the Board of Commissioners' meeting. Mr. Fisher felt like he was obligated to inform you that that street was worse than we thought it was before, and that there's a cost now associated with it that we didn't anticipate.

Those are the two things that I think happened that got us in that position.

Commissioner Burroughs said my concern is who's going to be responsible for the ongoing maintenance of the road that's being proposed in the alternative. Who's responsible for the upkeep, maintenance, and ongoing upgrades to that road when necessary? **Mr. Bach** said anything that's declared public street would be the responsibility of the City of Kansas City, KS. This could go a couple of different ways. We could just say, as you see the curb coming up there, that could just be public street and then the rest could be declared a driveway up into the school property, then that would be the school's responsibility. If we made it a street all the way up to that property line, then that would be our responsibility. I think that would still need to be worked out with the School District as we go through and work this out. **Commissioner Burroughs** said I would hope that we would do that.

Will we need to upgrade the intersection with either a new traffic light, a hand-push button stop light or crosswalk? What other improvements are we looking at to ensure that if that's a public street, that we'll have access to fire protection and be able to handle the emergency responses that we may be faced with in that particular proposal? **Mr. Bach** said I don't know if I can speak to all the details. Unfortunately, Mr. Fisher was out of town at this time, but as he had looked through some of the numbers on this project—we do have a light there. We would have to add to the light because that light does not face back toward the north. There will be modifications as part of this project that would have to go to that lighting. I would assume we would want to look at it as having some type of crosswalks in place as well, Commissioner. Yes, there will be some upgrades put into that intersection as part of this project.

Mr. Richardson said, Mr. Bach, I would just note that their service area for the school is all north of Parallel so we don't need to anticipate children walking across Parallel. They intend to bus all the children to the school site. In addition to what we would normally do for the signal

upgrade, don't anticipate kids walking north and south across Parallel there. **Mr. Bach** said it's a pretty big intersection. **Mr. Richardson** said right.

Roll call was taken on the motion and there were eight "Ayes," Walters, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley; and one "No," Philbrook.

ITEM NO. 2 – 18429...PLAN REVIEW APPLICATION #PR-2018-24 - TIM CONRAD WITH PIPER UNIFIED SCHOOL DISTRICT #203

Synopsis: Preliminary and final plan review for a new elementary school with parking and play areas to eventually become a high school at 13021 Leavenworth Road, submitted by Robin Richardson, Director of Planning. The plan includes a new elementary school for 3rd to 5th graders. Additional planned phases include athletic fields and an expansion of the school to become a high school. The Planning Commission voted 8 to 0 to recommend approval of Plan Review Application #PR-2018-24, subject to:

Urban Planning and Land Use Comments:

1. Provide a sidewalk on 131st Street along the entire length of the property.

Applicant Response: The exact nature of future development is not known at this time. We do not object to constructing a sidewalk along 131st Street, however, its construction needs to be incremental with the development of the street itself.

Staff Response: The developer is required to make street improvements along the entire property line concurrently with development. Any improvements not constructed at this time will be required when the school is expanded to become a high school.

2. Provide an ADA sidewalk ramp at the intersection of 131st and Leavenworth Road.

Applicant Response: Unified Government and Piper USD 203 are working to create a development agreement that will cover all the public infrastructures (sanitary, road improvements and storm crossing on 131st) for the project. Unified Government representatives have asked that the public infrastructure approval process be noted as a stipulation that is being worked through with Public Works.

3. Provide bike lanes on Leavenworth and 131st Street. Both Leavenworth and 131st Streets are designated as arterials in the Prairie Delaware Piper Plan which states "All arterial and collector roads should have bike lanes. The bicycle plan will require incremental implementation. As development occurs, streets are rebuilt and other project funding opportunities (such as grant programs) arise, bicycle improvement projects should be integrated into project development." *Applicant Response:* Please confirm that your desire is for a bike lane approximately 4 feet wide, constructed as part of the Leavenworth Road widening. If this is your desire, we do not object but we believe the bike lane should be developed as part of the development agreement in item

#2. In addition, we maintain that a bike lane on 131st Street should be constructed incrementally with the development of the street itself.

Staff Response: The Unified Government shall work with the applicant to include adequate bicycle facilities on Leavenworth Road and 131st Street when improvements occur. Any on-street bike lanes shall have a minimum width of 6 feet. Preferably on-street bike lanes shall be buffered and/or separated by a physical barrier such as pylons, bollards, jersey barriers, or planters. Other bike facilities such as on-street cycle tracks, off-street cycle tracks, and multi-use trails shall be considered. Sharrows shall not be considered an adequate bicycle facility. The preferred bike facility is a 12-foot off-street multi-use on the south side of Leavenworth Road and the east side of 131st Street.

4. A cul-de-sac may be necessary on Roswell Avenue. Additional conversation with staff may be necessary.

Applicant Response: We have no plans to construct a cul-de-sac and agree that additional conversation will be necessary if this is pursued.

Staff Response: Applicant shall continue to work with the Unified Government to ensure that an adequate solution for the maneuverability of emergency vehicles is reached at the end of Roswell Avenue. This could include a cul-de-sac or hammerhead turnaround. Lot 31 of the Woodberry Ridge Subdivision may also play a role in this solution.

5. Provide one landscaped island the size of a parking space within the parking lot for every 20 parking spaces in a row.

Applicant Response: The continuous landscape divider between the staging drive and parking area has been utilized as an equivalent to the requested islands. This provides four advantages to individual islands: 1) Tree growth will be more robust and sustainable under the current plan, as the landscaping is less isolated and parched by surrounding pavement. 2) The current parking layout provides for more efficient and effective snow removal. 3) As viewed from the public ROW, the appearance of the site will be just as landscaped and may appear more densely covered. 4) Considering the lack of driving experience that many high school drivers have (expecting that this will eventually become a high school), it is sensible to reduce the number of islands in the parking area that could become obstacles, causing damage to cars and being costly to maintain. We request your acceptance of this solution as an equivalent solution.

Staff Response: Staff does not support this request. Applicant shall follow the commercial design guidelines and include one landscaped island the size of a parking space within the parking lot for every 20 parking spaces in a row.

6. All rooftop mechanical equipment shall be screened from public view by the parapet. The public view extends to the boundary of the property line and public right-of-way.

Applicant Response: Our plans, as submitted, provide screening of the equipment using the same materials used for the exterior cladding of the building. We believe the current plans to be in compliance and intend to screen all rooftop units from public view as required.

Staff Response: It appears from the building elevations that mechanical equipment may not be screened from public view by the building parapets. Screening by the same materials used for the exterior cladding of the building is not adequate. If necessary, please revise plans to ensure that all mechanical equipment is completely screened from public view by the parapet.

7. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building.

Applicant Response: We will comply with this requirement. We intend to use landscaped buffers at utility connections.

8. All downspouts will be internalized.

Applicant response: We will comply with this requirement.

9. All lighting, whether mounted on the wall or installed in the parking lot, shall have 90-degree cutoff fixtures. Light fixtures mounted on the wall shall be decorative, including those above egress doors.

Applicant Response: We will comply with this requirement.

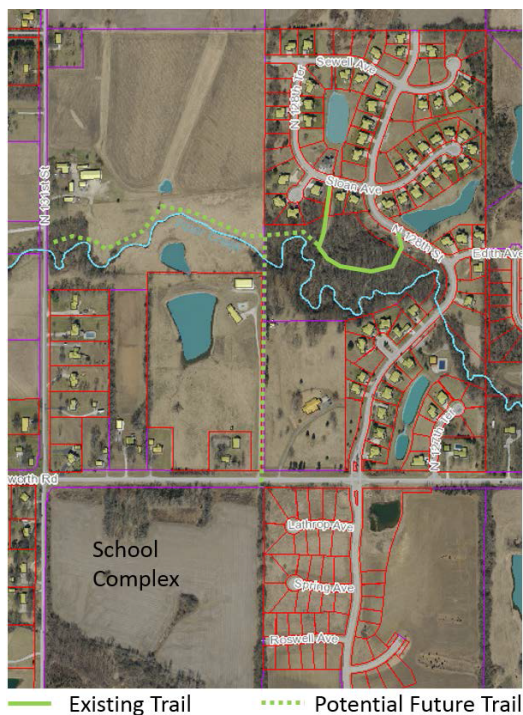
10. The trash enclosure doors shall not be oriented towards the street.

Applicant Response: Our plans currently comply with this requirement – the doors face south – and we do not have a roundabout on this plan.

11. Please state how both 131st Street and Leavenworth Road will be improved to meet City Code.

Applicant Response: Unified Government and Piper USD 203 are working to create a development agreement that will cover all the public infrastructures (sanitary, road improvements and storm crossing on 131st) for the project. Unified Government representatives have asked that the public infrastructure approval process be noted as a stipulation that is being worked through with Public Works.

12. Plans shall be consistent with a future midblock crossing that aligns with the existing north/south right-of-way near the northeast corner of the property, and a trail that connects to Piper Creek as shown in the diagram below:



13. The following are the current estimates of the costs related to the public improvements and funding responsibilities:
- a. Piper School current responsibility for the project:
 - 1) Provide a one-time payment of \$880,000 to Water Pollution Control.
 - 2) Pay for the design of the 131st intersection as well as the improvements along Leavenworth Road. The estimated consultant fee is approximately \$109,000.
 - b. Piper School's responsibility for when high school builds out:
 - 1) Improvements to 131st Street south to the south line of their property. The cost fee is approximately \$1.6 million.
 - 2) When bond passes for the high school, Piper School District will pay \$500,000 towards the improvements of the intersection at 123rd and Leavenworth Road.
 - c. UG responsibility for the current project: (this will be built at the time when the new school is being built). UG will bid the intersection and Leavenworth Road widening as a public project and cover the estimated cost of \$1.6 million.
 - d. The sewer extension project, funded by the Unified Government in the area, has the following estimated costs:
 - 1) Phase 1 = \$7.5 million
 - 2) Phase 2 = \$4 million
 - 3) Phase 3 = no costs have been developed as this is expected to be 20+ years out

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: Engineering comments are listed as stipulations below.
2. Items that are conditions of approval (stipulations):
 - a. Public improvement plans shall be required with the conclusion of the development agreement between the Piper School District and the Unified Government Public Works

Department regarding public infrastructure related to the Piper School Complex i.e. Leavenworth Road improvements, storm crossing on 131st Street, and public sanitary sewer extension. Further discussion with staff is required.

- b. For the wetlands within the creek on the school property, a jurisdictional determination shall be made by the U.S Army Corps of Engineers and a permit, if required, shall be provided to Unified Government staff prior to construction permit acquisition.
 - c. Sanitary sewer easement(s), in accordance with UG standards and criteria, shall be required with the establishment of the final public sanitary sewer alignment.
 - d. The County Surveyor makes separate technical review of the plat and submits comments directly to the preparer of the plat. Provide revised plat in accordance with County Surveyor comments.
 - e. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
3. Comments that are not critical to engineering's recommendations for this specific submittal but may be helpful in preparing future documents: None.

Staff Conclusion:

Staff recommends approval with the following stipulations:

1. Public Improvements

The following public improvements are required. The developer is required to make public improvements concurrently with development. Any improvements not constructed at this time will be required when the school is expanded to become a high school.

a. Leavenworth Road

- 1) Improve the south ½ of Leavenworth Road to include a center turn lane and curbs from 131st Street to the eastern property line.
- 2) Include a 12-foot-wide multi-use trail on the south side of Leavenworth Road from 131st Street to 128th Street.
- 3) Include a 5-foot sidewalk on the north side of Leavenworth Road from 131st Street to 128th Street (if whole street is improved.)
- 4) Plans shall be consistent with a future midblock crossing and trail connection to Piper Creek using the existing north/south ROW near the northeast corner of the site.

b. 131st Street

- 1) Improve the east ½ of 131st Street with curbs to the southern property line.
- 2) Include a 12-foot-wide multi-use trail on the east side of 131st Street to the southern property line or the equivalent thereof.
- 3) Include a 5-foot sidewalk on the west side of 131st Street.

c. Leavenworth and 131st Street Intersection

Improve intersection to UG standards and include ADA sidewalk ramps.

d. Roswell Avenue

Applicant shall continue to work with the Unified Government to ensure that an adequate solution for the maneuverability of emergency vehicles is reached at the end of Roswell Avenue. This could include a cul-de-sac or hammerhead turnaround. Lot 31 of the Woodberry Ridge Subdivision may also play a role in this solution.

e. Storm Water and Sanitary Sewers

- 1) Storm water crossing on 131st Street shall be constructed to UG standards
- 2) Public sanitary sewer extension shall be constructed to UG standards

f. Wetlands

For the wetlands within the creek on the school property, a jurisdictional determination shall be made by the U.S Army Corps of Engineers and a permit, if required, shall be provided to Unified Government staff prior to construction permit acquisition.

2. Provide one landscaped island the size of a parking space within the parking lot for every 20 parking spaces in a row.
3. All rooftop mechanical equipment shall be screened from public view by the parapet. The public view extends to the boundary of the property line and public right-of-way. Screening by the same materials used for the exterior cladding of the building is not adequate. If the extension of the parapet is less than 6', they will need to do it. If it is 6' or more, then the staff and the applicant can negotiate this issue. If this issue cannot be resolved, it will come back before the City Planning Commission meeting.
4. All downspouts will be internalized.
5. All lighting, whether mounted on the wall or installed in the parking lot, shall have 90-degree cutoff fixtures. Light fixtures mounted on the wall shall be decorative, including those above egress doors. Staff and applicant will resolve the lighting requirement.
6. The trash enclosure doors shall not be oriented towards the street.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Plan Review Application #PR-2018-24, subject to the stipulations.**

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

ITEM NO. 3 – 18430...PLAN REVIEW APPLICATION #PR-2018-25 - BRIAN HILL WITH MKEC ENGINEERING, INC.

Synopsis: Preliminary plan review for a new elementary school for USD 500 (New West Elementary) at 2600 North 44th Street, submitted by Robin Richardson, Director of Planning. The applicant, on behalf of USD 500, has applied for a preliminary plan review to demolish William A. White Elementary School and West Middle School to build a new 72,000 square foot elementary school (West Elementary School). The Planning Commission voted 8 to 0 to recommend approval of Plan Review Application #PR-2018-25, subject to:

Urban Planning and Land Use Comments:

General Planning:

1. Provide an overall site plan for the development.

Applicant Response: See sheets C13 and C18 for overall site plan.

2. How many staff members are employed at the school?

Applicant Response: The anticipated number of employees is anticipated to be approximately 55 staff members.

3. Will trucks make deliveries using the access point off Georgia Avenue?

Applicant Response: Yes, trucks will use the entrance from Georgia Avenue.

4. The site is currently very disconnected for pedestrians with four streets intersecting with the parcel from the south and Georgia Avenue to the north.

Based on the Sidewalk and Trails Master Plan, the property line abutting Georgia Avenue is a part of the Regional Multi-Purpose Trail Connections and On-Street Bike Route Connections (Share the Road), respectively.

A minimum 10-foot sidewalk/trail along arterial road shall be constructed on Georgia Avenue.

Applicant Response: A 6' sidewalk has been incorporated into the plans as a best solution given current conditions. The current road alignment of Georgia Avenue skews far to the south of the right-of-way along the curve adjacent to the school property. Our assessment is that any sidewalk improvements constructed as part of this project will be of a temporary nature and would be replaced when Georgia Avenue is upgraded to the Complete Streets criteria. The sidewalk, as proposed, will be outside of the existing right-of-way. We would welcome further discussion with staff concerning trail improvements and the viability with current street and storm sewer infrastructure.

Staff Response: There are multiple Safe Routes to Schools projects associated with this school through Public Works. Additional coordination during the final plan review is required with Public Works and MKEC.

Building and Architectural Design:

1. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long faces, a building wall no more than 45 feet in length should be divided into increments of no 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 (projections, recesses, niches);
- c. Window bays;
- d. Separate entrances and entry treatment; or
- e. Variation in rooflines.

The techniques, in addition to the building articulation, needs to be integrated into the design of each façade. While the building is setback into the site from North 43rd Terrace, North 44th, North 45th Streets, the residences from the east and south can look directly at the building. The same level of architectural detail for the USD 500 schools should be incorporated into this building. Precast panels shall be integrally-colored instead of the standard, ashen concrete gray.

Applicant Response: The exterior façade of this building is articulated in a way that highlights individual program elements and features and displays them as integral elements of the overall design that is composed on the project site. The building is oriented along the North – South

axis and is broken up along its elevation by distinct separation of its program elements. The classrooms that account for the largest program function are articulated by a red brick base up to a warm concrete sandblasted panel. The classrooms are separated by vertical service elements that house restroom, stairs, and storage functions and is articulated on the façade by a dark gray precast concrete panel with vertical linear accents.

The larger gym and multi-purpose program functions are identified by precast panels that have unique patterns that are cast into the panels and provide different textures and finishes to the tall panels along its elevation. A majority of the exterior façade is composed of precast panels that have brick elements cast into the panels, which features different insets and patterns of brick that are unique to different parts of the building and its program. The panels have an integral color to the concrete that compliments the design of the brick and its location on the building. The exterior features a large number of windows on multiple levels and orientations that provide natural light into the interior spaces. The exterior façade features a number of articulations that highlight material changes in plane and orientation, creating a unique composition on each elevation of the building. Each elevation is treated with the same level of detail and importance to the context of the surrounding neighborhood and each unique view from the project boundaries.

Staff Response: As stated previously, the tilt-up precast concrete panels shall be integrally-colored and not standard, concrete gray.

2. Utility connections (including transformer boxes) shall be screened with 6' landscaping or a 6' architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building.

Applicant Response: The transformer will be screened with 6' tall landscaping.

3. Downspouts shall be internalized.

Applicant Response: All downspouts will be internalized.

4. Provide trash enclosure elevations.

Applicant Response: The trash enclosure will be constructed of the same precast panels with brick masonry cast into the panel that are on the main building. See attached enclosure elevations.

5. All RTUs must be parapet screened.

Applicant Response: All RTUs are screened using the architectural façade that has been designed to incorporate them into the overall building form. See attached street view study, dated 08.14.2018.

Landscaping and Screening:

1. Based on the landscaping requirements in the R-1 Single Family District (one tree per 7,000 square feet of site area) and the Commercial Design Guidelines (at least 75 percent greater than the district requirement), 211 trees are required to be planted for the new elementary. These totals do not include the street tree requirement or trees to be planted in the parking lot islands.

Applicant Response: The landscaping requirement of 121 trees would create a site condition where large portions of necessary for school operation and recreation would not be possible. We have strategically located trees to offer benefits to the school's neighbors and provide a well

landscaped site. Current plans show 59 new trees with an additional 15 existing trees to remain. We welcome further discussion during the final development phase to address UG concerns.

Staff Response: Staff cannot waive the district's landscaping requirements. To install 59 trees, a variance from the Board of Zoning Appeals is required. This will not impact the preliminary development plan but submit the variance application prior to the final development plan.

For the variance, during your neighborhood meeting, provide two options for landscaping:

- Show a landscape plan if you get the variance (59 trees), and
- Show a landscape plan if you do not receive the variance (121 trees).

2. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:

- a. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be (at least six feet tall when planted) provided for every 30 feet of street easement or frontage.
- b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between street trees.

Applicant Response: We will review Sec. 27-577(b)(3) to incorporate street trees but have been operating on a one tree per 30' of frontage planting plan for school district work.

3. Sec. 27-577(e)(4) Parking areas that cannot be grouped must include one landscaped island the size of one stall separating each 20 spaces. Revise and resubmit the paving plan and provide an overall site plan.

Applicant Response: We believe we can accommodate the other requests for street trees, sizes, and spacing with the exception of the south parking area. We acknowledge that to meet code would require the addition of two small median islands with tree plantings. In lieu of providing additional medians, the large existing median and a new median in the reconstructed area have been heavily landscaped.

4. All landscaping shall be irrigated.

Applicant Response: Comment acknowledged. Landscaping will be irrigated.

5. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the development and 3 gallons internal to the site when planted.

Applicant Response: Comment acknowledged.

6. Only decorative lighting can be used on the exterior of the building. No wall pack lights or flood lights are permitted. This includes lights over the exit doors as required by the International Building Code (IBC).

Applicant Response: Comment acknowledged.

7. All lighting, whether mounted on the building or in the parking lot, shall have 90-degree cutoff fixtures.

Applicant Response: Comment acknowledged.

8. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded

or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line.

Applicant Response: Comment acknowledged.

9. The trash enclosure shall be heavily landscaped and screened with an architectural wall that is comprised of the same building materials as the primary structure.

Applicant Response: The trash enclosure will be constructed of the same precast panels with brick masonry cast into the panel that are on the main building. See attached trash enclosure elevations.

10. The building elevations do not depict rooftop mechanical equipment. The code requires rooftop mechanical equipment be screened from public view by a parapet. Failure to show rooftop equipment may result in building modifications such as raising the parapet during building permitting at DRC. Value engineering modifications that impact this approval may require additional approvals prior to authorizing construction.

Applicant Response: All RTUs are screened using elements of the architectural façade that has been designed to incorporate them into the overall building form. See attached street view study, dated 8/14/18.

Signage:

Shall comply with the sign ordinance.

Applicant Response: Comment acknowledged.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: Engineering comments are listed as stipulations below
2. Items that are conditions of approval (stipulations):
 - a. The final layout of the sidewalk from the proposed school building to 45th Street shall be coordinated with the UG Safe Route to School - Phase F sidewalk improvement project which is currently under preliminary design. The coordination may include the realignment of the sidewalk with the new sidewalk along Welborn Lane and the corresponding intersection improvements and extension of sidewalk along school property line on 45th Street, as applicable. Further discussion with UG staff is required.
 - b. Georgia Avenue is expected to be upgraded to a standard street, which may include curb and gutter, 5' of space for bicycles for each direction, green space and sidewalks. Proposed sidewalks along Georgia Avenue shall be constructed at a minimum of 10" behind existing edge of pavement. Further discussion with staff is required.
 - c. Provide and indicate 8" thick concrete for the turnaround section at the end of North 44th Street.
3. Comments that are not critical to engineering's recommendations for this specific submittal but may be helpful in preparing future documents: None.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Plan Review Application #PR-2018-25, subject to the stipulations.

Roll call was taken and there were nine “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley.

MISCELLANEOUS – ORDINANCES (Final action on previously approved items)

ITEM NO. 1 – 1848...ORDINANCE

Synopsis: An ordinance regarding mobile grocery operations; amending Sections 27-340, 276-609, 27-610, and 27-612 through 27-614 to Chapter 27, Article VIII, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, and

MISCELLANEOUS

ITEM NO. 1 – 1848...ORDINANCE AMENDMENT

Synopsis: Ordinance amendment removing the special use permit requirement for mobile grocery markets and a new definition for "mobile market," submitted by Robin Richardson, Director of Planning.

Commissioner Townsend said I just wanted this opportunity to more or less close the loop for any of our citizens who may recall when this proposed ordinance concerning mobile grocery came before us in February. There were several issues raised by some of the citizens present. I raised some, some of the other commissioners, concerning size of equipment, trash, location of these mobile grocers, various days, hours of operation, none of those things we felt were adequately addressed.

I’d just like to thank the Planning staff, and particularly: Matt Kleinman, Lizzy Caridime, the Mobile Market Community Counsel personnel who worked on this to try to address those concerns. I think they have been concerns this whole process came forward to try to expedite the—for not needing special permits every time a mobile grocery store operator wanted to come forward.

We hope that the purpose for having these mobile grocery stores would just make healthy food stuff more readily available to our citizens who may not be conveniently located to a full-service grocery store. We hope this works. We still tried to preserve the rights of homeowners to

be comfortable in their homes. We hope the operators of these mobile grocers respect where they're going to be located and also the patrons abide by the restrictions or requirements put in the ordinance.

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

ORDINANCE NO. O-35-18, "An ordinance regarding mobile grocery operations; amending Sections 27-340, 276-609, 27-610, and 27-612 through 27-614 to Chapter 27, Article VIII, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas." **Commissioner Townsend made a motion, seconded by Commissioner Kane, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley.

ITEM NO. 2 – 18375...ORDINANCE

Synopsis: An ordinance rezoning property at 13120 Leavenworth Road (#3166), submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-36-18**, "An ordinance rezoning property at 13120 Leavenworth Road in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture District to R-1 Single Family District." **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley.

MISCELLANEOUS

ITEM NO. 1 – 1848...ORDINANCE AMENDMENT

Synopsis: Ordinance amendment removing the special use permit requirement for mobile grocery markets and a new definition for "mobile market," submitted by Robin Richardson, Director of Planning.

Action: This item was previously heard with Miscellaneous Ordinances (Final action on previously approved items) Item No. 1.

REGULAR AGENDA

MAYOR'S AGENDA

No items

REGULAR CONSENT AGENDA

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

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

ITEM NO. 1 – 18372...RESOLUTION: INTERLOCAL AGREEMENT WITH JOHNSON COUNTY, KS

Synopsis: A resolution authorizing approval of an interlocal agreement with Johnson County, KS, related to the use of My Resource Connection, an application developed by Johnson County for improving coordination among social service providers, submitted by Alan Howze, Chief Knowledge Officer; Casey Meyer, Assistant Counsel; Terry Brecheisen, Director of Public Health; and Crystal Sprague, Municipal Court Administrator. Funding is included in the budget. On September 17, 2018, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-46-18**, "A resolution approving the agreement between the Unified Government of Wyandotte County/Kansas City, KS, and Johnson County,

KS, to provide data management, data sharing, and promote joint cooperation (My Resource Connection).” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley.

ITEM NO. 2 – 18403...ORDINANCE: MODIFY CURRENT STANDING COMMITTEE TIMES

Synopsis: An ordinance modifying current standing committee meeting times to clarify that the Economic Development and Finance Committee would meet immediately after the earlier Neighborhood and Community Development Committee; and the Administration and Human Services Committee would meet immediately after the earlier Public Works and Safety Committee, submitted by Jeffrey Conway, Assistant Counsel. In addition, if an earlier committee is not meeting that day, the later committee would move into the 5:00 PM slot for that day. On September 17, 2018, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Action: **ORDINANCE NO. O-37-18**, “An ordinance relating to meeting times of standing committees; amending Appendix C, Section 202 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, KS.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley.

ITEM NO. 3 – 18400...RESOLUTION: MODIFY EXISTING 2018-2020 STANDING COMMITTEES SCHEDULE

Synopsis: A resolution modifying the existing 2018-2020 schedule for standing committee meetings to reflect that start times for both the Economic Development and Finance and the Administration and Human Services standing committee meetings would be moved up to start at the conclusion of the earlier standing committee meetings, submitted by Jeffrey Conway, Assistant

Council. Also, if the earlier committee meeting is cancelled, the later committee meeting can start at 5:00 PM. On September 17, 2018, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-47-18**, “A resolution relating to the meeting times of the standing committees of the Unified Government Commission, amending the Unified Government Commission rules of procedure contained in Resolution No. R-1-18.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley.

ITEM NO. 4 – 18402...CHARTER ORDINANCE: PROPOSED REVISIONS TO TRANSIENT GUEST TAX

Synopsis: A charter ordinance proposing revisions to the transient guest tax, submitted by Kathleen VonAchen, Chief Financial Officer. On September 17, 2018, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Action: **CHARTER ORDINANCE NO. CO-01-18**, “A charter ordinance exempting the Unified Government of Wyandotte County/Kansas City, KS, from the provisions of K.S.A. 12-1697(a) relating to the levy of a transient guest tax, to the maximum rate thereof, and to the purposes for which such transient guest tax monies may be spent; providing substitute and additional provisions on the same subject; exempting the Unified Government from the provisions of K.S.A. 12-16, 101, relating to the establishment of a convention and tourism committee, its composition, the appointment of members, the length of members’ terms, and the authority to contract; and repealing Charter Ordinance 03-08 of the Unified Government of Wyandotte County/Kansas City, KS.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the charter ordinance.** Roll call was taken and there were nine “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley.

ITEM NO. 5 – 18439...PLAT: LEGACY PARK ESTATES

Synopsis: Plat of Legacy Park Estates, located along 65th and Riverview, being developed by Belmont Development Company LLC, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer. **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve and authorize the Mayor to sign said plat.** Roll call was taken and there were nine “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley.

ITEM NO. 6 – 18440...PLAT: HOWARD’S HOMESTEAD

Synopsis: Plat of Howard's Homestead, located along 131st and Leavenworth Road, being developed by the Miller Family, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer. **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve and authorize the Mayor to sign said plat.** Roll call was taken and there were nine “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley.

ITEM NO. 7 – 18441...PLAT: WYANDOTTE CITY, A REPLAT OF PART OF BLOCK 159

Synopsis: Plat of Wyandotte City, a Replat of Part of Block 159, located at 7th and Barnett Avenue, being developed by the Unified Government of Kansas City, Wyandotte County, Kansas, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer. **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve and authorize the Mayor to sign said plat.** Roll call was taken and there were nine “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley.

ITEM NO. 8 – 18422...NOMINATION: BOARDS AND COMMISSIONS

Synopsis: Nomination for Boards and Commissions:

Law Enforcement Advisory Board, Jonas Cruz, 9/27/2018-6/30/2022, submitted by Commissioner Murguia.

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

ITEM NO. 9 – MINUTES

Synopsis: Minutes from special session of August 30, 2018; and regular session of August 30, 2018.

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

ITEM NO. 10 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated September 13 and 20, 2018.

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

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES’ AGENDA

ITEM NO. 1 – 18434... ORDINANCE: LATE FEES/INTEREST ASSOCIATED WITH A DEMOLITION LIEN ON 3840 LLOYD ST.

Synopsis: An ordinance removing the late fees and interest associated with a demolition lien on 3840 Lloyd St. in the amount of \$4,711.55, submitted by Patrick Waters, Senior Attorney. On September 10, 2018, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve the request and forward to full commission. The ordinance has been prepared to effectuate action.

Doug Bach, County Administrator, said this went through the committee and they looked at it for the release of demolition liens on the property. The committee heard this; gave it quite a bit of information, and then took it to the point of advancing it but we did not have an ordinance prepared at the time of the meeting. This really came forward—it would be on Consent if we had had an ordinance to take before Commissioner Burroughs’ committee. This is all intact now in accordance with what the committee had recommended.

Action: **ORDINANCE NO. O-38-18**, “An ordinance relating to the removal of late fees and interest on a special assessment levied on 3840 Lloyd St. in the amount of \$4,711.55 by Ordinance No. O-33-02; that the portion of Ordinance No. O-33-02, passed April 18, 2002, levying the original demolition lien on and otherwise relating to said property, shall remain in place until paid in full.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley.

ADMINISTRATOR’S AGENDA

No items

COMMISSIONERS' AGENDA

No items

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

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

ITEM NO. 1 – 18393...LAND BANK BUSINESS

Synopsis: Communication requesting consideration of the following Land Bank applications, submitted by Chris Slaughter, Land Bank Manager. The Land Bank Advisory Board has recommended approval. On September 10, 2018, the Neighborhood and Community Development

Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the Land Bank Board of Trustees.

Applications for yard extension, unless noted otherwise

1219 Haskell Ave. - Guadalupe Holguin

297 S. Mill St. - Sanjuanita Ortiz

327 S. Boeke St. - Rafael Hernandez

1935 N. 27th St. - Juan Campillo

1338 N. 48th St. - Oscar Mendoza Mera

135 S. 14th St. - Rosario Martinez Bernal, property acquisition

Transfer to Land Bank

344 Cambridge St. - City of Kansas City, KS

(The owner of 340 Cambridge St. would like to purchase property to build a driveway.)

Tax Sale Transfers

127 properties from Tax Sale 341 (8/16/18)

Changes to Land Bank Policy

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

PUBLIC ANNOUNCEMENTS

No items

MAYOR ALVEY ADJOURNED THE MEETING

AT 8:15 P. M.

Bridgette D. Cobbins
Unified Government Clerk

cg

September 27, 2018