

**FEBRUARY 28, 2019 UNIFIED GOVERNMENT BOARD OF  
COMMISSIONERS MEETING  
ORDER OF BUSINESS  
MEETING TO CONVENE AT 7:00 PM**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY REVEREND CYNTHIA SMART, MASON MEMORIAL  
UNITED METHODIST CHURCH**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, FEBRUARY 28, 2019 AGENDA**
- VI. MAYOR'S AGENDA**
- VII. CLERK'S STATEMENT**  
(Anyone wishing to speak about a particular item on the Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)
- VIII. PLANNING AND ZONING CONSENT AGENDA**
- IX. PLANNING AND ZONING NON-CONSENT AGENDA**
- X. REGULAR CONSENT AGENDA**
- XI. PUBLIC HEARING AGENDA**
- XII. STANDING COMMITTEES' AGENDA**
- XIII. ADMINISTRATOR'S AGENDA**
- XIV. COMMISSIONERS' AGENDA**
- XV. LAND BANK BOARD OF TRUSTEES' AGENDA**
- XVI. PUBLIC ANNOUNCEMENTS**
- XVII. ADJOURN**

**SERGEANT-AT-ARMS: CAPTAIN RONALD SCHUMAKER**

**VI. MAYOR'S AGENDA**

- 1. RECOGNITION: DAWN HERRON, TRANSPORTATION DEPT.**  
**Synopsis:** Recognition of Dawn Herron, Transportation Department, for providing warmth, shelter and safety for a family in their time of crisis on January 28, 2019.  
**Tracking #:** 19628
- 2. APPOINTMENT/RESOLUTION: MUNICIPAL COURT JUDGE**

**Synopsis:** A resolution appointing the Municipal Court Judge for the remainder of Judge Brandy Nichols-Brakovic's 4-year term, submitted by Ken Moore, Chief Counsel.  
**Tracking #:** 19632

## **PLANNING AND ZONING AGENDA**

### **VIII. PLANNING AND ZONING CONSENT AGENDA**

#### **A. CHANGE OF ZONE APPLICATIONS**

1. **#3172 -TITA LAGRIMAS WITH TRADEBE ENVIRONMENTAL SERVICES**

**Synopsis:** Change of Zone from M-2 General Industrial District to M-3 Heavy Industrial District for a 10-day transfer facility for non-regulated, DOT hazardous materials and hazardous waste, containers will be transferred from one truck to another; no transported containers will be kept inside the building at 1620 South 45<sup>th</sup> Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR DENIAL**)  
**Tracking #:** 19603

2. **#3176 - BRECK A. RICKETTS**

**Synopsis:** Change of Zone from R-1 Single Family District to A-G Agriculture District to keep hay and have a farm winery at 500 North 86<sup>th</sup> Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL**)  
**Tracking #:** 19605

3. **#3179 - JOHN PETERSON**

**Synopsis:** Change of Zone from C-1 Limited Business District to C-3 Commercial District for storage of equipment in conjunction with window cleaning business (Fish Window Cleaning) at 3214 Strong Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL TO CP-3 PLANNED COMMERCIAL DISTRICT**)  
**Tracking #:** 19606

#### **B. SPECIAL USE PERMIT APPLICATIONS**

1. **#SP-2018-97 - TITA LAGRIMAS WITH TRADEBE ENVIRONMENTAL SERVICES LLC**

**Synopsis:** Special Use Permit for a 10-day transfer facility for non-regulated, DOT hazardous materials and hazardous waste, containers will be transferred from one truck to



another; no transported containers will be kept inside the building at 1620 South 45<sup>th</sup> Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774  
**(RECOMMENDED FOR DENIAL)**

**Tracking #:** 19604

2. **#SP-2019-1 - RACHEL A. MCMEACHIN**

**Synopsis:** Home Occupation Special Use Permit for a live/work space for aerial classes at 556 Lowell Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

**Tracking #:** 19607

3. **#SP-2019-4 - LANCE PIERCE**

**Synopsis:** Special Use Permit for a short-term rental/AIRBNB at 4028 Booth Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774  
**(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

**Tracking #:** 19608

4. **#SP-2019-5 - WILLIAM HARRIS SR. WITH HARRIS TRUCKING**

**Synopsis:** Renewal of a Special Use Permit (#SP-2016-77 – expired 10/27/2018) for the Temporary Use of Land for a trucking business at 8819 Lowell Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

**Tracking #:** 19595

5. **#SP-2019-6 - DARTEA LLC/BILL'S 32 WEST**

**Synopsis:** Renewal of a Special Use Permit (#SP-2013-57 – expired 12/5/2018) for live entertainment in conjunction with Bill's 32 West at 6500 Kaw Drive, #A, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

**Tracking #:** 19596

6. **#SP-2019-7 - ELVIN AND SHARON GRIFFIN**

**Synopsis:** Renewal of a Special Use Permit (#SP-2016-93 – expired 12/1/2018) for a kennel for five (5) dogs at 7922 Yecker Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

**Tracking #:** 19602

7. **#SP-2019-9 - SYLVIA E. JOHNSON WITH CAJUNATION**

**Synopsis:** Special Use Permit for the Temporary Use of Land to park a food truck at the residence at 11014 Independence Boulevard, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

**Tracking #:** 19610

## **C. ORDINANCE AMENDMENTS**

1. **VENDING MACHINES ORDINANCE AMENDMENT**

**Synopsis:** Consideration of revisions to Sections 27-611-614 concerning vending machines as accessory uses in non-residential zoning districts in the Kansas City, Kansas Code of Ordinances, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

**Tracking #:** 19611

2. **CONSIDERATION OF AMENDMENTS REQUIRING A SPECIAL USE PERMIT FOR SMALL BOX VARIETY STORES**

**Synopsis:** Consideration of certain amendments to Section 27-340, Planning and Development of Kansas City, Kansas Code of Ordinances, generally concerning definitions and a new provision to Section 27-593(a) Planning and Development of Kansas City, Kansas Code of Ordinances, requiring a special use permit for small box variety stores, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

**Tracking #:** 19612

**D. MISCELLANEOUS - ORDINANCES (Final action on previously approved items)**

1. AN ORDINANCE rezoning property at 4240 and 4240R North 55th Street and 4400 and 4800 North 47th Street (#3153) from A-G Agriculture and R-1 Single Family Districts to MP-3 Planned Heavy Industrial District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

**Tracking #:** 18107

2. AN ORDINANCE rezoning property at 607 to 611 North 6th Street (#3154) from CP-2 Planned General Business District to TND Traditional Neighborhood Design District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

**Tracking #:** 1821

3. AN ORDINANCE rezoning property at 10700 Lathrop Avenue (#3155) from A-G Agriculture District to TND Traditional Neighborhood Design District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

**Tracking #:** 18327

4. AN ORDINANCE rezoning property at 13820 Donahoo Road (#3177) from A-G Agriculture (WYCO) District to A-G Agriculture (City) District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

**Tracking #:** 19569

5. AN ORDINANCE vacating an alley (#A-2018-5) between 444 Shawnee Road, 411 Stine Avenue, 1417 South 5th Street and 448 Shawnee Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 18379

6. AN ORDINANCE vacating right-of-way (#R/W-2018-6) at 3777 Lloyd Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL**)

Tracking #: 18532

## **IX. PLANNING AND ZONING NON-CONSENT AGENDA**

### **A. CHANGE OF ZONE APPLICATION**

1. **#3159 - BRYAN RUOFF WITH 3F30 ARCHITECTS**

**Synopsis:** Change of Zone from C-1 Limited Business District to C-2 General Business District for X-Press Mart convenience store with fueling pumps at 3801 Leavenworth Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL TO CP-2 PLANNED GENERAL BUSINESS DISTRICT - 5/2 VOTE**)

*At the request of the petitioner, this item was held over from the January 31, 2019 full commission meeting.*

Tracking #: 19627

### **B. SPECIAL USE PERMIT APPLICATION**

1. **#SP-2019-8 - REBECCA AND SCOTT JOHNSON WITH SCOJO'S RECYCLING INC.**

**Synopsis:** Special Use Permit for an office and shop and to temporarily store up to 3 vehicles that are waiting to be recycled at the scrapyard (salvage operation) (SCOJO's Recycling, LLC) at 521, 523 and 525 South 11<sup>th</sup> Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 1 YEAR - 8/1 VOTE**)

Tracking #: 19609

## **TAX STATUS REPORT BOARD OF COMMISSIONERS AGENDA FOR FEBRUARY 28, 2019**

None of the properties included in applications to be considered on the Planning & Zoning agenda have delinquent taxes prior to 2017.

**NOTE: This information cannot serve as the basis for approval or denial of an application. It**

**is not among the factors to be considered as set by ordinance or among accepted zoning factors and criteria. However, such information in certain cases might be relevant to evaluating accepted factors or as an accompaniment to other valid purposes and/or factors.**

## **REGULAR AGENDA**

### **X. REGULAR CONSENT AGENDA**

#### **1. ORDINANCE: SAFE ROUTES TO SCHOOL PHASE F**

**Synopsis:** An ordinance authorizing the Chief Counsel to commence legal proceedings to acquire property necessary for Safe Routes to School Phase F Project, CMIP 1613, submitted by James Bain, Assistant Counsel. The project consists of new sidewalks, replacement of existing sidewalk and corresponding pedestrian walkway improvements for William A. White Elementary/West Middle School along Welborn Lane from Georgia Avenue to N. 45<sup>th</sup> Street; Frances Willard Elementary School along Orville Avenue from N. 28<sup>th</sup> Street to N. 36<sup>th</sup> Street, including pedestrian walkway improvements at intersections.

*On November 8, 2018, the Commission unanimously adopted Resolution No. R-50-18 declaring the project to be a necessary and valid public improvement, and authorizing a survey of land for said project.*

**Tracking #:** 19625

#### **2. PLAT: REPLAT OF THE ENCLAVE AT MISSION CLIFFS**

**Synopsis:** Plat of Replat of the Enclave at Mission Cliffs located along Lake Avenue and South Minnie Street, being developed by Pres LLC, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

**Tracking #:** 19631

#### **3. NOMINATION: BOARDS AND COMMISSIONS**

**Synopsis:** Nomination for Boards and Commissions:

Ms. Cherish Cho for the Planning Commission/Board of Zoning Appeals, 2/28/19 - 3/31/22, submitted by Commissioner Walters

**Tracking #:** 19601

#### **4. MINUTES**

**Synopsis:** Minutes from special session and regular session of January 31, 2019.

**Tracking #:** MINUTES

#### **5. WEEKLY BUSINESS MATERIAL**

**Synopsis:** Weekly business material dated February 14 and 21, 2019.

**Tracking #:** WEEKLY BUSINESS MATERIAL

### **XI. PUBLIC HEARING AGENDA**

### **XII. STANDING COMMITTEES' AGENDA**

**XIII. ADMINISTRATOR'S AGENDA**

**XIV. COMMISSIONERS' AGENDA**

**XV. LAND BANK BOARD OF TRUSTEES' AGENDA**

**XVI. PUBLIC ANNOUNCEMENTS**

**XVII. ADJOURN**



**CITY OF KANSAS CITY, KANSAS**  
**FIRE DEPARTMENT**

815 N. 6TH STREET

KANSAS CITY, KANSAS 66101

Justus Welker  
Director, Transportation Department  
Unified Government of WYCO/KCK  
5033 State Avenue  
Kansas City, KS 66102

January 29, 2019

Mr. Welker,

The morning of 28 January 2019, near 18<sup>th</sup> St and New Jersey Ave, a serious house fire occurred. The temperature was below freezing. Upon arrival of the Battalion Chief at 18<sup>th</sup> St and Freeman from the south side of the incident, the Chief passed an alley between Freeman and New Jersey where bus operated by Dawn Herron was parked. The Battalion Chief saw several people around and inside the bus with soot marks about their faces and bodies. The Chief attempted to communicate with one adult covered in soot, but there was a language barrier. The Chief asked Driver Herron if she could remain there for these individuals. Without hesitation she nodded and said yes. The point is that this Driver Herron and her bus were in the right place at the right time for warmth, shelter, and safety for the affected family in their time of crisis. I personally, and the KCKFD collectively, want to commend the very timely appearance and arrival of a UG bus, blue in color, driven by Dawn Herron. We would like to say thank and ensure that the actions of Drive Herron were recognized and not overlooked.

Thank you,

Michael Callahan

Fire Chief



# Staff Request for Commission Action

Tracking No. 19632

**Full Commission Meeting Date:** 2/28/19

**Committee:**

Date of Standing Committee Action: NA  
(If none, please explain):

**Publication Required:** No

|                                                                                                                                                  |                                       |                                |                                              |                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|--------------------------------|----------------------------------------------|--------------------------------------|
| <u>Date:</u><br>02/22/2019                                                                                                                       | <u>Contact Name:</u><br>Kenneth Moore | <u>Contact Phone:</u><br>x5070 | <u>Contact Email:</u><br>kjmoore@wycokck.org | <u>Department/Division:</u><br>Legal |
| <u>Item Description:</u><br>A resolution appointing the Municipal Court Judge for the remainder of Judge Brandy Nichols-Brajkovic's 4-year term. |                                       |                                |                                              |                                      |
| <u>Action Requested:</u><br>Adopt resolution                                                                                                     |                                       |                                |                                              |                                      |
| <u>Budget Impact: (if applicable)</u><br>Amount:<br>Source:<br>Included In Budget:<br>Other (explain):                                           |                                       |                                |                                              |                                      |
| <u>Attachments List:</u><br>Resolution                                                                                                           |                                       |                                |                                              |                                      |



**RESOLUTION NO. R-        -19**

**BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED  
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

1. That the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas, hereby appoints \_\_\_\_\_ to the position of Municipal Court Judge, Division 2 for the remainder of the term of four years which began October 1, 2016, through September 30, 2020. Said appointment shall commence on the date mutually agreed by the parties.

2. That the County Administrator is hereby authorized and directed to negotiate an agreement, and the Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby authorized and directed to execute in the name of the Unified Government of Wyandotte County/Kansas City, Kansas, and the Unified Government Clerk is hereby authorized and directed to attest the signature of said Mayor/CEO and to attach the seal of the Unified Government thereto as the voluntary act of the Unified Government to an agreement between the Unified Government of Wyandotte County/Kansas City, Kansas, regarding the terms and conditions of said appointment as Municipal Court Administrative Judge.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED  
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS  
THIS 28<sup>TH</sup> DAY OF FEBRUARY 2019.**

---

**Bridgette D. Cobbins**  
**Unified Government Clerk**



# Urban Planning and Land Use

701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)

Phone: (913) 573-5750  
Fax: (913) 573-5796  
[www.wycokck.org/planning](http://www.wycokck.org/planning)

**To:** Unified Government Board of Commissioners

**From:** City Staff

**Date:** February 28, 2019

**Re:** **Change of Zone Petition #3172**  
**Special Use Permit #SP-2018-97**

---

## GENERAL INFORMATION

---

**Applicant:**  
Tita Lagrimas

**Status of Applicant:**  
Representative with Tradebe  
Environmental Services, LLC  
1433 East 83<sup>rd</sup> Avenue, Suite 200  
Merrillville, IN 46410

**Requested Actions:**  
Change of Zone from M2 General  
Industrial District to MP-3 Planned  
Heavy Industrial District

**Date of Application:**  
October 26, 2018

**Purpose:**  
To operate a hazardous waste transfer  
facility

**Property Location:**  
1620 South 45<sup>th</sup> Street



**Existing Zoning:** M-2 General Industrial District

**Surrounding Zoning:**

|               |                                                                                 |
|---------------|---------------------------------------------------------------------------------|
| <b>North:</b> | M-2 General Industrial District and CP-0<br>Planned Nonretail Business District |
| <b>South:</b> | M-2 General Industrial District                                                 |
| <b>East:</b>  | N-2 General Industrial District                                                 |
| <b>West:</b>  | R-1 Single Family District                                                      |

**Existing Uses:**

|               |                                         |
|---------------|-----------------------------------------|
| <b>North:</b> | Industrial Building and Office Building |
| <b>South:</b> | Industrial Building                     |
| <b>East:</b>  | Industrial Building                     |
| <b>West:</b>  | Woods, vacant residential land          |

**Total Tract Size:** 3.07 acres

**Master Plan Designation:** The City-Wide Master Plan designates this property as Business Park

**Major Street Plan:** The City-Wide Master Plan designates 45<sup>th</sup> Street as a Local Street.

**Advertisement:** The Wyandotte Echo – November 15, 2018  
Letters to Property Owners – November 14, 2018, December 4, 2018 and February 20, 2019

**Public Hearings:** February 11, 2019 and February 28, 2019

**Public Opposition:** No one appeared in opposition at the February 11, 2019 City Planning Commission meeting.

---

## PROPOSAL

---

*Detailed Outline of Requested Action:* The applicant requests to rezone this property from M-2 General Industrial District to MP-3 Planned Heavy Industrial District and obtain a special use permit to operate a hazardous waste transfer facility. A list of potential materials that would be handled by the facility are included in the attachments. The proposed use is a 10-day transfer facility for hazardous materials and hazardous waste. The containers will be transferred from one truck to another; no transported containers will be kept inside the building.

*City Ordinance Requirements:* Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-245 – 27-339

---

## FACTORS TO BE CONSIDERED

---

### ***1. Neighborhood character.***

This property is within a light industrial business park area.

**2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.***

Hazardous waste may pose a compatibility with surrounding uses if adequate safety precautions are not met.

**3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?***

Removal of restrictions may detrimentally affect nearby property if a noxious use operates at the property. However, the planned zoning provides restrictions that provides some protection over what types of uses occur there in the future.

**4. *The length of time the property has remained vacant as zoned.***

The most recent business license at this property was terminated in 2009.

**5. *The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.***

The proposed use may injure the appropriate use and marketability of nearby property if the hazardous materials are not adequately handled.

**6. *The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.***

The proposed use may increase traffic depending on how many trips are made to the site to drop off and pick up hazardous materials.

**7. *The degree of conformance of the proposed use to the Master Plan.***

The City-Wide Master Plan states that heavy industrial uses are discouraged in the Business Park District and that only warehousing or distribution of nonhazardous materials is an allowed use.

**8. *The extent to which the proposed use could cause environmental harm or enhance the environment.***

If not handled correctly, hazardous materials could cause significant environmental harm.

**9. *The extent to which utilities and public services are available and adequate to serve the proposed use.***

**a. *Water service***

Existing

**b. Sanitary sewer service**

Existing

**c. Storm water control**

Existing

**d. Police**

Police service is provided by South Patrol, District #334

**e. Fire**

Fire service is provided by District #2

**f. Transit**

There is no transit available

**g. Schools**

Kansas City, Kansas USD 500

**h. Streets**

See item #6 above

**10. The economic impact of the proposed use on the community.**

This business would contribute economically to the community.

**11. The capability of the proposed use to meet applicable ordinance requirements.**

The proposed use is capable of meeting applicable ordinance requirements.

**12. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.**

The proposed use would have positive economic effects but also the risk of environmental harm if hazardous materials are not handled correctly.

---

## NEIGHBORHOOD MEETING

---

The applicant held a neighborhood meeting on December 18, 2018. The meeting minutes are attached to this report.

---

## KEY ISSUES

---

Potential for environmental harm

---

## PLANNING COMMISSION RECOMMENDATION

---

The Planning Commission voted 9 to 0 to recommend **DENIAL** of Change of Zone Application #3172 **as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas.**

The Planning Commission voted 9 to 0 to recommend **DENIAL** of Special Use Permit Application #SP-2018-97, **as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas.**

---

## STAFF COMMENTS AND SUGGESTIONS

---

The staff concurs with the recommendation of the City Planning Commission.

---

## STAFF RECOMMENDATION

---

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **DENIAL** of Petition **#3175 and #SP-2018-97** subject to all comments and suggestions outlined in this staff report.

---

## ATTACHMENTS

---

February 11, 2019 City Planning Commission Minutes  
Site Images  
Operations Description  
List of Potential Hazardous Materials  
Site Security  
Letter Re: Concrete Sidewalk  
Neighborhood Meeting Minutes  
Conservation District Comments

---

## REVIEW OF INFORMATION AND SCHEDULE

---

| Action         | Planning Commission | Board of Commissioners |
|----------------|---------------------|------------------------|
| Public Hearing | February 11, 2019   | February 28, 2019      |
| Rezoning       | Denial              |                        |
| SUP            | February 11, 2019   | February 28, 2019      |
|                | Denial              |                        |

---

**STAFF CONTACT:**            **Zach Flanders**  
                                         [zflanders@wycokck.org](mailto:zflanders@wycokck.org)

---

## MOTIONS

---

### Change of Zone

I move the Unified Government Board of Commissioners **DENY** Petition #**3172**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

### OR

I move the Unified Government Board of Commissioners **APPROVE** Petition #**3172** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

### Special Use Permit

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2018-97**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

### OR

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2018-97** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

**February 11, 2019 City Planning Commission Minutes:**

**Non-Consent Agenda Starts At 14:50:**

**CHANGE OF ZONE APPLICATION #3172 – TITA LAGRIMAS WITH TRADEBE ENVIRONMENTAL SERVICES, LLC – SYNOPSIS:** Change of Zone from M-2 General Industrial District to M-3 Heavy Industrial District for a 10-day transfer facility for non-regulated, DOT hazardous materials and hazardous waste, containers will be transferred from one truck to another; no transported containers will be kept inside the building at 1620 South 45<sup>th</sup> Street

**SPECIAL USE PERMIT APPLICATION #SP-2018-97 – TITA LAGRIMAS WITH TRADEBE ENVIRONMENTAL SERVICES, LLC – SYNOPSIS:** Special Use Permit for a 10day transfer facility for non-regulated, DOT hazardous materials and hazardous waste, containers will be transferred from one truck to another; no transported containers will be kept inside the building at 1620 South 45<sup>th</sup> Street

**Detailed Outline of Requested Action:** The applicant requests to rezone this property from M-2 General Industrial District to MP-3 Planned Heavy Industrial District and obtain a special use permit to operate a hazardous waste transfer facility. A list of potential materials that would be handled by the facility are included in the attachments. The proposed use is a 10-day transfer facility for hazardous materials and hazardous waste. The containers will be transferred from one truck to another; no transported containers will be kept inside the building.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 11, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated November 15, 2018; and
7. The Notices to property owners dated November 14, 2018 and December 4, 2018.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)



### **Present in Support:**

- ❖ Nate Embry, Operations Manager, representing Tradebe Environmental Services LLC, 1620 South 45<sup>th</sup> Street, Kansas City, Kansas
- ❖ Joanna Sandifer Hanson, Sandifer Properties, LLC
- ❖ There were two other persons present that did not speak

### **Present in Opposition:**

- ❖ None one appeared

**Staff Recommendation starts at 59:35:** Planning Director Richardson stated with the former business license it was likely not marked as hazardous materials transfer because that has been an ordinance since well before 2009. This is a hazardous waste transfer operation and the staff's concern is operating this type of facility outside of the Armourdale, Turner or Fairfax areas where it is properly zoned and everyone going in there knows that this is heavy industrial. This is different than a Sherwin Williams because the storage area is not as compressed. He stated that the staff's recommendation is for denial for this change of zone and special use permit because it is a small area to rezone to MP-3 and it might invoke spot zoning rules but primarily this type of activity is a M-3 activity and it should stay there. If the Commission recommends approval the staff would request that a stipulation be added based on the applicant's comments, that no biological, explosive or radio-active materials be handled at this location in addition to the stipulations in the staff report.

The Planning Commission directed questions to the staff.

### **Motion and Vote starts at 1:04:06:**

On motion by Mr. Ernst, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **DENIAL of Change of Zone Application #3172 as it will not promote the public health, safety and welfare of the city of Kansas City, Kansas:**

|          |          |
|----------|----------|
| Carson   | Chairman |
| Connelly | Aye      |
| Ernst    | Aye      |
| Huey     | Aye      |
| Jones    | Aye      |
| Miller   | Aye      |
| Neal     | Aye      |
| Pauley   | Aye      |
| Reasons  | Aye      |
| Serda    | Aye      |

**Motion to recommend DENIAL Passed: 9 to 0**

On motion by Ms. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **DENIAL of Special Use Permit Application #SP-2018-97 as it will not promote the public health, safety and welfare of the city of Kansas City, Kansas:**

|        |          |
|--------|----------|
| Carson | Chairman |
|--------|----------|

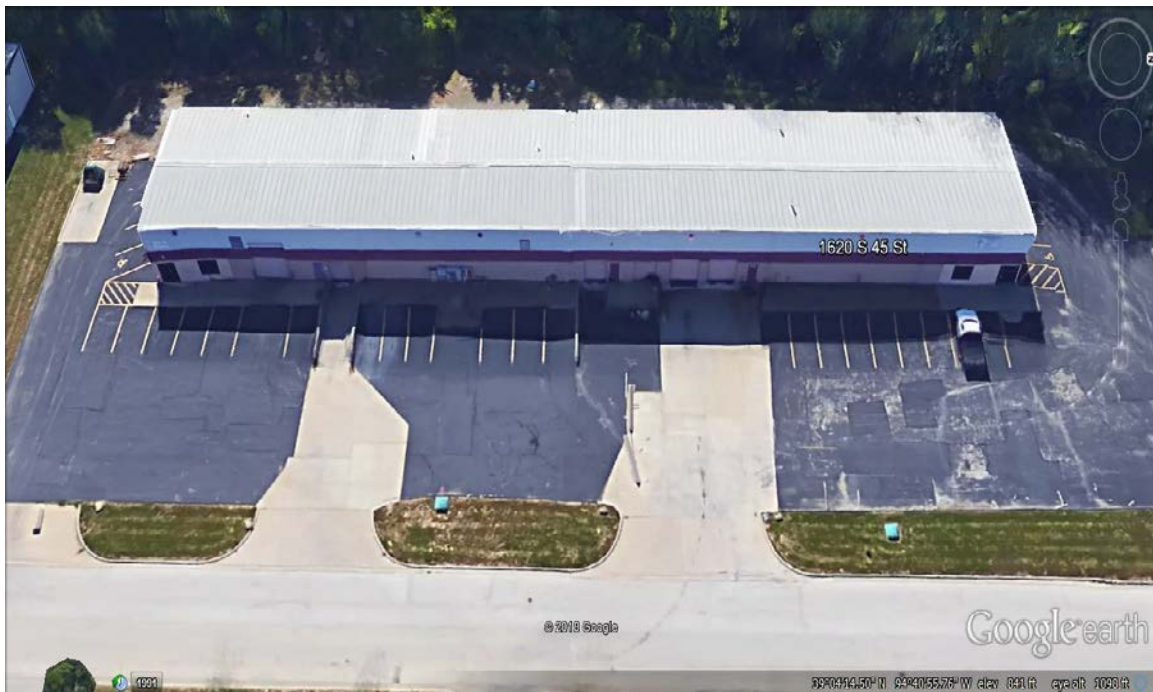
|          |     |
|----------|-----|
| Connelly | Aye |
| Ernst    | Aye |
| Huey     | Aye |
| Jones    | Aye |
| Miller   | Aye |
| Neal     | Aye |
| Pauley   | Aye |
| Reasons  | Aye |
| Serda    | Aye |

Motion to recommend DENIAL Passed: 9 to 0

Overhead view of building and property (source Google earth™)



Overhead view of the east side of the building and property (source Google earth™)



East side of the northern section of the building, subject location (looking west)



West side of building, northern section, (looking northeast)





Northend of building (looking south)



View of the south end of building and property, (looking northwest)





**Tradebe Environmental Services, LLC  
/ Tradebe Transportation, LLC  
10-Day Transfer Facility Operation Summary**

***Background***

Tradebe Environmental Services, LLC (Tradebe) provides recyclable material, hazardous, non-hazardous and universal waste collection; packaging; and transportation services to universities; commercial organizations and a variety of industrial customers. Tradebe also provides transportation for community household hazardous waste (HHW) collection events. The aforementioned materials are then taken to a Tradebe facility that is licensed to receive, store, process or send the material on to another processing facility.

10-Day Transfer Facility operations receive the oversight from the state environmental protection agency.

***Description of 10-Day Transfer Facility Operations***

Containers of the aforementioned materials are transported from manufacturers and /or generators in accordance with Department of Transportation (DOT) requirements and transported by a qualified commercial driver licensed (CDL) vehicle operator. Containers or regulated materials must meet the applicable DOT and EPA regulations prior to being removed from the originating facility.

Typically, the aforementioned materials are transported from generator's site to the 10-Day Transfer Facility via a straight box truck; straight box truck has a cab and an enclosed van as one unit. On occasion a tractor trailer may be used for shipments from the generator's facility. A semi-trailer is placed at a 10-Day Transfer Facility loading dock.

At the 10-Day Transfer Facility, materials containers on the straight truck are transferred from to the semi-trailer with the use of a drum cart, pallet jack or possibly by use of a forklift. Semi-trailers are used to transport the material containers from the 10-Day Transfer Facility to the permitted storage or processing facilities. These material containers are only staged on the straight trucks or trailers and are not be stored in buildings.

Material containers cannot be staged for longer than 10 days. The material container movements, (e.g., inbound, transfers and outbound activities) are documented on 10-Day Transfer Logs, a copy can be found as Attachment 1 to this document. The 10-Day Transfer facility is also required to be inspected. Inspections conducted at the facility examine the facility documents, transfer locations, building, safety equipment and outside staging areas. These items are looking for issues or concerns that need investigation or corrective actions.

***Tradebe 10-Day Transfer Facility Operations***

The Tradebe 10-Day Transfer Facility will be staffed with an Operations Manager and Field Chemists. The Account Manager oversees the facility operations. Field Chemists are dispatched to generator's locations and conducted various activities at the sites as well as operate the straight trucks as well as providing environmental services for the Tradebe's customers. Tradebe's 10-Day Transfer Facility personnel undergo various, rigorous training programs, which includes OSHA Hour 40 Haz-Woper Hour and 8 Hour Haz-Woper refresher classes. Personnel receive DOT and USEPA RCRA hazardous waste training before they are allowed to work at a generator's site or at the 10-day Transfer Facility.

At some 10-Transfer Facility locations, an additional trailer is located at the facility which is used to store supplies, such as: empty containers; absorbent materials; packaging materials and response supplies, The





supply items are used by the Tradebe's Field Chemists in the normal course of servicing the Tradebe customers.

As stated above, the van trailers are used to consolidate inbound loads, which are designated to a Tradebe permitted facility or an approved alternate facility. The inbound shipping documents and the associated paperwork accompanying the containers are completed at the customer's location. Photocopies of all shipping documents are maintained in the 10-day Transfer Facility file along with the facility's 10-Day Transfer Facility log. These documents are available for inspection.

The 10-Day Transfer Facility log also identifies shipments destined for receiving locations; the date listed on the log identifies when the first container is transferred onto the outbound semi-trailer. This date begins the day count of the 10 day limit for that container (i.e., trailer), which is monitored by Tradebe personnel. Each trailer must be removed by the end of the 10<sup>th</sup> day in accordance with U.S. DOT regulations. When a trailer is shipped from the facility, an empty semi-trailer replaces the shipped trailer and the process starts over again.

The types of materials that are transferred at the facility may be product, recyclable material, universal waste, both hazardous and non-hazardous wastes. These materials may be packaged as lab packs; in compressed gas cylinders; and as household hazardous wastes; Attachment 2 contains the list of EPA Hazardous Waste Codes the shipments may contain. All applicable containers will be labeled and marked in accordance with the DOT and USEPA labels and markings. Shipping documents and Emergency Responses Guide books are kept on site.

In summary, the following is a description Tradebe's 10-Day Transfer Facility operation's procedures:

1. Vehicles are scheduled prior to arrival at 10-Day Transfer Facility.
2. Loaded straight truck arrives at facility.
3. Shipping documents are reviewed for accuracy, then the photo copied documents are placed into the site files.
4. Container counts are verified against shipping documents.
5. Containers are inspected for integrity prior to transferring from straight truck to semi-trailer.
6. Prior to loading, the receiving semi-trailer is placarded to identify semi-trailer's cargo
7. Material is transferred from the straight truck to a semi-truck (10 day clock starts); the containers are transferred using a drum dolly, pallet jack or forklift from one truck to the other truck through the building dock.
8. The original shipping document is placed back with the cargo and photocopy is filed at the facility.
9. The shipping document and truck information is entered into the 10-day Transfer Facility log.
10. Copies of shipping documents and the 10-day Transfer Facility logs are clearly marked and made available for inspections.
11. Truck, building and property operations are inspected; while on site, the truck and its cargo will be inspected each operating day.
12. The inspection information is recorded in an inspection log.



**Attachment 1**  
**10-DAY TRANSFER LOG**





### 10-DAY TRANSFER LOG

Trailer Number:

| Date/Time In | Generator Name | Transporter | Container | Manifest Document Number | Date Out | Destination Facility | Comment |
|--------------|----------------|-------------|-----------|--------------------------|----------|----------------------|---------|
|              |                |             |           |                          |          |                      |         |
|              |                |             |           |                          |          |                      |         |
|              |                |             |           |                          |          |                      |         |
|              |                |             |           |                          |          |                      |         |
|              |                |             |           |                          |          |                      |         |
|              |                |             |           |                          |          |                      |         |
|              |                |             |           |                          |          |                      |         |
|              |                |             |           |                          |          |                      |         |
|              |                |             |           |                          |          |                      |         |
|              |                |             |           |                          |          |                      |         |
|              |                |             |           |                          |          |                      |         |



**Attachment 2**

**10-DAY TRANSFER FACILITY INSPECTION LOG**



# 10-DAY TRANSFER FACILITY INSPECTION LOG

Month/Year: \_\_\_\_\_

| Date<br>Time | Shipping<br>Docs.<br>Reviewed<br>For Compliance | Inspection of<br>Dock | Inspection<br>of<br>Secondary<br>Containment | Container<br>Integrity/<br>Inspect<br>For Leaks | Truck/Trailer<br>Secured | Fire<br>Extinguisher<br>Eye wash | Corrective<br>Action<br>Required* | Name of<br>Inspector |
|--------------|-------------------------------------------------|-----------------------|----------------------------------------------|-------------------------------------------------|--------------------------|----------------------------------|-----------------------------------|----------------------|
| 1            |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 2            |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 3            |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 4            |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 5            |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 6            |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 7            |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 8            |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 9            |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 10           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 11           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 12           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 13           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 14           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 15           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 16           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 17           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 18           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 19           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 20           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 21           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 22           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 23           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 24           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 25           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 26           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 27           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 28           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 29           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 30           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 31           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |

\* List on a separate sheet of paper the date and time of any corrective actions/work orders taken and send a copy to the Supervisor for review and countersignature.



**Tradebe Environmental Services, LLC  
Kansas City 10 Day Transfer Facility**

**Site Security**

The following information describes the actions taken by Tradebe Environmental Services, LLC. / Tradebe Transportation, LLC (Tradebe) 10 Day for the safe and secure of materials passing through a 10 Day Transfer facility. This sheet describes the specific equipment and operations for the Kansas City operations.

Tradebe 10 Day Transfer Facility personnel are educated and experienced professionals in field of hazardous material management. Tradebe provides additional training -both initial hire and on-going training - for 10 Day Facility managers, including "In-Depth Security" training as per the US Department of Transportation HM232 Security program criteria.

**Site Security:**

The site area has general lighting for the area. All building entrance points are locked when the site is unattended. Tradebe personnel conduct regular inspections of the transportation equipment, site and grounds around the site. These inspections are performed and documented at least once per operating day.

Equipment used in the transportation of materials passing through the site have the trailer doors secured with pad locks. Trailers staged at the loading dock are parked against the building, preventing any entrance to the trailer. Stage trailers have a fifth (5<sup>th</sup>) wheel lock on the trailer preventing the trailer from being moved from the building. All building doors are closed and locked.

**Specialized Security Equipment:**

This location has a security system that is turned on as personnel leave the site. The Security system has security cameras that are activated by motion detectors. Several security functions are activated once motion is detected around the site. First, floodlights are turned on to illuminate the area. Next, a video recording system records the cameras' video outputs.

Upon a "motion detected" signal from the security system, a notification is sent from the site to the primary and back up facility managers' mobile phones. The managers can access the live video from the various camera. The manager can then activate the site alarm system before calling the local law enforcement.

Tradebe Environmental Services, LLC

1143 E 83rd Ave, Suite 200 • Merrillville, IN 46410 • Phone: (800) 388-7242 • (219) 397-3951 • Fax: (219) 391-7040 • [www.tradebe.com](http://www.tradebe.com)



SENT VIA UPS 1Z OY3 545 02 9162 1372

December 13, 2018

Mr. Zachery Flanders, AICP  
Urban Planner  
Department of Urban Planning and Land Use  
Unified Government of Wyandotte County and  
Kansas City, Kansas  
Municipal Office Building, Room 423  
701 North 7<sup>th</sup> Street,  
Kansas City, KS 66101

**RE: Concrete Sidewalk**  
1620 S 45<sup>th</sup> Street  
Kansas City, KS

Mr. Flanders:

This letter is written as a formal request for exclusion to the requirement for the construction of a sidewalk at 1620 S 45<sup>th</sup> Street, Kansas City KS. The formal request is with respect to the Urban Planning and Land Use Staff Comments associated with Tradebe Environmental Services, LLC (Tradebe) Rezone and Special Permit Application, as listed on page 5 of the Urban Planning and Land Use Draft Report to the City Planning commission, dated December 10, 2018, (date of the original board meeting). The staff comments were discussed between you and Robert Vaughn, Environmental Manager with Tradebe on November 20, 2018.

Item 3, under the **STAFF COMMENTS AND SUGGESTIONS** Section, the Urban Planning and Land Use staff advises that a six (6) foot (wide) sidewalk be constructed along 45<sup>th</sup> Street for the extent of the property frontage. Tradebe discussed this with the property owner representative, Ms. Joanne Hanson, with Sandifer Properties, LLC (Sandifer). A common concern voiced by Tradebe and Sandifer personnel is the existing utilities that are located between the street curb and the site's asphalt parking lot. Another concern is due to a slope between the street curb and the site parking lot; the site grading would have to be altered to provide for a retaining wall. Please refer to Attachment A for photo documentation for the site

Ms. Hanson consulted with a construction company to determine the feasibility and costs for the construction of a sidewalk at the site. Ms. Hanson received a cost estimate for the sidewalk construction, including a Knee Wall that is over twenty-two thousand dollars (\$22,000). Further, costs for the sidewalk construction could be expected as the construction company advised that their cost estimate for the project does not include any costs for relocation of the existing fire hydrant; electrical / communication boxes or for the lowering of buried gas lines, please refer to Attachment B for the side walk construction quotation.

Mr. Zachery Flanders  
December 13, 2018  
Page 2

Upon review of the cost proposal with Ms. Hanson, Tradebe personnel were advised that 45<sup>th</sup> Street is primarily commercial or industrial establishments with no residential units located on the street. Further, except for the Dollar Store, located over six hundred (600) feet to the northeast of the site - at the corner of 45<sup>th</sup> Street and Metropolitan Avenue - there are no establishments with foot traffic situated on 45<sup>th</sup> Street. The Dollar Store site is the only location with a sidewalk around 45<sup>th</sup> Street.

Tradebe understands the rationale for providing sidewalks for residential areas or areas with foot traffic to provide a safe passage way for personnel. The issue for both Tradebe and Sandifer Properties is that construction of a sidewalk at the 1620 S 45<sup>th</sup> Street location will be a standalone section of concrete that will not be of benefit to the area or serve the community of Kansas City.

It is for the reasons cited above that Tradebe and Sandifer are requesting the exclusion for requiring a section of concrete sidewalk be constructed at 1620 S 45<sup>th</sup> Street. Should you have any questions or need to discuss this matter, I can be reached at 219.746.8713 or emailed at [tita.lagrimas@tradebe.com](mailto:tita.lagrimas@tradebe.com).

Respectfully,  
**Tradebe Environmental Services, LLC**



Tita Lagrimas  
Executive Vice President of Regulatory Affairs

Attachments

CC: Ms. Joanna Hanson, Sandifer Properties, LLC  
Nate Embry, Tradebe



**Attachment A**

Photo Documentation  
1620 S 45<sup>th</sup> Street  
Kansas City, KS

Tradebe Environmental Services, LLC  
1143 E 83rd Ave, Suite 200 • Merrillville, IN 46410 • Phone: (800) 388-7242 • (219) 397-3951 • Fax: (219) 391-7040 • [www.tradebe.com](http://www.tradebe.com)





Photo 1: View looking southwest at 1620 S 45<sup>th</sup> Street, Kansas City KS, photo source Google Earth™



Note: Buried gas line marker in foreground and fire hydrant and electrical / communication boxes background. Slope of surface between curb and asphalt parking surface.

Photo 2: View looking northwest at 1620 S 45<sup>th</sup> Street, Kansas City KS, photo source Google Earth™



Note: fire Hydrant and electrical / communication box in foreground, left.

Tradebe Environmental Services, LLC

1143 E 83rd Ave, Suite 200 • Merrillville, IN 46410 • Phone: (800) 388-7242 • (219) 397-3951 • Fax: (219) 391-7040 • [www.tradebe.com](http://www.tradebe.com)





Photo 3: South end of 1620 S 45<sup>th</sup> Street looking north, photo source Google Earth™.



Buried gas line identified in the foreground center.

Photo 4: Property to the north of 1620 S 45<sup>th</sup> Street, phot courtesy of Sandifer Properties, LLC.



Tradebe Environmental Services, LLC  
1143 E 63rd Ave, Suite 200 • Merrillville, IN 46410 • Phone: (800) 388-7242 • (219) 397-3951 • Fax: (219) 391-7040 • [www.tradebe.com](http://www.tradebe.com)



## **Attachment B**

### **Sidewalk Construction Quotation**

Tradebe Environmental Services, LLC  
1143 E 83rd Ave, Suite 200 • Merrillville, IN 46410 • Phone: (800) 388-7242 • (219) 397-3951 • Fax: (219) 391-7040 • [www.tradebe.com](http://www.tradebe.com)



AL MUEHLBERGER CONCRETE COMPANY, LLC

# PROPOSAL

DATE: December 7, 2018

To: Joanne Hanson / Nate Embry

CONTRACTOR: Sandifer Properties / Tradebe

PROJECT: 1820 S 45<sup>th</sup>  
Kansas City, KS

Al Muehlberger Concrete Company, LLC (AMCC) proposes to furnish all necessary labor, materials, equipment, and tools for work on the above referenced project as described below:

## SCOPE OF WORK TO INCLUDE:

- A. New Sidewalk w/ Anticipated Knee Wall & Curb Cut
  - 1. Cut and remove section of curb at existing approach for new ADA Ramp
  - 2. Excavation / grading for new sidewalk
  - 3. Formwork, concrete, and reinforcing for new sidewalk, knee wall, and ADA ramp
  - 4. Backfill and clean up of disturbed area

## SCOPE OF WORK SPECIFICALLY EXCLUDES:

- 1. Permits or bonds
- 2. Builder's risk insurance premiums or deductibles
- 3. Testing/ inspection fees or scheduling of such service
- 4. Demolition, excavation, or grading other than included above
- 5. Professional engineering or surveying services
- 6. Relocation of existing fire hydrant or electrical/communication boxes
- 7. Lowering of buried gas line if necessary

## SPECIAL PROVISIONS:

- 1. Payment is due within 15 days of billing date for work performed during such billing period.  
Final payment, including retention, is due within 30 days of substantial completion.

## DRAWING REFERENCE:

N/A Based on verbal description and site inspection

|                       | <u>PROPOSAL:</u> |                    |
|-----------------------|------------------|--------------------|
| Sidewalk              |                  | \$12,180.00        |
| Knee Wall             |                  | 10,260.00          |
| Curb Cut for ADA Ramp |                  | 490.00             |
| Total:                |                  | <u>\$22,930.00</u> |

AMCC requires the above outline be incorporated into any contract/purchase order so that all inclusions, exclusions, and provisions are defined and understood. This proposal is valid for a period of 60 days.

We appreciate the opportunity to provide you with a proposal for this project and hope to become a part of your construction team. If you have any questions feel free to call me at your earliest convenience.

Sincerely,

P.O. Box 3205  
Kansas City, KS 66103  
913-927-1620

Al Muehlberger Concrete Company, LLC

Eric Kibbe  
Chief Estimator

Tradebe Environmental Services, LLC  
1143 E 83rd Ave, Suite 200 • Merrillville, IN 46410 • Phone: (800) 388-7242 • (219) 397-3951 • Fax: (219) 391-7040 • [www.tradebe.com](http://www.tradebe.com)



TRADEBE  
Environmental Services™

### Rezoning / Special use Meeting Minutes documentation

Application Number: CZ - 18401 - 00015 AND FENCE APPEAL / SIDEWALK

Date: 12/18/2018

Location:

2 South 14<sup>th</sup> St, Kansas City, KS

Meeting start at: 3.30pm

Meeting adjourned at: 4.30 p.m.

Minutes taken by: Albert Mas

| Name:            | Question or Comment:                                                                                | Response by:    | Response:                                                                                                                                                                 |
|------------------|-----------------------------------------------------------------------------------------------------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Gretchen Hembree | Has the facility been tested for methane after the issues we had in the building across the street? | Mickey Sandifer | The rest of the properties on the street have been tested for methane and the results were all negative                                                                   |
| Gretchen Hembree | Will there be any HHW drop-offs at the facility?                                                    | Nate Embery     | No, all HHW events are held outside of the 10day.                                                                                                                         |
| Gretchen Hembree | What kind of waste do you handle in the facility?                                                   | Nate Embery     | It's a wide range of materials but to give you a few examples we handle flammable liquids i.e. paints, corrosives and also non-hazardous waste.                           |
| Ken Mete         | Do you store waste inside the trailer?                                                              | Nate Embery     | Yes                                                                                                                                                                       |
| Gretchen Hembree | Is there any risk of explosion if temperatures rise?                                                | Nate Embery     | We have very strict procedures when handling temperature controlled chemicals and we use refrigerated trucks. In any case, we only handle this type of waste very rarely. |

|                  |                                                                                       |                 |                                                                                                                                                            |
|------------------|---------------------------------------------------------------------------------------|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Gretchen Hembree | The county is asking to install a fence on the west side of the property?             | Nate Embery     | That's correct, that's one of their recommendations and it's for aesthetic purposes.                                                                       |
| Gretchen Hembree | The two only recommendations made by county are the west side fence and the sidewalk? | Nate Embery     | Yes, that is correct.                                                                                                                                      |
| Ken Mete         | Are you currently operating in the building?                                          | Albert Mas      | Yes, we're currently operation and have been since August 1 <sup>st</sup> 2018. We can do so as long as we're applying for the rezoning.                   |
| Gretchen Hembree | Will you put up any sign informing you're storing hazardous waste?                    | Nate Embery     | No, besides the Company sign we're not planning on adding another one.                                                                                     |
| Gretchen Hembree | What if someone decides to break into the property and set fire to the trailer?       | Nate Embery     | The trailer is completely locked and can only be accessed from inside the office, which of course is also locked. We have also installed security cameras. |
| Gretchen Hembree | There's a food processing company next door, has anyone complained about Tradebe?     | Mickey Sandifer | No, we haven't received any complaints since Tradebe started operating in the building.                                                                    |
|                  |                                                                                       |                 |                                                                                                                                                            |
|                  |                                                                                       |                 |                                                                                                                                                            |



Wyandotte County Conservation District  
1204 N. 79<sup>th</sup> Street - Kansas City, KS 66112 - Phone (913)-334-6329 -  
wyco.conservation@gmail.com

Rob Richardson  
Director of Planning  
701 North 7<sup>th</sup> Street Rm. 423  
Kansas City, KS 66101  
913-573-5750

November 13, 2018

RE: COZ 3172, SP-2018-97 Tita Lagrimas hazardous waste transfer facility 1620 South 45<sup>TH</sup> Street

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the Change of Zoning COZ 3172, SP-2018-97 Tita Lagrimas hazardous waste transfer facility 1620 South 45<sup>TH</sup> Street.

In addition to the site review the following reports were generated from the Wyandotte County Soil Survey to assess the limitations for development and/or natural resources concerns for this site.

MAPS AND REPORTS

Soils Map  
Soils Inventory Report  
Map Unit Description (Brief)  
Soil Features

In summary, the following limitations and resource concerns were noted for this plat:

- There are two major soil types identified: Knox silt loam, 18 to 30 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- Any spills that might occur need to be cleaned up immediately and disposed of in a safe manner. Care needs to be taken to prevent spills from entering the storm sewer system.
- No materials should be stored inside or outside of the building without being secured. There were three barrels stored behind the building at the time of review. There was nothing to prevent them from being removed or tempered with.
- Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to



buildings, roads and other structures and to plant roots. Special design commonly is needed.

Technical assistance is available from our office. Limitation maps, detail soils reports and a conservation plan can also be requested for this site from our office. Pasture planning is available.

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern has been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineations on the maps include soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller  
District Manager

enclosures





#### TRADEBE 10-DAY WASTE IDENTIFICATION CODES

| <u>EPA<br/>WASTE<br/>CODE</u> | <u>DESCRIPTION</u>                                                                                                   |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------|
| D001                          | IGNITABLE WASTE                                                                                                      |
| D002                          | CORROSIVE WASTE                                                                                                      |
| D003                          | REACTIVE WASTE                                                                                                       |
| D004                          | ARSENIC                                                                                                              |
| D005                          | BARIUM                                                                                                               |
| D006                          | CADMIUM                                                                                                              |
| D007                          | CHROMIUM                                                                                                             |
| D008                          | LEAD                                                                                                                 |
| D009                          | MERCURY                                                                                                              |
| D010                          | SELENIUM                                                                                                             |
| D011                          | SILVER                                                                                                               |
| D012                          | ENDRIN (1,2,3,4,10,10-HEXACHLORO-1,7-EPOXY-1,4,4A,5,6,7,8,8A-OCTAHYDRO-1,4-ENDO, ENDO-5,8-DIMETH-ANO-NAPHTHALENE)    |
| D013                          | LINDANE (1,2,3,4,5,6-HEXA-CHLOROCYCLOHEXANE, GAMMA ISOMER)                                                           |
| D014                          | METHOXYCHLOR (1,1,1-TRICHLORO-2,2-BIS [P-METHOXYPHENYL] ETHANE)                                                      |
| D015                          | TOXAPHENE (C <sub>10</sub> H <sub>10</sub> CL <sub>8</sub> , TECHNICAL CHLORINATED CAMPHENE, 67-69 PERCENT CHLORINE) |
| D016                          | 2,4-D (2,4-DICHLOROPHENOXYACETIC ACID)                                                                               |
| D017                          | 2,4,5-TP SILVEX (2,4,5-TRICHLOROPHENOXYPROPIONIC ACID)                                                               |
| D018                          | BENZENE                                                                                                              |
| D019                          | CARBON TETRACHLORIDE                                                                                                 |
| D020                          | CHLORDANE                                                                                                            |
| D021                          | CHLOROBENZENE                                                                                                        |
| D022                          | CHLOROFORM                                                                                                           |
| D023                          | O-CRESOL                                                                                                             |
| D024                          | M-CRESOL                                                                                                             |
| D025                          | P-CRESOL                                                                                                             |



|      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| D026 | CRESOL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| D027 | 1,4-DICHLOROBENZENE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| D028 | 1,2-DICHLOROETHANE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| D029 | 1,1-DICHLOROETHYLENE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| D030 | 2,4-DINITROTOLUENE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| D031 | HEPTACHLOR (AND ITS EPOXIDE)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| D032 | HEXACHLOROBENZENE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| D033 | HEXACHLOROBUTADIENE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| D034 | HEXACHLOROETHANE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| D035 | METHYL ETHYL KETONE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| D036 | NITROBENZENE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| D037 | PENTACHLOROPHENOL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| D038 | PYRIDINE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| D039 | TETRACHLOROETHYLENE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| D040 | TRICHLORETHYLENE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| D041 | 2,4,5-TRICHLOROPHENOL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| D042 | 2,4,6-TRICHLOROPHENOL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| D043 | VINYL CHLORIDE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| F001 | THE FOLLOWING SPENT HALOGENATED SOLVENTS USED IN DEGREASING: TETRACHLOROETHYLENE, TRICHLORETHYLENE, METHYLENE CHLORIDE, 1,1,1-TRICHLOROETHANE, CARBON TETRACHLORIDE AND CHLORINATED FLUOROCARBONS; ALL SPENT SOLVENT MIXTURES/BLENDS USED IN DEGREASING CONTAINING, BEFORE USE, A TOTAL OF TEN PERCENT OR MORE (BY VOLUME) OF ONE OR MORE OF THE ABOVE HALOGENATED SOLVENTS OR THOSE SOLVENTS LISTED IN F002, F004, AND F005; AND STILL BOTTOMS FROM THE RECOVERY OF THESE SPENT SOLVENTS AND SPENT SOLVENT MIXTURES.                                         |
| F002 | THE FOLLOWING SPENT HALOGENATED SOLVENTS: TETRACHLOROETHYLENE, METHYLENE CHLORIDE, TRICHLOROETHYLENE, 1,1,1-TRICHLOROETHANE, CHLOROBENZENE, 1,1,2-TRICHLORO-1,2,2-TRIFLUOROETHANE, ORTHO-DICHLOROBENZENE, TRICHLOROFLUOROMETHANE, AND 1,1,2, TRICHLOROETHANE; ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, A TOTAL OF TEN PERCENT OR MORE (BY VOLUME) OF ONE OR MORE OF THE ABOVE HALOGENATED SOLVENTS OR THOSE SOLVENTS LISTED IN F001, F004, AND F005; AND STILL BOTTOMS FROM THE RECOVERY OF THESE SPENT SOLVENTS AND SPENT SOLVENT MIXTURES. |
| F003 | THE FOLLOWING SPENT NONHALOGENATED SOLVENTS: XYLENE, ACETONE, ETHYL ACETATE, ETHYL BENZENE, ETHYL ETHER, METHYL ISOBUTYL KETONE, N-BUTYL ALCOHOL, CYCLOHEXANONE, AND                                                                                                                                                                                                                                                                                                                                                                                          |



METHANOL; ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, ONLY THE ABOVE SPENT NONHALOGENATED SOLVENTS; AND ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, ONE OR MORE OF THE ABOVE NONHALOGENATED SOLVENTS, AND A TOTAL OF TEN PERCENT OR MORE (BY VOLUME) OF ONE OR MORE OF THOSE SOLVENTS LISTED IN F001, F002, F004, AND F005; AND STILL BOTTOMS FROM THE RECOVERY OF THESE SPENT SOLVENTS AND SPENT SOLVENT MIXTURES.

- F004 THE FOLLOWING SPENT NONHALOGENATED SOLVENTS: CRESOLS, CRESYLIC ACID, AND NITROBENZENE; AND THE STILL BOTTOMS FROM THE RECOVERY OF THESE SOLVENTS; ALL SPENT SOLVENT MIXTURES /BLENDS CONTAINING, BEFORE USE, A TOTAL OF TEN PERCENT OR MORE (BY VOLUME) OF ONE OR MORE OF THE ABOVE NONHALOGENATED SOLVENTS OR THOSE SOLVENTS LISTED IN F001, F002, AND F005; AND STILL BOTTOMS FROM THE RECOVERY OF THESE SPENT SOLVENTS AND SPENT SOLVENT MIXTURES.
- F005 THE FOLLOWING SPENT NONHALOGENATED SOLVENTS: TOLUENE, METHYL ETHYL KETONE, CARBON DISULFIDE, ISOBUTANOL, PYRIDINE, BENZENE, 2-ETHOXYETHANOL, AND 2-NITROPROPANE; ALL SPENT SOLVENT MIXTURES/BLENDS CONTAINING, BEFORE USE, A TOTAL OF TEN PERCENT OR MORE (BY VOLUME) OF ONE OR MORE OF THE ABOVE NONHALOGENATED SOLVENTS OR THOSE SOLVENTS LISTED IN F001, F002, OR F004; AND STILL BOTTOMS FROM THE RECOVERY OF THESE SPENT SOLVENTS AND SPENT SOLVENT MIXTURES.
- F006 WASTEWATER TREATMENT SLUDGES FROM ELECTROPLATING OPERATIONS, EXCEPT FROM THE FOLLOWING PROCESSES: (1) SULFURIC ACID ANODIZING OF ALUMINUM; (2) TIN PLATING ON CARBON STEEL; (3) ZINC PLATING (SEGREGATED BASIS) ON CARBON STEEL; (4) ALUMINUM OR ZINC-ALUMINUM PLATING ON CARBON STEEL; (5) CLEANING/STRIPPING ASSOCIATED WITH TIN, ZINC, AND ALUMINUM PLATING ON CARBON STEEL; AND (6) CHEMICAL ETCHING AND MILLING OF ALUMINUM.
- F007 SPENT CYANIDE PLATING BATH SOLUTIONS FROM ELECTROPLATING OPERATIONS.
- F008 PLATING BATH RESIDUES FROM THE BOTTOM OF PLATING BATHS FROM ELECTROPLATING OPERATIONS IN WHICH CYANIDES ARE USED IN THE PROCESS.
- F009 SPENT STRIPPING AND CLEANING BATH SOLUTIONS FROM ELECTROPLATING OPERATIONS IN WHICH CYANIDES ARE USED IN THE PROCESS.
- F010 QUENCHING BATH RESIDUES FROM OIL BATHS FROM METAL HEAT TREATING OPERATIONS IN WHICH CYANIDES ARE USED IN THE PROCESS.
- F011 SPENT CYANIDE SOLUTIONS FROM SLAT BATH POT CLEANING FROM METAL HEAT TREATING OPERATIONS.
- F012 QUENCHING WASTEWATER TREATMENT SLUDGES FROM METAL HEAT TREATING OPERATIONS IN WHICH CYANIDES ARE USED IN THE PROCESS.
- F019 WASTEWATER TREATMENT SLUDGES FROM THE CHEMICAL CONVERSION COATING OF ALUMINUM, EXCEPT FROM ZIRCONIUM PHOSPHATING IN ALUMINUM CAN WASHING WHEN SUCH PHOSPHATING IS AN EXCLUSIVE CONVERSION COATING PROCESS.
- F020 WASTES (EXCEPT WASTEWATER AND SPENT CARBON FROM HYDROGEN CHLORIDE PURIFICATION) FROM THE PRODUCTION OR MANUFACTURING USE (AS A REACTANT, CHEMICAL INTERMEDIATE, OR COMPONENT IN A FORMULATING PROCESS) OF TRI- OR TETRACHLOROPHENOL OR OF INTERMEDIATES USED TO PRODUCE THEIR PESTICIDE DERIVATIVES. (THIS LISTING DOES NOT INCLUDE WASTES FROM THE PRODUCTION OF HEXACHLOROPHENE FROM HIGHLY PURIFIED 2,4,5-TRICHLOROPHENOL.)
- F021 WASTES (EXCEPT WASTEWATER AND SPENT CARBON FROM HYDROGEN CHLORIDE PURIFICATION) FROM THE PRODUCTION OR MANUFACTURING USE (AS A REACTANT, CHEMICAL INTERMEDIATE, OR

- COMPONENT IN A FORMULATING PROCESS) OF PENTACHLOROPHENOL, OR OF INTERMEDIATES USED TO PRODUCE DERIVATIVES.
- F022 WASTES (EXCEPT WASTEWATER AND SPENT CARBON FROM HYDROGEN CHLORIDE PURIFICATION) FROM THE MANUFACTURING USE (AS A REACTANT, CHEMICAL INTERMEDIATE, OR COMPONENT IN A FORMULATING PROCESS) OF TETRA-, PENTA-, OR HEXACHLOROBENZENES UNDER ALKALINE CONDITIONS.
- F023 WASTES (EXCEPT WASTEWATER AND SPENT CARBON FROM HYDROGEN CHLORIDE PURIFICATION) FROM THE PRODUCTION OF MATERIALS ON EQUIPMENT PREVIOUSLY USED FOR THE PRODUCTION OR MANUFACTURING USE (AS A REACTANT, CHEMICAL INTERMEDIATE, OR COMPONENT IN A FORMULATING PROCESS) OF TRI- AND TETRACHLOROPHENOLS. (THIS LISTING DOES NOT INCLUDE WASTES FROM EQUIPMENT USED ONLY FOR THE PRODUCTION OR USE OF HEXACHLOROPHENE FROM HIGHLY PURIFIED 2,4,5-TRICHLOROPHENOL.)
- F024 PROCESS WASTES INCLUDING, BUT NOT LIMITED TO, DISTILLATION RESIDUES, HEAVY ENDS, TARS, AND REACTOR CLEAN-OUT WASTES FROM THE PRODUCTION OF CERTAIN CHLORINATED ALIPHATIC HYDROCARBONS BY FREE RADICAL CATALYZED PROCESSES. THESE CHLORINATED ALIPHATIC HYDROCARBONS ARE THOSE HAVING CARBON CHAIN LENGTHS RANGING FROM ONE TO, AND INCLUDING FIVE, WITH VARYING AMOUNTS AND POSITIONS OF CHLORINE SUBSTITUTION. (THIS LISTING DOES NOT INCLUDE WASTEWATERS, WASTEWATER TREATMENT SLUDGE, SPENT CATALYSTS, AND WASTES LISTED IN SECTIONS 261.31. OR 261.32)
- F025 CONDENSED LIGHT ENDS, SPENT FILTERS AND FILTER AIDS, AND SPENT DESICCANT WASTES FROM THE PRODUCTION OF CERTAIN CHLORINATED ALIPHATIC HYDROCARBONS BY FREE RADICAL CATALYZED PROCESSES. THESE CHLORINATED ALIPHATIC HYDROCARBONS ARE THOSE HAVING CARBON CHAIN LENGTHS RANGING FROM ONE TO, AND INCLUDING FIVE, WITH VARYING AMOUNTS AND POSITIONS OF CHLORINE SUBSTITUTION.
- F026 WASTES (EXCEPT WASTEWATER AND SPENT CARBON FROM HYDROGEN CHLORIDE PURIFICATION) FROM THE PRODUCTION OF MATERIALS ON EQUIPMENT PREVIOUSLY USED FOR THE MANUFACTURING USE (AS A REACTANT, CHEMICAL INTERMEDIATE, OR COMPONENT IN A FORMULATING PROCESS) OF TETRA-, PENTA-, OR HEXACHLOROBENZENE UNDER ALKALINE CONDITIONS.
- F027 DISCARDED UNUSED FORMULATIONS CONTAINING TRI-, TETRA-, OR PENTACHLOROPHENOL OR DISCARDED UNUSED FORMULATIONS CONTAINING COMPOUNDS DERIVED FROM THESE CHLOROPHENOLS. (THIS LISTING DOES NOT INCLUDE FORMULATIONS CONTAINING HEXACHLOROPHENE SYNTHESIZED FROM PREPURIFIED 2,4,5-TRICHLOROPHENOL AS THE SOLE COMPONENT.)
- F028 RESIDUES RESULTING FROM THE INCINERATION OR THERMAL TREATMENT OF SOIL CONTAMINATED WITH EPA HAZARDOUS WASTE NOS. F020, F021, F022, F023, F026, AND F027.
- F032 WASTEWATERS, PROCESS RESIDUALS, PRESERVATIVE DRIPPAGE, AND SPENT FORMULATIONS FROM WOOD PRESERVING PROCESSES GENERATED AT PLANTS THAT CURRENTLY USE, OR HAVE PREVIOUSLY USED, CHLOROPHENOLIC FORMULATIONS [EXCEPT POTENTIALLY CROSS-CONTAMINATED WASTES THAT HAVE HAD THE F032 WASTE CODE DELETED IN ACCORDANCE WITH SECTION 261.35 (I.E., THE NEWLY PROMULGATED EQUIPMENT CLEANING OR REPLACEMENT STANDARDS), AND WHERE THE GENERATOR DOES NOT RESUME OR INITIATE USE OF CHLOROPHENOLIC FORMULATIONS]. (THIS LISTING DOES NOT INCLUDE K001 BOTTOM SEDIMENT SLUDGE FROM THE TREATMENT OF WASTEWATER FROM WOOD PRESERVING PROCESSES THAT USE CREOSOTE AND/OR PENTACHLOROPHENOL.)
- F034 WASTEWATERS, PROCESS RESIDUALS, PRESERVATIVE DRIPPAGE, AND SPENT FORMULATIONS FROM WOOD PRESERVING PROCESSES GENERATED AT PLANTS THAT USE CREOSOTE FORMULATIONS. THIS LISTING DOES NOT INCLUDE K001 BOTTOM SEDIMENT SLUDGE FROM THE TREATMENT OF WASTEWATER FROM WOOD PRESERVING PROCESSES THAT USE CREOSOTE AND/OR PENTACHLOROPHENOL.



- F035 WASTEWATERS, PROCESS RESIDUALS, PRESERVATIVE DRIPPAGE, AND SPENT FORMULATIONS FROM WOOD PRESERVING PROCESSES GENERATED AT PLANTS THAT USE INORGANIC PRESERVATIVES CONTAINING ARSENIC OR CHROMIUM. THIS LISTING DOES NOT INCLUDE K001 BOTTOM SEDIMENT SLUDGE FROM THE TREATMENT OF WASTEWATER FROM WOOD PRESERVING PROCESSES THAT USE CREOSOTE AND/OR PENTACHLOROPHENOL.
- F037 PETROLEUM REFINERY PRIMARY OIL/WATER/SOLIDS SEPARATION SLUDGE - ANY SLUDGE GENERATED FROM THE GRAVITATIONAL SEPARATION OF OIL/WATER/SOLIDS DURING THE STORAGE OR TREATMENT OF PROCESS WASTEWATERS AND OILY COOLING WASTEWATERS FROM PETROLEUM REFINERIES. SUCH SLUDGES INCLUDE, BUT ARE NOT LIMITED TO, THOSE GENERATED IN OIL/WATER/SOLIDS SEPARATORS; TANKS AND IMPOUNDMENTS; DITCHES AND OTHER CONVEYANCES; SUMPS; AND STORM WATER UNITS RECEIVING DRY WEATHER FLOW. SLUDGES GENERATED IN STORM WATER UNITS THAT DO NOT RECEIVE DRY WEATHER FLOW, SLUDGES GENERATED IN AGGRESSIVE BIOLOGICAL TREATMENT UNITS AS DEFINED IN SECTION 261.31(B)(2) (INCLUDING SLUDGES GENERATED IN ONE OR MORE ADDITIONAL UNITS AFTER WASTEWATERS HAVE BEEN TREATED IN AGGRESSIVE BIOLOGICAL TREATMENT UNITS), AND K051 WASTES ARE EXEMPTED FROM THIS LISTING.
- F038 PETROLEUM REFINERY SECONDARY (EMULSIFIED) OIL/WATER/SOLIDS SEPARATION SLUDGE - ANY SLUDGE AND/OR FLOAT GENERATED FROM THE PHYSICAL AND/OR CHEMICAL SEPARATION OF OIL/WATER/SOLIDS IN PROCESS WASTEWATERS AND OILY COOLING WASTEWATERS FROM PETROLEUM REFINERIES. SUCH WASTES INCLUDE, BUT ARE NOT LIMITED TO, ALL SLUDGES AND FLOATS GENERATED IN INDUCED AIR FLOTATION (IAF) UNITS, TANKS AND IMPOUNDMENTS, AND ALL SLUDGES GENERATED IN DAF UNITS. SLUDGES GENERATED IN STORMWATER UNITS THAT DO NOT RECEIVE DRY WEATHER FLOW, SLUDGES GENERATED IN AGGRESSIVE BIOLOGICAL TREATMENT UNITS AS DEFINED IN SECTION 261.31(B)(2) (INCLUDING SLUDGES GENERATED IN ONE OR MORE ADDITIONAL UNITS AFTER WASTEWATERS HAVE BEEN TREATED IN AGGRESSIVE BIOLOGICAL TREATMENT UNITS), AND F037, K048, AND K051 WASTES ARE EXEMPTED FROM THIS LISTING.
- F039 LEACHATE RESULTING FROM THE TREATMENT, STORAGE, OR DISPOSAL OF WASTES CLASSIFIED BY MORE THAN ONE WASTE CODE UNDER SUBPART D, OR FROM A MIXTURE OF WASTES CLASSIFIED UNDER SUBPARTS C AND D OF THIS PART. (LEACHATE RESULTING FROM THE MANAGEMENT OF ONE OR MORE OF THE FOLLOWING EPA HAZARDOUS WASTES AND NO OTHER HAZARDOUS WASTES RETAINS ITS HAZARDOUS WASTE CODE(S): F020, F021, F022, F023, F026, F027, AND/OR F028.)
- K001 BOTTOM SEDIMENT SLUDGE FROM THE TREATMENT OF WASTEWATERS FROM WOOD PRESERVING PROCESSES THAT USE CREOSOTE AND/OR PENTACHLOROPHENOL.
- K002 WASTEWATER TREATMENT SLUDGE FROM THE PRODUCTION OF CHROME YELLOW AND ORANGE PIGMENTS.
- K003 WASTEWATER TREATMENT SLUDGE FROM THE PRODUCTION OF MOLYBDATE ORANGE PIGMENTS.
- K004 WASTEWATER TREATMENT SLUDGE FROM THE PRODUCTION OF ZINC YELLOW PIGMENTS.
- K005 WASTEWATER TREATMENT SLUDGE FROM THE PRODUCTION OF CHROME GREEN PIGMENTS.
- K006 WASTEWATER TREATMENT SLUDGE FROM THE PRODUCTION OF CHROME OXIDE GREEN PIGMENTS (ANHYDROUS AND HYDRATED).
- K007 WASTEWATER TREATMENT SLUDGE FROM THE PRODUCTION OF IRON BLUE PIGMENTS.
- K008 OVEN RESIDUE FROM THE PRODUCTION OF CHROME OXIDE GREEN PIGMENTS.
- K009 DISTILLATION BOTTOMS FROM THE PRODUCTION OF ACETALDEHYDE FROM ETHYLENE.



|      |                                                                                                       |
|------|-------------------------------------------------------------------------------------------------------|
| K010 | DISTILLATION SIDE CUTS FROM THE PRODUCTION OF ACETALDEHYDE FROM ETHYLENE.                             |
| K011 | BOTTOM STREAM FROM THE WASTEWATER STRIPPER IN THE PRODUCTION OF ACRYLONITRILE.                        |
| K013 | BOTTOM STREAM FROM THE ACETONITRILE COLUMN IN THE PRODUCTION OF ACRYLONITRILE.                        |
| K014 | BOTTOMS FROM THE ACETONITRILE PURIFICATION COLUMN IN THE PRODUCTION OF ACRYLONITRILE.                 |
| K015 | STILL BOTTOMS FROM THE DISTILLATION OF BENZYL CHLORIDE.                                               |
| K016 | HEAVY ENDS OR DISTILLATION RESIDUES FROM THE PRODUCTION OF CARBON TETRACHLORIDE.                      |
| K017 | HEAVY ENDS (STILL BOTTOMS) FROM THE PURIFICATION COLUMN IN THE PRODUCTION OF EPICHLOROHYDRIN.         |
| K018 | HEAVY ENDS FROM THE FRACTIONATION COLUMN IN ETHYL CHLORIDE PRODUCTION.                                |
| K019 | HEAVY ENDS FROM THE DISTILLATION OF ETHYLENE DICHLORIDE IN ETHYLENE DICHLORIDE PRODUCTION.            |
| K020 | HEAVY ENDS FROM THE DISTILLATION OF VINYL CHLORIDE IN VINYL CHLORIDE MONOMER PRODUCTION.              |
| K021 | AQUEOUS SPENT ANTIMONY CATALYST WASTE FROM FLUOROMETHANE PRODUCTION.                                  |
| K022 | DISTILLATION BOTTOM TARS FROM THE PRODUCTION OF PHENOL/ACETONE FROM CUMENE.                           |
| K023 | DISTILLATION LIGHT ENDS FROM THE PRODUCTION OF PHTHALIC ANHYDRIDE FROM NAPHTHALENE.                   |
| K024 | DISTILLATION BOTTOMS FROM THE PRODUCTION OF PHTHALIC ANHYDRIDE FROM NAPHTHALENE.                      |
| K025 | DISTILLATION BOTTOMS FROM THE PRODUCTION OF NITROBENZENE BY THE NITRATION OF BENZENE.                 |
| K026 | STRIPPING STILL TAILS FROM THE PRODUCTION OF METHYL ETHYL PYRIDINES.                                  |
| K027 | CENTRIFUGE AND DISTILLATION RESIDUES FROM TOLUENE DIISOCYANATE PRODUCTION.                            |
| K028 | SPENT CATALYST FROM THE HYDROCHLORINATOR REACTOR IN THE PRODUCTION OF 1,1,1-TRICHLOROETHANE.          |
| K029 | WASTE FROM THE PRODUCT STEAM STRIPPER IN THE PRODUCTION OF 1,1,1-TRICHLOROETHANE.                     |
| K030 | COLUMN BOTTOMS OR HEAVY ENDS FROM THE COMBINED PRODUCTION OF TRICHLOROETHYLENE AND PERCHLOROETHYLENE. |
| K031 | BY-PRODUCT SALTS GENERATED IN THE PRODUCTION OF MSMA AND CACODYLIC ACID.                              |
| K032 | WASTEWATER TREATMENT SLUDGE FROM THE PRODUCTION OF CHLORDANE.                                         |
| K033 | WASTEWATER AND SCRUB WATER FROM THE CHLORINATION OF CYCLOPENTADIENE IN THE PRODUCTION OF CHLORDANE.   |
| K034 | FILTER SOLIDS FROM THE FILTRATION OF HEXACHLOROCYCLOPENTADIENE IN THE PRODUCTION OF CHLORDANE.        |
| K035 | WASTEWATER TREATMENT SLUDGES GENERATED IN THE PRODUCTION OF CREOSOTE.                                 |

|      |                                                                                                                                      |
|------|--------------------------------------------------------------------------------------------------------------------------------------|
| K036 | STILL BOTTOMS FROM TOLUENE RECLAMATION DISTILLATION IN THE PRODUCTION OF DISULFOTON.                                                 |
| K037 | WASTEWATER TREATMENT SLUDGES FROM THE PRODUCTION OF DISULFOTON.                                                                      |
| K038 | WASTEWATER FROM THE WASHING AND STRIPPING OF PHORATE PRODUCTION.                                                                     |
| K039 | FILTER CAKE FROM THE FILTRATION OF DIETHYLPHOSPHORODITHIOIC ACID IN THE PRODUCTION OF PHORATE.                                       |
| K040 | WASTEWATER TREATMENT SLUDGE FROM THE PRODUCTION OF PHORATE.                                                                          |
| K041 | WASTEWATER TREATMENT SLUDGE FROM THE PRODUCTION OF TOXAPHENE.                                                                        |
| K042 | HEAVY ENDS OR DISTILLATION RESIDUES FROM THE DISTILLATION OF TETRACHLOROBENZENE IN THE PRODUCTION OF 2,4,5-T.                        |
| K043 | 2,6-DICHLOROPHENOL WASTE FROM THE PRODUCTION OF 2,4-D.                                                                               |
| K044 | WASTEWATER TREATMENT SLUDGES FROM THE MANUFACTURING AND PROCESSING OF EXPLOSIVES.                                                    |
| K045 | SPENT CARBON FROM THE TREATMENT OF WASTEWATER CONTAINING EXPLOSIVES.                                                                 |
| K046 | WASTEWATER TREATMENT SLUDGES FROM THE MANUFACTURING, FORMULATION, AND LOADING OF LEAD-BASED INITIATING COMPOUNDS.                    |
| K047 | PINK/RED WATER FROM TNT OPERATIONS.                                                                                                  |
| K048 | DISSOLVED AIR FLOTATION (DAF) FLOAT FROM THE PETROLEUM REFINING INDUSTRY.                                                            |
| K049 | SLOP OIL EMULSION SOLIDS FROM THE PETROLEUM REFINING INDUSTRY.                                                                       |
| K050 | HEAT EXCHANGER BUNDLE CLEANING SLUDGE FROM THE PETROLEUM REFINING INDUSTRY.                                                          |
| K051 | API SEPARATOR SLUDGE FROM THE PETROLEUM REFINING INDUSTRY.                                                                           |
| K052 | TANK BOTTOMS (LEADED) FROM THE PETROLEUM REFINING INDUSTRY.                                                                          |
| K060 | AMMONIA STILL LIME SLUDGE FROM COKING OPERATIONS.                                                                                    |
| K061 | EMISSION CONTROL DUST/SLUDGE FROM THE PRIMARY PRODUCTION OF STEEL IN ELECTRIC FURNACES.                                              |
| K062 | SPENT PICKLE LIQUOR FROM STEEL FINISHING OPERATIONS OF PLANTS THAT PRODUCE IRON OR STEEL.                                            |
| K069 | EMISSION CONTROL DUST/SLUDGE FROM SECONDARY LEAD SMELTING.                                                                           |
| K071 | BRINE PURIFICATION MUDS FROM THE MERCURY CELL PROCESS IN CHLORINE PRODUCTION, IN WHICH SEPARATELY PREPURIFIED BRINE IS NOT USED.     |
| K073 | CHLORINATED HYDROCARBON WASTE FROM THE PURIFICATION STEP OF THE DIAPHRAGM CELL PROCESS USING GRAPHITE ANODES IN CHLORINE PRODUCTION. |
| K083 | DISTILLATION BOTTOMS FROM ANILINE PRODUCTION.                                                                                        |



|      |                                                                                                                                                                                                                                 |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| K084 | WASTEWATER TREATMENT SLUDGES GENERATED DURING THE PRODUCTION OF VETERINARY PHARMACEUTICALS FROM ARSENIC OR ORGANO-ARSENIC COMPOUNDS.                                                                                            |
| K085 | DISTILLATION OR FRACTIONATION COLUMN BOTTOMS FROM THE PRODUCTION OF CHLOROBENZENES.                                                                                                                                             |
| K086 | SOLVENT WASHES AND SLUDGES, CAUSTIC WASHES AND SLUDGES, OR WATER WASHES AND SLUDGES FROM CLEANING TUBS AND EQUIPMENT USED IN THE FORMULATION OF INK FROM PIGMENTS, DRIERS, SOAPS, AND STABILIZERS CONTAINING CHROMIUM AND LEAD. |
| K087 | DECANTER TANK TAR SLUDGE FROM COKING OPERATIONS.                                                                                                                                                                                |
| K088 | SPENT POTLINERS FROM PRIMARY ALUMINUM REDUCTION.                                                                                                                                                                                |
| K093 | DISTILLATION LIGHT ENDS FROM THE PRODUCTION OF PHTHALIC ANHYDRIDE FROM ORTHO-XYLENE.                                                                                                                                            |
| K094 | DISTILLATION BOTTOMS FROM THE PRODUCTION OF PHTHALIC ANHYDRIDE FROM ORTHO-XYLENE.                                                                                                                                               |
| K095 | DISTILLATION BOTTOMS FROM THE PRODUCTION OF 1,1,1-TRICHLOROETHANE.                                                                                                                                                              |
| K096 | HEAVY ENDS FROM THE HEAVY ENDS COLUMN FROM THE PRODUCTION OF 1,1,1-TRICHLOROETHANE.                                                                                                                                             |
| K097 | VACUUM STRIPPER DISCHARGE FROM THE CHLORDANE CHLORINATOR IN THE PRODUCTION OF CHLORDANE.                                                                                                                                        |
| K098 | UNTREATED PROCESS WASTEWATER FROM THE PRODUCTION OF TOXAPHENE.                                                                                                                                                                  |
| K099 | UNTREATED WASTEWATER FROM THE PRODUCTION OF 2,4-D.                                                                                                                                                                              |
| K100 | WASTE LEACHING SOLUTION FROM ACID LEACHING OF EMISSION CONTROL DUST/SLUDGE FROM SECONDARY LEAD SMELTING.                                                                                                                        |
| K101 | DISTILLATION TAR RESIDUES FROM THE DISTILLATION OF ANILINE-BASED COMPOUNDS IN THE PRODUCTION OF VETERINARY PHARMACEUTICALS FROM ARSENIC OR ORGANO-ARSENIC COMPOUNDS.                                                            |
| K102 | RESIDUE FROM THE USE OF ACTIVATED CARBON FOR DECOLORIZATION IN THE PRODUCTION OF VETERINARY PHARMACEUTICALS FROM ARSENIC OR ORGANO-ARSENIC COMPOUNDS.                                                                           |
| K103 | PROCESS RESIDUES FROM ANILINE EXTRACTION FROM THE PRODUCTION OF ANILINE.                                                                                                                                                        |
| K104 | COMBINED WASTEWATERS GENERATED FROM NITROBENZENE/ANILINE PRODUCTION.                                                                                                                                                            |
| K105 | SEPARATED AQUEOUS STREAM FROM THE REACTOR PRODUCT WASHING STEP IN THE PRODUCTION OF CHLOROBENZENES.                                                                                                                             |
| K106 | WASTEWATER TREATMENT SLUDGE FROM THE MERCURY CELL PROCESS IN CHLORINE PRODUCTION.                                                                                                                                               |
| K107 | COLUMN BOTTOMS FROM PRODUCT SEPARATION FROM THE PRODUCTION OF 1,1-DIMETHYLHYDRAZINE (UDMH) FROM CARBOXYLIC ACID HYDRAZIDES.                                                                                                     |
| K108 | CONDENSED COLUMN OVERHEADS FROM PRODUCT SEPARATION AND CONDENSED REACTOR VENT GASES FROM THE PRODUCTION OF 1,1-DIMETHYLHYDRAZINE FROM CARBOXYLIC ACID HYDRAZIDES.                                                               |
| K109 | SPENT FILTER CARTRIDGES FROM PRODUCT PURIFICATION FROM THE PRODUCT OF 1,1-DIMETHYLHYDRAZINE FROM CARBOXYLIC ACID HYDRAZIDES.                                                                                                    |

|      |                                                                                                                                                                                                                                                                                             |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| K110 | CONDENSED COLUMN OVERHEADS FROM INTERMEDIATE SEPARATION FROM THE PRODUCTION OF 1,1-DIMETHYLHYDRAZINE FROM CARBOXYLIC ACID HYDRAZIDES.                                                                                                                                                       |
| K111 | PRODUCT WASHWATERS FROM THE PRODUCTION OF DINITROTOLUENE VIA NITRATION OF TOLUENE.                                                                                                                                                                                                          |
| K112 | REACTION BY-PRODUCT WATER FROM THE DRYING COLUMN IN THE PRODUCTION OF TOLUENEDIAMINE VIA HYDROGENATION OF DINITROTOLUENE.                                                                                                                                                                   |
| K113 | CONDENSED LIQUID LIGHT ENDS FROM PURIFICATION OF TOLUENEDIAMINE IN PRODUCTION OF TOLUENEDIAMINE VIA HYDROGENATION OF DINITROTOLUENE.                                                                                                                                                        |
| K114 | VICINALS FROM THE PURIFICATION OF TOLUENEDIAMINE IN PRODUCTION OF TOLUENEDIAMINE VIA HYDROGENATION OF DINITROTOLUENE.                                                                                                                                                                       |
| K115 | HEAVY ENDS FROM PURIFICATION OF TOLUENEDIAMINE IN THE PRODUCTION OF TOLUENEDIAMINE VIA HYDROGENATION OF DINITROTOLUENE.                                                                                                                                                                     |
| K116 | ORGANIC CONDENSATE FROM THE SOLVENT RECOVERY COLUMN IN THE PRODUCTION OF TOLUENE DIISOCYANATE VIA PHOSGENATION OF TOLUENEDIAMINE.                                                                                                                                                           |
| K117 | WASTEWATER FROM THE REACTOR VENT GAS SCRUBBER IN THE PRODUCTION OF ETHYLENE DIBROMIDE VIA BROMINATION OF ETHENE.                                                                                                                                                                            |
| K118 | SPENT ADSORBENT SOLIDS FROM PURIFICATION OF ETHYLENE DIBROMIDE IN THE PRODUCTION OF ETHYLENE DIBROMIDE VIA BROMINATION OF ETHENE.                                                                                                                                                           |
| K123 | PROCESS WASTEWATER (INCLUDING SUPERNATES, FILTRATES, AND WASHWATERS) FROM THE PRODUCTION OF ETHYLENEBISDITHIOCARBAMIC ACID AND ITS SALTS.                                                                                                                                                   |
| K124 | REACTOR VENT SCRUBBER WATER FROM THE PRODUCTION OF ETHYLENEBISDITHIOCARBAMIC ACID AND ITS SALTS.                                                                                                                                                                                            |
| K125 | FILTRATION, EVAPORATION, AND CENTRIFUGATION SOLIDS FROM THE PRODUCTION OF ETHYLENEBISDITHIOCARBAMIC ACID AND ITS SALTS.                                                                                                                                                                     |
| K126 | BAGHOUSE DUST AND FLOOR SWEEPINGS IN MILLING AND PACKAGING OPERATIONS FROM PRODUCTION OR FORMULATION OF ETHYLENEBISDITHIOCARBAMIC ACID AND ITS SALTS.                                                                                                                                       |
| K131 | WASTEWATER FROM THE REACTOR AND SPENT SULFURIC ACID FROM THE ACID DRYER FROM THE PRODUCTION OF METHYL BROMIDE.                                                                                                                                                                              |
| K132 | SPENT ABSORBENT AND WASTEWATER SEPARATOR SOLIDS FROM THE PRODUCTION OF METHYL BROMIDE.                                                                                                                                                                                                      |
| K136 | STILL BOTTOMS FROM THE PURIFICATION OF ETHYLENE DIBROMIDE IN THE PRODUCTION OF ETHYLENE DIBROMIDE VIA BROMINATION OF ETHENE.                                                                                                                                                                |
| K141 | PROCESS RESIDUES FROM THE RECOVERY OF COAL TAR, INCLUDING, BUT NOT LIMITED TO, TAR COLLECTING SUMP RESIDUES FROM THE PRODUCTION OF COKE FROM COAL OR THE RECOVERY OF COKE BY-PRODUCTS PRODUCED FROM COAL. THIS LISTING DOES NOT INCLUDE K087 (DECANTER TANK SLUDGE FROM COKING OPERATIONS). |
| K142 | TANK STORAGE RESIDUES FROM THE PRODUCTION OF COKE FROM COAL OR FROM THE RECOVERY OF COKE BY-PRODUCTS FROM COAL.                                                                                                                                                                             |

|      |                                                                                                                                                                                                                                                                                |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| K143 | PROCESS RESIDUES FROM THE RECOVERY OF LIGHT OIL, INCLUDING, BUT NOT LIMITED TO, THOSE GENERATED IN STILLS, DECANTERS, AND WASH OIL RECOVERY UNITS FROM THE RECOVERY OF COKE BY-PRODUCTS PRODUCED FROM COAL.                                                                    |
| K144 | WASTEWATER SUMP RESIDUES FROM LIGHT OIL REFINING, INCLUDING, BUT NOT LIMITED TO, INTERCEPTING OR CONTAMINATION SUMP SLUDGES FROM THE RECOVERY OF COKE BY-PRODUCTS PRODUCED FROM COAL.                                                                                          |
| K145 | RESIDUES FROM NAPHTHALENE COLLECTION AND RECOVERY OPERATIONS FROM THE RECOVERY OF COKE BY-PRODUCTS PRODUCED FROM COAL.                                                                                                                                                         |
| K147 | TAR STORAGE RESIDUES FROM COAL TAR REFINING.                                                                                                                                                                                                                                   |
| K148 | RESIDUES FROM COAL TAR DISTILLATION, INCLUDING, BUT NOT LIMITED TO, STILL BOTTOMS.                                                                                                                                                                                             |
| K149 | DISTILLATION BOTTOMS FROM THE PRODUCTION OF ALPHA (OR METHYL-) CHLORINATED TOLUNES, RING-CHLORINATED TOLUNES, BENZOYL CHLORIDES, AND COMPOUNDS WITH MIXTURES OF THESE FUNCTIONAL GROUPS. [THIS WASTE DOES NOT INCLUDE STILL BOTTOMS FROM THE DISTILLATION OF BENZOYL CHLORIDE] |
| K150 | ORGANIC RESIDUES EXCLUDING SPENT CARBON ADSORBENT, FROM THE SPENT CHLORINE GAS AND HYDROCHLORIC ACID RECOVERY PROCESSES ASSOCIATED WITH THE PRODUCTION OF ALPHA (OR METHYL-) CHLORINATED TOLUNES, BENZOYL CHLORIDES, AND COMPOUNDS WITH MIXTURES OF THESE FUNCTIONAL GROUPS.   |
| K151 | WASTEWATER TREATMENT SLUDGES, EXCLUDING NEUTRALIZATION AND BIOLOGICAL SLUDGES, GENERATED DURING THE TREATMENT OF WASTEWATERS FROM THE PRODUCTION OF ALPHA (OR METHYL-) CHLORINATED TOLUNES, BENZOYL CHLORIDES, AND COMPOUNDS WITH MIXTURES OF THESE FUNCTIONAL GROUPS.         |
| K156 | ORGANIC WASTE (INCLUDING HEAVY ENDS, STILL BOTTOMS, LIGHT ENDS, SPENT SOLVENTS, FILTRATES, AND DECANTATES) FROM THE PRODUCTION OF CARBAMATES AND CARBAMOYL OXIMES.                                                                                                             |
| K157 | WASTEWATERS (INCLUDING SCRUBBER WATERS, CONDENSER WATERS, WASHWATERS, AND SEPARATION WATERS) FROM THE PRODUCTION OF CARBAMATES AND CARBAMOYL OXIMES.                                                                                                                           |
| K158 | BAG HOUSE DUSTS AND FILTER/SEPARATION SOLIDS FROM THE PRODUCTION OF CARBAMATES AND CARBAMOYL OXIMES.                                                                                                                                                                           |
| K159 | ORGANICS FROM THE TREATMENT OF THIOCARBAMATE WASTES.                                                                                                                                                                                                                           |
| K161 | PURIFICATION SOLIDS (INCLUDING FILTRATION, EVAPORATION, AND CENTRIFUGATION SOLIDS), BAG HOUSE DUST AND FLOOR SWEEPINGS FROM THE PRODUCTION OF DITHIOCARBAMATE ACIDS AND THEIR SALTS. (THIS LISTING DOES NOT INCLUDE K125 OR K126).                                             |
| K169 | CRUDE OIL STORAGE TANK SEDIMENT FROM PETROLEUM REFINING OPERATIONS                                                                                                                                                                                                             |
| K170 | CLARIFIED SLURRY OIL TANK SEDIMENT AND/OR IN-LINE FILTER/SEPARATION SOLIDS FROM PETROLEUM REFINING OPERATIONS                                                                                                                                                                  |
| K171 | SPENT HYDROTREATING CATALYST FROM PETROLEUM REFINING OPERATIONS, INCLUDING GUARD BEDS USED TO DESULFURIZE FEEDS TO OTHER CATALYTIC REACTORS (THIS LISTING DOES NOT INCLUDE INERT SUPPORT MEDIA)                                                                                |

|      |                                                                                                                                                                                                 |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| K172 | SPENT HYDROREFINING CATALYST FROM PETROLEUM REFINING OPERATIONS, INCLUDING GUARD BEDS USED TO DESULFURIZE FEEDS TO OTHER CATALYTIC REACTORS (THIS LISTING DOES NOT INCLUDE INERT SUPPORT MEDIA) |
| K174 | WASTEWATER TREATMENT SLUDGES FROM THE PRODUCTION OF ETHYLENE DICHLORIDE OR VINYL CHLORIDE                                                                                                       |
| K175 | WASTEWATER TREATMENT SLUDGE FROM THE PRODUCTION OF VINYL CHLORIDE MONOMER.                                                                                                                      |
| K176 | BAGHOUSE FILTERS FROM THE PRODUCTION OF ANTIMONY OXIDE, INCLUDING FILTERS FROM THE PRODUCTION OF INTERMEDIATES (E.G.,ANTIMONY METAL OR CRUDE ANTIMONY OXIDE)                                    |
| K177 | SLAG FROM THE PRODUCTION OF ANTIMONY OXIDE THAT IS SPECULATIVELY ACCUMULATED OR DISPOSED,INCLUDING SLAG FROM THE PRODUCTION OF INTERMEDIATES (E.G.,ANTIMONY METAL OR CRUDE ANTIMONY OXIDE)      |
| K178 | RESIDUES FROM MANUFACTURING AND MANUFACTURING-SITE STORAGE OF FERRIC CHLORIDE FROM ACIDS FORMED DURING THE PRODUCTION OF TITANIUM DIOXIDE USING THE CHLORIDE-ILMENITE PROCESS.                  |
| K181 | Nonwastewaters from the production of dyes and/or pigments.                                                                                                                                     |
| P001 | 2H-1-BENZOPYRAN-2-ONE, 4-HYDROXY-3-(3-OXO-1-PHENYLBUTYL)-, & SALTS, WHEN PRESENT AT CONCENTRATIONS GREATER THAN 0.3% (OR) WARFARIN, & SALTS, WHEN PRESENT AT CONCENTRATIONS GREATER THAN 0.3%   |
| P002 | 1-ACETYL-2-THIOUREA (OR) ACETAMIDE, N-(AMINOTHIOXOMETHYL)-                                                                                                                                      |
| P003 | 2-PROPENAL (OR) ACROLEIN                                                                                                                                                                        |
| P004 | 1,4,5,8-DIMETHANONAPHTHALENE, 1,2,3,4,10,10-HEXA-CHLORO-1,4,4A,5,8,8A,-HEXAHYDRO-, (1ALPHA, 4ALPHA, 4ABETA, 5ALPHA, 8ALPHA, 8ABETA)- (OR) ALDRIN                                                |
| P005 | 2-PROPEN-1-OL (OR) ALLYL ALCOHOL                                                                                                                                                                |
| P006 | ALUMINUM PHOSPHIDE (R,T)                                                                                                                                                                        |
| P007 | 3(2H)-ISOXAZOLONE, 5-(AMINOMETHYL)- (OR) 5-(AMINOMETHYL)-3-ISOXAZOLOL                                                                                                                           |
| P008 | 4-AMINOPYRIDINE (OR) 4-PYRIDINAMINE                                                                                                                                                             |
| P009 | AMMONIUM PICRATE (R) (OR) PHENOL, 2,4,6-TRINITRO-, AMMONIUM SALT (R)                                                                                                                            |
| P010 | ARSENIC ACID H <sub>3</sub> ASO <sub>4</sub>                                                                                                                                                    |
| P011 | ARSENIC OXIDE AS <sub>2</sub> O <sub>5</sub> (OR) ARSENIC PENTOXIDE                                                                                                                             |
| P012 | ARSENIC OXIDE AS <sub>2</sub> O <sub>3</sub> (OR) ARSENIC TRIOXIDE                                                                                                                              |
| P013 | BARIUM CYANIDE                                                                                                                                                                                  |
| P014 | BENZENETHIOL (OR) THIOPHENOL                                                                                                                                                                    |
| P015 | BERYLLIUM                                                                                                                                                                                       |

|      |                                                                                                                                                                               |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| P016 | DICHLOROMETHYL ETHER (OR) METHANE, OXYBIS[CHLORO-                                                                                                                             |
| P017 | 2-PROPANONE, 1-BROMO- (OR) BROMOACETONE                                                                                                                                       |
| P018 | BRUCINE (OR) STRYCHNIDIN-10-ONE, 2,3-DIMETHOXY-                                                                                                                               |
| P020 | DINOSEB (OR) PHENOL, 2-(1-METHYLPROPYL)-4,6-DINITRO-                                                                                                                          |
| P021 | CALCIUM CYANIDE (OR) CALCIUM CYANIDE $\text{Ca}(\text{CN})_2$                                                                                                                 |
| P022 | CARBON DISULFIDE                                                                                                                                                              |
| P023 | ACETALDEHYDE, CHLORO- (OR) CHLOROACETALDEHYDE                                                                                                                                 |
| P024 | BENZENAMINE, 4-CHLORO- (OR) P-CHLORANILINE                                                                                                                                    |
| P026 | 1-(O-CHLOROPHENYL)THIOUREA (OR) THIOUREA, (2-CHLOROPHENYL)-                                                                                                                   |
| P027 | 3-CHLOROPROPIONITRILE (OR) PROPANENITRILE, 3-CHLORO-                                                                                                                          |
| P028 | BENZENE, (CHLOROMETHYL)- (OR) BENZYL CHLORIDE                                                                                                                                 |
| P029 | COPPER CYANIDE (OR) COPPER CYANIDE $\text{Cu}(\text{CN})$                                                                                                                     |
| P030 | CYANIDES (SOLUBLE CYANIDE SALTS), NOT OTHERWISE SPECIFIED                                                                                                                     |
| P031 | CYANOGEN (OR) ETHANEDINITRILE                                                                                                                                                 |
| P033 | CYANOGEN CHLORIDE (OR) CYANOGEN CHLORIDE $(\text{CN})\text{Cl}$                                                                                                               |
| P034 | 2-CYCLOHEXYL-4,6-DINITROPHENOL (OR) PHENOL, 2-CYCLOHEXYL-4,6-DINITRO-                                                                                                         |
| P036 | ARSONOUS DICHLORIDE, PHENYL- (OR) DICHLOROPHENYLARSINE                                                                                                                        |
| P037 | 2,7:3,6-DIMETHANONAPHTH[2,3-B]OXIRENE, 3,4,5,6,9,9-HEXACHLORO-1A,2,2A,3,6,6A,7,7A-OCTAHYDRO-, (1AALPHA, 2BETA, 2AALPHA, 3BETA, 6BETA, 6AALPHA, 7BETA, 7AALPHA)- (OR) DIELDRIN |
| P038 | ARSINE, DIETHYL- (OR) DIETHYLARSINE                                                                                                                                           |
| P039 | DISULFOTON (OR) PHOSPHORODITHIOIC ACID, O,O-DIETHYL S-[2-(ETHYLTHIO)ETHYL] ESTER                                                                                              |
| P040 | O,O-DIETHYL O-PYRAZINYL PHOSPHOROTHIOATE (OR) PHOSPHOROTHIOIC ACID, O,O-DIETHYL O-PYRAZINYL ESTER                                                                             |
| P041 | DIETHYL-P-NITROPHENYL PHOSPHATE (OR) PHOSPHORIC ACID, DIETHYL 4-NITROPHENYL ESTER                                                                                             |
| P042 | 1,2-BENZENEDIOL, 4-[1-HYDROXY-2-(METHYLAMINO)ETHYL]-, (R)- (OR) EPINEPHRINE                                                                                                   |
| P043 | DIISOPROPYLFLUOROPHOSPHATE (DFP) (OR) PHOSPHOROFUORIDIC ACID, BIS(1-METHYLETHYL) ESTER                                                                                        |
| P044 | DIMETHOATE (OR) PHOSPHORODITHIOIC ACID, O,O-DIMETHYL S-[2-(METHYLAMINO)-2-OXOETHYL] ESTER                                                                                     |
| P045 | 2-BUTANONE, 3,3-DIMETHYL-1-(METHYLTHIO)-, O-[METHYLAMINO]CARBONYL OXIME (OR) THIOFANOX                                                                                        |



|      |                                                                                                                                                                                                                      |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| P046 | ALPHA,ALPHA-DIMETHYLPHENETHYLAMINE (OR) BENZENEETHANAMINE, ALPHA, ALPHA-DIMETHYL-                                                                                                                                    |
| P047 | 4,6-DINITRO-O-CRESOL, & SALTS (OR) PHENOL, 2-METHYL-4,6-DINITRO-, & SALTS                                                                                                                                            |
| P048 | 2,4-DINITROPHENOL (OR) PHENOL, 2,4-DINITRO-                                                                                                                                                                          |
| P049 | DITHIOBIURET (OR) THIOIMIDODICARBONIC DIAMIDE [(H <sub>2</sub> N)C(S)] <sub>2</sub> NH                                                                                                                               |
| P050 | 6,9-METHANO-2,4,3-BENZODIOXATHIEPIN,6,7,8,9,10,10-HEXACHLORO-1,5,5A,6,9,9A-HEXAHYDRO-,3-OXIDE (OR) ENDOSULFAN                                                                                                        |
| P051 | 2,7:3,6-DIMETHANONAPHTH[2,3-B]OXIRENE, 3,4,5,6,9,9-HEXACHLORO-1A,2,2A,3,6,6A,7,7A-OCTAHYDRO-, (1AALPHA, 2BETA, 2ABETA, 3ALPHA, 6ALPHA, 6ABETA, 7BETA, 7AALPHA)- & METABOLITES (OR) ENDRIN (OR) ENDRIN, & METABOLITES |
| P054 | AZIRIDINE (OR) ETHYLENEIMINE                                                                                                                                                                                         |
| P056 | FLUORINE                                                                                                                                                                                                             |
| P057 | ACETAMIDE, 2-FLUORO- (OR) FLUOROACETAMIDE                                                                                                                                                                            |
| P058 | ACETIC ACID, FLUORO-, SODIUM SALT (OR) FLUOROACETIC ACID, SODIUM SALT                                                                                                                                                |
| P059 | 4,7-METHANO-1H-INDENE, 1,4,5,6,7,8,8-HEPTACHLORO-3A,4,7,7A-TETRAHYDRO- (OR) HEPTACHLOR                                                                                                                               |
| P060 | 1,4,5,8-DIMETHANONAPHTHALENE, 1,2,3,4,10,10-HEXA-CHLORO-1,4,4A,5,8,8A,-HEXAHYDRO-, (1ALPHA, 4ALPHA, 4ABETA, 5BETA, 8BETA, 8ABETA)- (OR) ISODRIN                                                                      |
| P062 | HEXAETHYL TETRAPHOSPHATE (OR) TETRAPHOSPHORIC ACID, HEXAETHYL ESTER                                                                                                                                                  |
| P063 | HYDROCYANIC ACID (OR) HYDROGEN CYANIDE                                                                                                                                                                               |
| P064 | METHANE, ISOCYANATO- (OR) METHYL ISOCYANATE                                                                                                                                                                          |
| P065 | FULMINIC ACID, MERCURY(2+) SALT (R,T) (OR) MERCURY FULMINATE (R,T)                                                                                                                                                   |
| P066 | ETHANIMIDOTHIOIC ACID, N-[[[(METHYLAMINO)CARBONYL]OXY]-, METHYL ESTER (OR) METHOMYL                                                                                                                                  |
| P067 | 1,2-PROPYLENIMINE (OR) AZIRIDINE, 2-METHYL-                                                                                                                                                                          |
| P068 | HYDRAZINE, METHYL- (OR) METHYL HYDRAZINE                                                                                                                                                                             |
| P069 | 2-METHYLLACTONITRILE (OR) PROPANENITRILE, 2-HYDROXY-2-METHYL-                                                                                                                                                        |
| P070 | ALDICARB (OR) PROPANAL, 2-METHYL-2-(METHYLTHIO)-, O-[(METHYLAMINO)CARBONYL]OXIME                                                                                                                                     |
| P071 | METHYL PARATHION (OR) PHOSPHOROTHIOIC ACID, O,O,-DIMETHYL O-(4-NITROPHENYL) ESTER                                                                                                                                    |
| P072 | ALPHA-NAPHTHYLTHIOUREA (OR) THIOUREA, 1-NAPHTHALENYL-                                                                                                                                                                |
| P073 | NICKEL CARBONYL (OR) NICKEL CARBONYL NI(CO) <sub>4</sub> , (T-4)-                                                                                                                                                    |
| P074 | NICKEL CYANIDE (OR) NICKEL CYANIDE NI(CN) <sub>2</sub>                                                                                                                                                               |
| P075 | NICOTINE, & SALTS (OR) PYRIDINE, 3-(1-METHYL-2-PYRROLIDINYL)-,(S)-, & SALTS                                                                                                                                          |

|      |                                                                                            |
|------|--------------------------------------------------------------------------------------------|
| P076 | NITRIC OXIDE (OR) NITROGEN OXIDE NO                                                        |
| P077 | BENZENAMINE, 4-NITRO- (OR) P-NITROANILINE                                                  |
| P078 | NITROGEN DIOXIDE (OR) NITROGEN OXIDE NO <sub>2</sub>                                       |
| P081 | 1,2,3-PROPANETRIOL, TRINITRATE (R) (OR) NITROGLYCERINE (R)                                 |
| P082 | METHANIMINE, N-METHYL-N-NITROSO- (OR) N-NITROSODIMETHYLAMINE                               |
| P084 | N-NITROSOMETHYLVINYLAMINE (OR) VINYLAMINE, N-METHYL-N-NITROSO-                             |
| P085 | DIPHOSPHORAMIDE, OCTAMETHYL- (OR) OCTAMETHYLPYROPHOSPHORAMIDE                              |
| P087 | OSMIUM OXIDE OSO <sub>4</sub> , (T-4)- (OR) OSMIUM TETROXIDE                               |
| P088 | 7-OXABICYCLO[2.2.1]HEPTANE-2,3-DICARBOXYLIC ACID (OR) ENDOTHALL                            |
| P089 | PARATHION (OR) PHOSPHOROTHIOIC ACID, O,O-DIETHYL-O-(4-NITROPHENYL) ESTER                   |
| P092 | MERCURY, (ACETATO-O)PHENYL- (OR) PHENYLMERCURY ACETATE                                     |
| P093 | PHENYLTHIOUREA (OR) THIOUREA, PHENYL-                                                      |
| P094 | PHORATE (OR) PHOSPHORODITHIOIC ACID, O,O-DIETHYL S-[(ETHYLTHIO)METHYL] ESTER               |
| P095 | CARBONIC DICHLORIDE (OR) PHOSGENE                                                          |
| P096 | HYDROGEN PHOSPHIDE (OR) PHOSPHINE                                                          |
| P097 | FAMPHUR (OR) PHOSPHOROTHIOIC ACID O-[4-[(DIMETHYLAMINO)SULFONYL]PHENYL] O,O-DIMETHYL ESTER |
| P098 | POTASSIUM CYANIDE (OR) POTASSIUM CYANIDE K(CN)                                             |
| P099 | ARGENTATE (1-), BIS(CYANO-C)-, POTASSIUM (OR) POTASSIUM SILVER CYANIDE                     |
| P101 | ETHYL CYANIDE (OR) PROPANENITRILE                                                          |
| P102 | 2-PROPYN-1-OL (OR) PROPARGYL ALCOHOL                                                       |
| P103 | SELENOUREA                                                                                 |
| P104 | SILVER CYANIDE (OR) SILVER CYANIDE AG(CN)                                                  |
| P105 | SODIUM AZIDE                                                                               |
| P106 | SODIUM CYANIDE (OR) SODIUM CYANIDE NA(CN)                                                  |
| P108 | STRYCHNIDIN-10-ONE, & SALTS (OR) STRYCHNINE, & SALTS                                       |
| P109 | TETRAETHYLDITHIOPYROPHOSPHATE (OR) THIODIPHOSPHORIC ACID, TETRAETHYL ESTER                 |



|      |                                                                                                                                                                            |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| P110 | PLUMBANE, TETRAETHYL- (OR) TETRAETHYL LEAD                                                                                                                                 |
| P111 | DIPHOSPHORIC ACID, TETRAETHYL ESTER (OR) TETRAETHYL PYROPHOSPHATE                                                                                                          |
| P112 | METHANE, TETRANITRO- (R) (OR) TETRANITROMETHANE (R)                                                                                                                        |
| P113 | THALLIC OXIDE (OR) THALLIUM OXIDE TL <sub>2</sub> O <sub>3</sub>                                                                                                           |
| P114 | SELENIOUS ACID, DITHALLIUM (1+) SALT (OR) THALLIUM(I) SELENITE                                                                                                             |
| P115 | SULFURIC ACID, DITHALLIUM (1+) SALT (OR) THALLIUM(I) SULFATE                                                                                                               |
| P116 | HYDRAZINECARBOTHIOAMIDE (OR) THIOSEMICARBAZIDE                                                                                                                             |
| P118 | METHANETHIOL, TRICHLORO- (OR) TRICHLOROMETHANETHIOL                                                                                                                        |
| P119 | AMMONIUM VANADATE (OR) VANADIC ACID, AMMONIUM SALT                                                                                                                         |
| P120 | VANADIUM OXIDE V <sub>2</sub> O <sub>5</sub> (OR) VANADIUM PENTOXIDE                                                                                                       |
| P121 | ZINC CYANIDE (OR) ZINC CYANIDE ZN(CN) <sub>2</sub>                                                                                                                         |
| P122 | ZINC PHOSPHIDE ZN <sub>3</sub> P <sub>2</sub> , WHEN PRESENT AT CONCENTRATIONS GREATER THAN 10% (R,T)                                                                      |
| P123 | TOXAPHENE                                                                                                                                                                  |
| P124 | ACTINOMYCIN D                                                                                                                                                              |
| P127 | 7-BENZOFURANOL, 2,3-DIHYDRO-2,2-DIMETHYL-, METHYLCARBAMATE (OR) CARBOFURAN                                                                                                 |
| P128 | PHENOL, 4-(DIMETHYLAMINO)-3,5-DIMETHYL-, METHYLCARBAMATE (ESTER)                                                                                                           |
| P185 | 1,3-DITHIOLANE-2-CARBOXALDEHYDE, 2,4-DIMETHYL-, O- [(METHYLAMINO)-CARBONYL]OXIME (OR) TIRPATE                                                                              |
| P188 | BENZOIC ACID, 2-HYDROXY-, COMPD. WITH (3AS-CIS)-1,2,3,3A,8,8A-HEXAHYDRO-1,3A,8-TRIMETHYLPYRROLO[2,3-B]INDOL-5-YL METHYLCARBAMATE ESTER (1:1) (OR) PHYSOSTIGMINE SALICYLATE |
| P189 | CARBAMIC ACID, [(DIBUTYLAMINO)-THIO]METHYL-, 2,3-DIHYDRO-2,2-DIMETHYL -7-BENZOFURANYL ESTER (OR) CARBOSULFAN                                                               |
| P190 | CARBAMIC ACID, METHYL-, 3-METHYLPHENYL ESTER (OR) METOLCARB                                                                                                                |
| P191 | CARBAMIC ACID, DIMETHYL-, 1-[(DIMETHYL-AMINO)CARBONYL]- 5-METHYL-1H- PYRAZOL-3-YL ESTER (OR) DIMETILAN                                                                     |
| P192 | ISOLAN (OR) CARBAMIC ACID, DIMETHYL-, 3-METHYL-(1-METHYLETHYL)-1H- PYRAZOL-5-YL ESTER                                                                                      |
| P194 | ETHANIMIDOTHIOIC ACID, 2-(DIMETHYLAMINO)-N-[[[(METHYLAMINO) CARBONYL]OXY]-2-OXO-, METHYL ESTER (OR) OXAMYL                                                                 |
| P196 | MANGANESE DIMETHYLDITHIOCARBAMATE (OR) MANGANESE, BIS(DIMETHYLCARBAMODITHIOATO-S,S')-,                                                                                     |
| P197 | FORMPARANATE (OR) METHANIMIDAMIDE, N,N-DIMETHYL-N'-[2-METHYL-4-[[[(METHYLAMINO)CARBONYL]OXY]PHENYL]                                                                        |

|      |                                                                                                                                                                                                      |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| P198 | METHANIMIDAMIDE, N,N-DIMETHYL-N'-[3-[[[(METHYLAMINO)-CARBONYL]OXY]PHENYL]-, MONOHYDROCHLORIDE (OR) FORMETANATE HYDROCHLORIDE                                                                         |
| P199 | METHIOCARB (OR) MEXACARBATE (OR) PHENOL, (3,5-DIMETHYL-4-(METHYLTHIO)-, METHYLCARBAMATE                                                                                                              |
| P201 | PHENOL, 3-METHYL-5-(1-METHYLETHYL)-, METHYL CARBAMATE (OR) PROMECARB                                                                                                                                 |
| P202 | M-CUMENYL METHYLCARBAMATE (OR) 3-ISOPROPYLPHENYL N-METHYLCARBAMATE (OR) PHENOL, 3-(1-METHYLETHYL)-, METHYL CARBAMATE                                                                                 |
| P203 | ALDICARB SULFONE (OR) PROPANAL, 2-METHYL-2-(METHYL-SULFONYL)-, O-[(METHYLAMINO)CARBONYL] OXIME                                                                                                       |
| P204 | PHYSOSTIGMINE (OR) PYRROLO[2,3-B]INDOL-5-OL, 1,2,3,3A,8,8A-HEXAHYDRO-1,3A,8-TRIMETHYL-METHYLCARBAMATE (ESTER), (3AS-CIS)-                                                                            |
| P205 | ZINC, BIS(DIMETHYLCARBAMODITHIOATO-S,S')-, (OR) ZIRAM                                                                                                                                                |
| U001 | ACETALDEHYDE (I) (OR) ETHANAL (I)                                                                                                                                                                    |
| U002 | 2-PROPANONE (I) (OR) ACETONE (I)                                                                                                                                                                     |
| U003 | ACETONITRILE (I,T)                                                                                                                                                                                   |
| U004 | ACETOPHENONE (OR) ETHANONE, 1-PHENYL-                                                                                                                                                                |
| U005 | 2-ACETYLAMINOFLUORENE (OR) ACETAMIDE, N-9H-FLUOREN-2-YL                                                                                                                                              |
| U006 | ACETYL CHLORIDE (C,R,T)                                                                                                                                                                              |
| U007 | 2-PROPENAMIDE (OR) ACRYLAMIDE                                                                                                                                                                        |
| U008 | 2-PROPENOIC ACID (I) (OR) ACRYLIC ACID (I)                                                                                                                                                           |
| U009 | 2-PROPENENITRILE (OR) ACRYLONITRILE                                                                                                                                                                  |
| U010 | AZIRINO [2',3':3,4]PYRROLO[1,2-A]INDOLE-4,7-DIONE, 6-AMINO-8-[[[(AMINOCARBONYL)OXY]METHYL]-1,1A,2,8,8A,8B-HEXAHYDRO-8A-METHOXY-5-METHYL-, [1AS-(1AALPHA, 8BETA, 8AALPHA, 8BALPHA)]- (OR) MITOMYCIN C |
| U011 | 1H-1,2,4-TRIAZOL-3-AMINE (OR) AMITROLE                                                                                                                                                               |
| U012 | ANILINE (I,T) (OR) BENZENAMINE (I,T)                                                                                                                                                                 |
| U014 | AURAMINE (OR) BENZENAMINE, 4,4'-CARBONIMIDOYLBIS[N,N-DIMETHYL-                                                                                                                                       |
| U015 | AZASERINE (OR) L-SERINE, DIAZOACETATE (ESTER)                                                                                                                                                        |
| U016 | BENZ[C]ACRIDINE                                                                                                                                                                                      |
| U017 | BENZAL CHLORIDE (OR) BENZENE, (DICHLOROMETHYL)-                                                                                                                                                      |
| U018 | BENZ[A]ANTHRACENE                                                                                                                                                                                    |
| U019 | BENZENE (I,T)                                                                                                                                                                                        |

|      |                                                                                                                |
|------|----------------------------------------------------------------------------------------------------------------|
| U020 | BENZENESULFONIC ACID CHLORIDE (C,R) (OR) BENZENESULFONYL CHLORIDE (C,R)                                        |
| U021 | [1,1'-BIPHENYL]-4,4'-DIAMINE (OR) BENZIDINE                                                                    |
| U022 | BENZO[A]PYRENE                                                                                                 |
| U023 | BENZENE, (TRICHLOROMETHYL)- (OR) BENZOTRICHLORIDE (C,R,T)                                                      |
| U024 | DICHLOROMETHOXY ETHANE (OR) ETHANE, 1,1'-[METHYLENEBIS(OXY)]BIS[2-CHLORO-                                      |
| U025 | DICHLOROETHYL ETHER (OR) ETHANE, 1,1'-OXYBIS[2-CHLORO-                                                         |
| U026 | CHLORNAPHAZIN (OR) NAPHTHALENAMINE, N,N'-BIS(2-CHLOROETHYL)-                                                   |
| U027 | DICHLOROISOPROPYL ETHER (OR) PROPANE, 2,2'-OXYBIS[2-CHLORO-                                                    |
| U028 | 1,2-BENZENEDICARBOXYLIC ACID, BIS(2-ETHYLHEXYL) ESTER (OR) DIETHYLHEXYL PHTHALATE                              |
| U029 | METHANE, BROMO- (OR) METHYL BROMIDE                                                                            |
| U030 | 4-BROMOPHENYL PHENYL ETHER (OR) BENZENE, 1-BROMO-4-PHENOXY-                                                    |
| U031 | 1-BUTANOL (I) (OR) N-BUTYL ALCOHOL (I)                                                                         |
| U032 | CALCIUM CHROMATE (OR) CHROMIC ACID H <sub>2</sub> CrO <sub>4</sub> , CALCIUM SALT                              |
| U033 | CARBON OXYFLUORIDE (R,T) (OR) CARBONIC DIFLUORIDE                                                              |
| U034 | ACETALDEHYDE, TRICHLORO- (OR) CHLORAL                                                                          |
| U035 | BENZENEBUTANOIC ACID, 4-[BIS(2-CHLOROETHYL)AMINO]- (OR) CHLORAMBUCIL                                           |
| U036 | 4,7-METHANO-1H-INDENE, 1,2,4,5,6,7,8-OCTACHLORO-2,3,3A,4,7,7A-HEXAHYDRO- (OR) CHLORDANE, ALPHA & GAMMA ISOMERS |
| U037 | BENZENE, CHLORO- (OR) CHLOROBENZENE                                                                            |
| U038 | BENZENEACETIC ACID, 4-CHLORO-ALPHA-(4-CHLOROPHENYL)-ALPHA-HYDROXY-, ETHYL ESTER (OR) CHLOROBENZILATE           |
| U039 | P-CHLORO-M-CRESOL (OR) PHENOL, 4-CHLORO-3-METHYL-                                                              |
| U041 | EPICHLOROHYDRIN (OR) OXIRANE, (CHLOROMETHYL)-                                                                  |
| U042 | 2-CHLOROETHYL VINYL ETHER (OR) ETHENE, (2-CHLOROETHOXY)-                                                       |
| U043 | ETHENE, CHLORO- (OR) VINYL CHLORIDE                                                                            |
| U044 | CHLOROFORM (OR) METHANE, TRICHLORO-                                                                            |
| U045 | METHANE, CHLORO- (I,T) (OR) METHYL CHLORIDE (I,T)                                                              |
| U046 | CHLOROMETHYL METHYL ETHER (OR) METHANE, CHLOROMETHOXY-                                                         |

|      |                                                                                                                                                                          |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| U047 | BETA-CHLORONAPHTHALENE (OR) NAPHTHALENE, 2-CHLORO-                                                                                                                       |
| U048 | O-CHLOROPHENOL (OR) PHENOL, 2-CHLORO-                                                                                                                                    |
| U049 | 4-CHLORO-O-TOLUIDINE, HYDROCHLORIDE (OR) BENZENAMINE, 4-CHLORO-2-METHYL-, HYDROCHLORIDE                                                                                  |
| U050 | CHRYSENE                                                                                                                                                                 |
| U051 | CREOSOTE                                                                                                                                                                 |
| U052 | CRESOL (CRESYLIC ACID) (OR) PHENOL, METHYL-                                                                                                                              |
| U053 | 2-BUTENAL (OR) CROTONALDEHYDE                                                                                                                                            |
| U055 | BENZENE, (1-METHYLETHYL)- (I) (OR) CUMENE (I)                                                                                                                            |
| U056 | BENZENE, HEXAHYDRO- (I) (OR) CYCLOHEXANE (I)                                                                                                                             |
| U057 | CYCLOHEXANONE (I)                                                                                                                                                        |
| U058 | 2H-1,3,2-OXAZAPHOSPHORIN-2-AMINE, N,N-BIS(2-CHLOROETHYL)TETRAHYDRO-, 2-OXIDE (OR) CYCLOPHOSPHAMIDE                                                                       |
| U059 | 5,12-NAPHTHACENEDIONE, 8-ACETYL-10-[(3-AMINO-2,3,6-TRIDEOXY)-ALPHA-L-LYXO-HEXOPYRANOSYL)OXY]-7,8,9,10-TETRAHYDRO-6,8,11-TRIHYDROXY-1-METHOXY-, (8S-CIS)- (OR) DAUNOMYCIN |
| U060 | BENZENE, 1,1'-(2,2-DICHLOROETHYLIDENE)BIS[4-CHLORO- (OR) DDD                                                                                                             |
| U061 | BENZENE, 1,1'-(2,2,2-TRICHLOROETHYLIDENE)BIS[4-CHLORO- (OR) DDT                                                                                                          |
| U062 | CARBAMOTHIOIC ACID, BIS(1-METHYLETHYL)-, S-(2,3-DICHLORO-2-PROPENYL) ESTER (OR) DIALATE                                                                                  |
| U063 | DIBENZ[A,H]ANTHRACENE                                                                                                                                                    |
| U064 | BENZO[RST]PENTAPHENE (OR) DIBENZO[A,I]PYRENE                                                                                                                             |
| U066 | 1,2-DIBROMO-3-CHLOROPROPANE (OR) PROPANE, 1,2-DIBROMO-3-CHLORO-                                                                                                          |
| U067 | ETHANE, 1,2-DIBROMO- (OR) ETHYLENE DIBROMIDE                                                                                                                             |
| U068 | METHANE, DIBROMO- (OR) METHYLENE BROMIDE                                                                                                                                 |
| U069 | 1,2-BENZENEDICARBOXYLIC ACID, DIBUTYL ESTER (OR) DIBUTYL PHTHALATE                                                                                                       |
| U070 | BENZENE, 1,2-DICHLORO- (OR) O-DICHLOROBENZENE                                                                                                                            |
| U071 | BENZENE, 1,3-DICHLORO- (OR) M-DICHLOROBENZENE                                                                                                                            |
| U072 | BENZENE, 1,4-DICHLORO- (OR) P-DICHLOROBENZENE                                                                                                                            |
| U073 | [1,1'-BIPHENYL]-4,4'-DIAMINE, 3,3'-DICHLORO- (OR) 3,3'-DICHLOROBENZIDINE                                                                                                 |

|      |                                                                                              |
|------|----------------------------------------------------------------------------------------------|
| U074 | 1,4-DICHLORO-2-BUTENE (I,T) (OR) 2-BUTENE, 1,4-DICHLORO- (I,T)                               |
| U075 | DICHLORODIFLUOROMETHANE (OR) METHANE, DICHLORODIFLUORO-                                      |
| U076 | ETHANE, 1,1-DICHLORO- (OR) ETHYLIDENE DICHLORIDE                                             |
| U077 | ETHANE, 1,2-DICHLORO- (OR) ETHYLENE DICHLORIDE                                               |
| U078 | 1,1-DICHLOROETHYLENE (OR) ETHENE, 1,1-DICHLORO-                                              |
| U079 | 1,2-DICHLOROETHYLENE (OR) ETHENE, 1,2-DICHLORO-, (E)-                                        |
| U080 | METHANE, DICHLORO- (OR) METHYLENE CHLORIDE                                                   |
| U081 | 2,4-DICHLOROPHENOL (OR) PHENOL, 2,4-DICHLORO-                                                |
| U082 | 2,6-DICHLOROPHENOL (OR) PHENOL, 2,6-DICHLORO-                                                |
| U083 | PROPANE, 1,2-DICHLORO- (OR) PROPYLENE DICHLORIDE                                             |
| U084 | 1,3-DICHLOROPROPENE (OR) 1-PROPENE, 1,3-DICHLORO-                                            |
| U085 | 1,2:3,4-DIEPOXYBUTANE (I,T) (OR) 2,2'-BIOXIRANE                                              |
| U086 | HYDRAZINE, 1,2-DIETHYL- (OR) N,N'-DIETHYLHYDRAZINE                                           |
| U087 | O,O-DIETHYL S-METHYL DITHIOPHOSPHATE (OR) PHOSPHORODITHIOIC ACID, O,O-DIETHYL S-METHYL ESTER |
| U088 | 1,2-BENZENEDICARBOXYLIC ACID, DIETHYL ESTER (OR) DIETHYL PHTHALATE                           |
| U089 | DIETHYLSTILBESTEROL (OR) PHENOL, 4,4'-(1,2-DIETHYL-1,2-ETHENEDIYL)BIS, (E)-                  |
| U090 | 1,3-BENZODIOXOLE, 5-PROPYL- (OR) DIHYDROSAFROLE                                              |
| U091 | [1,1'-BIPHENYL]-4,4'-DIAMINE, 3,3'-DIMETHOXY- (OR) 3,3'-DIMETHOXYBENZIDINE                   |
| U092 | DIMETHYLAMINE (I) (OR) METHANAMINE, N-METHYL- (I)                                            |
| U093 | BENZENAMINE, N,N-DIMETHYL-4-(PHENYLAZO)- (OR) P-DIMETHYLAMINOAZOBENZENE                      |
| U094 | 7,12-DIMETHYLBENZ[A]ANTHRACENE (OR) BENZ[A]ANTHRACENE, 7,12-DIMETHYL-                        |
| U095 | [1,1'-BIPHENYL]-4,4'-DIAMINE, 3,3'-DIMETHYL- (OR) 3,3'-DIMETHYLBENZIDINE                     |
| U096 | ALPHA,ALPHA-DIMETHYLBENZYLHYDROPEROXIDE (R) (OR) HYDROPEROXIDE, 1-METHYL-1-PHENYLETHYL- (R)  |
| U097 | CARBAMIC CHLORIDE, DIMETHYL- (OR) DIMETHYLCARBAMOYL CHLORIDE                                 |
| U098 | 1,1-DIMETHYLHYDRAZINE (OR) HYDRAZINE, 1,1-DIMETHYL-                                          |
| U099 | 1,2-DIMETHYLHYDRAZINE (OR) HYDRAZINE, 1,2-DIPHENYL-                                          |
| U101 | 2,4-DIMETHYLPHENOL (OR) PHENOL, 2,4-DIMETHYL-                                                |
| U102 | 1,2-BENZENEDICARBOXYLIC ACID, DIMETHYL ESTER (OR) DIMETHYL PHTHALATE                         |

|      |                                                                                                              |
|------|--------------------------------------------------------------------------------------------------------------|
| U103 | DIMETHYL SULFATE (OR) SULFURIC ACID, DIMETHYL ESTER                                                          |
| U105 | 2,4-DINITROTOLUENE (OR) BENZENE, 1-METHYL-2,4-DINITRO-                                                       |
| U106 | 2,6-DINITROTOLUENE (OR) BENZENE, 2-METHYL-1,3-DINITRO-                                                       |
| U107 | 1,2-BENZENEDICARBOXYLIC ACID, DIOCTYL ESTER (OR) DI-N-OCTYL PHTHALATE                                        |
| U108 | 1,4-DIETHYLENEOXIDE (OR) 1,4-DIOXANE                                                                         |
| U109 | 1,2-DIPHENYLHYDRAZINE (OR) HYDRAZINE, 1,2-DIPHENYL-                                                          |
| U110 | 1-PROPANIMINE, N-PROPYL-(I) (OR) DIPROPYLAMINE (I)                                                           |
| U111 | 1-PROPANAMINE, N-NITROSO-N-PROPYL- (OR) DI-N-PROPYLNITROSAMINE                                               |
| U112 | ACETIC ACID, ETHYL ESTER (I) (OR) ETHYL ACETATE (I)                                                          |
| U113 | 2-PROPENOIC ACID, ETHYL ESTER (I) (OR) ETHYL ACRYLATE (I)                                                    |
| U114 | CARBAMODITHIOIC ACID, 1,2-ETHANEDIYLBIS-, SALTS & ESTERS (OR) ETHYLENEBISDITHIOCARBAMIC ACID, SALTS & ESTERS |
| U115 | ETHYLENE OXIDE (I,T) (OR) OXIRANE (I,T)                                                                      |
| U116 | 2-IMIDAZOLIDINETHIONE (OR) ETHYLENETHIOUREA                                                                  |
| U117 | ETHANE, 1,1'-OXYBIS-(I) (OR) ETHYL ETHER (I)                                                                 |
| U118 | 2-PROPENOIC ACID, 2-METHYL-, ETHYL ESTER (OR) ETHYL METHACRYLATE                                             |
| U119 | ETHYL METHANESULFONATE (OR) METHANESULFONIC ACID, ETHYL ESTER                                                |
| U120 | FLUORANTHENE                                                                                                 |
| U121 | METHANE, TRICHLOROFLUORO- (OR) TRICHLOROMONOFUOROMETHANE                                                     |
| U122 | FORMALDEHYDE                                                                                                 |
| U123 | FORMIC ACID (C,T)                                                                                            |
| U124 | FURAN (I) (OR) FURFURAN (I)                                                                                  |
| U125 | 2-FURANCARBOXALDEHYDE (I) (OR) FURFURAL (I)                                                                  |
| U126 | GLYCIDYLALDEHYDE (OR) OXIRANECARBOXYALDEHYDE                                                                 |
| U127 | BENZENE, HEXACHLORO- (OR) HEXACHLOROBENZENE                                                                  |
| U128 | 1,3-BUTADIENE, 1,1,2,3,4,4-HEXACHLORO- (OR) HEXACHLOROBUTADIENE                                              |
| U129 | CYCLOHEXANE, 1,2,3,4,5,6-HEXACHLORO-, (1ALPHA, 2ALPHA, 3BETA, 4ALPHA, 5ALPHA, 6BETA)- (OR) LINDANE           |

|      |                                                                                                                                                                                                      |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| U130 | 1,3-CYCLOPENTADIENE, 1,2,3,4,5,5-HEXACHLORO- (OR) HEXACHLOROCYCLOPENTADIENE                                                                                                                          |
| U131 | ETHANE, HEXACHLORO- (OR) HEXACHLOROETHANE                                                                                                                                                            |
| U132 | HEXACHLOROPHENE (OR) PHENOL, 2,2'-METHYLENEBIS[3,4,6-TRICHLORO-                                                                                                                                      |
| U133 | HYDRAZINE (R,T)                                                                                                                                                                                      |
| U134 | HYDROFLUORIC ACID (C,T) (OR) HYDROGEN FLUORIDE (C,T)                                                                                                                                                 |
| U135 | HYDROGEN SULFIDE (OR) HYDROGEN SULFIDE H <sub>2</sub> S                                                                                                                                              |
| U136 | ARSINIC ACID, DIMETHYL- (OR) CACODYLIC ACID                                                                                                                                                          |
| U137 | INDENO[1,2,3-CD]PYRENE                                                                                                                                                                               |
| U138 | METHANE, IODO- (OR) METHYL IODIDE                                                                                                                                                                    |
| U140 | 1-PROPANOL, 2-METHYL- (I,T) (OR) ISOBUTYL ALCOHOL (I,T)                                                                                                                                              |
| U141 | 1,3-BENZODIOXOLE, 5-(1-PROPENYL)- (OR) ISOSAFROLE                                                                                                                                                    |
| U142 | 1,3,4-METHENO-2H-CYCLOBUTA[CD]PENTALEN-2-ONE, 1,1A,3,3A,4,5,5,5A,5B,6-DECACHLOROOCCTAHYDRO- (OR) KEPONE                                                                                              |
| U143 | 2-BUTENOIC ACID, 2-METHYL-, 7-[[2,3-DIHYDROXY-2-(1-METHOXYETHYL)-3-METHYL-1-OXOBUTOXY]METHYL]-2,3,5,7A-TETRAHYDRO-1H-PYRROLIZIN-1-YL ESTER, [1S-[1ALPHA(Z), 7(2S*,3R*), 7AALPHA]]- (OR) LASIOCARPINE |
| U144 | ACETIC ACID, LEAD(2+) SALT (OR) LEAD ACETATE                                                                                                                                                         |
| U145 | LEAD PHOSPHATE (OR) PHOSPHORIC ACID, LEAD(2+) SALT (2:3)                                                                                                                                             |
| U146 | LEAD SUBACETATE (OR) LEAD, BIS(ACETATO-O)TETRAHYDROXYTRI-                                                                                                                                            |
| U147 | 2,5-FURANDIONE (OR) MALEIC ANHYDRIDE                                                                                                                                                                 |
| U148 | 3,6-PYRIDAZINEDIONE, 1,2-DIHYDRO- (OR) MALEIC HYDRAZIDE                                                                                                                                              |
| U149 | MALONONITRILE (OR) PROPANEDINITRILE                                                                                                                                                                  |
| U150 | L-PHENYLALANINE, 4-[BIS(2-CHLOROETHYL)AMINO]- (OR) MELPHALAN                                                                                                                                         |
| U151 | MERCURY                                                                                                                                                                                              |
| U152 | 2-PROPENENITRILE, 2-METHYL- (I,T) (OR) METHACRYLONITRILE (I,T)                                                                                                                                       |
| U153 | METHANETHIOL (I,T) (OR) THIOMETHANOL (I,T)                                                                                                                                                           |
| U154 | METHANOL (I) (OR) METHYL ALCOHOL (I)                                                                                                                                                                 |
| U155 | 1,2-ETHANEDIAMINE, N,N-DIMETHYL-N'-2-PYRIDINYL-N'-(2-THIENYLMETHYL)- (OR) METHAPYRILENE                                                                                                              |



|      |                                                                                   |
|------|-----------------------------------------------------------------------------------|
| U156 | CARBONCHLORIDIC ACID, METHYL ESTER, (I,T) (OR) METHYL CHLOROCARBONATE (I,T)       |
| U157 | 3-METHYLCHOLANTHRENE (OR) BENZ[J]ACEANTHRYLENE, 1,2-DIHYDRO-3-METHYL-             |
| U158 | 4,4'-METHYLENEBIS(2-CHLOROANILINE) (OR) BENZENAMINE, 4,4'-METHYLENEBIS[2-CHLORO-  |
| U159 | 2-BUTANONE (I,T) (OR) METHYL ETHYL KETONE (MEK) (I,T)                             |
| U160 | 2-BUTANONE, PEROXIDE (R,T) (OR) METHYL ETHYL KETONE PEROXIDE (R,T)                |
| U161 | 4-METHYL-2-PENTANONE (I) (OR) METHYL ISOBUTYL KETONE (I) (OR) PENTANOL, 4-METHYL- |
| U162 | 2-PROPENOIC ACID, 2-METHYL-, METHYL ESTER (I,T) (OR) METHYL METHACRYLATE (I,T)    |
| U163 | GUANIDINE, N-METHYL-N'-NITRO-N-NITROSO- (OR) MNNG                                 |
| U164 | 4(1H)-PYRIMIDINONE, 2,3-DIHYDRO-6-METHYL-2-THIOXO- (OR) METHYLTHIOURACIL          |
| U165 | NAPHTHALENE                                                                       |
| U166 | 1,4-NAPHTHALENEDIONE (OR) 1,4-NAPHTHOQUINONE                                      |
| U167 | 1-NAPHTHALENAMINE (OR) ALPHA-NAPHTHYLAMINE                                        |
| U168 | 2-NAPHTHALENAMINE (OR) BETA-NAPHTHYLAMINE                                         |
| U169 | BENZENE, NITRO- (OR) NITROBENZENE (I,T)                                           |
| U170 | P-NITROPHENOL (I,T) (OR) PHENOL, 4-NITRO-                                         |
| U171 | 2-NITROPROPANE (I,T) (OR) PROPANE, 2-NITRO- (I,T)                                 |
| U172 | 1-BUTANAMINE, N-BUTYL-N-NITROSO- (OR) N-NITROSODI-N-BUTYLAMINE                    |
| U173 | ETHANOL, 2,2'-(NITROSOIMINO)BIS- (OR) N-NITROSODIETHANOLAMINE                     |
| U174 | ETHANAMINE, N-ETHYL-N-NITROSO- (OR) N-NITROSODIETHYLAMINE                         |
| U176 | N-NITROSO-N-ETHYLUREA (OR) UREA, N-ETHYL-N-NITROSO-                               |
| U177 | N-NITROSO-N-METHYLUREA (OR) UREA, N-METHYL-N-NITROSO-                             |
| U178 | CARBAMIC ACID, METHYLNITROSO-, ETHYL ESTER (OR) N-NITROSO-N-METHYLURETHANE        |
| U179 | N-NITROSOPIPERIDINE (OR) PIPERIDINE, 1-NITROSO-                                   |
| U180 | N-NITROSOPYRROLIDINE (OR) PYRROLIDINE, 1-NITROSO-                                 |
| U181 | 5-NITRO-O-TOLUIDINE (OR) BENZENAMINE, 2-METHYL-5-NITRO                            |
| U182 | 1,3,5-TRIOXANE, 2,4,6-TRIMETHYL- (OR) PARALDEHYDE                                 |
| U183 | BENZENE, PENTACHLORO- (OR) PENTACHLOROBENZENE                                     |

|      |                                                                                                                                                           |
|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| U184 | ETHANE, PENTACHLORO- (OR) PENTACHLOROETHANE                                                                                                               |
| U185 | BENZENE, PENTACHLORONITRO- (OR) PENTACHLORONITROBENZENE (PCNB)                                                                                            |
| U186 | 1,3-PENTADIENE (I) (OR) 1-METHYLBUTADIENE (I)                                                                                                             |
| U187 | ACETAMIDE, N-(4-ETHOXYPHENYL)- (OR) PHENACETIN                                                                                                            |
| U188 | PHENOL                                                                                                                                                    |
| U189 | PHOSPHORUS SULFIDE (R) (OR) SULFUR PHOSPHIDE (R)                                                                                                          |
| U190 | 1,3-ISOBENZOFURANDIONE (OR) PHTHALIC ANHYDRIDE                                                                                                            |
| U191 | 2-PICOLINE (OR) PYRIDINE, 2-METHYL-                                                                                                                       |
| U192 | BENZAMIDE, 3,5-DICHLORO-N-(1,1-DIMETHYL-2-PROPYNYL)- (OR) PRONAMIDE                                                                                       |
| U193 | 1,2-OXATHIOLANE, 2,2-DIOXIDE (OR) 1,3-PROPANE SULTONE                                                                                                     |
| U194 | 1-PROPANAMINE (I,T) (OR) N-PROPYLAMINE (I,T)                                                                                                              |
| U196 | PYRIDINE                                                                                                                                                  |
| U197 | 2,5-CYCLOHEXADIENE-1,4-DIONE (OR) P-BENZOQUINONE                                                                                                          |
| U200 | RESERPINE (OR) YOHIMBAN-16-CARBOXYLIC ACID, 11,17-DIMETHOXY-18-[(3,4,5-TRIMETHOXYBENZOYL) OXY]-, METHYL ESTER, (3BETA, 16BETA, 17ALPHA, 18BETA, 20ALPHA)- |
| U201 | 1,3-BENZENEDIOL (OR) RESORCINOL                                                                                                                           |
| U203 | 1,3-BENZODIOXOLE, 5-(2-PROPENYL)- (OR) SAFROLE                                                                                                            |
| U204 | SELENIOUS ACID (OR) SELENIUM DIOXIDE                                                                                                                      |
| U205 | SELENIUM SULFIDE (OR) SELENIUM SULFIDE SES2 (R,T)                                                                                                         |
| U206 | D-GLUCOSE, 2-DEOXY-2-[[[(METHYLNITROSOAMINO)-CARBONYL]AMINO]- (OR) GLUCOPYRANOSE, 2-DEOXY-2-(3-METHYL-3-NITROSOUREIDO)-,D- (OR) STREPTOZOTOCIN            |
| U207 | 1,2,4,5-TETRACHLOROBENZENE (OR) BENZENE, 1,2,4,5-TETRACHLORO-                                                                                             |
| U208 | 1,1,1,2-TETRACHLOROETHANE (OR) ETHANE, 1,1,1,2-TETRACHLORO-                                                                                               |
| U209 | 1,1,2,2-TETRACHLOROETHANE (OR) ETHANE, 1,1,2,2-TETRACHLORO-                                                                                               |
| U210 | ETHENE, TETRACHLORO- (OR) TETRACHLOROETHYLENE                                                                                                             |
| U211 | CARBON TETRACHLORIDE (OR) METHANE, TETRACHLORO-                                                                                                           |
| U213 | FURAN, TETRAHYDRO-(I) (OR) TETRAHYDROFURAN (I)                                                                                                            |
| U214 | ACETIC ACID, THALLIUM(1+) SALT (OR) THALLIUM(I) ACETATE                                                                                                   |
| U215 | CARBONIC ACID, DITHALLIUM(1+) SALT (OR) THALLIUM(I) CARBONATE                                                                                             |

|      |                                                                                                                                                                                            |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| U216 | THALLIUM CHLORIDE TLCL (OR) THALLIUM(I) CHLORIDE                                                                                                                                           |
| U217 | NITRIC ACID, THALLIUM(1+) SALT (OR) THALLIUM(I) NITRATE                                                                                                                                    |
| U218 | ETHANETHIOAMIDE (OR) THIOACETAMIDE                                                                                                                                                         |
| U219 | THIOUREA                                                                                                                                                                                   |
| U220 | BENZENE, METHYL- (OR) TOLUENE                                                                                                                                                              |
| U221 | BENZENEDIAMINE, AR-METHYL- (OR) TOLUENEDIAMINE                                                                                                                                             |
| U222 | BENZENAMINE, 2-METHYL-, HYDROCHLORIDE (OR) O-TOLUIDINE HYDROCHLORIDE                                                                                                                       |
| U223 | BENZENE, 1,3-DIISOCYANATOMETHYL- (R,T) (OR) TOLUENE DIISOCYANATE (R,T)                                                                                                                     |
| U225 | BROMOFORM (OR) METHANE, TRIBROMO-                                                                                                                                                          |
| U226 | ETHANE, 1,1,1-TRICHLORO- (OR) METHYL CHLOROFORM                                                                                                                                            |
| U227 | 1,1,2-TRICHLOROETHANE (OR) ETHANE, 1,1,2-TRICHLORO-                                                                                                                                        |
| U228 | ETHENE, TRICHLORO- (OR) TRICHLOROETHYLENE                                                                                                                                                  |
| U234 | 1,3,5-TRINITROBENZENE (R,T) (OR) BENZENE, 1,3,5-TRINITRO-                                                                                                                                  |
| U235 | 1-PROPANOL, 2,3-DIBROMO-, PHOSPHATE (3:1) (OR) TRIS(2,3,-DIBROMOPROPYL) PHOSPHATE                                                                                                          |
| U236 | 2,7-NAPHTHALENEDISULFONIC ACID,3,3'-[(3,3'-DIMETHYL[1,1'-BIPHENYL]-4,4'-DIYL)BIS(AZO)BIS[5-AMINO-4-HYDROXY]-, TETRASODIUM SALT (OR) TRYPAN BLUE                                            |
| U237 | 2,4-(1H,3H)-PYRIMIDINEDIONE, 5-[BIS(2-CHLOROETHYL)AMINO]- (OR) URACIL MUSTARD                                                                                                              |
| U238 | CARBAMIC ACID, ETHYL ESTER (OR) ETHYL CARBAMATE (URETHANE)                                                                                                                                 |
| U239 | BENZENE, DIMETHYL- (I,T) (OR) XYLENE (I)                                                                                                                                                   |
| U240 | 2,4-D, SALTS & ESTERS (OR) ACETIC ACID, (2,4-DICHLOROPHENOXY)-, SALTS & ESTERS (OR) DICHLOROPHENOXYACETIC ACID 2,4-D                                                                       |
| U243 | 1-PROPENE, 1,1,2,3,3,3-HEXACHLORO- (OR) HEXACHLOROPROPENE                                                                                                                                  |
| U244 | THIOPEROXYDICARBONIC DIAMIDE [(H <sub>2</sub> N)C(S)] <sub>2</sub> S <sub>2</sub> , TETRAMETHYL- (OR) THIRAM                                                                               |
| U246 | CYANOGEN BROMIDE (CN)BR                                                                                                                                                                    |
| U247 | BENZENE, 1,1'-(2,2,2-TRICHLOROETHYLIDENE)BIS[4-METHOXY- (OR) METHOXYCHLOR                                                                                                                  |
| U248 | 2H-1-BENZOPYRAN-2-ONE, 4-HYDROXY-3-(3-OXO-1-PHENYL-BUTYL)-, & SALTS, WHEN PRESENT AT CONCENTRATIONS OF 0.3% OR LESS (OR) WARFARIN, & SALTS, WHEN PRESENT AT CONCENTRATIONS OF 0.3% OR LESS |
| U249 | ZINC PHOSPHIDE ZN <sub>3</sub> P <sub>2</sub> , WHEN PRESENT AT CONCENTRATIONS OF 10% OR LESS                                                                                              |

|      |                                                                                                                                                 |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| U271 | BENOMYL (OR) CARBAMIC ACID, [1-[(BUTYLAMINO)CARBONYL]-1H-BENZIMIDAZOL-2-YL]-, METHYL ESTER                                                      |
| U278 | BENDIOCARB (OR) 1,3-BENZODIOXOL-4-OL, 2,2-DIMETHYL-, METHYL CARBAMATE                                                                           |
| U279 | CARBARYL (OR) 1-NAPHTHALENOL, METHYLCARBAMATE                                                                                                   |
| U280 | BARBAN (OR) CARBAMIC ACID, (3-CHLOROPHENYL)-, 4-CHLORO-2-BUTYNYL ESTER                                                                          |
| U328 | BENZENAMINE, 2-METHYL- (OR) O-TOLUIDINE                                                                                                         |
| U353 | BENZENAMINE, 4-METHYL- (OR) P-TOLUIDINE                                                                                                         |
| U359 | ETHANOL, 2-ETHOXY- (OR) ETHYLENE GLYCOL MONOETHYL ETHER                                                                                         |
| U364 | BENDIOCARB PHENOL (OR) 1,3-BENZODIOXOL-4-OL, 2,2-DIMETHYL-                                                                                      |
| U367 | 7-BENZOFURANOL, 2,3-DIHYDRO-2,2-DIMETHYL- (OR) CARBOFURAN PHENOL                                                                                |
| U372 | CARBAMIC ACID, 1H-BENZIMIDAZOL-2-YL, METHYL ESTER (OR) CARBENDAZIM                                                                              |
| U373 | CARBAMIC ACID, PHENYL-, 1-METHYLETHYL ESTER (OR) PROPHAM                                                                                        |
| U378 | CARBAMODITHIOIC ACID, (HYDROXYMETHYL) METHYL-, MONOPOTASSIUM SALT (OR) POTASSIUM N-HYDROXYMETHYL- N-METHYLDI-THIOCARBAMATE                      |
| U387 | CARBAMOTHIOIC ACID, DIPROPYL-, S-(PHENYLMETHYL) ESTER (OR) PROSULFOCARB                                                                         |
| U389 | CARBAMOTHIOIC ACID, BIS(1-METHYLETHYL)-, S-(2,3,3-TRICHLORO-2-PROPENYL) ESTER (OR) TRIALLATE                                                    |
| U394 | A2213 (OR) ETHANIMIDOTHIOIC ACID, 2-(DIMETHYLAMINO)-N-HYDROXY-2-OXO-, METHYL ESTER                                                              |
| U395 | DIETHYLENE GLYCOL, DICARBAMATE (OR) ETHANOL, 2,2'-OXYBIS-, DICARBAMATE                                                                          |
| U404 | ETHANAMINE, N,N-DIETHYL- (OR) TRIETHYLAMINE                                                                                                     |
| U409 | CARBAMIC ACID, [1,2-PHENYLENEBIS (IMINOCARBONOTHIOYL)]BIS-, DIMETHYL ESTER (OR) THIOPHANATE-METHYL                                              |
| U410 | ETHANIMIDOTHIOIC ACID, N,N'-[THIOBIS[(METHYLIMINO)CARBONYLOXY]]BIS-, DIMETHYL ESTER (OR) THIODICARB                                             |
| U411 | PHENOL, 2-(1-METHYLETHOXY)-, METHYLCARBAMATE (OR) PROPOXUR                                                                                      |
| U480 | 2,4,6, TRIBROMOPHENOL (I.E.; DISCARDED COMMERCIAL CHEMICAL PRODUCTS, OFF-SPECIFICATION SPECIES, CONTAINER RESIDUES, AND SPILL RESIDUES THEREOF) |



# Urban Planning and Land Use

701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)

Phone: (913) 573-5750  
Fax: (913) 573-5796  
[www.wycokck.org/planning](http://www.wycokck.org/planning)

**To:** Unified Government Board of Commissioners  
**From:** City Staff  
**Date:** February 28, 2019  
**Re:** Change of Zone Petition #3176

---

## GENERAL INFORMATION

---

**Applicant:**  
Breck Ricketts

**Status of Applicant:**  
Property Owner  
10350 Richland Avenue  
Edwardsville, KS 66111

**Requested Actions:**  
Change of Zone from  
R-1 Single Family District to  
AG Agriculture District

**Date of Application:**  
November 29, 2018

**Purpose:**  
To use the property for  
agricultural uses including hay  
and a farm winery

**Property Location:**  
500 North 86<sup>th</sup> Street

**Existing Zoning:** R-1 Single Family District



**Surrounding Zoning:**      **North:**      AG Agriculture District  
                                         **South:**      R-1 Single Family District  
                                         **East:**      R-1 Single Family District  
                                         **West:**      R-1 Single Family District

**Existing Uses:** **North:**      Single Family Residential/Telecommunication Tower  
                                         **South:**      Single Family Residential  
                                         **East:**      Single Family Residential  
                                         **West:**      Single Family Residential

**Total Tract Size:**    14.67 acres

**Master Plan Designation:** The City-Wide Master Plan designates this property as low-density residential

**Major Street Plan:** The City-Wide Master Plan designates this property as a Class C Thoroughfare

**Advertisement:**      The Wyandotte Echo – December 20, 2018  
                                         Letters to Property Owners – December 14, 2018, January 30, 2019 and February 20, 2019

**Public Hearings:**    January 14, 2019, February 11, 2019 and February 28, 2019

**Public Opposition:** No one appeared in opposition at the January 14, 2019 or February 11, 2019 City Planning Commission meetings.

---

## **PROPOSAL**

---

*Detailed Outline of Requested Action:* The applicant, Breck Ricketts, has submitted this zoning application to rezone the property at 500 North 86<sup>th</sup> Street from R-1 Single Family District to AG Agriculture District in order to use the property for agricultural purposes including hay production and a farm winery.

*City Ordinance Requirements:* Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-245 – 27-339

---

## **FACTORS TO BE CONSIDERED**

---

***1. Neighborhood character.***

This is a low density residential/rural area.

***2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.***

More information is needed to determine how the farm winery is going to be operated and any potential building plans to determine whether the proposed uses are expected to be compatible with nearby properties.

**3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?***

More information is needed on the items stated above.

**4. *The length of time the property has remained vacant as zoned.***

This property has remained undeveloped.

**5. *The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.***

More information is needed on the items stated above.

**6. *The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.***

More information is needed on the items stated above.

**7. *The degree of conformance of the proposed use to the Master Plan.***

More information is needed on the items stated above.

**8. *The extent to which the proposed use could cause environmental harm or enhance the environment.***

The proposed use is not foreseen to cause environmental harm

**9. *The extent to which utilities and public services are available and adequate to serve the proposed use.***

**a. *Water service***

Available

**b. *Sanitary sewer service***

There is sanitary sewer service available on 86<sup>th</sup> Street

**c. *Storm water control***

To meet code



**d. Police**

Police service is provided by West Patrol, District #221

**e. Fire**

Fire service is provided by District #4

**f. Transit**

None

**g. Schools**

Kansas City, Kansas USD 500

**h. Streets**

See item #6 above

**10. The economic impact of the proposed use on the community.**

More information is needed. Hay production would have minimal economic impact on the community. A farm winery may have a larger economic impact.

**11. The capability of the proposed use to meet applicable ordinance requirements.**

More information is needed.

**12. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.**

More information is needed.

---

**NEIGHBORHOOD MEETING**

---

The applicant held a neighborhood meeting on December 21, 2018. The meeting minutes are attached to this report.

---

**PREVIOUS ACTIONS**

---

SP-2004-14 was approved for the owner of 520 North 86<sup>th</sup> Street to host parties in the backyard (prior to the lots being separated)

A Preliminary and Final Plat was approved to create this parcel in September 2009.

---

## KEY ISSUES

---

More information needed on how the farm winery will operate and any proposed building plans.

---

## PLANNING COMMISSION RECOMMENDATION

---

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Change of Zone Application #3176, subject to:

### Urban Planning and Land Use Comments:

1. Are you planning to construct any buildings on the property? If so, please provide building plans and a site plan showing the location of buildings and their uses, proposed drives and parking areas, and proposed utility connections, including sewer.
2. How will any waste and byproducts of the wine making process be dealt with?
3. Please provide additional information about the proposed farm winery. Will there be a building for the winery? Will there be employees? Where will employees and customers park? What are the proposed hours of the farm winery? Are you planning to have customers come to the site for the farm winery? Please note that any live entertainment associated with the farm winery creates additional requirements for parking and a special use permit.

Applicant Response: I am requesting a zone change from R1 to AG for the purpose of the growing of wine grapes. A storage building would need to be built for the purpose of housing supplies, tools, and other items required for the production and picking of a grapes. Ag zoning is required for the purpose of out buildings without the presence of a main house. If after a successful establishment of grape vineyard (in 3 to 4 years), I would like to be able to host a 'Roadside farm winery'. This also requires the land to be zoned AG. Again, another reason to rezone to AG. Farm wineries require a 'special permit' to be operational, and at that time, plans and descriptions will be submitted.

I am planning on planting the vines at a 7 foot vine to vine spacing with 10 feet between rows. This will provide 6 feet of grass in between each row. This will allow for 4 foot beds and plenty of room in between for machinery. I will till the surface about 1 foot deep and augment with sand to help with starting root growth. The soil is type 7955 Knox Silt loam Class 3, NCCPI of 84.2 and the clay content should be very conducive to holding water for the deep root system that should develop.

In this process to start and promote the rootstock, there are various steps

and procedures during the first 3-4 years. This includes first staking the vines, then providing some protections while the plant is small. Irrigation is critical also during the first few years. Next is the trellis system that has to be installed in about the 2nd or 3rd year depending on plant height. After that, then supplies are required for the protection of grapes from deer, birds and other animals that like the' rut. All of these components and multi-use apparatus will need to be stored on site in a small barn. This will be a shed that would suffice for storage of supplies and processing. This is the main reason I am requesting a zone change to AG. The minimum shed size would be 12' x 12' and maximum of about 30' x 50', and most likely a 12' x 20'. Up to this point, a Special Permit for Farm Wineries is not needed. If and only if this works out, I would like to in the future, entertain the possibility of providing a road side farm winery. Pursuant to K.S.A. 41-308a,b. The land must be zoned AG to allow farm wineries, and this is the other reason I am requesting the AG zone change. My definition of a farm winery is something I would do in my spare time, on some weekends, and by appointment only. This is my retirement project. This will not in any way be a retail or commercial winery. It would be a simple road side affair. This would produce traffic in the amount of a few cars on average a week at most. I do not plan on building a house or fermenting site there. This will be a glorified garden.

#### **Public Works:**

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
  - 1) None.
- B) Items that are conditions of approval (stipulations):
  - 1) The UG Public Works highly recommends a hydrologist or qualified dam engineer to carry out risk assessment to determine the hazard potential of the dam prior to construction. This may be needed as the potential overflow path when the dam is over capacity will flow to the east where there are nearby residential houses. Further discussion with staff may be required.
  - 2) The proposed pond shall require UG public works and Kansas Division of Water Resources approval prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
  - 1) None

#### **Conservation District Comments:**

- 1. There are three major soil types identified: Ladoga silt loam, 3 to 8 percent slopes, Armster clay loam, 8 to 12 percent slopes and Knox silt loam, 7 to 12 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- 2. In our review of the site, a discussion on construction of a pond for a water supply for irrigation of the grape vines was held. Initial review of the site

- revealed concerns suggesting the landowner should contact the Kansas Department of Water Resources before any disturbance of the land.
3. The bedrock in the area that will need to be avoided. The amount of fill and source of fill that will be needed to build the dam. Proximity to homes and roadways could create concerns.
  4. The pond design should follow NRCS criteria, this includes any water from spillway or pipe enters the drainage way before leaving his property. He will need to contact Kansas Department of Water Resources to check on classification and he will need a Water Usage Permit to irrigate from it.
  5. Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.

---

## STAFF COMMENTS AND SUGGESTIONS

---

The staff concurs with the recommendation of the City Planning Commission.

---

## STAFF RECOMMENDATION

---

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition #3176 subject to all comments and suggestions outlined in this staff report.

---

## ATTACHMENTS

---

January 14, 2019 City Planning Commission Minutes  
February 11, 2019 City Planning Commission Minutes  
Site Photos  
Site Contours  
Soil Report  
Applicant Response to Staff Comments  
Meeting Minutes

---

## REVIEW OF INFORMATION AND SCHEDULE

---

| <u>Action</u>  | <u>Planning Commission</u>                 | <u>Board of Commissioners</u> |
|----------------|--------------------------------------------|-------------------------------|
| Public Hearing | January 14, 2019                           | February 28, 2019             |
| Rezoning       | Held Over<br>February 11, 2019<br>Approval |                               |

---

**STAFF CONTACT:**            **Zach Flanders**  
                                         zflanders@wycokck.org

---

## MOTIONS

---

I move the Unified Government Board of Commissioners **APPROVE** Petition #3176 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

## OR

I move the Unified Government Board of Commissioners **DENY** Petition #3176, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

### **January 14, 2019 City Planning Commission Minutes:**

**Hearing starts at 1:56:13:**

**Recalled at 2:30:39:**

### **CHANGE OF ZONE APPLICATION #3176 – BRECK A. RICKETTS - SYNOPSIS:**

Change of Zone from R-1 Single Family District to A-G Agriculture District to keep hay and have a farm winery at 500 North 86<sup>th</sup> Street. **Detailed Outline of Requested**

**Action:** The applicant, Breck Ricketts, has submitted this zoning application to rezone the property at 500 North 86<sup>th</sup> Street from R-1 Single Family District to AG Agriculture District in order to use the property for agricultural purposes including hay production and a farm winery.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 14, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated December 20, 2018; and
7. The Notices to property owners dated December 14, 2018.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

**Present in Support:**

- ❖ No one appeared either time the application was called

**Present in Opposition:**

- ❖ No one appeared

**Staff Recommendation starts at 2:51:** Planning Director Richardson stated that the staff recommends that this application be held over one month as the applicant is not present.

**Motion and Vote Starts at 2:51:17:**

On motion by Dr. Serda, seconded by Ms. Jones, the Planning Commission voted as follows to **HOLD OVER Change of Zone Application #3176 to the February 11, 2019 for the applicant to appear:**

|          |             |
|----------|-------------|
| Carson   | Aye         |
| Connelly | Aye         |
| Ernst    | Aye         |
| Jones    | Aye         |
| Pauley   | Aye         |
| Serda    | Aye         |
| Huey     | Chairman    |
| Miller   | Not Present |
| Neal     | Not Present |
| Reasons  | Not Present |

**Motion to HOLD OVER Passed: 6 to 0**

**February 11, 2019 City Planning Commission Minutes:**

**Hearing Starts At 1:06:19 :**

**CHANGE OF ZONE APPLICATION #3176 – BRECK A. RICKETTS - SYNOPSIS:**

Change of Zone from R-1 Single Family District to A-G Agriculture District to keep hay and have a farm winery at 500 North 86<sup>th</sup> Street. **Detailed Outline of Requested Action:** The applicant, Breck Ricketts, has submitted this zoning application to rezone the property at 500 North 86<sup>th</sup> Street from R-1 Single Family District to AG Agriculture District in order to use the property for agricultural purposes including hay production and a farm winery.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 11, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated December 20, 2018; and

7. The Notices to property owners dated December 14, 2018 and January 30, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

**Present in Support:**

- ❖ Breck Ricketts, applicant, 10350 Richland Avenue, Edwardsville, KS 66111

**Present in Opposition:**

- ❖ No one appeared

**Staff Recommendation starts at 1:11:35:** Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

**Motion and Vote Starts at 1:12:05:**

On motion by Dr. Serda, seconded by Ms. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application #3176:**

|                 |                 |
|-----------------|-----------------|
| <b>Carson</b>   | <b>Chairman</b> |
| <b>Connelly</b> | <b>Aye</b>      |
| <b>Ernst</b>    | <b>Aye</b>      |
| <b>Huey</b>     | <b>Aye</b>      |
| <b>Jones</b>    | <b>Aye</b>      |
| <b>Miller</b>   | <b>Aye</b>      |
| <b>Neal</b>     | <b>Aye</b>      |
| <b>Pauley</b>   | <b>Aye</b>      |
| <b>Reasons</b>  | <b>Aye</b>      |
| <b>Serda</b>    | <b>Aye</b>      |

**Motion to recommend APPROVAL Passed: 9 to 0**

**Subject to:**

**Urban Planning and Land Use Comments:**

1. Are you planning to construct any buildings on the property? If so, please provide building plans and a site plan showing the location of buildings and their uses, proposed drives and parking areas, and proposed utility connections, including sewer.
2. How will any waste and byproducts of the wine making process be dealt with?
3. Please provide additional information about the proposed farm winery. Will there be a building for the winery? Will there be employees? Where will employees and customers park? What are the proposed hours of the farm winery? Are you planning to have customers come to the site for the farm winery? Please note that any live entertainment associated with the farm winery creates additional requirements for parking and a special use



permit.

**Applicant Response:** I am requesting a zone change from R1 to AG for the purpose of the growing of wine grapes. A storage building would need to be built for the purpose of housing supplies, tools, and other items required for the production and picking of a grapes. Ag zoning is required for the purpose of out buildings without the presence of a main house. If after a successful establishment of grape vineyard (in 3 to 4 years), I would like to be able to host a 'Roadside farm winery'. This also requires the land to be zoned AG. Again, another reason to rezone to AG. Farm wineries require a 'special permit' to be operational, and at that time, plans and descriptions will be submitted.

I am planning on planting the vines at a 7 foot vine to vine spacing with 10 feet between rows. This will provide 6 feet of grass in between each row. This will allow for 4 foot beds and plenty of room in between for machinery. I will till the surface about 1 foot deep and augment with sand to help with starting root growth. The soil is type 7955 Knox Silt loam Class 3, NCCPI of 84.2 and the clay content should be very conducive to holding water for the deep root system that should develop.

In this process to start and promote the rootstock, there are various steps and procedures during the first 3-4 years. This includes first staking the vines, then providing some protections while the plant is small. Irrigation is critical also during the first few years. Next is the trellis system that has to be installed in about the 2nd or 3rd year depending on plant height. After that, then supplies are required for the protection of grapes from deer, birds and other animals that like the rut. All of these components and multi-use apparatus will need to be stored on site in a small barn. This will be a shed that would suffice for storage of supplies and processing. This is the main reason I am requesting a zone change to AG. The minimum shed size would be 12' x 12' and maximum of about 30' x 50', and most likely a 12' x 20'. Up to this point, a Special Permit for Farm Wineries is not needed. If and only if this works out, I would like to in the future, entertain the possibility of providing a road side farm winery. Pursuant to K.S.A. 41-308a,b. The land must be zoned AG to allow farm wineries, and this is the other reason I am requesting the AG zone change. My definition of a farm winery is something I would do in my spare time, on some weekends, and by appointment only. This is my retirement project. This will not in any way be a retail or commercial winery. It would be a simple road side affair. This would produce traffic in the amount of a few cars on average a week at most. I do not plan on building a house or fermenting site there. This will be a glorified garden.

#### **Public Works:**

A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) None.

**B) Items that are conditions of approval (stipulations):**

- 1) The UG Public Works highly recommends a hydrologist or qualified dam engineer to carry out risk assessment to determine the hazard potential of the dam prior to construction. This may be needed as the potential overflow path when the dam is over capacity will flow to the east where there are nearby residential houses. Further discussion with staff may be required.**
- 2) The proposed pond shall require UG public works and Kansas Division of Water Resources approval prior to construction permit acquisition.**

**C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:**

- 1) None**

**Conservation District Comments:**

- 1. There are three major soil types identified: Ladoga silt loam, 3 to 8 percent slopes, Armster clay loam, 8 to 12 percent slopes and Knox silt loam, 7 to 12 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.**
- 2. In our review of the site, a discussion on construction of a pond for a water supply for irrigation of the grape vines was held. Initial review of the site revealed concerns suggesting the landowner should contact the Kansas Department of Water Resources before any disturbance of the land.**
- 3. The bedrock in the area that will need to be avoided. The amount of fill and source of fill that will be needed to build the dam. Proximity to homes and roadways could create concerns.**
- 4. The pond design should follow NRCS criteria, this includes any water from spillway or pipe enters the drainage way before leaving his property. He will need to contact Kansas Department of Water Resources to check on classification and he will need a Water Usage Permit to irrigate from it.**
- 5. Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.**











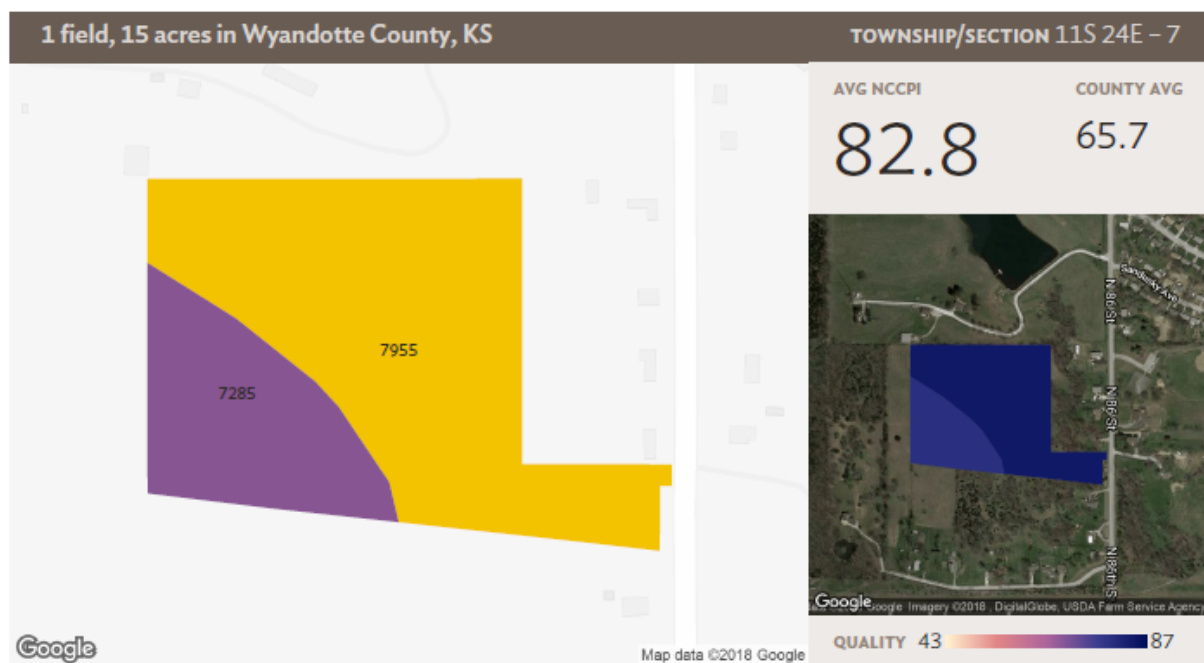










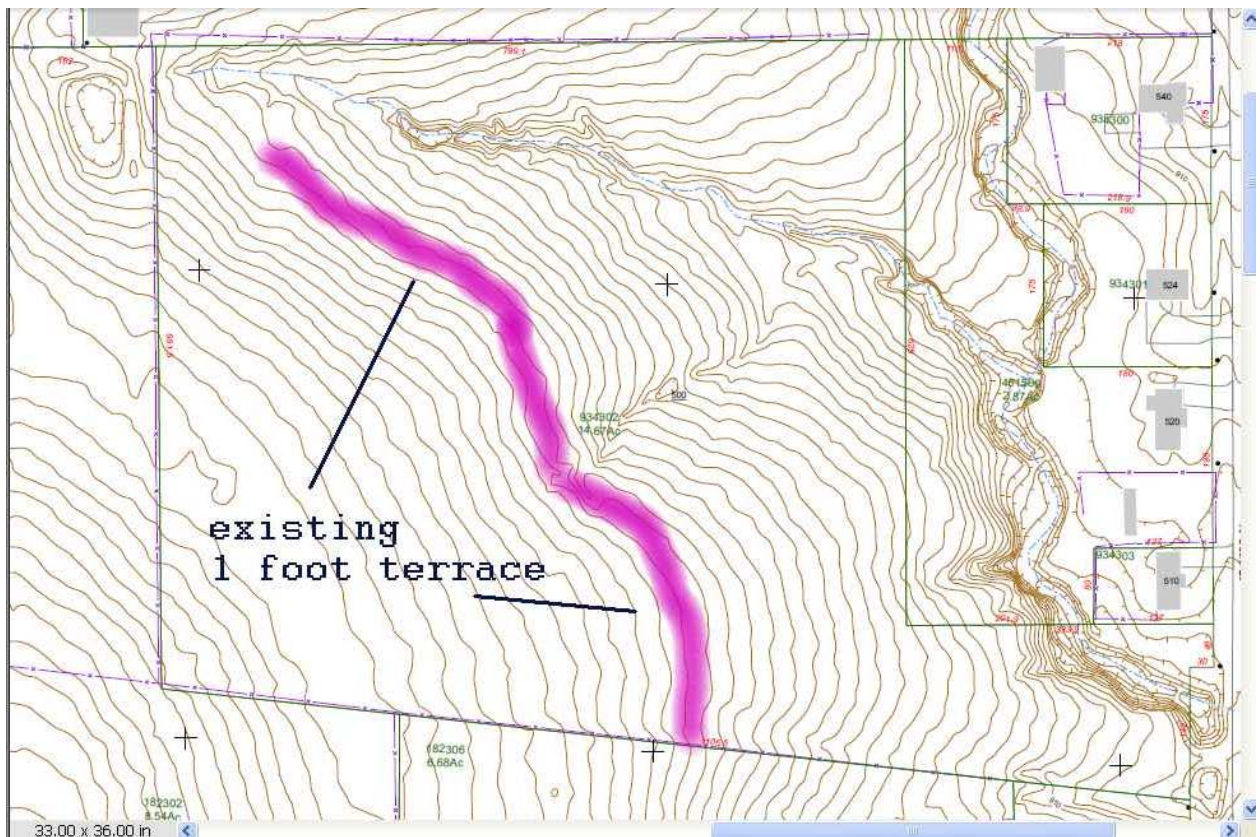


Source: NRCS Soil Survey

## All fields

15 ac

| SOIL CODE | SOIL DESCRIPTION                        | ACRES        | PERCENTAGE OF FIELD | SOIL CLASS | NCCPI       |
|-----------|-----------------------------------------|--------------|---------------------|------------|-------------|
| ■ 7955    | Knox silt loam, 7 to 12 percent slopes  | 10.68        | 71.7%               | 3          | 84.2        |
| ■ 7285    | Ladoga silt loam, 3 to 8 percent slopes | 4.22         | 28.3%               | 3          | 79.2        |
|           |                                         | <b>14.90</b> |                     |            | <b>82.8</b> |





**Wyandotte County Conservation District**  
1204 N. 79<sup>th</sup> Street - Kansas City, KS 66112 - Phone (913)-334-6329 -  
wyco.conservations@gmail.com

Rob Richardson  
Director of Planning  
701 North 7<sup>th</sup> Street Rm. 423  
Kansas City, KS 66101  
913-573-5750

December 18, 2018

RE: COZ 3176 Breck Ricketts hay and winery North 86<sup>TH</sup> Street

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the Change of Zoning COZ 3176 Breck Ricketts hay and winery North 86<sup>TH</sup> Street.

In addition to the site review the following reports were generated from the Wyandotte County Soil Survey to assess the limitations for development and/or natural resources concerns for this site.

MAPS AND REPORTS

Soils Map  
Soils Inventory Report  
Map Unit Description (Brief)  
Soil Features

In summary, the following limitations and resource concerns were noted for this plat:

- There are three major soil types identified: Ladoga silt loam, 3 to 8 percent slopes, Armster clay loam, 8 to 12 percent slopes and Knox silt loam, 7 to 12 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- In our review of the site, a discussion on construction of a pond for a water supply for irrigation of the grape vines was held. Initial review of the site revealed concerns suggesting the landowner should contact the Kansas Department of Water Resources before any disturbance of the land.  
The bedrock in the area that will need to be avoided. The amount of fill and source of fill that will be needed to build the dam. Proximity to homes and roadways could create concerns.
- The pond design should follow NRCS criteria, this includes any water from spillway or pipe enters the drainage way before leaving his property. He will need to contact Kansas Department of Water Resources to check on classification and he will need a Water Usage Permit to irrigate from it.

- Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.

Technical assistance is available from our office. Limitation maps, detail soils report and a conservation plan can also be requested for this site from our office. Pasture planning is available.

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern have been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however, some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineations on the maps include soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller  
District Manager

enclosures

## RESPONSES TO DRAFT CZ-18401-00019

Here is a more detailed summary of my intentions to try to clear up any questions anyone might have.

I am requesting a zone change from R1 to AG for the purpose of the growing of wine grapes. A storage building would need to be built for the purpose of housing supplies, tools, and other items required for the production and picking of grapes. Ag zoning is required for the purpose of out buildings without the presence of a main house. If after a successful establishment of grape vineyard (in 3 to 4 years), I would like to be able to host a 'Roadside farm winery'. This also requires the land to be zoned AG. Again, another reason to rezone to AG. Farm wineries require a 'special permit' to be operational, and at that time, plans and descriptions will be submitted.

There are a few areas of discussion that I will address with a few sections below.

### MY PLAN:

I am planning on planting the vines at a 7 foot vine to vine spacing with 10 feet between rows. This will provide 6 feet of grass in between each row. This will allow for 4 foot beds and plenty of room in between for machinery. I will till the surface about 1 foot deep and augment with sand to help with starting root growth. The soil is type 7955 Knox Silt loam Class 3, NCCPI of 84.2 and the clay content should be very conducive to holding water for the deep root system that should develop.

---

In this process to start and promote the rootstock, there are various steps and procedures during the first 3-4 years. This includes first staking the vines, then providing some protections while the plant is small. Irrigation is critical also during the first few years. Next is the trellis system that has to be installed in about the 2<sup>nd</sup> or 3<sup>rd</sup> year depending on plant height. After that, then supplies are required for the protection of grapes from deer, birds and other animals that like the fruit. All of these components and multi use apparatus will need to be stored on site in a small barn. This will be a shed that would suffice for storage of supplies and processing. **This is the main reason I am requesting a zone change to AG.** The minimum shed size would be 12' x 12' and maximum of about 30' x 50', and most likely a 12' x 20'. Up to this point, a Special Permit for Farm Wineries is not needed. If and only if this works out, I would like to in the future, entertain the possibility of providing a road side farm winery. Pursuant to **K.S.A. 41-308a,b**. The land must be zoned AG to allow farm wineries, and this is the other reason I am requesting the AG zone change. My definition of a farm winery is something I would do in my spare time, on some weekends, and by appointment only. This is my retirement project. This will not in any way be a retail or commercial winery. It would be a simple road side affair. This would produce traffic in the amount of a few cars on average a week at most. I do not plan on building a house or fermenting site there. This will be a glorified garden. Processing waste will be composted, mulched and repurposed into the vine beds.



#### IRRIGATION POND:

I have contacted many authorities about the construction of the pond. I first contacted the Kansas Conservation District to get their input. They came out and did a field look and commented about the bed rock at the very bottom of my hill. I noted this should be well below the base of my pond when constructed. They suggested I should have about 15 acres of run off per acre of pond. However the Conservation Guidelines suggest 11 to 12 acres per acre of pond. I have calculated the surrounding hill area and there should be about 11 acres. (see 'overall wide layout.jpg'). This should be sufficient for my purpose. They suggested I contact the Wyandotte Public Health department for further guidance. I then contacted Rolling Sachs in the Wyandotte Count Public Health department for the initial blessing of pond construction considering there is not a requirement for permitting ponds. To date he has not issued any objections but did refer this to Jack Xiong in Wyandotte Engineering for the purpose of determining if the land disturbance would be greater than the 1 acre limit for permit requirement. He also mentioned I need to talk to the state about seeing if an NOI is required from the state. I then discussed my plans with Larry Hook from the Kansas Department of Health and Environment (KDHE) and he replied with the following describing the 1 acre limit on ground disturbance and erosion control:

*"We do not have a written policy for determining the disturbed area for permitting purposes for the construction of a farm pond; however, a description of our agreement with the Natural Resources Conservation Service (NRCS) for determining such areas is provided below:*

*An owner/operator of a construction project that will disturb 1 acre or more must obtain coverage under the KDHE Construction Stormwater permit before initiating construction. The intent of the permit is to protect waters of the State from sediment and other contaminants. The retaining of sediment laden runoff within the pond basin during construction would allow **excluding the disturbed areas that drain to the basin from the total disturbed area used in determining the need for a permit.***

*Per our agreement with the NRCS, the disturbed area for construction of a farm pond would consist of the **outer face of the dam, the spillway and any other areas disturbed by construction** that drain away from the pond's impoundment area provided that the pond's drain pipe or outlet structure is plugged or otherwise blocked as needed to retain runoff during construction."*  
*'Larry Hook KDHE'*

With this in mind, my dam footprint, crown, and outer face will be less than 1/3 acre (see 'pond layout.jpg') and shouldn't require NOI, KDHE permits, or any other land disturbance permits. All pond area will be captive and not subject to erosion. There



will not be any bypass or stream routing devices requiring erosion attention. There is also no conflict with county sewer systems. (see 'showing sewers.jpg'.

Larry Hook (KDHE) suggested I then contact the Division of Water Resources (DWR) about their permitting requirements. I then contacted the DWR and their requirements state: "permitting with the DWR is required if the dam is 25 feet or higher in height, or a dam greater than 6 feet with the pond capacity of 25 acre-feet or more of water". As my Dam should be less than 25 feet in height and estimate about 9 to 10 acre-feet of capacity, this falls under the DWR requirements for permitting. I also verified with the USGS that there are no 'streams' near my pond in the event of 'stream obstruction' issues. You can observe this with the topographical elevation map of the surrounding area. See 'overall wide layout.jpg'

The pond will conform to NRCS guidelines as I have retained an excavation company that their only business is ponds and terra forming. Wilderness Construction and Excavating LLC.

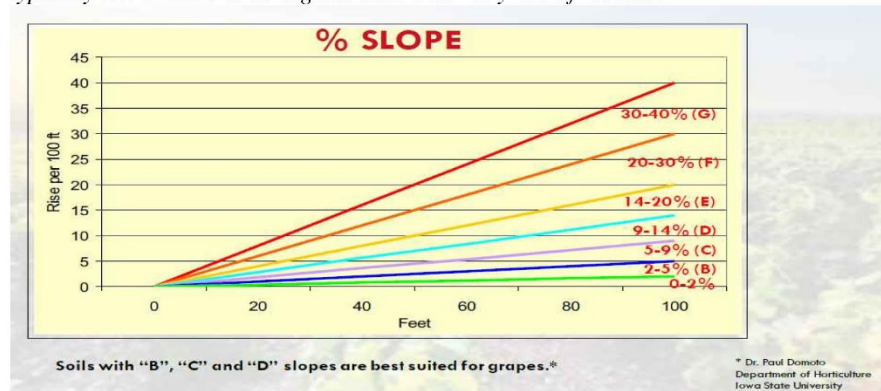
#### ADDRESSING SLOPE AND GROUND:

The predominant Soil type of my parcel is type 7955. This is generally 7-12% slope. The slope measured at the location of my selected spot for production is about 9% and is East facing. East facing is the preferred direction for the Midwest heat and cold.

**Dr Paul Domoto** (of Iowa State Horticulture) and others recommend *"a slope of between 5 and 13% are beneficial because it accelerates cold air drainage"*.

An excerpt from <http://grapegrowingguide.com> :

*"A good steep slope is perfect for grape growing. Steep hillsides aid drainage and are typically low in nutrient or organic matter due to years of erosion."*



Dr. Paul Domoto  
Dept. of Horticulture  
[domoto@iastate.edu](mailto:domoto@iastate.edu)  
Iowa State University - Cold Hardy Wine Grape Cultivar Trials

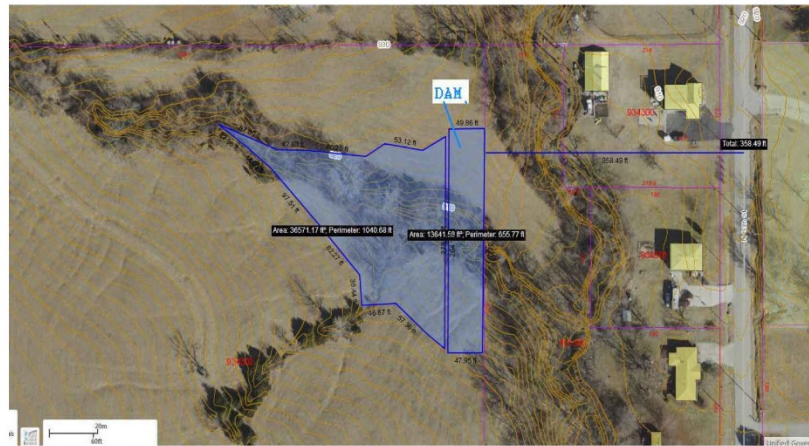
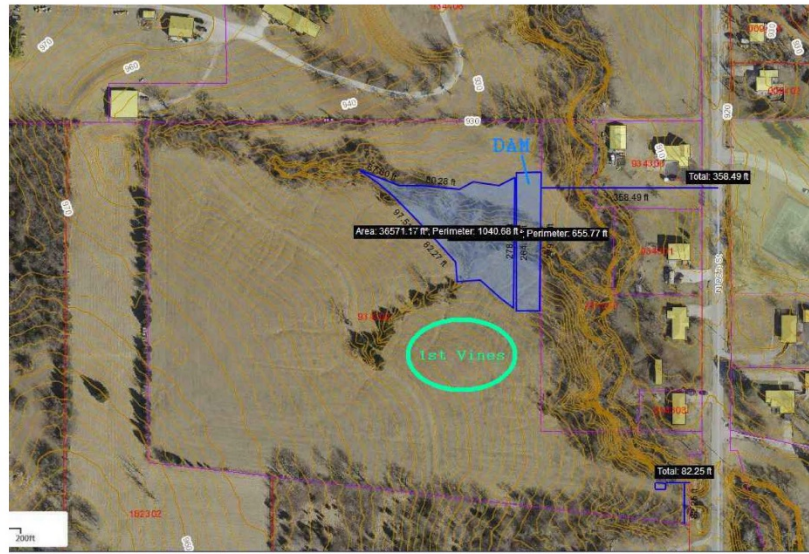
RESPONSE TO DRAFT:

2. Zoning is large AG abutting on the north, R1 East, West, and South with large AG zoning west of the abutting R1 parcel. Please see MY PLAN above for compatibility.
3. This parcel has be AG use for years. It has been hayed and will continue to be hayed. Planting a grape vine cluster should not affect any neighbors. Also building an outbuilding wouldn't affect anyone because all of the neighbors have out buildings.
5. The visual quality to the neighbors should not come into play because none of them can visually see the area where the grapes will be planted. It is a large parcel with trees all around. However, the visual is pleasing to the eye.
6. see MY PLAN about traffic. There will be no traffic with the vineyard. Only after establishing a farm winery there will be no more than a few cars a week at most.
7. This parcel is in AG use and has been for years. AG zoning should not change any aspect to the master plan.
11. I am following guidelines for requirements that I have discovered.
12. see MY PLAN about impact. I would think this would not have any adverse hardship on the area.

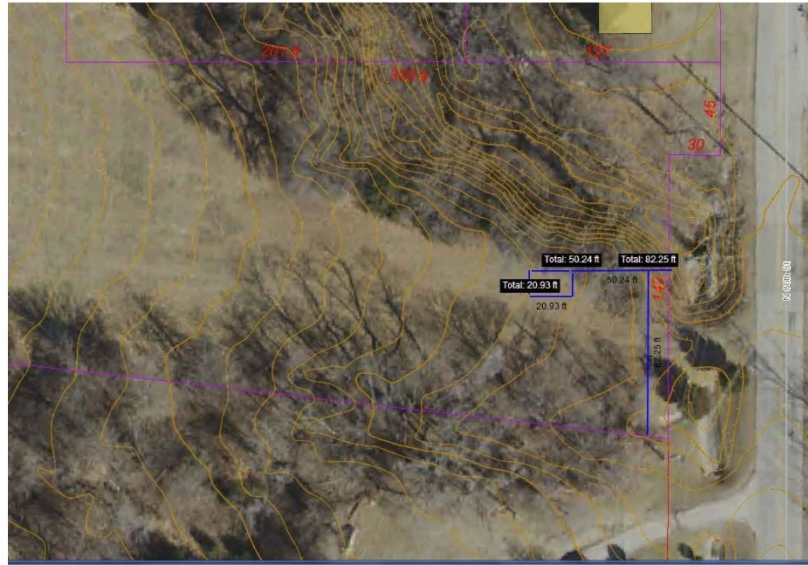
KEY ISSUES:

See MY PLAN . This will be a barn or shed. Similar to this, and located:









FronD Shed layout.jpg

#### STAFF COMMENTS:

#### URBAN AND PLANNING QUESTIONS:

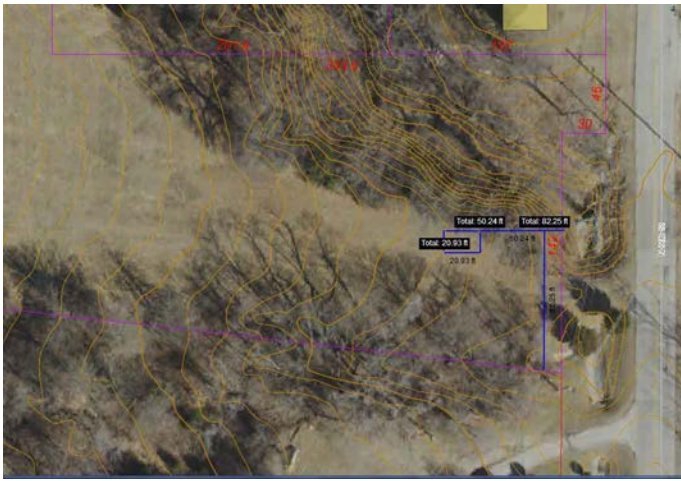
1. Yes a storage barn. See KEY ISSUES above for images, and MY PLAN for usage. This will be a storage shed. No parking, no sewers or utility connections needed. See 'front shed layout.jpg' for location.
2. The only byproduct waste is the skins after pressing. This makes excellent compost mulch and will be incorporated back into the vine beds. The mulch area would be less than ½ acre pre KDHE permit requirements, and registered per KSA 65-3409a(1)(A). There is no other processing waste.
4. see MY PLAN above. This is not a commercial style idea. There will be no employees, no parking per se, no set hours. This is my retirement project, not a business. I have not planned on any other activities at this location as of yet.

#### PUBLIC WORKS:

A1,2: see MY PLAN above. At this time all I am requesting is a zoning change to AG for the purpose of establishing a vineyard, and constructing a storage shed by the front, and also preparing for the time when I want to request a special permit for a road-side farm winery. (which also requires land to be zoned AG).

#### CONSERVATION DISTRICT:

1. see ADDRESSING SLOPE AND GROUND above. An East facing, 9% slope is desirable for the production of grapes. Vine beds will have poly sheeting coverings, and will be spaced 10' apart with 6' grass in between.
2. see IRRIGATION POND above.
3. My excavator (see 4 below) states there is plenty of clay material for the dam and will be above the bedrock. The closest house to the dam will be about 300 feet. Tom Garrison has an existing pond dam directly north of me, and is also 300 feet from its closest house. Toms existing dam is 320' from the closest street. My dam will be over 350 'from the closest street. Tom's pond is 5 times the capacity of my proposal and both empty into the same run off ravine that has existed for years. I'm not introducing anything new to this area.
4. The pond will conform to NRCS guidelines as I have retained an excavation company that their only business is ponds and terra forming. Wilderness Construction and Excavating LLC.
5. There shouldn't be an issue with building, because no real foundation necessary for storage barn. As for the plants, see MY PLAN above. The vine beds will be tilled and augmented with sand for quick root growth. The Knox silt loam should hold adequate water. Richard Mason (parcel 943500) has a very successful vineyard with similar clay soil. Marc Rowe (parcel 949403) also has a nice 3 acre vineyard and large pond.







## Minutes Summary

Application Number \_\_CZ-18401-00019\_\_

Date and Location: \_\_\_\_\_ Dec 21 2018 7846 Leavenworth rd.

FOP \_\_\_\_\_

Meeting called to order at: \_\_\_\_6:00 pm\_\_\_\_\_

Names of people in attendance: \_\_1 Norm Scott\_\_\_\_\_

Introductions:

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

Questions and answers (include the following):

- 1 Who asked question or gave comment
- 2 What was the question or comment
- 3 Who answered the question/comment
- 4 What was the answer given

Meeting adjourned at: \_\_\_\_\_6:35pm\_\_\_\_\_

Minutes taken by: \_\_Breck Ricketts\_\_\_\_\_

Content:

Norm asked what was I planning.

I told him about my intensions to create a vineyard, this in itself will take 3 to 4 years,  
and if successful in about 4 to 5 years, I would like to have a farm winery.

he said he was concerned about the traffic.

I told him I had no intensions of starting a retail winery. My farm winery is just available when I want to attend  
and provide wine or by appointment. I dont envision very much traffic increase or any. at most a few cars a week. this is after a successful vineyard.

the rest of the conversation was small talk about the neighbors.  
thats was all. Norm left satisfied I believe.



# Urban Planning and Land Use

701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)

Phone: (913) 573-5750  
Fax: (913) 573-5796  
[www.wycokck.org/planning](http://www.wycokck.org/planning)

**To:** Unified Government Board of Commissioners  
**From:** City Staff  
**Date:** February 28, 2019  
**Re:** Change of Zone Petition #3179

---

## GENERAL INFORMATION

---

**Applicant:**

John L. Peterson, P.A.

**Status of Applicant:**

Owners Representative  
748 Ann Avenue  
Kansas City KS 66101

**Requested Actions:**

Change of Zone from  
CP-1 Planned Limited  
Business District to C-3  
Commercial District

**Date of Application:**

December 28, 2018

**Purpose:**

To use the property for  
storage and office for a  
window cleaning company

**Property Location:**

3214 Strong Avenue



**Existing Zoning:** CP-1 Planned Limited Business District

**Surrounding Zoning:**

|               |                                        |
|---------------|----------------------------------------|
| <b>North:</b> | R-1(B) Single Family District          |
| <b>South:</b> | CP-1 Planned Limited Business District |
| <b>East:</b>  | CP-1 Planned Limited Business District |
| <b>West:</b>  | CP-1 Planned Limited Business District |

**Existing Uses:**

|               |                            |
|---------------|----------------------------|
| <b>North:</b> | Single Family Homes        |
| <b>South:</b> | Industrial State Bank      |
| <b>East:</b>  | Liquor Store               |
| <b>West:</b>  | Vacant Commercial Building |

**Total Tract Size:** .14 acre

**Master Plan Designation:** The City-Wide Master Plan designates this property as Community Commercial

**Major Street Plan:** The Major Street Plan classifies Strong Avenue and South 33<sup>rd</sup> Street as local streets.

**Advertisement:** The Wyandotte Echo – January 17, 2019  
Letters to Property Owners – January 15, 2019 and February 20, 2019

**Public Hearings:** February 11, 2019 and February 28, 2019

**Public Opposition:** No one appeared in opposition at the February 11, 2019 City Planning Commission meeting.

---

## PROPOSAL

---

**Detailed Outline of Requested Action:** The applicant is requesting a change of zone from CP-1 to C-3 to operate a window cleaning business at this location. The building would be used for storage of equipment; such as ladders, power-washers, a water-fed pole system that pumps purified water, mops, squeegees, buckets and towels. In addition, there will be office space for the business.

**City Ordinance Requirements:** Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-245 – 27-339

---

## FACTORS TO BE CONSIDERED

---

### ***1. Neighborhood character.***

The neighborhood is a mix of commercial and residential uses. Along Strong Avenue is primarily commercial uses with residences along cross streets.

**2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.***

The zoning and uses of nearby properties are laid out above. The proposed use is expected to be compatible.

**3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?***

The removal of the restrictions would not detrimentally affect nearby business. Investment in this area would be beneficial to nearby properties. The property is suitable for commercial uses.

**4. *The length of time the property has remained vacant as zoned.***

Business License Department shows that the previous business' license will expire in March 2019, however they are no longer operating at the site.

**5. *The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.***

The proposed use will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.

**6. *The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.***

Additional information is needed as to whether patrons would visit the office area of the business.

**7. *The degree of conformance of the proposed use to the Master Plan.***

The designation of Community Commercial in the Master Plan encourages small-scale, local business. This would fit with the proposed use.

**8. *The extent to which the proposed use could cause environmental harm or enhance the environment.***

This is not an issue.

**9. *The extent to which utilities and public services are available and adequate to serve the proposed use.***

**a. *Water service***

Available



**b. Sanitary sewer service**

Available

**c. Storm water control**

To meet code

**d. Police**

Police service is provided by KCKPD, District #331

**e. Fire**

Fire service is provided by KCKFD Station #2

**f. Transit**

RideKC regular bus service route #104 is provided along Strong Avenue.

**g. Schools**

Kansas City, Kansas USD 500

**h. Streets**

See item #6 above

**10. The economic impact of the proposed use on the community.**

The proposed use, as a small locally-owned business, would have a positive impact on the community. Although the previous business still holds a license at this property, they are no longer operating, and the building is not being used.

**11. The capability of the proposed use to meet applicable ordinance requirements.**

The proposed use is capable of meeting applicable ordinance requirements.

**12. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.**

Having a business at this building would benefit public safety and welfare. With a liquor store and vacant building on either side of this one, in the case that this application is not approved finding a tenant could be difficult.

---

## NEIGHBORHOOD MEETING

---

The applicant held a neighborhood meeting on January 22, 2019. No one was in opposition.

---

## KEY ISSUES

---

Parked Vehicles  
Planned District

---

## PLANNING COMMISSION RECOMMENDATION

---

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Change of Zone Application #3179, subject to:

**Urban Planning and Land Use Comments:**

1. Subject to approval, this shall be a planned district (CP-3)
2. Subject to approval, a \$50.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department following the Unified Government Board of Commissioners meeting.
3. Please provide more photos of the existing conditions
  - Exterior of building, from all sides
  - Parking lot
4. Any outside storage of equipment shall be screened from view from off the premises. Such outside storage shall be limited to areas directly adjacent to the main building, not including more than 20 percent of the area of the main building and not in a required yard.
  - Will there be any outside storage?

*Applicant's Response:* No

5. Trees are required to be provided at not less than one per 7,000 square feet of site area. 1 tree is required.

*Applicant's Response:* Yes, if a place can be found.

6. Will customers come to the office portion? If yes, how frequently and in what volume?

*Applicant's Response:* No

7. Will the 4 work vehicles remain parked on site overnight?

***Applicant's Response:*** Will occasionally be parked there.

**Public Works Comments:**

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
  - 1) None
- B) Items that are conditions of approval (stipulations):
  - 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
  - 1) None

---

**STAFF COMMENTS AND SUGGESTIONS**

---

The staff concurs with the recommendation of the City Planning Commission.

---

**STAFF RECOMMENDATION**

---

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition #3179 subject to all comments and suggestions outlined in this staff report.

---

**ATTACHMENTS**

---

February 11, 2019 City Planning Commission Minutes  
Zoning Map  
Aerial Image  
Business Plan  
Existing Conditions Photos  
Neighborhood Meeting Minutes, Sign in and Affidavit

---

**REVIEW OF INFORMATION AND SCHEDULE**

---

|                |                            |                               |
|----------------|----------------------------|-------------------------------|
| <u>Action</u>  | <u>Planning Commission</u> | <u>Board of Commissioners</u> |
| Public Hearing | February 11, 2019          | February 28, 2019             |
| Rezoning       | Approval                   |                               |

---

**STAFF CONTACT:**            **Kimberly Portillo**  
                                         [kportillo@wycokck.org](mailto:kportillo@wycokck.org)

---

**MOTIONS**

---

I move the Unified Government Board of Commissioners **APPROVE** Petition #3179 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to

the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

**OR**

I move the Unified Government Board of Commissioners **DENY** Petition #**3179**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

**February 11, 2019 City Planning Commission Minutes:**

**Hearing Starts At 1:12:47:**

**CHANGE OF ZONE APPLICATION #3179 – JOHN PETERSON – SYNOPSIS:**

Change of Zone from C-1 Limited Business District to C-3 Commercial District for storage of equipment in conjunction with window cleaning business (Fish Window Cleaning) at 3214 Strong Avenue. Detailed Outline of Requested Action: The applicant is requesting a change of zone from CP-1 to C-3 to operate a window cleaning business at this location. The building would be used for storage of equipment; such as ladders, power-washers, a water-fed pole system that pumps purified water, mops, squeegees, buckets and towels. In addition, there will be office space for the business.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 11, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated January 17, 2018; and
7. The Notices to property owners dated January 15, 2018.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

**Present in Support:**

- ❖ Pete Peterson, attorney/applicant representing Fish Window Cleaning, 748 Ann Avenue, Kansas City, Kansas 66101

**Present in Opposition:**

❖ No one appeared

**Staff Recommendation starts at 1:16:42:** Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

**Motion and Vote Starts at 1:17:31:**

On motion by Ms. Huey, seconded by Mr. Miller, the Planning Commission voted as follows to **RECOMMEND APPROVAL of Change of Zone Application #3179:**

|                 |                 |
|-----------------|-----------------|
| <b>Carson</b>   | <b>Chairman</b> |
| <b>Connelly</b> | <b>Aye</b>      |
| <b>Ernst</b>    | <b>Aye</b>      |
| <b>Huey</b>     | <b>Aye</b>      |
| <b>Jones</b>    | <b>Aye</b>      |
| <b>Miller</b>   | <b>Aye</b>      |
| <b>Neal</b>     | <b>Aye</b>      |
| <b>Pauley</b>   | <b>Aye</b>      |
| <b>Reasons</b>  | <b>Aye</b>      |
| <b>Serda</b>    | <b>Aye</b>      |

**Subject to:**

**Motion to recommend APPROVAL Passed: 9 to 0**

**Urban Planning and Land Use Comments:**

1. Subject to approval, this shall be a planned district (CP-3)
2. Subject to approval, a \$50.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department following the Unified Government Board of Commissioners meeting.
3. Please provide more photos of the existing conditions
  - Exterior of building, from all sides
  - Parking lot
4. Any outside storage of equipment shall be screened from view from off the premises. Such outside storage shall be limited to areas directly adjacent to the main building, not including more than 20 percent of the area of the main building and not in a required yard.
  - Will there be any outside storage?

***Applicant's Response: No***

5. Trees are required to be provided at not less than one per 7,000 square feet of site area. 1 tree is required.

***Applicant's Response: Yes, if a place can be found.***



6. Will customers come to the office portion? If yes, how frequently and in what volume?

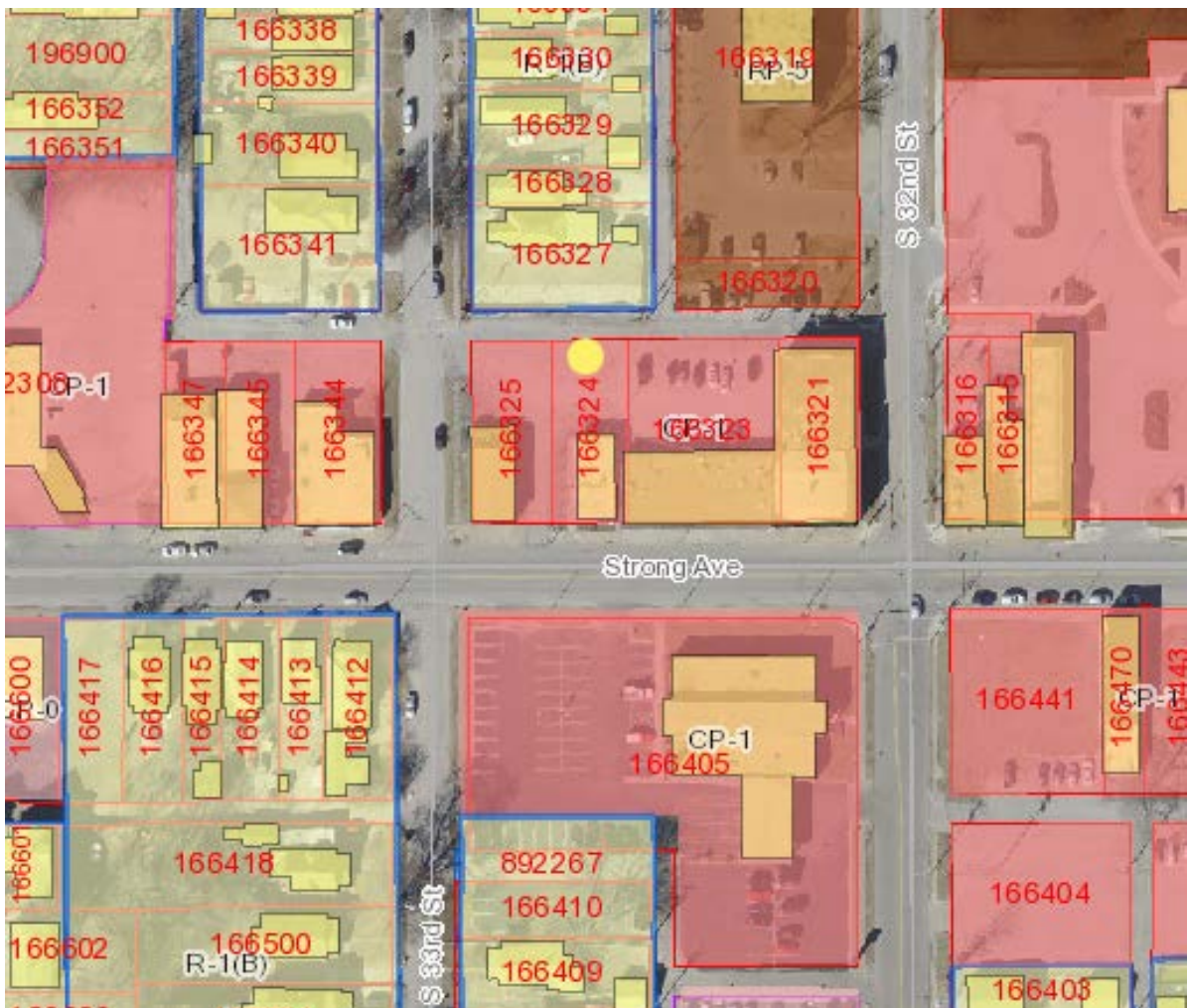
*Applicant's Response: No*

7. Will the 4 work vehicles remain parked on site overnight?

*Applicant's Response: Will occasionally be parked there.*

**Public Works Comments:**

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
  - 2) None
- B) Items that are conditions of approval (stipulations):
  - 2) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
  - 2) None





We have been a business in good standing with Wyandotte County for the past 7-8 years over off of Cambridge Ave and lost our lease so decided to purchase. We are in the process of fixing the parking lot (filling potholes that haven't been fixed in years) and also will be painting the building when the weather warms (same color dark gray as the Boxing establishment a few blocks away). We are also upgrading the doors, new HVAC system, and some new electrical.

This location will be used primarily for storage of equipment: stack ladder (we do not use ladders to clean above 24ft), 2 power washers, a water-fed pole system that pumps purified water to clean, mops, squeegee's, buckets, and towels. We clean windows with Dawn soap and water, never use any harsh chemicals as that will damage glass. We have 6 full time employees and add a few in the summer. We clean all around the metro both residential and commercial businesses with a great deal of business right here in WyCo, thus the great location for us.

We have 4 vehicles, 2 new F150's and 2 Transit Connects (small vans) that we use. They will load equipment around 8-8:30am and then be gone the remainder of the day on routes. They will then return approx 2-3 to unload for the day. The majority of the work done at the location is clerical done by my business partner and myself who are there normally from 7:30am to about noon...then we go out and do bidding for jobs. Our office is open from Monday-Friday but closed on weekends as we do not run routs on weekends unless a special job is scheduled.

I hope we are allowed to renew our license? This is a perfect location for us and we will be a good business for that area with the upgrades we are doing to that building. We are excited for the growth in that area and hope to be a part of it. Thanks for your consideration.

Thanks,

Jarrold Cochran  
Principal - Fish Window Cleaning KC  
3214 Strong Ave  
Kansas City, KS 66106



















**JOHN L. PETERSON, P.A.**  
**Attorney at Law**  
748 Ann Avenue Kansas City, KS 66101  
(913) 371-1930, Ext. 118 Fax (913) 371-0147  
pete@jlpetersonlaw.com

January 25, 2019

Janet Parker  
c/o Urban Planning & Land Use  
Unified Government of WyCo/KCK  
Municipal Office Bldg.  
701 N. Seventh St, Suite 423  
Kansas City, KS 66101

Sent Via Email Only: jparker@wycokck.org

Re: Application Petition #CZ-18401-00022 (Ref: 3179)  
3214 Strong Ave, Kansas City, KS 66106

Dear Janet:

A neighborhood meeting in this matter was held on January 22, 2019 at the zoning change location above. It was called to order at 4:00 pm. A list of the attendees is attached.

The only attendees, aside from the two owners of the company and myself, were Patrick Dunn and Mario Escobar, both of whom are neighborhood activists in the Argentine area. I have known Pat and Mario for a number of years. They said they came to the meeting to welcome the new business to the neighborhood and asked if there was anything they could do in support of it.

Out of 43 notices sent on January 10, 2019, no one else appeared. If you have any comments or questions, please feel free to contact me.

With kindest personal regards, I remain

Sincerely,



John L. Peterson

JLP/cp

Enclosure

cc: Jerrod Cochran  
Steve Ryan

**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF KANSAS)

) SS:

County of Wyandotte )

Comes now JOHN L. PETERSON, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # 3179.
2. That I conducted a neighborhood meeting on January 22, 2019.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

John L. Peterson  
Signature

JOHN L. PETERSON Affiant  
Please Print

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 24<sup>th</sup> day of

January, 2019.

CATHY A. PETERSON  
Notary Public - State of Kansas  
My Appt. Expires 1/31/21

Cathy A. Peterson  
Notary Public

My commission expires \_\_\_\_\_



Neighborhood Meeting Sign-in

Date 1/22/18

Page 1

Name

Street Address

Phone

Sharon Leonard 3214 Strong Ave KC, KS 66106 913-226-0999

Steve Roach 3214 Strong Ave KC, KS 66106 913-

Pete Peterson 748 And Ave KC 66101 913-311-1930 #118

Derrick Davis 1216 So 38<sup>th</sup> KCL 66101 816-797-6146

Mario Leonard 1438 S. 25<sup>th</sup> St. K.C. 66106 913-201-1227

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



# Urban Planning and Land Use

701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)

Phone: (913) 573-5750  
Fax: (913) 573-5796  
[www.wycokck.org/planning](http://www.wycokck.org/planning)

**To:** Unified Government Board of Commissioners

**From:** City Staff

**Date:** February 28, 2019

**Re:** **Change of Zone Petition #3172**  
**Special Use Permit #SP-2018-97**

---

## GENERAL INFORMATION

---

**Applicant:**  
Tita Lagrimas

**Status of Applicant:**  
Representative with Tradebe  
Environmental Services, LLC  
1433 East 83<sup>rd</sup> Avenue, Suite 200  
Merrillville, IN 46410

**Requested Actions:**  
Change of Zone from M2 General  
Industrial District to MP-3 Planned  
Heavy Industrial District

**Date of Application:**  
October 26, 2018

**Purpose:**  
To operate a hazardous waste transfer  
facility

**Property Location:**  
1620 South 45<sup>th</sup> Street



**Existing Zoning:** M-2 General Industrial District

**Surrounding Zoning:**

|               |                                                                                 |
|---------------|---------------------------------------------------------------------------------|
| <b>North:</b> | M-2 General Industrial District and CP-0<br>Planned Nonretail Business District |
| <b>South:</b> | M-2 General Industrial District                                                 |
| <b>East:</b>  | N-2 General Industrial District                                                 |
| <b>West:</b>  | R-1 Single Family District                                                      |

**Existing Uses:**

|               |                                         |
|---------------|-----------------------------------------|
| <b>North:</b> | Industrial Building and Office Building |
| <b>South:</b> | Industrial Building                     |
| <b>East:</b>  | Industrial Building                     |
| <b>West:</b>  | Woods, vacant residential land          |

**Total Tract Size:** 3.07 acres

**Master Plan Designation:** The City-Wide Master Plan designates this property as Business Park

**Major Street Plan:** The City-Wide Master Plan designates 45<sup>th</sup> Street as a Local Street.

**Advertisement:** The Wyandotte Echo – November 15, 2018  
Letters to Property Owners – November 14, 2018, December 4, 2018 and February 20, 2019

**Public Hearings:** February 11, 2019 and February 28, 2019

**Public Opposition:** No one appeared in opposition at the February 11, 2019 City Planning Commission meeting.

---

## PROPOSAL

---

*Detailed Outline of Requested Action:* The applicant requests to rezone this property from M-2 General Industrial District to MP-3 Planned Heavy Industrial District and obtain a special use permit to operate a hazardous waste transfer facility. A list of potential materials that would be handled by the facility are included in the attachments. The proposed use is a 10-day transfer facility for hazardous materials and hazardous waste. The containers will be transferred from one truck to another; no transported containers will be kept inside the building.

*City Ordinance Requirements:* Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-245 – 27-339

---

## FACTORS TO BE CONSIDERED

---

### ***1. Neighborhood character.***

This property is within a light industrial business park area.

**2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.***

Hazardous waste may pose a compatibility with surrounding uses if adequate safety precautions are not met.

**3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?***

Removal of restrictions may detrimentally affect nearby property if a noxious use operates at the property. However, the planned zoning provides restrictions that provides some protection over what types of uses occur there in the future.

**4. *The length of time the property has remained vacant as zoned.***

The most recent business license at this property was terminated in 2009.

**5. *The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.***

The proposed use may injure the appropriate use and marketability of nearby property if the hazardous materials are not adequately handled.

**6. *The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.***

The proposed use may increase traffic depending on how many trips are made to the site to drop off and pick up hazardous materials.

**7. *The degree of conformance of the proposed use to the Master Plan.***

The City-Wide Master Plan states that heavy industrial uses are discouraged in the Business Park District and that only warehousing or distribution of nonhazardous materials is an allowed use.

**8. *The extent to which the proposed use could cause environmental harm or enhance the environment.***

If not handled correctly, hazardous materials could cause significant environmental harm.

**9. *The extent to which utilities and public services are available and adequate to serve the proposed use.***

**a. *Water service***

Existing

**b. Sanitary sewer service**

Existing

**c. Storm water control**

Existing

**d. Police**

Police service is provided by South Patrol, District #334

**e. Fire**

Fire service is provided by District #2

**f. Transit**

There is no transit available

**g. Schools**

Kansas City, Kansas USD 500

**h. Streets**

See item #6 above

**10. The economic impact of the proposed use on the community.**

This business would contribute economically to the community.

**11. The capability of the proposed use to meet applicable ordinance requirements.**

The proposed use is capable of meeting applicable ordinance requirements.

**12. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.**

The proposed use would have positive economic effects but also the risk of environmental harm if hazardous materials are not handled correctly.

---

## NEIGHBORHOOD MEETING

---

The applicant held a neighborhood meeting on December 18, 2018. The meeting minutes are attached to this report.

---

## KEY ISSUES

---

Potential for environmental harm

---

## PLANNING COMMISSION RECOMMENDATION

---

The Planning Commission voted 9 to 0 to recommend **DENIAL** of Change of Zone Application #3172 **as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas.**

The Planning Commission voted 9 to 0 to recommend **DENIAL** of Special Use Permit Application #SP-2018-97, **as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas.**

---

## STAFF COMMENTS AND SUGGESTIONS

---

The staff concurs with the recommendation of the City Planning Commission.

---

## STAFF RECOMMENDATION

---

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **DENIAL** of Petition **#3175 and #SP-2018-97** subject to all comments and suggestions outlined in this staff report.

---

## ATTACHMENTS

---

February 11, 2019 City Planning Commission Minutes  
Site Images  
Operations Description  
List of Potential Hazardous Materials  
Site Security  
Letter Re: Concrete Sidewalk  
Neighborhood Meeting Minutes  
Conservation District Comments



---

## REVIEW OF INFORMATION AND SCHEDULE

---

|                |                     |                        |
|----------------|---------------------|------------------------|
| Action         | Planning Commission | Board of Commissioners |
| Public Hearing | February 11, 2019   | February 28, 2019      |
| Rezoning       | Denial              |                        |
| SUP            | February 11, 2019   | February 28, 2019      |
|                | Denial              |                        |

---

**STAFF CONTACT:**            **Zach Flanders**  
                                         [zflanders@wycokck.org](mailto:zflanders@wycokck.org)

---

## MOTIONS

---

### Change of Zone

I move the Unified Government Board of Commissioners **DENY** Petition #**3172**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

### OR

I move the Unified Government Board of Commissioners **APPROVE** Petition #**3172** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

### Special Use Permit

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2018-97**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

### OR

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2018-97** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

**February 11, 2019 City Planning Commission Minutes:**

**Non-Consent Agenda Starts At 14:50:**

**CHANGE OF ZONE APPLICATION #3172 – TITA LAGRIMAS WITH TRADEBE ENVIRONMENTAL SERVICES, LLC – SYNOPSIS:** Change of Zone from M-2 General Industrial District to M-3 Heavy Industrial District for a 10-day transfer facility for non-regulated, DOT hazardous materials and hazardous waste, containers will be transferred from one truck to another; no transported containers will be kept inside the building at 1620 South 45<sup>th</sup> Street

**SPECIAL USE PERMIT APPLICATION #SP-2018-97 – TITA LAGRIMAS WITH TRADEBE ENVIRONMENTAL SERVICES, LLC – SYNOPSIS:** Special Use Permit for a 10day transfer facility for non-regulated, DOT hazardous materials and hazardous waste, containers will be transferred from one truck to another; no transported containers will be kept inside the building at 1620 South 45<sup>th</sup> Street

**Detailed Outline of Requested Action:** The applicant requests to rezone this property from M-2 General Industrial District to MP-3 Planned Heavy Industrial District and obtain a special use permit to operate a hazardous waste transfer facility. A list of potential materials that would be handled by the facility are included in the attachments. The proposed use is a 10-day transfer facility for hazardous materials and hazardous waste. The containers will be transferred from one truck to another; no transported containers will be kept inside the building.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 11, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated November 15, 2018; and
7. The Notices to property owners dated November 14, 2018 and December 4, 2018.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

### **Present in Support:**

- ❖ Nate Embry, Operations Manager, representing Tradebe Environmental Services LLC, 1620 South 45<sup>th</sup> Street, Kansas City, Kansas
- ❖ Joanna Sandifer Hanson, Sandifer Properties, LLC
- ❖ There were two other persons present that did not speak

### **Present in Opposition:**

- ❖ None one appeared

**Staff Recommendation starts at 59:35:** Planning Director Richardson stated with the former business license it was likely not marked as hazardous materials transfer because that has been an ordinance since well before 2009. This is a hazardous waste transfer operation and the staff's concern is operating this type of facility outside of the Armourdale, Turner or Fairfax areas where it is properly zoned and everyone going in there knows that this is heavy industrial. This is different than a Sherwin Williams because the storage area is not as compressed. He stated that the staff's recommendation is for denial for this change of zone and special use permit because it is a small area to rezone to MP-3 and it might invoke spot zoning rules but primarily this type of activity is a M-3 activity and it should stay there. If the Commission recommends approval the staff would request that a stipulation be added based on the applicant's comments, that no biological, explosive or radio-active materials be handled at this location in addition to the stipulations in the staff report.

The Planning Commission directed questions to the staff.

### **Motion and Vote starts at 1:04:06:**

On motion by Mr. Ernst, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **DENIAL of Change of Zone Application #3172 as it will not promote the public health, safety and welfare of the city of Kansas City, Kansas:**

|          |          |
|----------|----------|
| Carson   | Chairman |
| Connelly | Aye      |
| Ernst    | Aye      |
| Huey     | Aye      |
| Jones    | Aye      |
| Miller   | Aye      |
| Neal     | Aye      |
| Pauley   | Aye      |
| Reasons  | Aye      |
| Serda    | Aye      |

**Motion to recommend DENIAL Passed: 9 to 0**

On motion by Ms. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **DENIAL of Special Use Permit Application #SP-2018-97 as it will not promote the public health, safety and welfare of the city of Kansas City, Kansas:**

|        |          |
|--------|----------|
| Carson | Chairman |
|--------|----------|

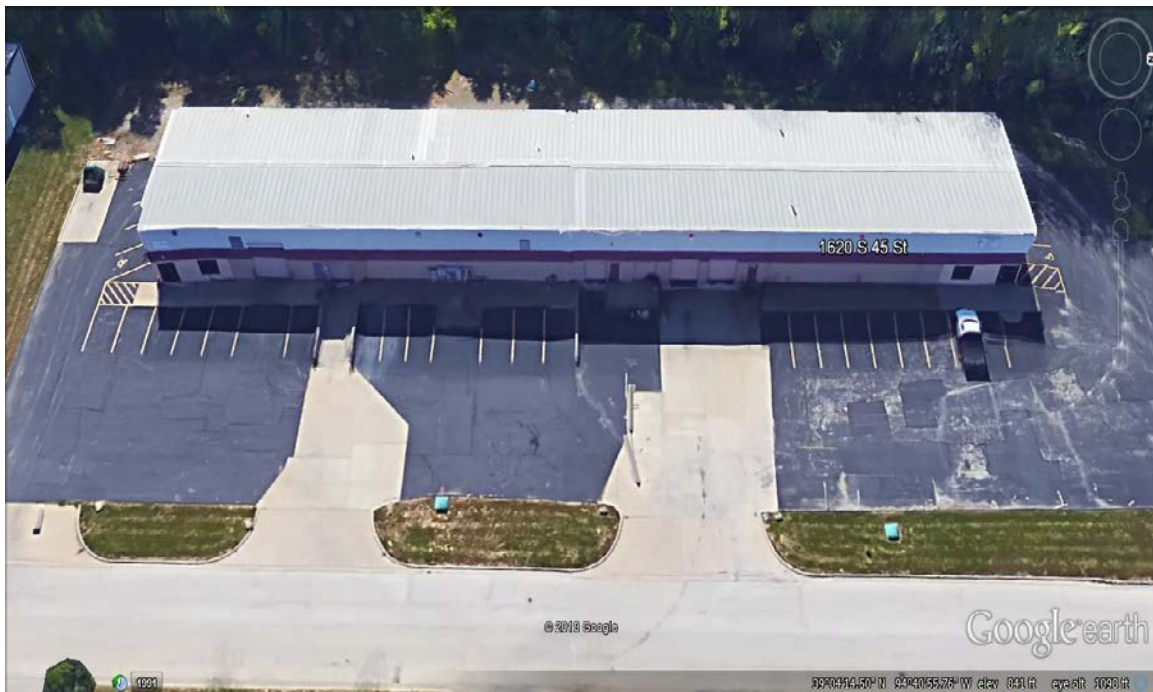
|          |     |
|----------|-----|
| Connelly | Aye |
| Ernst    | Aye |
| Huey     | Aye |
| Jones    | Aye |
| Miller   | Aye |
| Neal     | Aye |
| Pauley   | Aye |
| Reasons  | Aye |
| Serda    | Aye |

Motion to recommend DENIAL Passed: 9 to 0

Overhead view of building and property (source Google earth™)



Overhead view of the east side of the building and property (source Google earth™)



East side of the northern section of the building, subject location (looking west)



West side of building, northern section, (looking northeast)





Northeast end of building (looking south)



View of the south end of building and property, (looking northwest)







**Tradebe Environmental Services, LLC  
/ Tradebe Transportation, LLC  
10-Day Transfer Facility Operation Summary**

***Background***

Tradebe Environmental Services, LLC (Tradebe) provides recyclable material, hazardous, non-hazardous and universal waste collection; packaging; and transportation services to universities; commercial organizations and a variety of industrial customers. Tradebe also provides transportation for community household hazardous waste (HHW) collection events. The aforementioned materials are then taken to a Tradebe facility that is licensed to receive, store, process or send the material on to another processing facility.

10-Day Transfer Facility operations receive the oversight from the state environmental protection agency.

***Description of 10-Day Transfer Facility Operations***

Containers of the aforementioned materials are transported from manufacturers and /or generators in accordance with Department of Transportation (DOT) requirements and transported by a qualified commercial driver licensed (CDL) vehicle operator. Containers or regulated materials must meet the applicable DOT and EPA regulations prior to being removed from the originating facility.

Typically, the aforementioned materials are transported from generator's site to the 10-Day Transfer Facility via a straight box truck; straight box truck has a cab and an enclosed van as one unit. On occasion a tractor trailer may be used for shipments from the generator's facility. A semi-trailer is placed at a 10-Day Transfer Facility loading dock.

At the 10-Day Transfer Facility, materials containers on the straight truck are transferred from to the semi-trailer with the use of a drum cart, pallet jack or possibly by use of a forklift. Semi-trailers are used to transport the material containers from the 10-Day Transfer Facility to the permitted storage or processing facilities. These material containers are only staged on the straight trucks or trailers and are not be stored in buildings.

Material containers cannot be staged for longer than 10 days. The material container movements, (e.g., inbound, transfers and outbound activities) are documented on 10-Day Transfer Logs, a copy can be found as Attachment 1 to this document. The 10-Day Transfer facility is also required to be inspected. Inspections conducted at the facility examine the facility documents, transfer locations, building, safety equipment and outside staging areas. These items are looking for issues or concerns that need investigation or corrective actions.

***Tradebe 10-Day Transfer Facility Operations***

The Tradebe 10-Day Transfer Facility will be staffed with an Operations Manager and Field Chemists. The Account Manager oversees the facility operations. Field Chemists are dispatched to generator's locations and conducted various activities at the sites as well as operate the straight trucks as well as providing environmental services for the Tradebe's customers. Tradebe's 10-Day Transfer Facility personnel undergo various, rigorous training programs, which includes OSHA Hour 40 Haz-Woper Hour and 8 Hour Haz-Woper refresher classes. Personnel receive DOT and USEPA RCRA hazardous waste training before they are allowed to work at a generator's site or at the 10-day Transfer Facility.

At some 10-Transfer Facility locations, an additional trailer is located at the facility which is used to store supplies, such as: empty containers; absorbent materials; packaging materials and response supplies, The



supply items are used by the Tradebe's Field Chemists in the normal course of servicing the Tradebe customers.

As stated above, the van trailers are used to consolidate inbound loads, which are designated to a Tradebe permitted facility or an approved alternate facility. The inbound shipping documents and the associated paperwork accompanying the containers are completed at the customer's location. Photocopies of all shipping documents are maintained in the 10-day Transfer Facility file along with the facility's 10-Day Transfer Facility log. These documents are available for inspection.

The 10-Day Transfer Facility log also identifies shipments destined for receiving locations; the date listed on the log identifies when the first container is transferred onto the outbound semi-trailer. This date begins the day count of the 10 day limit for that container (i.e., trailer), which is monitored by Tradebe personnel. Each trailer must be removed by the end of the 10<sup>th</sup> day in accordance with U.S. DOT regulations. When a trailer is shipped from the facility, an empty semi-trailer replaces the shipped trailer and the process starts over again.

The types of materials that are transferred at the facility may be product, recyclable material, universal waste, both hazardous and non-hazardous wastes. These materials may be packaged as lab packs; in compressed gas cylinders; and as household hazardous wastes; Attachment 2 contains the list of EPA Hazardous Waste Codes the shipments may contain. All applicable containers will be labeled and marked in accordance with the DOT and USEPA labels and markings. Shipping documents and Emergency Responses Guide books are kept on site.

In summary, the following is a description Tradebe's 10-Day Transfer Facility operation's procedures:

1. Vehicles are scheduled prior to arrival at 10-Day Transfer Facility.
2. Loaded straight truck arrives at facility.
3. Shipping documents are reviewed for accuracy, then the photo copied documents are placed into the site files.
4. Container counts are verified against shipping documents.
5. Containers are inspected for integrity prior to transferring from straight truck to semi-trailer.
6. Prior to loading, the receiving semi-trailer is placarded to identify semi-trailer's cargo
7. Material is transferred from the straight truck to a semi-truck (10 day clock starts); the containers are transferred using a drum dolly, pallet jack or forklift from one truck to the other truck through the building dock.
8. The original shipping document is placed back with the cargo and photocopy is filed at the facility.
9. The shipping document and truck information is entered into the 10-day Transfer Facility log.
10. Copies of shipping documents and the 10-day Transfer Facility logs are clearly marked and made available for inspections.
11. Truck, building and property operations are inspected; while on site, the truck and its cargo will be inspected each operating day.
12. The inspection information is recorded in an inspection log.



**Attachment 1**  
**10-DAY TRANSFER LOG**



### 10-DAY TRANSFER LOG

Trailer Number:

| Date/Time In | Generator Name | Transporter | Container | Manifest Document Number | Date Out | Destination Facility | Comment |
|--------------|----------------|-------------|-----------|--------------------------|----------|----------------------|---------|
|              |                |             |           |                          |          |                      |         |
|              |                |             |           |                          |          |                      |         |
|              |                |             |           |                          |          |                      |         |
|              |                |             |           |                          |          |                      |         |
|              |                |             |           |                          |          |                      |         |
|              |                |             |           |                          |          |                      |         |
|              |                |             |           |                          |          |                      |         |
|              |                |             |           |                          |          |                      |         |
|              |                |             |           |                          |          |                      |         |
|              |                |             |           |                          |          |                      |         |
|              |                |             |           |                          |          |                      |         |



**Attachment 2**

**10-DAY TRANSFER FACILITY INSPECTION LOG**





### 10-DAY TRANSFER FACILITY INSPECTION LOG

Month/Year: \_\_\_\_\_

| Date<br>Time | Shipping<br>Docs.<br>Reviewed<br>For Compliance | Inspection of<br>Dock | Inspection<br>of<br>Secondary<br>Containment | Container<br>Integrity/<br>Inspect<br>For Leaks | Truck/Trailer<br>Secured | Fire<br>Extinguisher<br>Eye wash | Corrective<br>Action<br>Required* | Name of<br>Inspector |
|--------------|-------------------------------------------------|-----------------------|----------------------------------------------|-------------------------------------------------|--------------------------|----------------------------------|-----------------------------------|----------------------|
| 1            |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 2            |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 3            |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 4            |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 5            |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 6            |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 7            |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 8            |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 9            |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 10           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 11           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 12           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 13           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 14           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 15           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 16           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 17           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 18           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 19           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 20           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 21           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 22           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 23           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 24           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 25           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 26           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 27           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 28           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 29           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 30           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |
| 31           |                                                 |                       |                                              |                                                 |                          |                                  |                                   |                      |

\* List on a separate sheet of paper the date and time of any corrective actions/work orders taken and send a copy to the Supervisor for review and countersignature.



**Tradebe Environmental Services, LLC  
Kansas City 10 Day Transfer Facility**

**Site Security**

The following information describes the actions taken by Tradebe Environmental Services, LLC. / Tradebe Transportation, LLC (Tradebe) 10 Day for the safe and secure of materials passing through a 10 Day Transfer facility. This sheet describes the specific equipment and operations for the Kansas City operations.

Tradebe 10 Day Transfer Facility personnel are educated and experienced professionals in field of hazardous material management. Tradebe provides additional training -both initial hire and on-going training - for 10 Day Facility managers, including "In-Depth Security" training as per the US Department of Transportation HM232 Security program criteria.

**Site Security:**

The site area has general lighting for the area. All building entrance points are locked when the site is unattended. Tradebe personnel conduct regular inspections of the transportation equipment, site and grounds around the site. These inspections are performed and documented at least once per operating day.

Equipment used in the transportation of materials passing through the site have the trailer doors secured with pad locks. Trailers staged at the loading dock are parked against the building, preventing any entrance to the trailer. Stage trailers have a fifth (5<sup>th</sup>) wheel lock on the trailer preventing the trailer from being moved from the building. All building doors are closed and locked.

**Specialized Security Equipment:**

This location has a security system that is turned on as personnel leave the site. The Security system has security cameras that are activated by motion detectors. Several security functions are activated once motion is detected around the site. First, floodlights are turned on to illuminate the area. Next, a video recording system records the cameras' video outputs.

Upon a "motion detected" signal from the security system, a notification is sent from the site to the primary and back up facility managers' mobile phones. The managers can access the live video from the various camera. The manager can then activate the site alarm system before calling the local law enforcement.

Tradebe Environmental Services, LLC

1143 E 83rd Ave, Suite 200 • Merrillville, IN 46410 • Phone: (800) 388-7242 • (219) 397-3951 • Fax: (219) 391-7040 • [www.tradebe.com](http://www.tradebe.com)



SENT VIA UPS 1Z OY3 545 02 9162 1372

December 13, 2018

Mr. Zachery Flanders, AICP  
Urban Planner  
Department of Urban Planning and Land Use  
Unified Government of Wyandotte County and  
Kansas City, Kansas  
Municipal Office Building, Room 423  
701 North 7<sup>th</sup> Street,  
Kansas City, KS 66101

**RE: Concrete Sidewalk**  
1620 S 45<sup>th</sup> Street  
Kansas City, KS

Mr. Flanders:

This letter is written as a formal request for exclusion to the requirement for the construction of a sidewalk at 1620 S 45<sup>th</sup> Street, Kansas City KS. The formal request is with respect to the Urban Planning and Land Use Staff Comments associated with Tradebe Environmental Services, LLC (Tradebe) Rezone and Special Permit Application, as listed on page 5 of the Urban Planning and Land Use Draft Report to the City Planning commission, dated December 10, 2018, (date of the original board meeting). The staff comments were discussed between you and Robert Vaughn, Environmental Manager with Tradebe on November 20, 2018.

Item 3, under the **STAFF COMMENTS AND SUGGESTIONS** Section, the Urban Planning and Land Use staff advises that a six (6) foot (wide) sidewalk be constructed along 45<sup>th</sup> Street for the extent of the property frontage. Tradebe discussed this with the property owner representative, Ms. Joanne Hanson, with Sandifer Properties, LLC (Sandifer). A common concern voiced by Tradebe and Sandifer personnel is the existing utilities that are located between the street curb and the site's asphalt parking lot. Another concern is due to a slope between the street curb and the site parking lot; the site grading would have to be altered to provide for a retaining wall. Please refer to Attachment A for photo documentation for the site

Ms. Hanson consulted with a construction company to determine the feasibility and costs for the construction of a sidewalk at the site. Ms. Hanson received a cost estimate for the sidewalk construction, including a Knee Wall that is over twenty-two thousand dollars (\$22,000). Further, costs for the sidewalk construction could be expected as the construction company advised that their cost estimate for the project does not include any costs for relocation of the existing fire hydrant; electrical / communication boxes or for the lowering of buried gas lines, please refer to Attachment B for the side walk construction quotation.

Mr. Zachery Flanders  
December 13, 2018  
Page 2

Upon review of the cost proposal with Ms. Hanson, Tradebe personnel were advised that 45<sup>th</sup> Street is primarily commercial or industrial establishments with no residential units located on the street. Further, except for the Dollar Store, located over six hundred (600) feet to the northeast of the site - at the corner of 45<sup>th</sup> Street and Metropolitan Avenue - there are no establishments with foot traffic situated on 45<sup>th</sup> Street. The Dollar Store site is the only location with a sidewalk around 45<sup>th</sup> Street.

Tradebe understands the rationale for providing sidewalks for residential areas or areas with foot traffic to provide a safe passage way for personnel. The issue for both Tradebe and Sandifer Properties is that construction of a sidewalk at the 1620 S 45<sup>th</sup> Street location will be a standalone section of concrete that will not be of benefit to the area or serve the community of Kansas City.

It is for the reasons cited above that Tradebe and Sandifer are requesting the exclusion for requiring a section of concrete sidewalk be constructed at 1620 S 45<sup>th</sup> Street. Should you have any questions or need to discuss this matter, I can be reached at 219.746.8713 or emailed at [tita.lagrimas@tradebe.com](mailto:tita.lagrimas@tradebe.com).

Respectfully,  
**Tradebe Environmental Services, LLC**



Tita Lagrimas  
Executive Vice President of Regulatory Affairs

Attachments

CC: Ms. Joanna Hanson, Sandifer Properties, LLC  
Nate Embry, Tradebe

Tradebe Environmental Services, LLC

1143 E 83rd Ave, Suite 200 • Merrillville, IN 46410 • Phone: (800) 388-7242 • (219) 397-3951 • Fax: (219) 391-7040 • [www.tradebe.com](http://www.tradebe.com)



**Attachment A**

Photo Documentation  
1620 S 45<sup>th</sup> Street  
Kansas City, KS

Tradebe Environmental Services, LLC  
1143 E 83rd Ave, Suite 200 • Merrillville, IN 46410 • Phone: (800) 388-7242 • (219) 397-3951 • Fax: (219) 391-7040 • [www.tradebe.com](http://www.tradebe.com)





Photo 1: View looking southwest at 1620 S 45<sup>th</sup> Street, Kansas City KS, photo source Google Earth™



Note: Buried gas line marker in foreground and fire hydrant and electrical / communication boxes background. Slope of surface between curb and asphalt parking surface.

Photo 2: View looking northwest at 1620 S 45<sup>th</sup> Street, Kansas City KS, photo source Google Earth™



Note: fire Hydrant and electrical / communication box in foreground, left.

Tradebe Environmental Services, LLC

1143 E 83rd Ave, Suite 200 • Merrillville, IN 46410 • Phone: (800) 388-7242 • (219) 397-3951 • Fax: (219) 391-7040 • [www.tradebe.com](http://www.tradebe.com)





Photo 3: South end of 1620 S 45<sup>th</sup> Street looking north, photo source Google Earth™.



Buried gas line identified in the foreground center.

Photo 4: Property to the north of 1620 S 45<sup>th</sup> Street, phot courtesy of Sandifer Properties, LLC.



Tradebe Environmental Services, LLC  
1143 E 63rd Ave, Suite 200 • Merrillville, IN 46410 • Phone: (800) 388-7242 • (219) 397-3951 • Fax: (219) 391-7040 • [www.tradebe.com](http://www.tradebe.com)



## **Attachment B**

### **Sidewalk Construction Quotation**

Tradebe Environmental Services, LLC  
1143 E 83rd Ave, Suite 200 • Merrillville, IN 46410 • Phone: (800) 388-7242 • (219) 397-3951 • Fax: (219) 391-7040 • [www.tradebe.com](http://www.tradebe.com)



AL MUEHLBERGER CONCRETE COMPANY, LLC

# PROPOSAL

DATE: December 7, 2018

To: Joanne Hanson / Nate Embry

CONTRACTOR: Sandifer Properties / Tradebe

PROJECT: 1820 S 45<sup>th</sup>  
Kansas City, KS

Al Muehlberger Concrete Company, LLC (AMCC) proposes to furnish all necessary labor, materials, equipment, and tools for work on the above referenced project as described below:

## SCOPE OF WORK TO INCLUDE:

- A. New Sidewalk w/ Anticipated Knee Wall & Curb Cut
  - 1. Cut and remove section of curb at existing approach for new ADA Ramp
  - 2. Excavation / grading for new sidewalk
  - 3. Formwork, concrete, and reinforcing for new sidewalk, knee wall, and ADA ramp
  - 4. Backfill and clean up of disturbed area

## SCOPE OF WORK SPECIFICALLY EXCLUDES:

- 1. Permits or bonds
- 2. Builder's risk insurance premiums or deductibles
- 3. Testing/ inspection fees or scheduling of such service
- 4. Demolition, excavation, or grading other than included above
- 5. Professional engineering or surveying services
- 6. Relocation of existing fire hydrant or electrical/communication boxes
- 7. Lowering of buried gas line if necessary

## SPECIAL PROVISIONS:

- 1. Payment is due within 15 days of billing date for work performed during such billing period.  
Final payment, including retention, is due within 30 days of substantial completion.

## DRAWING REFERENCE:

N/A Based on verbal description and site inspection

|                       | <u>PROPOSAL:</u> |                    |
|-----------------------|------------------|--------------------|
| Sidewalk              |                  | \$12,180.00        |
| Knee Wall             |                  | 10,260.00          |
| Curb Cut for ADA Ramp |                  | 490.00             |
| Total:                |                  | <u>\$22,930.00</u> |

AMCC requires the above outline be incorporated into any contract/purchase order so that all inclusions, exclusions, and provisions are defined and understood. This proposal is valid for a period of 60 days.

We appreciate the opportunity to provide you with a proposal for this project and hope to become a part of your construction team. If you have any questions feel free to call me at your earliest convenience.

Sincerely,

P.O. Box 3205  
Kansas City, KS 66103  
913-927-1620

Al Muehlberger Concrete Company, LLC

Eric Kibbe  
Chief Estimator

Tradebe Environmental Services, LLC  
1143 E 83rd Ave, Suite 200 • Merrillville, IN 46410 • Phone: (800) 388-7242 • (219) 397-3951 • Fax: (219) 391-7040 • [www.tradebe.com](http://www.tradebe.com)



TRADEBE  
Environmental Services™

### Rezoning / Special use Meeting Minutes documentation

Application Number: CZ - 18401 - 00015 AND FENCE APPEAL / SIDEWALK

Date: 12/18/2018

Location:

2 South 14<sup>th</sup> St, Kansas City, KS

Meeting start at: 3.30pm

Meeting adjourned at: 4.30 p.m.

Minutes taken by: Albert Mas

| Name:            | Question or Comment:                                                                                | Response by:    | Response:                                                                                                                                                                 |
|------------------|-----------------------------------------------------------------------------------------------------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Gretchen Hembree | Has the facility been tested for methane after the issues we had in the building across the street? | Mickey Sandifer | The rest of the properties on the street have been tested for methane and the results were all negative                                                                   |
| Gretchen Hembree | Will there be any HHW drop-offs at the facility?                                                    | Nate Embery     | No, all HHW events are held outside of the 10day.                                                                                                                         |
| Gretchen Hembree | What kind of waste do you handle in the facility?                                                   | Nate Embery     | It's a wide range of materials but to give you a few examples we handle flammable liquids i.e. paints, corrosives and also non-hazardous waste.                           |
| Ken Mete         | Do you store waste inside the trailer?                                                              | Nate Embery     | Yes                                                                                                                                                                       |
| Gretchen Hembree | Is there any risk of explosion if temperatures rise?                                                | Nate Embery     | We have very strict procedures when handling temperature controlled chemicals and we use refrigerated trucks. In any case, we only handle this type of waste very rarely. |

|                  |                                                                                       |                 |                                                                                                                                                            |
|------------------|---------------------------------------------------------------------------------------|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Gretchen Hembree | The county is asking to install a fence on the west side of the property?             | Nate Embery     | That's correct, that's one of their recommendations and it's for aesthetic purposes.                                                                       |
| Gretchen Hembree | The two only recommendations made by county are the west side fence and the sidewalk? | Nate Embery     | Yes, that is correct.                                                                                                                                      |
| Ken Mete         | Are you currently operating in the building?                                          | Albert Mas      | Yes, we're currently operation and have been since August 1 <sup>st</sup> 2018. We can do so as long as we're applying for the rezoning.                   |
| Gretchen Hembree | Will you put up any sign informing you're storing hazardous waste?                    | Nate Embery     | No, besides the Company sign we're not planning on adding another one.                                                                                     |
| Gretchen Hembree | What if someone decides to break into the property and set fire to the trailer?       | Nate Embery     | The trailer is completely locked and can only be accessed from inside the office, which of course is also locked. We have also installed security cameras. |
| Gretchen Hembree | There's a food processing company next door, has anyone complained about Tradebe?     | Mickey Sandifer | No, we haven't received any complaints since Tradebe started operating in the building.                                                                    |
|                  |                                                                                       |                 |                                                                                                                                                            |
|                  |                                                                                       |                 |                                                                                                                                                            |



Wyandotte County Conservation District  
1204 N. 79<sup>th</sup> Street - Kansas City, KS 66112 - Phone (913)-334-6329 -  
wyco.conservation@gmail.com

Rob Richardson  
Director of Planning  
701 North 7<sup>th</sup> Street Rm. 423  
Kansas City, KS 66101  
913-573-5750

November 13, 2018

RE: COZ 3172, SP-2018-97 Tita Lagrimas hazardous waste transfer facility 1620 South 45<sup>TH</sup> Street

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the Change of Zoning COZ 3172, SP-2018-97 Tita Lagrimas hazardous waste transfer facility 1620 South 45<sup>TH</sup> Street.

In addition to the site review the following reports were generated from the Wyandotte County Soil Survey to assess the limitations for development and/or natural resources concerns for this site.

MAPS AND REPORTS

Soils Map  
Soils Inventory Report  
Map Unit Description (Brief)  
Soil Features

In summary, the following limitations and resource concerns were noted for this plat:

- There are two major soil types identified: Knox silt loam, 18 to 30 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- Any spills that might occur need to be cleaned up immediately and disposed of in a safe manner. Care needs to be taken to prevent spills from entering the storm sewer system.
- No materials should be stored inside or outside of the building without being secured. There were three barrels stored behind the building at the time of review. There was nothing to prevent them from being removed or tempered with.
- Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to



buildings, roads and other structures and to plant roots. Special design commonly is needed.

Technical assistance is available from our office. Limitation maps, detail soils reports and a conservation plan can also be requested for this site from our office. Pasture planning is available.

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern has been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineations on the maps include soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller  
District Manager

enclosures



## Urban Planning and Land Use

701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)

Phone: (913) 573-5750  
Fax: (913) 573-5796  
[www.wycokck.org/planning](http://www.wycokck.org/planning)

**To:** Unified Government Board of Commissioners  
**From:** City Staff  
**Date:** February 28, 2019  
**Re:** Petition #SP-2019-1

---

### GENERAL INFORMATION

---

**Applicant:**  
Rachel McMeachin

**Status of Applicant:**  
Owner  
556 Lowell Avenue  
Kansas City, KS 66101

**Requested Action:**  
Approval of Special Use Permit (Home Occupation)

**Date of Application:**  
November 27, 2018

**Purpose:**  
To teach yoga and aerial acrobatics classes in the home

**Property Location:**  
556 Lowell Avenue

**Commission Districts:** 1. Commissioner At Large: Tom Burroughs  
2. District Commissioner: Brian McKiernan



**Existing Zoning:** R-1(B) Single Family District

**Existing Surrounding Zoning:**

**North:** R-1(B) Single Family District  
**South:** R-1(B) Single Family District  
**East:** R-1(B) Single Family District  
**West:** R-1(B) Single Family District

**Existing Uses:** **North:** Single family home  
**South:** Single family homes  
**East:** Single family homes and a vacant lot  
**West:** Single family home

**Total Tract Size:** .18 acre

**Master Plan Designation:** The City-Wide Master Plan designates this property as Urban Residential

**Major Street Plan:** The Major Street Plan classifies 6<sup>th</sup> Street and Lowell Avenue as local streets.

**Advertisement:** The Wyandotte Echo – December 20, 2018  
Letters to Property Owner – December 14, 2018, January 30, 2019 and February 20, 2019

**Public Hearings:** January 14, 2019, February 11, 2019 and February 28, 2019

**Public Opposition:** Opposition was expressed at the January 14, 2019 and February 11, 2019 City Planning Commission meetings by Mr. Greg Conchola. He discussed lack of parking in the neighborhood during large events.

---

## **PROPOSAL**

---

Detailed Outline of Requested Action: The applicant, Rachel McMeachin wants to teach yoga and aerial acrobatics classes five times per week in her home, which has been converted from a church at 556 Lowell Avenue.

City Ordinance Requirements: Sec. 27-592 through 27-606

---

## **FACTORS TO BE CONSIDERED**

---

**1. *The Character of the Neighborhood.***

The character of the neighborhood is comprised of small lot single family homes.

**2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.***

The zoning and uses of properties nearby are set out above. The proposed use, if managed properly could be compatible with the surrounding area.

- 3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.***

The removal of the restrictions should not detrimentally affect nearby property.

- 4. *The length of time the property has remained vacant as zoned.***

The property is not vacant. The applicant lives in the home.

- 5. *The degree of conformance of the proposed use to the Master Plan.***

Special use permits are not addressed in the Master Plan.

- 6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.***

The proposed use will increase the volume of vehicles that would normally visit the converted church, now residence during the weekday, however not nearly the amount of traffic that was generated by the church when it was open.

- 7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.***

The proposed use is not reasonably necessary for the convenience and welfare of the public and will not permanently injure the appropriate use, visual quality or marketability of adjoining property.

- 8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.***

This is not foreseen to be an issue.

- 9. *Whether the proposed use will pollute the air, land or water.***

This is not foreseen to be an issue.

- 10. *Whether the use would damage or destroy an irreplaceable natural resource.***

This is not foreseen to be an issue.

- 11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.***

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner is minimal.

**12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.**

Due to the large size of the structure, overcrowding of land will not be an issue.

---

**PREVIOUS ACTIONS**

---

None

---

**NEIGHBORHOOD MEETING**

---

The applicant held a neighborhood meeting on December 23, 2018. According to the applicant, those in attendance were not in opposition of the applicant's proposal.

---

**KEY ISSUES**

---

Parking availability

---

**PLANNING COMMISSION RECOMMENDATION**

---

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-1, subject to:

**Urban Planning and Land Use Comments:**

1. Subject to approval, this special use permit shall be valid for two (2) years.
2. Per Business Licensing: If approved, applicant will need to file and maintain a current occupation tax application.
3. You stated in your narrative letter that classes are held on Monday through Thursday from 5:30 PM – 8:00 PM and Saturday from 10:00 AM to 2:30 PM, ranging between 60 – 90 minutes. Are classes offered every week, two weeks a month, every week for six months, or something else?

*Applicant Response: The classes are on-going, so they happen every week except holidays.*

4. Do clients carpool to your residence? It appears that while available, on-street parking in the neighborhood is at a premium.

*Applicant Response: Some students carpool in the case of siblings, parents and children or partners coming to class together. Some students already live in the neighborhood and walk to the studio. The rest I believe come solo.*

**Staff Response:** Any advertising that you do, please indicate that on-street parking may be available along the property on the north and west sides of

the street. Adding a residential driveway on your property may be possible, however you will need to obtain a driveway permit from the Public Works Department at (913) 573-5400.

**Public Works Comments:**

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
  - 1) None
- B) Items that are conditions of approval (stipulations):
  - 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
  - 1) None

**UPDATE** – February 11, 2019:

The applicant, Ms. Rachel McMeachin has provided an updated operational plan. Ms. McMeachin has clarified that classes that are offered are a mixture of ground or aerial fitness, movement and circus-based skills (ex. Yoga, Aerial Yoga, Lyra and Trapeze - all aerial), stretch/flexibility (ground), handstands, and occasional special workshops.

As a resident and owner, hosting birthday parties, baby showers, bridal showers, book clubs are typical of most other residences in the City.

During the third event, held on June 30, 2018, it appears that City Codes were violated based on the event descriptions.

Staff's concern, in addition to the event on June 30, 2018, where striptease was advertised are the larger, typically ticketed events that increase the amount of traffic and parking demand in the neighborhood. Shuttling to the site from a pre-determined parking lot may be the best way to handle parking demand in the neighborhood.

Should this petition be approved, staff stipulates the following:

- 1. This special use permit shall be valid for one (1) year.
- 2. The applicant will need to file and maintain a current occupation tax application with the Business Licensing Department.
- 3. City Codes shall be followed noting that no striptease or similar activities involving nudity shall occur.
- 4. Classes are held on Monday through Thursday from 5:30 PM – 8:00 PM and Saturday from 10:00 AM to 2:30 PM, ranging between 60 – 90 minutes.
- 5. 9:00 PM shall be the cutoff for all ticketed events as this residence is in the middle of a single family neighborhood.
- 6. If there are events (i.e. larger classes, gatherings, ticketed events, etc.) that will exceed the ten (10) parking spaces that border the perimeter of north side of Lowell Avenue and west side of South 6<sup>th</sup> Street, a pre-determined location for parking shall be listed on the advertisement/notice that gives instructions to attendees about shuttling to the property. This may lessen



- the impact on parking for neighborhood residents.
7. All doors and windows shall be closed when classes and/or events are occurring.

---

## STAFF COMMENTS AND SUGGESTIONS

---

The staff concurs with the recommendation of the City Planning Commission.

---

## STAFF RECOMMENDATION

---

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2019-1 subject to all comments and suggestions outlined in this staff report.

---

## ATTACHMENTS

---

January 14, 2019 City Planning Commission Minutes  
February 11, 2019 City Planning Commission Minutes  
Updated Applicant Response Letter (for February 11, 2019 CPC Meeting)  
Advertisement of June 30, 2018 event via Facebook  
Applicant Response Letter  
Applicant Letter (Initial Submittal)  
Neighborhood Meeting Minutes  
Aerial Photograph  
Site Photographs

---

## REVIEW OF INFORMATION AND SCHEDULE

---

| Action         | Planning Commission                        | Unified Government Commission |
|----------------|--------------------------------------------|-------------------------------|
| Public Hearing | January 14, 2019                           | February 28, 2019             |
| Special Use    | Held Over<br>February 11, 2019<br>Approval |                               |

---

**STAFF CONTACT:**            **Byron Toy, AICP**  
                                         [btoy@wycokck.org](mailto:btoy@wycokck.org)

---

## MOTIONS

---

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2019-1 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;

2. \_\_\_\_\_; And

3. \_\_\_\_\_.

**OR**

I move the Unified Government Board of Commissioners **DENY** Petition #SP-2019-1, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

**January 14, 2019 City Planning Commission Minutes:**

**Hearing Starts At 2:06:29**

**SPECIAL USE PERMIT APPLICATION #SP-2019-1 – RACHEL A. MCMEACHIN – SYNOPSIS:** Home Occupation Special Use Permit for a live/work space for aerial classes at 556 Lowell Avenue. Detailed Outline of Requested Action: The applicant, Rachel McMeachin wants to teach yoga and aerial acrobatics classes five times per week in her home, which has been converted from a church at 556 Lowell Avenue.

1. The following items were included as part of the record for this case:
2. The City's currently adopted zoning and subdivision regulations;
3. The official zoning map for the area in question;
4. The City's currently adopted Master Plan for the area in question;
5. The staff report and attachments dated January 14, 2019
6. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
7. The Notice in the Wyandotte Echo dated December 20, 2018; and
8. The Notices to property owners dated December 14, 2018.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

**Present in Support:**

- ❖ Rachel McMeachin, 556 Lowell Avenue, Kansas City, Kansas 66101
- ❖ Jerri Moulder, 31 South Hallock Street, Kansas City, Kansas
- ❖ Bob Castle, 31 South Hallock Street, Kansas City, Kansas

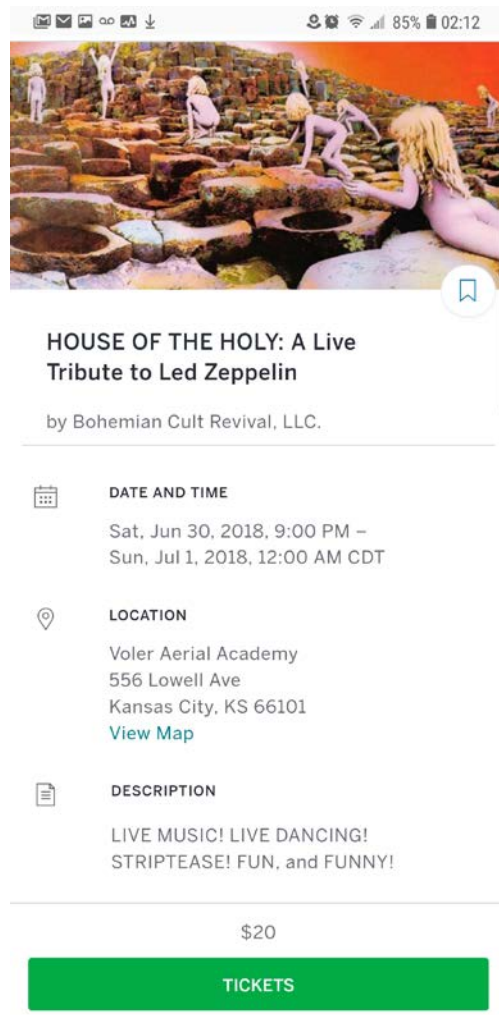
**Present in Opposition:**

- ❖ Greg Conchola, 505 Lowell Avenue, Kansas City, Kansas

**Staff Recommendation starts at 2:25:08:** Planning Director Richardson stated that all issues aside there is a big live entertainment issue here. He stated that June 30<sup>th</sup> there was an event entitled "House of the Holy: A Live Tribute to Led Zeppelin: held that on the website is described as Live music, live dancing, striptease, fun and funny by Bohemian Cult Revival, LLC. Their website says for mature audiences. (Description: Bohemian Cult Revival has announced the lineup for a one-night-only performance of *House of the*

*Holy: A Live Variety Tribute to Led Zeppelin.* with a live band, as well as individual and collective performances, *House of the Holy* will feature Bohemian Cult Revival members Danny Dismay, Annie Cherry, Sara d'Joue, Danger Alex, Damian Blake, Katie Gilchrist, Frankie Dismay, and Johnny Dismay. Special guests include Ben Byard, Felix Dukes, Scott Nance, and Jeff Smith. *House of the Holy: A Live Variety Tribute to Led Zeppelin* runs one-night-only, June 30th at Voler Aerial Academy, 556 Lowell in downtown Kansas City, Kansas. Doors open at 8 p.m. and the show starts at 9. For more information visit [bcr.ocks](http://bcr.ocks).)

Director Richardson stated that he recommends that this application be held over so all of the issues can be looked into related to this. The applicant probably needs to file another special use permit as well. There may have been significant Unified Government code violations in addition to the zoning code.



HOUSE OF THE HOLY: A Live Tribute to Led Zeppelin

by Bohemian Cult Revival, LLC.

**DATE AND TIME**  
Sat, Jun 30, 2018, 9:00 PM –  
Sun, Jul 1, 2018, 12:00 AM CDT

**LOCATION**  
Voler Aerial Academy  
556 Lowell Ave  
Kansas City, KS 66101  
[View Map](#)

**DESCRIPTION**  
LIVE MUSIC! LIVE DANCING!  
STRIPTEASE! FUN, and FUNNY!

\$20

**TICKETS**

### **Motion and Vote Starts at 2:26:45:**

On motion by Mr. Carson, seconded by Mr. Connelly, the Planning Commission voted as follows to **HOLD OVER Special Use Permit Application #SP-2019-1 to the February 11, 2019 meeting for the reasons outlined by staff:**

|                 |            |
|-----------------|------------|
| <b>Carson</b>   | <b>Aye</b> |
| <b>Connelly</b> | <b>Aye</b> |
| <b>Ernst</b>    | <b>Aye</b> |

|         |             |
|---------|-------------|
| Jones   | Aye         |
| Pauley  | Aye         |
| Serda   | Aye         |
| Huey    | Chairman    |
| Miller  | Not Present |
| Neal    | Not Present |
| Reasons | Not Present |

**Motion to HOLD OVER Passed: 6 to 0**

Chairman Huey instructed the applicant to get with Director Richardson.

## **February 11, 2019 City Planning Commission Minutes:**

### **Hearing Starts At 1:18:19**

#### **SPECIAL USE PERMIT APPLICATION #SP-2019-1 – RACHEL A. MCMEACHIN –**

**SYNOPSIS:** Home Occupation Special Use Permit for a live/work space for aerial classes at 556 Lowell Avenue. Detailed Outline of Requested Action: The applicant, Rachel McMeachin wants to teach yoga and aerial acrobatics classes five times per week in her home, which has been converted from a church at 556 Lowell Avenue.

1. The following items were included as part of the record for this case:
2. The City's currently adopted zoning and subdivision regulations;
3. The official zoning map for the area in question;
4. The City's currently adopted Master Plan for the area in question;
5. The staff report and attachments dated February 11, 2019
6. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
7. The Notice in the Wyandotte Echo dated December 20, 2018; and
8. The Notices to property owners dated December 14, 2018 and January 30, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (Planning Commissioner Serda stated that he was contacted by and spoke with the applicant.)

Recording Secretary Parker stated that this application was heard in detail last month and was held over for the applicant and staff to clarify the operation being conducted at this site.

Planning Director Richardson stated that the applicant provided an updated operations plan and based on that plan the staff has modified the recommendation basically related to parking. If they have an event and need more than 10 spaces they need to find a predetermined parking lot for that event and shuttle people to the event. He stated that they also need to follow city codes related to the activities conducted at this location so there should not be any striptease or nudity on the site related to a public event.

### **Present in Support:**

- ❖ Rachel McMeachin, 556 Lowell Avenue, Kansas City, Kansas 66101
- ❖ Joni Bocelewatz, Fat Matt's Vortex 411 North 6<sup>th</sup> Street, Kansas City, Kansas 66101
- ❖ Jane Osborn, business partner, 558 Lowell Avenue, Kansas City, Kansas 66101
- ❖ Tamara Houston, 556 Lowell Avenue, Kansas City, Kansas 66101
- ❖ Karen Huhmann, 23 South 6<sup>th</sup> Street, Kansas City, Kansas 66101
- ❖ Dagney Velazquez, 54 East 54<sup>th</sup> Street, Kansas City, Missouri, Professor of Mathematics in KCKCC
- ❖ Rachel Eilts, 261 Orchard, Kansas City, Kansas 66101
- ❖ Carolyn Fisher, 3702 Pennsylvania Avenue, Kansas City, Missouri
- ❖ Jason Nivens, 2104 Jarboe Street, Kansas City, Missouri 64108
- ❖ Sheri Parr, 1100 Shawnee Road, Kansas City, Kansas
- ❖ John Baker, 257 Orchard Street, Kansas City, Kansas 66101
- ❖ Mr. Tyler, 747 Gillham Road, Kansas City, Missouri
- ❖ Ann Shaughnessy, 643 Splitlog, Kansas City, Kansas 66101
- ❖ Jerri Moulder Hessel, 31 South Hallock, Kansas City, Kansas 66101
- ❖ There were 11 people in support that did not speak

### **Present in Opposition:**

- ❖ Greg Conchola, owner of 555 Lowell Avenue and 41 North Broadview, Kansas City, Kansas

**Staff Recommendation starts at 2:17:31:** Planning Director Richardson stated that related to the opposition's issues with the code this is a home occupation special use permit under Section 27-592(a)(12) and no other category in the code. The staff has determined that this is the best category for this use as it is in the home and not in a commercial area. He further stated that Planning Commissioner Neal read stipulation #6 to the opposition which is important to this application. He believes that the applicant would do events if she had a way to do the parking and stipulation 6 provides a way for her to do that. The staff was initially in favor of this application and had to look at the one issue that came up (last month) to make sure things were being conducted according to City Code and that is taken care of in the stipulations. The staff recommends approval subject to the stipulations in the staff report which would include the applicant's ability to do events if the parking is addressed correctly.

Chairman Carson asked the applicant if she has seen the staff report and stipulations and she stated no but was provided a copy and agreed to them.

### **Motion and Vote Starts at 2:21:09:**

On motion by Mr. Connelly, seconded by Dr. Serda, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2019-1:**

|                 |                 |
|-----------------|-----------------|
| <b>Carson</b>   | <b>Chairman</b> |
| <b>Connelly</b> | <b>Aye</b>      |
| <b>Ernst</b>    | <b>Aye</b>      |
| <b>Huey</b>     | <b>Aye</b>      |
| <b>Jones</b>    | <b>Aye</b>      |
| <b>Miller</b>   | <b>Aye</b>      |
| <b>Neal</b>     | <b>Aye</b>      |

Pauley                      Aye  
Reasons                    Aye  
Serda                        Aye

Motion to recommend APPROVAL Passed: 9 to 0  
Subject to:

**Urban Planning and Land Use Comments:**

1. Subject to approval, this special use permit shall be valid for two (2) years.
2. Per Business Licensing: If approved, applicant will need to file and maintain a current occupation tax application.
3. You stated in your narrative letter that classes are held on Monday through Thursday from 5:30 PM – 8:00 PM and Saturday from 10:00 AM to 2:30 PM, ranging between 60 – 90 minutes. Are classes offered every week, two weeks a month, every week for six months, or something else?

*Applicant Response: The classes are on-going, so they happen every week except holidays.*

4. Do clients carpool to your residence? It appears that while available, on-street parking in the neighborhood is at a premium.

*Applicant Response: Some students carpool in the case of siblings, parents and children or partners coming to class together. Some students already live in the neighborhood and walk to the studio. The rest I believe come solo.*

**Staff Response:** Any advertising that you do, please indicate that on-street parking may be available along the property on the north and west sides of the street. Adding a residential driveway on your property may be possible, however you will need to obtain a driveway permit from the Public Works Department at (913) 573-5400.

**Public Works Comments:**

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
  - 1) None
- B) Items that are conditions of approval (stipulations):
  - 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
  - 1) None

**UPDATE – February 11, 2019:**

The applicant, Ms. Rachel McMeachin has provided an updated operational plan. Ms. McMeachin has clarified that classes that are offered are a mixture of ground



or aerial fitness, movement and circus-based skills (ex. Yoga, Aerial Yoga, Lyra and Trapeze - all aerial), stretch/flexibility (ground), handstands, and occasional special workshops.

As a resident and owner, hosting birthday parties, baby showers, bridal showers, book clubs are typical of most other residences in the City.

During the third event, held on June 30, 2018, it appears that City Codes were violated based on the event descriptions.

Staff's concern, in addition to the event on June 30, 2018, where striptease was advertised are the larger, typically ticketed events that increase the amount of traffic and parking demand in the neighborhood. Shuttling to the site from a pre-determined parking lot may be the best way to handle parking demand in the neighborhood.

Should this petition be approved, staff stipulates the following:

1. This special use permit shall be valid for one (1) year.
2. The applicant will need to file and maintain a current occupation tax application with the Business Licensing Department.
3. City Codes shall be followed noting that no striptease or similar activities involving nudity shall occur.
4. Classes are held on Monday through Thursday from 5:30 PM – 8:00 PM and Saturday from 10:00 AM to 2:30 PM, ranging between 60 – 90 minutes.
5. 9:00 PM shall be the cutoff for all ticketed events as this residence is in the middle of a single family neighborhood.
6. If there are events (i.e. larger classes, gatherings, ticketed events, etc.) that will exceed the ten (10) parking spaces that border the perimeter of north side of Lowell Avenue and west side of South 6<sup>th</sup> Street, a pre-determined location for parking shall be listed on the advertisement/notice that gives instructions to attendees about shuttling to the property. This may lessen the impact on parking for neighborhood residents.
7. All doors and windows shall be closed when classes and/or events are occurring.

---

## Toy, Byron

---

**From:** Rachel McMeachin <aerialfabrics@gmail.com>  
**Sent:** Friday, January 25, 2019 5:31 PM  
**To:** Toy, Byron  
**Cc:** Diana 'Uriah' Arganbright  
**Subject:** Re: I was told I would receive more info and paperwork to precede with the special use permit.

Business that is conducted in the church: Voler Aerial Academy / Voler Thieves of Flight

### Performance troupe:

My professional troupe meets here for practices and meetings concerning upcoming shows regularly. I have an office so I can conduct business regarding my performance troupe and classes. there are 8 members of my performance group and we will occasionally bring in other talent as needed per clients requests for various types of entertainment.

### Classes:

Classes offered aren't all aerial classes. As I'd indicated in the application and at the meeting. I have a mix of ground or aerial fitness, movement and circus based skills.

The classes offered are yoga (ground), Acro-yoga (ground), Aerial yoga, Intro to Advanced Silks, Lyra and Trapeze (All aerial), Stretch / Flexibility (ground), handstands (ground) and occasional speciality workshops that could be either ground based or aerial based in the focus. Example of upcoming one time specialty workshops scheduled within the next year: Aerial Straps, Partnered aerial, Dance lifts, Hand to Hand (acrobatics), Swing dance air lifts, Advanced Acroyoga, Aerial Yoga teacher training and youth summer circus day camp. These workshops when scheduled are usually in place of an ongoing class or group practice time that we cancel to make the studio available.

There are group practices that aren't classes as in there is no instruction, just the ability to work on things we've learned in class. Much like band practice we have troupe and student practices.

I host private classes for groups like home school groups and girl scouts / brownies, birthday parties and bachelorette parties that would rather do fitness activities than bar hopping. These private classes are usually in the afternoons or weekends. Those are irregular and randomly requested.

As a private home I host events for friends, family and neighbors. At our meeting you'd indicated that this isn't taken into consideration for my Special Use Permit but listening to Greg Conchola at the meeting I have a feeling that he's trying to lump my personal activities in with my professional activities so I feel that I should at least bring awareness to these events.

Private events I host as Rachel McMeachin in my own home as the owner of my home.

These events are not a part of Voler... They would be associated with my personal clubs, groups and gatherings. This would include:

### -Ecstatic Dance most Sunday mornings:

Ecstatic dance is a worldwide community that is connected through local gatherings of friends doing yoga, dance and contact improv as meditation through movement techniques. For more about what Ecstatic dance is including mission statement and guidelines. <https://www.ecstaticdance.com/about/> . Also look into Sufi dance, walking meditation, kirtan, mindfulness, and dance of universal peace to get a history of how this movement started if you're interested.

---

-Breath-work, consciousness transformation gatherings and social awareness groups:

These occasional events all have threads in my personal belief structure that community is built through a gathering of like minded individuals being allowed to explore and discuss concepts of radical self acceptance, clear communication, embodiment of personal expression, non judgement, acts of service and loving kindness (metta). We do this through movement, deep personal work in guided breath training, discussions, skill shares, meditation, and song. We gather to create a system of playful principles, practices and forms that, when followed, make it possible for a group of people to create a safe environment in which to explore their individual creativity, and create pieces of dancing, singing, story-telling folk art together. The tools are used by teachers to enhance engagement of students, by therapists to assist the development of self-esteem in their clients, and by individuals who use the practices as a spiritual discipline. InterPlay, Sufi dance, Ecstatic Dance, Elemental Breath are examples of how this work is now being used with people facing exceptionally challenging circumstances; depression, isolation, and partnership or neighborhood violence.

-Birthday parties, baby showers, bridal showers and other life event gatherings for friends and family.

-Book Club:

As a member of a book club there will be occasions for me to host discussion meetings in my home as members rotate hosting the group.

I was kind of blindsided at the previous council meeting by Greg Conchola's assertions of inappropriate use of space. He is known on the hill as the neighborhood bully so I wasn't surprised that he'd taken on an inflammatory attack stance. He has often yelled at, intimidated, and photographed my friends and students as the come in or out of my house asserting he's a former boxer and police detective and is not to be crossed. I do my best to avoid him since I am a pacifist and don't want to put myself in situations where I'm being overtly threatened. Thankfully he doesn't live in the property across the street. He will only occasionally come by to cut the lawn or put air in the tires of his disabled vehicles. But I was honestly confused by what he was talking about with assertions that I was hosting live music, adult entertainment and other events. Looking at events that were available to view when googling my address I have to assume the issues were arising from events being created on social media as a way to link some of my private groups, personal events and one off showcases both in my church and my MO. location.

In the past 7 years I have also opened my doors to be a space for the neighborhood, friends and family to gather and celebrate much in the spirit that the church once held. In the roughly 2500 days of being in this current location there were 3 events that I feel are being questioned due to having tickets available to attend.

1. the centennial celebration of this building and the Russian hill neighborhood Oct. 2017. Tickets we sold in advance to help cover the cost incurred in providing a caterer for the event and promotional materials. The neighbors, city council and mayor were invited as well as the church members and priests of the former congregation. I was providing the space and my neighbor Steve Sudekum was the event coordinator sending invites to the community, arranging for a caterer and bringing in tables and chairs for guests to sit in.

2. I have had one Voler Thieves of Flight (the professional troupe) show 2016 (maybe 2015 I honestly can't remember) featuring my performance troupe as an open house holiday party for friends, family and the students of Voler. Again we required tickets to attend due to the limited space and the large number of friends, family and students that were likely to attend.

3. The space was used for a one time event by a friend and neighbor (Jason Nivens and his wife Alex that own property 2 doors down) in June 2018. They are a part of a cabaret and vaudeville troupe that I have been hired to do shows with many times over the past several years. They had a specific show theme and wanted to host in my space specifically. A Led Zepplin themed show named House of the Holy after the album by the same name. They were going to be doing a tribute show where members of the troupe sang Led Zeppelin songs literally in a holy house. I had no knowledge of the event specifics and how it was run so I can't speak to that. I was not even in attendance. I was booked for a show in south Johnson County myself that same night. I trusted them as friends and neighbors to host the event in my absence. My understanding was that they sold tickets to track and limit attendance and pay whatever costs they were incurring to produce the show.

All three of these events were one off evenings, Nothing about my intention for this space has ever included hosting regular shows. This is still my home where I live with 2 dogs and a roommate.

Now to once again address Parking....

I live and work at a corner location with the cross streets at 6th and Lowell Ave.

Lowell Ave. from Treemont to the end of the street where it dead ends has 13 houses. 3 houses have been abandoned or have been vacant for several years. 7 of the houses have dedicated driveways so off street parking is being used by more that 1/2 of the homes.

There is ample street parking directly in front of my property or within a few yards of my place on Lowell.

6th Street as is directly to the east of my home and my property also occupies about 50 feet of side yard on that street. There are 9 homes total on 6th St. with one of them abandoned and sits boarded up after a fire. There are 3 vacant lots within several feet of my property and 3 more vacant lots at the end of the block closer to Central. Eight out of 9 of those homes on 6th St has a driveway or off street parking available. Street parking is ample to the side of my building.

A review of the attendance to my classes by actual numbers for each class from Jan. (our busiest month with all the new year resolution bring out the fitness minded). As you can see the parking is a non issue for the classes with 10 parking spots always available in front (Lowell Ave) of or to the side (6th St) of my home. More parking is easily found within a 1/2 block in every direction of my home considering the amount of vacant houses, vacant lots and occupied homes with their own driveways.

Jan.

1st. No classes

2nd 5:30 pm Adv silks ...5 students

7 pm intro silks... 3 students

3rd 5:30 pm Adv lyra... 3 students

7 pm intro lyra... 2students

4th. no classes

5th.10 am Intro silks... 6 students

1pm Flexibility... 4 students

6th no classes

7th 5:30 pm aerial yoga... 5 students,

7pm trapeze... 4 students

8th 5:30pm Acro-yoga... 12 students

7 pm Intermediate silk...s 8 students

9th 5:30 pm Advance silks... 5 students

7pm Intro silks... 10 students

10th 5:30 pm Advanced lyra... 3 students

7pm intro lyra... 3 students

11th No classes,

12th 10am Intro to silks... 6 student

13th No classes

14th. 5:30pm Aerial yoga... 3 students

7pm Trapeze 8 students

15th 5:30pm Acro-yoga... 15 students

7pm Intermediate silks... 6 students

16th 5:30pm advanced silks... 4 students

7pm Intro silks ...10 students

17th 5:30 pm Advanced lyra... 5 students

7pm Intro lyra... 4 students

18th No Class

19th No Class

20th No Class  
21st 5:30pm Aerial yoga... 4 students,  
7pm Trapeze... 7 students  
22nd 5:30 pm acro yoga... 11 students,  
7 pm intermediate silks... 8 students  
23rd 5:30 pm Adv. silks... 4 students,  
7 pm intro silks... 8 students

Rachel McMeachin  
[www.ThievesOfFlight.com](http://www.ThievesOfFlight.com)  
816-668-6292

On Jan 23, 2019, at 5:07 PM, Toy, Byron <[btoy@wycokck.org](mailto:btoy@wycokck.org)> wrote:

Rachel,

We need a full scope of everything that is or would be happening at 556 Lowell Avenue. Please explain in detail the number of people who attend, the types of events that are being held that is outside the "aerial art classes" you are teaching. Are there tickets that are sold to an event, where do people park?

Thank you,

Byron Toy, AICP

Our goal is to serve you with excellence! Please click the following link and take a moment to complete this short customer survey to help us better serve you!

<https://www.surveymonkey.com/s/UBPLUCS>

<image001.jpg>

---

**From:** Rachel McMeachin <[aerialfabrics@gmail.com](mailto:aerialfabrics@gmail.com)>

**Sent:** Tuesday, January 22, 2019 12:41 PM

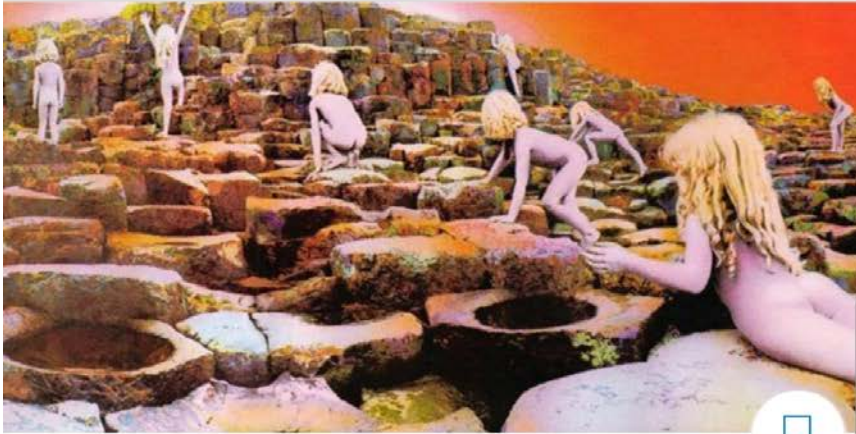
**To:** Toy, Byron <[btoy@wycokck.org](mailto:btoy@wycokck.org)>; Diana 'Uriah' Arganbright <[shine4tomorrow@gmail.com](mailto:shine4tomorrow@gmail.com)>

**Subject:** I was told I would receive more info and paperwork to precede with the special use permit.

Hi. I was told at the meeting that someone would be reaching out to me for further info and paperwork to fill out after the Jan 14th meeting. I was assuming that would have been you but I haven't heard from anyone yet. I think Diana had reached out to you last week to expedite this process but she didn't convey to me anything that would help clarify the next steps. This process is a foreign language to me so any assistance you can provide would be greatly appreciated.

Rachel McMeachin  
[www.ThievesOfFlight.com](http://www.ThievesOfFlight.com)  
816-668-6292





## HOUSE OF THE HOLY: A Live Tribute to Led Zeppelin

by Bohemian Cult Revival, LLC.



### DATE AND TIME

Sat, Jun 30, 2018, 9:00 PM –  
Sun, Jul 1, 2018, 12:00 AM CDT



### LOCATION

Voler Aerial Academy  
556 Lowell Ave  
Kansas City, KS 66101  
[View Map](#)



### DESCRIPTION

LIVE MUSIC! LIVE DANCING!  
STRIPTease! FUN, and FUNNY!

\$20

TICKETS



---

**Toy, Byron**

---

**From:** Rachel McMeachin <aerialfabrics@gmail.com>  
**Sent:** Thursday, January 03, 2019 3:16 PM  
**To:** Toy, Byron  
**Cc:** Diana 'Uriah' Arganbright  
**Subject:** Re: #SP-2019-1 Draft Staff Report Questions

**Importance:** High

1. The classes are ongoing so they happen every week except holidays.
2. Some students carpool in the case of siblings, parents and children or partners coming to class together. Some students already live in the neighborhood and walk to the studio. The rest I believe come solo.

Rachel McMeachin  
[www.ThievesOfFlight.com](http://www.ThievesOfFlight.com)  
816-668-6292

On Jan 3, 2019, at 1:13 PM, Toy, Byron <[btoy@wycokck.org](mailto:btoy@wycokck.org)> wrote:

Rachel,

I have two questions that were not answered from the draft staff report, although I did receive the photographs of the kitchen and bathroom.

Please answer the two questions below so I can include your response in the final staff report.

1. **You stated in your narrative letter that classes are held on Monday through Thursday from 5:30 PM – 8:00 PM and Saturday from 10:00 AM to 2:30 PM, ranging between 60 – 90 minutes. Are classes offered every week, two weeks a month, every week for six months, or something else?**
2. **Do clients carpool to your residence? It appears that while available, on-street parking in the neighborhood is at a premium.**

Thank you,

Byron Toy, AICP

Our goal is to serve you with excellence! Please click the following link and take a moment to complete this short customer survey to help us better serve you!

<https://www.surveymonkey.com/s/UBPLUCS>

<image001.jpg>

Voler – Thieves of Flight Performance Ensemble began as a collaboration of performers and dancers who wanted to expand their skills in the air. Voler – Thieves of Flight was created in Kansas City MO in 2007.

The first performance season was in 2008 where a strong presence in Kansas City was established through venues and organizations such as the Kansas City Fringe Festival, the Foundation and Crosstown Station, Starlight Theater, and The Kansas City Zoo.

Since 2007, Voler – Thieves of Flight has become a full production ensemble of aerialists and dancers. Collaborating with bands, videographers, artists and organizations, Voler performances are colorful and memorable. Voler – Thieves of Flight performers have been featured nationally and internationally. For more information, please contact us at [aerialfabrics@gmail.com](mailto:aerialfabrics@gmail.com)

**Most Notable Performances, Venues & Clients Include:**

Lawrence Busker Festival, KC Fringe Festival, Dance in the Park, JAZZOO, Lawrence Arts Center, KC Renaissance Festival, Mini Cooper of Overland Park, Park Place's Paint the Night, Boulevard/Ommegang Brewery Events, Time Warner, Ameristar Casino, World's of Fun Halloween Haunt, Nelson Atkins Museum Party Arty Event, The Folly Theater, The Late Night Theater, St. Joseph Chamber of Commerce, Black & Veatch, Silpada, BLOOM, Epic Entertainment, Maker's Faire, Mr. Pink's Cabaret, Harrah's Casino, Mid-America Arts Alliance, ALS, Phoenix Family Housing, Artopia, ARTSKC, KC Friends of Alvin Ailey, Lyric Theater, The Kauffman Center, KC Power & Light and the City of Kansas City Kansas.

We created an outreach program to begin teaching aerial, dance, yoga and movement arts in 2008 in the historic West Bottoms. Teaching men, women and children the art of circus performance and fitness. The classes have since moved to the Russian Hill area of KCKS in a landmark building that once was Holy Trinity Russian Orthodox Church. Our classes currently run Monday-Thursday from 5:30 - 8pm and Saturday 10am through 2:30pm. Classes are 60 to 90 min. long. We have a small student body since we can only allow 15 people maximum into any aerial based class.

Our average class size is between 4 and 8 people depending on the day and class being offered. Parking availability is all street parking with 4 spaces directly in front of the church on Lowell and another 6 spaces to the side of the building on the west side of 6th Street. An additional 4 spots are often found across the street from the church on the east side of 6th Street running along side a vacant lot or further down 6th street where there are multiple vacant lots and condemned houses.

Our current professional performance troupe also has regular practice times on the weekends. More often if we are preparing for upcoming shows.

## Neighborhood Meeting Minutes

Sunday, December 23, 2018

5:30-6:30pm

Voler: Thieves of Flight

Rachel McMeachin

Application #: SP-2019-1

Attendees: Rachel McMeachin, Diana Arganbright, Buck Hermel, Jerri Moulder, Steven Sudekum

Meeting called to order at 5:45pm

Introductions – No introductions needed. Everyone who attended already knew each other.

Presentation – All attendees were familiar with Rachel's space. Rachel explained general weekly hours and parking space plans which include painting yellow lines in areas to avoid and adding gravel to the side of building so guests can park closer to retaining wall.

Q & A / Comments –

- Attendees stated that they came to show support for the application.
- Steve stated that he was glad Rachel is in the neighborhood to bring Warmth, Life, and Positivity to their Hill. Rachel indicated that one of the couples from her classes actually bought property in the neighborhood.
- Jerri stated she admires what Rachel does and enjoys watching the Art Form. Both her and Buck love having Rachel in the neighborhood.
- Attendees expressed interest in coming to the Commission meeting on the 14<sup>th</sup> to show their support.

Meeting adjourned at 6:05pm.

Minutes taken by: Diana Arganbright – Admin Assistant





Figure 1. Aerial photograph of 556 Lowell Avenue (provided by UG Maps).



**Figure 2. Photograph of Lowell Avenue looking west (provided by the applicant).**





**Figure 3. Photograph of North 6th Street looking north (provided by the applicant).**

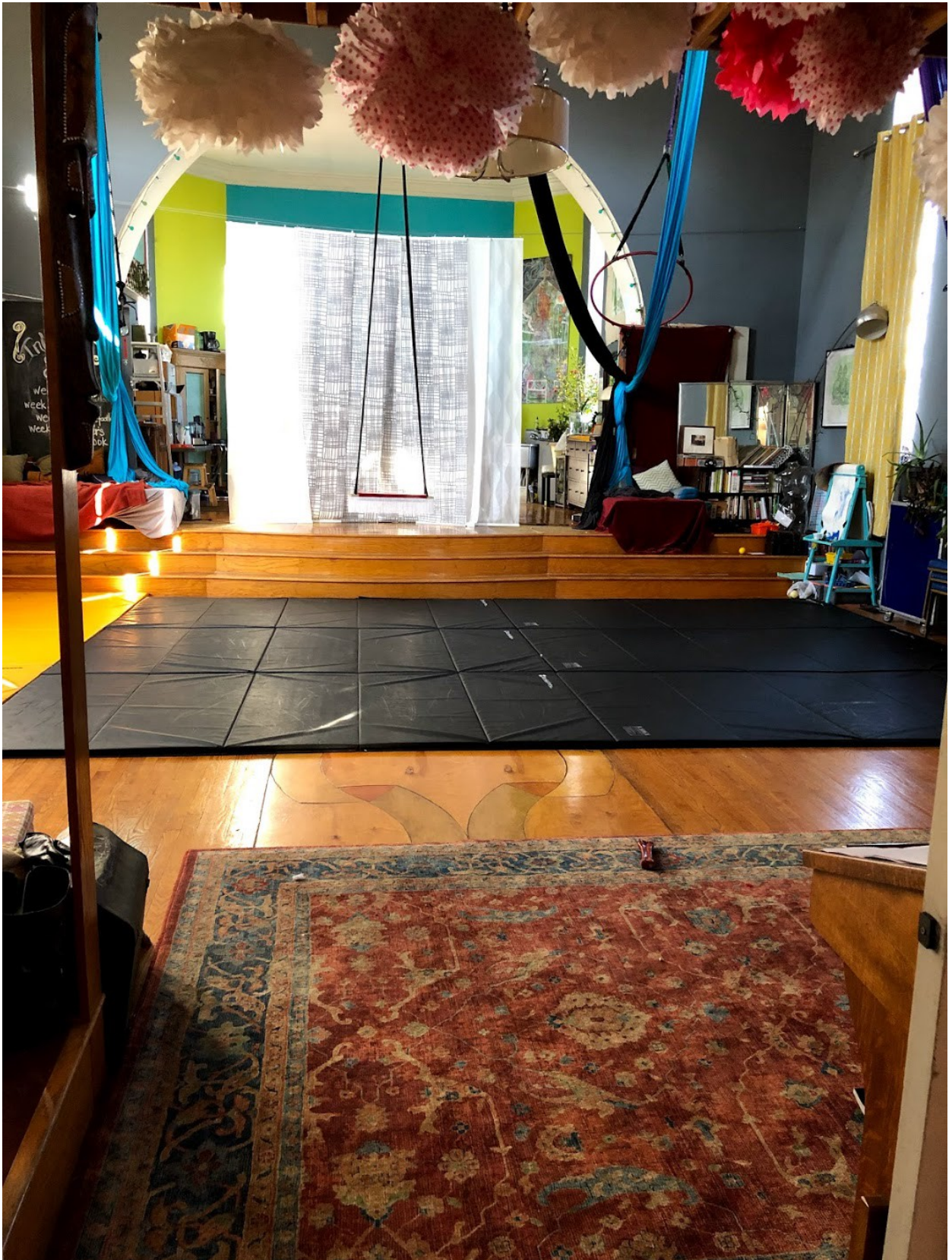


Figure 4. Photograph of the inside of 556 Lowell Avenue (provided by the applicant).





Figure 5. Photograph of the inside of 556 Lowell Avenue (provided by the applicant).



Figure 6. Photograph of the kitchen of 556 Lowell Avenue (provided by the applicant).





Figure 7. Photograph of the inside of 556 Lowell Avenue (provided by the applicant).

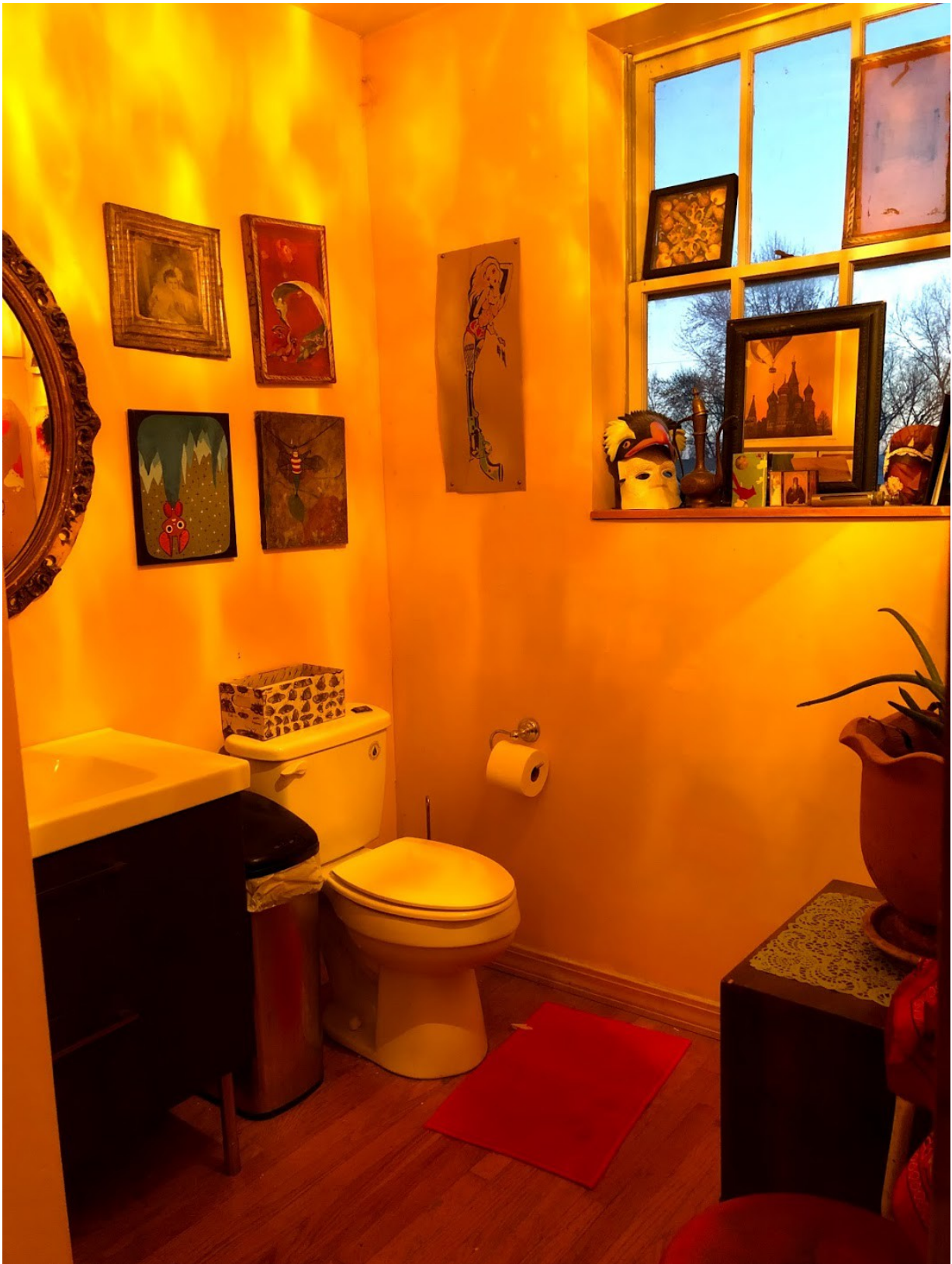


Figure 8. Photograph of the bathroom at 556 Lowell Avenue (provided by the applicant).



# Urban Planning and Land Use

701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)

Phone: (913) 573-5750  
Fax: (913) 573-5796  
[www.wycokck.org/planning](http://www.wycokck.org/planning)

**To:** Unified Government Board of Commissioners

**From:** City Staff

**Date:** February 28, 2019

**Re:** **Petition #SP-2018-4**

## GENERAL INFORMATION

**Applicant:**  
Lance Pierce

**Status of Applicant:**  
Property Owner  
4028 Booth  
Kansas City, KS 66103

**Requested Action:** Special Use Permit

**Date of Application:**  
December 6, 2018

**Purpose:**  
To operate a short-term rental through AirBNB

**Property Location:**  
4028 Booth Street

### Commission Districts:

1. Commissioner At Large: Tom Burroughs
2. District Commissioner: Ann Brandau Murguia



**Existing Zoning:** R-1(B) Single Family District

**Existing Surrounding Zoning:** **North:** R-1(B) Single Family District  
**South:** R-1(B) Single Family District  
**East:** R-1(B) Single Family District  
**West:** R-2 Single Family District

**Existing Uses:** **North:** Single family residential  
**South:** Single family residential  
**East:** Single family residential  
**West:** Duplex properties

**Total Tract Size:** 0.16 acre

**Master Plan Designation:** The Rosedale Master Plan designates the property as Single Family Neighborhood

**Major Street Plan:** Booth Street is designated as a local residential street

**Advertisement:** The Wyandotte Echo – January 17, 2019  
Letters to Property Owner – January 15, 2019 and February 20, 2019

**Public Hearings:** February 11, 2019 and February 28, 2019

**Public Opposition:** No one appeared in opposition at the February 11, 2019 City Planning Commission meeting.

---

## **PROPOSAL**

---

Detailed Outline of Requested Action: The applicant, Lance Pierce, wants to operate a short-term rental AirBNB at 4028 Booth Street. This is not the applicant's primary residence.

City Ordinance Requirements: 27-592 through 27-606

---

## **FACTORS TO BE CONSIDERED**

---

### ***1. The Character of the Neighborhood.***

This area of Rosedale is predominately residential with retail and restaurants nearby.

### ***2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.***

The proposed use of a short-term rental in the existing property would fit with the character of the residential area.

- 3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.***

Removal of the restrictions will not detrimentally affect nearby property.

- 4. *The length of time the property has remained vacant as zoned.***

This property has not been vacant.

- 5. *The degree of conformance of the proposed use to the Master Plan.***

Although this property is within a single family neighborhood according to the Rosedale Master Plan and zoned R-1(B), the property is a legal non-conforming duplex, appearing as 4028 and 4028 ½ in the 1991 City Directory and as appraised in 2004. The property owner proposes to have both units as separate rentals.

- 6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.***

The proposed use is not expected to increase vehicular traffic to that point.

- 7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.***

This is not expected to be an issue. The exterior of the property will not change to the point of affecting the quality or marketability of adjoining property. The experienced property owner currently operates twenty AirBNB properties in Kansas City, Missouri and is a verified Super Host on the site with over 3,000 guest reviews. He has been on AirBNB since 2012.

- 8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.***

This is not expected to be an issue.

- 9. *Whether the proposed use will pollute the air, land or water.***

This is not expected to be an issue.

- 10. *Whether the use would damage or destroy an irreplaceable natural resource.***

This is not expected to be an issue.

**11. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.**

The relative gain or loss to the public health, safety, and welfare is likely to be minimal. If denied, the applicant would not be able to use the property for AIRBNB but could potentially use it for long-term rentals.

**12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.**

This is not expected to be an issue.

---

## **PREVIOUS ACTIONS**

---

None to date

---

## **NEIGHBORHOOD MEETING**

---

The applicant held a meeting on January 27, 2019. There was one attendee who was supportive of the rehab and anticipated use of the property and she felt it would be a positive addition to the neighborhood. Meeting minutes, sign-in sheet, and affidavit are attached to this report.

---

## **KEY ISSUES**

---

Compliance with stipulations below.

---

## **PLANNING COMMISSION RECOMMENDATION**

---

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-4, subject to:

**Urban Planning and Land Use Comments:**

**1. How long has the business been in operation?**

**Applicant Response:** Karat Investment Group has been in existence since 1/27/2016.

**2. Were neighbors consulted prior to opening the business?**

**Applicant Response:** Yes, a meeting with the neighbors was held on 1/27/2019

**3. Do you have a business license?**

**Applicant Response:** Karat Investment Group is licensed in the state of Missouri, however a business license with the Unified Government of Wyandotte County will be acquired prior to operation.

- 4. Have you paid appropriate lodging taxes?**  
**Applicant Response: Yes**
- 5. How many rooms are rented?**  
**Applicant Response: There are four bedrooms that may be rented.**
- 6. What is the maximum number of people that will be staying at any one time?**  
**Applicant Response: 12**
- 7. What is the maximum number of vehicles & where will they park?**  
**Applicant Response: 4 cars may park off street in the driveway.**
- 8. How often are guests in the residence?**  
**Applicant Response: That will totally depend upon the market, however the rooms will be available at all times for rent.**
- 9. Do you have a rental license from the Unified Government for the facility?**  
**Applicant Response: All appropriate licenses will be obtained prior to operation.**
- 10. Describe in detail the area(s) rented for Airbnb/other rental operations.**  
**Include bed rooms, bathrooms common areas etc.**  
**Applicant Response: There are two units on the property. Each unit consist of a fully furnished living room including television, dining room, kitchen, two bedrooms and a bathroom with combination bath/shower and double vanity.**
- 11. As this is not your primary residence, where are you located?**  
**Applicant Response: My primary residence is located in Kansas City, Missouri near KU Medical Center.**
- 12. How often do you visit the property?**  
**Applicant Response: The property will be visited several times a week.**
- 13. Who is responsible for issues that may arise when guests are in the unit, if neighbors have concerns, or to clean and prepare the house between guests?**  
**Applicant Response: Karat Investment Group has full-time staff that provide guest and neighbors with 24 hour service for any issues that may arise. Additionally, there is staff dedicated to cleaning properties in-between guest.**
- 14. Have you provided your surrounding neighbors with your contact information should they have concerns?**  
**Applicant Response: Yes**
- 15. Describe how you will maintain a safe environment including:**
  - a. Working smoke detectors in each bedroom plus each level of the unit/house**
  - b. GFCI outlets are required in bathrooms.**



- c. Double keyed locks are not allowed
- d. Copper cannot be used for gas supply lines
- e. Windows must be operable, not blocked or boarded
- f. Handrails are required at sets of 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

Applicant Response: Maintaining a safe environment is of utmost importance and all of the above mentioned safety features will be in the home for all guest.

16. The property owner proposes to have both units as separate rentals. In order for the property to remain as a legal non-conforming unit, the owner must have a valid rental license for both units.

17. Any approval would be for one (1) year.

#### **Public Works Comments:**

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
  - 1) None.
- B) Items that are conditions of approval (stipulations):
  - 1) Vehicles shall not be parked on the sidewalk or use part of the right-of-way for parking.
  - 2) Applicant should be aware that on-street parking is restricted on Booth Street.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
  - 1) None

#### **Stipulations of Approval:**

- 1. Host will maintain a safe environment described above.
- 2. Host will obtain a business license with the City.
- 3. Approval will be for one (1) year.

---

### **STAFF COMMENTS AND SUGGESTIONS**

---

The staff concurs with the recommendation of the City Planning Commission.

---

### **STAFF RECOMMENDATION**

---

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2018-4 subject to all comments and suggestions outlined in this staff report.

---

## ATTACHMENTS

---

February 11, 2019 City Planning Commission Minutes  
Aerial Map  
Zoning Map  
Pictures of property  
Floor plan  
Neighborhood Meeting Information

---

## REVIEW OF INFORMATION AND SCHEDULE

---

| Action         | Planning Commission | Unified Government Commission |
|----------------|---------------------|-------------------------------|
| Public Hearing | February 11, 2019   | February 28, 2019             |
| Special Use    | Approval            |                               |

---

**STAFF CONTACT:**        **Hannah Kroll**  
                                     [hkroll@wycokck.org](mailto:hkroll@wycokck.org)

---

---

## MOTIONS

---

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2018-4** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

## OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2018-4**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

## **February 11, 2019 City Planning Commission Minutes:**

### **Hearing Starts At 2:50:10:**

#### **SPECIAL USE PERMIT APPLICATION #SP-2019-4 – LANCE PIERCE – SYNOPSIS:**

Special Use Permit for a short-term rental/AIRBNB at 4028 Booth Street. **Detailed Outline of Requested Action:** The applicant, Lance Pierce, wants to operate a short-term rental AirBNB at 4028 Booth Street. This is not the applicant's primary residence.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 11, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated January 17, 2019; and
7. The Notices to property owners dated January 15, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

### **Present in Support:**

- ❖ Lance Pierce, applicant, 4028 Booth Street, Kansas City, Kansas 66103

### **Present in Opposition:**

- ❖ No one appeared

**Staff Recommendation starts at 2:52:57:** Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

### **Motion and Vote Starts at 2:53:35:**

On motion by Ms. Pauley, seconded by Ms. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2019-4:**

|                 |                 |
|-----------------|-----------------|
| <b>Carson</b>   | <b>Chairman</b> |
| <b>Connelly</b> | <b>Aye</b>      |
| <b>Ernst</b>    | <b>Aye</b>      |
| <b>Huey</b>     | <b>Aye</b>      |
| <b>Jones</b>    | <b>Aye</b>      |
| <b>Miller</b>   | <b>Aye</b>      |
| <b>Neal</b>     | <b>Aye</b>      |
| <b>Pauley</b>   | <b>Aye</b>      |
| <b>Reasons</b>  | <b>Aye</b>      |
| <b>Serda</b>    | <b>Aye</b>      |

**Motion to recommend APPROVAL Passed: 9 to 0**

**Subject to:**

**Urban Planning and Land Use Comments:**

- 1. How long has the business been in operation?**  
**Applicant Response:** Karat Investment Group has been in existence since 1/27/2016.
- 2. Were neighbors consulted prior to opening the business?**  
**Applicant Response:** Yes, a meeting with the neighbors was held on 1/27/2019
- 3. Do you have a business license?**  
**Applicant Response:** Karat Investment Group is licensed in the state of Missouri, however a business license with the Unified Government of Wyandotte County will be acquired prior to operation.
- 4. Have you paid appropriate lodging taxes?**  
**Applicant Response:** Yes
- 5. How many rooms are rented?**  
**Applicant Response:** There are four bedrooms that may be rented.
- 6. What is the maximum number of people that will be staying at any one time?**  
**Applicant Response:** 12
- 7. What is the maximum number of vehicles & where will they park?**  
**Applicant Response:** 4 cars may park off street in the driveway.
- 8. How often are guests in the residence?**  
**Applicant Response:** That will totally depend upon the market, however the rooms will be available at all times for rent.
- 9. Do you have a rental license from the Unified Government for the facility?**  
**Applicant Response:** All appropriate licenses will be obtained prior to operation.
- 10. Describe in detail the area(s) rented for Airbnb/other rental operations. Include bed rooms, bathrooms common areas etc.**  
**Applicant Response:** There are two units on the property. Each unit consist of a fully furnished living room including television, dining room, kitchen, two bedrooms and a bathroom with combination bath/shower and double vanity.
- 11. As this is not your primary residence, where are you located?**  
**Applicant Response:** My primary residence is located in Kansas City, Missouri near KU Medical Center.
- 12. How often do you visit the property?**

**Applicant Response: The property will be visited several times a week.**

**13. Who is responsible for issues that may arise when guests are in the unit, if neighbors have concerns, or to clean and prepare the house between guests?**

**Applicant Response: Karat Investment Group has full-time staff that provide guest and neighbors with 24 hour service for any issues that may arise. Additionally, there is staff dedicated to cleaning properties in-between guest.**

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

**Applicant Response: Yes**

**15. Describe how you will maintain a safe environment including:**

- a. Working smoke detectors in each bedroom plus each level of the unit/house
- b. GFCI outlets are required in bathrooms.
- c. Double keyed locks are not allowed
- d. Copper cannot be used for gas supply lines
- e. Windows must be operable, not blocked or boarded
- f. Handrails are required at sets of 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

**Applicant Response: Maintaining a safe environment is of utmost importance and all of the above mentioned safety features will be in the home for all guest.**

**16. The property owner proposes to have both units as separate rentals. In order for the property to remain as a legal non-conforming unit, the owner must have a valid rental license for both units.**

**17. Any approval would be for one (1) year.**

**Public Works Comments:**

**A) Items that require plan revision or additional documentation before engineering can recommend approval:**

**1) None.**

**B) Items that are conditions of approval (stipulations):**

**1) Vehicles shall not be parked on the sidewalk or use part of the right-of-way for parking.**

**2) Applicant should be aware that on-street parking is restricted on Booth Street.**

**C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:**

**1) None**



**Stipulations of Approval:**

1. Host will maintain a safe environment described above.
2. Host will obtain a business license with the City.
3. Approval will be for one (1) year.







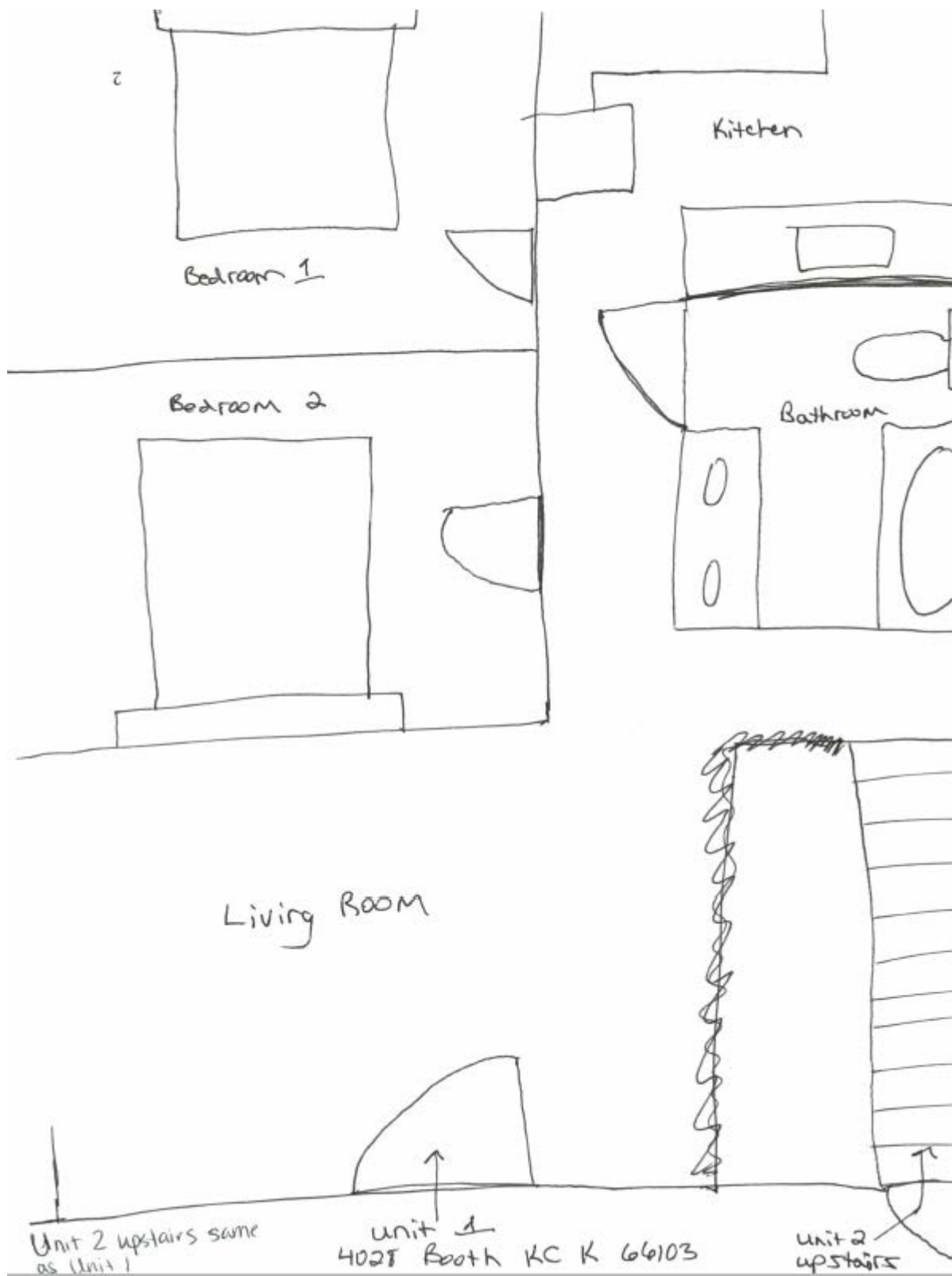












**Neighborhood Meeting Minutes**  
**4028 Booth Street, Kansas City, KS 66103**

Application Number: #SP-18402-00083

Date: January 27, 2019

Location: 4215 Rainbow Blvd

Meeting called to order at: 6:00PM

Names of people in attendance: Lance Pierce, Handy Dunn, Joy McCann

**Introductions:**

Applicant Lance Pierce provided information regarding his application for a special use permit for a short term rental/AirBNB at the above listed address and introduced Mr. Dunn who was taking notes for the meeting.

Mr. Pierce discussed the significant remodel that was done on the property to prepare it for use as an AirBNB including showing before and after photographs. Furthermore, Mr. Pierce stated there are two units they may be rented out as short term rentals. Mr. Pierce then opened up for questions.

Ms. McCann, who stated she was very familiar with AirBNB asked about ownership and management of the property. Mr. Pierce answered her question by letting her know his company both owns and will manage the property and has full time staff that will maintain and clean the property between bookings.

Ms. McCann also asked what is the expected occupancy of the property and how often it may be rented. Mr. Pierce answered by stating that each unit has two bedrooms and a sofa in the living room that could be slept on. As it relates to how often it may be rented, it will all depend on demand and is hard to really say, but as a business it would be great if it was every day.

Ms. McCann stated she was happy to see the property rehabbed and saw its use as an AirBNB as a positive to the neighborhood and she was supportive of the application.

**Meeting adjourned at: 6:35PM**

Minutes taken by: Randy Dunn; Dean & Dunn, LLC

# Neighborhood Meeting/4028 Booth Street

| 1.  | Name       | Address    | Phone        | Email |
|-----|------------|------------|--------------|-------|
| 2.  | Joy McCann | 4012 Booth | 913-787-6658 |       |
| 3.  |            |            |              |       |
| 4.  |            |            |              |       |
| 5.  |            |            |              |       |
| 6.  |            |            |              |       |
| 7.  |            |            |              |       |
| 8.  |            |            |              |       |
| 9.  |            |            |              |       |
| 10. |            |            |              |       |
| 11. |            |            |              |       |
| 12. |            |            |              |       |
| 13. |            |            |              |       |
| 14. |            |            |              |       |
| 15. |            |            |              |       |
| 16. |            |            |              |       |
| 17. |            |            |              |       |
| 18. |            |            |              |       |
| 19. |            |            |              |       |
| 20. |            |            |              |       |
| 21. |            |            |              |       |
| 22. |            |            |              |       |
| 23. |            |            |              |       |



**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF KANSAS                     )  
                                                  ) SS:  
COUNTY OF WYANDOTTE         )

Comes now Lance Pierce, of lawful age, sound mind and upon his/her oath states as follows:

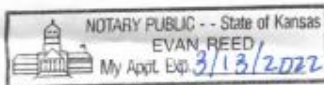
1. That I am the petitioner for Petition #SP-18402-00083.
2. That I conducted a neighborhood meeting on January, 27, 2019.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

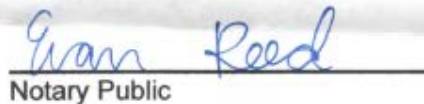
Further affiant saith not.

  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28 day of January, 2019.

My commission expires 13 of March, 2012.



  
Notary Public



## Urban Planning and Land Use

701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)

Phone: (913) 573-5750  
Fax: (913) 573-5796  
[www.wycokck.org/planning](http://www.wycokck.org/planning)

**To:** Unified Government Board of Commissioners  
**From:** City Staff  
**Date:** February 28, 2019  
**Re:** Petition #SP-2019-5

---

### GENERAL INFORMATION

---

**Applicant:**  
William K. Harris

**Status of Applicant:**  
Property Owner  
8819 Lowell Avenue  
Kansas City, Kansas

**Requested Action:**  
Approve Special Use Permit  
(Renewal)

**Date of Application:**  
12/10/2018

**Purpose:**  
To continue operations of a  
trucking business

**Property Location:**  
8819 Lowell Ave

**Existing Zoning:**  
R-1 Single Family District



**Existing Surrounding Zoning:** **North:** AG Agricultural District  
**South:** AG Agricultural District  
**East:** R-1 Single Family District  
**West:** AG Agricultural District

**Existing Uses:** **North:** Large lot single family residence  
**South:** Open field, heavily wooded  
**East:** Large lot single family residence  
**West:** Large lot single family residence

**Total Tract Size:** 2.45 acres

**Master Plan Designation:** The City-Wide Master Plan designates this property as low-density residential

**Major Street Plan:** The City-Wide Master Plan classifies Lowell avenue as a local road

**Advertisement:** The Wyandotte Echo – January 17, 2019  
Letters to Property Owner – January 17, 2019 and February 20, 2019

**Public Hearings:** February 11, 2019 and February 28, 2019

**Public Opposition:** No one appeared in opposition at the February 11, 2019 City Planning Commission meeting.

---

## **PROPOSAL**

---

*Detailed Outline of Requested Action:* The applicant, William Harris, is requesting the renewal of their special use permit (#SP-2016-77) to continue to park company equipment on the property in conjunction with operating a truck business

*City Ordinance Requirements:* 27-592 through 27-606

---

## **FACTORS TO BE CONSIDERED**

---

### ***1. The Character of the Neighborhood.***

The neighborhood is residential in nature, even though the majority of properties are zoned agricultural. The lots surrounding the applicant's property are large and the residences are set back into the properties off Lowell Avenue.

### ***2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.***

The zoning and their uses are set out above.

**3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.***

The removal of the restrictions should not detrimentally affect nearby property if stipulations are given and conditions are adhered to

**4. *The length of time the property has remained vacant as zoned.***

The property is not vacant

**5. *The degree of conformance of the proposed use to the Master Plan.***

Special Use Permits are not addressed in the Master Plan

**6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.***

Large trucks and equipment typically have larger turning radiuses and may need to take wider turns which will take longer than usual to execute. This could create more traffic than typical on Lowell avenue, but it'd only be for these periods where wide turns were necessary.

**7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.***

The proposed use is not reasonably necessary for the convenience and welfare of the public. If stipulations are not followed, the visual quality and marketability of adjoining property may be substantially reduced.

**8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.***

The proposed use of a trucking business will create more noise during times of operation. Depending on duration of trucks being run, this could be problematic to nearby property owners. However, the nearby properties are quite large, with most homes set further back, so the extra noise and illumination may be minimum.

**9. *Whether the proposed use will pollute the air, land or water.***

If the large vehicles continue to be stored on a proper surface and are properly maintained, there should be no pollution to the air, land, or water.

**10. Whether the use would damage or destroy an irreplaceable natural resource.**

The proposed use would not damage or destroy an irreplaceable natural resource.

**11. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.**

The relative gain to the public health, safety, and welfare is minimal. The hardship would be that the applicant would need to find an industrial zoned property for their current operation.

**12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.**

This is not an issue

---

**PREVIOUS ACTIONS**

---

Approval of #SP-2008-29, #SP-2010-23, #SP-2012-27, #SP-2014-42, and #SP-2017-77 for two years to the operate a truck business at applicants' residence.

---

**NEIGHBORHOOD MEETING**

---

The applicant held a neighborhood meeting on January 24, 2019. The meeting minutes, sign in sheet, and affidavit are attached below.

---

**KEY ISSUES**

---

None

---

**PLANNING COMMISSION RECOMMENDATION**

---

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-5, subject to:

**Urban Planning and Land Use Comments:**

1. If approved, Special Use Permit is valid for a period of two (2) years
2. Do you plan on making any changes to your current hours of operation?

Response: The hours of operation are:

Monday through Friday – 6:00 am to 6:00 pm

Saturday – 6:00 am to 12:00 pm

Sunday - Closed



3. In your application for your special use permit in 2014, you stated that you planned on working for another five (5) years and then retiring. Do you plan on still adhering to this timeline, or do you anticipate continuing this operation for a longer period?

Response: We would like to work for five more years at least.

4. As an approved stipulation from your past special use permits, please submit maintenance receipts for your equipment from the past two (2) years.

Response: Please see attached

#### **Public Works Comments:**

- A) Items that require plan revision or additional documentation before engineering can recommend approval:  
1) None.
- B) Items that are conditions of approval (stipulations):  
1) None.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:  
1) None.

---

### **STAFF COMMENTS AND SUGGESTIONS**

---

The staff concurs with the recommendation of the City Planning Commission.

---

### **STAFF RECOMMENDATION**

---

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2019-5 subject to all comments and suggestions outlined in this staff report.

---

### **ATTACHMENTS**

---

February 11, 2019 City Planning Commission Minutes  
Aerial Image  
Zoning Map  
Letters  
Neighborhood Meeting  
Maintenance Records

---

## REVIEW OF INFORMATION AND SCHEDULE

---

|                |                     |                               |
|----------------|---------------------|-------------------------------|
| Action         | Planning Commission | Unified Government Commission |
| Public Hearing | February 11, 2019   | February 28, 2019             |
| Special Use    | Approval            |                               |

---

**STAFF CONTACT:**            Alex Hufft  
                                         [AHufft@wycokck.org](mailto:AHufft@wycokck.org)

---

## MOTIONS

---

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-5** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

## OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-5**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

### February 11, 2019 City Planning Commission Minutes:

**SPECIAL USE PERMIT APPLICATION #SP-2019-5 – WILLIAM HARRIS SR. WITH HARRIS TRUCKING – SYNOPSIS:** Renewal of a Special Use Permit (#SP-2016-77 – expired 10/27/2018) for the Temporary Use of Land for a trucking business at 8819 Lowell Avenue. **Detailed Outline of Requested Action:** The applicant, William Harris, is requesting the renewal of their special use permit (#SP-2016-77) to continue to park company equipment on the property in conjunction with operating a truck business at 8819 Lowell Avenue.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items?" (Planning Commissioner Serda recused himself from the Consent Agenda due to a conflict with the two Boulevard Lofts applications.)

"Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 11, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notice in The Echo for the special use permits; and
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone comes forward and asks that an item be removed from the Consent Agenda."

Chairman Carson asked if anyone wished to remove an item from the Consent Agenda. Planning Commissioner Connelly asked that Special Use Permit #SP-2019-6 be removed from the Consent Agenda.

On motion by Ms. Huey, seconded by Mr. Miller, the Planning Commission voted as follows to **APPROVE the remaining items on the Consent Agenda:**

|                                         |                    |
|-----------------------------------------|--------------------|
| <b>Carson</b>                           | <b>Chairman</b>    |
| <b>Connelly</b>                         | <b>Aye</b>         |
| <b>Ernst</b>                            | <b>Aye</b>         |
| <b>Huey</b>                             | <b>Aye</b>         |
| <b>Jones</b>                            | <b>Aye</b>         |
| <b>Miller</b>                           | <b>Aye</b>         |
| <b>Neal</b>                             | <b>Aye</b>         |
| <b>Pauley</b>                           | <b>Aye</b>         |
| <b>Reasons</b>                          | <b>Aye</b>         |
| <b>Serda</b>                            | <b>Not Present</b> |
| <b>Motion to APPROVE Passed: 8 to 0</b> |                    |
| <b>Subject to:</b>                      |                    |

**Urban Planning and Land Use Comments:**

1. If approved, Special Use Permit is valid for a period of two (2) years
2. Do you plan on making any changes to your current hours of operation?

**Response: The hours of operation are:**

**Monday through Friday – 6:00 am to 6:00 pm**  
**Saturday – 6:00 am to 12:00 pm**  
**Sunday - Closed**

3. In your application for your special use permit in 2014, you stated that you planned on working for another five (5) years and then retiring. Do you plan on still adhering to this timeline, or do you anticipate continuing this operation for a longer period?

**Response: We would like to work for five more years at least.**

4. As an approved stipulation from your past special use permits, please submit maintenance receipts for your equipment from the past two (2) years.

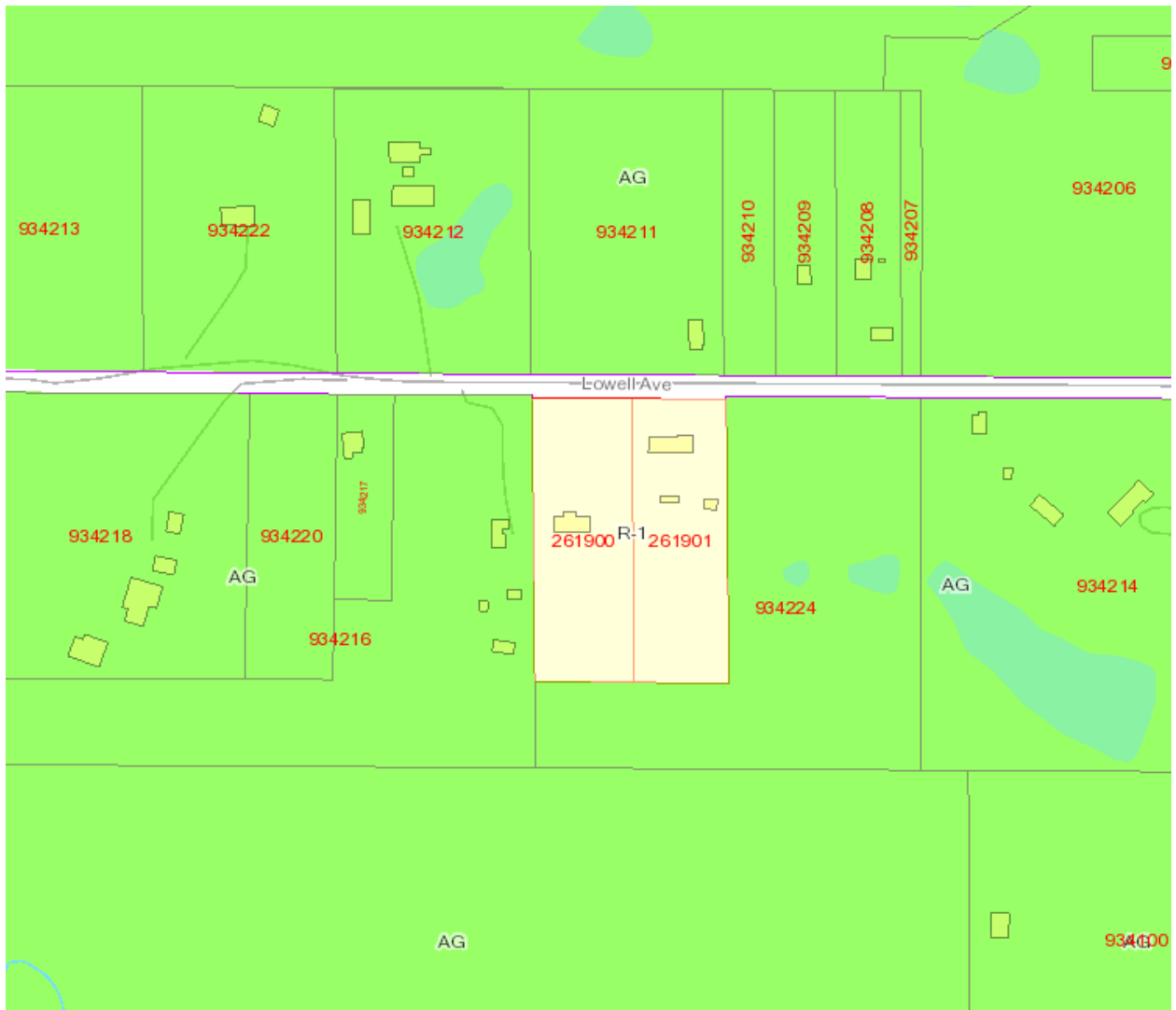
Response: Please see attached

**Public Works Comments:**

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
  - 1) None.
- B) Items that are conditions of approval (stipulations):
  - 1) None.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
  - 1) None.









## HARRIS TRUCKING & DEMOLITION



8819 Lowell Ave. Edwardsville, Kansas 66111  
Fax: 913-766-1010 \*Cell 913-485-7091 E-Mail williharris9@aol.com

PLAN / Concerning: Urban Planning and Land Use

Date: December 5, 2018

Harris Trucking & Demolition/ Excavating is requesting to renew special use permit to park on the above mention property.

My plan is to park in the back, right -hand corner of our lot, on gravel.

The equipment is one dump Truck and one Tractor and two trailers a Bob Cat that is park here. The other equipment is normally taking for job to job.

The summer season is when we do most of our work.

Hours of operation:

Monday through Friday - 6:00AM to 6:00PM

Saturday - 6:00AM to 2:00PM

Sunday - Closed



## HARRIS TRUCKING & DEMOLITION



8819 Lowell Ave. Edwardsville, Kansas 66111

Fax: 913-766-1010 \*Cell 913-485-7091

E-Mail [williharris9@aol.com](mailto:williharris9@aol.com)

Urban Planning and Land Use Department  
701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101

Date: December 5, 2018

Dear Planning Team,

Harris Trucking is requesting permission not to relocate our business. This area is more suitable for our needs. We feel our equipment is in a safe place, we do have space to park on our property, and we have downsized our operation. We would like to remain in this area with our small business. Therefore, we are asking for a special use permit to continue running our business at this location.

We have communicated with our neighbors and they have no problems with us coming in and out of the neighborhood with our equipment. Our family depend on the existence of Harris Trucking. We believe that we are still an asset to the community. In respect of our need, Please consider our request.

William Harris Sr. and Family



## HARRIS TRUCKING & DEMOLITION

8819 Lowell Ave. Kansas City, Kansas 66111



Phone / Fax :913-370-7899 / Cell 913-485-7091

E-mail [williharris9@aol.com](mailto:williharris9@aol.com)

Date:1-28-19

Application #

At: 8819 Lowell Avenue

Kansas City, Kansas 66104

### **Special Permit**

To the Urban Planning Committee,

We have spoken to and sent out letters to our neighbors concerning the Special Use Permit, (#SP2019-5) for parking our equipment behind our home.

The following neighbors are Joyce Foreman, Gary Hammer, Mrs. Johnson Calvin Davis.

They stated that they did not have a problem with us going and coming in and out of the neighborhood with our trucks and with our parking them in the back.

Thank you,

William Harris Sr.



## HARRIS TRUCKING & DEMOLITION

8819 Lowell Ave. Kansas City, Kansas 66111

Cell 913-485-7091

E-mail [willharris@aol.com](mailto:willharris@aol.com)



### **Neighbors Meeting**

Date: January 24, 2019

Location:

8819 Lowell, Avenue

Kansas City, Kansas 66111

Greeting Neighbors,

We trust that all is well with you and your family. It is time for us to file for our Renewal of a Special Use Permit, (#SP-2019-5) for our trucking business, in order to continue to park our equipment on our property.

We are informing you of the city's requirements and asking you to sign below if you have no problems or concerns with us parking our trucks on our property.

Thanks for your support,

William and Darlene Harris

X Jaye L. Foreman

X Long Horn

X Emmitt Jacob

X Robert Horn





## HARRIS TRUCKING & DEMOLITION



8819 Lowell Ave. Kansas City, Kansas 66111

Phone / Fax :913-370-7899 / Cell 913-485-7091

E-mail [willharris9@aol.com](mailto:willharris9@aol.com)

Date: January 28, 2019

Application Number SP2019 – 5

At: 8819 Lowell Avenue KCKs 66111

The Urban Planning Committee this is a list of equipment I own for the business.

2005 Kenworth Truck No. 5-2

2000 Bob Cat

1997 Kenworth Truck No.6

1976 Summit TRL.

1994 Cat Excavator

The hours of operation are: Monday through Friday - 6:00a.m. to 6:00p.m.

Saturday - 6:00a.m. to noon

Sunday – Closed

We would like to work for five more years at least. To answer the question concerning turning into the neighborhood the trailer does not go out every day. Since we live on a deadend street there is not a lot of traffic.



E-mail: [julian@nsf.gov](mailto:julian@nsf.gov)

MAKE Sumit YEAR 1976 MODEL TRL. SERIAL NO. 043033 UNIT NO. \_\_\_\_\_

[illegible]





# HARRIS TRUCKING & DEMOLITION

8819 Lowell Ave. Kansas City, Kansas 66111

Phone- 913-485-7091

E-mail [info@harris-trucking.com](mailto:info@harris-trucking.com)



## INSPECTION AND MAINTENANCE RECORD 2018

MAKE Cat YEAR 1994 MODEL 315 SERIAL NO. 6Ym00 UNIT NO. 279

| None   |                  |      |                      |                          |           |        |
|--------|------------------|------|----------------------|--------------------------|-----------|--------|
| DATE   | <del>TIRES</del> | LUBE | OIL                  | REPAIR                   | INVOICE # | COST   |
| 1-18   | N/A              | —    | —                    | —                        | —         | —      |
| 2-5-18 | N/A              | OK   | OK                   | Change Grease Fitting    | —         | 3.00   |
| 3-2-18 | N/A              | OK   | OK                   | —                        | —         | —      |
| 4-4-18 | "                | OK   | Change oil & Filters | —                        | —         | 168.00 |
| 4-26   | N/A              | —    | —                    | Change Hose              | —         | 100.00 |
| 5-8    | N/A              | OK   | OK                   | —                        | —         | —      |
| 6-1    | N/A              | OK   | OK                   | —                        | —         | —      |
| 6-8    | "                | OK   | OK                   | Change Air Filter        | —         | 98.00  |
| 7-11   | N/A              | OK   | OK                   | —                        | —         | —      |
| 8-1-18 | N/A              | OK   | OK                   | —                        | —         | —      |
| 9-3    | N/A              | OK   | Add 1 gal            | —                        | —         | —      |
| 10-1   | N/A              | —    | —                    | —                        | —         | —      |
| 10-6   | "                | OK   | OK                   | Change Fuel Filter       | —         | 34.00  |
| 10-27  | N/A              | OK   | OK                   | Change 5/8 bolts on beam | —         | —      |
| 11-1   | N/A              | OK   | OK                   | —                        | —         | —      |
| 12-2   | N/A              | OK   | OK                   | —                        | —         | —      |
|        |                  |      |                      |                          |           |        |
|        |                  |      |                      |                          |           |        |
|        |                  |      |                      |                          |           |        |
|        |                  |      |                      |                          |           |        |
|        |                  |      |                      |                          |           |        |
|        |                  |      |                      |                          |           |        |







## HARRIS TRUCKING &amp; DEMOLITION

8819 Lowell Ave. Kansas City, Kansas 66111

Phone- 913-485-7091

E-mail [willharris@harris.com](mailto:willharris@harris.com)INSPECTION AND MAINTENANCE RECORD 20 18MAKE: Kenworth YEAR: 1997 MODEL: T-800 SERIAL NO. 739130 UNIT NO. 6

|         | DATE     | TIRES   | LUBE | OIL    | REPAIR             | INVOICE #  | COST               |
|---------|----------|---------|------|--------|--------------------|------------|--------------------|
| VO WORK | 1-18     | —       | —    | —      | —                  | —          | —                  |
|         | 2-18     | —       | —    | —      | —                  | —          | —                  |
|         | 3-1-18   | OK      | OK   | Change | Filter's           |            | 296. <sup>00</sup> |
|         | 3-8-18   | OK      | —    | OK     | Truck-wash         | Truck-wash | 41. <sup>00</sup>  |
| JO WORK | 4-3-18   | —       | —    | —      | —                  | —          | —                  |
|         | 5-1-18   | —       | —    | —      | —                  | —          | —                  |
|         | 6-4      | OK      | OK   | OK     | Repair Tail lights |            |                    |
|         | 7-8-18   | OK      | —    | OK     | —                  | —          | —                  |
|         | 8-1-18   | OK      | OK   | OK     | Change line        |            | 21.48              |
|         | 8-21     | Add-Air | —    | OK     | —                  | —          | —                  |
|         | 9-2-18   | OK      | —    | OK     | —                  | —          | —                  |
|         | 9-18-18  | —       | —    | OK     | Change Quick-Valve | 0130929712 | 79. <sup>25</sup>  |
|         | 9-19-18  | —       | —    | —      | line Air           |            | 34.99              |
|         | 9-28-18  | OK      | —    | OK     | Brake hose         |            | 74. <sup>13</sup>  |
|         | 10-1-18  | OK      | OK   | OK     | —                  | —          | —                  |
|         | 10-15-18 | OK      | —    | OK     | Change Air Filters |            | 60. <sup>32</sup>  |
|         | 11-8-18  | —       | —    | —      | —                  | —          | —                  |
|         | 11-23    | OK      | OK   | OK     | Air line Repair    |            | 104. <sup>04</sup> |
|         | 12-4     | OK      | —    | OK     | —                  | —          | —                  |
|         |          |         |      |        |                    |            |                    |
|         |          |         |      |        |                    |            |                    |
|         |          |         |      |        |                    |            |                    |



# HARRIS TRUCKING & DEMOLITION

8819 Lowell Ave. Kansas City, Kansas 66111

Phone / Fax :913-370-7899 / Cell 913-485-7091

E-mail [willharris9@aol.com](mailto:willharris9@aol.com)



## INSPECTION AND MAINTENANCE RECORD 2017

MAKE KW YEAR 1997 MODEL T-800 SERIAL NO. 739130 UNIT NO. 6

|           | DATE    | TIRES | LUBE | OIL    | REPAIR         | INVOICE # | COST   |
|-----------|---------|-------|------|--------|----------------|-----------|--------|
|           | 1-17-17 | OK    | OK   | OK     | Power-Steering | 82443584  | 301.50 |
| 3-Work    | 2-1-17  | —     | —    | —      | —              | —         | —      |
|           | 2-24-17 | OK    | OK   | OK     | Hose & Fitting | 1462823   | 115.00 |
|           | 3-4-17  | OK    | OK   | Add-1  | —              | —         | —      |
|           | 3-28-17 | OK    | —    | —      | Slack-Adj.     | 83864668  | 58.56  |
|           | 4-1-17  | OK    | OK   | OK     | —              | —         | —      |
|           | 4-18-17 | OK    | —    | OK     | —              | —         | —      |
|           | 5-4-17  | OK    | OK   | OK     | —              | —         | —      |
|           | 5-20-17 | —     | OK   | Change | Filter's oil   | —         | 289.00 |
|           | 6-2-17  | OK    | OK   | OK     | —              | —         | —      |
|           | 7-8-17  | OK    | OK   | OK     | —              | —         | —      |
|           | 8-1-17  | OK    | OK   | OK     | —              | —         | —      |
|           | 8-12-17 | —     | —    | —      | Slack Adj.     | 14948884  | 419.58 |
|           | 9-5-17  | OK    | OK   | OK     | —              | —         | —      |
|           | 10-3-17 | —     | —    | —      | Brake line     | 574336    | 23.96  |
|           | 10-6-17 | OK    | OK   | OK     | —              | —         | —      |
| 30 work   | 11-1-17 | —     | —    | —      | —              | —         | —      |
| 10 work/c | 12-1-17 | —     | —    | —      | —              | —         | —      |
|           |         |       |      |        |                |           |        |
|           |         |       |      |        |                |           |        |
|           |         |       |      |        |                |           |        |
|           |         |       |      |        |                |           |        |





# HARRIS TRUCKING & DEMOLITION

8819 Lowell Ave. Kansas City, Kansas 66111

Phone / Fax :913-370-7899 / Cell 913-485-7091

E-mail [jharris@aol.com](mailto:jharris@aol.com)



## INSPECTION AND MAINTENANCE RECORD 2018

MAKE KW YEAR 2005 MODEL T-800 SERIAL NO. 106810 UNIT NO. 5-2

| DATE     | TIRES   | LUBE | OIL                       | REPAIR          | INVOICE # | COST   |
|----------|---------|------|---------------------------|-----------------|-----------|--------|
| 1-16-18  | OK      | OK   | OK                        | New Tarp        |           | 124.89 |
| 1-24-18  | OK      | —    | OK                        | Air Control Kit |           | 350.00 |
| 2-1-18   | OK      | OK   | OK                        | —               | —         | —      |
| 2-23-18  | OK      | —    | —                         | Air Bag         |           | 142.77 |
| 3-2-18   | OK      | —    | OK                        | oil Change      |           | 157.00 |
| 4-6-18   | OK      | OK   | OK                        | —               | —         | —      |
| 4-27-18  | OK      | —    | —                         | Valve           |           | 146.00 |
| 5-3-18   | Add Air | OK   | OK                        | —               | —         | —      |
| 6-1-18   | OK      | —    | OK                        | —               | —         | —      |
| 7-6-18   | OK      | OK   | Add                       | —               | —         | —      |
| 8-4-18   | OK      | OK   | OK                        | —               | —         | —      |
| 9-1-18   | OK      | —    | OK                        | —               | —         | —      |
| 10-6     | Add Air | —    | OK                        | —               | —         | —      |
| 10-26    | OK      | —    | OK                        | Change Air bag  |           | 101.87 |
| 11-1     | OK      | —    | OK                        | —               | —         | —      |
| 11-13-18 | OK      | OK   | Add 1 gal. Hydraulic Hose |                 |           | 68.00  |
| 12-4-18  | OK      | —    | OK                        | Change tire     |           |        |
|          |         |      |                           |                 |           |        |
|          |         |      |                           |                 |           |        |
|          |         |      |                           |                 |           |        |
|          |         |      |                           |                 |           |        |
|          |         |      |                           |                 |           |        |
|          |         |      |                           |                 |           |        |



E-mail [willharris9@aol.com](mailto:willharris9@aol.com)

MAKE Bob Cat YEAR 2000 MODEL 873 SERIAL NO. 51414- UNIT NO. 8536

[illegible]



## HARRIS TRUCKING &amp; DEMOLITION

8819 Lowell Ave. Kansas City, Kansas 66111

Phone / Fax :913-370-7899 / Cell 913-485-7091

E-mail [willharris@aol.com](mailto:willharris@aol.com)

## INSPECTION AND MAINTENANCE RECORD 2018

MAKE Bobcat YEAR 2000 MODEL 873 SERIAL NO. 51414 - UNIT NO. 8536

|         | DATE     | TIRES   | LUBE   | OIL    | REPAIR         | INVOICE # | COST   |
|---------|----------|---------|--------|--------|----------------|-----------|--------|
| NO WORK | 1-6-18   | —       | —      | —      | —              | —         | —      |
|         | 2-1-18   | —       | —      | —      | —              | —         | —      |
|         | 3-3-18   | OK      | OK     | OK     | —              | —         | —      |
|         | 4-1-18   | Add Air | Grease | OK     | —              | —         | —      |
|         | 5-2-18   | OK      | OK     | Change | Filters        | —         | 110.00 |
|         | 6-9-18   | OK      | —      | OK     | —              | —         | —      |
|         | 7-1-18   | Add Air | OK     | OK     | —              | —         | —      |
|         | 7-19-18  | Change  | —      | OK     | Tires          | 25495     | 591.00 |
|         | 8-4-18   | OK      | —      | OK     | —              | —         | —      |
| NO WORK | 9-1-18   | —       | —      | —      | —              | —         | —      |
|         | 10-1-18  | —       | —      | —      | —              | —         | —      |
|         | 11-1-18  | —       | —      | —      | —              | —         | —      |
|         | 11-21-18 | OK      | OK     | OK     | Change Battery | —         | 89.00  |
|         | 12-1-18  | OK      | OK     | OK     | —              | —         | —      |
|         |          |         |        |        |                |           |        |
|         |          |         |        |        |                |           |        |
|         |          |         |        |        |                |           |        |
|         |          |         |        |        |                |           |        |
|         |          |         |        |        |                |           |        |
|         |          |         |        |        |                |           |        |
|         |          |         |        |        |                |           |        |
|         |          |         |        |        |                |           |        |





# Urban Planning and Land Use

701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)

Phone: (913) 573-5750  
Fax: (913) 573-5796  
[www.wycokck.org/planning](http://www.wycokck.org/planning)

**To:** Unified Government Board of Commissioners  
**From:** City Staff  
**Date:** February 28, 2019  
**Re:** Petition #SP-2019-6

---

## GENERAL INFORMATION

---

**Applicant:**  
Dartea LLC

**Status of Applicant:**  
Property Owner  
Darwin Saunders  
4940 Ballentine Street  
Shawnee, KS 66203

**Requested Action:**  
Renewal of Special Use Permit

**Date of Application:**  
December 13, 2018

**Purpose:**  
To continue having live  
entertainment for a drinking  
establishment

**Property Location:**  
6500 Kaw Drive

**Existing Zoning:** M-2 General Industrial District



**Existing Surrounding Zoning:** **North:** M-2 General Industrial District  
**South:** M-3 Heavy Industrial District  
**East:** M-2 General Industrial District  
**West:** M-2 General Industrial District

**Existing Uses:** **North:** Empty lots and single family homes  
**South:** Auto repair shop  
**East:** Retail bakery  
**West:** Commercial uses, a bar and light industrial uses

**Total Tract Size:** .24 acre

**Master Plan Designation:** The City-Wide Master Plan designates this property as Business Park

**Major Street Plan:** Kaw Drive is classified as a Class A thoroughfare

**Advertisement:** The Wyandotte Echo – January 17, 2019  
Letters to Property Owner – January 15, 2019 and February 20, 2019

**Public Hearings:** February 11, 2019 and February 28, 2019

**Public Opposition:** No one appeared in opposition at the February 11, 2019 City Planning Commission meeting.

---

## **PROPOSAL**

---

Detailed Outline of Requested Action: The applicant is seeking a special use permit renewal (#SP-2013-57) in order to continue to have live entertainment at their drinking establishment, Bills 32 West at 6500 Kaw Drive

City Ordinance Requirements: 27-592 through 27-606

---

## **FACTORS TO BE CONSIDERED**

---

### ***1. The Character of the Neighborhood.***

The character of the neighborhood is a mixture of commercial and retail businesses along with light industrial uses. There are single family homes north of Kaw Drive along 65<sup>th</sup> Street.

### ***2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.***

The zoning and uses of nearby properties are laid out above

- 3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.***

Removal of restrictions will not detrimentally affect nearby property

- 4. *The length of time the property has remained vacant as zoned.***

The property is not vacant

- 5. *The degree of conformance of the proposed use to the Master Plan.***

Special Use Permits are not addressed in the master plan

- 6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.***

The proposed use will result in an increase in the amount of vehicle traffic, as that is the point to draw more business to one's establishment. However, this increase of traffic will not exceed the capacity of Kaw Drive.

- 7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.***

The proposed use is not reasonably necessary for the convenience and welfare of the public and will not substantially injure the appropriate use, visual quality or marketability of adjoining property.

- 8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.***

Because the surrounding land uses are commercial and industrial businesses, the proposed use should not be an issue

- 9. *Whether the proposed use will pollute the air, land or water.***

This is not an issue

- 10. *Whether the use would damage or destroy an irreplaceable natural resource.***

This is not an issue

- 11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.***

The relative gain to the public health, safety and welfare as compared to the hardship imposed on the landowners is minimal. If this application was denied, the applicant would still have the ability to operate the business.

***12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.***

This should not be an issue

---

## **PREVIOUS ACTIONS**

---

Approval of #SP-2009-53, #SP-2011-43, #SP-2013-57

---

## **NEIGHBORHOOD MEETING**

---

The applicant held a neighborhood meeting on January 28, 2019. The meeting minutes, sign in sheet, and affidavit are attached below.

---

## **KEY ISSUES**

---

None

---

## **PLANNING COMMISSION RECOMMENDATION**

---

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-6, subject to:

**Urban Planning and Land Use Comments:**

- 1. The applicant is seeking a five (5) year approval**

**Response:** Yes, this is correct

**Staff Response:** Five (5) years is recommended.

- 2. What days and times does live entertainment typically occur?**

**Response:** Live entertainment typically occurs Thursday through Saturday from 9 p.m. to close

- 3. How many people, on average, do you have on nights where there is live entertainment?**

**Response:** 25 to 30 people

- 4. Please describe any calls to the police from this location**

Response: We have not had to call the police in years.

**Public Works Comments:**

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
  - 1) None.
- B) Items that are conditions of approval (stipulations):
  - 1) None.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
  - 1) None.

---

**STAFF COMMENTS AND SUGGESTIONS**

---

The staff concurs with the recommendation of the City Planning Commission.

---

**STAFF RECOMMENDATION**

---

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2019-6 subject to all comments and suggestions outlined in this staff report.

---

**ATTACHMENTS**

---

February 11, 2019 City Planning Commission Minutes  
Aerial Image (Google Maps)  
Zoning Map  
Letter  
Neighborhood Meeting Affidavit  
Neighborhood Meeting Minutes  
Neighborhood Meeting Sign in

---

**REVIEW OF INFORMATION AND SCHEDULE**

---

| Action         | Planning Commission | Unified Government Commission |
|----------------|---------------------|-------------------------------|
| Public Hearing | February 11, 2019   | February 28, 2019             |
| Special Use    | Approval            |                               |

---

**STAFF CONTACT:**            **Alex Hufft**  
                                         [AHufft@wycokck.org](mailto:AHufft@wycokck.org)

---

---

**MOTIONS**

---

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2019-6 as meeting all the requirements of the City code and being in the interest of the public

health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

**OR**

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-6**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

**February 11, 2019 City Planning Commission Minutes:**

**SPECIAL USE PERMIT APPLICATION #SP-2019-6 – DARTEA LLC/BILLS 32 WEST – SYNOPSIS:** Renewal of a Special Use Permit (#SP-2013-57 – expired 12/5/2018) for live entertainment in conjunction with Bill's 32 West at 6500 Kaw Drive, #A. **Detailed Outline of Requested Action:** The applicant is seeking a special use permit renewal (#SP-2013-57) in order to continue to have live entertainment at their drinking establishment, Bills 32 West at 6500 Kaw Drive

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items?" (Planning Commissioner Serda recused himself from the Consent Agenda due to a conflict with the two Boulevard Lofts applications.)

"Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 11, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notice in The Echo for the special use permits; and
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone comes forward and asks that an item be removed from the Consent Agenda."

Chairman Carson asked if anyone wished to remove an item from the Consent Agenda. Planning Commissioner Connelly asked that Special Use Permit #SP-2019-6 be removed from the Consent Agenda.



**SPECIAL USE PERMIT APPLICATION #SP-2019-6 – DARTEA LLC/BILLS 32 WEST – SYNOPSIS:** Renewal of a Special Use Permit (#SP-2013-57 – expired 12/5/2018) for live entertainment in conjunction with Bill's 32 West at 6500 Kaw Drive, #A. **Detailed Outline of Requested Action:** The applicant is seeking a special use permit renewal (#SP-2013-57) in order to continue to have live entertainment at their drinking establishment, Bills 32 West at 6500 Kaw Drive

Chairman Carson asked Planning Commissioner Connelly if he had questions as he removed this item from the Consent Agenda. (Commissioner Connelly's questions/comments could not be heard on the recording.)

**Present in Support:**

- ❖ Darwin Saunders, applicant, 4940 Ballentine Street, Shawnee, KS 66203

**Present in Opposition:**

- ❖ None one appeared

**Staff Recommendation:** Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Planning Commissioner Connelly asked if staff feels that a card scanner needs to be at this location since there is alcohol and live entertainment involved. Planning Director Richardson stated no, as this application was initially approved before that requirement was in place.

On motion by Mr. Miller, seconded by Dr. Neal, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application #SP-2019-6:**

|                 |                 |
|-----------------|-----------------|
| <b>Carson</b>   | <b>Chairman</b> |
| <b>Connelly</b> | <b>Aye</b>      |
| <b>Ernst</b>    | <b>Aye</b>      |
| <b>Huey</b>     | <b>Aye</b>      |
| <b>Jones</b>    | <b>Aye</b>      |
| <b>Miller</b>   | <b>Aye</b>      |
| <b>Neal</b>     | <b>Aye</b>      |
| <b>Pauley</b>   | <b>Aye</b>      |
| <b>Reasons</b>  | <b>Aye</b>      |
| <b>Serda</b>    | <b>Aye</b>      |

**Motion to RECOMMEND APPROVAL Passed: 9 to 0**

**Subject to:**

**Urban Planning and Land Use Comments:**

1. The applicant is seeking a five (5) year approval

**Response: Yes, this is correct**

**Staff Response: Five (5) years is recommended.**

**2. What days and times does live entertainment typically occur?**

**Response: Live entertainment typically occurs Thursday through Saturday from 9 p.m. to close**

**3. How many people, on average, do you have on nights where there is live entertainment?**

**Response: 25 to 30 people**

**4. Please describe any calls to the police from this location**

**Response: We have not had to call the police in years.**

**Public Works Comments:**

**A) Items that require plan revision or additional documentation before engineering can recommend approval:**

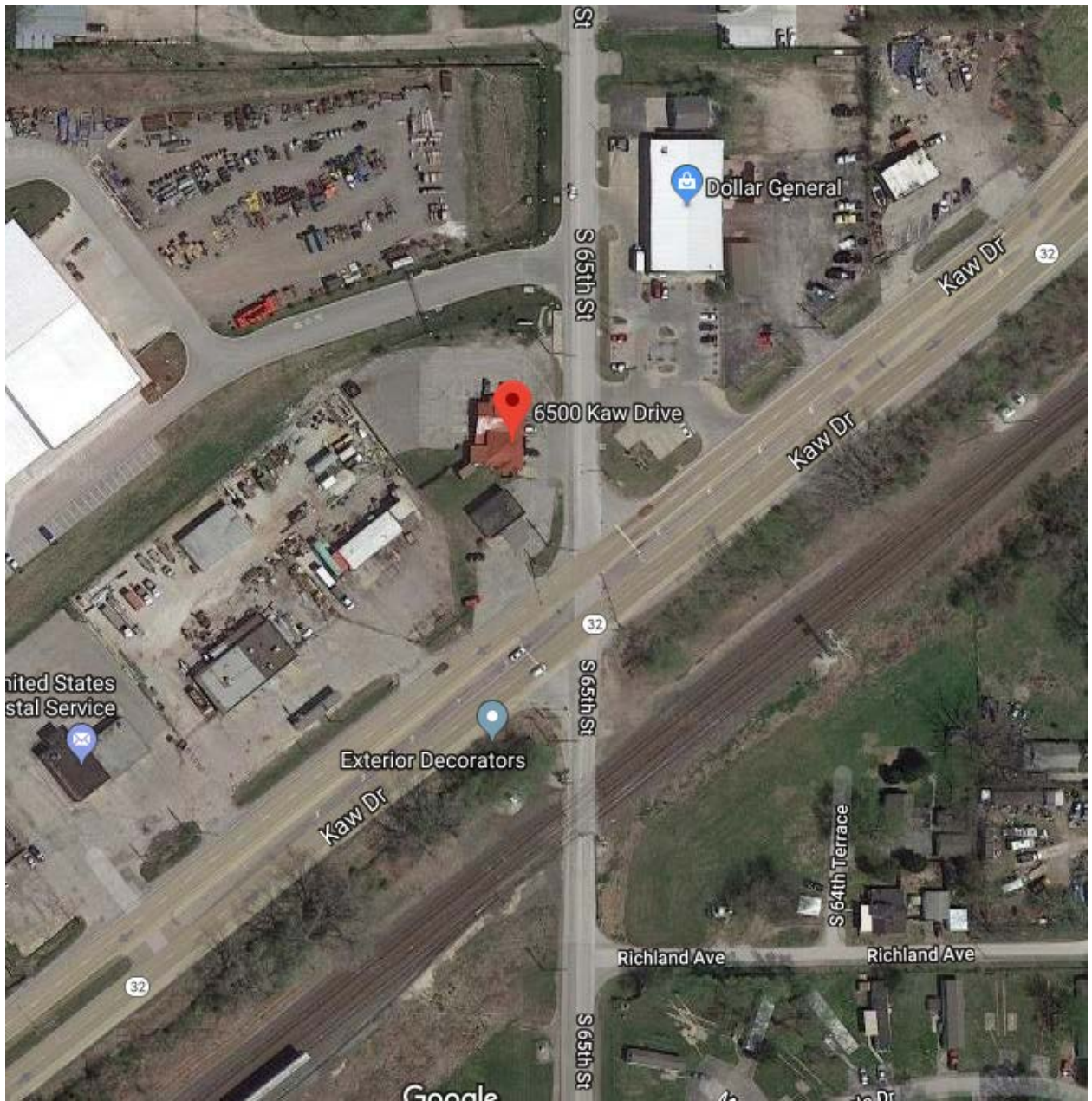
**1) None.**

**B) Items that are conditions of approval (stipulations):**

**1) None.**

**C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:**

**1) None.**







To Whom it may concern,

Bills 32 West has made no changes to the operations in the past. The operations have no plans to be changed in the future.

Thank You,

A handwritten signature in dark ink, appearing to read "Ray Jones". The signature is fluid and cursive, with a large initial "R" and a long horizontal stroke extending to the right.

December 11, 18

**AFFIDAVIT – NEIGHBORHOOD MEETING**

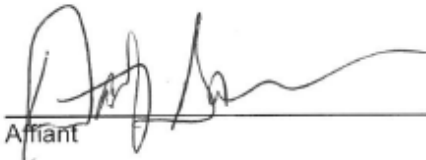
STATE OF Wyandotte )  
COUNTY OF Kansas ) SS:



Comes now Dusty Sanders, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP-2019-6
2. That I conducted a neighborhood meeting on Jan 28, 19
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29 day of January, 2019

My commission expires 4th of February, 2019

  
Notary Public





# Bill's 32 West

6500 Kaw Dr.  
Kansas City, Ks.  
66111

Phone: 913-788-3843  
Cell: 913-251-6454  
Email: [dsaunders10@kc.rr.com](mailto:dsaunders10@kc.rr.com)



**Bill's 32 West**

**Jan 18th, 2019**

**Subject: Neighborhood Meeting**

**We have filed an application with the Department of Urban Planning and Land Use. The purpose of this special use permit is for the renewal of our Live Entertainment License at:**

**Bill's 32 West  
6500 Kaw Dr.  
Kansas City, Ks. 66111**

**We are having a neighborhood meeting on Monday Jan. 28th, 2019 at 3:00 p.m. at the following address:**

**6500 Kaw Dr.  
Kansas City, Ks. 66111**

**The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.**

**I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.**

**Sincerely,**



**Darty Saunders  
6500 Kaw Dr.  
Kansas City, Ks. 66111  
913-251-6454**

## Neighborhood Meeting Minutes

**Application #SP-2019-6**

**01/28/19 at 6500 Kaw Dr.**

**Meeting called to order at Bill's 32 West.**

**Number of people in attendance:** 1

*[Handwritten signature]*

**Meeting adjourned at:** \_\_\_\_\_

**Minutes taken by:** \_\_\_\_\_

# Urban Planning and Land Use

701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)

Phone: (913) 573-5750  
Fax: (913) 573-5796  
[www.wycokck.org/planning](http://www.wycokck.org/planning)

**To:** Unified Government Board of Commissioners

**From:** City Staff

**Date:** February 28, 2019

**Re:** **Petition #SP-2019-7**

## GENERAL INFORMATION

**Applicant:**  
Elvin and Sharon Griffin

**Status of Applicant:**  
Owners  
7922 Yecker Avenue  
Kansas City, KS 66109

**Requested Action:**  
Approval of Special Use Permit  
(Renewal)

**Date of Application:**  
December 19, 2019

**Purpose:**  
To continue having five (5) dogs  
on their property

**Property Location:**  
7922 Yecker Avenue

**Existing Zoning:**  
R-1 Single Family District



**Existing Surrounding Zoning:** **North:** R-1 Single Family District  
**South:** R-1 Single Family District  
**East:** R-1 Single Family District  
**West:** R-1 Single Family District

**Existing Uses:** **North:** Single Family Residences  
**South:** Single Family Residences  
**East:** Single Family Residences  
**West:** Single Family Residences

**Total Tract Size:** .4 acre

**Master Plan Designation:** The City-Wide Master Plan designates this area as low-density residential

**Major Street Plan:** The City-Wide Master Plan classifies Yecker Avenue as a local street

**Advertisement:** The Wyandotte Echo – January 17, 2019  
Letters to Property Owner – January 15, 2019 and February 20, 2019

**Public Hearings:** February 11, 2019 and February 28, 2019

**Public Opposition:** No one appeared in opposition at the February 11, 2019 City Planning Commission meeting.

---

## **PROPOSAL**

---

Detailed Outline of Requested Action: The applicants, Elvin and Sharon Griffin, are applying for a renewal of their previous special use permit (#SP-2016-93) to continue having five (5) dogs on their property.

City Ordinance Requirements: 27-592 through 27-606

---

## **FACTORS TO BE CONSIDERED**

---

**1. *The Character of the Neighborhood.***

The neighborhood is exclusively residential in nature

**2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.***

The zoning and uses of properties nearby are set out above

**3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.***

The removal of the restrictions will not seriously detrimentally affect nearby property. However, excess waste and noise produced from dogs could be a nuisance if not properly taken care of.

**4. *The length of time the property has remained vacant as zoned.***

The property is not vacant

**5. *The degree of conformance of the proposed use to the Master Plan.***

Special Use Permits are not addressed in the Master Plan

**6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.***

This is not an issue.

**7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.***

The keeping of five (5) dogs is not reasonably necessary for the convenience or welfare of the public. The proposed use will not substantially injure the appropriate use, visual quality or marketability of adjoining property

**8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.***

If the dogs are left outside in the evening and throughout the night, their barking could be an issue for adjacent property owners

**9. *Whether the proposed use will pollute the air, land or water.***

This should not be an issue as long as the waste produced by the dogs is properly picked up and disposed of on a regular basis.

**10. *Whether the use would damage or destroy an irreplaceable natural resource.***

This is not an issue

**11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.***

The relative gain to the public health, safety, and welfare is minimal. If this application is denied, the applicant will not be able to keep the fourth and fifth dogs

***12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.***

This should not be an issue.

---

## **PREVIOUS ACTIONS**

---

Approval of Special Use Permit #SP-2016-93

---

## **NEIGHBORHOOD MEETING**

---

The applicant held a neighborhood meeting on January 28, 2019. The meeting minutes, sign in sheet, and affidavit are attached below.

---

## **KEY ISSUES**

---

None

---

## **PLANNING COMMISSION RECOMMENDATION**

---

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-7, subject to:

**Urban Planning and Land Use Comments:**

1. If approved, Special Use Permit is valid for a period of two (2) years.

**Response:** Yes, we are aware of it being a two-year permit. This is actually a renewal from 2 years ago as we still have our same 5 dogs. If we are still over the limit of three dogs in two years, we will again request approval for the Special Use Permit

2. Are the dogs left outside during the day/night for any extended period?

**Response:** No, our dogs are not left outside day or night for any extended period of time. Our 5 dogs are all basically indoor dogs. They go out in the morning for a short time while we are getting ready for work/the day. They are outside sometimes during the day as Elvin is now retired and home some during the day. They then go out off and on during the evening when home from work or on weekends. However, our 5 dogs are never left outside when we are not home and they are never left out overnight. Also, we are very conscious of our dogs barking, and we notice them barking, we correct them or bring them back inside. Our neighbors are aware that if



there is a problem with them barking or any other issue for that matter, to please let us know and we will be more than willing to address and fix the issue. It has always been our intention to be friendly and get along with our neighbors

**3. Have there been any complaints from neighbors about the dogs?**

**Response:** No we are not aware of any complaints from our neighbors in the last 2 years. In fact, our neighbors at 2818 N 79<sup>th</sup>, that had concerns with us prior to the last special permit, told us at the neighborhood meeting held, that they had no issues and were supportive of us continuing to keep our dogs.

**4. Do any of these dog's subject to this permit have any history in violating any ch.7 ordinances? (e.g. running at large, excessive noise, bite injury etc.)**

**Response:** There has been one issue with our little chihuahua biting a workman who was working inside our home in the summer. Please see additional comments and explanation under Animal Control Comments below. There has never been any issue of our dogs running at large as they are either indoors or in our fenced back yard. We are not aware of any problems with excessive noise or other problems with our dogs.

**5. Please provide all current vaccination records for all five (5) dogs**

**Response:** Please see attached records

**Animal Control Comments:**

- 1. Regarding SP-2019-7: I wanted to let you know that a Chihuahua bit someone at 7922 Yecker Avenue on 6/30/2018. This is the note in our database: *Hector Lopez was working inside the house at 7922 Yecker Ave when a tri-color Chihuahua bit him on his right calf. The bite left puncture wounds. Hector was treated at Leawood Ks. Urgent Care at 913-428-8000. No one was home or answered the door when I went by the owners address today. Left notice. -939* There is no indication that the owner of the dog ever made contact with Animal Services regarding the bite.**

**Response:** this is not correct information. Elvin was home at the time of our little Chihuahua nipped Hector on his calf when he came around the corner and surprised him. Elvin was not really aware it had even broke skin. We received notice from Animal Control on our door on Saturday, June 30, 2018, when we came home that afternoon/evening. On Monday morning, July 2, 2019, Sharon called Animal Services as requested and spoke with the officer answering the phone about what arrangements needed to be made to have their dog quarantined. The officer informed Sharon it could either be at Animal Services or their veterinarian. Sharon made arrangements for the chihuahua to be quarantined at Bethel Animal

Hospital at 7100 Leavenworth Rd, Kansas City, Kansas. The dog was quarantined at Bethel Animal Hospital from 07/02/2018 through 07/09/2018 for observation as required. Sharon was told by either Animal Control or Bethel Animal Hospital that Animal Control would contact the veterinarian to verify it took place.

Please see attached documentation showing Gino, our chihuahua mix was quarantined or observation as required. Also, Elvin went to Animal Services on Friday, January 25, 2019, and gave them verification showing the animal had been quarantined as required and the person made note of it and indicated they would also contact the City/Urban Planning to get this corrected on their part.

#### **Public Works Comments:**

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
  - 1) None.
- B) Items that are conditions of approval (stipulations):
  - 1) None.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
  - 1) None

---

### **STAFF COMMENTS AND SUGGESTIONS**

---

The staff concurs with the recommendation of the City Planning Commission.

---

### **STAFF RECOMMENDATION**

---

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2019-7 subject to all comments and suggestions outlined in this staff report.

---

### **ATTACHMENTS**

---

February 11, 2019 City Planning Commission Minutes  
Aerial Image (Google Maps)  
Letter from Applicant  
Pictures of dogs  
Conservation District Comments  
Neighborhood Meeting Information

---

### **REVIEW OF INFORMATION AND SCHEDULE**

---

| Action         | Planning Commission | Unified Government Commission |
|----------------|---------------------|-------------------------------|
| Public Hearing | February 11, 2019   | February 28, 2019             |
| Special Use    | Approval            |                               |

---

**STAFF CONTACT:**        **Alex Hufft**  
                                 [AHufft@wycokck.org](mailto:AHufft@wycokck.org)

---

## **MOTIONS**

---

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-7** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

## **OR**

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-7**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

### **February 11, 2019 City Planning Commission Minutes:**

**SPECIAL USE PERMIT APPLICATION #SP-2019-7 – ELVIN AND SHARON GRIFFIN – SYNOPSIS:** Renewal of a Special Use Permit (#SP-2016-93 – expired 12/1/2018) for a kennel for five (5) dogs at 7922 Yecker Avenue. **Detailed Outline of Requested Action:** The applicants, Elvin and Sharon Griffin, are applying for a renewal of their previous special use permit (#SP-2016-93) to continue having five (5) dogs on their property.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items?" (Planning Commissioner Serda recused himself from the Consent Agenda due to a conflict with the two Boulevard Lofts applications.)

"Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 11, 2019;

5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notice in The Echo for the special use permits; and
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone comes forward and asks that an item be removed from the Consent Agenda.”

Chairman Carson asked if anyone wished to remove an item from the Consent Agenda. Planning Commissioner Connelly asked that Special Use Permit #SP-2019-6 be removed from the Consent Agenda.

On motion by Ms. Huey, seconded by Mr. Miller, the Planning Commission voted as follows to **APPROVE the remaining items on the Consent Agenda:**

|                 |                    |
|-----------------|--------------------|
| <b>Carson</b>   | <b>Chairman</b>    |
| <b>Connelly</b> | <b>Aye</b>         |
| <b>Ernst</b>    | <b>Aye</b>         |
| <b>Huey</b>     | <b>Aye</b>         |
| <b>Jones</b>    | <b>Aye</b>         |
| <b>Miller</b>   | <b>Aye</b>         |
| <b>Neal</b>     | <b>Aye</b>         |
| <b>Pauley</b>   | <b>Aye</b>         |
| <b>Reasons</b>  | <b>Aye</b>         |
| <b>Serda</b>    | <b>Not Present</b> |

**Motion to APPROVE Passed: 8 to 0**  
**Subject to:**

#### **Urban Planning and Land Use Comments:**

1. If approved, Special Use Permit is valid for a period of two (2) years.

**Response:** Yes, we are aware of it being a two-year permit. This is actually a renewal from 2 years ago as we still have our same 5 dogs. If we are still over the limit of three dogs in two years, we will again request approval for the Special Use Permit

2. Are the dogs left outside during the day/night for any extended period?

**Response:** No, our dogs are not left outside day or night for any extended period of time. Our 5 dogs are all basically indoor dogs. They go out in the morning for a short time while we are getting ready for work/the day. They are outside sometimes during the day as Elvin is now retired and home some during the day. They then go out off and on during the evening when home from work or on weekends. However, our 5 dogs are never left outside when we are not home and they are never left out overnight. Also, we are very conscious of our dogs barking, and we notice them barking, we correct them or bring them back inside. Our neighbors are aware that if there is a problem with them barking or any other issue for that matter, to please let us know and we will be more than willing to address and fix the

issue. It has always been our intention to be friendly and get along with our neighbors

**3. Have there been any complaints from neighbors about the dogs?**

**Response:** No we are not aware of any complaints from our neighbors in the last 2 years. In fact, our neighbors at 2818 N 79<sup>th</sup>, that had concerns with us prior to the last special permit, told us at the neighborhood meeting held, that they had no issues and were supportive of us continuing to keep our dogs.

**4. Do any of these dog's subject to this permit have any history in violating any ch.7 ordinances? (e.g. running at large, excessive noise, bite injury etc.)**

**Response:** There has been one issue with our little chihuahua biting a workman who was working inside our home in the summer. Please see additional comments and explanation under Animal Control Comments below. There has never been any issue of our dogs running at large as they are either indoors or in our fenced back yard. We are not aware of any problems with excessive noise or other problems with our dogs.

**5. Please provide all current vaccination records for all five (5) dogs**

**Response:** Please see attached records

**Animal Control Comments:**

- 1. Regarding SP-2019-7: I wanted to let you know that a Chihuahua bit someone at 7922 Yecker Avenue on 6/30/2018. This is the note in our database: *Hector Lopez was working inside the house at 7922 Yecker Ave when a tri-color Chihuahua bit him on his right calf. The bite left puncture wounds. Hector was treated at Leawood Ks. Urgent Care at 913-428-8000. No one was home or answered the door when I went by the owners address today. Left notice. -939* There is no indication that the owner of the dog ever made contact with Animal Services regarding the bite.**

**Response:** this is not correct information. Elvin was home at the time of our little Chihuahua nipped Hector on his calf when he came around the corner and surprised him. Elvin was not really aware it had even broke skin. We received notice from Animal Control on our door on Saturday, June 30, 2018, when we came home that afternoon/evening. On Monday morning, July 2, 2019, Sharon called Animal Services as requested and spoke with the officer answering the phone about what arrangements needed to be made to have their dog quarantined. The officer informed Sharon it could either be at Animal Services or their veterinarian. Sharon made arrangements for the chihuahua to be quarantined at Bethel Animal Hospital at 7100 Leavenworth Rd, Kansas City, Kansas. The dog was quarantined at Bethel Animal Hospital from 07/02/2018 through 07/09/2018

for observation as required. Sharon was told by either Animal Control or Bethel Animal Hospital that Animal Control would contact the veterinarian to verify it took place.

Please see attached documentation showing Gino, our chihuahua mix was quarantined or observation as required. Also, Elvin went to Animal Services on Friday, January 25, 2019, and gave them verification showing the animal had been quarantined as required and the person made note of it and indicated they would also contact the City/Urban Planning to get this corrected on their part.

**Public Works Comments:**

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
  - 1) None.
- B) Items that are conditions of approval (stipulations):
  - 1) None.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
  - 1) None





We are applying to renew our special permit, SP-16402-00072, to continue to keep our same 5 dogs as our permit expired.

We have attached the original letter we submitted about our 5 dogs and their pictures at that time. Nothing has changed except they have all gotten 2 years older. Koko, our schnauzer-poodle mix is now around 14 years old. Mya, our laid back, mellow black lab mix is now 11 or 12 years old. Hercules, our shaggy, beagle-terrier mix is now around 10 years old. When we submitted the application 2 years ago, Hercules was declining in health, but after having his spleen removed due to a mass in his belly he became cancer free and returned to normal activity. However, last year he developed diabetes and went blind because of the diabetes and we now give him insulin shots twice a day and his health is again declining. Ariel, our yorki-poo mix is now around 9 years old. Gino, our chihuahua-toy fox terrier mix, and our youngest dog is now around 8 years old. They continue to be friendly, laid back and loving dogs and in no way dangerous dogs.

We continue to love our dogs and care for them and keep them updated with their shots and well groomed. They continue to be indoor dogs and spend most of the day inside and are only outside if we are home to monitor them to make sure they are not barking or causing a nuisance with neighbors. We are not aware of any issues with our neighbors and have continued to encourage them if a problem would arise to let us know and we would address it and fix the issue.

We continue to consider our dogs as part of our family and love them all deeply and continue to take great care of them and would be devastated if we had to try and part with any of them. It has now been 2 years and our permit has expired, but our plan remains the same of keeping only our 5 dogs that we have come to love dearly for the duration of their lives. As one of them passes away, we do not plan to get another one, and ultimately plan to be back within the legal limit as time passes.

We again thank you for taking the time to read this letter and considering us to renew our special permit.



## letter submit for Special Permit 2016

We are applying for the special permit as we are currently over the city limit of 3 dogs. We have 5 dogs, which vary in size and age and none are considered a dangerous or prohibited breed. It was never our intent to have so many dogs but it happened. Our daughter had 2 dogs of her own and when she moved out of her apartment she was unable to take them with her and they came to live with us and our 3 dogs. It was intended to be a temporary situation but unfortunately she was unable to take them back so they ended up staying with us and now we have 5 dogs. However, we do not have any cats.

We love all 5 dogs and they have become very bonded with each other over the years. We have also grown very attached to them as well. We have tried along the way to let some of the dogs stay with other people and go to other homes but they did not do well and ultimately end up having to come back with us. So we are asking for the special permit to keep our 5 dogs that we have come to love dearly, for the duration of their lives. As one of them passes away, we do not plan to get another one, and ultimately plan to be back within the legal limit as time passes.

Our 5 dogs are Koko, a schnauzer-poodle mix who is around 12 years old. Mya is our laid back, mellow, black lab mix that is around 9 or 10 years old. She was a stray, rescued off of the streets. Hercules is a shaggy, beagle-terrier mix and is around 8 years old. He has always been our active dog and loves playing and fetching the ball. Unfortunately within the past week, Hercules' health has declined. We are working diligently with the vet in hopes of his full recovery. Ariel is our yorki-poo (Yorkshire terrier, poodle) mix that is around 7 years old. Gino is our youngest dog and is around 6 years old. He is a Chihuahua-toy fox terrier mix. We have attached pictures of each of the dogs and as you can see, we have 3 little ones, 1 midsize, and 1 larger dog. They are all friendly, laid back, and in no way dangerous dogs.

All of our dogs are loved, cared for, up to date on shots, and well groomed. They are indoor dogs and spend the majority of the day inside. The only time they are out is when we are home. If we notice them barking, we correct them or bring them in. If any issues were to ever arise with their barking or any other issue for that matter, we encourage our neighbors to let us know, and we would be more than willing to address and fix the issue. It has always been our intention to be friendly and get along with our neighbors. Our dogs are never out running the streets/neighborhood. They stay within our yard and 95% of the time they are in our fenced in back yard. On special occasions we may let 1 of 2 of them at a time out in the front yard with us for walks, playing ball, etc. But that is rare and never all of them at once.

With all this being said, it is our hope that you are able to see that we love our dogs dearly, take great care of them, and truly consider them a part of our family. It would be devastating to try and part with any of them. We thank you for taking the time to read this letter and consider us for this permit.



Mya – 9 or 10 years old, Black Lab mix



Koko – 12 years old, Miniature Schnauzer-Poodle mix





Hercules – 8 years old, Beagle-Terrier mix





Ariel – 7 years old, Yorkshire Terrier-Poodle



Gino – 6 years old, Chihuahua-Toy Fox Terrier mix



Wyandotte County Conservation District  
1204 N. 79<sup>th</sup> Street - Kansas City, KS 66112 - Phone (913)-334-6329 -  
wyco.conservation@gmail.com

Rob Richardson  
Director of Planning  
701 North 7<sup>th</sup> Street Rm. 423  
Kansas City, KS 66101  
913-573-5750

January 15, 2019

RE: SP 2019-7 Elvin and Sharon Griffin 5 dogs at 7922 Yecker Avenue

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the site SP 2019-7 Elvin and Sharon Griffin 5 dogs at 7922 Yecker Avenue.

In addition to the site review the following reports were generated from the Wyandotte County Soil Survey to assess the limitations for development and/or natural resources concerns for this site.

MAPS AND REPORTS

Soils Map  
Soils Inventory Report  
Map Unit Description (Brief)  
Soil features

In summary, the following limitations and resource concerns were noted for this plat:

- There is one major soil type that were identified: Marshall silt loam, 5 to 9 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- This site is **not** well suited for 5 dogs although the site looks fairly well maintained. We would not recommend 5 dogs in this size yard. Grass can be damaged by dogs during wet seasons and urine in the dry season can kill the grass. This can cause the area to be bare of grass and can cause excess runoff. Runoff can be contaminated with animal waste.
- Animal waste needs to be cleaned up on a **daily basis** and disposed of in a proper manner. Storm water can flow into the neighbor's yard, unto the street and into the storm drains. Heath and water quality issues can be effected downstream.

Technical assistance is available from our office. Limitation maps, detail soils reports and a conservation plan can also be requested for this site from our office.

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern has been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineations on the maps include soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller  
District Manager

Enclosures

## **Minutes from Neighborhood Meeting**

Application #SP-2019-7

Meeting held on January 28, 2019 at 6:30pm

Meeting held at Bethel Community of Christ Church, 8510 Leavenworth Rd, KCKS 66109

People in attendance were:

Tammy and Marc Carver, 2818 N 79<sup>th</sup> St, KCKS 66109

Elvin and Sharon Griffin, 7922 Yecker Ave KCKS 66109

Meeting called to order at: 6:40 pm

NOTE: This was a very informal neighborhood meeting as the only 2 neighbors in attendance were Tammy and Marc Carver whose comment was we thought we would just come for support and give you company. No one else showed for the meeting.

Elvin and Sharon made introductions and gave Marc and Tammy copy of the two attached letters that were sent with the neighborhood letters stating that the Griffins were again applying for the special permit to allow them to continue to keep their same 5 dogs. Elvin and Sharon stated there were no changes in plans from the last permit 2 years ago. Marc and Tammy stated they were aware of that and actually commended Sharon and Elvin with the care of their dogs and stated they had had no issues with them and things had gone really well for the past 2 years. Marc and Tammy stated they had absolutely no concerns and was supportive of the continued special permit. Elvin and Sharon stated there had been no new/additional concerns from any neighbors regarding the renewal that they were aware of.

Meeting was adjourned at 7:05 pm.

Minutes taken by Sharon Griffin.

SIGN-IN SHEET FOR NEIGHBORHOOD MEETING for Special Permit #SP-2019-7

Monday, January 28, 2019, at 6:30 pm

NAME:

ADDRESS:

- |     |                     |                                 |
|-----|---------------------|---------------------------------|
| 1.  | <u>Jammy Carver</u> | <u>2818 N. 79th Street, KCK</u> |
| 2.  | <u>Mae Carver</u>   | <u>2818 N. 79th Street, KCK</u> |
| 3.  | _____               | _____                           |
| 4.  | _____               | _____                           |
| 5.  | _____               | _____                           |
| 6.  | _____               | _____                           |
| 7.  | _____               | _____                           |
| 8.  | _____               | _____                           |
| 9.  | _____               | _____                           |
| 10. | _____               | _____                           |
| 11. | _____               | _____                           |
| 12. | _____               | _____                           |
| 13. | _____               | _____                           |
| 14. | _____               | _____                           |
| 15. | _____               | _____                           |
| 16. | _____               | _____                           |
| 17. | _____               | _____                           |
| 18. | _____               | _____                           |
| 19. | _____               | _____                           |
| 20. | _____               | _____                           |



**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF Kansas }  
COUNTY OF Wichita } SS:

Comes now Elvin Griffin, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP-2019-7
2. That I conducted a neighborhood meeting on Mon, 1/28/19
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Elvin Griffin  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29<sup>th</sup> day of Jan., 20019  
My commission expires 24<sup>th</sup> of Jan., 20021

LINDA C. WILLIAMS  
NOTARY PUBLIC  
STATE OF KANSAS

My Comm. Exp. 01-24-2021

Linda C. Williams  
Notary Public



## Urban Planning and Land Use

701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)

Phone: (913) 573-5750  
Fax: (913) 573-5796  
[www.wycokck.org/planning](http://www.wycokck.org/planning)

**To:** Unified Government Board of Commissioners  
**From:** City Staff  
**Date:** February 28, 2019  
**Re:** Petition #SP-2019-9

---

### GENERAL INFORMATION

---

**Applicant:**  
Sylvia Jennings

**Status of Applicant:**  
Owner  
11014 Independence Boulevard  
Kansas City, KS 66109

**Requested Action:**  
Approve Special Use Permit (Temporary  
Use of Land)

**Date of Application:**  
December 28, 2018

**Purpose:**  
To park a food truck in the driveway of  
the applicant's residence

**Property Location:**  
11014 Independence Boulevard

**Commission Districts:**  
1. Commissioner At Large: Melissa Bynum  
2. District Commissioner: Michael (Mike) Kane



**Existing Zoning:** R-1 Single Family District

**Existing Surrounding Zoning:** **North:** R-1 Single Family District  
**South:** R-1 Single Family District  
**East:** R-1 Single Family District  
**West:** R-1 Single Family District

**Existing Uses:** **North:** Single family homes  
**South:** Single family homes  
**East:** Single family homes  
**West:** Single family homes

**Total Tract Size:** .28 acre

**Master Plan Designation:** The Prairie Delaware Piper Master Plan designates this property as Suburban Residential

**Major Street Plan:** The Major Street Plan classifies Independence Boulevard as a local street.

**Advertisement:** The Wyandotte Echo – January 17, 2019  
Letters to Property Owner – January 15, 2019 and February 20, 2019

**Public Hearings:** February 11, 2019 and February 28, 2019

**Public Opposition:** No one appeared in opposition at the February 11, 2019 City Planning Commission meeting.

---

## **PROPOSAL**

---

*Detailed Outline of Requested Action:* The applicant, Sylvia Jennings owns a food truck and has applied for a special use permit to park the food truck in the driveway at her residence located at 11014 Independence Boulevard.

*City Ordinance Requirements:* 27-592 through 27-606

*Code Enforcement Action:* Code Enforcement Department cited the applicant for keeping an oversized vehicle (food truck) in a residential area on November 9, 2018 (Case #18208-03081).

---

## **FACTORS TO BE CONSIDERED**

---

### ***1. The Character of the Neighborhood.***

The character of the neighborhood is suburban in nature and is comprised exclusively of single-family homes.

**2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.***

The zoning and uses of properties nearby are set out above. A food truck is not typically found in the zoning district.

**3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.***

The property is zoned R-1 Single Family District. The residential use is the best use and the removal of these restrictions could adversely affect surrounding neighbors if the truck is not properly shielded from public view.

**4. *The length of time the property has remained vacant as zoned.***

The property is not vacant.

**5. *The degree of conformance of the proposed use to the Master Plan.***

Special use permits are not typically addressed in the Master Plan.

**6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.***

The storage of a food truck in a three-car garage/driveway should not increase the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

**7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.***

A use such as keeping a food truck in the driveway could possibly be perceived as a negative impact to adjoining property owners.

**8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.***

Noise from a vehicle this size can produce noise that is slightly louder than a normal vehicle. Vibration, dust, and illumination should not be a substantial use with this application.

**9. *Whether the proposed use will pollute the air, land or water.***

The proposed use will not pollute the air, land or water.

**10. Whether the use would damage or destroy an irreplaceable natural resource.**

This is not expected to be an issue.

**11. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.**

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowner is minimal. If the application is denied, the applicant will need to find a commercial location to park the food truck.

**12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.**

This is not expected to be an issue as the applicant has a three-car garage and driveway.

---

## **PREVIOUS ACTIONS**

---

None

---

## **NEIGHBORHOOD MEETING**

---

The applicant held a neighborhood meeting on January 21, 2019. According to the applicant, no one in attendance opposed the applicant's proposal.

---

## **KEY ISSUES**

---

Code Enforcement Action

---

## **STAFF COMMENTS AND SUGGESTIONS**

---

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-9, subject to:

**Urban Planning and Land Use Comments:**

1. This petition was brought to staff by Code Enforcement action who cited the applicant and owner, Ms. Jennings for keeping a food truck on the property. As of December 28, 2018, per Code Enforcement, the applicant has corrected the violation and the case is now closed.

*Applicant Response: Correct*

2. The food truck must be parked in the driveway and not on the public street or in the right-of-way.

***Applicant Response: The truck will be parked in the driveway on the third car garage side.***

**Staff Response:** If you vacate North 111<sup>th</sup> Street, you may park the truck in the vacated street as one-half of the street will become the west property line of 11014 Independence Boulevard.

3. A business license must be obtained for this business.

***Applicant Response: Yes. We have a business license.***

4. How long do you intend on parking the food truck at the residence?

***Applicant Response: We plan on parking the truck here until we find a commercial kitchen closer to our location. We do not feel it is safe outside at the kitchen we use.***

5. How do you plan to mitigate the visual impact of the truck being parked in the driveway? What landscaping measures will be in place to screen the truck from your neighbors and Independence Boulevard?

***Applicant Response: We have a tree that blocks that side of the driveway.***

6. How many days per week does the food truck leave the property?

***Applicant Response: We plan on using the truck every day, but if not, it will be parked here on three or four times a week.***

7. How many times per day does the food truck come to and from the property?

***Applicant Response: Once, when we leave and then we return home.***

8. What are the hours of operation of the truck?  
a. What times will the truck leave and return to the property?

***Applicant Response: We could work mornings and evenings, so it just depends on the day.***

**Staff Response:** To minimize the impact on the immediate neighbors, the truck may not leave before 7:00 AM.

9. Do you intend for this to be a permanent situation, or are you working to find a commercial property to serve as a permanent location to park the food truck?



***Applicant Response: Permanent, unless we find a different commercial kitchen.***

**Public Works Comments:**

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
  - 1) None
- B) Items that are conditions of approval (stipulations):
  - 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
  - 1) None

**Staff Conclusion:**

The applicant has addressed staff's comments except the exact time the truck will leave the morning and return in the evening. It is important that the neighbors have a timeframe to ensure the truck will not become a nuisance for them. An important distinction from other commercial vehicles is that the applicant stated that once the truck is parked for the evening, it will not leave again until the next morning, so one trip per day.

Subject to approval, the applicant shall adhere to the following stipulations:

- (1) This special use permit shall be valid for two (2) years.
- (2) To minimize the impact on the immediate neighbors, the food truck may not leave before 7:00 AM.
- (3) The truck shall be parked in the driveway in front of the third car garage door.

If an application to vacate North 111<sup>th</sup> Street is approved (by the Unified Government Board of Commissioners), the applicant may park the truck in the vacated street as one-half of the street will become the west property line of 11014 Independence Boulevard.

---

**STAFF COMMENTS AND SUGGESTIONS**

---

The staff concurs with the recommendation of the City Planning Commission.

---

**STAFF RECOMMENDATION**

---

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2019-9 subject to all comments and suggestions outlined in this staff report.

---

## ATTACHMENTS

---

February 11, 2019 City Planning Commission Minutes  
Applicant Response Letter  
Neighborhood Meeting Minutes  
Site Photographs

---

## REVIEW OF INFORMATION AND SCHEDULE

---

| Action         | Planning Commission | Unified Government Commission |
|----------------|---------------------|-------------------------------|
| Public Hearing | February 11, 2019   | February 28, 2019             |
| Special Use    | Approval            |                               |

---

**STAFF CONTACT:**        **Byron Toy, AICP**  
                                     [btoy@wycokck.org](mailto:btoy@wycokck.org)

---

---

## MOTIONS

---

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-9** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

## OR

I move the Unified Government Board of Commissioners **DENY** of Petition #**SP-2019-9**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

## **February 11, 2019 City Planning Commission Minutes:**

**Hearing Starts At 3:09:50:**

**SPECIAL USE PERMIT APPLICATION #SP-2019-9 – SYLVIA E. JOHNSON WITH CAJUNATION – SYNOPSIS:** Special Use Permit for the Temporary Use of Land to park a food truck at the residence at 11014 Independence Boulevard. **Detailed Outline of Requested Action:** The applicant, Sylvia Jennings owns a food truck and has applied for a special use permit to park the food truck in the driveway at her residence located at 11014 Independence Boulevard.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 11, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated January 17, 2019; and
7. The Notices to property owners dated January 15, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

### **Present in Support:**

- ❖ Sylvia Jennings, 11014 Independence Boulevard, Kansas City, Kansas 66109
- ❖ Patrick Grosserand, 11002 Sloan, Kansas City, Kansas 66109

### **Present in Opposition:**

- ❖ No one appeared

**Staff Recommendation starts at 3:14:18:** Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report. He further stated that he understands that they may apply to vacate the stub of 111<sup>th</sup> Street and if they did that he would add to the stipulation that if they wanted to park the truck on the side of their property, they will not have to come back before the Planning Commission.

### **Motion and Vote Starts at 3:14:47:**

On motion by Dr. Serda, seconded by Ms. Huey, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2019-9:**

|                 |                 |
|-----------------|-----------------|
| <b>Carson</b>   | <b>Chairman</b> |
| <b>Connelly</b> | <b>Aye</b>      |
| <b>Ernst</b>    | <b>Aye</b>      |
| <b>Huey</b>     | <b>Aye</b>      |
| <b>Jones</b>    | <b>Aye</b>      |
| <b>Miller</b>   | <b>Aye</b>      |

Neal                      Aye  
Pauley                  Aye  
Reasons                Aye  
Serda                   Aye

Motion to recommend APPROVAL Passed: 9 to 0

Subject to:

**Urban Planning and Land Use Comments:**

1. This petition was brought to staff by Code Enforcement action who cited the applicant and owner, Ms. Jennings for keeping a food truck on the property. As of December 28, 2018, per Code Enforcement, the applicant has corrected the violation and the case is now closed.

*Applicant Response: Correct*

2. The food truck must be parked in the driveway and not on the public street or in the right-of-way.

*Applicant Response: The truck will be parked in the driveway on the third car garage side.*

**Staff Response:** If you vacate North 111<sup>th</sup> Street, you may park the truck in the vacated street as one-half of the street will become the west property line of 11014 Independence Boulevard.

3. A business license must be obtained for this business.

*Applicant Response: Yes. We have a business license.*

4. How long do you intend on parking the food truck at the residence?

*Applicant Response: We plan on parking the truck here until we find a commercial kitchen closer to our location. We do not feel it is safe outside at the kitchen we use.*

5. How do you plan to mitigate the visual impact of the truck being parked in the driveway? What landscaping measures will be in place to screen the truck from your neighbors and Independence Boulevard?

*Applicant Response: We have a tree that blocks that side of the driveway.*

6. How many days per week does the food truck leave the property?

*Applicant Response: We plan on using the truck every day, but if not, it will be parked here on three or four times a week.*

7. How many times per day does the food truck come to and from the property?

***Applicant Response: Once, when we leave and then we return home.***

8. What are the hours of operation of the truck?  
a. What times will the truck leave and return to the property?

***Applicant Response: We could work mornings and evenings, so it just depends on the day.***

**Staff Response:** To minimize the impact on the immediate neighbors, the truck may not leave before 7:00 AM.

9. Do you intend for this to be a permanent situation, or are you working to find a commercial property to serve as a permanent location to park the food truck?

***Applicant Response: Permanent, unless we find a different commercial kitchen.***

**Public Works Comments:**

- A) Items that require plan revision or additional documentation before engineering can recommend approval:  
1) None
- B) Items that are conditions of approval (stipulations):  
1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:  
2) None

**Staff Conclusion:**

The applicant has addressed staff's comments except the exact time the truck will leave the morning and return in the evening. It is important that the neighbors have a timeframe to ensure the truck will not become a nuisance for them. An important distinction from other commercial vehicles is that the applicant stated that once the truck is parked for the evening, it will not leave again until the next morning, so one trip per day.

Subject to approval, the applicant shall adhere to the following stipulations:

- (1) This special use permit shall be valid for two (2) years.
- (2) To minimize the impact on the immediate neighbors, the food truck may not leave before 7:00 AM.
- (3) The truck shall be parked in the driveway in front of the third car garage door.
- (4) If an application to vacate North 111<sup>th</sup> Street is approved (by the Unified Government Board of Commissioners), the applicant may park the truck in the vacated street as one-half of the street will

**become the west property line of 11014 Independence Boulevard.**

CAJUNATION

URBAN PLANNING AND LAND USE ANSWERS:

1. Correct
2. The truck will be parked in the driveway. On the third car garage side.
3. Yes, we have a business license.
4. We plan on parking the truck here until we find a commercial kitchen closer to our location. We not feel it it safe outside at the kitchen we use.
5. We have a tree that blocks that side of the driveway.
6. We plan on using the truck everyday, but if not it will be parked here on three or four times a week.
7. Once when we leave and then when we return home.
8. We could work morning and evenings so just depends on the day
9. Permanent unless we find a different commercial kitchen.



## Minutes for Cajunation neighborhood meeting

#SP-2019-9

JANUARY 11, 2019

11014 INDEPENDENCE BLVD

MEETING CALLED TO ORDER AT:7:15

\*Sylvia and Patrick talked about the commission meeting on February 11, 2019.

\*They showed pictures of the truck and where it will be parked.

\*People were interested where the truck would be serving next and excited for cajunation.

\*Meeting adjourned around 7:40

Minutes taken by: Renee Gosserand



**Figure 1. Photograph of 11014 Independence Boulevard (provided by Google Street View).**



**Figure 2. Photograph of driveway at 11014 Independence Boulevard (provided by the applicant).**



Figure 3. Photograph of artist rendering of the proposed food truck (provided by the applicant).





**Figure 4. Photograph of the food truck (provided by the applicant).**



---

## Urban Planning and Land Use

701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)

Phone: (913) 573-5750  
Fax: (913) 573-5796  
[www.wycokck.org/planning](http://www.wycokck.org/planning)

**To:** Unified Government Board of Commissioners

**From:** City Staff

**Date:** February 28, 2019

**Re:** **Proposed Ordinance Amendments to Sec. 27-340 and 27-612(6), Planning and Development of Kansas City, Kansas Code of Ordinances, adding definitions for vending machines and exterior sales and modifying the regulations thereof.**

---

### GENERAL INFORMATION

---

This is a request of staff from the Board of Commissioners to prepare and process the following:

- Ordinance amendment to tighten regulations on outdoor vending
- Ordinance amendment to further regulate outdoor sales

**Purpose:** To better regulate exterior sales and vending in the C-1, C-D, C-2, and C-3 Districts as accessory uses.

**Advertisement:** Wyandotte Echo – January 14, 2019

**Public Hearings:** February 11, 2019 and February 28, 2019

**Public Opposition:** No one appeared in opposition at the February 11, 2019 City Planning Commission meeting.

---

## PROPOSAL

---

This is a follow up to a request of staff from the Board of Commissioners to prepare and process an ordinance concerning outdoor vending. An amendment was passed in 2016, but when a subsequent ordinance was passed it inadvertently deleted this ordinance. This is the same ordinance that was previously passed. The original staff report is below

This ordinance recognizes that exterior sales and vending may be integral to certain commercial uses. However, the proliferation of multiple vending machines and exterior sales displays threatens to impact the character of the neighborhood. The following guidelines are meant to preserve the character of each neighborhood while still allowing vending machines and exterior sales to continue as accessory uses under certain conditions.

The Board of Commissioners placed a moratorium on vending enforcement in 2015.

In the proposed ordinance, the existing regulations for vending machines and exterior sales have been revised to further encourage and require the responsible siting, arrangement, and screening where appropriate. These requirements were determined after considering current vending machine and exterior sales patterns and regulations and ordinances from other communities across the Kansas City area and beyond.

While the current ordinance that regulates vending machines and exterior sales as an accessory use has significant provisions that already limit the placement and number of such allowable uses, additional provisions are necessary to better define and encourage the smart use and placement of vending machines and exterior sales.

Staff proposes the following ordinance modifications to achieve the goals of the community:

(Existing, ~~Stricken~~, New Language)

### **Sec. 27-340. – Definitions**

Exterior sales means the sale of goods outdoors on private property that is zoned for commercial retail. Examples include ice chests, propane, firewood, and other that are similar.

Vending machine means a machine, stand, or dispenser that distributes, dispenses, or sells a physical product or good directly to a consumer using an automated payment system. Examples include but are not limited to soda machines, candy machines, video rental vending machines, snack machines, newspaper machines, and others that are similar. This definition does not include ATMs, gas pumps, air dispensers, or payphones.



**Sec. 27-612(10). – Exterior sales and vending on private property provided that:**

- A. Commercial uses with a business license (occupation tax receipt) before December 31, 2008.
1. The exterior sales or vending ~~area~~ machines does not block an interior sidewalk.
  2. The exterior sales or vending machines do not block any exterior windows.
  3. The exterior sales or vending machines must be at least five feet away from all public doors.
  4. Exterior sales area and vending machines ~~are~~ is only permitted on private property unless it complies with the street vending ordinance.
  5. The exterior sales or vending ~~area~~ machines must leave adequate space for vending customers and those using the sidewalk.
  6. Video rental vending machines are not allowed in exterior locations except under the following circumstances:
    - a. The site does not have a drive-thru window or drive-up service.
    - b. At least 15 percent of the facility traffic is generated by pedestrians walking from the surrounding neighborhood.
    - c. The machine is located so as to not interfere with vehicular traffic; and
    - d. There is sufficient stacking area for pedestrians to wait on a sidewalk.
    - e. The area where the device is placed is monitored by a security camera.
  7. Any ~~outdoor~~ exterior sales area must remain neatly organized and free of litter.
  8. Any ~~outdoor~~ exterior sales or vending area must be flush with the facade of the building.
  9. No more than ~~two~~ one ~~outdoor~~ exterior sales display or vending ~~areas~~ machine is permitted per property except as follows:
    - a. If the exterior sales displays and vending machines are located on a side of the building not facing a road or street then the number of allowed exterior sales displays or vending machines shall be increased to three.
    - b. If the exterior sales display and vending machines are screened by side walls, decorative fencing, shrubs, and other landscaping as approved by the Urban Planning Department then the number of allowed exterior sales displays and vending machines shall be increased to three.
    - c. For every 200 feet that the façade on which the exterior sales display or vending machine is located is set back from the nearest road or street right of way then the number of allowable exterior sales displays or vending machines shall be increased by one.
  10. No additional signage that would require a permit is allowed.
  11. The area allowed for ~~outdoor~~ exterior sales or vending may not exceed ~~64~~ 24 square feet.

12. No more than one propane exchange locker may be allowed per property, unless:
  - a. The site for the propane exchange lockers are located at least 200 feet from the nearest street; and
  - b. The propane exchange lockers are at least 20 feet away from the nearest public door; and
  - c. The retailer offering the propane exchange service on its premises also sells gas grills of the type that typically use propane as a fuel.
13. No signage is allowed beyond the surface of the device vending machine.
- B. ~~These facilities~~ Exterior sales and vending machines are not permitted in the official commercial overlay zone area west of 94th Street or on new projects in planned districts, with the exceptions:
  1. Products that cannot be sold indoors for safety and regulatory reasons (ex. propane exchange lockers).
  2. If the facility is a grocery store over 15,000 square feet.

---

## PLANNING COMMISSION RECOMMENDATION

---

The Planning Commission voted 9 to 0 to recommend APPROVAL of this ordinance amendment.

---

## STAFF COMMENTS AND SUGGESTIONS

---

The staff concurs with the recommendation of the City Planning Commission.

---

## REVIEW OF INFORMATION AND SCHEDULE

---

| Action         | Planning Commission | Unified Government Commission |
|----------------|---------------------|-------------------------------|
| Public Hearing | February 11, 2019   | February 28, 20169            |
|                | Approval            |                               |

**STAFF CONTACT:**      **Rob Richardson**  
[rrichardson@wycokck.org](mailto:rrichardson@wycokck.org)

---

## MOTIONS

---

I move the Unified Government Board of Commissioners **APPROVE** this ordinance amendment as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

**OR**

I move the Unified Government Board of Commissioners **DENY** this ordinance amendment, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

**February 11, 2019 City Planning Commission Minutes:**

**Hearing Starts At 3:21:00**

**CONSIDERATION OF REVISIONS TO SECTIONS 27-611-614 CONCERNING VENDING MACHINES AS ACCESSORY USES IN NON-RESIDENTIAL ZONING DISTRICTS IN THE KANSAS CITY, KANSAS CODE OF ORDINANCES.**

Recording Secretary Parker asked if the Commission had any contact to disclose on this request. (No one responded in the affirmative.)

**Present in Support:**

- ❖ Rob Richardson, AICP, Director of Planning

**Present in Opposition:**

- ❖ No one appeared

**NOTE:** The recording device started a new session at this point.

**Staff Recommendation Starts At :18:** Planning Director Richardson stated that this is ordinance was inadvertently eliminated when the chicken ordinance was adopted. Planning Director Richardson stated that the staff recommends approval.

**Motion and Vote Starts at :25:**

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of this Ordinance Amendment:**

|                 |                 |
|-----------------|-----------------|
| <b>Carson</b>   | <b>Chairman</b> |
| <b>Connelly</b> | <b>Aye</b>      |
| <b>Ernst</b>    | <b>Aye</b>      |
| <b>Huey</b>     | <b>Aye</b>      |
| <b>Jones</b>    | <b>Aye</b>      |
| <b>Miller</b>   | <b>Aye</b>      |
| <b>Neal</b>     | <b>Aye</b>      |
| <b>Pauley</b>   | <b>Aye</b>      |
| <b>Reasons</b>  | <b>Aye</b>      |
| <b>Serda</b>    | <b>Aye</b>      |

**MOTION PASSED: 9 to 0**



---

## Urban Planning and Land Use

701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)

Phone: (913) 573-5750  
Fax: (913) 573-5796  
[www.wycokck.org/planning](http://www.wycokck.org/planning)

**To:** Unified Government Board of Commissioners

**From:** City Staff

**Date:** February 28, 2019

**Re:** **Proposed Ordinance Amendment definitions and a new provision to Section 27-593(a), Planning and Development of Kansas City, Kansas Code of Ordinances, requiring a special use permit for small box variety stores.**

---

### GENERAL INFORMATION

---

This is a follow up to a request of staff from the Board of Commissioners to prepare and process an ordinance concerning small box variety stores. An amendment was passed in 2016, but when a subsequent ordinance was passed it inadvertently deleted this ordinance. Additionally, we were made aware of some potential legal issues with the format of the old ordinance, so the new ordinance has been modified following a national example.

Two studies are attached and links are listed in the whereas clauses of the ordinance that give significant background on the need for this regulation. The first is the Kansas City, Kansas Health Food Assessment from October of 2017. The study notes we have significant gaps in physical food infrastructure, food related disease in Wyandotte County, low incomes, and the need for community action. It recommends a plan to build a community-based food system, raise funds for that infrastructure, and engage community residents in the discussion. To that end, the Unified Government imitated the Northeast area Master Plan. A primary tenant of the now adopted plan is urban food access and new grocery services. Additionally, the Unified Government has contracted with a local coop, the MERC, to occupy a new grocery store built by the Unified Government. That investment is approximately 6 million dollars! To assure the success of that store, the Unified Government sent individual fliers to over 19,000 urban addresses seeking input at 4 public meetings on the new grocery store.

Secondly, we have attached a study by the City of New Orleans titled Small Box Retail Diversity study. Key findings are that small box retail stores may impede the entry of full line grocery stores. That is a very important finding given the findings of the study noted above. The second finding that is key to the need for this ordinance is that with few exceptions, these stores do not provide for the sale of fresh fruits and vegetables. Access to fresh fruits and vegetables is a key part of beginning to eliminate food related disease.

There is a great need for this ordinance amendment in a community with such severe food and health issues when these stores have the potential to impeded full service grocers and they generally fail to provide the fresh fruits and vegetables necessary for healthy living.

Please take the time to read and understand each of the attached studies. The executive summaries will be included in this report.

**Purpose:** To better regulate the total number and proximity of small box retail stores to assure the best possible opportunity to provide fresh fruits and vegetables to the community.

**Advertisement:** Wyandotte Echo – January 17, 2019

**Public Hearings:** February 11, 2019 and February 28, 2019

**Public Opposition:** We have received a letter in opposition to the previous ordinance by a representative of a small box retail store chain. That letter is attached. Planning and legal staff believe we have addressed the legal concerns expressed in that letter and that it is not applicable to this ordinance. One person appeared in opposition at the February 11, 2019 City Planning Commission meeting.

---

## PROPOSAL

---

This ordinance recognizes that small box retail stores may serve needs that are not being served by other businesses in the neighborhood. However, the proliferation of these stores near each other can negatively impact the character of the neighborhood. They also have the potential to inhibit the provision of healthy foods as described above. The following guidelines are meant to allow for the provision of healthy foods and preserve the character of each neighborhood while still allowing small box retail stores to flourish.

Currently, more than 30 small box variety stores exist, with many near each other. Some are national chains while others are not. In the proposed ordinance, the separation requirement of 10,000 feet was determined after considering current location patterns and pedestrian and transit access.

While this definition encompasses what are commonly referred to as dollar stores, it would also include other retailers meeting the definition below. The proposed ordinance follows.

(Published \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE providing a definition of “small box variety store” and requiring a special use permit for new small box variety stores; amending Sections **27-340** and **27-593** to Chapter 27, Article VIII, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

WHEREAS, a significant number of small box variety stores are already in operation in Kansas City, Kansas; and

WHEREAS, many of the small box variety stores are currently in close proximity to one another; and

WHEREAS, while it is recognized that small box variety stores may be the only convenient source of some food items for people in areas underserved by traditional grocery stores, it is also recognized that small box variety stores offer limited healthy fresh food options, especially when it comes to fresh fruits and vegetables and fresh or frozen meats; and

WHEREAS, many small box variety stores do not include WIC essential items and therefore are not certified to accept WIC coupons; and



WHEREAS, 10% of Wyandotte County households have no access to a vehicle, and therefore according to experts, in order to adequately reach these shoppers, fresh food should be available less than a one-quarter mile walk from each home; and

WHEREAS, while it is necessary to continue to allow the presence of small box variety stores, it is also necessary to regulate them and to encourage stores to offer more healthy fresh food options; and

WHEREAS, such regulations will promote the efficient use of land and resources in Kansas City, Kansas and are necessary to protect the health, safety, and welfare of the citizens of Kansas City, Kansas; and

WHEREAS, the findings contained in the Crossroads Resource Center's "Kansas City, Kansas Healthy Food Assessment" dated October 2017 and the City of New Orleans' "Small Box Retail Diversity Study" dated December 18, 2018 are incorporated by reference herein. Copies of the findings are available online at <https://www.crcworks.org/kswyco17.pdf> and <https://www.nola.gov/getattachment/City-Planning/Major-Studies-and-Projects/Small-Box-Retail-Diversity-Study/Small-Box-Retail-Diversity-Final-Report.pdf/>, and are also available for public inspection during regular office hours of the Unified Government Clerk, Municipal Office Building, 701 N. 7<sup>th</sup> Street, Kansas City, Kansas.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF  
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

**Section 1.** That Chapter 27, Planning and Development, Article VIII, Section **27-340 and 27-593** of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby amended to read as follows:

**Sec. 27-340. – Definitions.**

Small box variety store means a store of 15,000 square feet or less which sells at retail an assortment of physical goods, products, or merchandise directly to the consumer, including food or beverages for off-premises consumption, household products, personal grooming and health products, and other consumer goods. Small box variety stores do not include retail stores that:

- (1) dedicate at least 15% of shelf space to fresh or fresh frozen food;
- (2) dedicate less than 2% of shelf space to food of any kind;
- (3) contain a prescription pharmacy, or
- (4) offer for sale gasoline or diesel fuel.

Fresh or fresh frozen food means food for human consumption that is unprocessed, or otherwise in its raw state; food that was quickly frozen while still fresh. This includes unprocessed meat and seafood.

**Sec. 27-593. - Allowable special uses.**

(b) The following uses are permitted only on approval of a special use permit regardless of the zoning district of the proposed location:

(21) Small box variety stores only in C-2 general business district, C-3 commercial district, M-1 light industrial and industrial park district, M-2 general industrial district, and M-3 heavy industrial district subject to the following criteria:

a. Separation Requirements

1. No small box variety store shall be located within 10,000 feet of any other small box variety store or within 200 feet of any property used primarily for a single-family residence, a two-family residence, a town home, or any apartment building. The separation distances shall be measured from property line of the small box variety store to the property line of the property containing the residential use. This separation provision shall not apply to any small box variety store that can demonstrate to the Unified Government that they were in operation at the location requested in the license application prior to the effective date of this article, and that they have operated continuously under the same business name since that time.

b. Signage

1. Following all permanent sign requirements under section 27-727.

c. Façade, Landscaping, and Screening

1. All commercial design guidelines must be met for all facades including, but not limited to, the creation of quality development with respect to site planning, architectural design and landscaping.
2. Commercial uses in industrial districts shall be subject to commercial design guidelines.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS 28th DAY OF FEBRUARY 2019.

---

David Alvey, Mayor/CEO

Attest:

\_\_\_\_\_  
Unified Government Clerk

---

## PLANING COMMISSION RECOMMENDATION

---

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of this ordinance amendment.

---

## STAFF COMMENTS AND SUGGESTIONS

---

The staff concurs with the recommendation of the City Planning Commission.

---

## ATTACHMENTS

---

Via weblinks:

City of New Orleans titled Small Box Retail Diversity study (executive summary included below)

Kansas City, Kansas Health Food Assessment from October of 2017 (executive summary included below)

Letters in opposition

---

## REVIEW OF INFORMATION AND SCHEDULE

---

| Action         | Planning Commission | Unified Government Commission |
|----------------|---------------------|-------------------------------|
| Public Hearing | February 11, 2019   | February 28, 2019             |
|                | Approval            |                               |

**STAFF CONTACT:**            **Rob Richardson**  
                                         [rrichardson@wycokck.org](mailto:rrichardson@wycokck.org)

---

## MOTIONS

---

I move the Unified Government Board of Commissioners **APPROVE** this ordinance amendment as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And

3. \_\_\_\_\_.

**OR**

I move the Unified Government Board of Commissioners **DENY** this ordinance amendment, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

**February 11, 2019 City Planning Commission Minutes:**

**Hearing Starts At :58:**

**CONSIDERATION OF CERTAIN AMENDMENTS TO SECTION 27-340, PLANNING AND DEVELOPMENT OF KANSAS CITY, KANSAS CODE OF ORDINANCES, GENERALLY CONCERNING DEFINITIONS AND A NEW PROVISION TO SECTION 27-593(a) PLANNING AND DEVELOPMENT OF KANSAS CITY, KANSAS CODE OF ORDINANCES, REQUIRING A SPECIAL USE PERMIT FOR SMALL BOX VARIETY STORES.**

Deputy Chief Counsel Waters stated that this is another one of the ordinances that was eliminated (as was the previous ordinance) when the chicken ordinance was adopted.) He further stated that they went back and looked at the ordinance. The staff received correspondence from the attorney for Colby Capital, who is the developer for most of the Dollar General Stores. They argued that the previous ordinance was unconstitutional because it discriminated against out of state businesses versus local businesses. He further stated that they made that argument based on the language of the ordinance and some of the language in the supporting documents. While not necessarily agreeing with that analysis, the staff decided to look at the ordinance and see if improvements could be made to it. The current ordinance is focused on fresh foods for the citizens of Kansas City, Kansas. The ordinance recognizes that the access to fresh, healthy foods has been a long-time in coming for the citizens of Kansas City, Kansas. It recognizes that while small box variety stores do offer some food options many of these stores do not provide fresh food options. This ordinance is also different from the previous one as it has an incentive that encourages stores to offer that fresh food and if they dedicate at least 15% of the shelf space to fresh and frozen food, they will not be subject to the distance requirements in this ordinance. He further stated that the staff recommends approval of this ordinance.

Planning Director Richardson stated that the Unified Government's commitment to healthy foods is significant. They are going to build a grocery store to the tune of \$6 million in the Downtown area so there can be fresh, healthy foods for the citizens. He stated that this is something that is not being taken lightly. The staff report references studies related to this type of store (with fresh foods) that the Unified Government is trying to encourage them to sell and the physical health of the citizens and how those are related. He further stated that this ordinance will not affect any existing stores.

### **Present in Opposition:**

- ❖ Pete Petersen, attorney representing Colby Capital, 748 Ann Avenue, Kansas City, Kansas 66101

**Staff Recommendation starts at 12:00:** Planning Director Richardson stated that with regard to Mr. Peterson's comments about what is regulated and what is harmful, if you read the studies a lot of the foods that are harmful to the people in the urban core have high rates of diabetes in particular. When there are numerous stores that do not sell the fresh foods in the market place, it helps prevent those people from getting the foods they need so desperately. He further stated that there are many businesses that are regulated with regard to the public health, safety and welfare of this community and he thinks this one will do that very effectively. Commissioner Connelly stated that a new grocery store is being built downtown. For a long time there was not a grocery store downtown. When the Apple Market closed there was the Family Dollar. He agrees that there should be healthy choices. If someone goes some place that does not have what they want, they can go somewhere else. Director Richardson stated that one of the issues is how does someone get to another store and how long does it take. One grocery store does not take care of that. Chairman Carson stated that the variety stores provide a lot of other things besides food. He asked if an inventory list will be required. Director Richardson stated that the staff will ask for data relating to the code. There are lots of special use permit that the staff requests additional data and also on business licenses. Chairman Carson asked if we will ask retailers if they are providing tobacco products because we allow people to sell them even though we know that they are bad for people. Director Richardson stated that the Health Department is working on a separate tobacco ordinance.

Legal Counsel Waters stated that these are policy decisions based on the Planning Commission's recommendation and ultimately the Board of Commissioners.

Director Richardson stated that the liquor store ordinance also has a distance requirement and there are other ordinances that have limitations on uses.

### **Motion and Vote Starts at 23:33:**

On motion by Dr. Serda, seconded by Ms. Jones, the Planning Commission voted as follows to recommend **APPROVAL of this Ordinance Amendment:**

|                 |                 |
|-----------------|-----------------|
| <b>Carson</b>   | <b>Chairman</b> |
| <b>Connelly</b> | <b>Aye</b>      |
| <b>Ernst</b>    | <b>Aye</b>      |
| <b>Huey</b>     | <b>Aye</b>      |
| <b>Jones</b>    | <b>Aye</b>      |
| <b>Miller</b>   | <b>Aye</b>      |
| <b>Neal</b>     | <b>Aye</b>      |
| <b>Pauley</b>   | <b>Aye</b>      |
| <b>Reasons</b>  | <b>Aye</b>      |
| <b>Serda</b>    | <b>Aye</b>      |

**MOTION PASSED: 9 to 0**

## Executive Summary Small Box Retail Diversity Study – New Orleans

### A. Executive Summary

#### Introduction

Small box discount stores, commonly known as “dollar” stores, have operated across the United States for well over a century. These original “five and dime” stores, such as Woolworth’s, have since closed, but newer iterations such as Dollar General, Family Dollar, and Dollar Tree, all of which emerged in the 1950s, have filled the gap. The small box discount industry is well-established in New Orleans and has been for decades. According to Dollar General, for example, the chain opened its first store in New Orleans in 1983.

Following national trends, small box discount stores have rapidly proliferated across the city in recent years. New Orleans East, in particular, contains a disproportionate number of these stores compared to other retail options—most notably full-line grocery stores. Currently, two grocery stores and 12 small box discount stores operate in New Orleans East.

In an effort to address this rapid expansion citywide, but particularly in the East, including the hypothesis that small box discount stores may impede the entry of full-line grocery stores, which are a source for fresh food, City Council adopted Motion (As Corrected) M-18-256 on June 21, 2018 directing the City Planning Commission to produce this Small Box Retail Diversity Study. The scope of the Small Box Retail Diversity Study is outlined in the motion and directs the City Planning Commission to explore the following subject matter in its study:

- Define “small box discount stores”
- Explore regulations such as the following:
  - Use standards:
    - Requirements to provide fresh food
    - Limitations on the sale of alcohol
    - Restrictions based on spacings/block-face
    - Any necessary restrictions to assist in curbing the proliferation of small box discount stores that fail to offer fresh fruits and vegetables
    - Appropriate zoning districts where “small box discount stores” may be permitted by right, conditional, and prohibited
- For the purposes of the study, “small box discount stores” include businesses that have a floor area of 5,000 to 10,000 square feet, which sells at retail physical goods, products, or merchandise directly to the consumer, including food or beverages for off-premises consumption, household products, personal grooming and health products, and other consumer goods, with the majority of items being offered for sale at lower than the typical market price, but does not:
  - Dedicate at least 15% of floor area to fresh foods and vegetables
  - Contain a prescription pharmacy, or
  - Offer for sale gasoline or diesel fuel



## Key Findings

Based on the review of practices in other communities and the analysis of the current situation in New Orleans, the following key findings informed the proposed Small Box Retail Diversity Study recommendations:

### Small Box Discount Store Findings

- Small box discount stores are prolific in New Orleans. There are 36 stores citywide, including 12 in New Orleans East. Small box discount stores tend to cluster.
- All retail uses, including small box discount stores, fall into the retail goods establishment category; small box discount stores are permitted or conditional anywhere that the retail goods establishment use is permitted or conditional.
- Small box discount stores such as Dollar General, Family Dollar, and Dollar Tree range in size from 7,800 to 12,000 square feet in floor area.
- With the 2008 economic recession, small box discount stores began to attract more customers outside of the low-income demographic.
- Major small box discount store chains are continuing to open new stores and develop new types of store formats.
- Some small box discount stores poorly manage store exteriors, resulting in litter, uncontained refuse in the dumpster area, and poorly maintained landscaping.
- With one exception, existing small box discount stores in New Orleans that sell food products do not provide fresh fruit and vegetables.<sup>1</sup>
- A retail goods establishment may not sell alcoholic beverages unless retail sales of packaged alcoholic beverages is allowed within the district or if it is conditional upon receiving conditional use approval. Only four districts (C-3 Heavy Commercial, LI Light Industrial, HI Heavy Industrial and MI Maritime Industrial) allow retail goods establishments to sell packaged alcoholic beverages by right.

### Grocery Stores

- Full-line grocery stores generally range from 25,000 to 60,000 square feet, though smaller versions are also located in New Orleans.
- Larger retail goods stores, such as grocery stores, are prohibited in districts such as HMC-1 and other districts with low maximums for total floor area. The HU-B1, HU-B1A, HU-MU, S-B1, S-LB1, S-LB2, and S-MU Districts permit uses up to 5,000 square feet of total floor area, but uses exceeding that threshold are subject to conditional use approval. In HMC-2, non-residential uses over 10,000 square feet, such as a grocery store, are conditional uses. HU-B1, HU-B1A, HU-MU, S-LB1 and S-LB2 prohibit uses over 10,000 square feet, effectively eliminating larger full-line grocery stores from those districts.
- Grocery stores have a wide range of location selection criteria in determining the best areas to locate, including area demographics, existing and planned food sale developments, median home sales price, median incomes, location and size of competitors, traffic counts, violent and property crime, and policy presence.

---

<sup>1</sup> Dollar General Market at 2001 St. Bernard Avenue

## Public Health & Food Access

- Obesity and associated diseases such as diabetes have increased threefold since 1990 as a result of increased consumption of calorie-dense foods paired with insufficient physical activity. African Americans are disproportionately more obese and suffer from associated diseases than their white and Latino counterparts.
- Many New Orleans residents have low access to healthy, nutritious food.
- Studies are mixed when it comes to the linkage between availability of fresh food and overall health as well as the availability of fresh food and the purchase of fresh food.
- Stores can implement changes to the in-store environment to influence purchasing behaviors, such as placing particular items in prime locations and promotional advertising within the store.
- All store types, including traditional, full-line grocery stores, devote more shelf space to unhealthy items than to healthy items.
- Local small box discount retailers such as Family Dollar, Dollar General, and Dollar Tree all accept SNAP, but none accept WIC.
- No causal link has been found between childhood obesity and the existence of small box retail stores in their communities
- Toxic chemicals have been found in the products of major small box discount store chains. While many of these companies have yet to implement comprehensive chemical management policies, unfortunately the presence of hazardous chemicals in retail products is not limited to these types of stores.

## General Land Use

- New Orleans East, Gentilly, and parts of Algiers are more suburban and automobile-centric in their development pattern than older parts of New Orleans; therefore, any policy changes may need to be tailored to different areas of the city.
- Current Comprehensive Zoning Ordinance regulations prevent retail sales associated with an agricultural use not located in an Open Space, Rural Development, or non-residential districts despite the fact that agriculture is permitted or conditional in several residential districts, including the historic core, historic urban, and suburban residential districts.
- There is a discrepancy in the interpretation of Section 21.6.A, which prohibits detached accessory structures from being constructed prior to construction of the principal building to which it is accessory. As agricultural uses typically rely on “accessory” structures such as sheds and chicken coops and do not typically require a traditional principal structure, this interpretation could negatively impact agricultural uses.

## Case Studies

- With the implementation of Tulsa’s Healthy Neighborhood Overlay, which requires at least a one mile distance between small box discount stores, several small box discount stores have located just outside the boundary of the overlay in order to avoid this restriction.
- Zoning is one tool that can assist in increasing the availability of healthy food in areas with low access; however, for best results other initiatives or incentives should be incorporated.

- Research shows that Minneapolis' Staple Foods Ordinance has not increased the purchase of healthy "staple" foods. In addition, it has not been linked to an increase in healthy food availability as retailers in St. Paul, which does not have a Staple Foods Ordinance, are also getting healthier.
- Programs with financial incentives, such as the Fresh Food Retailer Initiative and the Healthy Corner Store Collaborative are providing access to fresh food in low-access areas.

### **Enforcement**

- Existing small box discount stores are currently classified under four different occupational license categories which may create inconsistencies with enforcement especially if the City desires a change in policy that would specifically target this use.
- Code Enforcement and the Department of Sanitation can also only enforce the City Code on property owners and cannot write violations to the tenants of a property. This is an issue, specifically as it relates to small box discount stores, because small box discount stores are typically not the property owners of the buildings where they operate in New Orleans.

### **Crime**

- Crime data retrieved from the New Orleans Police Department indicates that perceptions of crime in New Orleans East may be more based on concentrated, high-profile violent crime whereas crime statistics actually show a more nuanced situation. While the violent crime rate per 100,000 residents is higher in New Orleans East than in Orleans Parish as a whole, the property crime rate for this area is lower.



# Executive Summary Kansas City, Kansas Healthy Food Assessment

Wyandotte County, Kansas — Crossroads Resource Center — October 2017



## EXECUTIVE SUMMARY

“Good bones” is a phrase residents use to describe the neighborhoods and communities in Kansas City, Kansas. They say the neighborhoods are “well-built,” with deep commitment and pride in their own community. Yet the city is disparate, varying greatly from one side of town to the next, with distinct enclaves of African-Americans, Latinos, and Asian-Americans amidst a majority white population. One of the most diverse in the state, the city hosts residents who speak more than 50 different languages.

Neighborhoods hold unique and individual identities centered upon cultures that persist today. Although this contributes to Kansas City’s<sup>1</sup> rich and diverse identity, it also contributes to a pervasive sense of “us and them,” which challenges broad investment efforts. Poverty and food insecurity are ever-present, with 46% of county residents earning less than a living wage.

Wyandotte County has a relatively rich food retail environment, boasting many culturally identified groceries, stores and food manufacturers of all sizes, five farmers’ markets, a solid cluster of productive urban farms, dozens of community gardens, and orchards that are open for community members to freely harvest.

Further, the county is home to a substantial cluster of food enterprises. Federal data show that there are 435 food-related businesses in the county, hiring more than 12,093 employees, who earned more than \$491 million in 2015. This amounts to about 14% of all firms in the county, 17% of the employees, and 15% of payroll.

### Independent Grocers are Strong

Quite unique to Kansas is the city’s concentration of locally and/or independently owned grocery stores. Of the 10 largest national grocery retailers chains, only 2 — Wal-Mart and ALDI — have locations in Kansas City, Kansas. Instead, smaller chains, such as those operated by Balls Food (Hen House, Price Chopper, and Sun Fresh), dominate the market.

Yet despite this proud tradition of independent ownership, we heard considerable concern that national chains such as Wal-Mart were taking over and compromising the viability of independent stores. Simultaneously, as in many urban centers, grocers are considering opening smaller-format stores that appeal to urban professionals who wish to walk to stores near their homes, and who shop several times a week to get the freshest possible selection. Home delivery is competing with large retailers.

### Residents Seek Cultural Gathering Spaces

Yet Wyandotte County residents do not feel their needs are being met. In interviews we held with 56 residents and experts, respondents expressed deep disappointment they could not shop at stores that were also cultural gathering places.

---

<sup>1</sup> In this report, the name “Kansas City” refers to Kansas City, Kansas, unless specifically stated as Kansas City, Missouri, or as the broader Kansas City metropolitan area.

Latinos we interviewed named El Torito, Bonito Michoacan, and Sun Fresh Market as the primary places where they shop for their culturally relevant groceries, but one pointed out that while these are important gathering spaces, their size is limited. One Latino grocer, we were told, hopes to build an entire Mercado that would provide more of such space and a stronger ambience.

African-Americans mentioned that they often are not comfortable shopping in stores with Spanish language signage, and would prefer stores that offer an African-American cultural feel. Many simply looked for stores that are neighborhood gathering points where they can meet others who live nearby. One group of African-American leaders called very pointedly for a cooperatively-owned grocery (See Appendix K).

#### **Kansas City is a National Leader in Urban Food Production**

Kansas City residents are not limited to purchasing food. Indeed, the city has become a national leader in urban food production. This is a strength upon which the UG can build.

Cultivate Kansas City has drawn national attention for its persistent efforts to build a base of food production inside city limits. The New Roots for Refugees Farm Training Program at Juniper Gardens, a collaboration between Cultivate Kansas City and Catholic Charities of Northeast Kansas, currently hosts farmers from the Democratic Republic of Congo, Burma, and Bhutan. To date, Juniper Training Farm has graduated 20 farmers, 17 of whom farm commercially. The farms sell food directly to about 300 households through a Community Supported Agriculture (CSA) program. The program has developed a “Veggie ID” resource page to help consumers make use of the items they find at market and in CSA shares. Unfortunately, the CSA shares are largely distributed outside of the urban core to more prosperous clients, to Kansas City, Missouri, or to group pick-up sites. Program leaders think that offering delivery options has proved important to increasing CSA enrollment.

When including sales from the Gibbs Road Farm, Cultivate Kansas City farms reports that its farms sold \$304,000 worth of produce and CSA shares in 2016. Similar to the New Roots program, most of their produce is sold outside of Wyandotte County, with produce going to Kansas City, Missourians and northern Johnson County, KS residents. This may seem like a relatively small amount, but it is nearly triple their 2007 sales. Moreover, it constitutes 10% of all farm product sales reported by county farms. In 2012, the year of the most recent Census of Agriculture, Cultivate Kansas City’s two farms sold 61% of all produce sold by farms in the county.

Kansas City, Kansas, also hosts 24 community garden sites, where dozens of residents grow their own food. Gardeners can draw upon a metropolitan-wide network of support in their endeavors.

#### **Significant Gaps Remain**

Despite these strengths, significant gaps exist in the Wyandotte County food system. One of the key gaps is a lack of physical and other infrastructure that creates efficient community food trade, and connects farmers more closely with consumers, as prior reports have noted.

Given income inequalities, however, such investments will not in themselves address the food needs of lower-income residents. Federal data show that 32,723 county residents collected

SNAP benefits in 2011, or 20% of the population. This was a substantial rise from 12,516 (8%) in 2000 (Federal Census 2011-2015).

The food bank, Harvesters, along with its partner pantries, works diligently to reduce food insecurity. 36,200 unique residents (11,200 households) of Wyandotte County rely on the Harvesters network for some food assistance. Another 40,000 residents are vulnerable because they earn less than a living wage. What were once considered “emergency” programs have become a permanent part of the food landscape.

#### **Residents Suffer from Significant Food-Related Disease**

A lack of proper food and exercise is costly to county residents. As of 2015, 13% of Wyandotte County residents had been diagnosed with diabetes (Kansas Department of Health and Environment, 2015). This stands as the ninth-highest rate for any county in Kansas, and is considerably above the state rate of 10% (Kansas Department of Health and Environment, 2015). The American Diabetes Association estimates that the medical costs for treating diabetes and related conditions in the state of Kansas are \$2 billion per year (American Diabetes Association, 2012).

#### **Resident Purchasing Power is Substantial**

Current market conditions favor the importation of food from distant places. County residents spend at least \$450 million (conservatively estimated) each year buying food sourced outside the region.

This spending represents both a community asset and a liability. At the current time, this contributes to a weakened county economy by siphoning money to other regions of the U.S. and globally. Yet it simultaneously represents a significant market for food that Wyandotte County farmers and food processors could strive to reach.

#### **Commodity Farms Struggle**

Most of the 164 commercial farms left in the western section of the county are having difficulty, as well. One adjusted for inflation, Wyandotte County farmers earned \$6.5 million less in net cash income in 2015 than they had earned in 1969. Some have sold their land for development, while those that remained doubled their farm productivity, but the economic strength of the farm sector as a whole declined. Since 1994, the most reliable way of earning net income as a farm owner has been to rent out land for someone else to farm — not by producing crops or livestock.

#### **Food Stamps Have Become an Important Economic Engine**

In a bizarre twist, a county with a strong agricultural heritage now finds that food stamps (Supplemental Nutrition Assistance Program, or SNAP) benefits have become more important in sourcing food than farming. SNAP recipients brought \$40 million into Wyandotte County in 2015, much of which was spent buying groceries at local stores and farmers markets.

This suggests that building local food trade is an exceptional economic development opportunity. If Wyandotte County were able to connect more local residents directly to local farms, impacts could be quite large. Even if each resident spent only \$5 each week buying food directly from any farm in the county, this would result in an additional \$42 million of income for those farmers. This is fourteen times current sales made by county farms.



### Emerging Initiatives

Responding to resident concerns about food access, Wyandotte County has implemented several programs and policies that effectively create access to healthy food and promote self-sufficiency. It has adopted zoning codes that deem agriculture a permitted use in residential districts, established special use permits for backyard hen keeping, classified farmers' markets as accessory uses in many districts, and launched the H2O to Grow program offering grants to increase water access for community gardens.

Mayor Holland's initiative to form a public-private partnership to build a grocery store as part of a Healthy Campus near downtown would serve as a dramatic expansion of these efforts. The UG hopes to invest as much as \$16 million (Reno, 2017) to achieve this vision, offering to pay for construction of a new grocery store that would be operated by a private firm. This store would be adjacent to other organizations and businesses that promote healthy lifestyles.

Taking such a step to invest in a cluster of firms addressing health would place Kansas City and Wyandotte County in a position of bold leadership nationally. Furthermore, this action holds the potential for creating equitable access to healthy, affordable, and culturally appropriate foods for low-income residents, if additional steps are taken.

### Comprehensive Vision and Action Required

This will require that the UG adopt more comprehensive initiatives. During interviews addressing the possibility of expanding food production in the county, UG leaders took the position that they are waiting for a developer to come forward that would both establish a vision and invest in it. Our experience suggests that such a strategy will fail. The changes that need to be made are systemic and long-term, not suited to the rapid return on investment that developers typically seek. These changes will only come about if UG officials become proactive, working with residents to frame an effective, pragmatic, and inclusive vision, and then crafting proper incentives so that developers and other investors find financial reasons to promote the civic vision.

Leaders of Healthy Communities Wyandotte have proposed that one effective way for the UG to establish a lasting commitment to food access is to amend the 2008 City Wide Master Plan. Indeed, this plan mentions food only once and only as it pertains to providing food and habitat for fish and wildlife. Yet the Plan's stated vision (page 1) is to support healthy neighborhoods; A fundamental aspect of healthy neighborhoods is consistent access to healthy food.

One of the Plan's intentions is "to recognize, reinforce, and enhance established neighborhood identity and sense of place." What a healthy neighborhood or community looks like is never defined or detailed in a way that accounts for food, food access, nutrition, or food production (with the exception of agriculture being an acceptable use in some areas). Moreover, since the 2008 Plan was constructed under the vision of former Mayor Joe Reardon, it does not reflect current Mayor Mark Holland's priorities on improving local health outcomes.

However, residents we interviewed do not perceive that the lack of access to grocery stores is the biggest issue they face. Almost everyone involved in focus groups readily named three or more stores where they shop routinely. Each knew the strengths and weaknesses of each store

quite vividly. Many mentioned that they have difficulty getting to these stores, or eating well, for a variety of reasons.

The largest concern residents expressed was about being marginalized. Most felt they had little access to political power to shape the public discourse, little commitment from public officials to address their needs, and limited responsiveness from food businesses.

Moreover, low-income and marginalized residents face multiple issues at once, and these cannot be resolved simply by launching a new program. This was eloquently portrayed by one resident we interviewed: “Families and households are so marginalized already. We need a whole systems approach. We can’t just chip away at one thing, it’s so layered. Is the gas and electricity on at the house? Do they have cutlery? Pots and pans? Cooking skills? It’s all present. It’s all urgent. We need to serve the whole person. We need more collaboration.”

#### **Our Recommendations**

A. First and foremost, the UG must assert civic leadership that is committed over the long haul to ensuring safe and healthy neighborhoods that include access to healthy foods — as well as the freedom, and connectedness, to shape public policy and to live healthy lifestyles based on community values.

Specifically, we suggest that the UG Master Plan be amended to reflect this commitment and to establish long-term political will. We suggest specific language below.

B. Food system leaders in Wyandotte County should commit themselves to building a community-based food system, not simply a “local” food system. See page 7. This food system should be centered upon efforts to grow more food within the County, with priority on urban parcels, and priority in ensuring that marginalized residents can own and operate emerging food businesses. Efforts to train new farmers must be made permanent, with economic incentives appropriate for new small to larger scale farms, as well as for farmers wishing to expand their operations. Ongoing support must be given to immigrant farmers who wish to engage in local food trade. Wherever possible, food trade should connect Wyandotte County farms with Wyandotte County residents to build stronger economic, cultural, and social networks.

C. Persistent outreach efforts must engage Wyandotte County residents — at all income levels — to support community food businesses. Specifically, we encourage campaigns such as the “Buy Five Dollars from a local farmer each week campaign, as adopted in other states, which could bring \$42 million to county farmers.

D. Wyandotte County food system leaders, in collaboration with the UG, and business leaders should host an annual community-based food summit. Hosting such an annual gathering will raise the visibility both of community foods efforts and the need to eat better to attain better health outcomes. In turn, this will hopefully encourage more residents to place a priority on purchasing food from local farms and improving their nutrition practices.

E. Wyandotte County must raise funds to specifically invest in community-food-system development. This might be accomplished internally by issuing municipal bonds, or creating a special sales tax levy, or expanding allocations for small business development funds to specifically incentivize health initiatives. External sources of money, such as New Market Tax

Credits, philanthropic dollars, federal and state funds, should also be raised. Public and private funds should be dedicated to ensure that local businesses are informed of and take advantage of local investment opportunities.

F. With regard to the Healthy Campus, our team recommends that any store that may be invited to locate in conjunction with the YMCA be invited to open up two stores — one at the campus, and another that is located in Northeast in a smaller format.

G. Local food system leaders should build a solid leadership network that effectively coordinates local foods activity in an inclusive manner.

H. Wyandotte County food system leaders, in collaboration with the UG, should coordinate with Greater Kansas City efforts to brand foods that are grown in the region. As one example, the UG might wish to launch “Best in Wyandotte” awards that showcase community health and wealth practitioners. More on branding is mentioned in the Northeast Kansas Food Hub Feasibility Study (Flaccavento, *et al.*, 2014).

I. Revise the Mobile Vending ordinance to specifically allow for mobile food retail in residentially zoned areas. Additional policy actions are outlined in Appendix I.

J. **Maximize Use of Federal Food Assistance Programs.** In particular, foster SNAP (Supplemental Assistance Nutrition Program, formerly called food stamps) enrollment so that all those eligible receive benefits. While these benefits are a stopgap measure, they are an important safety net. SNAP brought \$41 million into the Wyandotte County economy in 2015, directly benefitting low-income residents, farmers, and grocers. This program already involves a significant part of the county population: 20% of county residents currently receive food stamps. Additional benefits are extended to seniors through the Seniors Farmers Market Coupons, and use of these should also be maximized.

Our recommendations might be summed up as follows: Wyandotte County needs to have the political will to operate in a proactive manner to achieve a long-term vision. If the political will doesn’t exist, it needs to be created.

As noted above, our team recommends that this initiative be framed as a “community-based food initiative,” rather than as a “local food initiative.” This is because the competitive advantage any local effort to produce and distribute food to local consumers is based on the loyalties the initiative builds among community members. This is most clear when the price of locally grown produce exceeds the price a consumer could pay for a similar product that is imported. At such times, will a consumer purchase a green pepper raised in her community over one that was imported from Mexico, Canada, or Holland? Will a consumer opt to purchase primarily products from sources in their community, or will they favor other attributes?

As a community-based food initiative, then the initiative itself must build community capacities and resilience as it moves toward its goals.



## Letter in Opposition to previous ordinance

**JOHN L. PETERSON, P.A.**  
**Attorney at Law**  
748 Ann Avenue Kansas City, KS 66101  
(913) 371-1930, Ext. 118 Fax (913) 371-0147  
pete@jlpetersonlaw.com

December 17, 2018

Ken Moore, City Attorney  
Unified Government of WyCo/KCK  
Municipal Office Bldg.  
701 N. 7th St., 9<sup>th</sup> Floor  
Kansas City KS 66101

Re: Discount Dollar Retail Stores Ordinance #03-13-16

Dear Ken:

I represent Colby Capital, a limited liability company that develops discount dollar retail stores across the U.S. So far, Colby has been the "point guard" in Kansas City, KS, addressing the validity of Ordinance #03-13-16. Our intention is to ask that this ordinance be repealed, voided in its entirety. We would like to see this accomplished with no fanfare, no publicity; in essence, as quietly as possible.

Toward that end, we retained the Lawrence law firm of Stevens & Brand to completely review the constitutionality of the ordinance on behalf of Colby. Attached is the culmination of their investigation and research embodied in their letter opinion. Personally, when I first learned of the prohibitions contained in the ordinance, I thought, "What is the difference between *dollar stores* and *convenience stores*?" Neither Colby nor I can guess the intention of the discount dollar store company given the contents of this letter opinion.

Once you have had an opportunity to review, please let me know the UG's response. Naturally, if you want to meet with my client and me to discuss this, we would be very happy to oblige. My thanks to you, the Mayor, the Commissioners, and your staff for your anticipated cooperation.

With kindest personal regards, I remain sincerely,



John L. Peterson

JLP/cp

cc: UG Mayor David Alvey  
UG City Administrator Doug Bach

WEBSTER L. GOLDEN  
WINTON A. WINTER, JR.  
SHERRI E. LOVELAND  
MOLLY M. WOOD  
CHRISTOPHER F. BURGER\*  
WESLEY F. SMITH  
BRADLEY R. FINKELDEI  
MATTHEW H. HOY\*  
LESLIE M. MILLER  
EMILY A. DONALDSON, CELA\*  
REBECCA J. WEMPE

\*ADMITTED IN KANSAS AND MISSOURI

\*ADMITTED IN KANSAS, MISSOURI,  
AND CALIFORNIA

\*CERTIFIED ELDER LAW ATTORNEY

# STEVENS & BRAND LLP

ATTORNEYS AT LAW

US BANK TOWER  
900 MASSACHUSETTS, SUITE 500  
POST OFFICE BOX 189  
LAWRENCE, KANSAS 66044-0189  
PHONE: (785) 843-0811 FAX: (785) 843-0341

December 17, 2018

PATRICIA E. HAMILTON\*  
JOHN T. BULLOCK\*  
JEFFREY L. HEIMAN  
KANA R. ROLLER\*  
SCOTT E. TADDIKEN, PA  
DENISE L. M'NABB\*  
J. ERIC WESLANDER\*

THOMAS D. HANEY, Of Counsel

PETER K. CURRAN, RETIRED

RICHARD B. STEVENS  
1999-1991

JOHN W. BRAND  
1907-1971

JOHN W. BRAND, JR.  
1932-2015

EVAN H. ICE  
1963-2016

Colby Capital, LLC  
c/o John L. Peterson, PA  
748 Ann Avenue  
Kansas City, Kansas 66101

Re: Regulation of "dollar stores" by the Unified Government of Wyandotte County/  
Kansas City, Kansas

Dear Mr. Peterson:

You requested that we evaluate the legality and enforceability of an ordinance enacted by the Unified Government of Wyandotte County/Kansas City, Kansas ("UG") regulating "dollar stores" seeking to locate in Wyandotte County, including Kansas City, Kansas. For the reasons stated below, we conclude that the ordinance violates the Commerce Clause of the United States Constitution, and is also vulnerable to legal challenge under Kansas law.

## The Ordinance

The regulation in question, Ordinance No. 0-13-16, was passed on March 31, 2016, and signed into law by then-mayor Mark Holland. The ordinance provides that a "dollar store," as defined in the ordinance, is only permitted following the issuance of a special use permit. The ordinance further provides for "separation requirements" between dollar stores and between a dollar store and nearby residential properties. In particular, "no dollar store shall be located within 10,000 feet of any other dollar store or within 200 feet of any property used primarily for a single-family residence, a two-family residence, a town home, or any apartment building." Sec. 27-593(c)(21)(a).

The ordinance defines "dollar retail store" as follows: "[A] store with a wide variety of new merchandise for sale for five dollars or less, limited fresh produce, and buildings of less than 15,000 square feet. Examples include but are not limited to Family Dollar, Dollar General, Dollar Tree, 99 Cent Deals, Five Below, dime stores, or 5 & dime stores." Sec. 27-340.

**Applicable Legal Standards: An Ordinance Enacted With Discriminatory Intent or Effect Against Interstate Commerce Violates the Commerce Clause**

The Commerce Clause of the United States Constitution “not only expressly empowers Congress to regulate commerce among the states, but it also impliedly confines the states’ power to burden interstate commerce.” *Blue Cir. Cement v. Bd. of County Comm’rs*, 27 F.3d 1499, 1511 (10<sup>th</sup> Cir. 1994), citing *Oregon Waste Sys. v. Dept. of Energy Quality*, 114 S. Ct 1345, 1349 (1994). This law applies with equal force to measures adopted by political subdivisions of the states. *See id.*, 27 F.3d at 1511, n. 13.

The dormant commerce clause prohibits direct burdens on interstate commerce resulting from discrimination between local and interstate commerce. *Id.*, 27 F.3d at 1511. As explained by the Tenth Circuit Court of Appeals, “where simple economic protectionism is effected by state legislation, a virtually *per se* rule of invalidity has been erected.” *Id.*, quoting *City of Philadelphia v. New Jersey*, 437 U.S. 617, 624 (1978). “Such facial discrimination invokes the strictest scrutiny of any purported legitimate local purpose and of the absence of nondiscriminatory alternatives.” *Id.*, 27 F.3d at 1511, quoting *Chemical Waste Management, Inc. v. Hunt*, 112 S. Ct. 2009, 2014 (1992).

As one scholar has pointed out, when local “ordinances primarily affect out-of-state economic actors, and not their in-state competitors, those ordinances violate [the dormant commerce clause doctrine].” Bobrowski, Mark. *The Regulation of Formula Businesses and the Dormant Commerce Clause Doctrine*, 44 Urb. Law. 227 (Winter, 2012) (hereinafter, “Bobrowski”). As Professor Bobrowski explains, courts find discriminatory purpose when a legal enactment “is allegedly motivated by an intent to discriminate against interstate commerce.” *Id.*, quoting *Family Winemakers of California v. Jenkins*, 592 F.3d 1, 13 (1<sup>st</sup> Cir. 2010). “The ‘methodology’ to determine legislative purpose looks ‘to the statute as a whole’ . . . including statutory text, context, and legislative history . . . [and] also consider[s] whether the statute was ‘closely tailored to achieve the legislative purpose the state asserted.’” *Id.*, quoting *Family Winemakers of California*, 592 F.3d at 13, quoting *Alliance of Auto Mfrs. v. Gwadosky*, 430 F.3d 30, 37-38 (1<sup>st</sup> Cir. 2010).

The Kansas Supreme Court has also offered guidance on the application of these legal standards: “[A] court asks whether the challenged law discriminates on its face against interstate commerce. ‘In this context, “discrimination” simply means differential treatment of in-state and out-of-state economic interests that benefits the former and burdens the latter.’” *Zimmerman v. Board of County Comm’rs*, 293 Kan. 332, 357-58 (2011), quoting *United Haulers Assn., Inc. v. Oneida-Herkimer Solid Waste Mgmt. Auth.*, 550 U.S. 330, 338-39 (2007). “A discriminatory law is “virtually *per se* invalid,” [citation omitted] and will survive only if it “advances a legitimate local interest that cannot be adequately served by reasonable nondiscriminatory alternatives.” [Citations omitted.]” *Id.*, quoting *Department of Revenue of Ky. v. Davis*, 553 U.S. 328, 338-39 (2008).

A law creates a discriminatory effect “when, in practice, it affects similarly situated entities in a market by imposing disproportionate burdens on out-of-state interests and conferring



advantages upon in-state interests.” *Brodbrowski*, 44 Urb. Law 227, quoting *Family Winemakers of California*, 592 F.3d at 10, citing *Oregon Waste Sys.*, 114 S. Ct. at 1350.

As the Kansas Supreme Court has noted, the argument that a particular regulation may also burden in-state competitors does not insulate the regulation from challenge under the dormant commerce clause. “[A] burden imposed by a state upon interstate commerce is not to be sustained simply because the statute imposing it applies alike to the people of all the states, including the people of the state enacting such statute.” *Id.*, 292 Kan. at 311, quoting *Dean Milk Co. v. Madison*, 340 U.S. 349, 354 (1951).

If the challenged law does not facially or effectively discriminate against interstate commerce, but nonetheless burdens interstate commerce, a different analysis applies. We will turn to that analysis later; first, we will address how Ordinance 0-13-16 facially and effectively discriminates against interstate commerce and is, therefore, invalid.

#### **The Ordinance Intentionally and Effectively Discriminates Against Interstate Commerce**

As explained above, to determine whether the ordinance reflects discriminatory intent or effect, we must consider the text, context, and legislative history of the ordinance.

The ordinance defines “dollar retail store” by calling out specific examples of such stores as follows: “Examples include but are not limited to Family Dollar, Dollar General, Dollar Tree, 99 Cent Deals, Five Below, dime stores, or 5 & dime stores.” Significantly, all of the specifically-identified companies are out-of-state businesses. To illustrate:

- Family Dollar, Inc., is incorporated in North Carolina, with its principal office address in Matthews, North Carolina;
- Dollar General Corporation is incorporated in Tennessee, with its principal office address in Goodlettsville, Tennessee;
- Dollar Tree Stores, Inc., is incorporated in Virginia, with its principal office address in Chesapeake, Virginia;
- 99 Cents Only Stores, LLC is organized in California with its principal office address in City of Commerce, California; and
- Five Below, Inc. is incorporated in Pennsylvania, with its principal office address in Philadelphia, Pennsylvania.

As this list makes clear, these dollar stores entities are out-of-state companies that engage in interstate commerce. Indeed, Dollar Tree and Dollar General are publicly traded Fortune 500 companies. Dollar stores in general are a significant national economic enterprise. To illustrate, in the year 2017 there were 1,700 new dollar stores opened in the United States.<sup>1</sup> At the end of 2017, Dollar Tree had 14,610 stores in the U.S.<sup>2</sup> Dollar General had had a total of 14,609 U.S.

---

<sup>1</sup> Hughes, C.J., “The Indestructible Tenant?” *The Real Deal—New York Real Estate News*, May 2018, [http://therealdeal.com/issues\\_articles/the-indestructible-tenant/](http://therealdeal.com/issues_articles/the-indestructible-tenant/).

<sup>2</sup> *Id.*

stores in 2017.<sup>3</sup> Five Below had 625 stores nationwide as of 2017.<sup>4</sup> CNN Business reported that as of mid-2018, both Dollar Tree and Dollar General had marked their 15,000<sup>th</sup> store opening.<sup>5</sup> Investor's Business Daily reported on August 30, 2018 that Dollar General reported quarterly revenues in the amount of \$6.44 billion.<sup>6</sup>

These illustrations demonstrate that the dollar stores listed in the ordinance are a significant nationwide (and out-of-state) source of interstate commerce. The ordinance expressly and specifically targets these companies. Thus, the text of the ordinance facially discriminates against out-of-state economic concerns, in violation of the dormant commerce clause.

Looking also at the context and legislative history of the regulation, we see further evidence of discrimination against out-of-state economic interests. The ordinance was presented to the Planning Commission on February 8, 2016.<sup>7</sup> The ordinance had originally been placed on the agenda for January 11, 2016, but had been held over so that additional research could be completed.<sup>8</sup> By February 8, 2016, that research had been completed and was attached to the staff report. The Memo from City Staff to the City Planning Commission dated February 8, 2016, included six exhibits, which were articles related to chain stores, dollar stores, and food environment.<sup>9</sup> The Planning Commission minutes described these articles as providing information "as to why the city might want to do further regulation on dollar stores within the community."<sup>10</sup> (These articles were also presented to the UG Board of Commissioners, as discussed in greater detail below.)

During the Planning Commission meeting, it was noted that the ordinance would apply to dollar stores like Family Dollar, Dollar Tree, Dollar General, "99 center," "\$5.00 below," etc.<sup>11</sup> One planning commissioner pointed out that "no other stores would be affected."<sup>12</sup> Another commissioner sought clarification that this ordinance would not affect existing local thrift stores and, accordingly, the word "new" was added before "merchandise" in the definition section.<sup>13</sup> There was also a discussion of the impact dollar stores might ostensibly have on efforts to secure a new grocery store in the northeast area.<sup>14</sup> Based upon its review of the staff report, attached articles, and other information, the Planning Commission voted 5 to 1 to recommend approval of the ordinance

The ordinance came before the UG Board of Commissioners on February 25, 2016. The minutes of the Planning Commission were presented to the Board as part of the staff report. The

---

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> <https://money.cnn.com/2018/08/30/news/companies/dollar-general-tree-walmart-target-economy/index.html>, August 30, 2018.

<sup>6</sup> <https://www.investors.com/research/ibd-industry-themes/dollar-tree-earnings-dollar-general-earnings/>.

<sup>7</sup> See Memo from City Staff to Unified Government Board of Commissioners, February 25, 2016, at 5, incorporating February 8, 2016 Planning Commission Minutes.

<sup>8</sup> *Id.*

<sup>9</sup> See Memo dated February 8, 2016, at 4, and attached exhibits..

<sup>10</sup> Memo to Board of Commissioners, February 25, 2016, at 6.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

staff report also presented the Board with copies of the articles that had previously been presented to the Planning Commission, advising the Board of Commissioners that the articles provided information “as to why the city might want to do further regulation on dollar stores within the community,” and expressly making those articles “part of the record for this case.”<sup>15</sup>

According to the minutes of the Board of Commissioners’ consideration of the proposed ordinance, Director of Planning Rob Richardson told the Commissioners that the proposed ordinance would effectively prevent any new dollar stores from coming into the area. He said: “[T]his is an ordinance to limit the spacing of the dollar stores within the community *which essentially will limit the number, especially in the urban area to about what we have now.*”<sup>16</sup> This shows that the intent behind the ordinance, and its anticipated effect, would be to prevent any new dollar stores from opening in the affected area.

Mr. Richardson also told the Commissioners about “several articles included in your packet that give various reasons for limiting these types of stores in our community.”<sup>17</sup> Because these articles are part of the context and legislative history of the enactment of the ordinance, it is worth examining whether these materials reflect a bias in favor of local businesses and against out-of-state economic interests. As previously noted, a law that evinces a discriminatory intent in favor of local businesses, and against out-of-state companies, violates the dormant commerce clause.

The first article, entitled “The Impact of Chain Stores on Community,” emphasizes the purportedly harmful effects of chain stores on locally-owned businesses and the community as a whole.<sup>18</sup> For example, the article asserts that chain stores are harmful to a “vibrant local retail economy.”<sup>19</sup> The author expresses concern that national stores with “limited ties and no long term commitment to the community” will displace “businesses owned by our neighbors.”<sup>20</sup> The author laments the “loss of locally owned stores,” accusing national chains of wanting to be “the only game in town.”<sup>21</sup> The article maintains that this is a “battle that local merchants cannot win,” making it “only a matter of time before the local business will be forced to close.”<sup>22</sup> The author additionally asserts that chain stores “contribute far less to the local economy than independent businesses.”<sup>23</sup> The author advances many other arguments in favor of discriminating against out-of-state businesses and in favor of local businesses, such as: “Local stores keep profits circulating within the local economy”; “a community that loses its local businesses to national chains also risks losing other economic development opportunities”; and “locally owned businesses build strong communities.”<sup>24</sup> The article concludes by urging readers to support land use laws “that deter chain stores and foster local ownership.”<sup>25</sup>

---

<sup>15</sup> Memo to Board of Commissioners, February 25, 2016, at 5, listing six articles.

<sup>16</sup> Minutes of February 25, 2018 Board of Commissioners Meeting, at 21 (emphasis added).

<sup>17</sup> *Id.*, at 21.

<sup>18</sup> Exhibit 1 to Staff Memo, at 6.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*, at 6-7.

<sup>22</sup> *Id.*, at 7.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*, at 7-10.

<sup>25</sup> *Id.*, at 10.

The next article, Exhibit 2 to the staff report, is entitled "As Dollar Stores Proliferate, Opponents Worry for Small Towns."<sup>26</sup> This article cites arguments against dollar stores, noting that "opponents say the proliferation of dollar stores poses a greater threat to the economy and character of many more towns than big box stores."<sup>27</sup> The author favors local businesses that the dollar stores "would compete with unfairly," having the effect of "undermining...downtown and village centers."<sup>28</sup> One individual cited in the article opined that "protecting locally owned businesses is important because they provide more and better jobs and give a community its identity."<sup>29</sup>

The third article cited in the Staff Report is entitled, "Food environment and childhood obesity: the effect of dollar stores."<sup>30</sup> Although perhaps intended to bolster the argument for limiting the "proliferation" of dollar stores in Kansas City, Kansas and Wyandotte County, the article actually concludes that dollar stores do not, in fact, contribute to childhood obesity: "While dollar stores lack the breadth of healthy food options typically found in supermarkets, our results suggest that they are not a contributor to the childhood obesity problem."<sup>31</sup> On the contrary, the researchers concluded that "it could be that dollar stores may actually play some role in facilitating healthy food consumption behaviors."<sup>32</sup> "[W]hen residents have ready access to dollar stores, they may be in a better position to procure supplies for at-home meals. These meals, even if not perfectly balanced, are likely to be healthier and lower-calorie than the fare found on fast-food menus."<sup>33</sup>

The fourth article attached to the staff report is entitled "4 Reasons Shopping at Dollar Stores Costs More."<sup>34</sup> This article compares volume and pricing of items for sale at dollar stores with comparable items for sale at a "regular grocery store."<sup>35</sup> The article also compares the quality of household furnishings purchased at a dollar store with items purchased at a "furniture store."<sup>36</sup> Most significantly, the author of this article argues that "dollar stores take money out of the community."<sup>37</sup> The author writes: "Non-local businesses suck money out of a community and only leave about 14% of the money behind," and "without local businesses getting local dollars, they eventually die."<sup>38</sup> The author argues for protecting local businesses against "companies that are based elsewhere."<sup>39</sup>

The fifth article attached to the staff report is entitled, "What Dollar Store Locations Reveal About America."<sup>40</sup> Although mostly about geographical distribution of dollar stores in the United States, the author ultimately concludes: "Though some affluent shoppers might enjoy

---

<sup>26</sup> Exhibit 2 to Staff Report, at 11.

<sup>27</sup> *Id.*, at 12-13.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*, at 13.

<sup>30</sup> Exhibit 3 to Staff Report, at 15.

<sup>31</sup> *Id.*, at 22.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.* at 23.

<sup>34</sup> Exhibit 4 to Staff Report, at 28.

<sup>35</sup> See *id.*, at 28-29.

<sup>36</sup> *Id.*, at 29.

<sup>37</sup> *Id.*, at 31.

<sup>38</sup> *Id.*, at 31.

<sup>39</sup> See *id.*, at 32.

<sup>40</sup> Exhibit 5 to Staff Report, at 33.

searching for bargains in their cluttered aisles, dollar stores are overwhelmingly the retail choice of the economically left behind.”<sup>41</sup>

The sixth and final article attached to the Staff Report is entitled, “UG to look at limiting number of dollar stores in community.”<sup>42</sup> This article asserts that “[s]ome dollar stores are replacing other stores that have exited neighborhoods.”<sup>43</sup> It further states: “The planning department wants to study the issue and potentially limit the number of new dollar stores in the community.”<sup>44</sup> The article also reports: “According to UG documents, the issue was brought forward by Mayor Mark Holland.”<sup>45</sup>

These six articles, offered by staff and relied upon by the Commission as part of the record in adopting the ordinance, disclose a clear bias against interstate commerce. These materials repeatedly urge policy-makers to protect local business from national chain stores, in general, and dollar stores, in particular. They cite purported adverse impacts that local businesses will sustain if dollar stores are permitted to “proliferate.” The discriminatory intent of these “research” materials, offered as ostensible justification for restricting dollar stores in Kansas City, Kansas and Wyandotte County, could not be more apparent.

It is also significant that then-Mayor Mark Holland was the instigator of restrictions on the development of new dollar stores in Wyandotte County while, at the same time, he was actively working to cut a deal with a local company to open a grocery store in Kansas City, Kansas. As part of his Downtown Central Parkway Plan “and its signature ‘healthy campus,’” Mayor Holland was working hard to “convince the Charles Ball SunFresh Market to build a \$15 million to \$18 million grocery store” in downtown Kansas City, Kansas.<sup>46</sup> KCPT’s digital magazine, Flatland KC, reported that “Holland has identified a grocery partner in SunFresh, which has done well with its store at I-70 and 18<sup>th</sup> Street.”<sup>47</sup> Describing his efforts, Holland stated: “We are still working on the grocery store, which is problematic because a grocery store wants a lot of households with a lot of money.”<sup>48</sup> The Kansas City Business Journal reported that the “city has attempted to land a Charles Ball SunFresh Market,” which would occupy 30,000 to 35,000 square feet, and would cost \$15 million to \$18 million to develop.<sup>49</sup> Holland was enthusiastic about partnering with this Kansas-based company, calling them an “urban savvy grocer,” and stating: “They’re the right operator. We just haven’t gotten to the right deal yet.”<sup>50</sup> Holland also disclosed that he intended to offer financial support to the local grocery company through tax-increment financing.<sup>51</sup>

---

<sup>41</sup> *Id.*, at 38.

<sup>42</sup> Exhibit 6 to Staff Report, at 39.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> McLean, Jim. “Healthy campus in downtown KCK another step closer to reality.” December 8, 2014. <https://www.khi.org/news/article/healthy-campus-downtown-kck-another-step-closer-re>. SunFresh is owned by Four B Corp., a Kansas Corporation.

<sup>47</sup> Orendorff, John. “Awaiting An Oasis, in KCK’s Food Dessert [sic].” October 3, 2015. <https://www.flatlandkc.org/new-issues/awaiting-oasis-kcks-food-desert>.

<sup>48</sup> *Id.*

<sup>49</sup> Roberts, Rob. Kansas City Business Journal, October 7, 2015.

<sup>50</sup> Orendorff, *supra* note 47.

<sup>51</sup> McLean, *supra* note 46.

This context demonstrates Mayor Holland's intent to promote a local business by restricting out-of-state dollar stores. It also provides context for discussion by the Planning Commission and the UG Board of Commissioners reflecting their desire to secure a grocery store for Kansas City, Kansas, and the perceived need to limit dollar stores in order to do so. To illustrate, at the Board of Commissioners meeting on February 25, 2016, Commissioner Johnson expressed the view that "we really need to have a grocery store in that area."<sup>52</sup> He also asserted that the reason dollar stores "are here, are coming into our town, is because there are no places to get groceries. I mean a full-scale grocer."<sup>53</sup> Commissioner Philbrook expressed the view that "we don't have food supply, good food supply, for folks in parts of town."<sup>54</sup> In response to information concerning the number of dollar stores in the community, Commissioner Philbrook stated: "I guess we need to stop them now, slow it down."<sup>55</sup> Commissioner Murgia stated that dollar stores make it "more difficult to bring in a higher quality grocer because their fear is they won't be able to sell enough in that neighborhood. Therefore, that the business will not be sustainable."<sup>56</sup> Planning Director Richardson pointed out that dollar stores "do count against the square footage of the grocery store that we could build and against the marketability of those stores."<sup>57</sup>

Thus, it is clear that a significant motivation of the UG in preventing new dollar stores from coming into the community was to create a more favorable business environment for an in-state, locally-based grocery store company. The UG, therefore, enacted a discriminatory law to protect a local business by burdening out-of-state economic interests.

The plain language of the ordinance, along with the context and legislative history, establish that the intent of Ordinance 0-13-16 is to discriminate against interstate commerce, in violation of the Commerce Clause. As such, the ordinance is invalid.

The effect of the ordinance is likewise to burden out-of-state businesses. All of the companies targeted by the regulation are out-of-state companies. As Planning Director Richardson readily acknowledged, the effect of the ordinance is to preclude any new dollar stores from developing in the area. Knowing this, and desiring this effect, the Board of Commissioners enacted a *de facto* ban on future development of this form of interstate commerce in Kansas City, Kansas. This action is unlawful discrimination against interstate commerce. Accordingly, the ordinance is invalid.

### **The Ordinance Is Also Invalid Under the *Pike* Balancing Test**

Although we have concluded that the ordinance is unlawful due to its facially discriminatory intent and effect, we also consider whether the ordinance can survive the balancing test established in the United States Supreme Court case of *Pike v. Bruce Church, Inc.*, 397 U.S. 137 (1970).

---

<sup>52</sup> Minutes, at 21.

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*, at 23.

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*



The *Pike* balancing test applies to an ordinance that appears to regulate evenhandedly between in-state and out-of-state businesses, but nevertheless has an impact on interstate commerce. As explained by the Tenth Circuit Court of Appeals, the Commerce Clause not only prohibits intentional or effective discrimination against interstate commerce, it also “prohibits a state or local ‘statute [that] regulates evenhandedly to effectuate a legitimate local public interest’ if it imposes a burden on interstate commerce that is ‘clearly excessive in relation to the putative local benefits.’” *Blue Cir. Cement*, 27 F.3d at 1511, quoting *Pike*, 397 U.S. at 142. To apply the *Pike* test, a court asks if the regulation advances a legitimate public purpose; if the answer is yes, the “question becomes one of degree.” *Id.* “The extent of the burden on interstate commerce that will be tolerated will depend on the ‘nature of the local interest involved, and on whether it could be promoted as well with a lesser impact on interstate activities.’” *Id.*

The Tenth Circuit Court of Appeals has explained that a court applying the *Pike* balancing test must examine: (a) the nature of the putative local benefits advanced by the ordinance; (b) the burden the ordinance imposes on interstate commerce; (c) whether the burden is clearly excessive in relation to the local benefits; and (d) whether the local interests can be promoted as well with a lesser impact on interstate commerce. *Id.* However, “the mere ‘incantation of a purpose to promote the public health or safety does not insulate a state law from a Commerce Clause attack. Regulations designed for that salutary purpose nevertheless may further the purpose so marginally, and interfere with commerce so substantially, as to be invalid under the Commerce Clause.’” *Blue Cir. Cement*, 27 F.3d at 1512, quoting *Kassel v. Consolidated Freightways Corp.*, 450 U.S. 662, 670 (1981)(plurality opinion).

Examining the ostensible public purpose for the regulation in question, it appears that the primary—if not singular—motivation of the UG in enacting the law was to create a more favorable environment for local businesses, in general, and a local grocery store, in particular, by prohibiting future dollar stores in the area. This form of economic protectionism is not a legitimate government interest. The only slight deviation from this agenda was when Commissioner McKiernan noted that “a lot of the issues that continue to come up with these types of stores are upkeep . . . by how they are kept both outside and inside.”<sup>58</sup> Commissioner McKiernan asked if the UG could “just look at more stringent enforcement of the ordinances that we already have in place for the condition and the upkeep of these and other stores rather than some sort of density requirement.”<sup>59</sup> Planning Director Richardson dismissed this line of inquiry, stating: “I think it’s a matter of resources. . . . Voluntary compliance is very hard to achieve with these stores. When you can’t achieve voluntary compliance with a community business partner like this, it’s a matter of how you want to spend your resources.”<sup>60</sup> Apart from this very brief exchange on the subject of upkeep of existing dollar stores, it does not appear that any additional rationale for the ordinance was presented. Certainly, there is no indication that upkeep of existing stores was a substantial concern for the Board as a whole. Moreover, to the extent that concerns about upkeep were considered in enacting the ordinance, no potentially less restrictive alternatives were seriously considered, even though Commissioner McKiernan raised the prospect briefly before it was dismissed by Planning Director Richardson.

<sup>58</sup> Minutes, February 25, 2016, at 22.

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

The burden on these out-of-state businesses is considerable (effectively, no new stores will be permitted). The ostensible benefit to the community is unlawful and inherently suspect. An effective ban of future dollar stores is plainly excessive and therefore violates the Commerce Clause. It is also readily apparent that the UG did not consider any alternatives that might have had less impact on interstate commerce—indeed, if the goal of the ordinance was to promote local businesses, including the recruitment of a large local grocery store to Kansas City, Kansas, it does not appear that any other approaches were considered in the context of the enactment of the ordinance. To the extent a goal was to promote better upkeep of the stores, there was virtually no discussion—and absolutely no exploration—of alternatives that would have had less impact on interstate commerce. Given these circumstances, the ordinance cannot withstand even the lesser scrutiny of the *Pike* balancing test.

### **The Ordinance is Additionally Unlawful Under Kansas Zoning Law**

The Kansas Supreme Court has explained that, in zoning matters, courts have the power to review whether an action taken by the local zoning authority was lawful, and whether it was reasonable. See, e.g., *Zimmerman v. Bd. of County Comm'rs*, 289 Kan. 926, 944 (2009); *Golden v. City of Overland Park*, 224 Kan. 591, 595-96.

For all the reasons stated above, the adoption of Ordinance 0-13-16 was neither lawful nor was it reasonable. This regulation was adopted with the intent and effect to discriminate against interstate commerce, in violation of the Commerce Clause. The ostensible rationale for its adoption was supplied by a handful of new articles from outside the area, and a food source study demonstrating that dollar stores actually have a *positive effect* on healthy eating and childhood obesity. Because the ordinance is not lawful or reasonable, it is vulnerable to a challenge under Kansas law.

### **Conclusion**

In summary, Ordinance 0-13-16 unlawfully discriminates against interstate commerce and thus violates the Commerce Clause of the United States Constitution. Additionally, it burdens interstate commerce to a degree that far exceeds any ostensible local benefits, rendering it invalid under relevant Supreme Court precedent. The ordinance represents the sort of discriminatory measure that courts routinely strike down as fundamentally incompatible with a nationwide system of commerce.

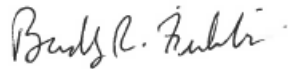
Moreover, the ordinance is unreasonable. The only purported “evidence” introduced regarding the effects of dollar stores consisted of a handful of news articles from outside of the community, and a scholarly study which established that dollar stores actually *promote* healthy eating habits, not to mention providing a source of affordable and accessible products to people who may not have easy access to alternative sources for their daily needs.

In short, the ordinance was enacted for an improper purpose, and impermissibly interferes with interstate commerce, in violation of the United States Constitution and the laws of the State of Kansas.

John L. Peterson  
Page 11 of 11  
December 17, 2018

Please let us know if you have any questions or if we may be of further assistance.

Very truly yours,  
STEVENS & BRAND, L.L.P.

  
Bradley R. Finkeldei

WEBSTER L. GOLDEN  
WINTON A. WINTER, JR.  
SHERRI E. LOVELAND  
MOLLY M. WOOD  
CHRISTOPHER F. BURGER\*  
WESLEY F. SMITH  
BRADLEY R. FINKELDEI  
MATTHEW H. HOY\*  
LESLIE M. MILLER  
EMILY A. DONALDSON, CELA\*  
REBECCA J. WEMPE

\*ADMITTED IN KANSAS AND MISSOURI

\*ADMITTED IN KANSAS, MISSOURI,  
AND CALIFORNIA

\*CERTIFIED ELDER LAW ATTORNEY

STEVENS  
&  
BRAND  
LLP  
ATTORNEYS AT LAW

US BANK TOWER  
900 MASSACHUSETTS, SUITE 500  
POST OFFICE BOX 189  
LAWRENCE, KANSAS 66044-0189  
PHONE: (785) 843-0811 FAX: (785) 843-0341

February 18, 2019

PATRICIA E. HAMILTON\*  
JOHN T. GULLOCK\*  
JEFFREY L. HEIMAN  
KANA R. ROLLER\*  
SCOTT E. TADDREN, PA  
DENISE L. M'NABB\*  
J. ERIC WESLANDER\*  
KATE MARPLES SIMPSON\*  
AMY L. DURKIN  
THOMAS D. HANEY, Of Counsel  
PETER K. CURRAN, RETIRED

RICHARD B. STEVENS  
1899-1991

JOHN W. BRAND  
1907-1971

JOHN W. BRAND, JR.  
1932-2015

EVAN H. ICE  
1963-2016

Colby Capital, LLC  
c/o John L. Peterson, PA  
748 Ann Avenue  
Kansas City, Kansas 66101

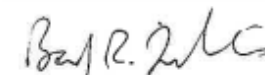
Re: Regulation of "small box variety stores" by the Unified Government of  
Wyandotte County/ Kansas City, Kansas

Dear Mr. Peterson:

As a follow up to our December 17, 2019 letter regarding the regulation of dollar stores, you requested that we evaluate the legality and enforceability of a new proposed ordinance regulating "small box variety stores" seeking to locate in Wyandotte County, including Kansas City, Kansas. For the reasons stated in our December 17, 2019 letter, we conclude that the new ordinance would also violate the Commerce Clause of the United States Constitution, and is vulnerable to legal challenge under Kansas law. That is, we have reviewed the new ordinance and do not believe it changes the underlying analysis or our opinion of December 17, 2019.

Please let us know if you have any questions or if we may be of further assistance.

Very truly yours,  
STEVENS & BRAND, L.L.P.

  
Bradley R. Finkeldei

(First published \_\_\_\_\_)

#3153

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE** rezoning property hereinafter described located at approximately 4240 and 4240R North 55<sup>th</sup> Street and 4400 and 4800 North 47<sup>th</sup> Street in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture and R-1 Single Family Districts to MP-3 Planned Heavy Industrial District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF  
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,  
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on October 27, 2017, by the owners of property to have the zoning of said property changed from its present zoning of A-G Agriculture and R-1 Single Family Districts to MP-3 Planned Heavy Industrial District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

A TRACT OF LAND IN SECTIONS 13, 24, AND 23, TOWNSHIP 10 SOUTH, RANGE 24 EAST, KANSAS CITY, WYANDOTTE COUNTY, KANSAS, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 23-10-24; THENCE NORTH 02 DEGREES 04 MINUTES 54 SECONDS WEST, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, 649.07 FEET, TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE NORTH 02 DEGREES 04 MINUTES 54 SECONDS WEST, CONTINUING ALONG SAID WEST LINE OF THE NORTHWEST QUARTER, 602.79 FEET, TO A POINT ON THE HIGH BANK OF THE MISSOURI RIVER; THENCE NORTHEASTERLY ALONG THE MEANDORS OF SAID HIGH BANK OF THE MISSOURI RIVER, ON THE FOLLOWING 14 CALCULATED COURSES; THENCE NORTH 75 DEGREES 03 MINUTES 32 SECONDS EAST, 421.46 FEET; THENCE NORTH 65 DEGREES 52 MINUTES 04 SECONDS EAST, 1092.62 FEET; THENCE NORTH 62 DEGREES 30 MINUTES 52 SECONDS EAST, 837.24 FEET; THENCE NORTH 57

DEGREES 08 MINUTES 46 SECONDS EAST, 831.03 FEET; THENCE NORTH 51 DEGREES 56 MINUTES 17 SECONDS EAST, 510.32 FEET; THENCE NORTH 47 DEGREES 58 MINUTES 22 SECONDS EAST, 782.86 FEET; THENCE NORTH 45 DEGREES 11 MINUTES 26 SECONDS EAST, 754.81 FEET; THENCE NORTH 51 DEGREES 09 MINUTES 09 SECONDS EAST, 1084.85 FEET; THENCE NORTH 46 DEGREES 30 MINUTES 25 SECONDS EAST, 595.89 FEET; THENCE NORTH 37 DEGREES 44 MINUTES 50 SECONDS EAST, 609.55 FEET; THENCE NORTH 39 DEGREES 41 MINUTES 53 SECONDS EAST, 439.62 FEET; THENCE NORTH 61 DEGREES 06 MINUTES 28 SECONDS EAST, 501.83 FEET; THENCE NORTH 64 DEGREES 37 MINUTES 42 SECONDS EAST, 524.30 FEET; THENCE NORTH 67 DEGREES 44 MINUTES 49 SECONDS EAST, 626.63 FEET; TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 13-10-24; THENCE SOUTH 01 DEGREES 46 MINUTES 52 SECONDS EAST, ALONG SAID EAST LINE, 1163.44 FEET, TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 13-10-24; THENCE SOUTH 01 DEGREES 46 MINUTES 52 SECONDS EAST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, 2638.07 FEET, TO THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER AND THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 24-10-24; THENCE SOUTH 01 DEGREES 59 MINUTES 24 SECONDS EAST, ALONG THE EAST LINE OF SAID NORTHWEST QUARTER, 2640.71 FEET, TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 01 DEGREES 59 MINUTES 24 SECONDS EAST, 302.38 FEET, TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF DICKENSON ROAD; THE FOLLOWING THREE COURSES ARE ALONG THE NORTHERLY RIGHT OF WAY LINE OF DICKENSON ROAD; THENCE NORTH 76 DEGREES 33 MINUTES 46 SECONDS WEST, 980.13 FEET; THENCE NORTHWESTERLY ALONG A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 5819.58 FEET, A CHORD BEARING OF NORTH 79 DEGREES 49 MINUTES 18 SECONDS WEST, A CHORD DISTANCE OF 661.63 FEET AND AN ARC DISTANCE OF 661.99 FEET, TO A POINT OF TANGENCY; THENCE NORTH 83 DEGREES 04 MINUTES 50 SECONDS WEST, 1094.16 FEET; THENCE SOUTH 01 DEGREES 27 MINUTES 35 SECONDS EAST, LEAVING SAID NORTH RIGHT OF WAY LINE, 40.43 FEET, TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD (FORMERLY MISSOURI PACIFIC RAILROAD); THE FOLLOWING THREE COURSES ARE ALONG SAID NORTHERLY RAILROAD RIGHT OF WAY LINE; THENCE NORTH 83 DEGREES 04 MINUTES 45 SECONDS WEST, 2213.00 FEET; THENCE NORTHWESTERLY ALONG A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 5962.57 FEET, A CHORD BEARING OF NORTH 86 DEGREES 22 MINUTES 30 SECONDS WEST, A CHORD DISTANCE OF 686.40 FEET AND AN ARC



DISTANCE OF 686.78 FEET, TO A POINT OF TANGENCY; THENCE NORTH 89 DEGREES 40 MINUTES 12 SECONDS WEST, 2415.14 FEET, TO THE POINT OF BEGINNING. CONTAINS 26,365,741 SQUARE FEET OR 605.3 ACRES. ERROR OF CLOSURE: 1 IN 321,893 Located at approximately 4240 and 4240R North 55<sup>th</sup> Street and 4400 and 4800 North 47<sup>th</sup> Street in Kansas City, Kansas,

be changed from its present zoning of A-G Agriculture and R-1 Single Family Districts to MP-3 Planned Heavy Industrial District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-470, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Urban Planning and Land Use Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for MP-3 Planned Heavy Industrial District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF  
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2019.

UNIFIED GOVERNMENT OF  
WYANDOTTE COUNTY/KANSAS CITY,  
KANSAS

BY: \_\_\_\_\_  
DAVID ALVEY  
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

\_\_\_\_\_  
UNIFIED GOVERNMENT CLERK

(First published \_\_\_\_\_)

#3154

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE** rezoning property hereinafter described located at approximately 607 to 611 North 6<sup>th</sup> Street in Kansas City, Kansas, by changing the same from its present zoning of CP-2 Planned General Business District to TND Traditional Neighborhood Design District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF  
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,  
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on October 27, 2017, by the owners of property to have the zoning of said property changed from its present zoning of CP-2 Planned General Business District to TND Traditional Neighborhood Design District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

LOT 17,18,19, 20, 21, 22, AND 23 of Fowler's 2nd ADD, an addition of land in Kansas City, Wyandotte County, Kansas, located at approximately 607 to 611 North 6<sup>th</sup> Street, Kansas City, Kansas,

be changed from its present zoning of CP-2 Planned General Business District to TND Traditional Neighborhood Design District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-471, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Urban Planning and Land Use Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for TND Traditional Neighborhood Design District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF  
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2019.

UNIFIED GOVERNMENT OF  
WYANDOTTE COUNTY/KANSAS CITY,  
KANSAS

BY: \_\_\_\_\_  
DAVID ALVEY  
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

\_\_\_\_\_  
UNIFIED GOVERNMENT CLERK

(First published \_\_\_\_\_)

#3155

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE** rezoning property hereinafter described located at approximately 10700 Lathrop Avenue in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture District to TND Traditional Neighborhood Design District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF  
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,  
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on October 27, 2017, by the owners of property to have the zoning of said property changed from its present zoning of A-G Agriculture District to TND Traditional Neighborhood Design District

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

**Parcel Identification and Legal Description -14 Parcels -  
Leavenworth Rd. and Hutton Rd, Kansas City, KS**

NEW MARKET PHASE 1, S34, T10, R23, ACRES 0.78, L13 TO L19 & SWLY 100FT PRIVATE ALLEY 8; NEW MARKET PHASE 1, S34, T10, R23, 28469 SQUARE FEET, LOT 61A TO LOT 61F, LOT 62A TO LOT 62F & PRIVATE ALLEY 9; NEW MARKET PHASE 1, S34, T10, R23, ACRES 0.86, L78, TRACT P1 & TRACT P2; NEW MARKET PHASE 1, S34, T10, R34, ACRES 1.92, LOT 79A TO LOT 79F, LOT 80A TO LOT 80F, L81, LOT 82A, LOT 82B, LOT 83A, LOT 83B, LOT 84A, LOT 84B, LOT 85A, LOT 85B, TRACT T3, TRACT L4 & PRIVATE ALLEY 10; NEW MARKET PHASE 1, S34, T10, R34, 64842 SQUARE FEET, L112 TO L122 & PRIVATE ALLEY 2; NEW MARKET PHASE 1, S34, T10, R34, ACRES 0.86, L128; NEW MARKET PHASE 1, S34, T10, R34, ACRES 0.86, L129; NEW MARKET PHASE 1, S34, T10, R34, 162312 SQUARE FEET, L130 TO L142, TRACT B1 & PRIVATE ALLEY 5; NEW

MARKET PHASE 1, S34, T10, R34, ACRES 1.08, L155 TO L161 & PRIVATE ALLEY 3; NEW MARKET PHASE 1, S34, T10, R34, ACRES 1.52, LOT TN1; NEW MARKET PHASE 1, S34, T10, R34, ACRES 0.83, L143 TO L147, TRACT B2, TRACT P3 & PRIVATE ALLEY 4; NEW MARKET PHASE 1, S34, T10, R34, ACRES 1.41, L67 TO L74, LOT 75A TO LOT 75F, LOT 76A TO LOT 76F, LOT 77A, LOT 77B & PRIVATE ALLEY 1; SEC-35 TWP-10 RNG-23, S35, T10, R23, ACRES 16.870000, 260A W 330FT NW1/4 & E 552.60FT OF NE1/4 34-10-23 S OF NEW MARKET PHASE 1 CONTG 16.8AC M/L; 9470, S34, T10, R23, ACRES 7.08, BEG 1645.45FT N & 62.57FT E OF SW COR E1/2 NE1/4; N 235.36FT, NELY CUR RT-238.59FT, S81E-10FT, NELY CUR RT-123.04FT, E 507.61FT, N 385.87FT, E 60FT, S 385.87FT, W 30FT, S57E130.08FT, S33W-30FT, S57E-31.5FT, S33W-35FT, WLY ALG 3 CRS- 269.66FT, SWLY ALG 7 CRS704.1FT, WLY ALG 9 CRS-273.47FT, W 121.55FT TO POB CONTG 7.08AC M/L, located at approximately 10700 Lathrop Avenue, Kansas City, Kansas.

be changed from its present zoning of A-G Agriculture District to TND Traditional Neighborhood Design District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-471, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Urban Planning and Land Use Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for TND Traditional Neighborhood Design District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF  
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2019.

UNIFIED GOVERNMENT OF  
WYANDOTTE COUNTY/KANSAS CITY,  
KANSAS

BY: \_\_\_\_\_  
DAVID ALVEY  
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

\_\_\_\_\_  
UNIFIED GOVERNMENT CLERK



(First published \_\_\_\_\_)

#3177

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE** rezoning property hereinafter described located at approximately 13820 Donahoo Road in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture (WYCO) District to A-G Agriculture (City) District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF  
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,  
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on November 29, 2018, by the owners of property to have the zoning of said property changed from its present zoning of A-G Agriculture (WYCO) District to A-G Agriculture (City) District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

As provided in Title Commitment SKC 0033815, prepared by Fidelity National Title Insurance Company. Effective date May 24, 2016.

A tract of land in the Southwest 1/4 of Section 19, Township 10 South, Range 23 East, in Wyandotte County, Kansas, more fully described as follows: Beginning at a point 1297.10 feet South 89 degrees 42 minutes East and North 00 degrees 40 minutes 23 seconds East from the Southwest corner of said Southwest 1/4, said point being on the North right-of-way of Donahoo Road; thence North 89 degrees 42 minutes West 855.20 feet along said North right-of-way; thence North 71 degrees 12 minutes West 263.10 feet; thence North 00 degrees 35 minutes 23 seconds East 923.57 feet along the East right-of-way of U.S. Highway #73; thence South 89 degrees 42 minutes East 1106.72 feet parallel to the South line of said Southwest 1/4; thence South 00 degrees 40 minutes 08 seconds West 1006.77 feet parallel to the West line of said Southwest 1/4 to the point of beginning, Except that part Deeded to Unified Government

of Wyandotte County/Kansas City, Kansas, as Document No. 2010R-09770, in Book 6704, Page 488, and except any part in roads. Assessor's Parcel Number (APN): 963001, Located at approximately 13820 Donahoo Road, Kansas City, Kansas,

be changed from its present zoning of A-G Agriculture (WYCO) District to A-G Agriculture (City) District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for A-G Agriculture (City) District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF  
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2019.

UNIFIED GOVERNMENT OF  
WYANDOTTE COUNTY/KANSAS CITY,  
KANSAS

BY: \_\_\_\_\_  
DAVID ALVEY  
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

\_\_\_\_\_  
UNIFIED GOVERNMENT CLERK

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE** vacating a Tract of land being a part of a publicly dedicated alley, to be vacated, bounded on the North by the South Right-of-Way line of Stine Avenue; bounded on the East by the West lines of Lots 1 through 8; bounded on the South by the extension of the South line of Lot 8; bounded on the West by the East lines of Lots 15-17, its extension, the South line of Lots 23, 24 and its West line, all in Block 3, POTOMAC HEIGHTS, a subdivision in the City of Kansas City, Wyandotte County, Kansas, as surveyed on June 8, 2018, by Steven S. Shafer, LS-852 of BHC RHODES, and being more particularly described by metes and bounds as follows: (Note: For course orientation, the bearings in this description are based on the South Right-of-Way line of Stine Avenue having a bearing of North 87° 47' 48" East, as determined by Global Positioning System observations, and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.) BEGINNING at the Northwest corner of said Lot 1; Thence South 02° 12' 23" East, 119.02 feet, on the West Line of said Lots 1 through 4, to the Northwest corner of said Lot 5, and the beginning of a tangent curve, concave to the Northwest, having a radius of 25.00 feet; Thence South and West on said curve, an arc distance of 39.27 feet, tangent to the last described course, to a point on the North line of said Lot 6; Thence South 87° 47' 48" West, 25.00 feet, on said North line of Lot 6, to the Northwest corner of said Lot 6; Thence South 02° 12' 23" East, 75.00 feet, on the West line of said Lots 6 through 8, to the Southwest corner of said Lot 8; Thence South 87° 47' 48" West, 15.00 feet, on the extension of the South line of said Lot 8, to the Southeast corner of said Lot 15; Thence North 02° 12' 23" West, 78.02 feet, on the East line of Lots 15 through 17, to the Northeast corner of said Lot 17; Thence North 02° 12' 40" West, 16.00 feet, to the Southwest corner of said Lot 23; Thence North 87° 47' 48" East, 50.00 feet, on the South line of said Lots 23 and 24, to the Southeast corner of said Lot 24; Thence North 02° 12' 23" West, 125.00 feet, on the East line of said Lot 24, to the Northeast corner of said Lot 24, also being the South Right-of-Way line of Stine Avenue; Thence North 87° 47' 48" East, 15.00 feet, on said South Right-of-Way line, to the POINT OF BEGINNING, said tract containing 4,102 square feet or 0.0942 acres. Located between 444 Shawnee Road, 411 Stine Avenue, 1417 South 5<sup>th</sup> Street and 448 Shawnee Road, Kansas City, Kansas.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:**

Section 1. That the following described alley in Kansas City, Kansas be and the same is hereby vacated:

A Tract of land being a part of a publicly dedicated alley, to be vacated, bounded on the North by the South Right-of-Way line of Stine Avenue; bounded on the East by the West lines of Lots 1 through 8; bounded on the South by the extension of the South line of Lot 8; bounded on the West by the East lines of Lots 15-17, its extension, the South line of Lots 23, 24 and its West line, all in Block 3, POTOMAC HEIGHTS, a subdivision in the City of Kansas City, Wyandotte County, Kansas, as surveyed on June 8, 2018, by Steven S. Shafer, LS-852 of BHC RHODES, and being more particularly described by metes and bounds as follows: (Note: For course orientation, the bearings in this description are based on the South Right-of-Way line of Stine Avenue having a bearing of North 87° 47' 48" East, as determined by Global Positioning System observations, and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.) BEGINNING at the Northwest corner of said Lot 1; Thence South 02° 12' 23" East, 119.02 feet, on the West Line of said Lots 1 through 4, to the Northwest corner of said Lot 5, and the beginning of a tangent curve, concave to the Northwest, having a radius of 25.00 feet; Thence South and West on said curve, an arc distance of 39.27 feet, tangent to the last described course, to a point on the North line of said Lot 6; Thence South 87° 47' 48" West, 25.00 feet, on said North line of Lot 6, to the Northwest corner of said Lot 6; Thence South 02° 12' 23" East, 75.00 feet, on the West line of said Lots 6 through 8, to the Southwest corner of said Lot 8; Thence South 87° 47' 48" West, 15.00 feet, on the extension of the South line of said Lot 8, to the Southeast corner of said Lot 15; Thence North 02° 12' 23" West, 78.02 feet, on the East line of Lots 15 through 17, to the Northeast corner of said Lot 17; Thence North 02° 12' 40" West, 16.00 feet, to the Southwest corner of said Lot 23; Thence North 87° 47' 48" East, 50.00 feet, on the South line of said Lots 23 and 24, to the Southeast corner of said Lot 24; Thence North 02° 12' 23" West, 125.00 feet, on the East line of said Lot 24, to the Northeast corner of said Lot 24, also being the South Right-of-Way line of Stine Avenue; Thence North 87° 47' 48" East, 15.00 feet, on said South Right-of-Way line, to the POINT OF BEGINNING, said tract containing 4,102 square feet or 0.0942 acres. Located between 444 Shawnee Road, 411 Stine Avenue, 1417 South 5<sup>th</sup> Street and 448 Shawnee Road, Kansas City, Kansas.

Section 2. The City of Kansas City, Kansas, reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing, installing, constructing or reconstructing any public utilities, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF  
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 2019

UNIFIED GOVERNMENT OF WYANDOTTE  
COUNTY/KANSAS CITY, KANSAS

BY: \_\_\_\_\_  
DAVID ALVEY  
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

\_\_\_\_\_  
UNIFIED GOVERNMENT CLERK

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE** vacating (LLOYD STREET TO BE VACATED) a strip of land previously dedicated for street right of way in the plat of ROLLING MILL 2<sup>nd</sup> ADDITION TO ROSEDALE, a subdivision of land in Kansas City, Wyandotte County, Kansas, being more particularly described as follows; Beginning at the southeast corner of Block 7, ROLLING MILL 2<sup>nd</sup> ADDITION; Thence North 30 degrees 54 minutes 22 seconds West, along the easterly line of said Block 7, 343.20 feet, to the northeast corner of said Block 7; Thence North 87 degrees 29 minutes 33 seconds East, along the north line of ROLLING MILL 2<sup>nd</sup> ADDITION, 45.47 feet, to the Northwest corner of Block 8, ROLLING MILL 2<sup>nd</sup> ADDITION; Thence South 30 degrees 54 minutes 22 seconds East along the westerly line of Block 8, 343.20 feet; Thence South 87 degrees 29 minutes 33 seconds West, 45.47 feet, to the Point of Beginning. Contains 13,728 square feet or 0.315 acres. Bearings are based on the Kansas State Plane coordinate system, North Zone and (RIDGE STREET TO BE VACATED): A strip of land previously dedicated for street right of way in the plat of ROLLING MILL 2<sup>nd</sup> ADDITION TO ROSEDALE, a subdivision of land in Kansas City, Wyandotte County, Kansas, being more particularly described as follows; Beginning at the southwest corner of Block 7, ROLLING MILL 2<sup>nd</sup> ADDITION; Thence South 87 degrees 29 minutes 33 seconds West, along the westerly extension of the north line of 38<sup>th</sup> Street, 34.10 feet, to the Southeast corner of Block 6, ROLLING MILL 2<sup>nd</sup> ADDITION; Thence North 30 degrees 54 minutes 22 seconds West, along the easterly line of said Block 6, 343.20 feet, to the northeast corner of said Block 6; Thence North 87 degrees 29 minutes 33 seconds East, along the north line of ROLLING MILL 2<sup>nd</sup> ADDITION, 34.10 feet, to the Northwest corner of said Block 7; Thence South 30 degrees 54 minutes 22 seconds East along the westerly line of Block 7, 343.20 feet, to the Point of Beginning. Contains 10,296 square feet or 0.2364 acres. Bearings are based on the Kansas State Plane coordinate system, North Zone.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:**



Section 1. That the following described right-of-way in Kansas City, Kansas be and the same is hereby vacated:

(LLOYD STREET TO BE VACATED) a strip of land previously dedicated for street right of way in the plat of ROLLING MILL 2<sup>nd</sup> ADDITION TO ROSEDALE, a subdivision of land in Kansas City, Wyandotte County, Kansas, being more particularly described as follows; Beginning at the southeast corner of Block 7, ROLLING MILL 2<sup>nd</sup> ADDITION; Thence North 30 degrees 54 minutes 22 seconds West, along the easterly line of said Block 7, 343.20 feet, to the northeast corner of said Block 7; Thence North 87 degrees 29 minutes 33 seconds East, along the north line of ROLLING MILL 2<sup>nd</sup> ADDITION, 45.47 feet, to the Northwest corner of Block 8, ROLLING MILL 2<sup>nd</sup> ADDITION; Thence South 30 degrees 54 minutes 22 seconds East along the westerly line of Block 8, 343.20 feet; Thence South 87 degrees 29 minutes 33 seconds West, 45.47 feet, to the Point of Beginning. Contains 13,728 square feet or 0.315 acres. Bearings are based on the Kansas State Plane coordinate system, North Zone and (RIDGE STREET TO BE VACATED): A strip of land previously dedicated for street right of way in the plat of ROLLING MILL 2<sup>nd</sup> ADDITION TO ROSEDALE, a subdivision of land in Kansas City, Wyandotte County, Kansas, being more particularly described as follows; Beginning at the southwest corner of Block 7, ROLLING MILL 2<sup>nd</sup> ADDITION; Thence South 87 degrees 29 minutes 33 seconds West, along the westerly extension of the north line of 38<sup>th</sup> Street, 34.10 feet, to the Southeast corner of Block 6, ROLLING MILL 2<sup>nd</sup> ADDITION; Thence North 30 degrees 54 minutes 22 seconds West, along the easterly line of said Block 6, 343.20 feet, to the northeast corner of said Block 6; Thence North 87 degrees 29 minutes 33 seconds East, along the north line of ROLLING MILL 2<sup>nd</sup> ADDITION, 34.10 feet, to the Northwest corner of said Block 7; Thence South 30 degrees 54 minutes 22 seconds East along the westerly line of Block 7, 343.20 feet, to the Point of Beginning. Contains 10,296 square feet or 0.2364 acres. Bearings are based on the Kansas State Plane coordinate system, North Zone.

Section 2. The City of Kansas City, Kansas, reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing, installing, constructing or reconstructing any public utilities, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF  
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 2019

UNIFIED GOVERNMENT OF WYANDOTTE  
COUNTY/KANSAS CITY, KANSAS

BY:

\_\_\_\_\_  
DAVID ALVEY  
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

\_\_\_\_\_  
UNIFIED GOVERNMENT CLERK

# Urban Planning and Land Use

701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)

Phone: (913) 573-5750  
Fax: (913) 573-5796  
[www.wycokck.org/planning](http://www.wycokck.org/planning)

**To:** Unified Government Board of Commissioners

**From:** City Staff

**Date:** February 28, 2019

**Re:** **Petition #3159**

## GENERAL INFORMATION

**Applicant:**  
Bryan Ruoff

**Status of Applicant:**  
Representative  
3F30 Architects  
7501 Northwest Tiffany Springs  
Parkway  
Kansas City, MO 64153

**Requested Actions:**  
Change of Zone from  
C-1 Limited Business District to CP-  
2 Planned General Business District

**Date of Application(s):**  
January 26, 2018

**Purpose:** To build and operate a convenience store and eight (8) pump gas station

**Property Location:** 3801 Leavenworth Road

**Commission Districts:** Commissioner At-Large: Melissa Bynum  
District Commissioner: Gayle Townsend



**Existing Zoning:** C-1 Limited Business and CP-2 Planned General Business Districts

|                            |               |                                        |
|----------------------------|---------------|----------------------------------------|
| <b>Surrounding Zoning:</b> | <b>North:</b> | C-1 Limited Business District          |
|                            | <b>South:</b> | R-1(B) Single Family District          |
|                            | <b>East:</b>  | CP-2 Planned General Business District |
|                            | <b>West:</b>  | C-1 Limited Business District          |

|                       |               |                    |
|-----------------------|---------------|--------------------|
| <b>Existing Uses:</b> | <b>North:</b> | Restaurant         |
|                       | <b>South:</b> | Single family home |
|                       | <b>East:</b>  | Undeveloped land   |
|                       | <b>West:</b>  | Convenience store  |

**Total Tract Size:** 1.54 acres

**Master Plan Designation:** The City-Wide Master Plan designates this property as Community Commercial.

**Major Street Plan:** The Major Street Plan classifies Leavenworth Road as a Parkway and 38<sup>th</sup> Street as a Collector street.

**Advertisement:** The Wyandotte Echo – February 15, 2018 and July 19, 2018  
Letters to Property Owners – Change of Zone – February 14, 2018, March 2, 2018, March 29, 2018, May 7, 2018, July 2, 2018, August 6, 2018, August 28, 2018, October 3, 2018, November 6, 2018, December 3, 2018 and January 23, 2019; Plat – February 14, 2018, March 2, 2018, March 29, 2018, May 7, 2018, July 2, 2018, August 6, 2018, August 28, 2018, October 3, 2018, November 6, 2018, December 3, 2018 and February 6, 2019.

**Public Hearings:** January 14, 2019, January 31, 2019 and February 28, 2019

**Public Opposition:** Opposition has been expressed to staff by John Cameron, property owner of parcels east of 38<sup>th</sup> Street, across the street. Mr. Cameron opposes development of the gas station and convenience store because the applicant has shifted the overall development further south towards 3034 North 38<sup>th</sup> Street. There were six (6) people present in opposition at the January 14, 2019 City Planning Commission meeting. A valid protest petition has been submitted.

---

## PROPOSAL

---

**Detailed Outline of Requested Action:** The applicant, Bryan Ruoff with 3F30 Architects on behalf of the owner has filed a change of zone from C-1 Limited Business District to CP-2 Planned General Business District, a plat to create one (1) commercial lot and a final plan review to build a 4,000 square foot convenience store, eight (8) pump gas station and two retail tenant spaces totaling 2,346 square foot at 3801 Leavenworth Road on 1.54 acres. **(Final Plat and Final Plan Review were approved by the City Planning Commission on January 14, 2019.)**

## **FACTORS TO BE CONSIDERED**

---

### ***1. Neighborhood character***

The character of the neighborhood is comprised of a mixture of commercial and residential zoning. There is a restaurant across the street, north of Leavenworth Road, two single family homes to the south and a convenience store / food mart to the west.

### ***2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.***

The zoning and the uses of properties nearby are set out above and the proposed use is relatively compatible with them. This is an undeveloped site that will potential be an anchor on the corner.

### ***3. The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?***

The removal of the restrictions could affect nearby property as the current zoning district, C-1 Limited Business District does not permit 24-hour operations. Within C-1, all store operations must cease at 1:00 AM.

### ***4. The length of time the property has remained vacant as zoned.***

The property has been vacant since 2008.

### ***5. The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.***

The proposed use is necessary for those who live in the area west of 38<sup>th</sup> and Leavenworth Road. The proposed use will not permanently injure the appropriate use, visual quality, or marketability of nearby property if properly landscaped and screened and the property owner maintains the property as their other convenience stores located at 1800 Steele Road and 3317 Brown Avenue.

### ***6. The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.***

The proposed use will increase traffic to the site, but not in ways that would adversely affect road capacity, safety, or create parking problems.

**7. The degree of conformance of the proposed use to the Master Plan.**

The proposed use conforms to the Master Plan.

**8. The extent to which the proposed use could cause environmental harm or enhance the environment.**

The proposed use will not cause environmental harm.

**9. The extent to which utilities and public services are available and adequate to serve the proposed use.**

**a. Water service**

Available

**b. Sanitary sewer service**

Available

**c. Storm water control**

To be designed to meet City Code

**d. Police**

Police service is provided by Midtown Patrol, District #443

**e. Fire**

Fire service is provided by Fire Station #18

**f. Transit**

Kansas City ATA provides service along Leavenworth Road, Route #113.

**g. Schools**

Kansas City, Kansas USD 500

**h. Streets**

See item #6 above

**10. The economic impact of the proposed use on the community.**

The proposed use will have a minimal economic impact on the community.



**11. *The capability of the proposed use to meet applicable ordinance requirements.***

To meet applicable ordinance requirements revisions are required.

**12. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.***

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied, the applicant may open a gas station and convenience store with eight (8) pumps, but the business must close by 1:00 AM because the building sits in the C-1 Limited Business District and the canopy and pumps sit in the CP-2 Planned General Business District.

**13. *Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.***

Development is of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.

**14. *Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.***

Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

**15. *Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.***

Buildings and lot are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

**16. *Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.***

This is not applicable.

**17. *Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.***

This is not applicable.

---

## PREVIOUS ACTIONS

---

None

---

## NEIGHBORHOOD MEETING

---

The applicant held two neighborhood meetings, February 26, 2018 and October 29, 2018, respectively. Leavenworth Road Association (LRA) was supportive of the project. Mr. Cameron expressed concern about moving the building and canopy further south on the site and value of properties – area comps and residential comps.

---

## KEY ISSUES

---

Landscaping and Screening

---

## PLANNING COMMISSION RECOMMENDATION

---

The Planning Commission voted 5 to 2 to recommend **APPROVAL** of Change of Zone Application #3159 to **CP-2 Planned General Business District**, subject to: **the staff stipulations and the additional stipulations, minus losing the one pump island, and the staff and applicant working towards a compromise with regard to any changes to the driveway, height of the fence, landscaping, etc.**

### Urban Planning and Land Use Comments:

#### General Planning:

1. Subject to approval, a \$50.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department following the Unified Government Board of Commissioners meeting.

*Applicant Response: Acknowledged.*

2. Based on the floor plan, the contents in the retail store indicate a proposed liquor store. A special use permit is required and must be approved prior to opening that specific component of the store.

*Applicant Response: The use of the speculative spaces(s) is not determined at this time.*

#### Building Architecture:

1. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the facade. 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.

There appears to be no building articulation in the building; there is a significant lack of depth. Faux windows or inset window displays can be added on the façade to promote products for sale, without being considered signage on the side and rear façades, which will aid in breaking up the building.

The building needs greater architectural detail. The façade needs to have projections, variation in materials and integral colors.

Different building materials and architectural elements shall be included in revisions and subsequently incorporated into the final development plans. Please look at the other gas stations in the city that meet our Commercial Design Guidelines such as the Sinclair in Prescott Plaza (18<sup>th</sup> Street and Interstate 70), Phillips 66 at 103<sup>rd</sup> Street and Leavenworth Road, and QuikTrip at 78<sup>th</sup> Street and Interstate 70.

While you do not need to match these stores, elements and materials used in their construction need to be integrated into these plans.

*Applicant Response: See Elevations, Sheets A102.0 and A102.1, 3-D Renderings. Note this is similar to the Xpress Mart Store at 1800 Steele Road. However, with the larger scale and newer project an added masonry color has been added and the roof line has been enhanced. There is also space on this project to add some reasonable wall insets to the front and back elevations.*

2. Sec. 27-576(e)(2) Exterior building materials shall not include the following:
  - f. EIFS at the ground level or comprising more than 15 percent of any façade.

*Applicant Response: Acknowledged. The elevations reflect traditional stucco with the exception of the option for an EIFS at the Cornice Detail.*

3. Masonry columns shall wrap the entire column underneath the gas canopy.

*Applicant Response: Acknowledged. The plans show the columns wrapped in masonry.*

4. Downspouts shall be internalized.

*Applicant Response: Acknowledged. None are shown in the elevations or at the canopy.*

### **Landscaping and Screening:**

1. Sec. 27-577(a)(5) - Landscaping shall exceed the typical code requirements by at least 75 percent.
  - a. The district requirement is one tree per 7,000 square feet of site area. The property is .922 acre, so 10 trees are required per code.
  - b. All deciduous trees shall be at least 2½" caliper when planted. All evergreens must be at least 6' in height when planted. All shrubs must be planted at a minimum of 5 gallons.
  - c. Landscaping shall be irrigated.

***Applicant Response: Acknowledged. Current Landscape Plan is believed to meet the ordinance. The design team will continue to work with staff if there are minor changes required.***

2. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent developments or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. Please add note on landscape plan and revise as necessary.

***Applicant Response: Acknowledged.***

3. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
  - a. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be planted at least six feet tall (when planted) provided for every 30 feet of street easement or frontage.
  - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.

***Applicant Response: Acknowledged. See Landscape Plan.***

4. Sec. 27-577(d)(1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.

***Applicant Response: Acknowledged.***

5. Utility connections (including transformer boxes) shall be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building. All rooftop mechanical equipment shall be screened from public view on all sides by a parapet.

***Applicant Response: Acknowledged. Parapet is 6' high. Landscaping will be integrated at electrical service entrance.***

6. The BPU transformer pad shall be completely screened on all sides with 6-foot junipers setback 10 feet from the door opening and 3 feet from the remaining three sides of the pad. Additionally, the transformer doors shall face away from the public street.

*Applicant Response: Acknowledged.*

7. Sec. 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.

*Applicant Response: See site plan and renderings.*

8. All lighting shall have 90-degree cutoff fixtures. Any lighting that is physically mounted to the building shall be decorative and have 90-degree cutoffs, as not to cast light on adjacent properties and public right-of-way. Light shall not exceed one footcandle as measured from said property line. Wall pack lighting is not permitted.

The photometric plan does not comply with our code, as the proposed lighting exceeds to one (1) footcandle maximum at the property line along the north, south and east property lines. Please revise accordingly.

*Applicant Response: Acknowledged. A photometrics plan has been provided.*

Staff Response: The applicant provided a photometric (lighting) plan, however along portions of the south property line the lighting exceeds one (1) footcandle. During the building permit review process, the photometric plan shall be revised, which may require changing the location of lights on the canopy and/or building to ensure that the exterior light does not exceed one (1) footcandle at the property line.

**Signage:**

1. Shall comply with the sign code.

*Applicant Response: Acknowledged.*

**Public Works Comments:**

A) Items that require plan revision or additional documentation before engineering can recommend approval:

- 1) Engineering comments are listed as stipulations below.

B) Items that are conditions of approval (stipulations):

- 1) In future, if the adjacent property to the south on North 38<sup>th</sup> Street is developed to a commercial property, it may be necessary to have a shared access drive between the XPress Mart convenience store and the new development. There is no room for additional driveway entrances south of the existing driveway entrance on the residential property and the undeveloped lot south of the existing residential property. Further discussion with staff may be required.
  - 2) The drainage easement for the proposed public storm sewer within the site shall be in accordance with UG standards and criteria.
  - 3) The drainage easements documents shall be approved by UG staff, then recorded with the Wyandotte County Register of Deeds. A copy of the recorded easements with book and page number shall be submitted to staff prior to final engineering approval and construction permit acquisition
  - 4) This project includes public sanitary sewer improvements for the proposed force main. The public sanitary sewer improvement plans shall meet the UG standards and criteria and shall be a separate plan set with a separate cover sheet with applicable information, i.e., vicinity map, sheet index, benchmark, utility contacts, floodplain note, etc. The public sanitary sewer improvement plans shall include erosion control. This set of plans is required and shall be reviewed and approved by UG staff prior to construction permit acquisition.
  - 5) Please coordinate with Dave Clark - (913-573-5721), UG Public Works regarding crossing of Leavenworth Road for the proposed public sewer extension.
  - 6) The proposed grinder pump for the project shall be privately owned and maintained as it is being used for a commercial property. The UG warranty program in place for grinder pumps connected to low pressure sewer systems is strictly for residential businesses.
  - 7) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

**Staff Conclusion:**

The applicant has revised the landscape plan to screen the site from the residence bordering the south property line adjacent to North 38<sup>th</sup> Street. The operator has two other gas station/convenience stores in the Kansas City, Kansas located at 1800 Steele Road and 3317 Brown Avenue. Both are clean, well-maintained and screened from residences that border the development.

The Traffic Impact Study (TIS) approved by the Kansas Department of Transportation (KDOT) finds that no additional improvements to 38<sup>th</sup> Street or Leavenworth Road are required to accommodate the proposed development.

In addition to the aforementioned comments, subject to approval, staff stipulates the following:

- 1) Trash pick-up shall be restricted between the hours of 7:00 AM to 7:00 PM.



- 2) Prior to the issuance of a Temporary Certificate of Occupancy (TCO), a certified light engineer shall provide a report to the Urban Planning and Land Use Department verifying that the site lighting does not exceed one (1) footcandle in the air at the property line around the perimeter of the property, more specifically along the south property line, abutting the single-family home.
  - a. All building and canopy lighting shall have 90-degree cutoff fixtures and possibly a shield underneath the canopy to not cast light horizontally away from the fixture.

---

## STAFF COMMENTS AND SUGGESTIONS

---

The staff concurs with the recommendation of the City Planning Commission.

---

## STAFF RECOMMENDATION

---

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #3159 subject to all comments and suggestions outlined in this staff report.

---

## ATTACHMENTS

---

January 14, 2019 City Planning Commission Minutes  
Applicant Response Letter  
Neighborhood Meeting Minutes  
Traffic Study Summary  
Site Plan  
Grading Plan  
Utility Plan  
Landscape Plan  
Floor Plan  
Photometric (Lighting) Plan  
Building Elevations  
Canopy Elevations  
Color Renderings  
Letter of Support by the Leavenworth Road Association (LRA)  
Letter of Opposition by John Cameron  
Development Site Plan of John Cameron's Property  
Diagram of Ms. Christine Allen's property represented by Ryan Denk  
Protest Petition

---

## REVIEW OF INFORMATION AND SCHEDULE

---

|                |                     |                        |
|----------------|---------------------|------------------------|
| Action         | Planning Commission | Board of Commissioners |
| Public Hearing | January 14, 2019    | January 31, 2019       |
| Rezoning       | Approval            | Held Over              |
|                |                     | February 28, 2019      |

---

---

**STAFF CONTACT:**        **Byron Toy, AICP**  
                                 [btoy@wycokck.org](mailto:btoy@wycokck.org)

---

## MOTIONS

---

I move the Unified Government Board of Commissioners **APPROVE** Petition #3159 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

## OR

I move the Unified Government Board of Commissioners **DENY** Petition #3159 as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

### January 14, 2019 City Planning Commission Minutes:

#### **Non-Consent Agenda Starts At 14:50:**

#### **CHANGE OF ZONE APPLICATION #3159 – BRYAN RUOFF WITH 3F30**

**ARCHITECTS – SYNOPSIS:** Change of Zone from C-1 Limited Business District to C-2 General Business District for X-Press Mart convenience store with fueling pumps at 3801 Leavenworth Road.

**38LEAVENWORTH – SYNOPSIS:** Final Plat for one (1) commercial lot at 3801 Leavenworth Road

**PLAN REVIEW APPLICATION #PR-2018-8 – BRYAN RUOFF/3F30 ARCHITECTS – SYNOPSIS:** Final Plan Review for X-Press Mart convenience store with fueling pumps at 3801 Leavenworth Road

**Detailed Outline of Requested Action:** The applicant, Bryan Ruoff with 3F30 Architects on behalf of the owner has filed a change of zone from C-1 Limited Business District to CP-2 Planned General Business District, a plat to create one (1) commercial lot and a final plan review to build a 4,000 square foot convenience store, eight (8) pump gas station and two retail tenant spaces totaling 2,346 square foot at 3801 Leavenworth Road on 1.54 acres.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 14, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated February 15 and July 19, 2018; and
7. The Notices to property owners dated February 14, 2018, March 2, 2018, March 29, 2018, May 7, 2018, July 2, 2018, August 6, 2018, August 28, 2018, October 3, 2018, November 6, 2018 and December 3, 2018.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

**Present in Support:**

- ❖ Bryan Ruoff, applicant, 3F30 Architects, 7501 Northwest Tiffany Springs Parkway, Kansas City, MO 64153
- ❖ Lou Braswell, Director of Leavenworth Road Association, 5202 Parkview Avenue, Kansas City, Kansas 66104
- ❖ Deniese, Davis, 3314 North 53<sup>rd</sup> Street, Kansas City, Kansas 66104
- ❖ Mr. Allen, developer of the property
- ❖ There was one person present that did not speak

**Present in Opposition:**

- ❖ Ryan Denk, McAnany, Van Cleave, and Phillips, 10 East Cambridge Circle, Kansas City, Kansas, 66103, attorney representing Christine Allen at 3034 North 38<sup>th</sup> Street (The Commission granted Mr. Denk an additional 5 minutes to speak.) Mr. Denk presented an exhibit to the Commission.
- ❖ John Cameron, 11223 West 64<sup>th</sup> Terrace, Suite 501, Shawnee, Kansas, 66203, real estate broker, representing Christine Allen

Director Richardson stated that in looking at the diagram and looking at the plan previously submitted by Mr. Cameron, if Mr. Cameron develops his property right across the street from Ms. Allen, the driveway would be directly across from this one. Mr. Cameron stated that is correct but he has flexibility.

- ❖ Eleanor Jefferson, 419 Haskell Avenue, Kansas City, Kansas, speaking on behalf of her friend Christine Allen
- ❖ There were three persons present that did not speak

**Staff Recommendation starts at 1:05:25:** Planning Director Richardson stated that he would like to address Mr. Denk's first comment. The staff report does indicate that the property to the south is a residential use and residentially zoned. Related to the fence the staff has asked them to finish both sides of the fence because it needs to look good on both sides for both the commercial property and the residential property. Mr. Ruoff did accurately describe the lighting situation. He stated that most of his communication regarding opposition and the neighbor's case has been from Mr. Cameron. The Commission saw the exhibit submitted and his point of reference for Mr. Cameron. Director Richardson stated that he had assumed that since Mr. Cameron's driveway was that far to the south, that was okay for his client as well. That is where the staff came to that position because Mr. Cameron was the one emailing him, all the Commissioners, etc. So this driveway was placed almost directly across from that. There is no variance on the south because the site does conform to the zoning code. The separation, buffering and landscaping all meet the code there. In the past the staff has gone beyond that. Because if the neighbor is going to stay there, she probably does need a little more protection but that is balanced with what he thinks is a lighting issue. He does not think that it is a noise issue because they already have the noise from the vehicles going onto the on ramp and he does not think that the convenience store noise is going to be in excess of the noise of vehicles accelerating going on the ramp. Director Richardson stated that he would like to make one correction about I-635. They are correct that the turning movement coming up, if you are going north on 38<sup>th</sup> Street towards Leavenworth Road, you could turn left into the development at the south end. If you were going south on I-635 the closest access point is on Leavenworth Road. That would be regular traffic going by Ms. Allen's house and the headlights would not swing towards her home. Basically there would be traffic coming down 38<sup>th</sup> Street and would turn in affecting Ms. Allen. The difficulty is screening right at the driveway is room needs to be left for people to see at the sight triangle. He stated that it is not possible to build a fence all the way to the street because it creates traffic safety problems. Director Richardson stated that the building is moved 50' away from Ms. Allen but he thinks what is being discussed is the driveway entrance there. He further stated that he does not know if 30 or 40 feet of landscaping is any different than 10 or 20 feet of landscape given the proximity of everything that is being done there. They could move the development to the north about 10 or 20 feet and it is probably going to cost the applicant one fueling island and about 500' of the retail space. This is not a shared drive because it is not on the property line and no easements have been requested. That is something that might add to this. The staff added in the report that they cannot do trash pick-up at night. The most obnoxious part of the trash dumpsters is the pick up because when they are put back in place it is loud. Director Richardson stated that he thinks that the crux of the issues are the southbound cars turning in with their headlights flashing across the front of the neighbor's home and what is the right amount of spacing given that it already meets the code for additional landscaping between where the fence and retaining wall are located now and where the appropriate place for that might be. Maybe that can be mitigated if an 8' fence is required and instead of the proposed landscaping, they would plant a double row of evergreens that are tall and would extend that fence as they grow. That would provide an additional

amount of screening with the column evergreens. Even if the driveway is moved to the north he does not think that will eliminate the flash of the headlights across Ms. Allen's home; he does not think moving it 100' does that because as a car turns in the lights are going to flash across her home but maybe not at the same angle. That is going to happen whether that third property is involved or not. With regard to a higher fence, the applicant would have to apply for a variance to allow a 10' fence. He stated that the staff recommends approval subject to the additional stipulations:

1. The fence is eight (8) foot.
2. Modify the landscaping to column evergreens
3. Work with the staff to move the driveway to the north somewhere between 10 and 20 feet which will cause them to lose one pump island, a couple of parking stalls and about 500 square feet of the building area. Director Richardson stated that he would note that wherever this driveway ends up the driveway on the east side will have to line up with it.

Planning Commissioner Ernst stated that he thinks the impact of losing the one pump island is being lost on everyone. He asked if the staff would be agreeable to a motion giving the staff the ability to work with the applicant and reach the best compromise whether it be a higher fence, slightly moving the entrance, etc. Director Richardson stated that he will do whatever he is directed to do by the City Planning Commission.

**Motion and Vote starts at 1:21:30:**

On motion by Mr. Ernst, seconded by Ms. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application #3159 to CP-2 Planned General Business District, subject to the staff stipulations and the additional stipulations, minus losing the one pump island, and the staff and applicant working towards a compromise with regard to any changes to the driveway, height of the fence, landscaping, etc.:**

|          |             |
|----------|-------------|
| Carson   | Aye         |
| Connelly | No          |
| Ernst    | Aye         |
| Jones    | Aye         |
| Pauley   | No          |
| Serda    | Aye         |
| Huey     | Aye         |
| Miller   | Not Present |
| Neal     | Not Present |
| Reasons  | Not Present |

**Motion to recommend APPROVAL Passed: 5 to 2**

**Subject to:**

**Urban Planning and Land Use Comments:**

**General Planning:**

1. Subject to approval, a \$50.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department following the Unified Government Board of Commissioners meeting.

***Applicant Response: Acknowledged.***

2. Based on the floor plan, the contents in the retail store indicate a proposed liquor store. A special use permit is required and must be approved prior to opening that specific component of the store.

***Applicant Response: The use of the speculative spaces(s) is not determined at this time.***

**Building Architecture:**

1. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the facade. 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.

There appears to be no building articulation in the building; there is a significant lack of depth. Faux windows or inset window displays can be added on the façade to promote products for sale, without being considered signage on the side and rear façades, which will aid in breaking up the building.

The building needs greater architectural detail. The façade needs to have projections, variation in materials and integral colors.

Different building materials and architectural elements shall be included in revisions and subsequently incorporated into the final development plans. Please look at the other gas stations in the city that meet our Commercial Design Guidelines such as the Sinclair in Prescott Plaza (18<sup>th</sup> Street and Interstate 70), Phillips 66 at 103<sup>rd</sup> Street and Leavenworth Road, and QuikTrip at 78<sup>th</sup> Street and Interstate 70.

While you do not need to match these stores, elements and materials used in their construction need to be integrated into these plans.

***Applicant Response: See Elevations, Sheets A102.0 and A102.1, 3-D Renderings. Note this is similar to the Xpress Mart Store at 1800 Steele Road. However, with the larger scale and newer project an added masonry color has been added and the roof line has been enhanced. There is also space on this project to add some reasonable wall insets to the front and back elevations.***



2. Sec. 27-576(e)(2) Exterior building materials shall not include the following:
  - f. EIFS at the ground level or comprising more than 15 percent of any façade.

*Applicant Response: Acknowledged. The elevations reflect traditional stucco with the exception of the option for an EIFS at the Cornice Detail.*

3. Masonry columns shall wrap the entire column underneath the gas canopy.

*Applicant Response: Acknowledged. The plans show the columns wrapped in masonry.*

4. Downspouts shall be internalized.

*Applicant Response: Acknowledged. None are shown in the elevations or at the canopy.*

#### **Landscaping and Screening:**

1. Sec. 27-577(a)(5) - Landscaping shall exceed the typical code requirements by at least 75 percent.
  - a. The district requirement is one tree per 7,000 square feet of site area. The property is .922 acre, so 10 trees are required per code.
  - b. All deciduous trees shall be at least 2½" caliper when planted. All evergreens must be at least 6' in height when planted. All shrubs must be planted at a minimum of 5 gallons.
  - c. Landscaping shall be irrigated.

*Applicant Response: Acknowledged. Current Landscape Plan is believed to meet the ordinance. The design team will continue to work with staff if there are minor changes required.*

2. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent developments or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. Please add note on landscape plan and revise as necessary.

*Applicant Response: Acknowledged.*

3. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
  - a. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be planted at least six feet tall (when planted) provided for every 30 feet of street easement or frontage.
  - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.

***Applicant Response: Acknowledged. See Landscape Plan.***

4. Sec. 27-577(d)(1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.

***Applicant Response: Acknowledged.***

5. Utility connections (including transformer boxes) shall be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building. All rooftop mechanical equipment shall be screened from public view on all sides by a parapet.

***Applicant Response: Acknowledged. Parapet is 6' high. Landscaping will be integrated at electrical service entrance.***

6. The BPU transformer pad shall be completely screened on all sides with 6-foot junipers setback 10 feet from the door opening and 3 feet from the remaining three sides of the pad. Additionally, the transformer doors shall face away from the public street.

***Applicant Response: Acknowledged.***

7. Sec. 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.

***Applicant Response: See site plan and renderings.***

8. All lighting shall have 90-degree cutoff fixtures. Any lighting that is physically mounted to the building shall be decorative and have 90-degree cutoffs, as not to cast light on adjacent properties and public right-of-way. Light shall not exceed one footcandle as measured from said property line. Wall pack lighting is not permitted.

The photometric plan does not comply with our code, as the proposed lighting exceeds to one (1) footcandle maximum at the property line along the north, south and east property lines. Please revise accordingly.

***Applicant Response: Acknowledged. A photometrics plan has been provided.***

**Staff Response:** The applicant provided a photometric (lighting) plan, however along portions of the south property line the lighting exceeds one

(1) footcandle. During the building permit review process, the photometric plan shall be revised, which may require changing the location of lights on the canopy and/or building to ensure that the exterior light does not exceed one (1) footcandle at the property line.

**Signage:**

1. Shall comply with the sign code.

*Applicant Response: Acknowledged.*

**Public Works Comments:**

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
- 1) Engineering comments are listed as stipulations below.
- B) Items that are conditions of approval (stipulations):
- 1) In future, if the adjacent property to the south on North 38<sup>th</sup> Street is developed to a commercial property, it may be necessary to have a shared access drive between the XPress Mart convenience store and the new development. There is no room for additional driveway entrances south of the existing driveway entrance on the residential property and the undeveloped lot south of the existing residential property. Further discussion with staff may be required.
  - 2) The drainage easement for the proposed public storm sewer within the site shall be in accordance with UG standards and criteria.
  - 3) The drainage easements documents shall be approved by UG staff, then recorded with the Wyandotte County Register of Deeds. A copy of the recorded easements with book and page number shall be submitted to staff prior to final engineering approval and construction permit acquisition
  - 4) This project includes public sanitary sewer improvements for the proposed force main. The public sanitary sewer improvement plans shall meet the UG standards and criteria and shall be a separate plan set with a separate cover sheet with applicable information, i.e., vicinity map, sheet index, benchmark, utility contacts, floodplain note, etc. The public sanitary sewer improvement plans shall include erosion control. This set of plans is required and shall be reviewed and approved by UG staff prior to construction permit acquisition.
  - 5) Please coordinate with Dave Clark - (913-573-5721), UG Public Works regarding crossing of Leavenworth Road for the proposed public sewer extension.
  - 6) The proposed grinder pump for the project shall be privately owned and maintained as it is being used for a commercial property. The UG warranty program in place for grinder pumps connected to low pressure sewer systems is strictly for residential businesses.
  - 7) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

1) None

**Staff Conclusion:**

The applicant has revised the landscape plan to screen the site from the residence bordering the south property line adjacent to North 38<sup>th</sup> Street. The operator has two other gas station/convenience stores in the Kansas City, Kansas located at 1800 Steele Road and 3317 Brown Avenue. Both are clean, well-maintained and screened from residences that border the development.

The Traffic Impact Study (TIS) approved by the Kansas Department of Transportation (KDOT) finds that no additional improvements to 38<sup>th</sup> Street or Leavenworth Road are required to accommodate the proposed development.

In addition to the aforementioned comments, subject to approval, staff stipulates the following:

- 1) Trash pick-up shall be restricted between the hours of 7:00 AM to 7:00 PM.
- 2) Prior to the issuance of a Temporary Certificate of Occupancy (TCO), a certified light engineer shall provide a report to the Urban Planning and Land Use Department verifying that the site lighting does not exceed one (1) footcandle in the air at the property line around the perimeter of the property, more specifically along the south property line, abutting the single-family home.
  - a. All building and canopy lighting shall have 90-degree cutoff fixtures and possibly a shield underneath the canopy to not cast light horizontally away from the fixture.

On motion by Mr. Carson, seconded by Mr. Ernst, the Planning Commission voted as follows to **APPROVE 38LEAVENWORTH Final Plat:**

|          |             |
|----------|-------------|
| Carson   | Aye         |
| Connelly | No          |
| Ernst    | Aye         |
| Jones    | Aye         |
| Pauley   | No          |
| Serda    | Aye         |
| Huey     | Aye         |
| Miller   | Not Present |
| Neal     | Not Present |
| Reasons  | Not Present |

**Motion to APPROVE Passed: 5 to 2**

**Subject to the above stipulations**

On motion by Dr. Serda, seconded by Mr. Carson, the Planning Commission voted as follows to **APPROVE Final Plan Review #PR-2018-8:**

|          |     |
|----------|-----|
| Carson   | Aye |
| Connelly | No  |
| Ernst    | Aye |
| Jones    | Aye |
| Pauley   | No  |

|                                   |             |
|-----------------------------------|-------------|
| Serda                             | Aye         |
| Huey                              | Aye         |
| Miller                            | Not Present |
| Neal                              | Not Present |
| Reasons                           | Not Present |
| Motion to APPROVE Passed: 5 to 2  |             |
| Subject to the above stipulations |             |



7501 NW Tiffany Springs Pkwy, Suite 240, Kansas City, MO 64153 – (p) 816-801-7070 (f) 816-801-7074

January 10, 2019

Byron Toy, AICP  
Unified Government  
701 N. 7<sup>th</sup> St, Suite 423  
Kansas City, KS 66101

Re: Xpress Mart, 3801 38<sup>th</sup> St  
COZ 3159

Byron,

The comments of the staff have been addressed/responded to in the following manner. We look forward to presenting to the Planning Commission on Monday January 14th. Of course, I will be available for any staff comments leading into these upcoming meetings.

First, I would like to describe some general changes that have occurred over the past year. We had a Neighborhood meeting in February 2018. The main comment and recommendation that came from that meeting was from the commercial property owner to the east. It was requested that the project be rotated to face East. In June, the residential property to the South was purchased so that the south east project driveway could line up with the potential driveway on the property across 38<sup>th</sup> street. This was also a suggestion that came out of that original discussion. The new layout and plans were shared with the neighborhood again on October 29<sup>th</sup>.

With the new layout and the larger property, the Retail Building now includes a 3,500 SF Convenience Store and 2,700 SF of Spec Retail Space. There are now 8 fueling islands. A Traffic Study was provided to KDOT and the Public Works/Engineering Department and has been updated per request to the current plans.

#### STAFF COMMENTS AND SUGGESTIONS

Response is in Blue

##### Urban Planning and Land Use Comments:

###### General Planning:

1. Subject to Approval, a \$50 check must be submitted. Acknowledged
2. Based on the floor plan, the contents in the retail store indicate a proposed liquor store. A special use permit is required and must be approved prior to opening a retail store. The use of the speculative space(s) is not determined at this time.





7501 NW Tiffany Springs Pkwy, Suite 240, Kansas City, MO 64153 – (p) 816-801-7070 (f) 816-801-7074

**Building Architecture:**

1. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the facade. 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.

There appears to be no building articulation in the building; there is a significant lack of depth. Faux windows or inset window displays can be added on the façade to promote products for sale, without being considered signage on the side and rear façades, which will aid in breaking up the building.

The building needs greater architectural detail. The façade needs to have projections, variation in materials and integral colors.

Different building materials and architectural elements shall be included in revisions and subsequently incorporated into the final development plans. Please look at the other gas stations in the city that meet our Commercial Design Guidelines such as the Sinclair in Prescott Plaza (18<sup>th</sup> Street and Interstate 70), Phillips 66 at 103<sup>rd</sup> Street and Leavenworth Road, and QuikTrip at 78<sup>th</sup> Street and Interstate 70.

While you do not need to match these stores, elements and materials used in their construction need to be integrated into these plans. See Elevations, Sheets A102.0 and A102.1, 3-D Renderings. Note that this is similar to the Xpress Mart Store at 1800 Steele Rd. However, with the larger scale and newer project an added masonry color has been added and the roof line has been enhanced. There is also space on this project to add some reasonable wall insets to the front and back elevations.

2. Sec. 27-576(e)(2) Exterior building materials shall not include the following:

f. EIFS at ground level or comprising more than 15 percent of any façade. Acknowledged. The Elevations reflect traditional stucco with the exception of the option for an EIFS at the Cornice Detail.

3. Masonry columns shall wrap the entire column underneath the gas canopy. Acknowledged. The plans show the columns wrapped in masonry.

4. Downspouts shall be internalized. Acknowledged. None are shown in the elevations or at the canopy.

**Landscaping and Screening:**

1. Please submit a landscape plan. The Landscape Plan is in the set and has been updated to the new layout



7501 NW Tiffany Springs Pkwy, Suite 240, Kansas City, MO 64153 – (p) 816-801-7070 (f) 816-801-7074

2. Sec. 27-577(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent.

a. The district requirement is one tree per 7,000 square feet of site area. Acknowledged. Current Landscape Plan is believed to meet the ordinance. The design team will continue to work with staff if there are minor changes required.

b. All deciduous trees shall be at least 2½" caliper when planted. All evergreens must be at least 6' in height when planted. All shrubs must be planted at a minimum of 5 gallons. Acknowledged

c. Landscaping shall be irrigated. Acknowledged.

3. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent developments or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. Please add note on landscape plan and revise as necessary. Acknowledged

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

a. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be planted at least six feet tall (when planted) provided for every 30 feet of street easement or frontage.

b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees. Acknowledged. See Landscape Plan

5. Sec. 27-577(d)(1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers. Acknowledged

6. Utility connections (including transformer boxes) shall be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building. All rooftop mechanical equipment shall be screened from public view on all sides by a parapet. Acknowledged. Parapet is 6' high. Landscaping will be integrated at electrical service entrance.

7. Sec. 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times. See site plan and renderings

8. All lighting shall have 90 degree cutoff fixtures. Any lighting that is physically mounted to the building shall be decorative and have 90 degree cutoffs, as not to cast light on adjacent properties and public right-of-way. Light shall not exceed one footcandle as measured from said property line. Wall pack lighting is not permitted. Acknowledged. A photometrics plan has been provided.

**Signage:**

1. Shall comply with the sign code. Acknowledged.



7501 NW Tiffany Springs Pkwy, Suite 240, Kansas City, MO 64153 – (p) 816-801-7070 (f) 816-801-7074

**Public Works Comments:**

See separate letter from Renaissance Infrastructure Consulting

Thank you for your assistance on this project,

*Bryan Ruoff*

AIA, CSI, LEED AP, CDT

**3F30 Architects**

7501 NW Tiffany Springs Pkwy  
Suite 240  
Kansas City, MO 64153  
(Tiffany Springs exit on I-29)  
(o) 816-801-7070  
(f) 816-801-7074  
(m) 816-305-5034



7501 NW Tiffany Springs Pkwy, Suite 240, Kansas City, MO 64153 – (p) 816-801-7070 (f) 816-801-7074

Neighborhood Meeting

February 26, 2018

Xpress Mart

3801 Leavenworth Road

The meeting was started at 5:40 PM in the Community Room at 6100 Leavenworth Road.

This project was presented to the attendees of the meeting by the Architect, Bryan Ruoff of 3F30 Architects.

After Bryan Ruoff presented the general project along with site plan, floor plan, and building elevation exhibits, several picture enlargements of previous projects were also presented. It was explained that the project was intended to be 24 hour and that the Zoning being cleaned up helped with that process. Everyone at the meeting was familiar with the previous formal planning process for the site a few years ago for a similar project.

Questions and Responses were noted and are listed below.

1. *What will the store be branded?* The Owner/Developer, Jay Jamal, explained the branding situation on all his new stores including the Xpress Mart store sign and that it will be Shell.
  2. *When will the construction occur?* Jay Jamal described the current city planning schedule and best-case construction schedule.
  3. *Coordination of the drives with the Commercial Property to the east.* David Cameron, the owner of the vacant property across 38<sup>th</sup> St mentioned his concern with the coordination of the drives on 38<sup>th</sup> St. He presented various preliminary site layouts for his property. Discussion followed about the upcoming KDOT work and if ramifications would be coming from that. With the design process still in process, no one at the meeting could be specific on this topic. Several options were discussed, including the adjacent properties to the site, set back and landscape variances, and changes to the overall site layout. Tanker movement was also discussed as any changes to the site and drives would require the tanker routing to be involved.
  4. There was much general discussion on the neighborhood that followed including local "dollar stores".
- With no real project specific questions or discussion remaining, the meeting was formally adjourned at 6:50.

Respectfully submitted

A handwritten signature in blue ink, appearing to read 'Bryan Ruoff', is written over a light blue grid background.

**Bryan Ruoff**  
AIA, CSI, LEED AP, CDT, NCARB

**President**  
**3F30 Architects**



7501 NW Tiffany Springs Pkwy, Suite 240, Kansas City, MO 64153 – (p) 816-801-7070 (f) 816-801-7074

Neighborhood Meeting

October 29, 2018

Xpress Mart

3801 Leavenworth Road

The meeting was started at 5:25 PM in the Community Room at 6100 Leavenworth Road.

This project was presented to the attendees of the meeting by the Architect, Bryan Ruoff of 3F30 Architects.

After Bryan Ruoff presented the general project along with site plan, floor plan, and building elevation exhibits, he explained the changes made since the last neighborhood meeting in February of 2018. The Owner, Jay Jamal, added some comments about the reasons for the change that started with the request to turn the property to face east in that February meeting.

John Cameron, the owner of the commercial property across 38<sup>th</sup> street to the east asked permission to come forward to speak in front using the drawings.

Discussion pursued for about 30 minutes on the necessity to purchase the 4<sup>th</sup> and 5<sup>th</sup> properties to the south (3030 and 3032 N 38<sup>th</sup> St). John suggested that drives on the 38<sup>th</sup> street side, after construction would be too close. He added that the lighting from the project would also spill onto the residential property.

Bryan R. reminded John that turning the project to face east was his idea in the February meeting and the drive be aligned with his preliminary drive locations shown in his exhibits he shared in that meeting. Bryan also discussed that the properties to the south are not needed or required for the development.

John C. described the value of the two properties being discussed using a comparative square footage rate. This compared the properties already in the development plan to the two to the south. Bryan R. explained to the attendees that there are several other ways to establish the value of the properties such as area comps, residential comps, potential use, accessibility. Also, that all these options would be subject to the cost to prepare the site such as utilities, retaining walls and dirt removal. Bryan R. also suggested bringing in an independent Appraiser.

After further discussion, Bryan R. paused the discussion to ask if anyone else had any questions or concerns. There was no other participation at that time.

Some further general discussion occurred.

Louetta Braswell, Ex Dir, LRA mentioned that the Neighborhood Association was ready and supportive of the project.

Page 1 of 2



7501 NW Tiffany Springs Pkwy, Suite 240, Kansas City, MO 64153 – (p) 816-801-7070 (f) 816-801-7074

John C. made some closing comments.

Bryan R. told the meeting participants that the project is scheduled for the November 13<sup>th</sup> Planning Commission meeting and that it was a Tuesday because of Veterans Day. He mentioned that anyone is welcome to attend the meeting.

The meeting was adjourned at 6:15.

Respectfully submitted,

*Bryan Rueff*

AIA, CSI, LEED AP, CDT, NCARB

**President**

**3F30 Architects**



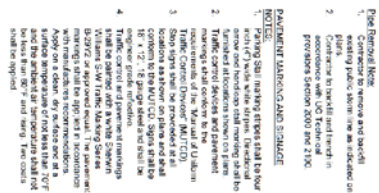


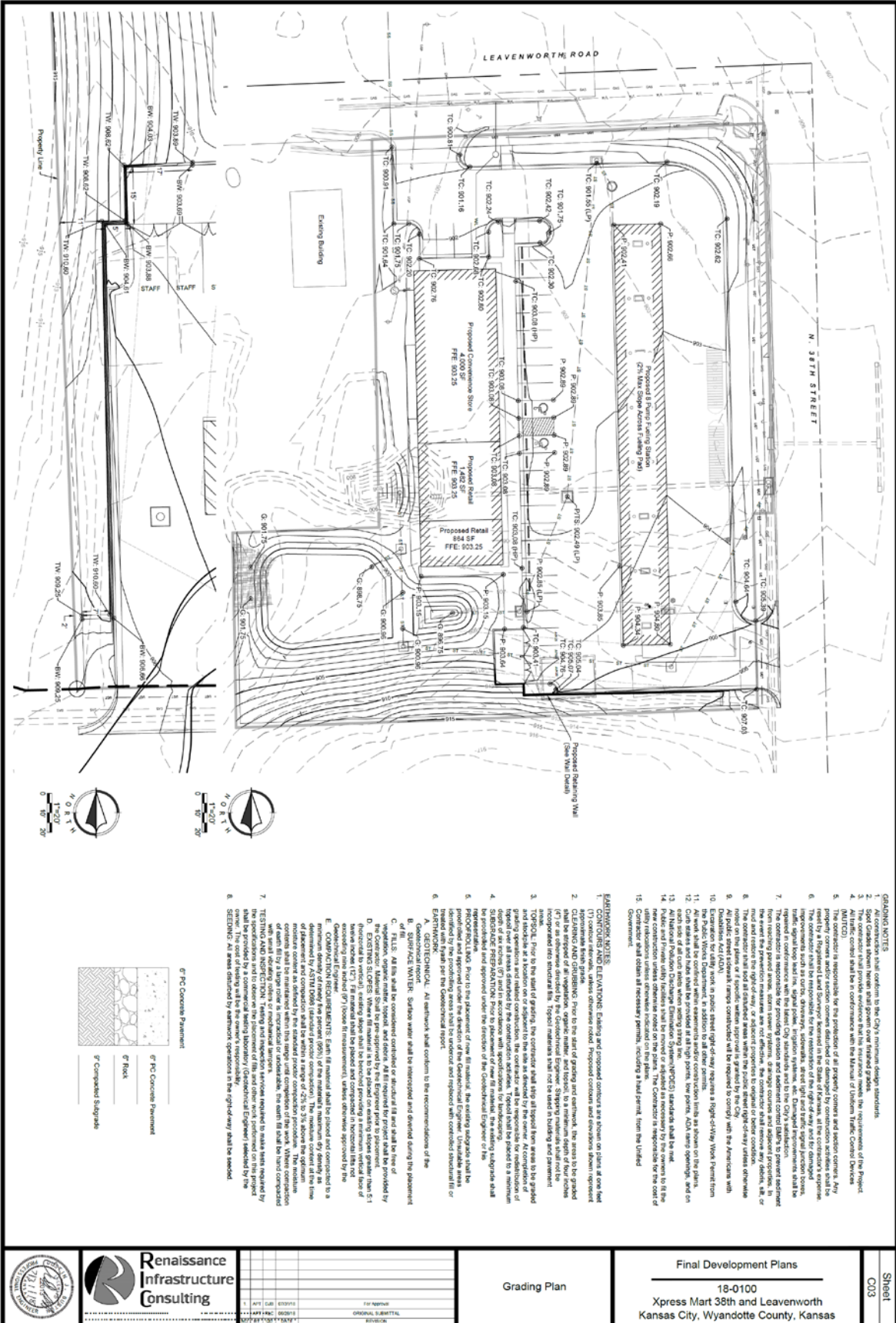
Final Development Plans

---

18-0100  
Xpress Mart 38th and Leavenworth  
Kansas City, Wyandotte County, Kansas

30





- GRADING NOTES**
1. All construction shall conform to the City's minimum design standards.
  2. The contractor shall provide evidence that his insurance meets the requirements of the Project.
  3. All traffic control shall be in accordance with the Manual of Uniform Traffic Control Devices.
  4. The contractor is responsible for the protection of all property corners and adjacent corners. Any property corners and/or adjacent corners disturbed or damaged by construction activities shall be replaced or re-established by the contractor.
  5. The contractor shall be responsible for the installation of the right-of-way and for the design of improvements such as curbs, sidewalks, street light and traffic signal junction boxes, and other improvements.
  6. The contractor shall be responsible for the installation of the right-of-way and for the design of improvements such as curbs, sidewalks, street light and traffic signal junction boxes, and other improvements.
  7. The contractor is responsible for providing motion and sediment control (BMPs) to prevent sediment from the construction site from entering the adjacent waterway.
  8. The contractor shall be responsible for the installation of the right-of-way and for the design of improvements such as curbs, sidewalks, street light and traffic signal junction boxes, and other improvements.
  9. The contractor shall be responsible for the installation of the right-of-way and for the design of improvements such as curbs, sidewalks, street light and traffic signal junction boxes, and other improvements.
  10. The contractor shall be responsible for the installation of the right-of-way and for the design of improvements such as curbs, sidewalks, street light and traffic signal junction boxes, and other improvements.
  11. The contractor shall be responsible for the installation of the right-of-way and for the design of improvements such as curbs, sidewalks, street light and traffic signal junction boxes, and other improvements.
  12. The contractor shall be responsible for the installation of the right-of-way and for the design of improvements such as curbs, sidewalks, street light and traffic signal junction boxes, and other improvements.
  13. The contractor shall be responsible for the installation of the right-of-way and for the design of improvements such as curbs, sidewalks, street light and traffic signal junction boxes, and other improvements.
  14. The contractor shall be responsible for the installation of the right-of-way and for the design of improvements such as curbs, sidewalks, street light and traffic signal junction boxes, and other improvements.
  15. The contractor shall obtain all necessary permits, including a third permit from the United States Government.

**EXISTING AND PROPOSED ELEVATIONS**

1. (1) contour intervals, unless otherwise noted. Proposed contours and elevations shown represent the proposed grading.
2. The contractor shall be responsible for the installation of the right-of-way and for the design of improvements such as curbs, sidewalks, street light and traffic signal junction boxes, and other improvements.
3. The contractor shall be responsible for the installation of the right-of-way and for the design of improvements such as curbs, sidewalks, street light and traffic signal junction boxes, and other improvements.
4. The contractor shall be responsible for the installation of the right-of-way and for the design of improvements such as curbs, sidewalks, street light and traffic signal junction boxes, and other improvements.
5. The contractor shall be responsible for the installation of the right-of-way and for the design of improvements such as curbs, sidewalks, street light and traffic signal junction boxes, and other improvements.
6. The contractor shall be responsible for the installation of the right-of-way and for the design of improvements such as curbs, sidewalks, street light and traffic signal junction boxes, and other improvements.
7. The contractor shall be responsible for the installation of the right-of-way and for the design of improvements such as curbs, sidewalks, street light and traffic signal junction boxes, and other improvements.
8. The contractor shall be responsible for the installation of the right-of-way and for the design of improvements such as curbs, sidewalks, street light and traffic signal junction boxes, and other improvements.
9. The contractor shall be responsible for the installation of the right-of-way and for the design of improvements such as curbs, sidewalks, street light and traffic signal junction boxes, and other improvements.
10. The contractor shall be responsible for the installation of the right-of-way and for the design of improvements such as curbs, sidewalks, street light and traffic signal junction boxes, and other improvements.
11. The contractor shall be responsible for the installation of the right-of-way and for the design of improvements such as curbs, sidewalks, street light and traffic signal junction boxes, and other improvements.
12. The contractor shall be responsible for the installation of the right-of-way and for the design of improvements such as curbs, sidewalks, street light and traffic signal junction boxes, and other improvements.
13. The contractor shall be responsible for the installation of the right-of-way and for the design of improvements such as curbs, sidewalks, street light and traffic signal junction boxes, and other improvements.
14. The contractor shall be responsible for the installation of the right-of-way and for the design of improvements such as curbs, sidewalks, street light and traffic signal junction boxes, and other improvements.
15. The contractor shall be responsible for the installation of the right-of-way and for the design of improvements such as curbs, sidewalks, street light and traffic signal junction boxes, and other improvements.

|  |                         |
|--|-------------------------|
|  | 6" PC Concrete Pavement |
|  | 6" PC Concrete Pavement |
|  | 6" Rock                 |
|  | 6" Compacted Subgrade   |

**Renaissance Infrastructure Consulting**

10000 E. 12th Street, Suite 100, Overland Park, KS 66204

913.666.1000

**Grading Plan**

18-0100

Xpress Mart 38th and Leavenworth

Kansas City, Wyandotte County, Kansas

Sheet

C03



<sup>1</sup> Riser, Corees & Gaskets Shall Conform To ASTM C 475. Use Concentric Corees Unless Otherwise Directed.

2. All New Sanitary Manholes Shall Be Vacuum Tested

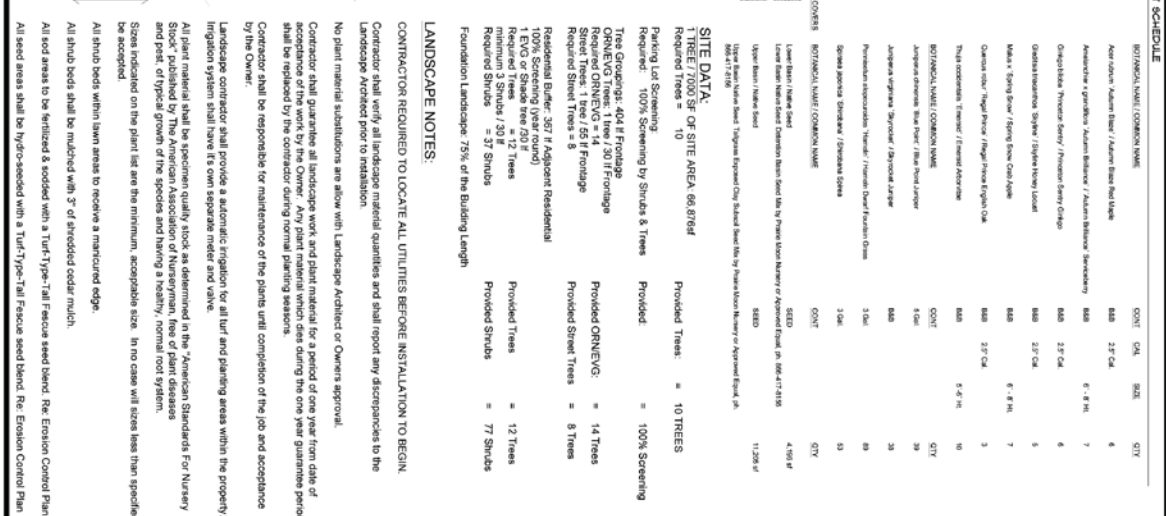
3. Water Proofing Requirements Apply Material: Cast-in-Place Concrete Or Preformed Joint Material At All Joints, Including Adjustment Rings. Two 6 Mil Coats Of External Damp Proofing Required Apply Composite External Joint Waterproofing At Joints and Adjustment Rings. See Spec for Internal Damp Proofing Requirements. Consult L. Lang Hoses.

4. See UG 5000-A For Additional Information

records of the waste utility companies, and where possible, measurements taken in the field. The information is not to be relied on as being exact or complete. The contractor must call the appropriate utility companies at least 48 hours before any excavation to required locate the location of utilities. It shall be the responsibility of the contractor to coordinate with and relocate any other

- [illegible]

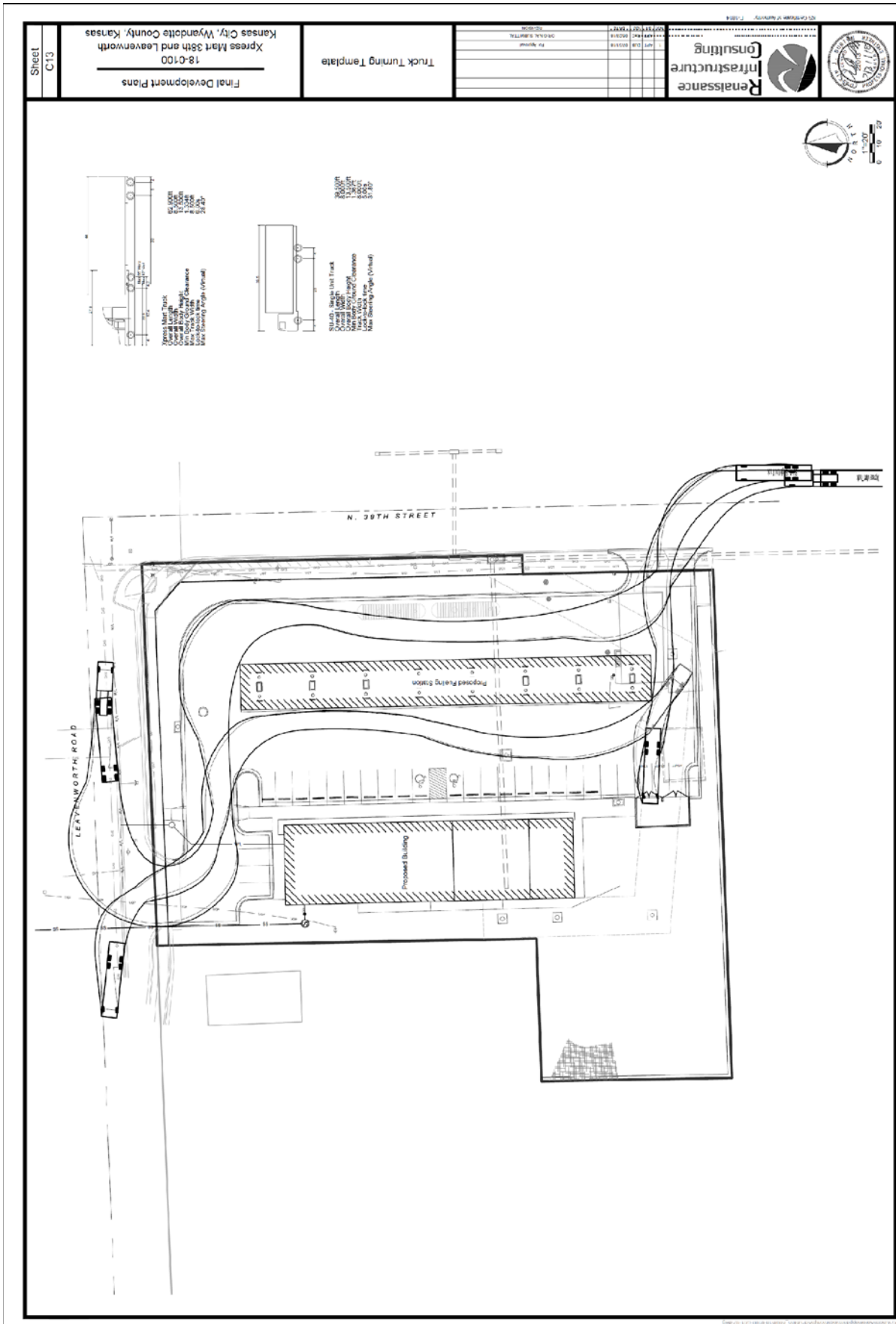


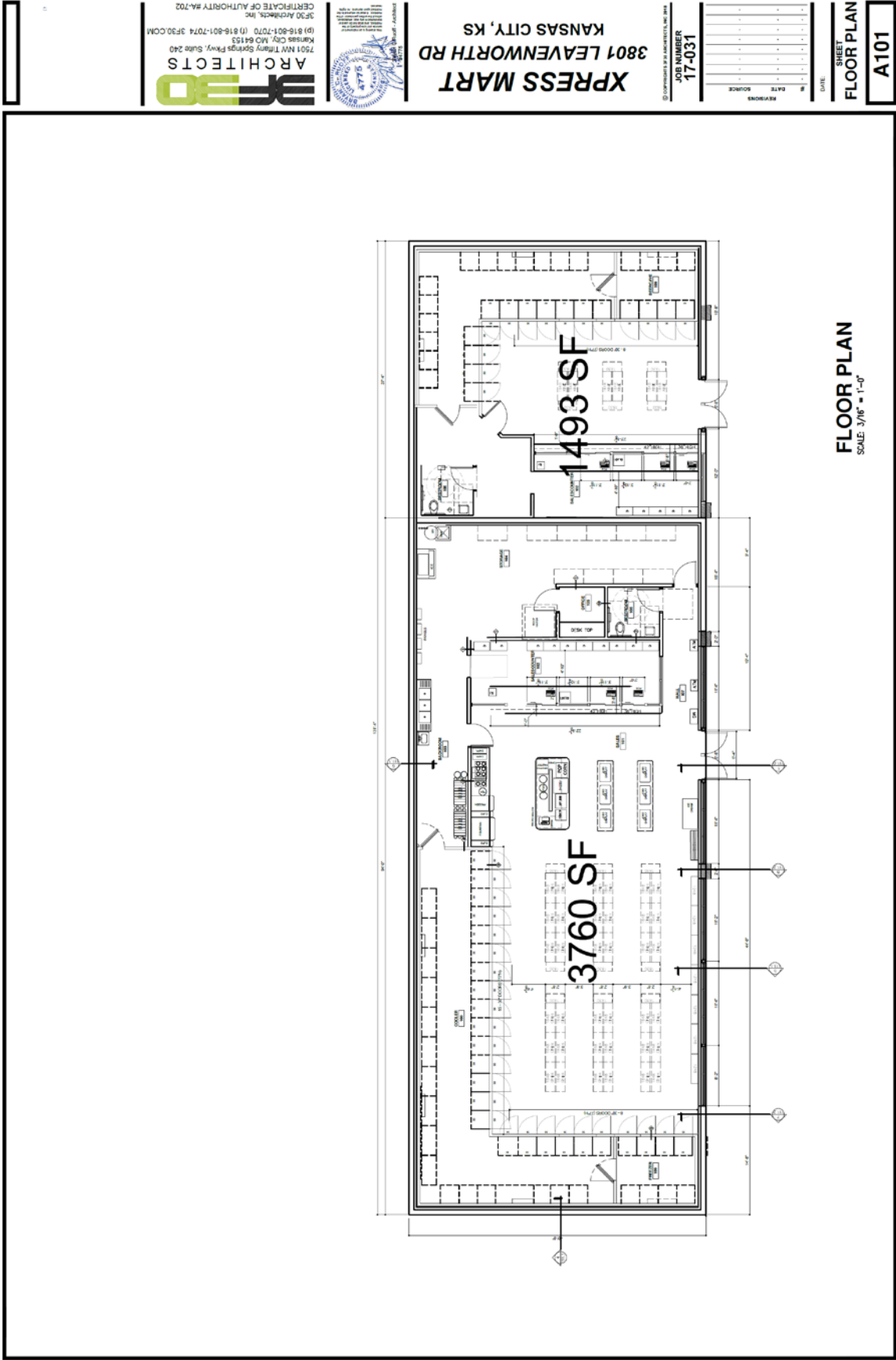
K5 Certificate of Authenticity E-10 04

**Figure 1. Landscaping along south property line, abutting 3034 North 38th Street residence.**





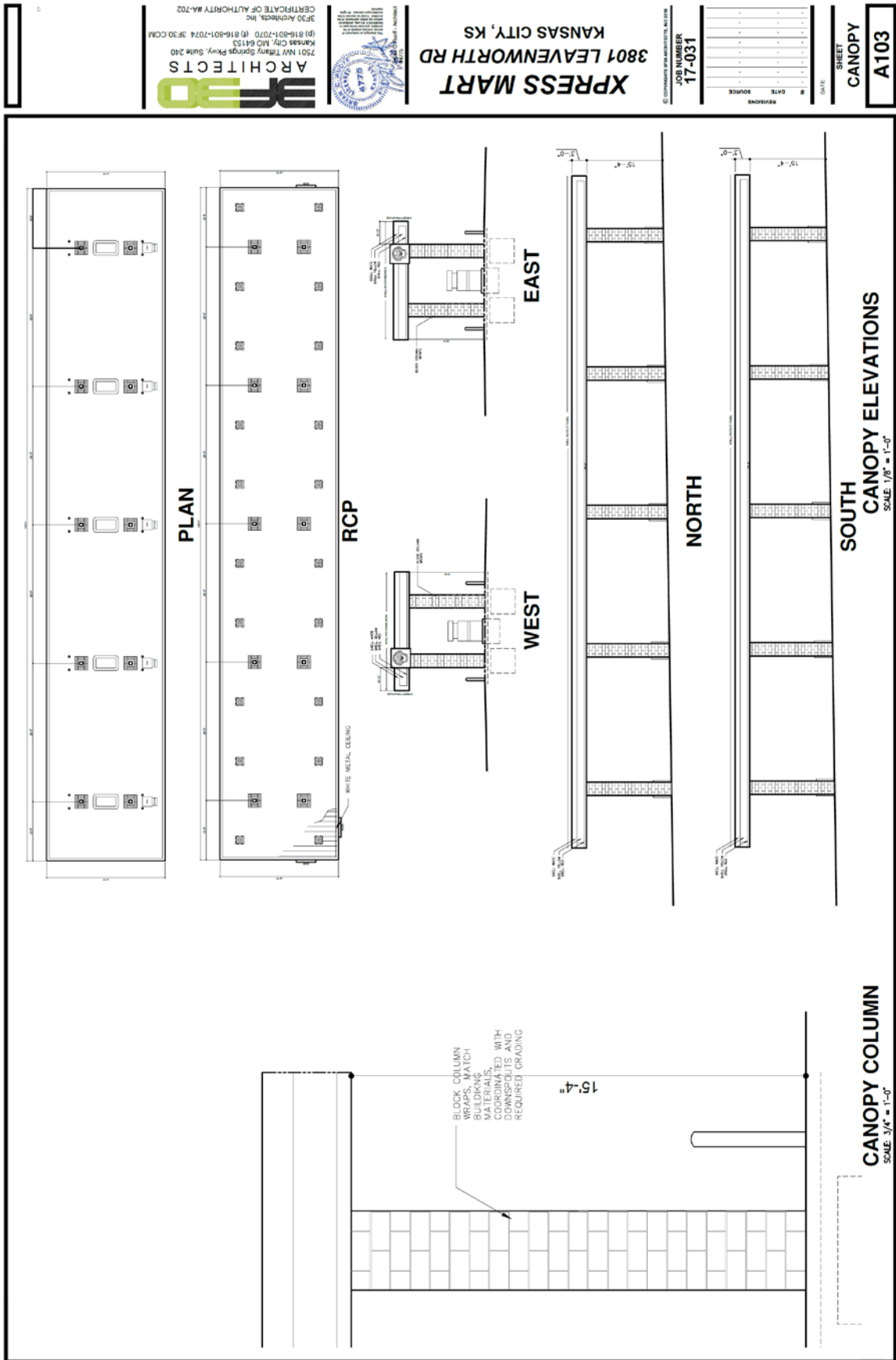
















**Figure 2. Rendering of development looking from the northeast corner of 38th Street and Leavenworth Road (provided by the applicant).**



**Figure 3. Rendering of development looking from the northeast corner of 38th and Leavenworth (provided by the applicant).**



**Figure 4. Rendering of development looking from North 38th Street (provided by the applicant).**



**Figure 5. Rendering of development looking from the southeast corner of North 38<sup>th</sup> Street (provided by the applicant).**



**Figure 6. Rendering of building looking from the west (provided by the applicant).**



LEAVENWORTH ROAD ASSOCIATION  
6100 LEAVENWORTH RD.  
KANSAS CITY, KS. 66104

913-788-3988

FAX 877-539-9733

Lrakck@sbcglobal.net

Re: COZ-3159, PR-2018-8

The LRA Board met August 23 to discuss the proposed business of Xpress Mart at 38th & Leavenworth Rd. The board agrees 100% in support of Mr. Jamal and the addition of his business. LRA also sees it as a benefit to bring other development interest into the area.

We had also meet with Mr. Jamal (Applicant) in February for the required Planning & Zoning neighborhood meeting, at a space provided by LRA. Those in attendance were very impressed with his business plan, and his previous accomplishments.

The board is completely in favor of having this new business to further update our newly modernized Phase I project of Leavenworth Rd.

We also understand that in the plans at this point the applicant has purchased 3038 N. 38, Parcel # 105403, directly south of his business lot. Although we would like to see the house of Christine Allen ( 3034 N. 38, Parcel #105404 and possibly 3030 N. 38, parcel # 105405) to be included, we are not, at any time, stating that it is necessary for our support of the construction. We also agree that Mr. Jamal has established himself with his numerous facilities, and as a businessman, has made wise decisions on his own with his purchases.

Also in researching property of FM Associates, LLC, we have found that their purchase of 1800 Steele Rd., has increased real estate tax from \$16,305.00 in 2017 to \$134,790.00 in 2018. Always an extra benefit to more tax dollars coming in, and being paid.

Louetta (Lou) Braswell

Exec. Director

CC: LRA File

KCK Mayor Alvey

KCK Commissioners

Rob Richardson, P&Z Director

P&Z Commission



September 6, 2018

Greetings,

Yesterday the Mayor and each Commissioner received a letter from the Executive Director of the Leavenworth Road Association concerning COZ-3159, PR-2018-8.

As a fifteen year active member and former Board Member of the LRA, I would like to respond to the letter each received. The letter mentions, "Those in attendance were very impressed with his business plan, and his previous accomplishments." It is important to know who was and who wasn't at the neighborhood meeting this past February. The list at the meeting included;

Mr. Jamal applicant  
Mr. Bryan Ruoff architect for the applicant  
Three member of the Smith family who were selling lots 1 & 2 in Orchard Heights for the development. **The Smith family sold interest on April 2, 2018.**  
Ms. Lou Braswell Executive Director of the LRA  
Ms. Deniese Davis Board Member of the LRA  
John Cameron only adjoining property owner to the proposed plan

The list of those not in attendance, included all other adjacent or adjoining property owners within 200' of the proposed COZ and PR.

As the only person in attendance, owning property adjoining to proposed development, **I did express support for the plan under three conditions.** In the original plan showed a building facing north with an ingress/egress in close proximity to 38th and Leavenworth Road. I suggested the following;

- 1 Turn the building to face east
- 2 & 3 Do nothing that would have a negative impact upon my two neighbors who own homes to the south of the proposed development who were not able to attend the meeting

As a property owner on this corner for 21 years, we have long worked to try improve our property and to bring development to the area, **but not at the expense of our neighbors.**

In the original application, both the UG Planning Staff and the Kansas Department of Transportation objected to the ingress/egress on 38th Street as being too close to the lighted intersection. These two groups required the applicant to do a Traffic Impact Study to show if there would be a negative impact. After the TIS was completed, it was clear that the original plan would not be acceptable.

The applicant started negotiating to buy the two homes to the south. We initially supported the idea of both homes south of the initial plan area, being included in a new plan, until we discovered some inequities of how the two homeowners were being treated. One property owner

was offered and closed on a contract for a price of \$2.50 per square foot. The second property owner was only offered \$1.18 per square foot. This owner, an elderly lady, will be left with dealing with the nuisance created adjoining her property and placed in a position where her property will have no marketable value.

With the inclusion of the first parcel with a home to the south, the applicant's current plan has the building turned and facing east and the ingress/egress drive to 38th Street the applicant moved to his new south line. The location of the drive in this new location has created a situation and problem that is similar to what had been proposed in the applicant's original plan. Now the applicant's ingress/egress point is not only in extreme close proximity to the last remaining home along this stretch of 38th Street, it is in close proximity to the south bound on ramp to I-635. **What is the Traffic Impact of this new ingress/egress location?**

**As I have stated previously, it would be in everyone interest (the applicant's, the UG's, the homeowner and the community at-large) that this property would be acquired and made a part of the development.**

The burden of the nuisance being placed upon the sole remaining homeowner on 38th Street who has occupied her home for almost 40 years is wrong and needs to be addressed!

A correction needs to be made to the last paragraph of the LRA letter. On June 25, 2014, FM Associates purchased the property at 1800 Steele Road. Actual taxes for each year are as follows:

|                |              |
|----------------|--------------|
| 2014           | \$ 7,564.98  |
| 2015           | \$ 7,811.36  |
| 2016           | \$ 7,701.26  |
| 2017           | \$ 2,742.40  |
| 2018 Projected | \$ 20,000.00 |

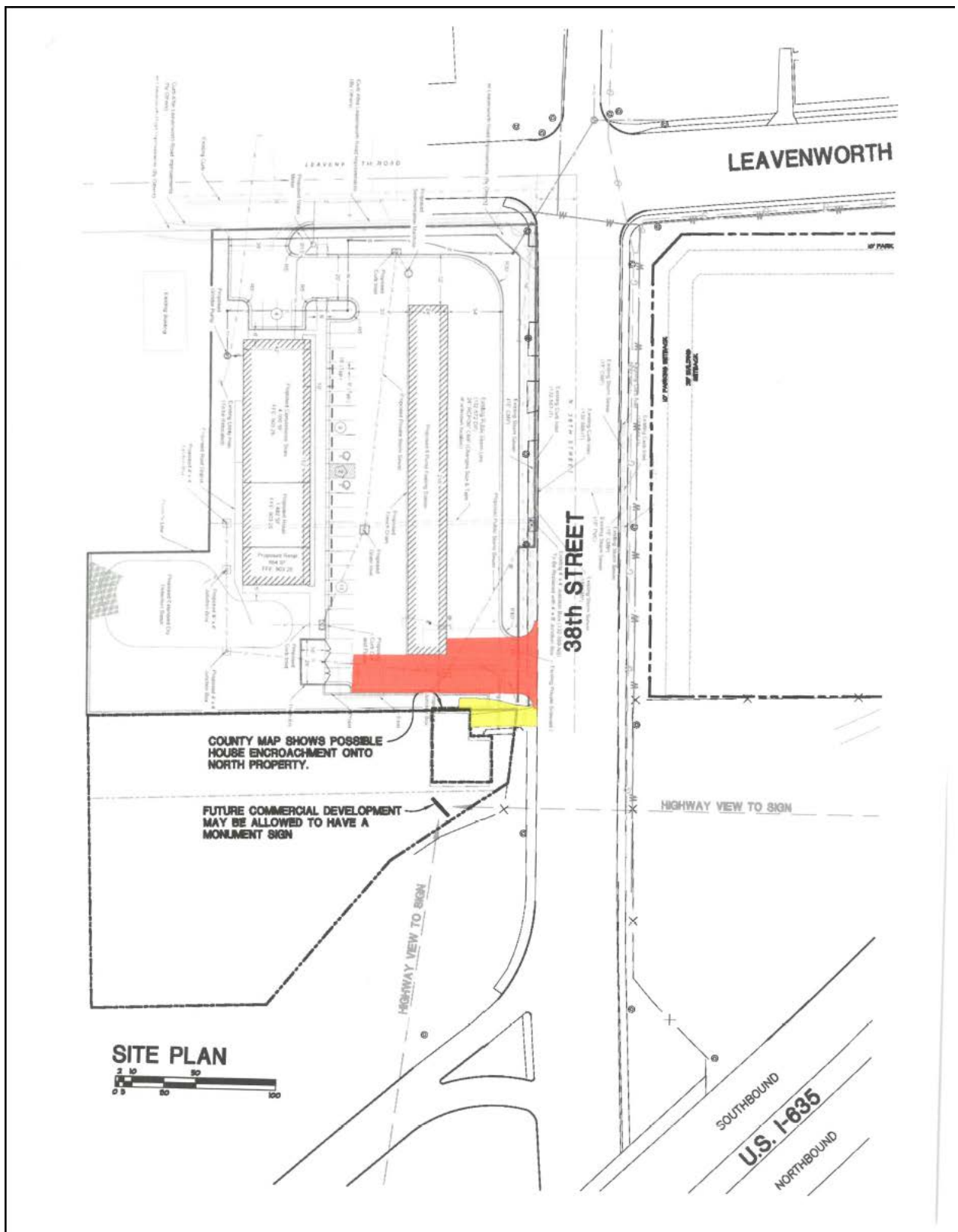
I look forward to having further discussions with all parties of interest.

Thank you.

John Cameron









Encroachment for nearly 40 years by Christine Allen



# Valid Protest Petition Change of Zone 3159

FILED  
N 28 2019

(Please carefully read the verification statement before signing)

STATE OF KANSAS )  
 ) SS  
COUNTY OF WYANDOTTE )

first duly sworn, under oath, depose and state that I have read and examined the foregoing Protest Petition, the Protest Petition Guidelines provided by the Unified Government of Wyandotte County/Kansas City, Kansas, and the signatures and addresses placed on the Protest Petition, and further state that the signatures and legal description and/or addresses thereon are genuine, that I personally know all of the signers of this sheet of the Protest Petition to be the persons whose names are signed to the Petition and that I personally witnessed their signature, that I am one of the signers of the Protest Petition and own property within the statutory area of notification related to the area for which a rezoning is sought, and that to the best of my knowledge the signers of the Protest Petition are owners of land located within the statutory area of notification for this rezoning application. The statutory area of notification includes the real property located within two hundred (200) feet of the boundaries of the area for which a rezoning is sought; or, if the area is adjacent to unincorporated property, the incorporated real property located within two hundred (200) feet of the boundaries of the area for which a rezoning is sought **and** the unincorporated property within one thousand (1,000) feet of the boundaries of the area for which a rezoning is sought.

6

Subscribed and sworn to before me this 28th day of January, 2019, by  
John Cameron, who is personally known to me to be the same person whose  
name is subscribed to in the foregoing instrument.



Debra J. Massey  
Notary Public

My Commission Expires:

May 21, 2022



## **PROTEST PETITION**

Protest Petition Against Rezoning or Special Use Permit No. **Change of Zone #3159**

We, the undersigned property owners, do hereby protest the above referenced application at the following address: 3801 Leavenworth Road, 3044 and 3038 North 38<sup>th</sup> Street KCK 66104.

We, the undersigned, realize that this petition of protest must be submitted to the Office of the Unified Government Clerk within fourteen (14) days from the date of the conclusion of the Planning Commission public hearing regarding this rezoning application. Further, we realize that this Petition is in opposition to the rezoning application and our signatures cannot be removed after filing unless certain lawful actions are taken to remove the Protest Petition. This Petition may be filed pursuant to the laws of Kansas, K.S.A. 12-757; and of the Unified Government of Wyandotte County/Kansas City, Kansas Sec 27-1049(d) and shall be subject to the rules contained therein.

We, the undersigned, are owners of real property located within the statutory area of notification related to the area for which a rezoning is sought, whereby, our signatures shall hereafter be verified by one of the signers of the Protest Petition as true and correct signatures in order for this Protest Petition to be valid. The statutory area of notification includes the real property located within two hundred (200) feet of the boundaries of the area for which a rezoning is sought; or, if the area is adjacent to unincorporated property, the incorporated real property located within two hundred (200) feet of the boundaries of the area for which a rezoning is sought **and** the unincorporated property within one thousand (1,000) feet of the boundaries of the area for which a rezoning is sought.



# Valid Protest Petition Change of Zone 3159

## Staff Analysis

Property within 200 feet (excluding Right-of-way) 230,599.35 square feet  
Protesting Property 172,615.87 square feet  
Percentage of property protesting 74.9%

## Legend

### Protesting

- No
- Yes

Three properties presented with protest forms that have printed names but are not signed. A signature example was provided on a deed and did not match the form submitted. Each was excluded from the protest calculation for invalid signature.

Name, Parcel Number and Address did not match. Signature invalid and not counted in protest area.

Form presented after the initial filing without a notarized signature from the circulator. Invalid and not counted in the protest area.

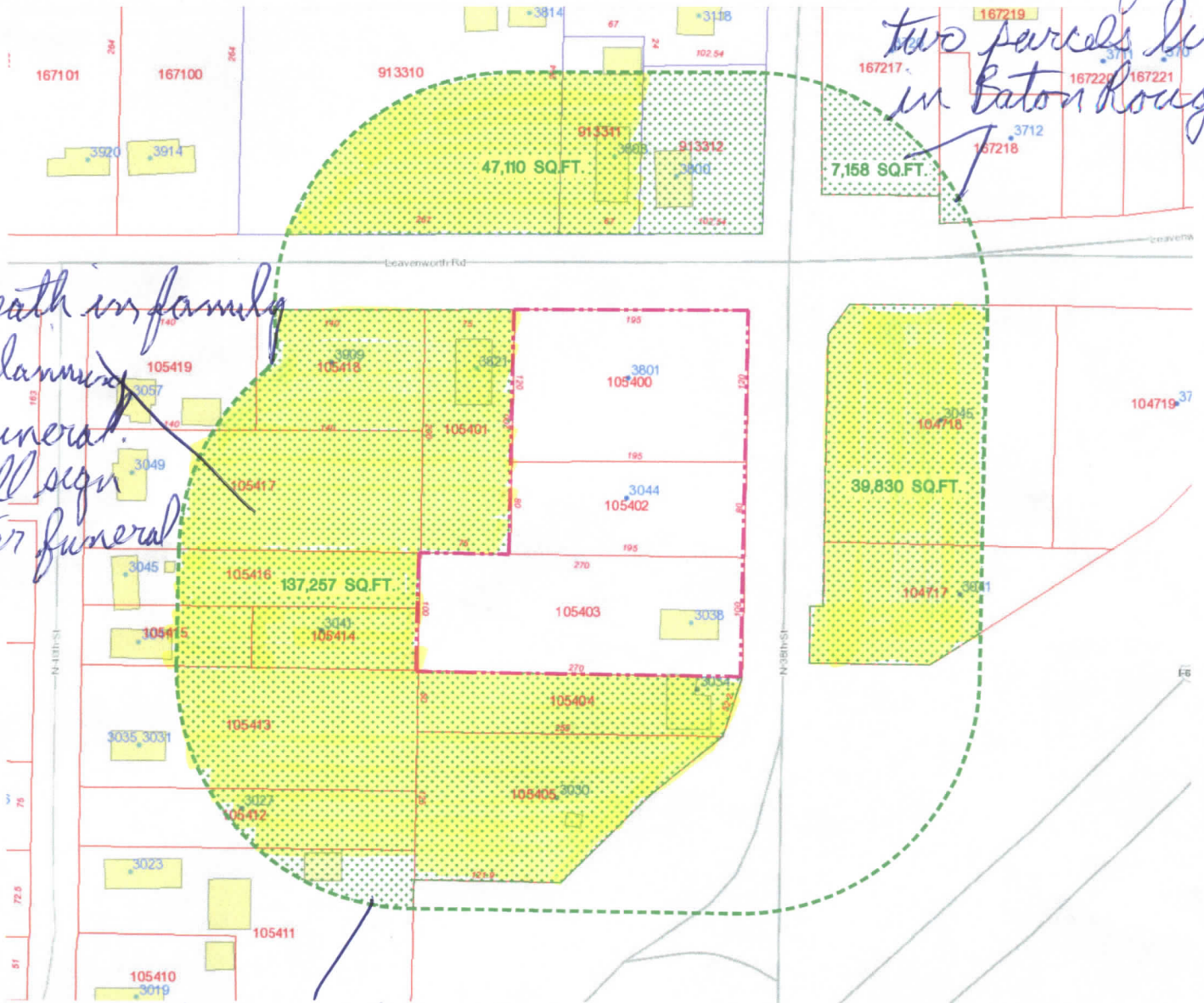


# Valid Protest Petition Change of Zone 3159

## Applicant Analysis

81.4% of owners of land  
area within 200 feet of rezoning  
signed the protest petition

Owner of these  
two parcels lives  
in Baton Rouge



Death in family  
& planning  
a funeral.  
Will sign  
after funeral

Never made contact  
with this property owner

# Valid Protest Petition Change of Zone 3159

Valid signatures and other documents  
provided by the circulator

PETITION NUMBER: Change of Zone #3159

**LEGAL SIGNATURE OF OWNER**  
(All owners of property must sign)

**PROPERTY DESCRIPTION**  
(Address and/or lot and block number)

**DATE**

|                        |                       |                |
|------------------------|-----------------------|----------------|
| <u>John F. Cameron</u> | <u>3045 N 38th St</u> | <u>1-27-19</u> |
|                        | <u>Parcel #104418</u> |                |

|                         |                          |                  |
|-------------------------|--------------------------|------------------|
| <u>Vicki A. Cameron</u> | <u>3045 N. 38 St</u>     | <u>1-27-2019</u> |
|                         | <u>Parcel 1 # 104418</u> |                  |



# KANSAS QUIT CLAIM DEED

(Individual/Tenants in Common)

BOOK 4578 PAGE 737

THIS DEED, is made this 20 day of November and between C & C Holdings, L.L.C. Grantor(s), and John F. Cameron as Grantee(s), whose mailing address is 5641 Dearborn, Mission, Kansas 66202

WITNESSETH, that the Grantor(s), for and in consideration of the sum of One Dollar and other good and valuable consideration paid by the Grantee(s), the receipt and sufficiency of which is hereby acknowledged by Grantor(s), do/does by these presents QUIT CLAIM unto the Grantee(s), the following described Real Estate, situated in the County of Wyandotte and State of Kansas, to-wit:

Subject to all easements, restrictions and reservations, if any, now of record.

Tract II: Lots 5 and 6, in LONGVIEW, an addition in Kansas City, Wyandotte County, Kansas, EXCEPT that part taken for right-of-way described as follows: Beginning at the Northwest corner of Lot 6, LONGVIEW ADDITION, in Section 31, Township 10 South, Range 25 East, Kansas City, Wyandotte County, Kansas; thence South 200 feet; thence East 10 feet; thence North 175 feet; thence Northeasterly to a point on the North lot line and 25 East of the Northwest corner of said lot; thence West 25 feet to the point of beginning.

TO HAVE AND TO HOLD the same, together with all rights and appurtenances to the same belonging, unto the Grantee(s), and to the heirs and assigns of the Grantee(s) forever.

The Grantor hereby covenanting that neither the Grantor nor Grantor's heirs or assigns, nor any other person or persons for Grantor or in Grantor's name or behalf; shall or will hereafter claim or demand any right or title to the aforesaid Property or any part thereof; but they and each of them shall, by these presents, be excluded and forever barred.

IN WITNESS WHEREOF, the Grantor(s) has or have hereunto set their hand or hands the day and year first above written.

John F. Cameron, Member  
Fred N. Coalson, Member

## KANSAS ACKNOWLEDGMENT

STATE OF Kansas  
COUNTY OF Johnson )ss

BE IT REMEMBERED, That on this 20 day of November before me, the undersigned, a Notary Public in and for said County and State, came who is/are personally known, to me to be the same person(s), who executed the within instrument of writing, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

Virginia Lea Thomas Notary Public

My appointment expires:

8/24/2005  
KANSAS ACKNOWLEDGMENT

Notary Public State of Kansas  
Virginia Lea Thomas  
My Appt Exp 8/24/2005

WYANDOTTE COUNTY, KANSAS  
Entered in transfer record in 1528 Day of April 03  
Tom B. Roberts  
United Government Clerk

By N.C. Deputy

same

Stewart (AOCO)  
AOW980006

1275149

MAPPING

KANSAS WARRANTY DEED

REG. 4001 : 207

On this 3<sup>rd</sup> day of November, 1997, John F. Cameron and Vicki A. Cameron, his wife, ("Grantors") CONVEY AND WARRANT to:

C & C Holdings, L.L.C., a Kansas limited liability company  
[3500 W. 75th St., Suite 101, Prairie Village, Kansas 66208-4101]

("Grantee") all of the following-described real estate in Wyandotte County, Kansas:

15000 ft.  
Lots 5 and 6, in LONGVIEW, an addition in Kansas City, Wyandotte County, Kansas, EXCEPT that part taken for right-of-way described as follows: Beginning at the Northwest corner of Lot 6, LONGVIEW ADDITION, in Section 31, Township 10 South, Range 25 East, Kansas City, Wyandotte County, Kansas; thence South 200 feet; thence East 10 feet; thence North 175 feet; thence Northeasterly to a point on the North lot line and 25 feet East of the Northwest corner of said lot; thence West 25 feet to the point of beginning;

and

15000 ft.  
The North 50 feet of Lot 7, LONGVIEW ADDITION, a subdivision of land in Kansas City, Wyandotte County, Kansas, subject to a permanent easement for controlled access highway right-of-way over the following described portion thereof, to-wit: Beginning at the Northeast corner of said Lot 7; thence South 50 feet; thence West 73 feet; thence Northeasterly to a point 12 feet West of the Northeast corner of said Lot; thence East 12 feet to the point of beginning, also subject to a permanent easement for highway right-of-way over the West 10 feet of the North 50 feet of said Lot 7, above easement condemned in the name of The City of Kansas City, Kansas, proceedings had in the District Court of Wyandotte County, Kansas, numbered 27952-B, in the year of 1967.

[Property address: 3045 North 38th Street, Kansas City, Kansas]

for the sum of one dollar and other valuable considerations.

SUBJECT TO: Any easements, restrictions and covenants of record.

John F. Cameron  
John F. Cameron

Vicki A. Cameron  
Vicki A. Cameron

STATE OF KANSAS )

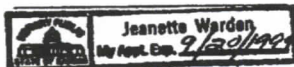
)ss.

COUNTY OF JOHNSON )

This instrument was acknowledged before me on this 14<sup>th</sup> day of Jan., 1998 by John F. Cameron and Vicki A. Cameron, husband and wife.

Jeanette Warden  
Notary Public

My Appointment Expires:



CONTRIBUTION - NO REAL ESTATE SALES VALIDATION  
QUESTIONNAIRE NEEDED - SEE EXCEPTION NO. 4

STATE OF KANSAS  
WYANDOTTE COUNTY KANSAS CITY  
Entered in transfer record in my office  
this 10<sup>th</sup> day of July, 1998  
Tom H. Roberts  
United Government Clerk

RECORDED

PETITION NUMBER: Change of Zone #3159

**LEGAL SIGNATURE OF OWNER**  
(All owners of property must sign)

**PROPERTY DESCRIPTION**  
(Address and/or lot and block number)

**DATE**

John F Cameron

3041 N 38th St  
Parcel # 104717

1-27-19

Vicki A. Cameron  
His wife

3041 N 38 St  
Parcel # 104717

1-27-2019

Vicki Cameron

3041 N 38 St  
Parcel # 104717

1-27-2019



Division ②  
Parcel 104716 + 104717

Mapping

KDOT Tract 94

No Real Estate Sales Validation  
Questionnaire Required  
Pursuant to KSA 79-1437e (13)

ENV

BOOK 4644 PAGE 850

WARRANTY DEED

THIS INDENTURE is made this 17<sup>th</sup> day of July, 2003, between John F. Cameron and Vicki Cameron, husband and wife, (hereinafter "Grantors") and the Unified Government of Wyandotte County/Kansas City, Kansas, (hereinafter "Grantee") a municipal government existing under the laws of the State of Kansas.

WITNESSETH, that Grantors, for and in consideration of the sum of \$10.00 and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, have sold, and by these present hereby GRANTS, BARGAINS, SELLS AND CONVEYS to the Grantee and its successors and assigns, the following described tract, piece and parcel of land, situated in the County of Wyandotte, State of Kansas, to-wit:

A tract of land in Lot 7, Longview Addition, according to the recorded plat thereof, described as follows: BEGINNING at the Northeast corner of said Lot; FIRST COURSE, thence on an assumed bearing of South 01 degree 24 minutes 51 seconds East, 30.480 meters (100.00 feet) along the East line of said Lot to the South line of said Lot; SECOND COURSE, thence South 88 degrees 04 minutes 12 seconds West, 59.437 meters (195.00 feet) along said South line; THIRD COURSE, thence North 54 degrees 37 minutes 15 seconds East, 55.296 meters (181.42 feet) to the North line of said Lot; FOURTH COURSE, thence North 88 degrees 04 minutes 12 seconds East, 13.574 meters (44.53 feet) along said North line to the point of beginning. The above described tract contains 1,113 square meters (11,980 square feet), which includes 669 square meters (7,201 square feet) of existing right of way, resulting in an acquisition of 444 square meters (4,779 square feet), more or less.

Lands abutting said highway shall have no right or easement of access thereto. This conveyance is made for the purpose of a controlled access highway and the grantor hereby releases and relinquishes to the grantee any and all abutters' rights of access to said highway, appurtenant to grantors remaining property.

including all the estate, title, and interest of the Grantors. Grantors hereby covenant and agree that at the delivery of this Warranty Deed they are the lawful owners of the premises above granted, and seized of a good and indefeasible fee simple estate therein, free and clear of all encumbrances and they will warrant and defend the same in the quiet and peaceable possession of Grantee, its successors and assigns forever, against all persons lawfully claiming the same.

IN WITNESS WHEREOF, the Grantor have set its hand this 17<sup>th</sup> day of July, 2003.

GRANTORS:

John F. Cameron  
John F. Cameron

Vicki Cameron  
Vicki Cameron

STATE OF KANSAS, WYANDOTTE COUNTY  
Entered in transfer record in my office this  
5 Day of Aug 2003  
Tom G. Roberts County Clerk  
By Bereva Deputy

BOOK 4578 PAGE 736

# KANSAS QUIT CLAIM DEED

(Individual/Tenants in Common)

THIS DEED, is made this 20 day of November and between C & C Holdings, L.L.C. Grantor(s), and John F. Cameron as Grantee(s), whose mailing address is 5641 Dearborn, Mission, Kansas 66202

WITNESSETH, that the Grantor(s), for and in consideration of the sum of One Dollar and other good and valuable consideration paid by the Grantee(s), the receipt and sufficiency of which is hereby acknowledged by Grantor(s), do/does by these presents QUIT CLAIM unto the Grantee(s), the following described Real Estate, situated in the County of Johnson and State of Kansas, to-wit:

Subject to all easements, restrictions and reservations, if any, now of record.

**Tract I:** The North 50 feet of Lot 7, LONGVIEW ADDITION, a subdivision of land in Kansas City, Wyandotte County, Kansas subject to a permanent easement for controlled access highway right-of-way over the following described portion thereof, to-wit: Beginning at the Northeast corner of said Lot 7; thence South 50 feet; thence West 73 feet; thence Northeasterly to a point 12 feet West of the Northeast corner of said Lot; thence East 12 feet to the point of beginning, also subject to a permanent easement for highway right-of-way over the West 10 feet of the North 50 feet of said Lot 7, above easement condemned in the name of the City of Kansas City, Kansas proceedings had in the District Court of Wyandotte County, Kansas, numbered 27952-B in the year of 1967.

TO HAVE AND TO HOLD the same, together with all rights and appurtenances to the same belonging, unto the Grantee(s), and to the heirs and assigns of the Grantee(s) forever.

The Grantor hereby covenanting that neither the Grantor nor Grantor's heirs or assigns, nor any other person or persons for Grantor or in Grantor's name or behalf; shall or will hereafter claim or demand any right or title to the aforesaid Property or any part thereof; but they and each of them shall, by these presents, be excluded and forever barred.

IN WITNESS WHEREOF, the Grantor(s) has or have hereunto set their hand or hands the day and year first above written.

John F. Cameron, Member  
Fred N. Carlson, Member

## KANSAS ACKNOWLEDGMENT

STATE OF Kansas  
COUNTY OF Johnson ) ss

STATE OF KANSAS  
WYANDOTTE COUNTY KANSAS CITY  
Entered in Transfer Book in my office  
this 15th day of April 2003  
Tom L. Atchison  
Notary Public  
By John F. Cameron  
Fred N. Carlson III

BE IT REMEMBERED, That on this 20 day of November before me, the undersigned, a Notary Public in and for said County and State, came who is/are personally known to me to be the same person(s) who executed the within instrument of writing, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

Virginia Lea Thomas

Notary Public State of Kansas  
Virginia Lea Thomas  
My Appt Exp 8/24/2005

My appointment expires:  
8/24/2005

## KANSAS ACKNOWLEDGMENT

5641 Dearborn  
Mission  
66202

2003R-10398  
REGISTER OF DEEDS  
WYANDOTTE COUNTY, KS  
RECORDED ON  
04-15-2003 8:45:25 AM  
THOMAS W. GROENMAN  
REGISTER OF DEEDS  
REC. FEE  
DEED FEE  
QUIT CLAIM FEE:  
PAGES: 1



**Kansas Quit-Claim Deed**

This Indenture, Made on the 3rd day of November, 1997, by and between JOHN F. CAMERON and VICKI A. CAMERON, his wife, of the County of Johnson, State of Kansas, parties of the first part, and C & C Holdings, L.L.C., a Kansas limited liability company, of the County of Johnson and State of Kansas, party of the second part [3520 W 75<sup>th</sup> St., Suite 201, Prairie Village, Kansas 66208-4101]. *net*

WITNESSETH, that the said parties of the first part, in consideration of the sum of One Dollar and other valuable consideration to them paid by the said parties of the second part (the receipt of which is hereby acknowledged), do by these presents REMISE, RELEASE and FOREVER QUIT-CLAIM unto the said party of the second part, the following described lots, tracts or parcels of land, lying, being and situate in the County of Wyandotte and State of Kansas, to wit:

The North 50 feet of Lot 7, in LONGVIEW, an addition in Wyandotte County, Kansas. Commonly known as 3041 North 38<sup>th</sup> Street, Kansas City, Kansas.

TO HAVE AND TO HOLD THE SAME, with all the rights, immunities, privileges and appurtenances thereto belonging unto the said party of the second part and unto its successors and assigns forever, so that neither the said parties of the first part nor their heirs, nor any other person or persons for them or in their name or behalf, shall or will hereinafter claim or demand any right or title to the aforesaid premises or any part thereof, but they and each of them shall, by these presents, be excluded and forever barred.

IN WITNESS WHEREOF, the said parties of the first part has hereunto set their hands this 15th day of December 1999.

John F. Cameron  
John F. Cameron

Vicki A. Cameron  
Vicki A. Cameron

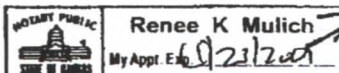
STATE OF KANSAS )  
 ) ss.  
COUNTY OF JOHNSON)

On this 31<sup>st</sup> day of December, 1999, before me, a Notary Public personally appeared John F. Cameron and Vicki A. Cameron, his wife, to be known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Merriam, KS.

Renee K. Mulich  
Notary Public

My Appointment Expires:  
12/23/2001



STATE OF KANSAS  
WYANDOTTE COUNTY KANSAS CITY  
Entered in transfer record in my office

this 31<sup>st</sup> day of December  
Tom L. Toft  
Unified Government Clerk

By Ramiey Deputy



PETITION NUMBER: Change of Zone #3159

**LEGAL SIGNATURE OF OWNER**

(All owners of property must sign)

**PROPERTY DESCRIPTION**

(Address and/or lot and block number)

**DATE**

Christine Allen

3034 North 38<sup>th</sup> 1-2019

parcel #105404

Christine Allen

3030 North 38<sup>th</sup> 1-2019

parcel #105405

PETITION NUMBER: Change of Zone #3159

**LEGAL SIGNATURE OF OWNER**

(All owners of property must sign)

**PROPERTY DESCRIPTION**

(Address and/or lot and block number)

**DATE**

Christine Laverne Allen 3034 N. 38<sup>th</sup> 1-20-19  
parcel # 105404

Christine Laverne Allen 3030 N. 38<sup>th</sup> 1-20-19  
parcel # 105405

# Kansas Quit-Claim Deed

This Indenture, Made on the 28<sup>th</sup> day of July

A. D. One Thousand Nine Hundred and Eighty-Nine, by and between BOOK 3390 PAGE 400

CORA WIGGINS, a widow, and GAYLE BROWN and JOSEPH BROWN, her husband,  
of the County of Wyandotte, State of Kansas, part iest the first,  
part, and CHRISTINE ALLEN,

of the County of Wyandotte, State of Kansas, part y of the second part:

WITNESSETH, THAT SAID PART-IES OF THE FIRST PART, in consideration of the sum  
of ONE AND NO/100 (\$1.00) AND OTHER VALUABLE CONSIDERATION---- DOLLARS,  
to them paid by said part y of the second part (the receipt of which is hereby acknowledged),  
do by these presents Remise, Release and forever Quit-Claim unto the said part y of the  
second part the following described lots, tracts or parcels of land, lying, being and situate in the County  
of Wyandotte and State of Kansas, to-wit:

South 1/2 of Lot 4, West 170' ft. of the North  
75 ft. of Lot 5, also North 1/2 of Lot 4, less  
irregular strip, Orchard Heights, an addition in  
Kansas City, Kansas. (3030 N. 38th.St., and  
3034 N. 38th.St., ECK)

TO HAVE AND TO HOLD THE SAME, with all the rights, immunities, privileges and appurtenances  
thereto belonging, unto said part y of the second part and unto her heirs and assigns for-  
ever, so that neither the said part ies of the first part nor their heirs, nor any other person or  
persons for themselves or in their name or behalf, shall or will hereafter claim or  
demand any right or title to the aforesaid premises or any part thereof, but they and each of them shall, by these  
presentes, be excluded and forever barred.

IN WITNESS WHEREOF, The said part ies of the first part have hereunto set their hands  
and seal the day and year above written.

Signed, sealed and delivered in the presence of us:

✓ Cora Wiggins (SEAL)  
Cora Wiggins  
✓ Gayle Brown (SEAL)  
Gayle Brown  
✓ Joseph Brown (SEAL)  
Joseph Brown (SEAL)



# McDowell, Rice & Smith, Chartered

JOSEPH H. McDOWELL\*\*  
CLAUDE L. RICE  
R. PETE SMITH\*\*  
ROBERT G. HERNDON  
PHILLIP A. KUSNETZKY\*  
DANIEL J. FLANIGAN\*  
STEPHEN D. MCGIFFERT\*\*  
CHRIS W. HENRY\*\*  
JOE W. COLEMAN\*  
CHARLES F. SPEER  
MARK S. GUNNISON  
BYRON C. LOUDON  
JAMES S. WILLIS

MICHAEL E. CURLEY\*  
JOE A. HARTER\*\*  
JAMES W. CLEMONS\*  
DAVID A. GOLDBERG\*  
CHARLES E. FOWLER III\*\*  
JONATHAN A. MARGOLIES\*  
ROBERT S. HERMAN\*  
GLENN H. PLOTKIN\*\*  
STEVEN H. MUSTOE\*  
JAMES E. SCHWARTZ\*\*  
SHAWN E. DEGRAFF  
MICHELLE M. SUTER  
BERT CANTWELL

600 SECURITY BANK BUILDING  
SEVENTH & MINNESOTA  
KANSAS CITY, KANSAS 66101-2797  
913-621-5400 913-371-7750  
TELECOPIER 913-621-7238

PLEASE REPLY TO KANSAS OFFICE

STEVEN J. BRAUN\*\*  
NICHOLAS C. VEDROS\*\*  
GREGG A. MATSON\*  
KIP A. STETZLER  
MICHAEL D. DOERING  
BRETT D. ANDERS\*

OF COUNSEL  
KANSAS OFFICE  
J. F. STEINEGER, JR.  
913-321-9900  
CARL V. RICE

MISSOURI OFFICE  
13TH FLOOR  
TWELVE WYANDOTTE PLAZA  
120 W. 12TH STREET  
KANSAS CITY, MISSOURI 64105-1932  
816-221-5400  
TELECOPIER 816-474-7304

\*ADMITTED IN MISSOURI  
\*\*ADMITTED IN KANSAS AND MISSOURI  
ALL OTHERS ADMITTED IN KANSAS

June 23, 1989

Christine Allen  
3024 N. 38th. St.  
Kansas City, KS 66104

Re: Option Contract to buy 3034 N. 38th. St. from  
Cora & George Wiggins and Edith Chambers and  
Gayle Brown. (Delinquent taxes)

Dear Christine:

I finally got into my old files in storage and located your file for 1983. I do not know who prepared the Option Agreement, but my file disclosed the following:

1. You had attached Option Agreement to buy the property in 1980. The purchase price was \$15,366.88. Your payments were \$166.00 a month plus 1/12 of the taxes and fire insurance, each month. The Option Agreement is hard to read and does not xerox very clear. A copy is attached hereto.

2. The above put the responsibility for the taxes on you as the buyer. Apparently you have not made the payment for the taxes or insurance. I had the county treasurer send me the up to date statement for delinquent taxes and it shows unpaid taxes for 1984 through 1988 for total of \$3,946.24. It is customary for the buyer to pay the taxes, not the seller. (See enclosed tax statements).

3. I don't know who handled all this for you in 1980 but there should have been a deed from the Wiggins, Chambers and Brown (whoever they are) signed and placed in escrow to deliver to you when you paid off the option contract. The records show them to be the owners.

4. You better call me about this as you have a problem. The county will put the property up for tax sale any time they have a tax sale and it could happen any time, and usually have a tax sale on property after 5 years delinquency and this is 5

Christine Allen  
June 23, 1989  
Page 2

years delinquent at present. If you pay one year it postpones the tax sale for a year.

5. From what you have told me you apparently do not know if any fire and extended insurance is carried on the property. It is folly not to have insurance to protect you in case of fire or wind storm, etc.

This is pretty important and you should get all this cleared up at once in my opinion.

Very truly yours,

*Joseph H. McDowell*  
Joseph H. McDowell

JHM:ag  
Enc.



George A. Higgins & Cora F. Higgins, 1000 S. 1st St., St. Louis, Mo. 1.190  
Joseph W. Brown, her husband & Math. F. Brown, 1000 S. 1st St., St. Louis, Mo. 1.190

\_\_\_\_\_



# McDowell, Rice & Smith, Chartered

JOSEPH H. McDOWELL\*\*  
CLAUDE L. RICE  
R. PETE SMITH\*\*  
ROBERT G. HERNDON  
PHILLIP A. KUSNETZKY\*  
DANIEL J. FLANIGAN\*  
STEPHEN D. MCGIFFERT\*\*  
CHRIS W. HENRY\*\*  
JOE W. COLEMAN\*  
CHARLES F. SPEER  
MARK S. GUNNISON  
BYRON C. LOUDON  
JAMES S. WILLIS

MICHAEL E. CURLEY\*  
JOE A. HARTER\*\*  
JAMES W. CLEMONS\*  
DAVID A. GOLDBERG\*  
CHARLES E. FOWLER III\*\*  
JONATHAN A. MARGOLIES\*  
ROBERT S. HERMAN\*  
GLENN H. PLOTKIN\*\*  
STEVEN H. MUSTOE\*  
JAMES E. SCHWARTZ\*\*  
SHAWN E. DEGRAFF  
MICHELLE M. SUTER  
BERT CANTWELL

600 SECURITY BANK BUILDING  
SEVENTH & MINNESOTA  
KANSAS CITY, KANSAS 66101-2797  
913-621-5400 913-371-7750  
TELECOPIER 913-621-7238

PLEASE REPLY TO KANSAS OFFICE

STEVEN J. BRAUN\*\*  
NICHOLAS C. VEDROS\*\*  
GREGG A. MATSON\*  
KIP A. STETZLER  
MICHAEL D. DOERING  
BRETT D. ANDERS\*

OF COUNSEL  
KANSAS OFFICE  
J. F. STEINEGER, JR.  
913-321-9900  
CARL V. RICE

MISSOURI OFFICE  
13TH FLOOR  
TWELVE WYANDOTTE PLAZA  
120 W. 12TH STREET  
KANSAS CITY, MISSOURI 64105-1932  
816-221-5400  
TELECOPIER 816-474-7304

\*ADMITTED IN MISSOURI  
\*\*ADMITTED IN KANSAS AND MISSOURI  
ALL OTHERS ADMITTED IN KANSAS

July 10, 1989

Chris Allen  
3034 N. 38th. St.  
Kansas City, KS 66104

Re: Wiggins option contract

Dear Chris:

I finally got to talk to Gayle Brown, the daughter. She is willing to give you a deed to the property to settle this.

I think you said you were down to the 128th month on the amortization schedule, which shows the balance due of \$3,519.11. You would have to assume the delinquent taxes of about \$3,946.24. You bought the house for about \$15,000.00.

I think the assessor values the house as being worth about \$24,000.00.

The sellers do not have the property insured so you should call your insurance agent and get a policy at once insuring it for as much as possible.

Call me after you think this over. I think it would be a good deal to accept their proposal.

Very truly yours,

*Joseph H. McDowell*  
Joseph H. McDowell

JHM:ag

PS: I received your letter about JEANETTE BROWN.No.062 but do not understand what you want to do concerning it.

*Joe McD*  
JHMcD

# McDowell, Rice & Smith, Chartered

JOSEPH H. McDOWELL\*\*  
CLAUDE L. RICE  
R. PETE SMITH\*\*  
ROBERT G. HERNDON  
PHILLIP A. KUSNETZKY\*  
DANIEL J. FLANIGAN\*  
STEPHEN D. McGIFFERT\*\*  
CHRIS W. HENRY\*\*  
JOE W. COLEMAN\*  
CHARLES F. SPEER  
MARK S. GUNNISON  
BYRON C. LOUDON  
JAMES S. WILLIS

MICHAEL E. CURLEY\*  
JOE A. HARTER\*\*  
JAMES W. CLEMONS\*  
DAVID A. GOLDBERG\*  
CHARLES E. FOWLER III\*\*  
JONATHAN A. MARGOLIES\*  
ROBERT S. HERMAN\*  
GLENN H. PLOTKIN\*\*  
STEVEN H. MUSTOE\*  
JAMES E. SCHWARTZ\*\*  
SHAWN E. DEGRAFF  
MICHELLE M. SUTER  
BERT CANTWELL

600 SECURITY BANK BUILDING  
SEVENTH & MINNESOTA  
KANSAS CITY, KANSAS 66101-2797  
913-621-5400 913-371-7750  
TELECOPIER 913-621-7238

PLEASE REPLY TO KANSAS OFFICE

STEVEN J. BRAUN\*\*  
NICHOLAS C. VEDROS\*\*  
GREGG A. MATSON\*  
KIP A. STETZLER  
MICHAEL D. DOERING  
BRETT D. ANDERS\*

OF COUNSEL  
KANSAS OFFICE  
J. F. STEINEGER, JR.  
913-321-9900  
CARL V. RICE

MISSOURI OFFICE  
13TH FLOOR  
TWELVE WYANDOTTE PLAZA  
120 W. 12TH STREET  
KANSAS CITY, MISSOURI 64105-1932  
816-221-5400  
TELECOPIER 816-474-7304

\*ADMITTED IN MISSOURI  
\*\*ADMITTED IN KANSAS AND MISSOURI  
ALL OTHERS ADMITTED IN KANSAS

June 28, 1989

Cora Wiggins  
5010 Kimball  
Kansas City, KS 66104

Re: Option Agreement to sell 3034 N. 38th. St., to  
Christine Allen, dated June 1980.

Dear Cora:

I represent Ms. Allen in the above matter and will explain the problem I find and hope you will understand it.

1. If you have an attorney please show him this letter and give me his name and phone number so I can contact him.

2. The Option Agreement provides Ms. Allen is to pay \$166.00 a month plus 1/12th of the real estate taxes and 1/12th of the cost of fire insurance on the house. She has been paying a total of \$250.00 a month, which leaves \$84.00 a month for the taxes and insurance, after the \$166.00 is deducted.

3. You have not paid the taxes for (1984 through 1988) (5 years), which total over \$4,000 to date. Delinquent taxes draw 18% interest. In addition, you have never produced proof that you have fire and extended coverage on the house.

4. If the taxes are not paid promptly the property may go to a tax sale on the courthouse steps and sold to the highest bidder.

5. Until we get this taken care of I have advised Ms. Allen to not pay any more payments to you. She will open an account in Deouglas Bank and deposit her payments in that account until we get this cleared up.

6. There is one other matter that must be taken care of. The owners of the realty according to the Option Agreement are George and Cora Wiggins, Gayle Brown and Edith F. Chambers, as shown by a deed to them recorded in Book 2650 page 75, dated

Cora Wiggins  
June 28, 1989  
Page 2

September 5, 1978 in the Register of Deeds office. It is a "joint tenancy" deed, which means that it is owned by the survivors of the parties. I understand Mr. Wiggins and Edith Chambers are deceased, so the property is owned by the survivors. A deed from the survivors must be prepared and signed by them and placed in escrow at some bank with instructions to deliver it to Ms. Allen when the Option Agreement is paid off in full.

7. I understand you do not have a copy of the Option Agreement so I am enclosing a xerox copy for you to keep in your file.

8. I request you call me (371-7750) and arrange to meet in my office no later than July 5th (next Wednesday) and discuss this, and that you bring proof that you have a fire and extended insurance policy in effect on the property.

Very truly yours,

Joseph H. McDowell

JHM:ag

Enc.

cc: Christine Allen ✓  
3034 N. 38th. St.  
Kansas City, KS 66104

PETITION NUMBER: Change of Zone #3159

**LEGAL SIGNATURE OF OWNER**

(All owners of property must sign)

**PROPERTY DESCRIPTION**

(Address and/or lot and block number)

**DATE**

Randall Hume

(Unmarried Person)

3041 N. 40<sup>th</sup> (12)

1/20/19

#105414

Randall Hume

(Unmarried Person)

3027 N. 40<sup>th</sup> ST.

1/20/19

#105412

Randall T. Hume

(Single Person)

3031 N. 40<sup>th</sup> ST.

1/20/19

#104413



✓  
PARCEL # 105412, 105414  
MAILING ADDRESS FOR TAX STATEMENTS:

Grantee

3031 N. 40th St.

CCKS 66104



8 2 4 7 4 2 6  
Tx:4137619

2018R-17003

NANCY BURNS

REGISTER OF DEEDS

WYANDOTTE COUNTY, KS

12/07/2018 10:07:28 AM

QUIT CLAIM DEED 21.00

PAGES: 1

## QUIT CLAIM DEED (General)

GRANTOR(S)/SELLER(S) William F. Starks and Vickie B. Starks (married - husband and wife)

Convey(s) and quit claims to

GRANTEE(S)/BUYER(S) Randall Hanna (unmarried person)

The following described REAL ESTATE in the County of Wyandotte, State of Kansas, to-wit: (legal description)

Tract Description: The North One-half (being the North 50 feet) of Lot 12, ORCHARD HEIGHTS, a subdivision of land in Kansas City, Wyandotte County, Kansas. Parcel Number: 105412. Address: 3027 N. 40<sup>th</sup> ST, Kansas City, KS 66104

Tract Description: South 50 feet of East 150 feet Lot 14, ORCHARD HEIGHTS, Kansas City, Kansas in Wyandotte County, Kansas. Parcel Number: 105414. Address: 3041 N. 40<sup>th</sup> ST (Rear), Kansas City, KS 66104

For the sum of

\$3,000.00

EXCEPT AND SUBJECT TO: Easements, restrictions and assessments, if any, now of record.

Dated this 7 day of December, 2018.

Sign: William F. Starks

Grantor/Seller

Sign: Vickie B. Starks

Grantor/Seller

Print: William F. Starks

Grantor/Seller

Print: Vickie B. Starks

Grantor/Seller

### ACKNOWLEDGEMENT

State of Missouri, County of Clay

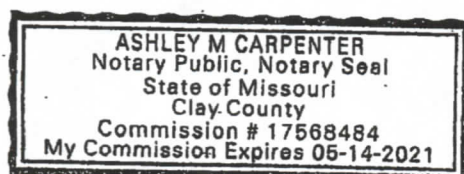
The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of December, 2018

By William F. Starks and Vickie B. Starks

(Grantor(s) (Seller(s))

who appeared before me

Ashley M Carpenter  
Notary Public



✓ PARCEL # 105414, 105412  
MAILING ADDRESS FOR TAX STATEMENTS:  
Grantee  
1405 NE 80th St  
ICMo 64118



**2018R-15795**  
NANCY BURNS  
REGISTER OF DEEDS  
WYANDOTTE COUNTY, KS  
11/09/2018 10:47:27 AM  
WARRANTY DEED 21.00  
PAGES: 1

**WARRANTY DEED (Joint Tenancy)**

GRANTOR(S)/SELLER(S) Vickie Starks Married Person

Convey(s) and warrant(s) to

GRANTEES/BUYERS William F. and Vickie B. Starks

As joint tenants with the right of survivorship and not as tenants in common, the following described REAL ESTATE in the County of Wyandotte, State of Kansas, to-wit: (legal description)

Tract Description: South 50 feet of East 150 feet Lot 14, ORCHARD HEIGHTS, Kansas City, Kansas in Wyandotte County, Kansas. Parcel Number: 105414

Tract Description: The North One-half (being the North 50 feet) of Lot 12, ORCHARD HEIGHTS, a subdivision of land in Kansas City, Wyandotte County, Kansas. Parcel Number: 105412

\* Tract Description: Lots Nineteen (19), Twenty (20), and Twenty-One (21), Block Five (5), KINNEY HEIGHTS, a subdivision of land in Kansas City, Wyandotte County, Kansas. Parcel Number: 079687

For the sum of \$0.00

EXCEPT AND SUBJECT TO: Easements, restrictions, reservations, covenants and assessments, if any, now of record.

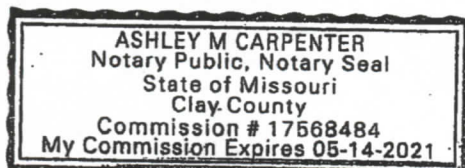
Dated this 8 day of November, 2018.

Sign: Vickie Starks Sign: \_\_\_\_\_

Grantor/Seller Grantor/Seller  
Print: Vickie Starks Print: Vickie Starks  
Grantor/Seller Grantor/Seller

**ACKNOWLEDGEMENT**

State of Missouri County of Clay  
The foregoing instrument was acknowledged before me this 8th day of November, 2018  
By Vickie Starks who appeared before me  
(Grantor(s) (Seller(s))



Ashley M Carpenter  
Notary Public  
Pursuant to K.S.A. 79-1437 a real estate validation  
questionnaire is not required due to exception No. 9



3007821



8 2 3 4 6 3 6  
Tx:4129771

**2018R-09223**

NANCY BURNS

REGISTER OF DEEDS

WYANDOTTE COUNTY, KS

RECORDED ON

07/06/2018 09:52:00 AM

REC FEE 30.00

TECH FEE 6.00

HERITAGE FEE 2.00

PAGES: 2

✓ Parcel # 105414  
105412  
079687

KANSAS CITY HEALTH DEPT  
VITAL STATISTICS-CLIFF DENNIS  
2400 TROOST SUITE 1000  
KANSAS CITY MO 64108



MISSOURI DEPARTMENT OF HEALTH  
AND SENIOR SERVICES  
FEE RECEIPT  
DEATH CERTIFICATION

MAPLEHILLS FUNERAL  
3300 SHAWNEE DR  
KC KS 66106

REGISTRANT(S):  
KENNETH HANNA  
D9999-999999  
21 COPY

**YOUR RECENT REQUEST HAS BEEN ACTED UPON AS INDICATED BELOW:**

| DATE RECEIVED | TOTAL AMOUNT | AMOUNT THIS REQUEST | PROCESSING FEE<br>REQUIRED | REFUND |
|---------------|--------------|---------------------|----------------------------|--------|
| 03/28/2018    | 203.00       | 13.00               | 0.00                       | 0.00   |

MO 580-0698 (2-12)

UNAPPLIED REMITTANCES ONLY VALID FOR ONE YEAR AFTER RECEIPT. When you inquire about your request, please return this receipt. If a refund is indicated, it will be mailed within 30 to 60 days.

MISSOURI

**CERTIFICATION OF DEATH**

DATE FILED: MARCH 26, 2018

STATE FILE NUMBER: 124-18-101146

DECEDENT NAME: KENNETH HANNA

SEX: MALE

DATE OF DEATH: MARCH 23, 2018

COUNTY OF DEATH: JACKSON

DATE OF BIRTH:

MARITAL STATUS: MARRIED

EVER IN ARMED FORCES: YES

SOCIAL SECURITY NUMBER:

RESIDENCE ADDRESS: 18798 BLUE BRANCH RD  
WARSAW, MISSOURI

SURVIVING SPOUSE: PAMELA HARRIS  
(IF WIFE, MAIDEN NAME):

FUNERAL HOME: MAPLE HILL FUNERAL HOME

UNDERLYING CAUSE (ICD CODE):

MANNER: NATURAL

ASPIRATION PNEUMONIA - 10 DAYS

OROPHARYNGEAL DYSPHAGIA - 10 DAYS

LEFT PARIETAL SUBARACHNOID HEMATOMA WITHOUT LOSS OF CONSCIOUSNESS - 11 DAYS

ISSUED ON BEHALF OF MO DEPT HEALTH & SENIOR SERVICES: KC HEALTH DEPT

THIS IS A TRUE CERTIFICATION OF NAME AND DEATH FACTS AS RECORDED BY THE BUREAU OF VITAL RECORDS, JEFFERSON CITY, MISSOURI.

DATE ISSUED: MARCH 28, 2018

*Craig B. Ward*  
Craig B. Ward  
State Registrar of Vital Statistics





## Kansas Warranty Deed

JOINT TENANT

This Indenture Made this 1st day of December A.D. One Thousand

Nine Hundred Ninety Two by and between

KENNETH HANNA, A SINGLE PERSON

BOOK 3590 PAGE 455

of Wyandotte County, in the State of Kansas of the first part, and

KENNETH HANNA, A SINGLE PERSON AND VICKIE STARKS, A MARRIED PERSON  
AND MARK HANNA, A MARRIED PERSON

of Wyandotte County, in the State of Kansas of the second part,

WITNESSETH: THAT SAID PART Y OF THE FIRST PART, in consideration of the sum

of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS-----DOLLARS,

the receipt of which is hereby acknowledged, does by these presents, Grant, Bargain, Sell and Convey unto  
the said parties of the second part, and the survivor of them, as joint tenants, and not as tenants in common, all  
the following described real estate, situated in the County of Wyandotte

and State of Kansas, to-wit:

South 50 feet of East 150 feet Lot 14, ORCHARD HEIGHTS, Kansas  
City, Kansas in Wyandotte County, Kansas. 150480Subject to easements, restrictions, reservations and covenants  
which may be of record.Pursuant to K.S.A. 79-1437 a real estate  
validation questionnaire is not required  
due to exception no. 9

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments  
and appurtenances thereunto belonging or in any wise appertaining, forever. And said  
party of the first part for himself and for his  
heirs, executors or administrators, do es hereby covenant, promise and agree to and with said parties of the  
second part, that at the delivery of these presents he is lawfully seized  
in his own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all  
and singular the above granted and described premises, with the appurtenances, that the same are free, clear,  
discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes,  
assessments and incumbrances, of what nature or kind soever: Except as hereinabove stated, and  
except for the lien of taxes, both general and special, not now due and  
payable  
and that he will warrant and forever defend the same unto the said parties of the second  
part, their assigns, and the heirs and assigns of the survivor of them, against said part y of the first  
part, his heirs, and all and every person or persons whomsoever, lawfully claiming or to claim  
the same.

IN WITNESS WHEREOF, The said part Y of the first part ha s hereunto set his hand  
the day and year first above written.

Kenneth Hanna  
KENNETH HANNA

Return to Kenneth Hanna 3031 N. 40th K.C. Mo 66104

1147187

DEMAREE STATIONERY CO.

W-371  
Kansas City, Mo.**Kansas Warranty Deed**

BOOK 3590 PAGE 453

JOINT TENANCY

**This Indenture** Made this 1st day of December A. D. One Thousand

Nine Hundred Ninety Two by and between

KENNETH HANNA, A SINGLE PERSON

of Wyandotte County, in the State of Kansas of the first part, and

KENNETH HANNA, A SINGLE PERSON AND VICKIE STARKS, A MARRIED PERSON  
AND MARK HANNA, A MARRIED PERSON

of Wyandotte County, in the State of Kansas of the second part,

WITNESSETH: THAT SAID PARTY OF THE FIRST PART, in consideration of the sum

of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS-----DOLLARS,

the receipt of which is hereby acknowledged, do es by these presents, Grant, Bargain, Sell and Convey unto

the said parties of the second part, and the survivor of them, as joint tenants, and not as tenants in common, all

the following described real estate, situated in the County of Wyandotte

and State of Kansas, to-wit:

The North One-Half (being the North 50 feet) of Lot 12,  
ORCHARD HEIGHTS, a subdivision of land in Kansas City,  
Wyandotte County, Kansas. 150430Subject to easements, restrictions, reservations and covenants  
which may be of record.Pursuant to K.S.A. 79-1437 a real estate  
validation questionnaire is not required  
due to exception no. 9

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, forever. And said party of the first part for himself and for his heirs, executors or administrators, do es hereby covenant, promise and agree to and with said parties of the second part, that at the delivery of these presents he is lawfully seized in his own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances, that the same are free, clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and incumbrances, of what nature or kind soever: Except as hereinabove stated, and except for the lien of taxes, both general and special, not now due and payable and that he will warrant and forever defend the same unto the said parties of the second part, their assigns, and the heirs and assigns of the survivor of them, against said party of the first part, his heirs, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, The said party  
the day and year first above written.

of the first part ha s hereunto set his hand

  
KENNETH HANNA



KANSAS QUITCLAIM DEED

BOOK 4395 PAGE 901

On this 28<sup>th</sup> day of February

2002

Tammy R. Hanna, a single person

("Grantor(s)") QUITCLAIM(S) to

Randall T. Hanna, a single person

("Grantee(s)") all of the following-described real estate in Wyandotte

County, Kansas:

Lot 13, Orchard Heights, an addition in Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof.

STATE OF KANSAS  
WYANDOTTE COUNTY KANSAS CITY

Entered in transfer record in my office  
this 10<sup>th</sup> day of March 2002  
Tom G. Roberts

Unified Government Clerk

By Ch. R. Deputy

for the sum of One Dollar (\$1.00) and other valuable consideration

SUBJECT TO: easements and reservations of record, if any.

Pursuant to K.S.A. 79-1437 a real estate validation  
questionnaire is not required due to exception No. 8

Printed Name:

Tammy R. Hanna  
Printed Name: Tammy R. Hanna

STATE OF KANSAS )  
COUNTY OF WYANDOTTE ) SS.

This instrument was acknowledged before me on 28<sup>th</sup>  
February, 2002, by

Tammy R. Hanna, a single person

(SEAL)

CARLA L. DUNCAN-HOLT  
Notary Public - State of Kansas  
My Appt. Expires 8/19/2003

Printed Name: Carla L. Duncan-Holt  
Notary Public

My Appointment Expires: 8/19/2003

Pursuant to K.S.A. 79-1437e, a real estate validation  
questionnaire is not required due to Exception No. (complete if applicable).

Reserved for Register of Deeds

2002R-05425  
REGISTER OF DEEDS  
WYANDOTTE COUNTY, KS  
RECORDED ON  
03-06-2002 2:43:51 PM  
THOMAS W. GRONEMAN  
REGISTER OF DEEDS  
REG. FEE:  
DED. FEE:  
QUIT CLAIM FEE:  
PAGES: 1  
6.00

9100511/P-105413

1243119

BOOK 3889 PAGE 222

# Kansas Quit-Claim Deed

**This Indenture**, Made on the 7<sup>th</sup> day of April, A.D., One Thousand  
 Nine Hundred and Ninety Seven person, by and between Kenneth Hanna, a single

of the County of Benton, State of Missouri, party of the first part,  
 and Randall Hanna and Tammy Hanna, husband and wife, as joint tenants  
 of the County of Wyandotte, State of Kansas, parties of the second part:

WITNESSETH, THAT SAID PARTY OF THE FIRST PART, in consideration of the sum of  
 Ten Dollars and other valuable considerations ..... DOLLARS,  
 to me paid by said parties of the second part (the receipt of which is hereby acknowledged),  
 does by these presents Remise, Release and forever Quit-Claim unto the said parties of the second  
 part the following described lots, tracts or parcels of land, lying, being and situate in the County of Wyandotte  
 and State of Kansas, to-wit:

Lot 13, in ORCHARD HEIGHTS, an addition in Kansas City, Wyandotte County,  
Kansas

150430

TO HAVE AND TO HOLD THE SAME, with all the rights, immunities, privileges and appurtenances thereto belonging,  
 unto said parties of the second part and unto their heirs and assigns forever, so that neither the  
 said party of the first part nor his heirs, nor any other person or persons for him  
 or in his name or behalf, shall or will hereafter claim or demand any right or title to the aforesaid  
 premises or any part thereof, but they and each of them shall, by these presents, be excluded and forever barred.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand  
 and seal the day and year above written.

Signed, sealed and delivered in the presence of us:

Return to: Tammy Hanna  
3031 N. 40th St  
KCKS 66104

Kenneth Hanna (SEAL)  
 Kenneth Hanna (SEAL)  
 (SEAL)  
 (SEAL)



9700511

1243117

BOOK 3889 PAGE 219

AFFIDAVITSTATE OF \_\_\_\_\_  
COUNTY OF Wyandotte | SSTammy Hanna  
of lawful age, being first duly sworn on oath, deposes and says:

I am the surviving \_\_\_\_\_ /heir is Mark Stephen Hanna  
deceased, who were named together as grantees in a certain Warranty Deed dated \_\_\_\_\_  
and recorded \_\_\_\_\_, in the office of the Register of Deeds of \_\_\_\_\_  
County, Kansas in Book \_\_\_\_\_, at page \_\_\_\_\_, whereby an estate of joint tenancy with the right of survivorship  
was created in this affiant and spouse on the following described real estate situate in \_\_\_\_\_  
County, Kansas, to-wit: \_\_\_\_\_

Lot 13, in ORCHARD HEIGHTS, an addition in Kansas City, Wyandotte County,  
Kansas.

150430

1243117

STATE OF KS.  
WYANDOTTE COUNTY  
RECEIVED FOR RECORD

97 APR 23 A 10:22 B

THOMAS W. GRONEMAN  
REGISTER OF DEEDS

BY C. D. DEER

*Hanna*

CODED \_\_\_\_\_ ENTERED \_\_\_\_\_  
VERIFIED *Tr* VERIFIED *11*

Affiant further states \_\_\_\_\_ heir is Mark Stephen Hanna  
is now deceased, having died intestate on December 5, 1994, and a resident of Wyandotte  
County, Kansas and all debts, including the last illness and funeral expenses of his spouse have been satisfied and paid  
in full and the value of the estate of the deceased is less than the statutory exemption allowed, and therefore is not subject to Kansas  
inheritance taxes.

FURTHER AFFIANT SAITH NAUGHT.

*Tammy Hanna*  
AFFIANT

Subscribed and sworn to before me this 16th day of April, 1997  
at Wyandotte Co. Kansas

*Sandra A. Greenlee*  
Notary PublicMy Appointment Expires: 3/30/98Return  
To:

*Tammy Hanna*  
3831 N. 40th St  
KCKS 66104

SANDRA A. GREENLEE  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Expires 3/30/98



07968N  
#105412  
#105411  
DEC 08 1994  
KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT  
Office of Vital Statistics  
CERTIFICATE OF DEATH  
DECEASED NAME: MARK STEPHEN HANNA  
SEX: Male  
DATE OF BIRTH: December 5, 1994  
PLACE OF BIRTH: Kansas City, MO  
SOCIAL SECURITY NUMBER: [REDACTED]  
MARRIAGE STATUS: [REDACTED]  
DECEASED'S USUAL OCCUPATION: Mechanic  
DECEASED'S BUSINESS/INDUSTRY: Auto Repair  
RESIDENCE: 5114 Yecker, Kansas City, MO 64104  
CITY/TOWN/LOCATION AND ZIP CODE: Kansas City, MO 64104  
FATHER'S NAME: Kenneth Hanna  
MOTHER'S NAME: Hanna [REDACTED]  
METHODOF DISPOSITION: Burial  
PLACE OF DISPOSITION: Chapel Hill Cemetery, Kansas City, KS  
NAME AND ADDRESS OF FIRM: Ronald G. Booth, 2303 Charles E. Weiser, 3311  
DATE OF DEATH: 12/05/94  
TIME OF DEATH: 8:30 A.M.  
CAUSE OF DEATH: ASPHYXIATION  
MANNER OF DEATH: SELF-INFLICTED HANGING  
DATE OF INJURY: 12/05/94  
PLACE OF INJURY: 5114 YECKER, KC, KS  
REGISTRATION NUMBER: 2047220000228273 01 HANNA 199412020554 1 Reg M



**Kansas Warranty Deed**

JOINT TENANT

**This Indenture** Made this 1st day of December A. D., One Thousand

Nine Hundred Ninety Two by and between

KENNETH HANNA, A SINGLE PERSON

BOOK 3590 PAGE 457

of Wyandotte County, in the State of Kansas of the first part, and

KENNETH HANNA, A SINGLE PERSON AND VICKIE STARKS, A MARRIED PERSON  
AND MARK HANNA, A MARRIED PERSON

of Wyandotte County, in the State of Kansas of the second part,

WITNESSETH: THAT SAID PART Y OF THE FIRST PART, in consideration of the sum

of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS-----X DOLLARS,

the receipt of which is hereby acknowledged, do es by these presents, Grant, Bargain, Sell and Convey unto  
the said parties of the second part, and the survivor of them, as joint tenants, and not as tenants in common, all  
the following described real estate, situated in the County of Wyandotte

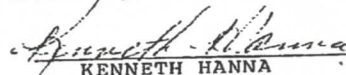
and State of Kansas, to-wit:

Lot 13, in ORCHARD HEIGHTS, an addition in Kansas City, Wyandotte  
County, Kansas. 150430Subject to easements, restrictions, reservations and covenants  
which may be of record.Pursuant to K.S.A. 79-1437 a real estate  
validation questionnaire is not required  
due to exception no. 9

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments  
and appurtenances thereunto belonging or in any wise appertaining, forever. And said  
party of the first part for himself and for his  
heirs, executors or administrators, does hereby covenant, promise and agree to and with said parties of the  
second part, that at the delivery of these presents he is lawfully seized  
in his own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all  
and singular the above granted and described premises, with the appurtenances, that the same are free, clear,  
discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes,  
assessments and incumbrances, of what nature or kind soever: Except as hereinabove stated, and  
except for the lien of taxes, both general and special, not now due and  
payable and that he will warrant and forever defend the same unto the said parties of the second  
part, their assigns, and the heirs and assigns of the survivor of them, against said part Y of the first  
part, his heirs, and all and every person or persons whomsoever, lawfully claiming or to claim  
the same.

IN WITNESS WHEREOF, The said part Y  
the day and year first above written.

of the first part has hereunto set his hand

  
KENNETH HANNA

Return to Kenneth Hanna, c/o Orchard Heights, 66114

PETITION NUMBER: Change of Zone # 3159

**LEGAL SIGNATURE OF OWNER**

(All owners of property must sign)

**PROPERTY DESCRIPTION**

(Address and/or lot and block number)

**DATE**

Patricia Sue Hesterman

3045 N 40th St

Jan/17/2019

A single person

# 105416

Tommy Sue Hesterman

3045 N 40th St

# 105416

Jan/27/2019

2016R-05841  
NANCY BURNS  
REGISTER OF DEEDS  
WYANDOTTE COUNTY, KS  
RECORDED ON  
05/04/2016 11:57:35 AM  
QUIT CLAIM FEE: 11.00  
TECHNOLOGY FEE: 3.00  
HERITAGE FEE: 1.00  
PAGES: 1

QUIT CLAIM DEED - GENERAL

THIS INDENTURE, made this 4<sup>th</sup> day of May, 2016, between MARY JANE FRANKLIN, a single person, of Williamson County, Texas, (hereinafter referred to as "Grantor"), and TAMMY SUE HICKMAN, (hereinafter referred to as "Grantee")

WITNESSETH, that said Grantor, for and in consideration of a gift to Grantee, the receipt whereof is hereby duly acknowledged, has gifted, and by these presents does GRANT, BARGAIN, GIFT, RELEASE AND FOREVER QUIT CLAIM unto the said Grantee, Grantee's heirs and assigns forever, all of the following described tract, piece, and parcel of land, situated in Wyandotte County, Kansas, to-wit:

All of Grantor's one-half (1/2) interest in:

Lot 14 in ORCHARD HEIGHTS, less the South 50 feet of the East 150 of said Lot minus the South 1/2 of the West 130 feet of Lot 14, ORCHARD HEIGHTS, a subdivision of land in Wyandotte County, Kansas

Commonly known as 3045 N. 40<sup>th</sup> Street, Kansas City, KS 66104.  
Parcel #105416

TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever.

Pursuant to K.S.A. 79-1437e(a), a real estate validation questionnaire is not required due to exemption number 4.

THIS DEED IS PREPARED AT THE REQUEST OF THE PARTIES WITHOUT THE BENEFIT OF A TITLE SEARCH OR AD VALOREM TAX INFORMATION. THE DEED REVOKES ANY AND ALL PRIOR TRANSFER-ON-DEATH DEEDS EXECUTED BY GRANTOR OF RECORD.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

  
MARY JANE FRANKLIN

STATE OF KANSAS                    )  
                                          ) ss.  
COUNTY OF JOHNSON            )

BE IT REMEMBERED, that on this 4<sup>th</sup> day of May, 2016, before me, the undersigned, a notary public in and for the County and State aforesaid, came MARY JANE FRANKLIN, a single person, who is personally known to me to be the same person who executed the foregoing instrument, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notary seal of the day and year last above written.



  
NOTARY PUBLIC

Prepared by and return to:  
Evans & Mullinix, P.A.  
7225 Renner Road, Suite 200  
Shawnee, KS 66217



**2016R-05840**  
NANCY BURNS  
REGISTER OF DEEDS  
WYANDOTTE COUNTY, KS  
RECORDED ON  
05/04/2016 11:52:48 AM  
REC FEE: 11.00  
TECHNOLOGY FEE: 3.00  
HERITAGE FEE: 1.00  
PAGES: 1

**KANSAS TRANSFER-ON-DEATH DEED**

THIS INDENTURE made this 4<sup>th</sup> day of May, 2016, between ROBERT GENE HICKMAN, a single person, of Wyandotte County, Kansas, hereinafter Grantor, as owner, transfers upon Grantor's death, all of Grantor's interest to TAMMY SUE HICKMAN, as Grantee Beneficiary, the following described real estate in Wyandotte County, Kansas, to-wit:

An undivided one-half (1/2) interest in:

Lot 14 in ORCHARD HEIGHTS, less the South 50 feet of the East 150 of said Lot minus the South 1/2 of the West 130 feet of Lot 14, ORCHARD HEIGHTS, a subdivision of land in Wyandotte County, Kansas

Commonly known as 3045 N. 40<sup>th</sup> Street, Kansas City, KS 66104.  
Parcel #105416

**THIS TRANSFER ON DEATH DEED IS REVOCABLE. IT DOES NOT TRANSFER ANY OWNERSHIP UNTIL THE DEATH OF OWNER. IT REVOKES ALL PRIOR BENEFICIARY DESIGNATIONS BY THIS OWNER FOR THIS INTEREST IN REAL ESTATE.**

This Transfer on Death Deed is made pursuant to K.S.A. 59-3501 et seq.

Pursuant to K.S.A. 79-1437e(a), a real estate validation questionnaire is not required due to Exception No. 4, by reason of the fact that this conveyance is a gift, given without consideration.

THIS DEED IS PREPARED AT THE REQUEST OF THE PARTIES WITHOUT THE BENEFIT OF A TITLE SEARCH OR AD VALOREM TAX INFORMATION.

WITNESS THE HAND of said Grantor as of the day and year first above written.

  
ROBERT GENE HICKMAN

STATE OF KANSAS           )  
                                          ) ss.  
COUNTY OF JOHNSON       )

BE IT REMEMBERED, that on this 4<sup>th</sup> day of May, 2016, before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appears ROBERT GENE HICKMAN, a single person, who is known to me to be the person who executed the above and foregoing instrument and acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.



  
NOTARY PUBLIC

Prepared by and return to:  
Evans & Mullinix, P.A.  
7225 Renner Road, Suite 200  
Shawnee, KS 66217



2008R-11071  
 REGISTER OF DEEDS  
 WYANDOTTE COUNTY, KS  
 RECORDED ON  
 06/25/2008 02:42:40PM  
 REC FEE: 6.00  
 TECHNOLOGY FEE: 2.00  
 PAGES: 1

Bk:5529 Pg:206

KANSAS TRANSFER-ON-DEATH DEED

THIS INDENTURE made this 4<sup>th</sup> day of June, 2008, between MARY JANE FRANKLIN, a single person, of Williamson County, Texas, hereinafter Grantor, as owner of an undivided one-half interest, transfers upon Grantors death, an undivided one-half (1/2) interest to TAMMY SUE HICKMAN, a single person, of Wyandotte County, Kansas, and an undivided one-half (1/2) interest to JACKAY LYNN SMITH, a married person, of Muskogee County, Georgia, as Grantee Beneficiaries, the following described real estate in Wyandotte County, Kansas, to-wit:

All of Grantor's one-half (1/2) interest in Lot 14 in ORCHARD HEIGHTS, less the South 50 feet of the East 150 of said Lot minus the South 1/2 of the West 130 feet of Lot 14, ORCHARD HEIGHTS, a subdivision of land in Wyandotte County, Kansas.

Commonly known as 3045 N. 40<sup>th</sup> Street, Kansas City, Kansas. Parcel #105416.

**THIS TRANSFER ON DEATH DEED IS REVOCABLE. IT DOES NOT TRANSFER ANY OWNERSHIP UNTIL THE DEATH OF BOTH OWNERS. IT REVOKES ALL PRIOR BENEFICIARY DESIGNATIONS BY THIS OWNER FOR THIS INTEREST IN REAL ESTATE.**

This conveyance is a gift, given without consideration.

Pursuant to K.S.A. 79-1437e, a real estate validation questionnaire is not required due to Exception No. 4.

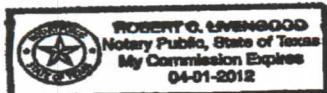
WITNESS THE HAND of said Grantor as of the day and year first above written.

*Mary Jane Franklin*  
 MARY JANE FRANKLIN

STATE OF TEXAS )  
 ) ss.  
 COUNTY OF WILLIAMSON )

BE IT REMEMBERED, that on this 4<sup>th</sup> day of June, 2008, before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appears MARY JANE FRANKLIN, who is known to me to be the person who executed the above and foregoing instrument and acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.



*Robert C. Livingston*  
 NOTARY PUBLIC

**EVANS & MULLINIX, P.A.**  
 7225 Renner Rd., Suite 200  
 Shawnee, KS 66217

PETITION NUMBER: Change of Zone #3159

**LEGAL SIGNATURE OF OWNER**

(All owners of property must sign)

**PROPERTY DESCRIPTION**

(Address and/or lot and block number)

**DATE**

|                         |                            |                  |
|-------------------------|----------------------------|------------------|
| <u>Claudine Barnett</u> | <u>3814 Leavenworth Rd</u> | <u>1/21/2019</u> |
| <u>a single person</u>  | <u>913310</u>              |                  |

|                         |                            |                  |
|-------------------------|----------------------------|------------------|
| <u>Claudine Barnett</u> | <u>3814 Leavenworth Rd</u> | <u>1/21/2019</u> |
| <u>single person</u>    | <u>913310</u>              |                  |



\* 2 0 0 6 R - 2 3 1 4 8 2 \*

**2006R-23148**

REGISTER OF DEEDS  
WYANDOTTE COUNTY, KS

RECORDED ON

09/20/2006 01:53:34PM

DEED FEE: 8.00

TECHNOLOGY FEE: 4.00

PAGES: 2

First American Title  
800 Ann Avenue  
Kansas City, KS 66101  
File No:  
Parcel No:

285  
F = 759874  
P = 913310

Bk:5272 Pg:782 783

**KANSAS WARRANTY DEED**

Grantor(s): **Robert L. Ferluga, a single person**

Grantee(s): **Claudine Barnetta single person**

Grantee(s) mailing address: **3814 Leavenworth Road, Kansas City, KS 66104**

In consideration of One Dollar and other valuable consideration, the receipt of which is hereby acknowledged, the Grantor(s) **GRANT, BARGAIN, SELL AND CONVEY** to Grantee(s), the following described premises, to wit:

**THE WEST TWO HUNDRED SIXTY SEVEN (267) FEET OF THE FOLLOWING DESCRIBED TRACT OF LAND:**

**BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (¼) OF THE SOUTHWEST QUARTER (¼) OF SECTION THIRTY (30), TOWNSHIP TEN (10) RANGE TWENTY FIVE (25), THENCE NORTH TWO HUNDRED NINETY FOUR (294) FEET; THENCE WEST FOUR HUNDRED FORTY FOUR AND FIVE-TENTHS (444.5) FEET; THENCE SOUTH TWO HUNDRED NINETY FOUR (294) FEET; THENCE EAST FOUR HUNDRED FORTY FOUR AND FIVE-TENTHS (444.5) FEET TO THE PLACE OF BEGINNING, LESS THAT PART TAKEN OR USED FOR ROAD PURPOSES.**

Subject to all easements, restrictions, reservations and covenants, if any, now of record

The Grantor(s) hereby covenanting that the Grantor(s), their heirs, successors and assigns, will **WARRANT AND DEFEND** the title to the premises unto the Grantee(s), their heirs, successors and assigns, against the lawful claims of all persons whomsoever, excepting however the general taxes for the current calendar year and thereafter, and the special taxes becoming a lien after the date of this deed.

Dated: **September 8, 2006**

|                                     |
|-------------------------------------|
| PARCEL # <b>913310</b>              |
| MAILING ADDRESS FOR TAX STATEMENTS: |
|                                     |
|                                     |
|                                     |

PETITION NUMBER: Change of Zone #3159

**LEGAL SIGNATURE OF OWNER**

(All owners of property must sign)

*William D. Wolfe II*

**PROPERTY DESCRIPTION**

(Address and/or lot and block number)

*3808 Lavenworth Rd  
Parcel #913311*

**DATE**

*1/29/19*



1170443

DEPARTMENT OF REVENUE, CO. FOR WYANDOTTE COUNTY, KANSAS

## Kansas Warranty Deed

BOOK 3661 PAGE 152

This Indenture, Made this 7th day of January A. D. One Thousand  
Nine Hundred Ninety Four by and between

DORIS M. FINLEY, A Widow Unremarried

of Morgan County, in the State of Missouri of the first part, and

WILLIAM D. WOLFE, II, A Single Man

of Wyandotte County, in the State of Kansas of the second part,

WITNESSETH: THAT SAID PART Y OF THE FIRST PART, in consideration of the sum  
of One Dollar and other good and valuable consideration--(\$1.00)-----DOLLARS,  
the receipt of which is hereby acknowledged, do es by these presents, Grant, Bargain, Sell and Convey  
unto the said party of the second part, his heirs and assigns, all the following described  
real estate, situated in the County of Wyandotte and State of Kansas, to-wit:

TRACT I:  
The East 1/2 of Lot 16, ORCHARD HEIGHTS, a subdivision of land in Wyandotte  
County, Kansas.

TRACT II: SW 30-10-25  
Beginning at a point 1149.35 feet East of the Southwest corner of Section 30,  
Township 10 South, Range 25 East, Wyandotte County, Kansas, being a point  
177.5 feet by deed (180.71 feet by survey) West of the Southeast corner of the  
Southwest Quarter of Southwest Quarter of said Section 30; thence North 1  
degree 22 minutes East 194 feet; thence East 67 feet; thence South 1 degree  
22 minutes West 194 feet; thence West 67 feet to point of beginning, less that  
part taken or used for road purposes.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, heredita-  
ments and appurtenances thereunto belonging or in any wise appertaining, forever. And said  
Doris M. Finley for her  
heirs, executors or administrators, does hereby covenant, promise and agree to and with said part y  
of the second part, that at the delivery of these presents she is lawfully seized  
in her own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in  
all and singular the above granted and described premises, with the appurtenances, that the same are free,  
clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judg-  
ments, taxes, assessments and incumbrances, of what nature or kind soever:

and that she will warrant and forever defend the same unto the said part y of the second  
part, his heirs and assigns, against said part y of the first part, her heirs, and  
all and every person or persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, The said part y of the first part has hereunto set her hand  
the day and year first above written.

Doris M. Finley  
DORIS M. FINLEY



# Valid Protest Petition Change of Zone 3159

Invalid signatures and other documents  
provided by the circulator

INVALID

Signature does not match WYCO records,  
parcel number or address

PETITION NUMBER: Change of Zone # 3159

**LEGAL SIGNATURE OF OWNER**

(All owners of property must sign)

**PROPERTY DESCRIPTION**

(Address and/or lot and block number)

**DATE**

Melissa Welcox

3041 N 40<sup>th</sup> St KOK 66101

1-20-19

a single person

parcel # 105405

parcel # 10

FILED AT  
CUSTOMER  
REQUEST



8 1 1 9 7 4 2  
Tx:4066995

2015R-00784

NANCY BURNS  
REGISTER OF DEEDS  
WYANDOTTE COUNTY, KS  
RECORDED ON  
01/22/2015 2:05:42 PM  
QUIT CLAIM FEE: 12.00  
TECHNOLOGY FEE: 6.00  
HERITAGE FEE: 2.00  
PAGES: 2

PARCEL# 105415  
MAILING ADDRESS FOR TAX STATEMENTS:  
L. Wilcox  
211 N 49th St  
KCK 66104

FORM R1110D-2 (Rev. 02/04) © 2011

DEMAREE LEGAL SUPPLY, Kansas City

## Kansas Quit-Claim Deed

THIS INDENTURE, Made on the 1st day of Dec A.D., 2014,  
by and between Terry L. Johnson (a single person)  
of the County of Wyandotte State of Kansas, part of the first part,  
and Melissa Wilcox (a single person)  
of the County of Kansas State of Kansas, part of the second part:  
WITNESSETH, THAT SAID PART OF THE FIRST PART, in consideration of the sum  
of zero DOLLARS,  
to paid by said part of the second part (the receipt of which is hereby acknowledged), do by these  
presents, Remise, Release, and forever Quit-Claim unto the said part of the second part the following described  
lots, tracts or parcels of land, lying, being and situate in the County of and State of Kansas to-wit:

the south 1/2 of the west 130 feet of Lot 14 in  
Orchard Heights, an addition now and in a part of  
Wyandotte county, Kansas

subject to easements, restrictions, covenants, and special  
notes of record of any.

Pursuant to K.S.A. 79-1437 a real estate validation  
questionnaire is not required due to exception No. 4.

TO HAVE AND TO HOLD THE SAME, with all the rights, immunities, privileges, and appurtenances thereto  
belonging, unto said part of the second part and unto heirs and  
assigns forever, so that neither the said part of the first part nor heirs, nor any other  
person or persons for or in name or behalf, shall or will hereafter claim or demand any  
right or title to the aforesaid premises or any part thereof, but they and each of them shall, by these presents, be excluded  
and forever barred.

Kansas Department of Health and Environment  
Office of Vital Statistics  
**CERTIFICATE OF DEATH**

115-2012-24153

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                             |                                                                                                                            |                                                                                    |                                                                                                                   |                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1. Decedent's Legal Name (First, Middle, Last)<br><b>WILLETIA MARIE JOHNSON</b>                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                             | 2. Sex<br><b>FEMALE</b>                                                                                                    | 3. Date Of Death (Month, Day, Year)<br><b>12/17/2012</b>                           | 4. Date Filed By State Registrar<br><b>1/30/2013</b>                                                              |                                                                             |
| 6. If Female, Name Prior to First Marriage<br><b>JOHNSON</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                             | 7b. Age<br><b>65 YEAR(S)</b>                                                                                               | 8. Place Of Birth (City And State Or Foreign Country)<br><b>PLEASANTON, KANSAS</b> |                                                                                                                   | 9. Decedent Ever In U.S. Armed Forces<br><b>NO</b>                          |
| 10a. Place Of Death<br><b>DECEDENT RESIDENCE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                             | 10b. Facility Name (If Not Institution, Street And Number)<br><b>3041 N 40TH ST</b>                                        |                                                                                    | 10c. County Of Death<br><b>WYANDOTTE</b>                                                                          | 10d. Zip Code<br><b>66104</b>                                               |
| 10e. City or Town Of Death<br><b>KANSAS CITY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 11. Marital Status<br><b>NEVER MARRIED</b>  |                                                                                                                            | 12. Surviving Spouse (If Wife, Name Before First Marriage)                         |                                                                                                                   | 13a. Residence - Street & City<br><b>3041 N 40TH ST</b>                     |
| 13b. State or Foreign Country<br><b>KANSAS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 13c. County or Province<br><b>WYANDOTTE</b> | 13d. City or Town<br><b>KANSAS CITY</b>                                                                                    |                                                                                    | 13e. Zip Code<br><b>66104</b>                                                                                     | 13f. Inside City Limits /<br><b>YES</b>                                     |
| 14. Decedent's Ancestry<br><b>AMERICAN</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                             | 15. Decedent's Race<br><b>WHITE</b>                                                                                        |                                                                                    |                                                                                                                   |                                                                             |
| 16. Decedent's Hispanic Origin<br><b>NOT SPANISH, HISPANIC, LATINO</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                             |                                                                                                                            |                                                                                    |                                                                                                                   |                                                                             |
| 17. Decedent's Education<br><b>HIGH SCHOOL GRADUATE OR GED COMPLETED</b>                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                             | 18. Decedent's Occupation<br><b>RECEPTIONIST</b>                                                                           |                                                                                    | 19. Decedent's Industry<br><b>LAW</b>                                                                             |                                                                             |
| 20. Father's Name (First, Middle, Last)<br><b>FRANKLIN JOHNSON</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                             |                                                                                                                            |                                                                                    |                                                                                                                   |                                                                             |
| 22a. Informant's Name (First, Middle, Last)<br><b>MELISSA WILCOX</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                             | 22b. Mailing Address (Street, Number, City, State, And Zip Code)<br><b>4630 LEAVENWORTH RD, KANSAS CITY, KANSAS, 66104</b> |                                                                                    |                                                                                                                   | 22c. Relationship To Decedent<br><b>DAUGHTER</b>                            |
| 23. Method Of Disposition<br><b>BURIAL</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                             | 24a. Place Of Disposition<br><b>PLEASANTON CEMETERY</b>                                                                    |                                                                                    | 24b. Location<br><b>PLEASANTON, KANSAS</b>                                                                        |                                                                             |
| 25. Funeral Service Licensee And License Number<br><b>/s/TODD C SCHNEIDER - 2299</b>                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                             |                                                                                                                            | 26. Name Of Embalmer And License Number<br><b>KEITH LANCASTER - 3832</b>           |                                                                                                                   |                                                                             |
| 27. Name And Address Of Firm<br><b>SCHNEIDER FUNERAL HOME AND CREMATORY-PLEASANTON, 816 MAIN PO BOX 525, PLEASANTON, KANSAS, 66075</b>                                                                                                                                                                                                                                                                                                                                                                                |                                             |                                                                                                                            |                                                                                    |                                                                                                                   |                                                                             |
| 28. Cause Of Death<br>Part I. Events (diseases, injuries, or complications) that directly caused the death.<br><br>IMMEDIATE CAUSE (Final Disease Or Condition Resulting In Death)<br>a. <b>CVA</b><br>Due To (Or As A Consequence Of):<br>b. _____<br>Due To (Or As A Consequence Of):<br>c. _____<br>Due To (Or As A Consequence Of):<br>d. _____<br><br>Conditions, if any, leading To cause listed on line a.<br>UNDERLYING CAUSE (disease or injury that initiated the events resulting in death)<br>LISTED LAST |                                             |                                                                                                                            |                                                                                    |                                                                                                                   | Approximate Interval:<br>Onset To Death<br>_____                            |
| Part II. Other Significant Conditions Contributing To Death But Not Resulting In The Underlying Cause Given In Part I.                                                                                                                                                                                                                                                                                                                                                                                                |                                             |                                                                                                                            |                                                                                    |                                                                                                                   | 29a. Autopsy<br><b>NO</b>                                                   |
| 30. Did Tobacco Use Contribute To Death?<br><b>UNKNOWN</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                             |                                                                                                                            |                                                                                    |                                                                                                                   | 29b. Autopsy Findings Available To Complete The Cause Of Death<br><b>NO</b> |
| 31. If Female:<br><b>NOT PREGNANT WITHIN THE PAST YEAR</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                             |                                                                                                                            |                                                                                    |                                                                                                                   | 29c. Coroner Contacted<br><b>NO</b>                                         |
| 32. Manner Of Death<br><b>NATURAL</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                             |                                                                                                                            |                                                                                    |                                                                                                                   |                                                                             |
| 33a. Date Of Injury (Month, Day, Year)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 33b. Time Of Injury                         | 33c. Injury At Work                                                                                                        | 33d. How Injury Occurred                                                           |                                                                                                                   |                                                                             |
| 33e. Place Of Injury                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                             | 33f. Location (Street And Number Or Rural Route, City Or Town, State, And Zip Code)                                        |                                                                                    |                                                                                                                   |                                                                             |
| 34a. Date Pronounced Dead (Month, Day, Year)<br><b>12/17/2012</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 34b. Time Pronounced Dead<br><b>4:12 PM</b> | 34c. Actual Or Presumed Time Of Death<br><b>4:12 PM</b>                                                                    | 34d. Name Of Person Pronouncing Death                                              | 34e. License No.                                                                                                  |                                                                             |
| 35a. Pronouncing and Certifying Physician<br><b>/s/JEFF D LAWHEAD - MD</b>                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                             | 35b. License No.<br><b>0421047</b>                                                                                         | 35c. Date Certified<br><b>01/25/2013</b>                                           | 35d. Address And Zip Code Of Person Completing Cause Of Death<br><b>712 FIRST TERRACE, LANSING, KANSAS, 66043</b> |                                                                             |

VS231A - Rev. 07/01/2009

Death 1/31/2013 V260020360 01 201204024153 4c ++ VC-24 ++ tt Processing



PARCEL # 105 H15  
MAILING ADDRESS FOR TAX STATEMENTS:

GRANTEE



8 0 4 0 5 7 1  
Tx:4025209

**2012R-11367**  
**NANCY BURNS**  
**REGISTER OF DEEDS**  
**WYANDOTTE COUNTY, KS**  
**RECORDED ON**  
**08/15/2012 4:00:00 PM**  
**QUIT CLAIM FEE: 8.00**  
**TECHNOLOGY FEE: 4.00**  
**PAGES: 2**

Recording requested by: \_\_\_\_\_

Space above reserved for use by Recorder's Office

When recorded, mail to:

Document prepared by:

Name: Terry Johnson

Name Melissa Wilcox

Address: 2720 N. 91st St

Address 7238 Parkview

City/State/Zip: Kansas City KS 66109

City/State/Zip Kansas City, KS 66109

Property Tax Parcel/Account Number: \_\_\_\_\_

## Quitclaim Deed

This Quitclaim Deed is made on August 10th 2012, between  
Melissa Wilcox <sup>single person</sup>, Grantor, of 3041 N. 40th St  
\_\_\_\_\_, City of Kansas City, State of Kansas,  
and Willetta Johnson <sup>single person</sup> and Terry Johnson <sup>single person</sup>, Grantee, of 3041 N. 40th St  
\_\_\_\_\_, City of Kansas City, State of Kansas.

For valuable consideration, the Grantor hereby quitclaims and transfers all right, title, and interest held by the Grantor in the following described real estate and improvements to the Grantee, and his or her heirs and assigns, to have and hold forever, located at 3041 N. 40th St

\_\_\_\_\_, City of Kansas City, State of Kansas:

the south 1/2 of the west 130 feet of Lot 14 in Orchard Heights,  
an addition now and in a part of Kansas City, Wyandotte County,  
Kansas

Subject to easements, restrictions, reservations, covenants, and special  
taxes of record if any.

Subject to all easements, rights of way, protective covenants, and mineral reservations of record, if any.

Taxes for the tax year of 2011 shall be prorated between the Grantor and Grantee as of the date of recording of this deed.

★NOVA Quitclaim Deed Pg.1 (07-09)

Pursuant to K.S.A. 79-1437 a real estate validation  
questionnaire is not required due to exception No. 3

Same  
Melissa Wilcox  
4238 Parkview Ave  
CKK 66109



8 0 2 1 4 3 4  
Tx:4014194

**2011R-15258**  
**REGISTER OF DEEDS**  
**WYANDOTTE COUNTY, KS**  
**RECORDED ON**  
**12/09/2011 4:49:00 PM**  
**QUIT CLAIM FEE: 8.00**  
**TECHNOLOGY FEE: 4.00**  
**PAGES: 2**

|                                     |        |
|-------------------------------------|--------|
| PARCEL #                            | 105415 |
| MAILING ADDRESS FOR TAX STATEMENTS: |        |
| Charlotte                           |        |
| 4238 Parkview                       |        |
| CKK 66109                           |        |

FORM R1110D-2 (Rev. 02/04) © 2004

DEMAREE LEGAL SUPPLY, Kansas City

## Kansas Quit-Claim Deed

THIS INDENTURE, Made on the 8<sup>th</sup> day of December A.D., 2011,  
by and between Willetta M. Johnson

of the County of Wyandotte State of Kansas, part of the first part,  
and Melissa R. Wilcox

of the County of Wyandotte State of Kansas, part of the second part:  
WITNESSETH, THAT SAID PART OF THE FIRST PART, in consideration of the sum

of DOLLARS,  
to paid by said part of the second part (the receipt of which is hereby acknowledged), do by these  
presents, Remise, Release, and forever Quit-Claim unto the said part of the second part the following described  
lots, tracts or parcels of land, lying, being and situate in the County of and State of Kansas to-wit:

the South 1/2 of the West 130 feet of lot 14 in  
Orchard Heights, an addition now in and a part  
of Kansas City, Wyandotte County, Kansas

Subject to easements, restrictions, reservations,  
covenants, and special taxes of record if any.

TO HAVE AND TO HOLD THE SAME, with all the rights, immunities, privileges, and appurtenances thereto  
belonging, unto said part of the second part and unto heirs and  
assigns forever, so that neither the said part of the first part nor heirs, nor any other  
person or persons for or in name or behalf, shall or will hereafter claim or demand any  
right or title to the aforesaid premises or any part thereof, but they and each of them shall, by these presents, be excluded  
and forever barred.



(43) STATE OF KANSAS, COUNTY OF WYANDOTTE RECEIVED FOR RECORD

1977 JUL - 5 3 40 S  
THOMAS W. GRONEMAN  
REGISTER OF DEEDS  
BY DEP.

WARRANTY DEED—GENERAL

BOOK 2570 PAGE 308

THIS INDENTURE, Made this 21st day of June

19 77, between  
Marge Angus, a single woman

of Camden County, in the State of Missouri

of the first part, and  
Willette Johnson, a single woman

of Wyandotte County, in the State of Kansas

of the second part,

WITNESSETH, That party of the first part, in consideration of

the sum of ONE DOLLAR AND OTHER GOOD AND VALUABLE  
CONSIDERATIONS.

the receipt whereof is hereby acknowledged, do es by these presents

convey and warrant unto part y of the second part, her

heirs and assigns, all the following-described real estate situated in the County

of Wyandotte and State of Kansas, to-wit:

The South 1/2 of the West 130 feet of Lot 14, in  
ORCHARD HEIGHTS, an addition now in and a part  
of Kansas City, Wyandotte County, Kansas.

Subject to easements, restrictions, reservations,  
covenants, and special taxes of record, if any.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances  
therunto belonging or in anywise appertaining, forever.

And party of the first part, for herself, her heirs, executors and administrators, do es  
hereby covenant, promise and agree to and with party of the second part that at the delivery of these presents  
she is lawfully seized in her own right, of an absolute and indefeasible estate of inheritance, in fee  
simple, of and in all and singular the above granted and described premises, with the appurtenances; that the same are free,  
clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, assessments  
and incumbrances of what nature or kind soever, except;

and that she will warrant and forever defend the same unto part y of second part, her  
heirs and assigns, against party of the first part, her heirs, and all and every person or persons  
whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, part y of the first part has hereunto set her hand, the day and  
year first above written.

Marge Angus  
Marge Angus

STATE OF KANSAS, COUNTY OF WYANDOTTE  
RE-T-REMEMBERED, That on this 21st day of June, 19 77, before me, the  
undersigned, a Notary Public in and for the County and State aforesaid, came  
Marge Angus, a single woman



who is personally known to me to be the same person who executed the foregoing  
instrument of writing, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the  
day and year last above written.

My commission expires July 24, 19 78  
Don K. Schlosser Notary Public.

Just the last of the  
for a min. con  
H.C.T.

INVALID

Printed name does not match signature on deed included in packet.

PETITION NUMBER: Change of Zone # 3159

**LEGAL SIGNATURE OF OWNER**  
(All owners of property must sign)

**PROPERTY DESCRIPTION**  
(Address and/or lot and block number)

**DATE**

Malik Irfan Rafi 3057 W 40th st 01-21-19

BY Power of Attorney Parcel # 105419

dated November 12 2018

Robina Irfan 3057 W 40th st 01-21-19

wife of Malik Irfan Rafi Parcel # 105419



PETITION NUMBER: Change of Zone #3159

**LEGAL SIGNATURE OF OWNER**  
(All owners of property must sign)

**PROPERTY DESCRIPTION**  
(Address and/or lot and block number)

**DATE**

Malik I Rafi

3909 Leavenworth Rd

01-21-19

Married Male

Parsel # 105418

BY Power of attorney

Dated November 12 2018

Robina Irfan

3909 Leavenworth Rd

01-21-19

wife Malik I Rafi

Parsel # 105418

Printed  
name does  
not match  
signature  
on  
POA

PETITION NUMBER: Change of Zone #3159

**LEGAL SIGNATURE OF OWNER**  
(All owners of property must sign)

**PROPERTY DESCRIPTION**  
(Address and/or lot and block number)

**DATE**

Rafis LLC

3821 Leavenworth Rd

01-21-19

Robina Ifan

Parcel # 105401

Malik Rafi aka Malik Ifan Rafi

By Power of Attorney Dated November 12 2018

Printed name  
does not  
match signature  
on POA

## POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS:

That I, MALIK IRFAN RAFI, of Wyandotte County, Kansas, hereby make, constitute, and appoint my wife, ROBINA IRFAN, my true and lawful attorney for me and in my name and behalf to do and execute all of any of the following acts, deeds and things, to-wit:

(1) To demand, sue for, collect, receive, and give discharges for all moneys, debts, interest, securities, chattels, effects, and other things of whatsoever nature or description now or hereafter becoming due, payable, or belonging to me or in which I now or hereafter shall have any right, title, or interest.

(2) To commence, prosecute and defend all actions and other proceedings in which I may be in any way concerned or in any manner affecting me or my property or estate.

(3) To settle, compromise, or submit to arbitration all claims, demands, acts, disputes and differences between me and any other person(s).

(4) To compound with or make allowances to any person(s) for or in respect of any debt or demand whatsoever which now is or shall at any time hereafter become due and payable to me and to settle, compromise, or submit to arbitration every such debt or demand and every other right, matter, and thing due to or concerning me.

(5) To sell, transfer, assign, convey, exchange, or otherwise dispose of any or all property, real, personal, or mixed, now or hereafter belonging to me, at public or private sale, for such consideration and upon such terms as they shall deem proper, and to execute and deliver good and sufficient deeds or other instruments for the conveyance or transfer of the same, with such covenants of warranty or otherwise as they shall approve, and to give good and effectual receipts for all or any part of the purchase price or other consideration.

(6) To borrow in my name and behalf any sum or sums of money on such terms as they shall deem proper, execute in my name and behalf promissory

note(s) in evidence thereof and secure the same by pledge, mortgage, or deed of trust upon any part or all of the property, real, personal, or mixed, now or hereafter belonging to me.

(7) In my name and behalf to guaranty repayment of any sum or sums of money owed by any person or entity whatsoever on such terms as they deem proper, execute in my name and behalf contract(s) of guaranty in evidence thereof and secure the same by pledge, mortgage, or deed of trust upon any part or all of the property, real, personal, or mixed, now or hereafter belonging to me.

(8) To enter or undertake any business venture for me, to form any new partnership or corporation with me as a member or stockholder, officer, or director thereof, as the case may be, or to introduce me into any existing partnership or corporation now or hereafter established, for the conduct of any business, regardless of the nature thereof, and to risk any part or all of my property in the capital or to pay losses sustained in any such business venture or partnership.

(9) To continue, or to apply for in my name, and carry by paying premiums out of my funds and property to keep the same in force, policies of insurance on my life.

(10) To vote by proxy or in person any and all shares of stock which I may own in any corporation on any and all matters which may be presented at any special or regular meeting of shareholders of any such corporation or which may be presented by written consent in lieu of any such meeting.

(11) To vote by proxy or in person any and all partnership interests which I may own in any partnership on any and all matters which may be presented at any special or regular meeting of the partners of any such partnership or which may be presented by written consent in lieu of any such meeting.

(12) To vote by proxy or in person any and all limited liability company interests which I may own in any limited liability company on any and all matters which may be presented at any special or regular meeting of the members of any such limited liability company or which may be presented by written consent in lieu of any such meeting.

(13) To vote in my place and stead as director of any corporation of which I am a member of the board of directors on any and all matters which may



be presented at any meeting of the board of directors of any such corporation or which may be presented by written consent in lieu of any such meeting.

(14) To receive, endorse, and collect the proceeds of checks payable to my order, on whomever drawn, for whatever account, and to give full acquittance and discharge therefor.

(15) To deposit with any bank, bankers, or trust company or any fiduciary, whether individual or corporate, any moneys, checks, bills of exchange, drafts, or promissory notes belonging to me, which may come to their hands as such attorneys, and for that purpose to sign my name and endorse the same for deposit or collection and from time to time to withdraw any and all moneys deposited with any such bank, bankers, or trust company or fiduciary, now or hereafter having moneys belonging to me, and to draw checks therefor in my name.

(16) To engage, employ and dismiss any employees, agents, clerks, accountants, lawyers, or other persons in or about the performance of any act herein authorized; to pay any personal property and other taxes of every character and description heretofore or hereafter assessed against me or my property; to pay and discharge any income tax liability which I may now, heretofore, or hereafter have or which may be asserted against me; to make and file federal and State income tax returns in my name and behalf and to pay the tax thereon out of my funds and property; and in their discretion to make such charitable contributions in my name as he shall approve.

(17) To loan out moneys belonging to me to any person(s) including my said attorneys, with or without interest or security; to invest and reinvest money or property now or hereafter belonging to me in any property, real, personal, or mixed, which I could purchase or in which I could invest myself, including stocks, bonds, debentures and stock or participating interests in investment trusts, common trust funds, and close corporations, irrespective of the form thereof, whether or not of the kind or in an amount permitted by law or custom to fiduciaries; to exercise, with respect to property which I may inherit from any person(s), all and the same powers and authorizations herein granted to said attorney with respect to property now owned by me.

FURTHER, I do hereby authorize my aforementioned attorneys-in-fact to do all other acts, deeds, matters, and things whatsoever in or about my estate, property, business, and affairs,



or to concur with persons jointly interested with my therein in respect thereof, as fully and effectually to all intents and purposes as I could do in my own proper person if personally present.

FURTHER, I hereby declare that the powers herein granted shall not be construed as limited to those matters hereinbefore specified and set forth but rather shall be construed to broadly include and embrace full and unlimited power and authority to do and perform, on my behalf and in my place and stead and with equal validity, any and all other lawful acts or things which I could do if personally present; hereby ratifying and confirming whatsoever shall be or may be done, by virtue hereof, in the premises, it being my intention, and I hereby declare, that my said attorneys-in-fact shall not be under any disability in the performance of any such act by reason of the fact that they may be personally, adversely, or in any other manner interested in the subject matter thereof, and that they may do and perform any act or make any deed, conveyance, grant, or transfer, and in every other manner exercise any authorization herein referred to, in my name and behalf, notwithstanding any such interest of their own, and no one dealing with my said attorneys-in-fact shall be bound to inquire into the propriety or expediency of their acts nor have any liability to see to the application or distribution of any purchase money or other things of value paid or delivered to them.

FURTHER, I hereby direct that, to the extent authorized or permitted by applicable law, this Power of Attorney shall not be affected by my disability or incapacity. It is my intent that the authority conferred hereby shall be exercisable notwithstanding my disability or in-

capacity and that this Power of Attorney shall, if permitted by applicable law, be what is sometimes referred to as a "durable" power of attorney.

In case I shall die, this Power of Attorney shall, as to all matters and things which may after my death and before notice thereof be done, be binding upon my executors and administrators as the same would have been upon me if living.

This Power of Attorney shall expire and be of no further force or effect as of 5:00 p.m. C.S.T., November 12, 2019; however, all matters and things which have been done prior to such expiration date shall be unaffected by such expiration and shall be and remain binding and in full force and effect notwithstanding expiration of this Power of Attorney.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 12 day of NOVEMBER, 2018.



\_\_\_\_\_  
Malik Irfan Rafi

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this 12 day of NOVEMBER 2018, before me, a Notary Public, personally appeared MALIK IRFAN RAFI, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in At Gujarat Dist. Court day and year last above written.

\_\_\_\_\_  
Notary Public

My Commission Expires:

13 March 2020



PARCEL # 105419  
MAILING ADDRESS FOR TAX STATEMENTS:  
Grantee  
7600 Parellel prwy  
KCK 66612



**2013R-00176**  
**NANCY BURNS**  
**REGISTER OF DEEDS**  
**WYANDOTTE COUNTY, KS**  
**RECORDED ON**  
**01/04/2013 1:44:00 PM**  
**QUIT CLAIM FEE: 6.00**  
**TECHNOLOGY FEE: 2.00**  
**PAGES: 1**

LET

**QUIT CLAIM DEED (General)**

GRANTOR(S)/SELLER(S) Francisco Mascorro / Maria Mascorro

Convey(s) and quit claims to

GRANTEE(S)/BUYER(S) Pablo Elizondo and Nancy Elizondo

The following described REAL ESTATE in the County of Wyandotte, State of Kansas, to-wit: (legal description)

Parcel: 105419  
3057 North 40th Street Kansas City, KS 6604  
W 1/2 L16 Orchard heights

For the sum of one dollar no/100

EXCEPT AND SUBJECT TO: Easements, restrictions and assessments, if any, now of record.

Dated this 3<sup>rd</sup> day of January, 20 13.

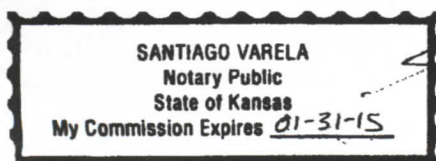
Sign: Francisco Mascorro A Sign: Maria Mascorro  
Grantor/Seller Grantor/Seller

Print: Francisco Mascorro A Print: Maria Mascorro  
Grantor/Seller Grantor/Seller

**ACKNOWLEDGEMENT**

State of Kansas, County of Wyandotte

This instrument was acknowledged before me Santiago Varela  
a notary public in and for the above on this 3<sup>rd</sup> day of January, 20 13,  
by Francisco Mascorro & Maria Mascorro



Santiago Varela  
Notary Public

Pursuant to K.S.A. 79-1437 a real estate validation  
questionnaire is not required due to exception No. 16





8 0 5 3 0 9 2  
Tx:4032796

2013R-00898

NANCY BURNS

REGISTER OF DEEDS  
WYANDOTTE COUNTY, KS

RECORDED ON

01/18/2013 2:30:00 PM

DEED FEE: 6.00

TECHNOLOGY FEE: 2.00

PAGES: 1

PARCEL # 105419  
MAILING ADDRESS FOR TAX STATEMENTS:

Malik Rafi

11016 Rowland AVE

KCK 66109

Ret

**WARRANTY DEED (General)**

GRANTOR(S)/SELLER(S) Pablo Elizondo and Nancy Elizondo

Convey(s) and warrant(s) to

GRANTEE(S)/BUYER(S) Malik Irfan Rafi

All the following described REAL ESTATE in the County of Wyandotte, State of Kansas, to-wit: (legal description)

W 1/2 L16 Orchid Heights

For the sum of \$25,000 (Twenty Five Thousand)

EXCEPT AND SUBJECT TO: Easements, restrictions, covenants, reservations and assessments, if any, now of record.

• Dated this 18<sup>th</sup> day of January, 2013.

Sign: Pablo Elizondo

Grantor/Seller

Sign: Nancy Elizondo

Grantor/Seller

Print: Pablo Elizondo

Grantor/Seller

Print: Nancy Elizondo

Grantor/Seller

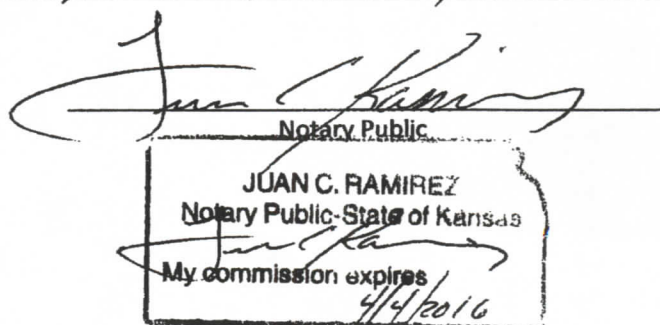
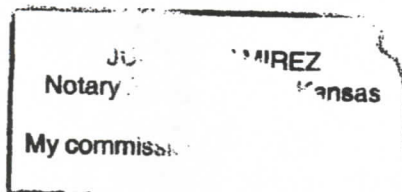
**ACKNOWLEDGEMENT**

State of Kansas, County of Wyandotte

This instrument was acknowledged before me Juan C. Ramirez

a notary public in and for the above on this 18<sup>th</sup> day of January, 2013

by Pablo & Nancy Elizondo, Malik Irfan Rafi





2005R-15598

REGISTER OF DEEDS  
WYANDOTTE COUNTY, KS

RECORDED ON  
06/20/2005 02:06:32PM

REC FEE:  
DEED FEE: 8.00  
QUIT CLAIM FEE:  
TECHNOLOGY FEE: 4.00  
PAGES: 2

Filed By  
Chicago Title Insurance Company  
Olathe, Kansas

Bk:5022 Pg:551 552

*BH*

200520989

**SPECIAL WARRANTY DEED**

(Corporation)

THIS DEED WITNESSETH, That \_\_\_\_\_  
Franklin Credit Management Corporation

a Corporation organized and existing under the laws of the State of New York  
and having its principal of business in \_\_\_\_\_ County, New York  
Grantor, for and in consideration of the sum of TWENTY-SIX THOUSAND AND 00/100  
(\$26,000.00) and other valuable

considerations do(es) by these presents, BARGAIN AND SELL, Convey and Confirm unto  
Nancy Elizondo & Pablo Elizondo husband & wife as  
joint tenants

whose mailing address is 3057 N. 40th Street, Kansas City, MO 66104

of Wyandotte County, Kansas. Grantee, his/her/their heirs and  
assigns, the following described land situate in Wyandotte County, Kansas to-wit:

The West 1/2 of Lot 16, ORCHARD HEIGHTS, an addition in Kansas City, Wyandotte County, Kansas,  
according to the recorded plat thereof.

*#105419*

STATE OF KANSAS  
WYANDOTTE COUNTY KANSAS CII  
Entered in transfer record in my office

this 20th Day of June, AS  
Tom G. Roberts  
United Government Clerk

9. AS Deny.



PARCEL # 105418  
MAILING ADDRESS FOR TAX STATEMENTS:  
Grantee  
3821 Leavenworth Rd  
KCK 66104

Ref

2012R-00171  
REGISTER OF DEEDS  
WYANDOTTE COUNTY, KS  
RECORDED ON  
01/05/2012 4:45:00 PM  
DEED FEE: 6.00  
TECHNOLOGY FEE: 2.00  
PAGES: 1

## KANSAS WARRANTY DEED

On this 5<sup>th</sup> day of January, 2012.

WILLIAM D. WOLFE, II, a Single male, ("Grantor") CONVEYS AND WARRANTS to MALIK I. RAFI, a Married male, ("Grantee"), all of his interest in the following-described real estate in Wyandotte County, Kansas:

TRACT I:

The East 1/2 of Lot 16, ORCHARD HEIGHTS, a sub-division of land in Wyandotte County, Kansas.

(Commonly known as 3909 Leavenworth Rd., Kansas City, Kansas 66104)

. for the sum of Ten Dollars (\$10.00) and other valuable considerations.

SUBJECT TO: Easements, restrictions, reservations and covenants of record.

  
WILLIAM D. WOLFE II

STATE OF KANSAS )

COUNTY OF WYANDOTTE )

) ss:  
)

This instrument was acknowledged before me on the 5<sup>th</sup> day of January, 2012, by William D. Wolfe, II, a single male.

  
NOTARY PUBLIC

My Appointment/Commission Expires:

JOHN P. BISCANIN  
NOTARY PUBLIC  
STATE OF KANSAS  
MY APPOINTMENT EXPIRES 8-23-13

Pursuant to K.S.A. 79-1437 a real estate validation questionnaire is not required due to exception No. 16

*Put*  
WYANDOTTE COUNTY DOCUMENT NUMBER 2008R-16245 PAGE 1  
*William Wolfe*  
*4004 Delavan Ave*  
*KC.K.66104*



\* 2 0 0 8 R - 1 6 2 4 5 \*

**2008R-16245**

REGISTER OF DEEDS  
WYANDOTTE COUNTY, KS

RECORDED ON

09/25/2008 03:15:16PM

REC FEE: 8.00

MORTGAGE TAX: 26.00

TECH FEE: 4.00

INDEBT: 10000.00

PAGES: 2

Bk:5552 Pg:340 341

FORM R68D-2 (Rev. 02/04) © 2004

APPROVED BY LEGAL COUNSEL

DEMAREE LEGAL SUPPLY, Kansas City

## Contract for Deed

THIS AGREEMENT, Made and entered into this 25th day of September, 2008  
between William D. Wolfe II (a single male) grantor  
party of the first part, hereinafter called the seller whether one or more, and  
Malik I Rafi (a married male) grantee  
part y of the second part, hereinafter called the buyer, whether one or more.  
(Grantor's mailing address is 4004 Delavan Ave., Kansas City, WY County, KS).  
(Grantee's mailing address is 11016 Rowland Ave., Kansas City, WY County, KS).  
WITNESSETH: That for the consideration hereinafter specified, the seller hereby sells, and agrees to  
convey to said buyer, the following described land, situated in the County of Wyandotte  
State of Kansas, to-wit:

### TRACT 1:

The East  $\frac{1}{2}$  of Lot 16, ORDHARD HEIGHTS, a sub-division of land in Wyandotte  
County, Kansas.

Commonly known as: 3909 Leavenworth Rd., Kansas City, KS 66104

IN CONSIDERATION WHEREOF, Said buyer hereby promises to pay the seller \$15,200.00  
(Fifteen Thousand, Six Hundred and xx/100) Dollars, as follows:  
An initial down payment of \$5,000.00 (Five Thousand and xx/100) Dollars in hand, and  
A one-time payment of \$600.00 (Six Hundred and xx/100) Dollars  
on the 25th day of September, 2008, and  
\$500.00 (Five Hundred and xx/100) Dollars on  
or before the 10th day of each succeeding month thereafter with interest at 8.0000 per cent per  
annum, interest payable Monthly until the  
amount of \$ \_\_\_\_\_ Dollars has been paid.

and to pay all taxes and special assessments hereafter becoming due and payable against said land and all  
improvements made thereon until the terms of this contract have been satisfied in full.



**2013R-14596**  
**NANCY BURNS**  
**REGISTER OF DEEDS**  
**WYANDOTTE COUNTY, KS**  
**RECORDED ON**  
**09/30/2013 10:29:51 AM**  
**DEED FEE: 10.00**  
**TECHNOLOGY FEE: 6.00**  
**PAGES: 3**

**WARRANTY DEED**

**THIS INDENTURE**, Made this 24 day of September, 2013, by and between

**Grantor:** Malik Rafi a/k/a Malik Irfan Rafi and Robina Irfan, husband and wife

**AND**

**Grantee:** Rafi's L.L.C., a Kansas limited liability company  
whose mailing address is 3821 Leavenworth Rd, Kansas City, KS 66104

**WITNESSETH:** THAT THE SAID GRANTOR, in consideration of the sum of Ten Dollars, the receipt of which is hereby acknowledged does hereby these presents, Grant, Bargain, Sell and Convey unto the said GRANTEE, their heirs and assigns, all the following described real estate situated in the County of Wyandotte and the State of Kansas, to-wit:

**Legal Description:**

THE WEST 75 FEET OF LOTS 1 AND 2, ORCHARD HEIGHTS, AN ADDITION NOW IN AND A PART OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, LESS THAT PART TAKEN BY CONDEMNATION FOR ROAD PURPOSES.

**SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS, IF ANY, NOW OF RECORD.**

**TO HAVE AND TO HOLD THE SAME**, Together with all and singular the tenements, hereditaments an appurtenances thereunto belonging or in any wise appertaining, forever. And said party for its successors, does hereby covenant, promise and agree to and with said GRANTEE, that at the delivery of theses presents it is lawfully seized in its own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises with the appurtenances that the same are free, clear, discharge and unencumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and encumbrances, of what nature or kind whatsoever: and that they will warrant and forever defend the same unto the said GRANTEE, their heirs and assigns, against said GRANTOR, its successors, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

*First American Title NCS 608224*

IN WITNESS WHEREOF, The said GRANTOR has hereunto executed the forgoing instrument the day and year above written.

BY: [Signature]  
Name: Malik Rafi

By: [Signature]  
Name: Robina Irfan

STATE OF Kansas )  
COUNTY OF Johnson ) SS.

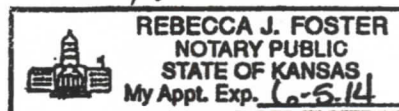
On this 24<sup>th</sup> day of September, 2013, before me personally appeared Malik Rafi me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

[Signature]  
Notary Public

My Commission Expires:

6-5-14





**SHERIFF'S DEED  
(Tax Sale No. 313)**

**WHEREAS**, by virtue of an Order of Sale Issued out of the office of the Clerk of the District Court of Wyandotte County, Kansas, on the 17th day of August, 2006, in an action styled The Unified Government of Wyandotte County/Kansas City, Kansas, Plaintiff-VS- Abarca, Manuel, Jr., et al, Defendants, Tax Sale #313, in the Civil Court Department of the District Court of Wyandotte County, Kansas, reciting the judgment and decree of said Court and commanding the sale of affected Real Estate by publication, I did on the 28th day of September, 2006, at the City Hall Chamber, on the first floor, 701 North 7<sup>th</sup> Street, Kansas City, Kansas 66101 in the said county sell said real estate described in said order of sale, including the real estate hereafter described: and

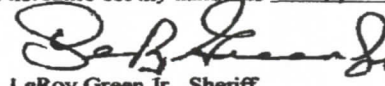
**WHEREAS**, on 17 day of October, 2006, I did make return to the Clerk of said sale, and the Court, after examining all of the proceedings of said sale and being satisfied that the same were in all respects regular and in conformity with the law and equity, ordered that the said return and proceedings of the sale be and the same were in all respects confirmed and the Sheriff of Wyandotte County, Kansas was by the Court directed to execute to the purchaser of the premises at said sale a good and sufficient deed for the said real estate as provided by law; and

**WHEREAS**, at said sale, I did sell to **MALIK RAFI**, for the sum set forth below and by virtue of the authority in me vested by law, do hereby give, grant, sell and convey unto said **MALIK RAFI**, 11016 Rowland Avenue, Kansas City, Kansas 66109, said land and tenements so sold as aforesaid and described as follows, to wit:

| <u>PARCEL #</u> | <u>CAUSE OF ACTION NO.</u> | <u>SALE PRICE</u> | <u>LEGAL DESCRIPTION</u>                                                                                                                           |
|-----------------|----------------------------|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| 105401          | 281                        | \$10,500.00       | The West 75 feet of Lots 1 and 2, ORCHARD HEIGHTS, a subdivision in Kansas City, Wyandotte County, Kansas.<br>(Approx. Add. 3821 Leavenworth Road) |

lying and situated in Wyandotte County, Kansas, together with appurtenances, valid covenants running with the land, valid easements and hereditaments thereunto belong; to have and to hold the same unto the said **MALIK RAFI**, 11016 Rowland Avenue, Kansas City, Kansas 66109, its heirs and assigns forever.

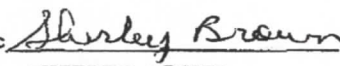
IN WITNESS WHEREOF, I, as Sheriff of said County, have hereunto set my hand this 17 day of OCTOBER, 2006.

  
LeRoy Green Jr., Sheriff  
Wyandotte County, Kansas

STATE OF KANSAS )  
COUNTY OF WYANDOTTE ) SS:

**BE IT REMEMBERED**, that on the 17 OCTOBER, 2006, before me the undersigned, a notary public in and for the County of the Wyandotte, State of Kansas, personally appeared LeRoy Green, Jr., Sheriff, who is personally known to me to be the same person who executed the foregoing instrument of writing, as such Sheriff and such person duly acknowledged the execution of the same as Sheriff of Wyandotte, State of Kansas.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, on the year last above written.

Notary Public   
SHIRLEY BROWN

My appointment Expires 04/13/08



|                                     |        |
|-------------------------------------|--------|
| PARCEL #                            | 105401 |
| MAILING ADDRESS FOR TAX STATEMENTS: |        |
| Grantee                             |        |
| 11016 Rowland Ave                   |        |
| Kansas City, MO                     |        |

same  
monica ext  
4124

BK:5287 Pg:211

2006R-25577  
REGISTER OF DEEDS  
WYANDOTTE COUNTY, KS  
RECORDED ON  
10/18/2006 02:53:40PM  
DEED FEE: 6.00  
TECHNOLOGY FEE: 2.00  
PAGES: 1



INVALID

Filed without benefit of a cover letter  
(acknowledgement form) notarized by the  
circulator

FILED *DPB*  
JAN 28 2019  
UNIFIED GOVERNMENT CLERK

PETITION NUMBER: \_\_\_\_\_

**LEGAL SIGNATURE OF OWNER**

(All owners of property must sign)

**PROPERTY DESCRIPTION**

(Address and/or lot and block number)

**DATE**

*[Signature]*

3023 W. 45th

01-28-2019

A Single Person

Parcel 105411



8 2 3 0 3 3 3  
Tx:4127327

**2018R-06553**

NANCY BURNS

REGISTER OF DEEDS

WYANDOTTE COUNTY, KS

RECORDED ON

05/17/2018 08:39:16 AM

QUIT CLAIM DEED 43.00

TECH FEE 9.00

HERITAGE FEE 3.00

PAGES: 3

*After recording mail to:*

Martase Nichols  
6437 Mullen Road  
Shawnee, KS 66216

106807, 159950, 208206

PARCEL# 105411, 195421, 195420  
MAILING ADDRESS FOR TAX STATEMENTS:

Same

## KANSAS QUIT-CLAIM DEED

THIS INDENTURE; Made on the 3<sup>rd</sup> day of May 2018 A.D., by and between,

Taiasha L. Nichols a/k/a Taiasha Nichols f/k/a Taiasha L. Berry, a single person, Grantor

of the County of Wyandotte, State of Kansas, party of the first part, and

Martase Nichols, a single person, Grantee

of the County of Johnson, State of Kansas, party of the second part.

WITNESSETH that the said party of the first part, with NO VALUABLE CONSIDERATIONS, to her paid by the said party of the second part does by these presents, REMISE, RELEASE and FOREVER QUIT CLAIM unto the said party of the second part, his heirs and assigns, the following described lots, tracts or parcels of land, lying, being and situate in the County of Johnson and State of Kansas, to-wit:

See attached Exhibit "A"

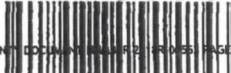
Subject to easements, restrictions, reservations, and covenants, of record, if any.

No Kansas Real Estate Sales Validation Questionnaire needed due to number 8

TO HAVE AND TO HOLD THE SAME, with all the rights, immunities, privileges and appurtenances thereto belonging, unto the said party of the second part and unto his heirs and assigns forever; so that neither the said party of the first part nor her heirs nor any other person or persons, for her or in her name or behalf, shall or will hereafter claim or demand any right or title to the aforesaid premises or any part thereof, but she and each of hers shall, by these presents, be excluded and forever barred.

TX:4127024

8 2 2 9 7 6





IN WITNESS WHEREOF, the said party of the first part have hereunto set her hand the day and year above written.

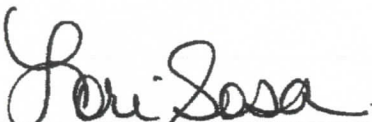
  
Taiasha L. Nichols a/k/a Taiasha Nichols

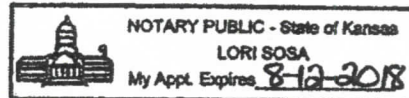
ACKNOWLEDGEMENT

STATE OF Kansas }  
COUNTY OF Wyandotte } ss.

BE IT REMEMBERED, That on this 3<sup>rd</sup> day of May, A.D. 2018 before me, the undersigned, a Notary Public, in and for said County and State, came Taiasha L. Nichols a/k/a Taiasha Nichols who executed the within instrument of writing, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

  
NOTARY PUBLIC



This Instrument was prepared without the benefit of a title search or examination and title is neither warranted nor guaranteed by preparer. No title search was performed on the subject property by this preparer. The preparer expresses no opinion as to the title the Grantee/s will receive. The preparer makes no representation as to the status of the title, property use or zoning regulations concerning the described property herein conveyed. Information contained in this instrument was provided to preparer by Grantor and/or Grantee. No legal advice was given to any party herein



## Exhibit "A"

**The North 25 feet of the East 140 feet of Lot 10 and the South 75 feet of the East 140 feet of Lot 11, all in Orchard Heights, a subdivision of land in Wyandotte County, Kansas.**

**Commonly known as: 3023 N. 40<sup>th</sup> St, Kansas City, KS 66104**

**The South 1/2 of Lot 9 and all of Lot 10, Block 13, Kensington, a subdivision in Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof.**

**Commonly known as: 1860 N. 27<sup>th</sup> St, Kansas City, KS 66104**

**All of Lot 8 and the North 1/2 of Lot 9, Block 13, Kensington, an addition in Kansas City, Wyandotte County, Kansas.**

**Commonly known as: 1862 N. 27<sup>th</sup> St, Kansas City, KS 66104**

---

**The South 75 feet of the East 1/2 of Lot 7, Grant Place, a subdivision in Kansas City, Wyandotte County, Kansas.**

**Commonly known as: 3066 N. 17<sup>th</sup> St, Kansas City, KS 66104**

**The East 1/2 of Lot 64, all of Lots 65 to 70, Both Inclusive, Block 1, Midland Park, an addition in Kansas City, Wyandotte County, Kansas.**

**Commonly known as: 2046 N. 18<sup>th</sup> St, Kansas City, KS 66104**

**Lots 47 and 48 and the south 1/2 of Lot 49, Block 3, Chelsea Park, a subdivision of land in Kansas City, Wyandotte county, Kansas.**

**Commonly known as: 1955 N. 27<sup>th</sup> St, Kansas City, KS 66104**



## Urban Planning and Land Use

701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)

Phone: (913) 573-5750  
Fax: (913) 573-5796  
[www.wycokck.org/planning](http://www.wycokck.org/planning)

**To:** Unified Government Board of Commissioners  
**From:** City Staff  
**Date:** February 28, 2019  
**Re:** Petition #SP-2019-8

---

### GENERAL INFORMATION

---

**Applicant:**  
Scott and Rebecca Johnson

**Status of Applicant:**  
Property Owners  
SCOJO's Recycling LLC  
20103 Nall Avenue  
Stilwell, KS 66085

**Requested Action:**  
Special use permit for office and storage  
of salvage cars (salvage yard)

**Date of Application:**  
December 21, 2018

**Purpose:**  
The property owners would like to use the  
properties as an office and temporary  
storage lot for their vehicle recycling  
business.

**Property Location:**  
521, 523, and 525 South 11<sup>th</sup> Street



**Commission Districts:**

1. Commissioner At Large: Tom Burroughs
2. District Commissioner: Brian McKiernan

**Existing Zoning:** M-3 Heavy Industrial District

**Existing Surrounding Zoning:** **North:** M-3 Heavy Industrial District  
**South:** M-3 Heavy Industrial District  
**East:** M-3 Heavy Industrial District  
**West:** M-3 District

**Existing Uses:** **North:** Industrial  
**South:** Industrial  
**East:** Industrial  
**West:** Industrial

**Total Tract Size:** 0.2 acre

**Master Plan Designation:** The Armourdale Land Use Master Plan designates these properties as Heavy Industrial

**Major Street Plan:** South 11<sup>th</sup> Street is designated as a Local Street

**Advertisement:** The Wyandotte Echo – January 17, 2019  
Letters to Property Owner – January 15, 2019 and February 20, 2019

**Public Hearings:** February 11, 2019 and February 28, 2019

**Public Opposition:** No one appeared in opposition at the February 11, 2019 City Planning Commission meeting.

---

**PROPOSAL**

---

Detailed Outline of Requested Action: Property owners Scott and Rebecca Johnson of SCOJO's Recycling, LLC would like to use the area requested for an office and storage space for vehicles waiting to be recycled.

City Ordinance Requirements: 27-592 through 27-606

---

**FACTORS TO BE CONSIDERED**

---

**1. The Character of the Neighborhood.**

The surrounding neighborhood is similarly industrial in nature, with several auto, railroad, lawn, and salvage-related businesses nearby.

**2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.***

The proposed use fits with the character of the neighborhood and surrounding uses of nearby properties.

**3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?***

The removal of restrictions will not detrimentally affect nearby property.

**4. *The length of time the property has remained vacant as zoned.***

This property has not been vacant.

**5. *The degree of conformance of the proposed use to the Master Plan.***

The Armourdale Master Plan designates this property as Heavy Industrial, and the proposed use fits into that category of land use.

**6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.***

The proposed use will not result in an increase of traffic to that point.

**7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.***

This is not expected to be an issue. The proposed use will fit with the nature of adjoining properties and will not injure visual quality or marketability.

**8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.***

This is not expected to be an issue for this area dedicated to heavy industrial usage.

**9. *Whether the proposed use will pollute the air, land or water.***

As long as property owners take proper precautions, this is not expected to be an issue.

**10. *Whether the use would damage or destroy an irreplaceable natural resource.***

As long as property owners take proper precautions, this is not expected to be an issue.

**11. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.**

The relative gain or loss to the public health, safety, and welfare is likely to be minimal.

**12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.**

This is not expected to be an issue.

---

## **PREVIOUS ACTIONS**

---

None to date

---

## **NEIGHBORHOOD MEETING**

---

The applicant held a neighborhood meeting on January 25, 2019; the meeting information is attached.

---

## **KEY ISSUES**

---

None

---

## **STAFF COMMENTS AND SUGGESTIONS**

---

The Planning Commission voted 8 to 1 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-8 **for one (1) year**.

---

## **STAFF COMMENTS AND SUGGESTIONS**

---

The staff concurs with the recommendation of the City Planning Commission.

---

## **STAFF RECOMMENDATION**

---

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2019-8 subject to all comments and suggestions outlined in this staff report.



---

## ATTACHMENTS

---

February 11, 2019 City Planning Commission Minutes  
Aerial Map  
Zoning Map  
Development Plans  
Property Photos  
Conservation District Comments  
Neighborhood Meeting Sign-in  
Neighborhood Meeting Minutes  
Neighborhood Meeting Affidavit

---

## REVIEW OF INFORMATION AND SCHEDULE

---

| Action         | Planning Commission | Unified Government Commission |
|----------------|---------------------|-------------------------------|
| Public Hearing | February 11, 2019   | February 28, 2019             |
| Special Use    | Approval            |                               |

---

**STAFF CONTACT:**        **Hannah Kroll**  
                                     [hkroll@wycokck.org](mailto:hkroll@wycokck.org)

---

---

## MOTIONS

---

I move the Unified Government Board of Commissioners **APPROVE #SP-2019-8** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

## OR

I move the Unified Government Board of Commissioners **DENY** Petition **#SP-2019-8**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

## **February 11, 2019 City Planning Commission Minutes:**

**Hearing Starts At 2:54:18:**

**SPECIAL USE PERMIT APPLICATION #SP-2019-8 – REBECCA AND SCOTT JOHNSON WITH SCOJO’S RECYCLING LLC – SYNOPSIS:** Special Use Permit for an office and shop and to temporarily store up to 3 vehicles that are waiting to be recycled at the scrapyard (salvage operation) (SCOJO’s Recycling, LLC) at 521, 523 and 525 South 11<sup>th</sup> Street. **Detailed Outline of Requested Action:** Property owners Scott and Rebecca Johnson of SCOJO’s Recycling, LLC would like to use the area requested for an office and storage space for vehicles waiting to be recycled.

The following items were included as part of the record for this case:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 11, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated January 17, 2019; and
7. The Notices to property owners dated January 15, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

### **Present in Support:**

- ❖ Scott Johnson, 521 South 11<sup>th</sup> Street, Kansas City, Kansas
- ❖ Rebecca Johnson, 521 South 11<sup>th</sup> Street, Kansas City, Kansas

### **Present in Opposition:**

- ❖ No one appeared

**Staff Recommendation starts at 3:05:30:** Planning Director Richardson stated that this operation is pretty limited on the salvage side but is technically a salvage operation by code definition. He further stated that having salvaged vehicles sitting on the street unscreened is not appropriate and the staff recommends denial. He stated that the fence is an 8’ unscreened fence and they did not apply for this under salvage. If it were to be considered as salvage, they would need to provide screening. They would have to take the gas tank out before they could take the cars to be salvaged.

The applicant explained what the procedure would be for his operation. The fence will be an 8’ fence that meets the salvage requirements and you will not be able to see through it.

Director Richardson stated that with the limited salvage and the fence (as described by the applicant), the staff recommends approval for one (1) year subject to the description of the operation by the applicant.

**Motion and Vote Starts at 3:09:08:**

On motion by Ms. Pauley, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2019-8 for one (1) year:**

|                 |                 |
|-----------------|-----------------|
| <b>Carson</b>   | <b>Chairman</b> |
| <b>Connelly</b> | <b>Aye</b>      |
| <b>Ernst</b>    | <b>Aye</b>      |
| <b>Huey</b>     | <b>Aye</b>      |
| <b>Jones</b>    | <b>Aye</b>      |
| <b>Miller</b>   | <b>Aye</b>      |
| <b>Neal</b>     | <b>Aye</b>      |
| <b>Pauley</b>   | <b>Aye</b>      |
| <b>Reasons</b>  | <b>Aye</b>      |
| <b>Serda</b>    | <b>No</b>       |

**Motion to recommend APPROVAL Passed: 8 to 1**



This Development Plan was prepared for Scojo's Recycling, LLC and is submitted in accordance with the applicable portions of Section 27-277 of the Urban Planning and Land Use Department requirements and in support of a Special Use Application Permit submitted to the Director of the Urban Planning and Land Use Department by the property landowners Scott Anthony Johnson and Rebecca Johnson. It has been revised from the original submittals of December 16, 2018, and January 11, 2016, in accordance with comments from the Urban Planning and Land Use Department of the Unified Government of Wyandotte County and Kansas City, Kansas. The property described herein is currently zoned M-3 and no zoning change is being requested. Information for the property owner and Engineer providing this report are indicated below:

**Property Owner:**

Scott Anthony Johnson/Rebecca Johnson  
20103 Nall Avenue  
Stilwell, Kansas 66085  
Cell# (913) 271-5842  
saj10@yahoo.com

**Engineer:**

Robert J. Johnson, P.E., CEM  
7946 Lake Ridge Parkway  
Ozawie, Kansas 66070  
Cell# (785) 650-9021  
bobjohnson@centurylink.net

The property for which a Special Use Permit is requested is located at 521 S. 11<sup>th</sup> Street, Kansas City, Kansas 66105. The intended use of the property is for operation of an automotive recycling business, Scojo's Recycling, LLC (a business of the property owners). This business purchases defunct automobiles and/or other similar equipment, removes valuable recyclable components, and then delivers the remaining vehicles/equipment to nearby scrap metal purchasers. This business is not a retail sales business or salvage yard.

The property is located on the southeast corner of 11<sup>th</sup> Street and Berger in Kansas City, Kansas and is designated number 117 (lots 071505 Block 2, Lot 1, 071506 Block 2 Lot 2, and 071507 Block 2, Lot 3 all in the Morris & McAlpine Addition) in City mapping provided by GeoSpatial Services. Water, sewer, natural gas and electric services are currently connected to the existing building on Lot 1 at 521 S. 11<sup>th</sup> Street. Water, sewer and natural gas service enters Lot 1 from 11<sup>th</sup> Street at the Southwest corner of the lot. Overhead



electric service is provided to the existing building from the East. No further utility connections are in place or currently anticipated.

The existing building on lot number 017505 is a 1236 square foot single story building generally poor in appearance but structurally solid. This building will become an office and shop for the business. Renovations to both the interior and the exterior of the building are planned and have begun. Specifically, the exterior will be painted and windows updated to significantly improve the appearance of the building. Interior upgrades will be completed to accommodate a small office and workshop. A small sign is planned to indicate the name of the business and its address.

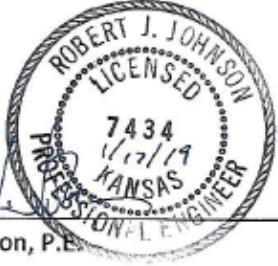
A parking/work area will be developed on the east side of the building with a gated fence opening facing north. As further described herein, the parking area will be reinforced concrete and will accommodate up to three large vehicles. It will provide space for the above described removal of valuable recyclable components before transporting the remainder of vehicles to the scrap metal purchaser. While the planned business does not anticipate leakage or spills of automotive fluids in its normal course of operation, the concrete parking/work area will facilitate easy cleanup should one occur. Appropriate cleanup supplies and tools will be maintained on-site should a leak occur.

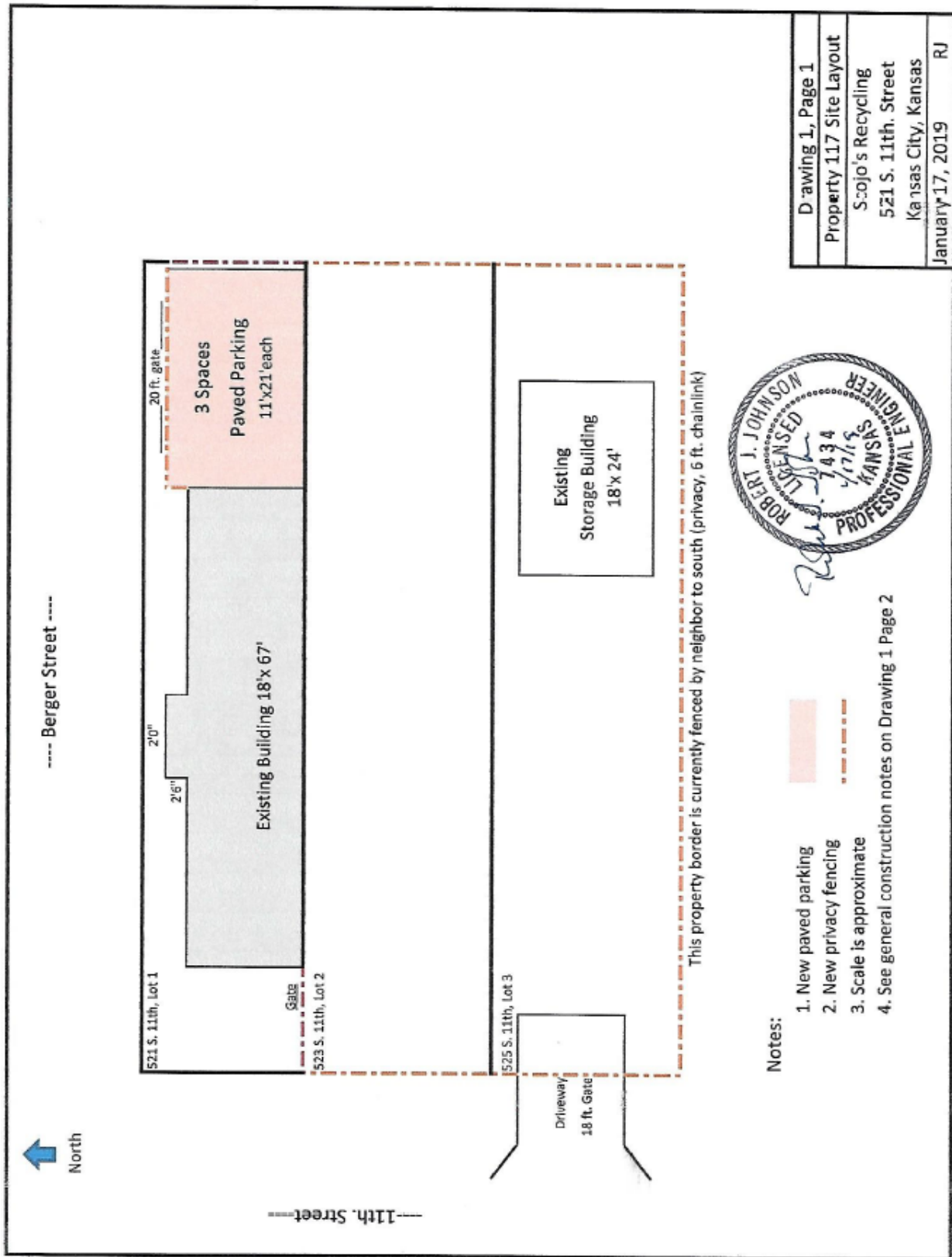
Lots 071506 and 071507 have in the past been used for parking/storage by a nearby business. All the storage trailers and boxes owned by that business are currently being removed. The southern most lot number 071507 has a driveway facing 11<sup>th</sup> street and a 432 square foot storage building on the rear of the lot. While neither of these two lots is required for the business, they are owned by the Johnsons and will be fenced as a unit with the northern lot. As described herein, the fencing planned is to be a 8 foot tall architectural screening fence in accordance with Section 27-700 Paragraph B.4 of the Urban Planning and Land Use Department requirements. Initial plans are for one walk-in gate on the west side of the office/shop building and two drive-through gates to be installed at the driveway entrance to Lot 3 (18 foot wide) and east of the office/shop building (20 foot wide) entering to the parking area described above. The two southern lots will be maintained in grass until ultimately needed or otherwise disposed of by the owner.

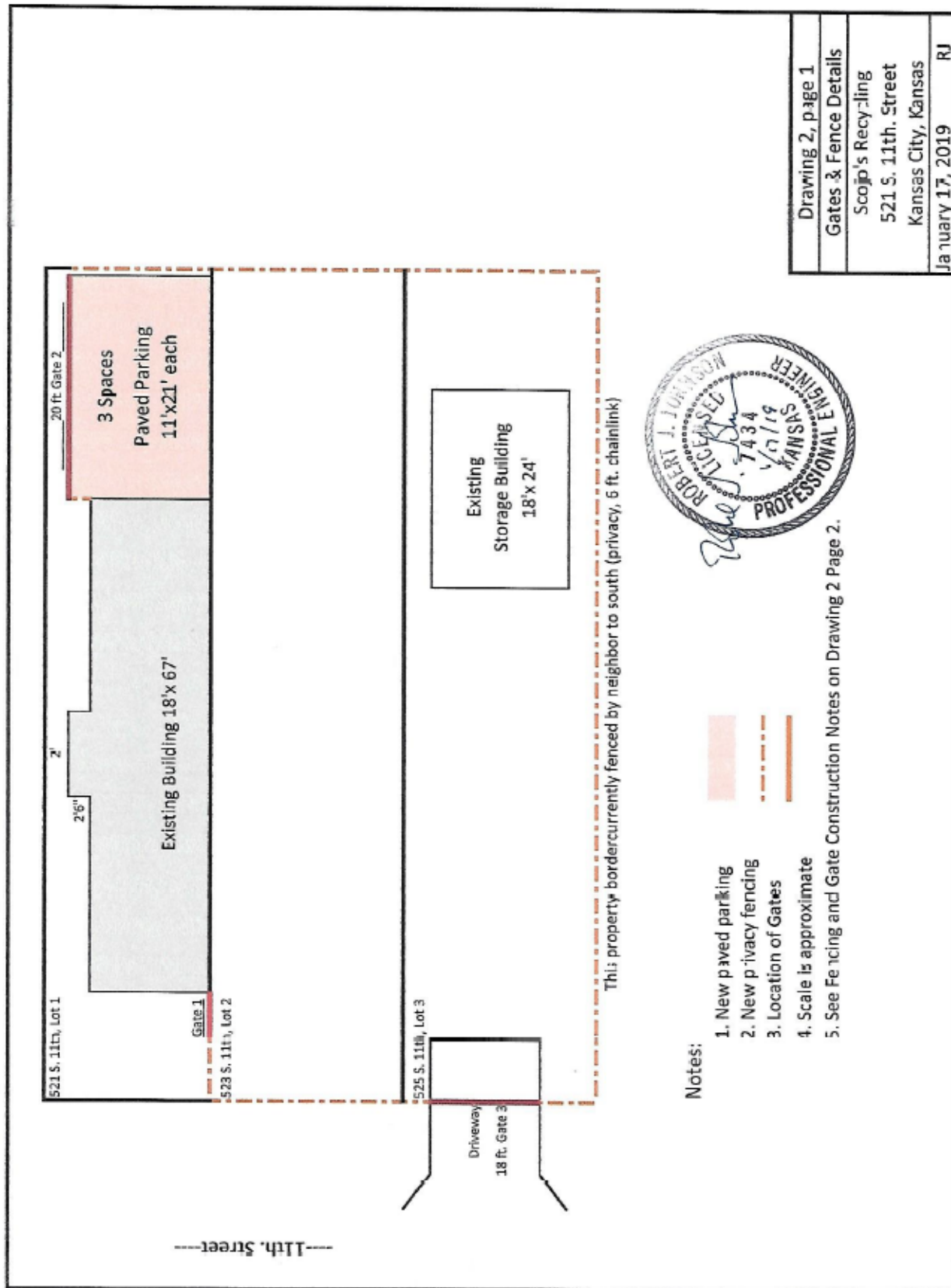
Location of the existing buildings and the planned parking and fencing construction activities are indicated on the attached Drawing 1 (page 1 and 2), Drawing 2 (page 1 and 2) and Drawing 3. An aerial view, provided by UG, is also included for reference. No additional buildings are planned and no changes to existing utilities are requested or needed for this property. No changes to the existing grading, other than the above described staging area paving and fence post installations, are planned. This property,

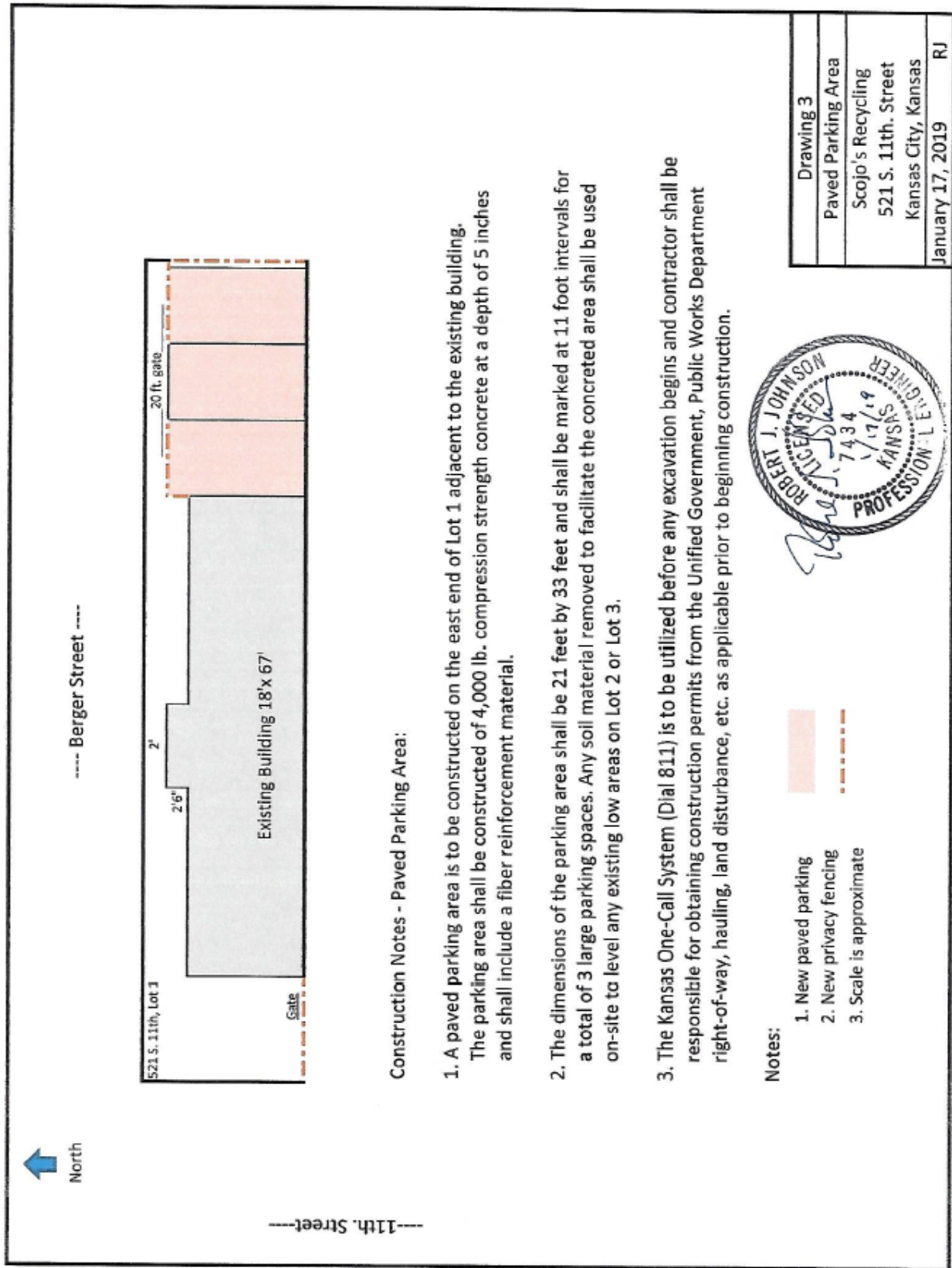
and all property surrounding this property, is in a heavy commercial area zoned M-3. It is essentially level (as are the surrounding businesses, with no indications of past or future drainage issues. Total area of the property is 8752.99 square feet or 0.201 acres.

  
Robert J. Johnson, P.E.



















**Wyandotte County Conservation District**  
1204 N. 79<sup>th</sup> Street - Kansas City, KS 66112 - Phone (913)-334-6329 -  
wyco.conservation@gmail.com

Rob Richardson  
Director of Planning  
701 North 7<sup>th</sup> Street Rm. 423  
Kansas City, KS 66101  
913-573-5750

January 15, 2019

RE: SP 2019-8 Scott and Rebecca Johnson with SCOJO's Recycling INC. 521, 523 and 525 South 11<sup>th</sup> Street

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the site SP 2019-8 Scott and Rebecca Johnson with SCOJO's Recycling INC. 521, 523 and 525 South 11<sup>th</sup> Street.

In addition to the site review the following reports were generated from the Wyandotte County Soil Survey to assess the limitations for development and/or natural resources concerns for this site.

MAPS AND REPORTS

Soils Map  
Soils Inventory Report  
Map Unit Description (Brief)  
Soil features

In summary, the following limitations and resource concerns were noted for this plat:

- There is one major soil type that were identified: Eudora-Urban land complex, rarely flooded. This soil type is considered erodible when the surface is denuded of a protective cover.
- Properly maintained, this site should not cause any major issues. At time of review there were more than three vehicles at the location. The site does need some attention to remove unneeded materials.
- The operation should be diligent in cleaning up any chemical spills immediately so the soil in the area is not contaminate. During rain storms contamination can be incorporated into the storm water runoff and pollute the downstream area.

Technical assistance is available from our office. Limitation maps, detail soils reports and a conservation plan can also be requested for this site from our office.

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern has been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineations on the maps include soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller  
District Manager

## Neighborhood Meeting Sign In Sheet

Scott & Rebecca Johnson  
SCOJO'S Recycling, LLC  
SP-18402-00087  
521 S. 11<sup>th</sup> Street  
Kansas City, KS 66105

\_\_\_\_\_  
Commissioner Brian McKiernan

  
\_\_\_\_\_  
Jeffrey Pearson

\_\_\_\_\_  
Commissioner Tom Burroughs

\_\_\_\_\_  
Linda Pearson

\_\_\_\_\_  
Michael L. Morse

  
\_\_\_\_\_  
Paul D. Rodriguez

\_\_\_\_\_  
Matthew W. Plumb

\_\_\_\_\_  
Daniel E. Fankhauser

\_\_\_\_\_  
Eleventh JJEP LTD

\_\_\_\_\_  
Joseph Pearson

\_\_\_\_\_  
Thomas Pearson

\_\_\_\_\_  
Shafer James



Application Number: SP-18402-00087  
Scott and Rebecca Johnson  
SCOJO'S Recycling, LLC  
521 S. 11<sup>th</sup> Street  
Kansas City, KS 66085

**Meeting Held:**

January 25, 2019  
Armourdale Community Center  
730 Osage Ave  
Kansas City, KS 66105

**Minutes taken by Rebecca Johnson**

**Meeting called to order:**

- 6:30 PM

**Names of people in attendance:**

- Jeffrey Pearson
- Paul Rodriguez

**Intruductions:**

There was no formal presentation given as Paul Rodriguez was the only attendee for most of the meeting, and he jumped right in with questions he already prepared. Jeffrey Pearson came to the meeting at approximately 7:00 and had no questions.

**Questions asked by Mr. Rodriguez:**

1. What are we going to do for security?
2. How much concrete are we pouring as he is concerned about water run-off?
3. What are our hours of operation?
4. How many cars will we be processing per day?
5. How are the cars processed?

**Answers to above questions:**

1. We will install an 8ft privacy fence approved by the planning department and install security cameras.
2. We are only pouring enough concrete next to the building to park 3 cars which is approved by the planning department. Mr. Rodriguez was ok with this amount.
3. We will not have set hours of operation as we don't have employees. Scott and Rebecca will be coming and going at different times throughout the day. Mr. Rodriguez seemed to like this because the more we are around, the more it will deter theft in the neighborhood.
4. We will process 2-3 cars per day.
5. After purchasing the cars, we will bring them back to our property, remove a couple of the parts that we will recycle by themselves then tow the car to the scrap metal yard for recycling.

**Meeting adjourned at:**

- 7:20 PM

**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF KS )  
COUNTY OF Johnson ) SS:

MEGAN L. JARVIS  
Notary Public-State of Kansas  
My Appt. Expires 10/23/21

Comes now Rebecca Johnson of lawful age, sound mind and upon his/her oath states as follows:

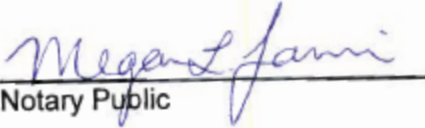
1. That I am the petitioner for Petition # SP-18402-00087
2. That I conducted a neighborhood meeting on January 25, 2019
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Affiant 

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28th day of January, 2019

My commission expires 23 of October, 2021

  
Notary Public



# Staff Request for Commission Action

Tracking No. 19625

**Full Commission Meeting Date:** 2/28/19

**Committee:**

Date of Standing Committee Action: NA  
(If none, please explain):

**Publication Required:** Yes 03/07/2019

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                    |                                |                                            |                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|--------------------------------|--------------------------------------------|--------------------------------------|
| <u>Date:</u><br>02/22/2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <u>Contact Name:</u><br>James Bain | <u>Contact Phone:</u><br>x5077 | <u>Contact Email:</u><br>jbain@wycokck.org | <u>Department/Division:</u><br>Legal |
| <u>Item Description:</u><br><br><b>Project Name: Safe Routes to School, Phase F Project – CMIP 1613</b><br><br>The Commission adopted Resolution No. R-50-18, declaring the project to be necessary, valid public improvement project and authorizing a survey to identify and describe the property to be acquired. The project is the construction of new sidewalks, replacement of existing sidewalk and corresponding pedestrian walkway improvements for William A. White Elementary/West Middle school along Welborn Lane from Georgia Avenue to N. 45 <sup>th</sup> Street; Frances Willard Elementary school along Orville Avenue from N. 28 <sup>th</sup> Street to N. 36 <sup>th</sup> Street, including pedestrian walkway improvements at intersections, submitted by E. James Bain, Assistant Counsel. The Ordinance directs the Chief Counsel to commence legal proceedings to acquire the property described in the survey and necessary for project. |                                    |                                |                                            |                                      |
| <u>Action Requested:</u><br>To approve the ordinance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                    |                                |                                            |                                      |
| <u>Budget Impact: (if applicable)</u><br>Amount:<br>Source:<br>Included In Budget:<br>Other (explain):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                    |                                |                                            |                                      |
| <u>Attachments List:</u><br>3. Ordinance SRTS F                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                    |                                |                                            |                                      |

(Published \_\_\_\_\_)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE** condemning land for the construction, maintenance, operation, reconstruction, and improvements of the **Safe Routes to School, Phase F Project – CMIP 1613**, all in Wyandotte County, Kansas; and directing the Chief Counsel to institute proceedings as provided by law to acquire said land in this ordinance described by condemnation proceedings.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE COUNTY/KANSAS CITY KANSAS**

Section 1. The following described land is hereby condemned and appropriated to the Unified Government of Wyandotte County/Kansas City Kansas for the construction, maintenance, operation, reconstruction and improvements of the **Safe Routes to School, Phase F Project – CMIP 1613**, all in Wyandotte County, Kansas to-wit:

**Tract No. 101 – Parcel No. 914112**

**Fee Owner: Hkel Kloh  
4562 Welborn Lane  
Kansas City, Kansas 66104**

**Permanent Right of Way Easement:**

A Tract of land, for the purpose of a Right-of-Way, in the Northeast Quarter of Section 36, Township 10 South, Range 24 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625 of BHC RHODES, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the North Line of the Southeast Quarter of Section 36, Township 10 South, Range 24 East of the Sixth Principal Meridian having a bearing of North 87° 45' 50" East as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Center Corner of said Section 36, monumented by a found 5/8-inch reinforcing rod, as described by Ronald E. Schroer in Land Survey Reference Report filed with the Kansas State Historical Society as Document Number 231994;

Thence North 87° 45' 50" East, 499.36 feet, on the North line of the Southeast Quarter of said Section 36, to its intersection with the Northeasterly Right-of-Way line of Welborn Lane, said intersection lying South 87° 45' 50" West, 2146.77 feet from the East Quarter Corner of said Section 36, reestablished based on ties described in Land Survey Reference Report filed with the Kansas State Historical Society as document Number 890416,

Thence North 49° 01' 31" West, 122.15 feet, on said Northeasterly Right-of-Way line, to the POINT OF BEGINNING of said Tract herein described;

Thence continuing North 49° 01' 31" West, 30.00 feet, on said Northeasterly Right-of-Way line, to its intersection with the South Right-of-Way line of Georgia Avenue;

Thence North 87° 46' 36" East, 20.00 feet, on said South Right-of-Way line;

Thence South 07° 25' 32" East, 20.62 feet, to the POINT OF BEGINNING,  
said Tract containing 205 square feet or 0.0047 acres.

AND

**Temporary Construction Easement:**

Two Tracts of land, herein known as Tract 1 and Tract 2, for the purpose of a temporary construction easement, in the Northeast Quarter and Southeast Quarter of Section 36, Township 10 South, Range 24 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said Tracts being more particularly described by Joseph H. McLaughlin, PLS 1625 of BHC RHODES, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the North Line of the Southeast Quarter of Section 36, Township 10 South, Range 24 East of the Sixth Principal Meridian having a bearing of North 87° 45' 50" East as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

**Tract 1**

COMMENCING at the Center Corner of said Section 36, monumented by a found 5/8-inch reinforcing rod, as described by Ronald E. Schroer in Land Survey Reference Report filed with the Kansas State Historical Society as Document Number 231994;

Thence North 87° 45' 50" East, 499.36 feet, on the North line of the Southeast Quarter of said Section 36, to its intersection with the Northeasterly Right-of-Way line of Welborn Lane, said intersection lying South 87° 45' 50" West, 2146.77 feet from the East Quarter Corner of said Section 36, reestablished based on ties described in Land Survey Reference Report filed with the Kansas State Historical Society as document Number 890416, said intersection also being the POINT OF BEGINNING of said Tract 1 herein described;

Thence North 49° 01' 31" West, 122.15 feet, on said Northeasterly Right-of-Way line;

Thence departing said Northeasterly Right-of-Way line, North 07° 25' 32" West, 12.05 feet, to a point hereinafter referred to as Point "A";

Thence South 49° 01' 31" East, 198.72 feet, parallel with and 8.00 feet Northeasterly of said Northeasterly Right-of-Way line;

Thence North 40° 58' 29" East, 14.00 feet, perpendicular to the last described course;

Thence South 49° 01' 31" East, 4.48 feet, to the Southeasterly line of a parcel of land described by a Warranty Deed recorded in Document Number 2015R-06311;

Thence South 40° 58' 29" West, 22.00 feet, on said Southeasterly parcel line, to its intersection with said Northeasterly Right-of-Way line;

Thence North 49° 01' 31" West, 72.03 feet, on said Northeasterly Right-of-Way line, to the POINT OF BEGINNING, said Tract containing 1,652 square feet or 0.0379 acres.

**Tract 2**

COMMENCING at aforesaid Point "A";



Thence North 07° 25' 32" West, 0.54 feet, to the POINT OF BEGINNING of said Tract 2 herein described;

Thence continuing North 07° 25' 32" West, 8.03 feet, to the South Right-of-Way line of Georgia Avenue;

Thence North 87° 46' 36" East, 94.55 feet, on said South Right-of-Way line;

Thence South 02° 13' 24" West, 14.00 feet, perpendicular to the last described course;

Thence South 87° 46' 36" West, 30.00 feet, parallel with and 14.00 feet South of said South Right-of-Way line;

Thence North 02° 13' 24" West, 6.00 feet, perpendicular to the last described course;

Thence South 87° 46' 36" West, 63.82 feet, parallel with and 8.00 feet South, of said South Right-of-Way line, to the POINT OF BEGINNING, said Tract 2 containing 933 square feet or 0.0214 acres.

**Tract No. 102 – Parcel ID No. 914253**

**Fee Owner: Teodoro Lozoya-Mata and Olga Garcia Demata  
4560 Welborn Lane  
Kansas City, Kansas 66104**

**Temporary Construction Easement:**

A Tract of land for the purpose of a temporary construction easement, in the Southeast Quarter of Section 36, Township 10 South, Range 24 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625 of BHC RHODES, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the North Line of the Southeast Quarter of Section 36, Township 10 South, Range 24 East of the Sixth Principal Meridian having a bearing of North 87° 45' 50" East as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Center Corner of said Section 36, monumented by a found 5/8-inch reinforcing rod, as described by Ronald E. Schroer in Land Survey Reference Report filed with the Kansas State Historical Society as Document Number 231994;

Thence North 87° 45' 50" East, 499.36 feet, on the North line of the Southeast Quarter of said Section 36, to its intersection with the Northeasterly Right-of-Way line of Welborn Lane, said intersection lying South 87° 45' 50" West, 2146.77 feet from the East Quarter Corner of said Section 36, reestablished based on ties described in Land Survey Reference Report Number 890416;

Thence South 49° 01' 31" East, 72.03 feet, on said Northeasterly Right-of-Way line, to the Northwesterly line of a parcel of land described by a Kansas Warranty Deed recorded in Document Number 2018R-09330 and the POINT OF BEGINNING of said Tract herein described;

Thence North 40° 58' 29" East, 22.00 feet on said Northwesterly parcel line;

Thence South 49° 01' 31" East, 17.52 feet, parallel with and 22.00 feet Northeasterly of the said Northeasterly Right-of-Way line;

Thence South 40° 58' 29" West, 16.00 feet, perpendicular to the last described course;

Thence South 49° 01' 31" East, 62.48 feet, parallel with and 6.00 feet Northeasterly of said Northeasterly Right-of-Way line, to the Southeasterly line of said parcel;

Thence South 40° 58' 29" West, 6.00 feet, on said Southeasterly parcel line, to its intersection with said Northeasterly Right-of-Way line;

Thence North 49° 01' 31" West, 80.00 feet, on said Northeasterly Right-of-Way line, to the POINT OF BEGINNING, said Tract containing 760 square feet or 0.0174 acres.

**Tract No. 103 – Parcel 914252**

**Fee Owner: Donald Lee & Shelly Taffe  
4550 Welborn Lane  
Kansas City, Kansas 66104**

**Temporary Construction Easement:**

A Tract of land for the purpose of a temporary construction easement, in the Southeast Quarter of Section 36, Township 10 South, Range 24 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625 of BHC RHODES, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the North Line of the Southeast Quarter of Section 36, Township 10 South, Range 24 East of the Sixth Principal Meridian having a bearing of North 87° 45' 50" East as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Center Corner of said Section 36, monumented by a found 5/8-inch reinforcing rod, as described by Ronald E. Schroer in Land Survey Reference Report filed with the Kansas State Historical Society as Document Number 231994;

Thence North 87° 45' 50" East, 499.36 feet, on the North line of the Southeast Quarter of said Section 36, to its intersection with the Northeasterly Right-of-Way line of Welborn Lane, said intersection lying South 87° 45' 50" West, 2146.77 feet from the East Quarter Corner of said Section 36, reestablished based on ties described in Land Survey Reference Report Number 890416;

Thence South 49° 01' 31" East, 152.03 feet, on said Northeasterly Right-of-Way line, to the Northwesterly line of a parcel of land described by a Warranty Deed recorded in Document Number 1292504 in Book 4661 at Page 723 and the POINT OF BEGINNING of said Tract herein described;

Thence North 40° 58' 29" East, 23.00 feet, on said Northwesterly parcel line;

Thence South 49° 01' 31" East, 23.00 feet, parallel with and 23.00 feet Northeasterly of the said Northeasterly Right-of-Way line;

Thence South 40° 58' 29" West, 20.00 feet, perpendicular to the last described course;

Thence South 49° 01' 31" East, 72.00 feet, parallel with and 3.00 feet Northeasterly of said Northeasterly Right-of-Way line, to the Southeasterly line of said parcel;

Thence South 40° 58' 29" West, 3.00 feet, on said Southeasterly parcel line, to its intersection with said Northeasterly Right-of-Way line;

Thence North 49° 01' 31" West, 95.00 feet, on said Northeasterly Right-of-Way line, to the POINT OF BEGINNING, said Tract containing 745 square feet or 0.0171 acres.

**Tract No. 104 – Parcel 914251**

**Fee Owner: Josh & Sharon Taylor  
4544 Welborn Lane  
Kansas City, Kansas 66104**

**Temporary Construction Easement:**

A Tract of land for the purpose of a temporary construction easement, in the Southeast Quarter of Section 36, Township 10 South, Range 24 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625 of BHC RHODES, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the North Line of the Southeast Quarter of Section 36, Township 10 South, Range 24 East of the Sixth Principal Meridian having a bearing of North 87° 45' 50" East as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Center Corner of said Section 36, monumented by a found 5/8-inch reinforcing rod, as described by Ronald E. Schroer in Land Survey Reference Report filed with the Kansas State Historical Society as Document Number 231994;

Thence North 87° 45' 50" East, 499.36 feet, on the North line of the Southeast Quarter of said Section 36, to its intersection with the Northeasterly Right-of-Way line of Welborn Lane, said intersection lying South 87° 45' 50" West, 2146.77 feet from the East Quarter Corner of said Section 36, reestablished based on ties described in Land Survey Reference Report Number 890416;

Thence South 49° 01' 31" East, 247.03 feet, on said Northeasterly Right-of-Way line, to the Northwestern line of a parcel of land described by a Trustee's Deed recorded in Document Number 2002R-07865 in Book 4406, Page 749 and the POINT OF BEGINNING of said Tract herein described;

Thence North 40° 58' 29" East, 3.00 feet, on said Northwestern parcel line;

Thence South 49° 01' 31" East, 89.51 feet, parallel with and 3.00 feet Northeasterly of the said Northeasterly Right-of-Way line;

Thence North 40° 58' 29" East, 7.00 feet, perpendicular to the last described course;

Thence South 49° 01' 31" East, 40.00 feet, parallel with and 10.00 feet Northeasterly of said Northeasterly Right-of-Way line, to the Southeasterly line of said parcel;

Thence South 40° 58' 29" West, 10.00 feet, on said Southeasterly parcel line, to its intersection with said Northeasterly Right-of-Way line;

Thence North 49° 01' 31" West, 129.51 feet, on said Northeasterly Right-of-Way line, to the POINT OF BEGINNING, said Tract containing 669 square feet or 0.0154 acres.

**Tract No. 105 – Parcel 914250**

**Fee Owner: Jethro Horn**  
**4536 Welborn Lane**  
**Kansas City, Kansas 66104**

**Temporary Construction Easement:**

A Tract of land for the purpose of a temporary construction easement, in the Southeast Quarter of Section 36, Township 10 South, Range 24 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625 of BHC RHODES, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the North Line of the Southeast Quarter of Section 36, Township 10 South, Range 24 East of the Sixth Principal Meridian having a bearing of North 87° 45' 50" East as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Center Corner of said Section 36, monumented by a found 5/8-inch reinforcing rod, as described by Ronald E. Schroer in Land Survey Reference Report filed with the Kansas State Historical Society as Document Number 231994;

Thence North 87° 45' 50" East, 499.36 feet, on the North line of the Southeast Quarter of said Section 36, to its intersection with the Northeasterly Right-of-Way line of Welborn Lane, said intersection lying South 87° 45' 50" West, 2146.77 feet from the East Quarter Corner of said Section 36, reestablished based on ties described in Land Survey Reference Report Number 890416;

Thence South 49° 01' 31" East, 376.54 feet, on said Northeasterly Right-of-Way line, to the Northwestern line of a parcel of land described by a Quit Claim Deed recorded in Document Number 1232397 in Book 3853 at Page 541 and the POINT OF BEGINNING of said Tract herein described;

Thence North 40° 58' 29" East, 4.00 feet, on said Northwestern parcel line;

Thence South 49° 01' 31" East, 56.00 feet, parallel with and 4.00 feet Northeasterly of the said Northeasterly Right-of-Way line;

Thence North 40° 58' 29" East, 5.00 feet, perpendicular to the last described course;

Thence South 49° 01' 31" East, 34.00 feet, parallel with and 5.00 feet Northeasterly of said Northeasterly Right-of-Way line, to the Southeasterly line of said parcel;

Thence South 40° 58' 29" West, 9.00 feet, on said Southeasterly parcel line, to its intersection with said Northeasterly Right-of-Way line;

Thence North 49° 01' 31" West, 90.00 feet, on said Northeasterly Right-of-Way line, to the POINT OF BEGINNING, said Tract containing 530 square feet or 0.0122 acres.

**Tract No. 106 – Parcel 914249**

**Fee Owner: Vasty Deanda & Fransico Javier Raygoza**  
**4528 Welborn Lane**  
**Kansas City, Kansas 66104**

**Temporary Construction Easement:**

A Tract of land for the purpose of a temporary construction easement, in the Southeast Quarter of Section 36, Township 10 South, Range 24 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625 of BHC RHODES, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the North Line of the Southeast Quarter of Section 36, Township 10 South, Range 24 East of the Sixth Principal Meridian having a bearing of North 87° 45' 50" East as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Center Corner of said Section 36, monumented by a found 5/8-inch reinforcing rod, as described by Ronald E. Schroer in Land Survey Reference Report filed with the Kansas State Historical Society as Document Number 231994;

Thence North 87° 45' 50" East, 499.36 feet, on the North line of the Southeast Quarter of said Section 36, to its intersection with the Northeasterly Right-of-Way line of Welborn Lane, said intersection lying South 87° 45' 50" West, 2146.77 feet from the East Quarter Corner of said Section 36, reestablished based on ties described in Land Survey Reference Report Number 890416;

Thence South 49° 01' 31" East, 466.54 feet on said Northeasterly Right-of-Way line, to the Northwestern line of a parcel of land described by a General Warranty Deed recorded in Document Number 2014R-14231 and the POINT OF BEGINNING of said Tract herein described;  
Thence North 40° 58' 29" East, 5.00 feet on said Northwestern parcel line;

Thence South 49° 01' 31" East, 43.00 feet, parallel with and 5.00 feet Northeasterly of the said Northeasterly Right-of-Way line;

Thence North 40° 58' 29" East, 8.00 feet, perpendicular to the last described course;

Thence South 49° 01' 31" East, 27.00 feet, parallel with and 13.00 feet Northeasterly of said Northeasterly Right-of-Way line, to the Southeasterly line of said parcel;

Thence South 40° 58' 29" West, 13.00 feet, on said Southeasterly parcel line, to its intersection with said Northeasterly Right-of-Way line;

Thence North 49° 01' 31" West, 70.00 feet, on said Northeasterly Right-of-Way line, to the POINT OF BEGINNING, said Tract containing 566 square feet or 0.0130 acres.



**Tract No. 107 – Parcel 914248**

**Fee Owner: Darrell Matthews  
4520 Welborn Lane  
Kansas City, Kansas 66104**

**Temporary Construction Easement:**

A Tract of land for the purpose of a temporary construction easement, in the Southeast Quarter of Section 36, Township 10 South, Range 24 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625 of BHC RHODES, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the North Line of the Southeast Quarter of Section 36, Township 10 South, Range 24 East of the Sixth Principal Meridian having a bearing of North 87° 45' 50" East as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Center Corner of said Section 36, monumented by a found 5/8-inch reinforcing rod, as described by Ronald E. Schroer in Land Survey Reference Report filed with the Kansas State Historical Society as Document Number 231994;

Thence North 87° 45' 50" East, 499.36 feet, on the North line of the Southeast Quarter of said Section 36, to its intersection with the Northeasterly Right-of-Way line of Welborn Lane, said intersection lying South 87° 45' 50" West, 2146.77 feet from the East Quarter Corner of said Section 36, reestablished based on ties described in Land Survey Reference Report Number 890416;

Thence South 49° 01' 31" East, 536.54 feet on said Northeasterly Right-of-Way line, to the Northwestern line of a parcel of land described by a Transfer On Death Deed recorded in Book 3957 at Page 303 and the POINT OF BEGINNING of said Tract herein described;

Thence North 40° 58' 29" East, 15.00 feet on said Northwestern parcel line;

Thence South 49° 01' 31" East, 45.00 feet, parallel with and 15.00 feet Northeasterly of the said Northeasterly Right-of-Way line;

Thence South 40° 58' 29" West, 5.00 feet, perpendicular to the last described course;

**Tract No. 108 – Parcel 914242**

**Fee Owner: Alejandro Lomo Chayres  
2534 N. 45<sup>th</sup> St.  
Kansas City, Kansas 66104**

**Permanent Right of Way Easement:**

A Tract of land for the purpose of a Right-of-Way, in the Southeast Quarter of Section 36, Township 10 South, Range 24 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625 of BHC RHODES, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the North Line of the Southeast Quarter of Section 36, Township 10 South, Range 24 East of the Sixth Principal

Meridian having a bearing of North 87° 45' 50" East as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Center Corner of said Section 36, monumented by a found 5/8-inch reinforcing rod, as described by Ronald E. Schroer in Land Survey Reference Report filed with the Kansas State Historical Society as Document Number 231994;

Thence North 87° 45' 50" East, 499.36 feet, on the North line of the Southeast Quarter of said Section 36, to its intersection with the Northeasterly Right-of-Way line of Welborn Lane, said intersection lying South 87° 45' 50" West, 2146.77 feet from the East Quarter Corner of said Section 36, reestablished based on ties described in Land Survey Reference Report Number 890416;

Thence South 49° 01' 31" East, 863.75 feet, on said Northeasterly Right-of-Way line, to the POINT OF BEGINNING of said Tract herein described;

Thence departing said Northeasterly Right-of-Way line, North 60° 52' 48" East, 11.30 feet, to the West Right-of-Way line of North 45th Street;

Thence South 01° 20' 00" East, 14.37 feet, on said West Right-of-Way line, to said Northeasterly Right-of-Way line;

Thence North 49° 01' 31" West, 13.52 feet, on said Northeasterly Right-of-Way line, to the POINT OF BEGINNING, said Tract containing 72 square feet or 0.0017 acres.

**AND**

**Temporary Construction Easement:**

A Tract of land for the purpose of a temporary construction easement, in the Southeast Quarter of Section 36, Township 10 South, Range 24 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625 of BHC RHODES, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the North Line of the Southeast Quarter of Section 36, Township 10 South, Range 24 East of the Sixth Principal Meridian having a bearing of North 87° 45' 50" East as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Center Corner of said Section 36, monumented by a found 5/8-inch reinforcing rod, as described by Ronald E. Schroer in Land Survey Reference Report filed with the Kansas State Historical Society as Document Number 231994; Thence North 87° 45' 50" East, 499.36 feet, on the North line of the Southeast Quarter of said Section 36, to its intersection with the Northeasterly Right-of-Way line of Welborn Lane, said intersection lying South 87° 45' 50" West, 2146.77 feet from the East Quarter Corner of said Section 36, reestablished based on ties described in Land Survey Reference Report Number 890416; Thence South 49° 01' 31" East, 701.07 feet on said Northeasterly Right-of-Way line, to the West line of a parcel of land described by a Kansas Quit Claim Deed, recorded in Document Number 2011R-06944 and the POINT OF BEGINNING of said Tract herein described;

Thence, North 01° 14' 01" West, 18.90 feet, on said West parcel line;

Thence South 49° 01' 31" East, 176.15 feet, parallel with and 14.00 feet Northeasterly of said Northeasterly Right-of-Way line, to the West Right-of-Way line of North 45th Street;

Thence South 01° 20' 00" East, 4.56 feet, on said West Right-of-Way line;

Thence departing said West Right-of-Way line, South 60° 52' 48" West, 11.30 feet, to its intersection with said Northeasterly Right-of-Way line;

Thence North 49° 01' 31" West, 162.68 feet, on said Northeasterly Right-of-Way line, to the POINT OF BEGINNING, said Tract containing 2,395 square feet or 0.0550 acres.

**Tract No. 109 – Parcel 174327**

**Fee Owner: Pee Kay, LLC  
Pinder P. Hundal  
4501 Welborn Lane  
Kansas City, Kansas 66104**

**Permanent Right of Way Easement:**

A Tract of land for the purpose of a Right-of-Way, being part of Lot 6, BARKER TRACTS, a subdivision of land, recorded September 21, 1928, in Book 17 at Page 38, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625 of BHC RHODES, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the Northeasterly Line of said Tract 6 having a bearing of South 49° 41' 12" East as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Northeast corner of said Lot 6, monumented by a found 1/2-inch reinforcing rod;

Thence South 49° 41' 12" East, 143.20 feet, on the Northeasterly line of said Lot 6, to the POINT OF BEGINNING of said Tract herein described;

Thence continuing on said Northeasterly line, South 49° 41' 12" East, 56.48 feet, to the Southeast corner of said Lot 6;

Thence South 87° 46' 48" West, 41.62 feet; on the South line of said Lot 6;

Thence departing said South line, North 02° 13' 12" West, 38.18 feet, to the POINT OF BEGINNING, said Tract containing 795 square feet or 0.0183 acres.

**AND**

**Temporary Construction Easement:**

A Tract of land for the purpose of a temporary construction easement, being part of Lot 6, BARKER TRACTS, a subdivision of land, recorded September 21, 1928, in Book 17 at Page 38, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625 of BHC RHODES, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the Northeasterly Line of said Tract 6 having a bearing of South 49° 41' 12" East as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Northeast corner of said Lot 6, monumented by a found 1/2-inch reinforcing rod;

Thence South 49° 41' 12" East, 105.76 feet, on the Northeasterly line of said Lot 6, to the North line of a parcel of land described by a Quit Claim Deed, recorded in Document Number 2017R-13925, and the POINT OF BEGINNING of said Tract herein described;

Thence continuing on said Northeasterly line, South 49° 41' 12" East, 37.44 feet;

Thence departing said Northeasterly line, South 02° 13' 12" East, 38.18 feet, to the South line of said Lot 6;

Thence South 87° 46' 48" West, 26.38 feet; on said South line;

Thence departing said South line, North 22° 18' 06" West, 67.60 feet, to said North parcel line;

Thence North 87° 46' 48" East, 22.00 feet, on said North parcel line, to the POINT OF BEGINNING, said Tract containing 2,063 square feet or 0.0474 acres.

**Tract No. 110 – Parcel 174302**

**Fee Owner: J-Block, LLC  
4515 Welborn Lane  
Kansas City, Kansas 66104**

**Temporary Construction Easement:**

A Tract of land for the purpose of a temporary construction easement, being part of Tract 6, BARKER TRACTS, a subdivision of land, recorded September 21, 1928, in Book 17 at Page 38, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625 of BHC RHODES, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the Northeasterly Line of said Tract 6 having a bearing of South 49° 41' 12" East as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Northeast corner of said Tract 6, monumented by a found 1/2-inch reinforcing rod,

Thence South 49° 41' 12" East, 27.23 feet, on the Northeasterly line of said Tract 6, also being the Southerly Right-of-Way line of Welborn Lane, to the POINT OF BEGINNING of said Tract herein described;

Thence continuing on said Northeasterly line, and said Right-of-Way line, South 49° 41' 12" East, 78.53 feet, on said Northeasterly line, and said Right-of-Way line, to the Southeast corner of a parcel of land described by a Warranty Deed, recorded in Document Number 2017R-18639;

Thence South 87° 46' 48" West, 25.15 feet, on the South line of said parcel;

Thence departing said South line, North 49° 41' 12" West, 35.00 feet, parallel with and 17.00 feet Southwesterly of said Northeasterly line;

Thence North 40° 18' 48" East, 12.00 feet, perpendicular to the last described course;

Thence North 49° 41' 12" West, 25.00 feet, parallel with and 5.00 feet Southwesterly of said Northeasterly line;

Thence North 40° 18' 48" East, 5.00 feet, perpendicular to the last described course, to the POINT OF BEGINNING, said Tract containing 878 square feet or 0.0202 acres.

**Tract No. 111 – Parcel 174300**

**Fee Owner: Gabriele Otto**  
**4519 Welborn Lane**  
**Kansas City, Kansas 66104**

**Temporary Construction Easement:**

A Tract of land for the purpose of a temporary construction easement, being part of Tract 7, BARKER TRACTS, a subdivision of land, recorded September 21, 1928, in Book 17 at Page 38, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625 of BHC RHODES, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the Northeasterly Line of said Tract 7 having a bearing of South 49° 41' 12" East as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Southeast corner of Lot 5, HORNER RESURVEY OF TRACTS 7 AND 8 BARKER TRACTS;

Thence South 49° 41' 12" East, 123.34 feet, on the Northeasterly line of said Tract 7, also being the Southerly Right-of-Way line of Welborn Lane, to the Southeast corner of said Tract 7, monumented by a found 1/2-inch reinforcing rod;

Thence South 87° 46' 48" West, 26.63 feet, on the South line of said Tract 7;

Thence departing said South line, North 49° 41' 12" West, 123.34 feet, parallel with and 18.00 feet Southwesterly of said Northeasterly line, to the South line of said Lot 5, HORNER RESURVEY OF TRACTS 7 AND 8 BARKER TRACTS;

Thence North 87° 46' 48" East, 26.63 feet, on said South line, to the POINT OF BEGINNING, said Tract containing 2,220 square feet or 0.0510 acres.



**Tract No. 112 – Parcel 174207**

**Fee Owner: Diana Girsch & Vivian Parker**  
**4525 Welborn Lane**  
**Kansas City, Kansas 66104**

**Temporary Construction Easement:**

A Tract of land for the purpose of a temporary construction easement, being part of Lot 5, HORNER RESURVEY OF TRACTS 7 AND 8 BARKER TRACTS, a subdivision of land, recorded May 6, 1949, in Book 24 at Page 6, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625 of BHC RHODES, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the Northeasterly Line of said Tract 5 having a bearing of South 49° 41' 12" East as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Northeast corner of said Lot 5;

Thence South 49° 41' 12" East, 65.50 feet, on the Northeasterly line of said Lot 5, also being the Southerly Right-of-Way line of Welborn Lane, to the POINT OF BEGINNING of said Tract herein described;

Thence continuing on said Northeasterly line, and said Right-of-Way line, South 49° 41' 12" East, 84.50 feet, on said Northeasterly line, and said Right-of-Way line, to the Southeast corner of said Lot 5;

Thence South 87° 46' 48" West, 26.63 feet, on the South line of said Lot 5;

Thence departing said South line, North 49° 41' 12" West, 64.85 feet, parallel with and 18.00 feet Southwesterly of said Northeasterly line;

Thence North 40° 12' 33" East, 18.00 feet, to the POINT OF BEGINNING, said Tract containing 1,344 square feet or 0.0309 acres.

**Tract No. 201 – Parcel 056107**

**Fee Owner: USD 500**  
**3400 Orville Ave.**  
**Kansas City, Kansas 66102**

**Temporary Construction Easement:**

A Tract of land for the purpose of a temporary construction easement, being part of vacated 34th Street, Lot 9, in Block 3 and Lots 14 thru 18, in Block 2, PARK HEIGHTS, a subdivision of land, recorded November 1, 1907, in Plat Book 10 at Page 7A, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625, of BHC RHODES, KS CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the South line of said Blocks 2 and 3 having a bearing of South 87° 49' 03" West as determined by Global Positioning System observations referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Southeast corner of said Lot 9;

Thence South 87° 49' 03" West, 366.00 feet, on the South line of said Blocks 2 and 3;

Thence departing said South line, North 02° 10' 57" West, 6.00 feet, perpendicular to the last described course;

Thence North 87° 49' 03" East, 341.00 feet, parallel with and 6.00 feet North of said South line;

Thence North 02° 13' 49" West, 5.00 feet;

Thence North 87° 49' 03" East, 25.00 feet, parallel with and 11.00 feet North of said South line, to the East line of said Lot 9;

Thence South 02° 13' 49" East, 11.00 feet, on said East line, to the POINT OF BEGINNING, said Tract containing 2,321 square feet or 0.0533 acres.

**Tract No. 202 – Parcel 056006**

**Fee Owner: Victor & Maria Becerra**  
**3306 Orville Ave.**  
**Kansas City, Kansas 66102**

**Temporary Construction Easement:**

A Tract of land for the purpose of a temporary construction easement, being part of Lot 25, BLODGETT HEIGHTS, a subdivision of land, recorded May 3, 1910, in Plat Book 11 at Page 23, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625, of BHC RHODES, KS CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the South line of said Lot 25 having a bearing of South 87° 49' 03" West as determined by Global Positioning System observations referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Southwest corner of said Lot 25;

Thence North 02° 13' 49" West, 8.00 feet, on the West line of said Lot 25;

Thence North 87° 49' 03" East, 7.00 feet, parallel with and 8.00 feet North of the South line of said Lot 25;

Thence South 02° 13' 49" East, 8.00 feet, to said South line, parallel with and 7.00 feet East of said West line;

Thence South 87° 49' 03" West, 7.00 feet, on said South line, to the POINT OF BEGINNING, said Tract containing 56 square feet or 0.0013 acres.

**Tract No. 203 – Parcel 056007**

**Fee Owner: Silvino Estrada**  
**3300 Orville Ave.**  
**Kansas City, Kansas 66102**

**Temporary Construction Easement:**

A Tract of land for the purpose of a temporary construction easement, being part of Lots 22 and 23, BLODGETT HEIGHTS, a subdivision of land, recorded May 3, 1910, in Plat Book 11 at Page 23, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625, of BHC RHODES, KS CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the South line of said Lots 22 and 23 having a bearing of South 87° 49' 03" West as determined by Global Positioning System observations referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Southwest corner of said Lot 23;

Thence North 02° 13' 49" West, 19.00 feet, on the West line of said Lot 23;

Thence North 87° 49' 03" East, 65.00 feet, parallel with and 19.00 feet North of the South line said Lots 22 and 23, to the East line of said Lot 22;

Thence South 02° 13' 49" East, 19.00 feet, on said East line, to the Southeast corner of said Lot 22;

Thence South 87° 49' 03" West, 65.00 feet, on said South line, to the POINT OF BEGINNING, said Tract containing 1,235 square feet or 0.0283 acres.

**Tract No. 204 – Parcel 056008**

**Fee Owner: Lawrence Schmalz  
3226 Orville Ave.  
Kansas City, Kansas 66102**

**Temporary Construction Easement:**

A Tract of land for the purpose of a temporary construction easement, being part of Lots 20 and 21, BLODGETT HEIGHTS, a subdivision of land, recorded May 3, 1910, in Plat Book 11 at Page 23, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625, of BHC RHODES, KS CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the South line of said Lots 20 and 21 having a bearing of South 87° 49' 03" West as determined by Global Positioning System observations referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Southwest corner of said Lot 21;

Thence North 02° 13' 49" West, 5.00 feet, on the West line of said Lot 21;

Thence North 87° 49' 03" East, 35.80 feet, to the East line of a parcel of land described by a Warranty Deed recorded in Book 3755 at Page 138;

Thence South 02° 13' 49" East, 5.00 feet, on said East line to the South line of said Lot 21, monumented by a 1/2-inch reinforcing rod;

Thence South 87° 49' 03" West, 35.80 feet, on said South line, to the POINT OF BEGINNING, said Tract containing 179 square feet or 0.0041 acres.

**Tract No. 205 – Parcel 056009**

**Fee Owner: PLV Management  
3224 Orville Ave.  
Kansas City, Kansas 66102**

**Temporary Construction Easement:**

A Tract of land for the purpose of a temporary construction easement, being part of Lots 18, 19 and 20, BLODGETT HEIGHTS, a subdivision of land, recorded May 3, 1910, in Plat Book 11 at Page 23, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625, of BHC RHODES, KS CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the South line of said Lots 18, 19 and 20 having a bearing of South 87° 49' 03" West as determined by Global Positioning System observations referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Southeast corner of said Lot 18, monumented by a found 1/2-inch reinforcing rod;

Thence South 87° 49' 03" West, 71.00 feet, on the South line of said Lots 18, 19 and 20, to the West line of a parcel of land described by a Warranty Deed, recorded in Document 2013R-13927, monumented by a found 1/2-inch reinforcing rod;

Thence North 02° 13' 49" West, 15.00 feet, on said West line;

Thence North 87° 49' 03" East, 27.00 feet, parallel with and 15.00 feet North of said South line;

Thence South 02° 13' 49" East, 10.00 feet, parallel with and 27.00 feet East of said West line;

Thence North 87° 49' 03" East, 44.00 feet, parallel with and 5.00 feet North of said South line, to the East line of said Lot 18;

Thence South 02° 13' 49" East, 5.00 feet, on said East line, to the POINT OF BEGINNING, said Tract containing 625 square feet or 0.0143 acres.

**Tract No. 206 – Parcel 056010**

**Fee Owner: US Bank Trust NA  
3218 Orville Ave.  
Kansas City, Kansas 66102**

**Temporary Construction Easement:**

A Tract of land for the purpose of a temporary construction easement, being part of Lot 17, BLODGETT HEIGHTS, a subdivision of land, recorded May 3, 1910, in Plat Book 11 at Page 23, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625 of BHC RHODES, KS CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the South line of said Lots 16 and 17 having a bearing of South 87° 49' 03" West as determined by Global Positioning System observations referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Southwest corner of said Lot 17, monumented by a found 1/2-inch reinforcing rod;

Thence North 87° 49' 03" East, 15.00 feet, on the South line of said Lot 17, to the POINT OF BEGINNING of said Tract herein described;

Thence departing said South line, North 02° 13' 49" West, 5.00 feet, parallel with and 10 feet West of the East line of said Lot 17;

Thence North 87° 54' 12" East, 10.00 feet, parallel with and 5.00 feet North of said South line, to said East line;

Thence South 02° 13' 49" East, 5.00 feet, on said East line, to said South line;

Thence South 87° 49' 03" West, 10.00 feet, on said South line, to the POINT OF BEGINNING, said Tract containing 50 square feet or 0.0011 acres.

**Tract No. 207 – Parcel 056012**

**Fee Owner: Gabriel & Lorena Valdovino**  
**3212 Orville Ave.**  
**Kansas City, Kansas 66102**

**Temporary Construction Easement:**

A Tract of land for the purpose of a temporary construction easement, being part of Lots 14 and 15, BLODGETT HEIGHTS, a subdivision of land, recorded May 3, 1910, in Plat Book 11 at Page 23, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625 of BHC RHODES, KS CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the South line of said Lots 14 and 15 having a bearing of South 87° 49' 03" West as determined by Global Positioning System observations referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Southwest corner of said Lot 15;

Thence North 87° 49' 03" East, 10.50 feet, on the South line of said Lot 15, to the POINT OF BEGINNING of said Tract herein described;

Thence departing said South line, North 02° 13' 49" West, 16.00 feet;

Thence North 87° 49' 03" East, 32.00 feet;

Thence South 02° 13' 49" East, 16.00 feet, to said South line;

Thence South 87° 49' 03" West, 32.00 feet, on said South line, to the POINT OF BEGINNING, said Tract containing 512 square feet or 0.0118 acres.



**Tract No. 208 – Parcel 056013**

**Fee Owner: Charlotte & Quintin Webb**  
**3200 Orville Ave.**  
**Kansas City, Kansas 66102**

**Temporary Construction Easement:**

A Tract of land for the purpose of a temporary construction easement, being part of Lots 10 and 11, BLODGETT HEIGHTS, a subdivision of land, recorded May 3, 1910, in Plat Book 11 at Page 23, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625, of BHC RHODES, KS CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the South line of said Lots 10 and 11 having a bearing of South 87° 49' 03" West as determined by Global Positioning System observations referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Southwest corner of said Lot 11;

Thence North 87° 49' 03" East, 15.00 feet, on the South line of said Lot 11, to the POINT OF BEGINNING of said Tract herein described;

Thence departing said South line, North 02° 10' 57" West, 9.00 feet;

Thence North 87° 49' 03" East, 27.00 feet, parallel with and 9.00 feet North of said South line;

Thence South 02° 10' 57" East, 9.00 feet, to a point on the South line of said Lot 10;

Thence South 87° 49' 03" West, 27.00 feet, on said South line of said Lots 10 and 11, to the POINT OF BEGINNING, said Tract containing 243 square feet or 0.0056 acres.

**Tract No. 209 – Parcel 182900**

**Fee Owner: John Anthony Pavlich, Sr.**  
**3124 Orville Ave.**  
**Kansas City, Kansas 66102**

**Temporary Construction Easement:**

A Tract of land for the purpose of a temporary construction easement, being part of Lots 1 and 2, DOWNING'S RESURVEY OF LOT 65, PARKVIEW ADDITION, a subdivision of land, recorded November 19, 1920, in Plat Book 16 at Page 43, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625, of BHC RHODES, KS CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the South line of said Lots 1 and 2 having a bearing of South 87° 49' 03" West as determined by Global Positioning System observations referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Southwest corner of said Lot 1;

Thence North 01° 33' 08" West, 5.00 feet, on the West line of said Lot 1;

Thence North 87° 49' 03" East, 65.00 feet, parallel with and 5.00 feet North of the South Line of said Lots 1 and 2, to the East line of a parcel of land described by a Quit Claim Deed recorded in Book 4259 at Page 329;

Thence South 01° 33' 08" East, 5.00 feet, on the East line of said Quit Claim Deed, to said South line of Lots 1 and 2;

Thence South 87° 49' 03" West, 65.00 feet, on said South line, to the POINT OF BEGINNING, said Tract containing 325 square feet or 0.0075 acres.

**Tract No. 210 – Parcel 182901**

**Fee Owner: Barbara Bell**  
**3116 Orville Ave.**  
**Kansas City, Kansas 66102**

**Temporary Construction Easement:**

A Tract of land for the purpose of a temporary construction easement, being part of Lots 2 and 3, DOWNING'S RESURVEY OF LOT 65, PARKVIEW ADDITION, a subdivision of land, recorded November 19, 1920, in Plat Book 16 at Page 43, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625, of BHC RHODES, KS CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the South line of said Lots 2 and 3 having a bearing of South 87° 49' 03" West as determined by Global Positioning System observations referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Southeast corner of said Lot 2;

Thence South 87° 49' 03" West, 25.00 feet, on the South line of said Lot 2, to the West line of a Parcel of land described by a Warranty Deed, recorded in Book 3719 at Page 134;

Thence North 01° 33' 08" West, 5.00 feet, on said West line;

Thence North 87° 49' 03" East, 41.25 feet, parallel with and 5.00 feet North of the South line of said Lots 2 and 3;

Thence South 02° 10' 57" East, 5.00 feet, to said South line;

Thence South 87° 49' 03" West, 16.30 feet, on said South line, to the POINT OF BEGINNING, said Tract containing 206 square feet or 0.0047 acres.

**Tract No. 211 – Parcel 182902**

**Fee Owner: Marina Talamantes**  
**3108 Orville Ave.**  
**Kansas City, Kansas 66102**

**Temporary Construction Easement:**

Two Tracts of land, herein known as Tract 1 and Tract 2, for the purpose of a temporary construction easement, being part of Lots 4 and 5, DOWNING'S RESURVEY OF LOT 65, PARKVIEW ADDITION, a subdivision of land, recorded November 19, 1920, in Plat Book 16 at Page 43, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly

described by Joseph H. McLaughlin, PLS 1625, of BHC RHODES, KS CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the South line of said Lots 4 and 5 having a bearing of South 87° 49' 03" West as determined by Global Positioning System observations referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

**Tract 1**

BEGINNING at the Southeast corner of said Lot 5;

Thence South 87° 49' 03" West, 11.53 feet, on the South line of said Lot 5;

Thence North 01° 33' 08" West, 7.00 feet;

Thence North 87° 49' 03" East, 11.53 feet, parallel with and 7.00 feet North of said South line, to the East line of said Lot 5;

Thence South 01° 33' 08" East, 7.00 feet, on said East line, to the POINT OF BEGINNING, said Tract 1 containing 81 square feet or 0.0019 acres.

AND

**Tract 2**

COMMENCING at the Southeast corner of said Lot 4; Thence South 87° 49' 03" West, 6.00 feet, on said South line, to the POINT OF BEGINNING of said Tract 2 herein described;

Thence continuing South 87° 49' 03" West, 29.00 feet, on said South line;

Thence departing said South line, North 01° 33' 08" West, 20.00 feet;

Thence North 87° 49' 03" East, 29.00 feet, parallel with and 20.00 feet North of said South line;

Thence South 01° 33' 08" East, 20.00 feet, to the POINT OF BEGINNING, said Tract 2 containing 575 square feet or 0.0132 acres.

**Tract No. 212 – Parcel 055403**

**Fee Owner: PS Investment, LLC**  
**3106 Orville Ave.**  
**Kansas City, Kansas 66102**

**Temporary Construction Easement:**

A Tract of land for the purpose of a temporary construction easement, being part of Lot 4, RESURVEY OF LOTS 40 AND 41, PARKVIEW ADDITION, a subdivision of land, recorded September 19, 1961, in Plat Book 28 at Page 62, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625, of BHC RHODES, KS CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the South line of said Lot 4 having a bearing of South 87° 49' 03" West as determined by Global Positioning System observations referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Southeast corner of said Lot 4;

Thence South 87° 49' 03" West, 50.00 feet, on the South line of said Lot 4, to the Southwest corner of said Lot 4;

Thence North 01° 33' 08" West, 9.00 feet, on the West line of said Lot 4;

Thence North 87° 49' 03" East, 50.00 feet, parallel with and 9.00 feet North of said South Line, to the East line of said Lot 4;

Thence South 01° 33' 08" East, 9.00 feet, on said East line, to the POINT OF BEGINNING, said Tract containing 450 square feet or 0.0103 acres.

**Tract No. 213 – Parcel 219501**

**Fee Owner: Bobby & Janie Stockman  
3104 Orville Ave.  
Kansas City, Kansas 66102**

**Temporary Construction Easement:**

A Tract of land for the purpose of a temporary construction easement, being part of Lot 3, REPLAT OF LOTS 2 AND 3, RESURVEY OF LOTS 40 AND 41 PARKVIEW ADDITION, a subdivision of land, recorded November 19, 1920, in Plat Book 16 at Page 43, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625, of BHC RHODES, KS CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the South line of said Lot 3 having a bearing of South 87° 49' 03" West as determined by Global Positioning System observations referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Southeast corner of said Lot 3, monumented by a 1/2-inch reinforcing rod;

Thence South 87° 49' 03" West, 75.00 feet, on the South line of said Lot 3, to the Southwest corner of said Lot 3;

Thence North 01° 33' 08" West, 6.00 feet, on the West line of said Lot 3;

Thence North 87° 49' 03" East, 75.00 feet, parallel with and 6.00 feet North of said South line, to the East line of said Lot 3;

Thence South 01° 33' 08" East, 6.00 feet, on said East line, to the POINT OF BEGINNING, said Tract containing 325 square feet or 0.0075 acres.

**Tract No. 215 – Parcel 055801**

**Fee Owner: Janeth Enedina Ramirez  
405 N. 31<sup>st</sup> St.  
Kansas City, Kansas 66102**

**Temporary Construction Easement:**

A Tract of land for the purpose of a temporary construction easement, being part of Lot 2, RESURVEY OF PART OF LOTS 38 AND 39, PARKVIEW ADDITION, a subdivision of land, recorded July 6, 1956, in Plat Book 26 at Page 71, in the City of Kansas City, Wyandotte County,

Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625, of BHC RHODES, KS CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the South line of said Lot 2 having a bearing of South 87° 49' 03" West as determined by Global Positioning System observations referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Southwest corner of said Lot 2;

Thence North 01° 33' 08" West, 5.00 feet, on the West line of said Lot 2;

Thence North 87° 49' 03" East, 68.00 feet, parallel with and 5.00 feet North of the South line of said Lot 2, to the East line of said Lot 2;

Thence South 01° 33' 08" East, 5.00 feet, on said East line, to the Southeast corner of said Lot 2;

Thence South 87° 49' 03" West, 68.00 feet, on the South line of said Lot 2, to the POINT OF BEGINNING, said Tract containing 340 square feet or 0.0078 acres.

**Tract No. 216 – Parcel 055802**

**Fee Owner: Ramona Isela Herrera Rangel**  
**3004 Orville Ave.**  
**Kansas City, Kansas 66102**

**Temporary Construction Easement:**

A Tract of land for the purpose of a temporary construction easement, being part of Lot 3, RESURVEY OF PART OF LOTS 38 AND 39, PARKVIEW ADDITION, a subdivision of land, recorded July 6, 1956, in Plat Book 26 at Page 71, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625, of BHC RHODES, KS CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the South line of said Lot 3 having a bearing of South 87° 49' 03" West as determined by Global Positioning System observations referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Southeast corner of said Lot 3;

Thence South 87° 49' 03" West, 5.00 feet, on the South line of said Lot 3;

Thence North 01° 33' 08" West, 12.00 feet, parallel with and 5.00 feet West of the West line of said Lot 5;

Thence North 87° 49' 03" East, 5.00 feet, parallel with and 12.00 feet North of said South line, to the East line of said Lot 3;

Thence South 01° 33' 08" West, 12.00 feet, on said East line, to the POINT OF BEGINNING, said Tract containing 60 square feet or 0.0014 acres.



**Tract No. 217 – Parcel 055778**

**Fee Owner: Nelly Patricia & Raul Guzar-Tapia**  
**3000 Orville Ave.**  
**Kansas City, Kansas 66102**

**Temporary Construction Easement:**

A Tract of land for the purpose of a temporary construction easement, being part of Lot 39, PARKVIEW, a subdivision of land, recorded September 15, 1904, in Plat Book 8 at Page 35, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625, of BHC RHODES, KS CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the South line of said Lot 39 having a bearing of South 87° 49' 03" West as determined by Global Positioning System observations referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Southeast corner of said Lot 39;

Thence South 87° 49' 03" West, 72.90 feet, on the South line of said Lot 39, to the POINT OF BEGINNING;

Thence continuing South 87° 49' 03" West, 12.00 feet, on said South line, to the West line of a Parcel of land described by a Quit Claim Deed, recorded in Document Number 2016R-03907;

Thence North 01° 33' 08" West, 22.00 feet, on the West line of said Parcel;

Thence North 87° 49' 03" East, 12.00 feet, parallel with and 22.00 feet North of said South line;

Thence South 01° 33' 08" East, 22.00 feet, to said South line, to the POINT OF BEGINNING, said Tract containing 264 square feet or 0.0061 acres.

**Tract No. 218 – Parcel 055679**

**Fee Owner: Mario Huerta**  
**2914 Orville Ave.**  
**Kansas City, Kansas 66102**

**Temporary Construction Easement:**

A Tract of land for the purpose of a temporary construction easement, being part of Lot 14, PARKVIEW, a subdivision of land, recorded September 15, 1904, in Plat Book 8 at Page 35, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625, of BHC RHODES, KS CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the South line of said Lot 14 having a bearing of North 87° 49' 03" East as determined by Global Positioning System observations referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Southwest corner of said Lot 14;

Thence North 87° 49' 03" East, 15.00 feet, on the South line of said Lot 14, to the POINT OF BEGINNING;

Thence North 02° 10' 57" West, 17.00 feet, perpendicular to last described course;

Thence North 87° 49' 03" East, 15.00, perpendicular to last described course, parallel with and 17.00 feet North of said South Lot line;

Thence South 02° 10' 57" East, 17.00 feet, perpendicular to last described course, to said South Lot line;

Thence South 87° 49' 03" West, 15.00 feet, on said South Lot line, to the POINT OF BEGINNING, said Tract containing 255 square feet or 0.0059 acres.

**Tract No. 219 – Parcel 055680**

**Fee Owner: SKS Management, Inc.  
2906 Orville Ave.  
Kansas City, Kansas 66102**

**Temporary Construction Easement:**

A Tract of land for the purpose of a temporary construction easement, being part of Lot 14, PARKVIEW, a subdivision of land, recorded September 15, 1904, in Plat Book 8 at Page 35, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described by Joseph H. McLaughlin, PLS 1625, of BHC RHODES, KS CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the South line of said Lot 14 having a bearing of South 87° 49' 03" West as determined by Global Positioning System observations referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Southeast corner of said Lot 14;

Thence South 87° 49' 03" West, 80.00 feet, on the South line of said Lot 14, to the Southeast corner of a Parcel of land described by a Deed In Lieu Of Foreclosure, recorded in Book 5702 at Page 542, and the POINT OF BEGINNING of said Tract herein described;

Thence continuing South 87° 49' 03" West, 57.90 feet, on said South line, to the West line of said Parcel;

Thence North 01° 33' 08" West, 6.00 feet, on said West line;

Thence North 87° 49' 03" East, 57.90 feet, parallel with and 6.00 feet North of said South line, to the East line of said Parcel;

Thence South 01° 33' 08" East, 6.00 feet, on said East line, to the POINT OF BEGINNING, said Tract containing 347 square feet or 0.0080 acres.

**Tract No. 220 – Parcel 055681**

**Fee Owner: Reid Roberts  
2900 Orville Ave.  
Kansas City, Kansas 66102**

**Temporary Construction Easement:**

A Tract of land for the purpose of a temporary construction easement, being part of Lot 14, PARKVIEW, a subdivision of land, recorded September 15, 1904, in Plat Book 8 at Page 35, in the City of Kansas City, Wyandotte County, Kansas, said Tract being more particularly described

by Joseph H. McLaughlin, PLS 1625, of BHC RHODES, KS CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the South line of said Lot 14 having a bearing of South 87° 49' 03" West as determined by Global Positioning System observations referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Southeast corner of said Lot 14;

Thence South 87° 49' 03" West, 70.00 feet, on the South line of said Lot 14;

Thence North 01° 33' 08" West, 10.00 feet, parallel with the East line of said Lot 14;

Thence North 87° 49' 03" East, 70.00 feet, parallel with and 10.00 feet North of said South line, to the East line of said Lot 14;

Thence South 01° 33' 08" East, 10.00 feet, on said East line, to the POINT OF BEGINNING, said Tract containing 700 square feet or 0.0161 acres.

- Section 2. It is hereby found that the costs of this project will be paid from CMIP 1613.
- Section 3. The Chief Counsel of the Unified Government of Wyandotte County/Kansas City, Kansas is hereby ordered and directed forthwith to commence proceedings for the acquisition of the above described property and to do and perform all things which might be necessary and required by law to acquire the aforementioned rights in and to said property.
- Section 4. This ordinance shall take effect and be in force after its passage, approval and publication in the official County, newspaper, The Wyandotte Echo.

**PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF  
WYANDOTTE COUNTY/KANSAS CITY, KANSAS  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

\_\_\_\_\_  
**Mayor David Alvey**

\_\_\_\_\_  
**Unified Government Clerk**

\_\_\_\_\_  
**Approved as to form:  
E. James Bain  
Assistant Counsel**

19631



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY  
& KANSAS CITY, KANSAS  
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7<sup>TH</sup> STREET, 66101

(913) 573-5400  
FAX (913) 573-5435

September 19, 2018

Mrs. Bridgette D. Cobbins  
Unified Government Clerk  
East Building

Re: Subdivision Plat Approval REPLAT OF THE ENCLAVE AT MISSION CLIFFS

Dear Mrs. Cobbins:

Please be advised that the Engineering Division has reviewed the attached plat of REPLAT OF THE ENCLAVE AT MISSION CLIFFS located along Lake Avenue and South Minnie Street, being developed by Pres LLC.

At this time, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, PS., CPM  
County Surveyor

Troy Shaw, P.E.  
County Engineer

Attachments

FILED   
FEB 22 2019  
UNIFIED GOVERNMENT CLERK

**SUPERVISOR**  
DAN FROSTEN  
711 5000 Avenue  
Madison, WI, 53706 66161  
Phone: 608/783-3117 4300  
Fax: 608/783-3677

**DEVELOPER**  
PDS LLC  
7705 Midway View Drive  
Shawnee, KS 66224  
Phone: 913/471-6628

Ordering information: *North American* (toll-free): 1-800-424-2200; *Europe*: 01 299 962255; *Japan*: 03 334 9211; *China*: 010 630 766 000; *India*: 011 261 0131; *UK*: 01223 326373; *Singapore*: 673 33333333; *South Africa*: 011 261 0131; *USA*: 01202 333 3333.

© 2005 by Elsevier Inc. All rights reserved.

Printed in the USA.

0006-2952(200505)23:05:1-0

West-Swedish Corridor  
11.12.13 Best flight to the Southwest corner of an existing island at the intersection with the base of a creek.  
2.12.14 Best flight to the Southwest corner of an existing island at the intersection with the base of a creek.  
31.2.09 First insect to the East edge of an existing 16.5x creekbank.

South-Swedish Corridor  
11.12.01 Best flight to the Southwest corner of an existing island.  
21.9.02 Best flight to the Southwest to the corner of an existing light pole.  
21.2.09 Best flight to the South edge of a shallow flying light pole.

**GENERAL NOTES**

1. Dates of Sampling: March 8<sup>th</sup> - 12<sup>th</sup> and March 20<sup>th</sup> - 21<sup>st</sup> 2006. The North line of the Pipeline at SECTION 43/100 is determined by Global Positioning System measurements and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.

2. The survey is based on fixed points, established on or before the date shown in the block or the following year:

The date of "SECTION 43/100 ACQUISITION" recorded April 25, 2006 and filed in 2006-000137.

[illegible]

**DISCLOSURE STATEMENT**

The following property has been placed into a "For Sale" pending status. The listing is for the property located at 2000 West 10th Street, Suite 100, in the City of Seattle, WA 98101. The property is being sold by the seller, 2000 West 10th Street, Suite 100, LLC, and is being sold to the buyer, 2000 West 10th Street, Suite 100, LLC. The property is being sold for \$1,000,000.00.

**DISCLOSURE STATEMENT**

The following property has been placed into a "For Sale" pending status. The listing is for the property located at 2000 West 10th Street, Suite 100, in the City of Seattle, WA 98101. The property is being sold by the seller, 2000 West 10th Street, Suite 100, LLC, and is being sold to the buyer, 2000 West 10th Street, Suite 100, LLC. The property is being sold for \$1,000,000.00.

Participants were divided by using the subject groups in the above experimental runs.

5. THOMPSON STREET (60' PUBLIC R/W)

LANE AVENUE (50' PUBLIC R/W)

S MINNIE STREET (50' PUBLIC R/W)

Depositing at the barograph center of Saint-Louisville, measured by a 1.27-m/s wind speed and with a 4.0-m/s L10T.

[illegible][illegible]

**OVERSIGHT AND TRANSPARENCY NOTES**  
This submission is subject to the following limitation or organizational preference:

I consent and authorization of Agreement described: October 4, 2017 in Pursuant to order 2018-1-0026.

Therese Campbell  
United Department of Weymouth County - Salem City, Virginia

*[Signature]*

Donna L. Campbell, Esq., Secretary

The inclusion of this report has been accepted by the Government of the United Kingdom of Great Britain and Northern Ireland.

Product Code: 1119 One

---

SUPPLYORS CERTIFICATIO

REC'D - CIVIL RIGHTS DIVISION  
JAN 10 1975

[illegible]

ACKNOWLEDGMENT

STATE OF KANSAS  
COUNTY OF LEAVENWORTH

  
Paul H. Hargrave  
Paul Hargrave III, President

AMBER MACH  
30000 Pkts/Sale of Kansas  
W/40000 Exempt 3/1/2000

2-19-19

STATE OF ARIZONA  
COUNTY OF MARICOPA

This is to certify that the instrument was filed for record in the Register of County Clerk on this \_\_\_\_\_ day of \_\_\_\_\_, 2019, at \_\_\_\_\_ o'clock and is duly recorded.

book of my dream, this survey must be associated with you (Karl).

101

FINAL PLAT  
REPLAT OF THE ENCLAVE AT MISSION CLIFFS  
A SUBDIVISION OF LAND IN KANSAS CITY,  
WYANDOTTE COUNTY, KANSAS

PRES LLC.,  
7775 MEADOW VIEW DRIVE  
SHAWNEE, KS 66227

**BHC RHODES**  
Civil Engineering • Surveying • Utilities  
901 N. 8th Street, Suite 100  
Kansas City, Kansas 66101  
p. (913) 371-5300 f. (913) 371-2677  
BHC Rhodes is a subsidiary of BHC Corporation, Inc., Kansas City, Mo.

[illegible]





# Staff Request for Commission Action

Tracking No. 19601

**Full Commission Meeting Date:** 2/28/19

**Committee:**

Date of Standing Committee Action: NA  
(If none, please explain):

**Publication Required:** No

|                                                                                                                                                                                              |                                       |                                |                                             |                                                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|--------------------------------|---------------------------------------------|---------------------------------------------------|
| <u>Date:</u><br>02/20/2019                                                                                                                                                                   | <u>Contact Name:</u><br>Emerick Cross | <u>Contact Phone:</u><br>x6784 | <u>Contact Email:</u><br>ecross@wycokck.org | <u>Department/Division:</u><br>Commission Liaison |
| <u>Item Description:</u><br>Nomination for Boards and Commissions:<br><br>Planning Commission/Board of Zoning Appeals -Ms. Cherish Cho, 2/28/19 - 3/31/22, submitted by Commissioner Walters |                                       |                                |                                             |                                                   |
| <u>Action Requested:</u>                                                                                                                                                                     |                                       |                                |                                             |                                                   |
| <u>Budget Impact: (if applicable)</u><br>Amount:<br>Source:<br>Included In Budget:<br>Other (explain):                                                                                       |                                       |                                |                                             |                                                   |
| <u>Attachments List:</u>                                                                                                                                                                     |                                       |                                |                                             |                                                   |

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

SPECIAL SESSION, THURSDAY, JANUARY 31, 2019

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, January 31, 2019, with ten members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District (via telephone); Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO presiding. Walters, Commissioner Seventh District; was absent. The following officials were also in attendance: Doug Bach, County Administrator; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Gordon Criswell, Melissa Sieben, Assistant County Administrators; Emerick Cross, Commission Liaison; Alan Howze, Knowledge Director; Misty Brown, Deputy Chief Counsel; Christal Watson, Deputy Chief of Staff in Mayor's Office; and Officer Doleshal, Sergeant-at-Arms.

**MAYOR ALVEY** called the meeting to order.

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

**NOTICE OF SPECIAL SESSION** of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, January 31, 2019, at 5:00 p.m. in the 5<sup>th</sup> floor conference room of the Municipal Office Building, for the Municipal Court Judge Selection.

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

**Mayor Alvey** said tonight we will have three interviews for the three candidates recommended by the subcommittee for the Administrative Judge in Municipal Court. At this time, I will turn it over to Commissioner Markley, the Chair of the Subcommittee, to provide an overview and to introduce the candidates.

**Commissioner Markley** said our subcommittee was made up of myself, Commissioner Philbrook, Commissioner Townsend, and Commissioner Johnson was on our committee and helped us chose our interview candidates, I guess I would say, the people we interviewed, but he was ill and unable to sit in on the actual interviews. The three ladies, we held down the fort, during our interviews. We did have ten applicants. We interviewed five applicants and by ordinance we were required to bring forward three applicants for a recommendation. Those three candidates are here tonight, Judge Brajkovic, Harold Walker, and Karen Whittman are the three candidates who will present to us tonight. We have a few questions for them and we will let them do a little introduction, ask the three questions, and then, Ken, do you want to give an overview of the process from there?

**Ken Moore, Chief Legal Counsel**, said the objective is to narrow down to one candidate that has the support of six commissioners and then at 7:00 there will be a resolution on the agenda and that is the final and the formal action that the Commission takes to actually appoint the Administrative Judge. There are some ballots in front of you with the three candidates and we ask that you, after their interviews and any questions, that you rank those candidates in your order preference, first, second, or third. If one candidate has six first place votes, then they will be the person on the resolution for the appointment. If not, we will see how it goes from that point.

**Doug Bach, County Administrator**, said with that, we will bring in the first candidate.

**Commissioner Markley** asked, Ken, we're we going to have them introduce themselves and then dive into the questions? Is that how they have been instructed or are we going straight to the question sheet? **Mr. Moore** was inaudible. **Mr. Bach** said I think it would be good if we would call out the name of the candidates as they sit down so anyone watching would know who we have

and so they understand the format. I did tell them I anticipated we would ask questions and then be allowed time to give their presentation.

**Mr. Bach** said our first candidate is Judge Brajkovic. This evening the Commission will start by asking the questions and then they will give you some time to speak from there.

**Commissioner Markley** said I have two questions and a third question that leads into your opportunity to present to us.

1. What do you think are the greatest opportunities or challenges the court faces in the next five years and how do you hope to address them?

**Judge Brajkovic** said technology is our number one both from an access to justice perspective for our citizens. Transparency for our citizens, but also for stakeholders how we can efficiently communicate with one another, how can we stop duplicating our work and when you duplicate work between departments, you also lead to more errors. So, technology, the use of technology, is very, very, important to us. One of the areas that we would really like to expand, based on the issues of what happened this summer, is trying to do some more trials by video so that the jail does not even need to transport over to us, you can actually do them from the jail. A lot of people think oh, you have skype. My opinion on your right to a trial is you have the right to the courtroom experience and when you're in a courtroom it's not just what the judge is doing, it's what the opposing counsel is doing. It's what your counsel is doing, it's how the judge is reacting, it's all of those things going around so that is a very specialized type software that you need if you are going to have a defendant outside of the courtroom to experience the courtroom while they're away. That is going to take some planning, it's going to take some commitment, but that would be something huge for us and really if you start looking at five to ten year planning, if you can get that organized and everybody crosses their fingers, you could actually start talking to Johnson County, to Jackson County, and see if there was a way you can coordinate if we have a prisoner in Jackson County if they have the access to it, could we just go ahead and do a trial without them having to move at all. We can communicate, file open records, so technology from that purpose for a safety standpoint would be fantastic.

Our court is a little bit behind also for access to justice when you have a basic traffic trial. We don't have any sort of monitors, anything up, so when a defendant comes in to testify—or to have their trial, you have the testimony of the defendant and you have the testimony of the police officer. Our police officers are very well versed. They know where they were, they can tell you where they were, they can tell you how they remember it, and quite frankly, they tell you when they don't, so we don't even have to get to a trial. When you're a judge you're looking at it not from the role of how you know everybody is intending to do it, you're looking at it from the role what is the defendant, the citizen feel is participating. So, it would be really nice to see some monitors so that citizens can see themselves and say oh yes, that is where I was. Now I understand you've got me here and I thought you didn't catch me until there. That's where technology plays a huge part.

The efficiency, we are trying to go entirely paperless in our docket. We've started it. Judge Ryan and Judge Roberts brought in IMDSPlus, that's our computer software, and although everyone was complaining and aches and pains with growing, it has been the single-handedly most important thing that has happened in our court for us to provide that level of service to our citizens that are coming into court by bringing all that information into one place. It also leaves lots of places for notes.

When we get mobile ticketing, it will allow them to automatically just import things and so by notes, I can make a note about a defendant so when they go see the probation officer, that probation officer already has a soft handout to say hey, he was in court, he lost his job today, his mom is really, really, sick; you can communicate. A lot of times we think about just communicating when people are being stinkers. We also communicate a lot of information so that somebody is not more traumatized by having to say the same thing over and over.

2. What type of professional relationship should Municipal Court have with the Mayor/CEO, County Administration and commissioners of this organization and how would you deal with potential conflicts between these stakeholders?

**Judge Brajkovic** said our department I think is one of the most interesting departments as far as if you were taking a local government class and how to learn about the aspects of local government because we are a Mayor's appointment, through the convoke of the Commission, so we work for



the Commission. We work for the Mayor's office. Now, running a court we also are mostly just working within the laws of the constitution, state laws, and city ordinances, so that's where we sit. However, our department is a Unified Government Department so our Court Administrator, our staff, those are all the County Administrator's, so when we sit there as judges—when you appoint us we try to stay very entuned with who you are as an elected body. What are your goals and objectives, what do you want to see, where do you want to go; that was extremely helpful five years ago when I can onboard because I had the opportunity through Code Enforcement, SOAR, NRC to watch you all shift to being citizen friendly, not to the point where we want to risk public safety, but you guys were tired of excessive fees, excessive fines. If I know that about you and I'm working for you, I bring that into my department and so we try to stay in touch with UMB, an arm of you all, while we are also limited by our constitution and our state laws and our city ordinances.

Now, by being county administrators we are also fiscally responsible for the goals of the County Administrator, so we also are very cognizant when he comes in and they tell us here's the goals, here's the forecast, this is what it looks like, know this, we want to see more efficiency here, this is our programming goals; so we will also implement our strategies and policies to match up with the County Administrator's so that our staff, our department, is actually running.

When you talk about conflicts the way we think about conflicts are usually who can appear in front of us and who cannot. If you have some sort of legal conflict that we're worried about, we would, of course, work with the Legal Department. They represent us like they represent you. We might have a few different attorney's get there, but that is who we would talk to if there was a trial in front of us because we don't work for the County Administrator officially, we would not need necessarily conflict out of those trials. If Doug wanted to sit in my traffic docket, he could. Now I'm m thru z so that's not going to happen unless you change your last name, but that's how we view a conflict. You also have to be the conflict from the person who is actually appearing. Other people there may feel there may feel there is a conflict, so if one of the County Administrator's staff was in a car accident with somebody, the other person could feel like we had a bias toward them and we would bring the pro tem in. That's one conflict.

With the commissioners, we would definitely be conflicted out. We would bring in a pro tem just as a matter of course because it has nothing to do with our ability to look at that situation and make an unbiased decision, it's entirely based on the viewpoint of the people in the audience.

A lot of times court is the performance of justice, the performance of what the constitution provides, and so we would never appear in those trials. This is probably more complicated, but if you are in our court and you have a County Administrator staff member, we would probably need a pro tem prosecutor meaning somebody who does not—we bring in specialty that does not work through the chain of command through the County Administrator, but we're good.

Vice-Versa with the elected officials, as far as conflicts and outside of that I've never experienced any if we had anybody working outside where we were uncomfortable, then we would seek the appropriate help depending on what that is, but it's really hard to conceptualize what that would be.

3. In 5 minutes or less, tell why you would be the best candidate and should be selected for the position of Municipal Court Administrative Judge.

**Judge Brajkovic** said I believe I would be the best candidate because I've spent the last five years showing you what I can do. During those last five years my goal has always been procedural justice. Procedural justice is the idea that if the process is fair, the process is transparent, and people understand what is happening, that they will trust the process. The more they trust the process, the more they want to obey the law. So, procedural justice and fairness in transparency actually increases public safety. This has been something that when I interviewed five years ago, I did not know there was an actual word for this and the concept for this. This is just what it seems like the right thing to do. When you come into my house, I welcome you, I tell you where the bathroom is, I tell you what to expect, give you a voice; those are all things we try to do in court. I've spent the last five years doing that.

I have had the grace of working with Judge Ryan who has allowed me a lot of voice and I've learned how to work with consensus and you know consensus usually comes from some conflict and we have had some really great things come out of that consensus building. One of the first things we did is reduced \$50 payments. I don't want to get too much in the weeds, but these are important things that we did. You used to only be able to make payments at the window without coming to court if you had \$50 or more. What we were finding is we had a whole line of people that had \$40, well, that was a bunch of people in the basement waiting to get on the elevator, it was 2-hours of people waiting in court to pay us \$40, so we dropped that to \$20 to increase more

payments at the window. It worked. The benefit of that is if you have a payment only case meaning you are only traffic cases and you don't owe us probation, you don't owe anything else, and you missed your payment date, it's \$20 to get it out of warrant. If you don't want to go to jail because you missed your court date, you pay \$20 on your payment case and get two weeks to get back on our payment plan. That was one of the first things we did. That had a huge impact.

By dropping a lot of those bookings in jail because you give people the ability to pay \$20, less people go to jail. You give them more flexibility in a payment plan, less people go to jail. We started being able to really see a pattern of who was in jail and there were a lot of people that were in there for a lot of old traffic cases, so we started looking at that and saying hey, what about these really old—are these even collectible. These are 10 years old, they're 5 years old, are we sure the warrants were good all of the time, are we sure that these are fair to collect on and we made a decision that everything before 2011 we're going to closeout. We're just going to close them out because we don't think it meets fair debt. It drops our jail beds a little bit more. That gives us more time and says hey, why are we just moving people around, why aren't we just organizing how we can see our jail when we see them. I won't stay up here with it, but the more we began to coordinate that and the more we dropped people out of our jail, then we started saying hey, they've been in jail for 365 days on this county case, don't you think that's sufficient to take care of their city case and we closed that out. The more we closed, the smaller that gets and the perception of fairness rises because nobody is going to argue with you if you close.

We said how can we do this even more. We started looking at bond forfeitures. If you miss court, you have to post a bond. If you post your first bond, it's \$100, your second is \$150, third—we were getting people posting up to \$800 to \$900 in bonds and then just not coming to court and forfeiting them and that was all going to the General Fund. That's great; however, when it just gets forfeited to the General Fund, we're not making any progress towards closing of those cases. When they go into bench warrants they're still being booked in our jail for \$85 to \$100 a night and we're not getting anywhere closer to getting them taken care of plus it's not fair to our citizens and our defendants.

**Bridgette Cobbins, UG County Clerk,** said you have one minute.

**Judge Brajkovic** said this is a good one to leave you with. What we decided to do with the bond forfeitures is if you fail to appear and you owe a victim restitution, we take that bond and we send

it to the victim and say here's your restitution. If there is no restitution owed, we say do you owe any fines and if you owe fines, we apply it to those fines first. If it closes out your case entirely, it's a win for all of us because we don't have to put you at warrant applicable and put you in jail. If it leaves you with some payment cases, hopefully, it has dropped you down because it actually takes the way we do our warrants, five to six traffic tickets, to actually get a warrant that is large enough to get your booked in jail. If you forfeit a bench warrant, hopefully, we're at least pulling off some of those traffic tickets so that you now have a Failure to Appear ticket in Municipal Court.

I could go on and on and on but thank you for your time. I appreciate it.

**Mr. Bach** said our next candidate is Karen Whittman. The Commission will go through and ask you a couple of questions and then they will leave your statement from there.

**Commissioner Markley** said I have two questions for you and then a third question that will give you an opportunity to make a statement.

1. What do you think are the greatest opportunities or challenges the court faces in the next five years and how do you hope to address them?

**Karen Whittman** said I think the biggest challenge is the fact that so many people owe so much money to the court they're not going to get out of it. They're not going to be able to rebound from it and I'm seeing that already over in the District Court and in a lot of other courts. A lot of the people are just in a financial situation they cannot get out of because of the crippling debt that they owe. They're not bad people, they financial just got into a place where they cannot get out of.

When I'm over at the District Court, they come to my court and they have a driving while suspended ticket. I'll ask them, do you know why you're suspended, and they will say I owe \$4,000 to some court somewhere and that's not a weird number. I mean they owe thousands of dollars.

Then I will get kind of their background. What we're they doing, how did they get themselves in this, and basically it starts with they didn't have their license because they couldn't afford to pay registration to get their license registered. Then we go to, they didn't pay the ticket so now that suspends them. They have to get to work, now they get another driving while

suspended. It's not that they're bad drivers, they're not causing a safety issue, it's just that they can't afford them. How are we going to fix it? We need some type of reform. That is the only way this is going to get fixed and there is a movement across the United States in District Courts and in Municipal Courts to fix this by doing something else because what we've been doing does not work. Nobody can get out of the problems that they're in.

How do I see myself trying to fix that is looking into various forms of reform that have worked in other jurisdictions. For example, I know in Sedgwick County they did a program in which they paired themselves with the Department of Motor Vehicles in Kansas with services to provide to these people so maybe they can get a better job. They literally had court and had people come in and visit with the Department of Motor Vehicles to figure out what they needed to do, can we help fix them, get them better skills to get a job and get back in our community and make it better. It worked. They raved about that program. They also made deals about paying off fines and costs and negotiated a settlement basically to get them out of the debt that they were in. I'm not suggesting that will work for this court, but it's something to look into.

Topeka had Amnesty Days. They've done more than one Amnesty Day. They've even got members of the community to donate money to have like basically a bucket of money for these individuals that come in that met certain criteria to help pay for them to get out of the situation that they're in. How innovative is that? You hear all the time about kick starter things on the internet to have people—people give money to a whole lot of different things. Why can't this be something that we look into?

The other thing is, and everybody kind of bristles at this, but night court and nobody wants night court. The only problem is, some of these people can't come to court. You want them to get money to pay. They have a job during the day. They can't come to court during the day or they will lose their job. It's a vicious cycle. Will any of these work for Wyandotte County for the Kansas City, Kansas Municipal Court? I don't know, but I do know these are things that can be looked at and maybe modified or morphed into something that uses all of these things to get us to where we want to be in this community, a safer community, a better community. If our people in our community are working and productive, then we all benefit from it, but you can't when you owe \$4,000 and \$5,000 to a court for things that you could not control even when you got into it. I'm not suggesting people that are getting DUIs or causing disturbances or hurting other people get deals or that kind of thing. That's crazy. I'm looking at only individuals that just by financial



situations, they've got problems. That's how I see it happening, but we've got to do something different than what we have been doing because it's not working and it's making our community worse.

2. What type of professional relationship should Municipal Court have with the Mayor/CEO, County Administration and commissioners of this organization and how would you deal with potential conflicts between these stakeholders?

**Ms. Whittman** said I believe the Municipal Court is like a business. It has to run smoothly, it has to be productive. The conversations with the Mayor or this Commission should be that; how it's running, what it's doing, and how it's doing its job. It should not be one in which commissioners or the Mayor contact to get into what is going on in Municipal Court in terms of court hearings, individual cases, and that kind of thing. I have been faced in my life, because I've dealt with traffic types of issues, people all the time calling either the judge to see if hey, can you give them a deal. I've even had my boss come in and tell me hey, this guy is going to come in and I literally told them I will do what I feel is best. My old boss at the District Attorney's Office in Shawnee County ran his campaign and his slogan was without fear or favor and I truly believed that. I was dealing with—he was elected, and he was a great boss and I learned a lot from him. He sent me an email and it was dealing with a case that I had, and it was basically something like this is what—you know, how about do this with this case. I knew he knew nothing about this case, but I knew he was really good friends with the Defense Attorney. I sat, and I looked at it for a little bit and I sent him back an email and, in the reply, I put disappointed. I said I believed in your slogan without fear or favor and I don't understand why you sent me this email and basically, he replied because I called him on it, he replied, and he said you do what you think is best in that case and I did. That was the last time I received anything from him. I feel being the Judge, it's even more of the responsibility of the court to be fair, to not listen to what's going on, but listen to the case and figure it out without any undue influence from anybody and I've never done anything like that and I call judges on it, so I don't see it happening with me.

3. In 5 minutes or less, tell why you would be the best candidate and should be selected for the position of Municipal Court Administrative Judge.

**Ms. Whittman** said I know that I am not from around here and I know that Wyandotte County is a big small down, but I will tell you what, I moved here and it's now my community. I have a very big interest in that this place be safe and a great place to live because I plan on hanging out here for the duration. I'm not planning on going anywhere. With that, I pay attention to what's going on. I want to know what's happening in the community. I have looked, and I know, that you all have created goals for our community and I look at those goals and I say how can the Municipal Court help facilitate and reach the goals of this Commission.

I see three things out of all of them that I know I can have a direct impact in dealing and meeting the goals of this Commission. Reducing blight, we have Code Enforcement getting the community cleaned up, looking good, and to me that partners with being safe also. When it's cleaner and the bushes are cut, and things are picked up, it's more safe period. Increase safety and perception; that to me is almost the central piece of Municipal Court.

What have I done since I've been here to try to make this community better? With District Attorney Dupree's permission, I have brought the MADD Impact Panel to this community, never had one. People that were told they had to go to MADD Impact had to go to other counties. I thought that's ridiculous. We now have two MADD Impact Panels at KCK Community College, at the Technical School, twice a year for our members, our community to go to it. It started out kind of small. I think the first one was maybe 30 or 40 people, I might be wrong on that, the last one was over 100 people. Edwardsville, Bonner Springs also are sending people and I know Judge Ryan was also sending people to it. Everybody that gets convicted for DUI in District Court goes to the MADD Impact Panel.

What else have I implemented there? When I got there, I could not believe that the court—we only did business with walk-in people at like 1 to 2 on a Tuesday and if you were wearing a bunny suit. I mean it was crazy. I'm like this is—we should be facilitating. We have to deal with people every day. They've had to park in God knows where, walk up a hill to get to the courthouse and we're telling them to come back. We are open 8 to 5 and anybody can walk in there and we deal with them. That's what I have implemented. I want to do that for this community, for this court. I want to explore all the options I talk about in Sedgwick County, Topeka, night court.

I also even look at the annual report, the Kansas Municipal Courts, they have to report every year to the Kansas Supreme Court. I look at the numbers, I compare numbers between

Kansas City, Kansas, Salina, Wichita; people that have similar amounts of work and some of the numbers disturb me. I don't understand some of the numbers. They don't make sense. I look at DUIs for example. About a third are dismissed almost across the board which is fine, but when there are other numbers that really don't make sense—**Ms. Cobbins** said you have one minute.

**Ms. Whittman** said what I am trying to say is the trouble with any business, and the court is a business, is that when you hear the saying we've always done it that way, that's a death nail to a business and also not to have an influx of new ideas to that business. Although I'm not from around here, but I live here, and I want it safe, I want to meet the goals of this Commission and to do that, to be in charge of the Municipal Court is the only way I see that I can do that. That I can implement and do what I feel is the best for this community to make it safe and I can do it with fresh eyes, I can do it with new ideas without any sense of—or concern of how it used to be.

I really appreciate your time and it's an honor to be in front of you today.

**Mr. Bach** said the next candidate is Harold Walker.

**Commissioner Markley** said I have three questions for you. The third one will lead to your opportunity to present whatever you would like to say.

1. What do you think are the greatest opportunities or challenges the court faces in the next five years and how do you hope to address them?

**Harold Walker** said I think one of the greatest challenges that I spoke in the screening committee of is the technological component. My impression from limited experience in other Municipal Courts is we're behind the curve technologically speaking. I think euphemism is paperless, that we need to be paperless. There is so much more that technology can provide to make the operation of Municipal Court more efficient. I think another big challenge is coming up with an effective operational and consistent, and I will use the word, code enforcement process. I know that when I was here both as an employee and on the Commission, there have been efforts made to do that, but I can tell you ad infinitum out in just out in a small area of Turner people who play the code enforcement system and calling in has done absolutely no good. I know that each of you have your areas.

I have a gentleman that owns a semi-truck, he parks it there every night after 6 and on the weekends. Guess what? We have no code enforcement being done, nobody is doing anything about it. They send out letters and maybe for a couple of weeks he will park it somewhere else, but I think code enforcement presents a great challenge to conquer. There are numerous ways that can be done, but again, it's going to require investment and allocation of dollars and people and perhaps new ways of thinking about how our code enforcement officers do their job.

2. What type of professional relationship should Municipal Court have with the Mayor/CEO, County Administration and commissioners of this organization and how would you deal with potential conflicts between these stakeholders?

**Mr. Walker** said your microphone I don't think is working. I think I understood the question, but if I'm not answering the correct question, please stop me. My viewpoint of that is that you create policy by adopting ordinances. You create, let's call them punitive ordinances, for violations of what should be criminal or civil violations and that's the way you express policy. As a Judge, as a court, I think you have to be arm's length. I can't be having you call me and communicate ex parte that a certain address needs to be hammered because, I think you all know that, and I don't think any of you do that, but I think it has to be arm's length.

I know that there is an annual reporting requirement that this position would do. I think we should be available to come before you in a public setting, so the public can see and answer question you have whatever the issue might be that's troubling you. I can't be involved on a case-by-case basis with anyone and I mean anyone being outside persons besides the prosecutor and the defense attorney. Now, was that the question you asked? **Commissioner Markley** said yes.

3. In 5 minutes or less, tell why you would be the best candidate and should be selected for the position of Municipal Court Administrative Judge.

**Mr. Walker** said I had a packet rather thick until Doug called last night, but I'll have to cut that down considerably. You know lawyers can talk ad infinitum. What are my strengths? I think number one, if you read the ordinance on what an Administrative Judge is supposed to do and what the basic qualifications for the Judge are, I think I have demonstrated as City Attorney, Chief

Counsel, and perhaps as a commissioner, that I have all those requirements. It's an overlay of my life on that position. I've tried cases in Municipal Court, I've prosecuted cases in Municipal Court, I've hired the prosecutors, I've designed ordinances for the Municipal Court, I've tried Federal and State jury trials. I'm very familiar with the courtroom setting and I'm very comfortable. I have literally made thousands of decisions, admittedly not as a Judge, but I've made thousands of decisions on a day-by-day basis on countless issues that come up in the Municipal arena. Department heads, mid-level management, Doug Bach, the Assistant Administrator's, they would always call Legal when there was a tough question to be resolved and we would try to answer it. Now, I'll admit, we didn't make everybody happy every time and I'm not going to look at anybody, but there's nine of you up there that we probably haven't made happy on occasion. I'm not afraid to make a decision. I'm not afraid to say that I have never in all my career used the power of the City Attorney's position, the County or the Chief Counsel, for personal benefit or a vendetta to get even for a political score. If I couldn't feel and justify to myself that what I was doing was right, then I didn't do it. I went some other way.

I went through the qualifications numerous times. I've looked at them. I think they are important in considering who you chose. I think that one of the most important ones is that you demonstrate leadership. I have demonstrated leadership in what I did for 25 years in leading the legal affairs of a municipality and a wholly-owned municipal utility. I think that those enhance the credibility of this court, my experience, my patient or persona in the community.

I can tell you that I will do what is necessary to uphold the professional, personal, legal integrity and honesty of this court to the fullest. I will do nothing that would compromise or reflect badly upon the court, myself, and most importantly the Commission if you make the choice.

**Ms. Cobbins** said you have one-minute sir.

**Mr. Walker** said I would like to say in conclusion then that through the time I was City Attorney I think one of the things that's going to be necessary here is someone who can analyze facts, develop a solution, implement it or at least get assistance in getting it implemented. I think I've done some creative things. Some of you may not agree they were creative, and I certainly don't want to sound like I'm taking credit for everything that the Legal Department did the 25 years I was there, I had very capable people. I made great decisions. Seven of my hires are District Court

Judges. Obviously, both Municipal Court Judges are people I hired. Others have gone on to other places. I think I have a good bead on how to determine what they are about. I hired Kenny Moore, the verdict is still out on him, but nevertheless I think I have that ability to take that and be creative. Some of you may not like it.

I'm responsible for the liquor stores being open on Sunday and I want to tell you why that's important. For 49 years, more than that, 50+ years, there was the Kansas Liquor Act and no one in this state figured out that it was subject to home rule. I got it home rule. **Ms. Cobbins** said your time is up sir.

**Mr. Walker** said you also got your million dollars from the casino for not building a hotel because I insisted it be put in the agreement and, of course, I thought they would build the hotel. Thank you for the opportunity.

**Mayor Alvey** said at this time Mr. Moore will provide voting instructions.

**Kenneth Moore, Chief Legal Counsel**, said there is a ballot, you all have a ballot in front of you. It lists the three candidates in alphabetical order. As Commissioner Markley said, there's no—it's a consensus selection so they're not in any particular order other than alphabetical. If you can write your rank of those candidates one through three, first names, last names, just make sure you do it, so we know who you are talking about. Then we will tabulate those votes. If we have one candidate that has six first place votes, then that will be the person that will be in the adopting resolution at the 7:00 meeting tonight. If no one receives six votes, then we will go and try to get to that point.

**Mr. Bach** said the objective then after that if no one is the first place, then we're taking the top two and then you would vote between those two.

**Mr. Moore** said if you could be sure to sign your ballots. These will be public records effective tomorrow.

**Mr. Bach** said, Commissioner Johnson, if you would complete your ballot and email that back in to Bridgette, your response back on that. **Commissioner Johnson** said will do.



**Mr. Bach** said, Mayor, at this time I would ask the Clerk to give you the results.

**Ms. Cobbins** said the one candidate that received six votes is Brandelyn Nichols-Brajkovic. **Mr. Bach** said with that, there's no need to narrow the poll since she received the majority of the Commission votes for first place. With that, we will put her name on a resolution and introduce that to the Commission at the 7:00 meeting for final action.

**MAYOR ALVEY ADJOURNED  
THE MEETING AT 6:00 p.m.**

dt

---

Bridgette D. Cobbins  
Unified Government Clerk

January 31, 2019

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

**PLANNING & ZONING AND  
REGULAR SESSION  
JANUARY 31, 2019**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, January 31, 2019, with ten members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson (via conference call), Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. Commissioner Walters, Seventh District; was absent. The following officials were also in attendance: Doug Bach, County Administrator; Melissa Sieben and Gordon Criswell, Assistant County Administrators; Bridgette Cobbins, Unified Government Clerk; Ken Moore, Chief Legal Counsel; Rob Richardson, Director of Planning; Byron Toy, Zach Flanders; and Kim Portillo, Planners; Janet Parker, Administrative Assistant; Emerick Cross, Commission Liaison; Crystal Watson, Deputy Chief in Mayor's Office; Lynn Melton, Assistant to the Mayor; Maureen Mahoney, Chief of Staff in Mayor's Office; and Captain Ronald Schumaker, Sergeant-at-Arms.

**MAYOR ALVEY** called the meeting to order.

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

**INVOCATION** was given by Reverend Jared Altic, Wyandotte Christian Church.

**Mayor Alvey** asked if there were any revisions to tonight's agenda. **Bridgette Cobbins, UG Clerk,** said a blue sheet has been distributed. Under Standing Committee Agenda, Item No. 1, we have an update to the agreement. Also, at the request of the petitioner, Section IX-Planning and Zoning Non-Consent Agenda, Change of Zone #3159 has been requested to be held over to the February 28<sup>th</sup> Planning and Zoning meeting.

## **MAYOR'S AGENDA**

### **ITEM NO. 1 – 19577...APPOINTMENT AND RESOLUTION: MUNICIPAL COURT ADMINISTRATIVE JUDGE**

**Synopsis:** Adopt a resolution appointing the Administrative Court Judge for the remainder of Judge Maurice Ryan's 4-year term, submitted by Ken Moore, Chief Counsel.

**Mayor Alvey** said I'd ask Commissioner Markley, the chair of the subcommittee, to make some opening remarks. I want to say at the beginning, thank you, Commissioner Markley, and thanks to all the members of the committee. You did great work forwarding us a good list of candidates.

**Commissioner Markley** said I won't say that it was easy because we did have an amazing set of candidates. We had ten applicants. All of them were very good. We interviewed five. We could probably have interviewed all ten had we had more time. They were all excellent applicants. We interviewed five of those and we had to, by ordinance, set forth three for this Commission's consideration. Those three were heard earlier this evening in special session. I am here tonight to make a motion for approval for the individual who came out of that special session with the majority of the votes, which is Brandy Brajkovic.

**Action:**       **RESOLUTION NO. R-6-19**, "A resolution appointing Brandelyn Nichols-Brajkovic to the position of Municipal Court Administrative Judge, Division 1, for the remainder of the term of four years which began October 1, 2018, through September 30, 2022; and that the County Administrator is hereby authorized and directed to negotiate an agreement between the Unified Government of Wyandotte County/Kansas City, Kansas, regarding the terms and conditions of said appointment as Municipal Court Administrative Judge." **Commissioner Markley made a motion, seconded by Commissioner Kane, to adopt the resolution.** Roll call was taken and there were nine "Ayes," Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs.

**Mayor Alvey** said congratulations to Judge Brajkovic.

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

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

**Ms. Cobbins** asked if any members of the Commission wished to disclose any contact with proponents or opponents on any item on the Planning and Zoning agenda. **Commissioner Townsend** disclosed contact with proponents and opponents of Change of Zone #3159. **Commissioner Bynum** disclosed contact with proponents of Change of Zone #3174 and Master Plan #MP-2019-1. She also disclosed proponents and opponents of Change of Zone #3159. **Commissioner Philbrook** disclosed contact with proponents of Plan Review Petition Change of Zone #3159.

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

#### **PLANNING AND ZONING CONSENT AGENDA.**

**Mayor Alvey** asked if any member of the Commission or anyone in attendance tonight wished 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. Curtis Nicholson asked to set-aside A-1 and D-1.

**Action:** **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the Planning and Zoning Consent Agenda, excluding A-1 and D-1.** Roll call was taken on the motion and there were nine "Ayes," Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs.

## **CHANGE OF ZONE APPLICATIONS**

### **ITEM NO. 1 – 19568...CHANGE OF ZONE APPLICATION #3174 - CURTIS PETERSEN WITH POLSINELLI**

**Synopsis:** Change of zone from BP Planned Business Park, CP-3 Planned Commercial and CP-1 Planned Limited Business Districts to MP-1 Planned Light Industrial and Industrial Park, CP-O Planned Non-Retail Business and CP-2 Planned General Business Districts for a mixed-use development (distribution/food service center, office and commercial) on the former Indian Springs Shopping Center site at 4600 and 4602 Orville Avenue and 4601 State Avenue, and

### **MASTER PLAN APPLICATION ITEM NO. 1 – 19571...MASTER PLAN APPLICATION #MP-2019-1 - CURTIS PETERSEN WITH POLSINELLI**

**Synopsis:** Master plan amendment from Mixed Use to Business Park and Community Commercial for property at 4600 and 4602 Orville Avenue and 4601 State Avenue, submitted by Rob Richardson, Director of Planning. The applicant has filed a change of zone, preliminary and final plat, final plan review and master plan amendment to subdivide the properties into eight lots to build a distribution/food service center and out parcels that are future commercial pad sites for office and retail businesses located on 49.2 acres. The Planning Commission voted 6 to 0 to recommend approval of Master Plan Amendment #MP-2019-1. The Planning Commission voted 6 to 0 to recommend approval of Change of Zone Application #3174, subject to:

#### **Urban Planning and Land Use Comments**

##### **General Planning:**

1. Submit a design criteria manual for the overall center.  
*Applicant Response:* Design criteria has been submitted.  
*Staff Response:* Applicant submitted what is basically the same design criteria as was used for some auto dealers.
2. Submit retaining wall elevations and calculations as required for a final plan review.  
*Applicant Response:* Calculations have been submitted.  
*Staff Response:* Wall material must be integrally colored to match building.
3. Any proposed wind turbines must comply with the wind turbine ordinance.  
*Applicant Response:* Acknowledged.
4. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property

line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided. North 47th Street and Orville Avenue are classified as Class A Thoroughfares, so sidewalks shall be installed on both sides of the street.

*Applicant Response:* The applicant agrees to construct a sidewalk along the east side of North 47th Street and the north side of Orville Avenue.

*Staff Response:* Additional sidewalks may be required to meet the code.

5. Over-the-road trucks shall not be parked on the property overnight.

*Applicant Response:* Over the road trucks are an essential component of the Scavuzzo operations and will be parked on the property overnight.

*Staff Response:* Response acknowledged.

6. Minimum 8-foot sidewalk/trail is required to be installed around the perimeter of the property. Please revise and resubmit.

*Applicant Response:* A 5-foot sidewalk will be constructed along the east side of North 47th Street and the north side of Orville Avenue. The applicant will also be re-striping 47th Street/Orville Avenue to include bike lanes.

7. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings. Please revise and resubmit.

*Applicant Response:* The applicant would appreciate further discussion with City staff prior to addressing this comment.

*Staff Response:* Acknowledged.

### Building Architecture

1. While this is being rezoned to M-1, it is part of an office and commercial development and should be designed as such. The buildings' appearance does not seem to meet the standards set in the Commercial Design Guidelines. Staff requests that the applicant submits an illustrated percentage breakdown of each material used on each elevation.

*Applicant Response:* See Sheets A2.4 and A2.5 for building elevations with breakdown of materials.

2. Please provide building elevations for all the buildings within the development. Only the food storage/distribution center was included in the initial submittal. A change of zone petition, which incorporates the preliminary plan review requires building elevations for all proposed buildings.

*Applicant Response:* Per discussion with City staff, building elevations for only the industrial food service building are being provided at this time.

*Staff Response:* A design manual has been submitted.

3. Please provide four-sided color renderings of the food distribution center for the final plan review.

*Applicant Response:* See attached four-sided color renderings, along with the building design narrative.

4. All roof-mounted units must be screened by the parapet of the building.

*Applicant Response:* Combination of parapet and unit-specification screening will be utilized for the food service building.

*Staff Response:* Comment remains.



5. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building.  
*Applicant Response:* Acknowledged.
6. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized. Overflow drains shall be at grade and hidden by vegetation.  
*Applicant Response:* See enclosed building design narrative.  
*Staff Response:* Comment remains.
7. All concrete shall be integrally colored – no paint.  
*Applicant Response:* See enclosed building design narrative.  
*Staff Response:* Comment remains.
8. The material palette is very bland and should be updated to provide a high quality and interesting appearance.  
*Applicant Response:* See enclosed building design narrative.  
*Staff Response:* Comment remains.

#### Landscaping and Screening

1. Based on the landscaping requirements in the CP-0 Planned Non-Retail Business, CP-1 Planned Limited Business, CP-2 Planned General Business Districts (one tree per 7,000 square feet of site area) and the Commercial Design Guidelines (at least 75 percent greater than the district requirement), the number of trees are required for the following lots:
  - a. Lot 2 – 106 trees
  - b. Lot 3 – 26 trees
  - c. Lot 4 – 22 trees
  - d. Lot 5 – 32 trees
  - e. Lot 6 – 16 trees
  - f. Lot 7 – 17 trees
  - g. Lot 8 – 23 trees

In summary, 242 trees are required to be planted for the commercial zoned lots based upon staff's calculations. Please revise the landscape plan accordingly. This total does not include trees required for street trees planted along a major street or within parking lot islands.

Lot 1 requires 117 trees, which does not include the requirement for street trees and parking lot islands.

*Applicant Response:* Acknowledged.

2. Per the Commercial Design Guidelines:
  - a. The majority of all surface parking and all drive-through facilities should be located to the maximum extent possible behind buildings or in the interior of a block.
  - b. Parking located between front of building and street right-of-way must provide an additional 20 feet of landscaped area in addition to the required setback.
  - c. Parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements.  
*Applicant Response:* The applicant agrees that the non-industrial buildings should follow the Commercial Design Guidelines.
3. All landscaping must be irrigated.

*Applicant Response:* Some landscaping will be zero-scape to account for LEED accreditation and cannot be irrigated. All non-irrigated plantings will be of native type and irrigation will be used until the plantings are established. See enclosed Landscape Established Management Plan.

*Staff Response:* In native planting areas (non-irrigated areas), trees shall be water bagged for two years.

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

*Applicant Response:* Acknowledged.

5. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction.

*Applicant Response:* Acknowledged.

6. Staff is requesting clarification on the height and type of lights used in the parking lot.

*Applicant Response:* See attached cut-sheet for site lighting. Light poles are currently designed to be 30' in height.

7. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line. Please provide a lighting plan.

*Applicant Response:* See enclosed lighting plan.

*Staff Response:* Comment remains.

8. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed.

*Applicant Response:* Acknowledged.

9. The dumpster will need to be screened with an architectural wall that matches the building and heavily landscaped.

*Applicant Response:* Acknowledged.

10. Sec. 27-468(c)(2) All storage of materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that the contents are not visible at eye level within 100 feet of the property line. Outside storage areas for other than operable vehicles shall be limited to an area no greater than ten percent of the enclosed floor area of the use and shall not include storage, junk or salvage. Semitrailers not coupled with tractors shall be included in this area limitation.

*Applicant Response:* The applicant would appreciate further discussion with City staff prior to addressing this comment.

*Staff Response:* This is a district requirement of MP-1 Planned Light Industrial and Industrial Park District.

11. The BPU transformer pad and generator depicted on sheet Z01 shall be completely screened on three sides with 6-foot junipers setback 3 feet from the pad. Additionally, the transformer doors shall face east, interior to the site towards the building façade.

### Signage

Shall comply with the sign ordinance.

*Applicant Response:* Acknowledged.

### Public Works Comments

1. Items that require plan revision or additional documentation before Engineering can recommend approval: none.

2. Items that are conditions of approval (stipulations):
  - a. Please coordinate with UG Public Works regarding restriping of N 47<sup>th</sup> Street and Orville Avenue.
  - b. The south-west driveway shall include an extended median and/or throat into the site to physically prohibit vehicles from using the opposite lanes of the driveways.
  - c. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
  - d. The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents in accordance with County Surveyor comments.
3. Comments that are not critical to Engineering's recommendations for this specific submittal but may be helpful in preparing future documents: none.

### Staff Conclusion

The applicant has responded to Planning and Planning Engineering staffs' comments; however, staff would like to continue to work with the applicant on the remaining issues:

1. A 4-foot internal sidewalk and landscape buffer with pedestrian lighting must be depicted on the site plan.
2. Resolve remaining Engineering reviews and utility conflicts.
3. Incorporate masonry materials (i.e. stone, brick and/or cast stone) on the entry, office and mezzanine area of the south façade.
4. In native planting areas (non-irrigated areas), trees shall be water bagged for two years.

**Mayor Alvey** asked can we hear both of them at the same time. **Mr. Richardson** said yes, that's fine.

**Rob Richardson, Director of Planning**, said Mr. Petersen has a brief presentation to describe how they're going to accomplish the one stipulation and contention that related to the staff report for screening of the roof-top units. I think we have a plan to do that. I'll let him go into the details on that. There's one part of it that we think will work, but if it doesn't, we would like the authority to come back and fix that with another method in the development agreement if what's specified tonight doesn't work. They've been working on this all afternoon and into the evening. That's the one caveat I think he'll ask for.

**Kurt Petersen, Polsinelli, Inc., 6201 College Blvd., Overland Park, KS**, appeared on behalf of the applicant. It is gratifying when we work for weeks and weeks, actually months and months, and then it happens sometimes. We were up there for the last few hours trying to figure out something and we'll get to that. Mostly, of course, if you have questions about it that's great, but

mostly to get it on the record just because this is a final approval tonight. If you don't mind, it will not be long winded, Mayor, I promise. Just because some of you, I know there were three or four of you that I saw in the audience at the neighborhood meeting, that was very well attended, back at the end of the year where we went through all of this. I know everybody wasn't able to make it with everything going on, so I thought we'd do an abbreviated version of that just because it really is an important site and so you can have a chance to ask questions and things like that. With that, maybe we'll do that preview and then hit the technical issue Rob was referring to.

Scavuzzo's, Inc., it really starts—before we talk about the project, you've got to know who this is. This is the mastermind behind the redevelopment of this very important site, the Indian Springs mall. Scavuzzo's, Inc., is a fourth, I always say fourth, they now have the next generation working there with them. It's a fifth-generation company based right now here in Kansas City, Kansas. While they do a lot of things, their core business model, that's easy to remember and understand, what they would do at this site is to serve largely restaurant clients by distributing all the food and other restaurant stuff that they need out of their facility. They focus especially on—their real niche is the locally owned and regional businesses. They're happy to help those national folks too, but they really have a focus on local restaurants and operators. They serve a number of states across the region but, again, they're based here in Kansas City, Kansas.

They've really had great success. Pam Scavuzzo, who wasn't able to make it tonight, is the owner; that's Rich's mother, and has done wonderful things with this company in the last generation. Richard has taken over as CEO and just in the last five or six years, has done incredible things with growth. I'm sure you'll have other opportunities one on one over time to talk to him about his vision. It's really incredible and again, he's here with us.

With this vision and the growth that he's shepherd over the last five years, they need a new headquarters and honestly, in this market, they're a very, very attractive user with lots of very quality jobs. They could go anywhere. They like Kansas City, Kansas, and they want to be here. They think this site can help them accomplish what they want, not only with their food service center, which we'll talk about, but also with their grander vision for, what some snicker at the name but I'm telling you it's from the CEO and the ownership on down, the KC Foodie Park. They're about food. If you look at their website, you see they're crazy about food. They want this to be the KC Foodie Park, which part of it, as we'll talk about, is with a food service center.



The site, as many of you know because this is not a foreign site to you, it's about 50 acres; the core mall site. It is oriented correctly with State Avenue to the north and I-635 running along the eastern side. This Foodie Park is meant to be as it sounds, food focused. Concepts are restaurants, food-related service businesses like food prep, meal prep; potential, but no promise to be very clear, they'd love to have a small format grocery there. We understand that Aldi's next door, but we think there's room for even more: possible C-store, other retail, kind of neighborhood retail, and office headquarters that I'll focus on in a minute, the food service center, and also, again, I'll hit it with a little more detail, and a massive solar park to the south that would run the food service center.

Looking at the site, let's just go from north to south. Starting up again at State Avenue, kind of call this the first tier, the first row, I guess. While there's three red boxes there, as we said to the neighbors, as we said to the Planning Commission and anybody that calls us, we tell them there's no certainty that there's going to be three. There could be five, there could be a double there that's two concepts. That's one rhetoric. The point is, that's possible that there's three, there

could be more, probably not less, but that is the first tier. We really see that being restaurant focused.

We have a brokerage team that's out right now that's been working very hard, frankly ever since just before the neighborhood meeting, not to be presumptuous. We understand this is the UG's property, but you've got to get these things started. They've been out in the market trying to figure out, especially right now—folks, I know this to be true because I got an update from the brokerage team today; focus on local businesses first to see what kind of local restaurants, regional restaurants could be interested. I think the total was today, to be very exact, there are six strong leads and two others that are still talking. We don't even have anything firmed up yet. I'm trying to encourage you, this is real. That would be the first row. There could be some retailer, C-store, but probably restaurant focused.

The second row is where the cursor is here on the screen, these larger buildings. Once again, this is a concept. I know Rich Scavuzzo and his team would hope that some of their clients—they have talked to some of their clients, again, at their restaurants, who would be interested in doing some of this meal prep and other food related services. Again, I hope this is encouraging you. We have no idea for sure exactly. The market will tell us, so that's the second row. Again, very neighborhood focused. All the red you see there is neighborhood focused which is important as we talk to the neighbors and looked at the survey the UG did, what a year and a half ago now on this site. We want to interface with the neighborhood a lot right here. Just for context, you all know that's the bus transit center right here along with the police station.

As you move to this middle area of the site, this red building is anticipated to be approximately a 4-story office headquarters. This is where the office headquarters would go for Scavuzzo's, Inc., but just because this is a—I actually think this is neat. They wouldn't take up four floors. When they do this, the idea would be they have so many hundreds and hundreds of clients that are restaurants in the area that are based in Kansas City and many of them have said we would love to office with you, there's synergy. Rich has talked about something that he's passionate about is on the first story, doing a test kitchen. They've been talking with the Culinary Institute cutting edge stuff. This is a Foodie Park. I could go on and on, but I promised I'd be short, and I've already blown that. That's what would go right here.

As you move to the south, you get to what's called the Food Service Center. This is the distribution warehouse, that core business model that I referred to that the Scavuzzo's engaged in.



The dark amber here would be what would be built first. These are expansion areas. This part of the building here is for cold storage. This part is for dry storage. This part here that you'll see a picture in a minute is office for what directly serves the entire food service center. That, again, is the expansion area here. When the expansion is built, this is a service center for vehicles and equipment out in this corner.

Something I want to point out about this too, really the whole site, is that Scavuzzo's are passionate about also sustainability in terms of environment and things like that. They are, right now, have the designers, engineers and architects here, a nationally prominent architect that has done millions and millions and millions of square feet of food service centers just like this. They think there's a possibility they'll get LEED Platinum, for those that know about LEED. Can we guarantee it would be platinum? No, but they are all in with their design in trying to do that.

The reason I went back to that is it segues back to the south part. It's not really on the screen. It's more UG property here on the hill, that undermined area. There's not too much you can do with it. I'll call it foundational. I know certain people are nodding because they've been somewhat involved in the background of this development of what we hope to be on this hill.

Approximately, don't hold me to the exact amount for the design is happening now, 8 megawatts of the solar. That's a ton. The reason they would do that is because they're passionate about running this facility here, the food service center, on a net zero basis from an energy perspective. They have Black & Veatch doing their study; very sophisticated, saying yeah, that's within reach. There're some things to work out with BPU and some other things like that, but we're very confident that will happen. Again, we would be remised if we skipped over that. That would be the last piece of the project in kind of going north to south.

There are a couple of pictures. I will tell you that we've been working with staff. Lots of changes have happened over the last number of months and some of them are architectural. We had very nice renderings being prepared that were supposed to be ready for this. You're going to see slightly—I can tell you the things that are different. We added some color, we did some different things. Take this as a conceptual rendering. Again, I didn't get the most updated.



This is your viewpoint as looking south. State Avenue would be back here in the first row where I talked about really aiming for restaurants would be right here. We didn't render them because it's really hard to render a restaurant and not like debate the question of what it is. You know what restaurants look like.

Up along here is retail and then you come to the roundabout. Here would be what I call the second row which, again, would be food focused, maybe more service-oriented. It could be restaurants; it could be small format grocery.

As you continue to move south, you would come to that 4-story. Again, there's no final plan in front of you. This is a conceptual rendering, but like a 4-story office headquarters with that test kitchen and the other tenants from the food industry.

Lastly, you can see in the far southern end is the food service center.



We get a little better picture since the food service center has the final plan. Again, remember conceptual. We've added masonry here and color, but you get a sense. Your orientation here is

coming down—State Avenue would be up here. You'd be coming south on 47<sup>th</sup> and coming around the bend here, and then you would see this. This is the southwest orientation. I-635 is over here.

In keeping it relatively brief, timing is something that always comes to mind. The neighbors asked a lot about that. One, we have—I think most of you know in terms of the infrastructure for this site, we have been working a lot with staff, with different staff, and Mr. Bach's staff, on public incentives to work on the infrastructure because it is a pretty big infrastructure project. I believe we're a matter of probably, and I don't mean to step on Doug's toes, but I think it's possibly even next month we'll decide whether we'll be in front of a standing committee to talk about concepts and things like that. I would be remised if I didn't mention what's been going on, so we'll see you soon on that.

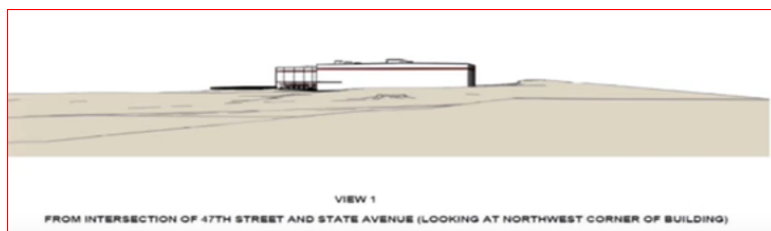


In terms of timing of development, once the public/private partnership's done, this gets done tonight, hopefully, then the actual construction timing would be, as we described it to the

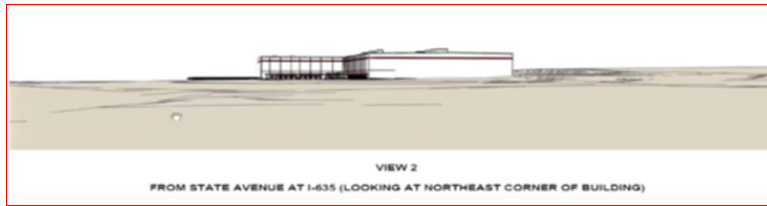
**January 31, 2019**

neighbors, as the bookends get done first. The bookends being the north and the south. Like I said, we're already out the door being very presumptuous working on getting this moving. That also includes some of the same users could consider space in here. That's one bookend. The other bookend is getting the amber area going so we can get that operational in something like an 18-month, 15, 17 months, something like that. So, bookends first and then we hope the solar will follow quickly behind.

Our technical issue with Mr. Richardson, and I will go fast through this to make a record, but I don't mean to wash over this. We can slow down on any of this that you'd like. The technical issue has to do with rooftop screening. The context was never about cost too much or anything like that. The high-level issue is the idea of on the top of the roof of the food service center, this is actually incredible that they do this even though they're rooftop units, there's no puncturing of the roof. It's so important when you have that much. It's tens and tens and tens of millions of dollars in food products. The CEO sitting behind me has 30 years in the industry of managing these. He said the biggest issue you can face is punctures, getting moisture in the facility, especially on the cold. Can you imagine going from a 100-degree day outside into below freezing? It's bad news. They're very, very serious about that. We started talking about how we can screen everything so it looks great.



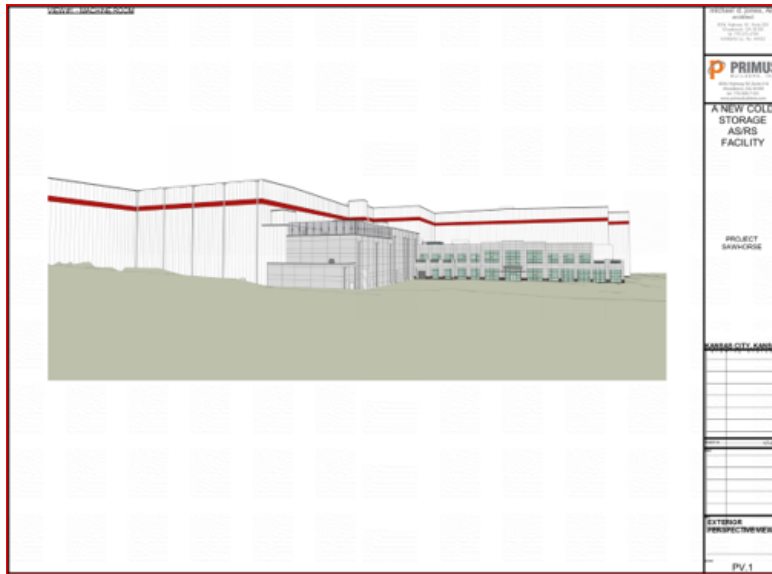
I'm going to go quickly through some that staff has and can be put in the record, some views of, and keep in mind, I'm focusing on the food service center because that's the only rooftop screening we're talking. There are buildings between what you're looking at. Right now you're at 47<sup>th</sup> & State, the northwest corner of the overall site, and you're looking back at, remember, you'll have lots of buildings in between there. This is taller so that's why we wanted to show it like this. You can see on the top, and this is to scale, this is an engineer drawing, you can see these little rooftop units sticking out. That's what we're talking about.



Then you get a view over from I-635 and State Avenue. Same thing, quite a distance, but you can see a little peekage above of the rooftop units, which I'm going to describe in a minute, or actually not what you're thinking in terms of rooftop units. We call them rooms, junior penthouses. penthouses.



I'm going to skim over that. That would tell you your orientation for all the renderings I'm going to go through really, really quickly. We're going to work our way around the building so you can see what it looks like from all the spots around the building.

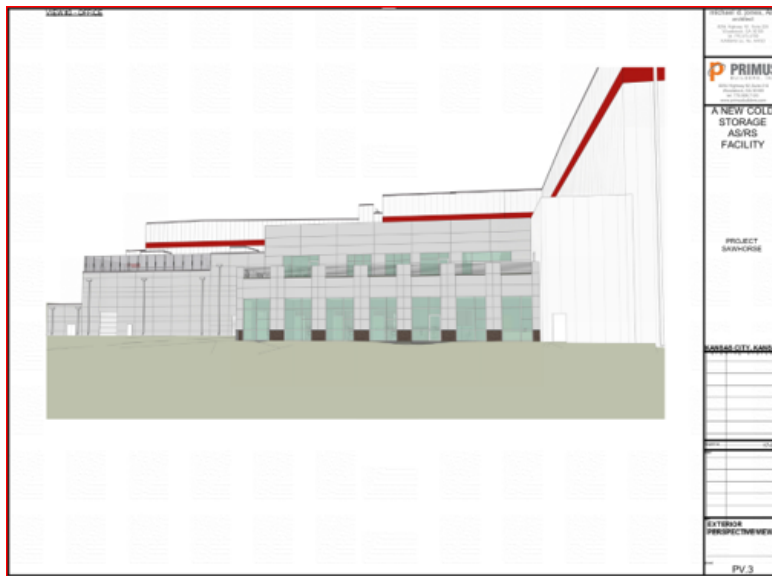


Really quickly, remember the office area that faces southwest. We worked out some nice screening with Mr. Richardson and his staff that will work there. The same over here. None of the big units are visible here.

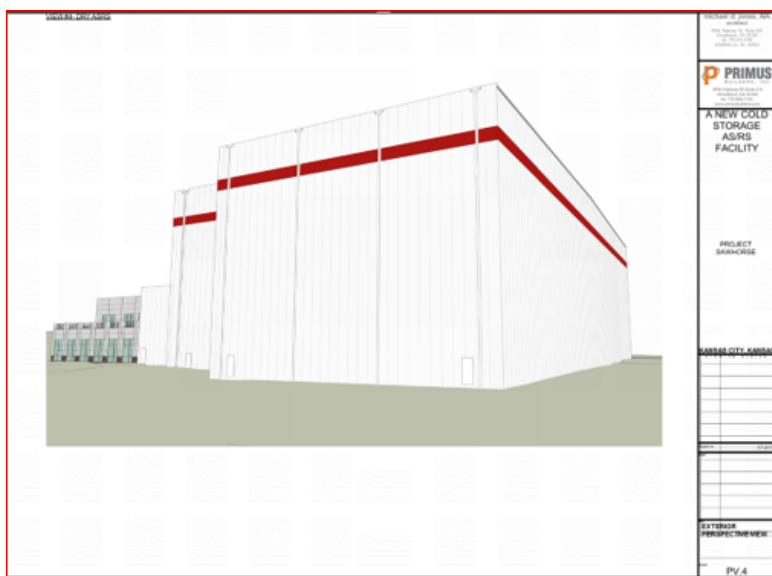


The same thing. None of the big units are visible.

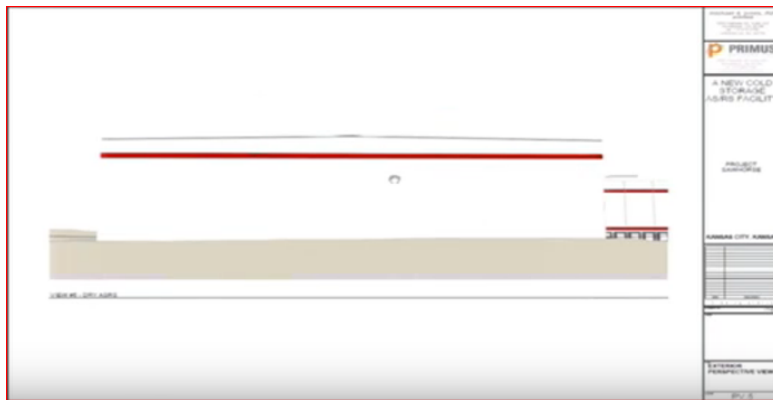




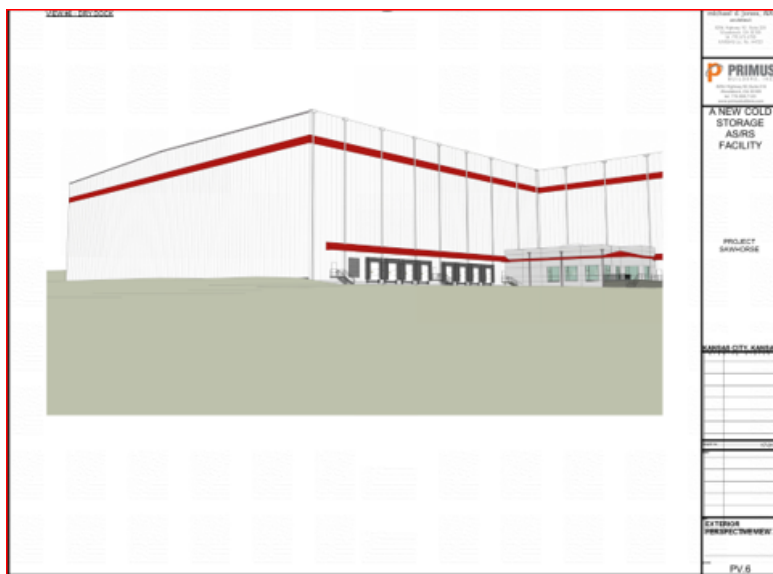
Remember, it's a very, very tall building. Same thing.



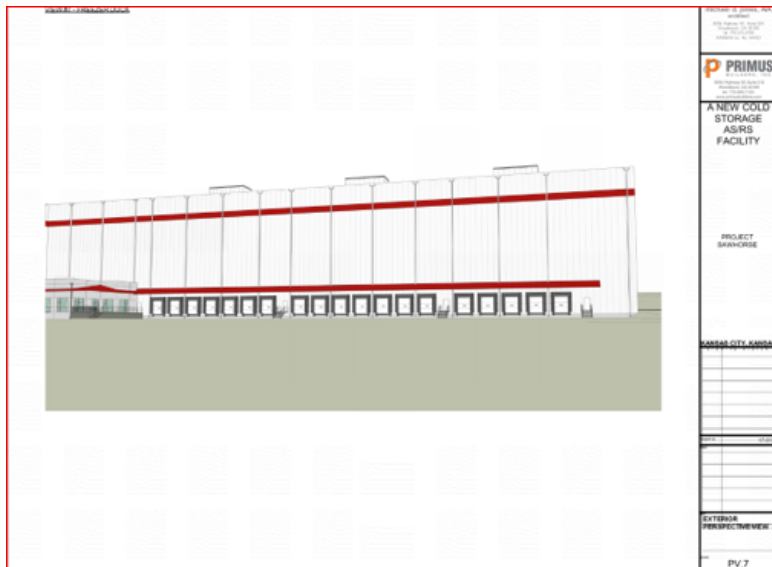
Working our way around.



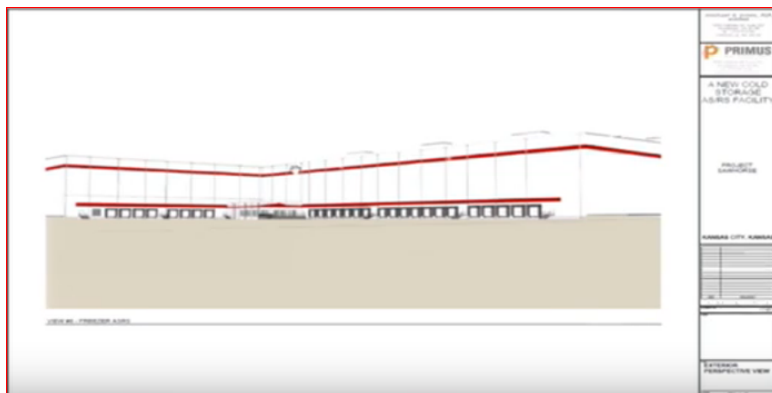
Same thing.



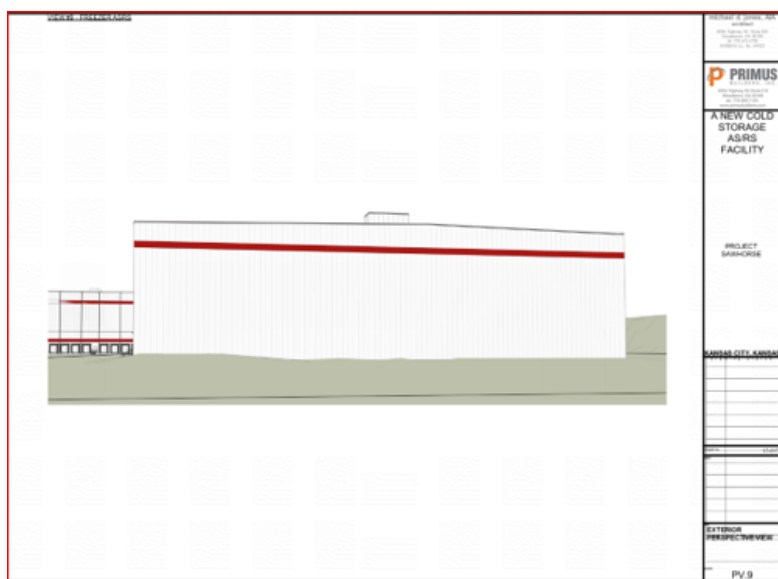
Same thing.



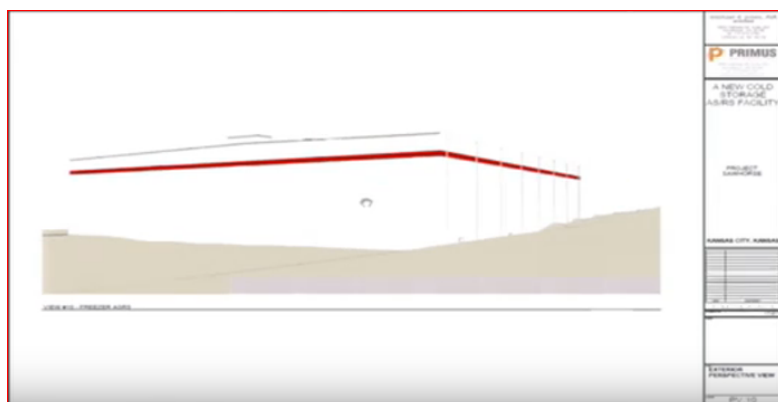
Then here, you're looking from generally speaking I-635 directly across. I-635, this is downhill to I-635. You really see how these just do a little peekaboo above here. I'm going to summarize at the end; just remember this. There's a little peeking above the parapet there.



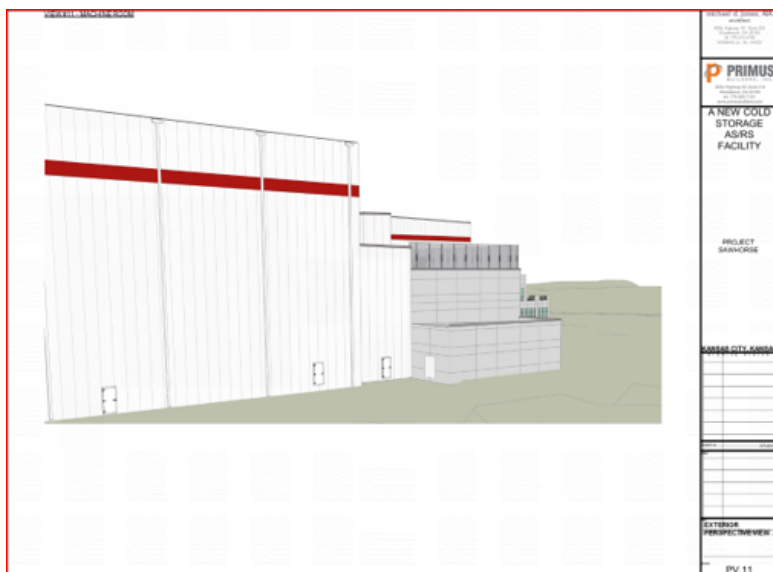
This is just generally just a little farther north, kind of looking back to the southwest. Same facade you're looking at there. A little bit of peekage there.



This vantage point is actually from the Transit Center, just giving you a sense for what folks would see. There would be one unit right now that would be seen.



Pretty much the same thing.



Then we make our way all the way back around.



I'm actually going to show you a picture quickly. These units right here, this is obviously a whole other building. That resolution is not as good as I would have liked, but it gives the idea of what a room is. These rooftop units on top of the building will be totally encased. It's a room that you can go in . It's made of, this is key, the exact same material of the building itself, these high-end metal panels and it's the exact same color. In your mind, don't think of when you drive by a building and you see metal and rust and all that there, they are totally enclosed, totally the same color, and the same high-end material.

At the same, because staff is demanding, which we understand, we think it looks fine as it is. The deal we were working out is remember the kind of peekaboo's you're starting to see from a few locations, we said let's go back without making any penetrations in the roof that's why it's

**January 31, 2019**

been a little bit of a hard design. You can't get too tall or you have to start anchoring into the roof. We can go two and a half feet. This is the detail that we're just kind of getting into the record. I'm going to point out and say it for the record.



Remember this is the cold storage side, the northern wing of the building. That entire north façade of that will have a two-and-a-half-foot parapet, which is as high as we can go without penetrations. Also, on that same building piece, but on the east facade facing I-635, a two-and-a-half-foot parapet. Lastly, down on the dry storage building on its northern roof facade, that will have a two-and-a-half-foot parapet. As we were just going through the engineer drawings and figuring this out, I can say because we just talked about it, the professional staff and the design team agree that that is sufficient for screening.

There's only one, there's two other things to say and then I'm done on this issue. One was the parapet on those three, the two-and-a-half-foot. The second is if you see, it's an older vision, of course that would happen—see this northern most room on top of the cold storage? The design team will take that and the unit directly south of it and they will rotate them so they have a north/south orientation and slide them both back so that they're generally in line with where the second one is right here. What that will do is geometrics. It's going to take care of some of that peekage, plus you have a parapet.

Third and final detail that we worked out. This view angle here, which describing with my words, would be looking from I-635 from the northeast to the southwest. Actually this building here, which will be added when there's an expansion in the future, is actually roughly, I think we



said, a two-and-a-half-story, approximately 25 feet. You're not approving it tonight. That will be here, which is good, eventually for this site angle. We were still finding with the two-and-a-half-foot parapet, as Mr. Richardson, his staff, and the design team looked that there might be some units that might peek over the top of the parapet.

What we agreed on was from this line, kind of the northern part of this first non-expansion cold storage, go across from there up. We'll work on an extra landscaping in the landscape plan between now and permitting with Mr. Richardson and his staff. They'll be evergreen. We think that, plus this building that will eventually go here, will take care of that.

As Mr. Richardson was suggesting in his opening remarks, because we will have, we hope to make this work, a development agreement coming soon, we would ask that as part of your hopefully, motion and approval tonight, that you would give authority in the development agreement if we need to tweak that solution a little bit. We're very open to working with staff on that as long as, and this was agreed on, no penetrations in the roof. You can see the sincerity. That's the main issue.

**Mayor Alvey** opened the public hearing.

No one appeared in support.

No one appeared in opposition.

**Mayor Alvey** closed the public hearing.

**Action:**        **Commissioner McKiernan made a motion, seconded by Commissioner Philbrook, to approve Change of Zone Application #3174 and Master Plan Application #MP-2019-1, subject to the stipulations.**

**Mr. Richardson** asked, that includes the changes that Mr. Petersen made. Correct? **Commissioner McKiernan** said it does everything that was just spoken into the record. It includes all of those things. **Commissioner Philbrook** said the second applies.

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

## **ITEM NO. 2 – 19569... CHANGE OF ZONE APPLICATION #3177 - ERIC NELSON WITH FAMILY TREE NURSERY**

**Synopsis:** Change of zone from AG Agriculture (WYCO) District to A-G Agriculture (City) District for Family Tree Nursery greenhouse plant production building at 13820 Donahoo Road, submitted by Rob Richardson, Director of Planning. The applicant wants to rezone the property to reduce the side yard setbacks to build a 422,335 square foot plant production greenhouse on 20.90 acres. The Planning Commission voted 6 to 0 to recommend approval of Change of Zone Application #3177, subject to:

### Urban Planning and Land Use Comments

1. The applicant is rezoning the property from A-G Agriculture District (WYCO) to A-G Agriculture District (City) to build a 422,335 square foot greenhouse. The side yard, interior setback for A-G (WYCO) is 100 feet from the property line. The applicant has proposed to build their greenhouse 50 feet from the side yard, interior (east) property line; therefore, they are rezoning the property to A-G Agriculture District (City) which has a 50-foot side yard interior setback.
2. Please provide a narrative on how this location will be similar and/or different from the current plant production greenhouse at 97th and Wolcott Drive?  
*Applicant Response:* Like the Wolcott location, this is a production greenhouse to grow plants that will be shipped to retail locations throughout the metropolitan area. The same products grown at Wolcott will be grown at this location. This site will have the same seasonal cycle as Wolcott with April and May being the busiest time. The greenhouses will have a more modern, organized, and uniform appearance than Wolcott. The first phase is similar in size to Wolcott.
3. How many truck deliveries will there be per day? Will trucks be kept overnight in the parking lot?  
*Applicant Response:* During the busy season mid-April to Mid-June incoming 2-3 trucks, outgoing 15 trucks. Rest of the time, incoming 2-3 trucks per week, outgoing 5-6 trucks. Two 26' box trucks will be on site overnight.
4. Since plans have been submitted to the Development Review Committee, if there are additional comments that are issued by various departments, the building permit set (construction drawings) shall be revised.  
*Applicant Response:* The owner understands this requirement.
5. Will you be storing manure or compost on site, if so, where will those bins be on site?  
*Applicant Response:* No manure or compost. Potting soil will be on palettes stored inside.
6. All utilities servicing the building shall be underground.  
*Applicant Response:* All utilities are proposed to be underground except those that are existing primary electrical lines.
7. All lighting, whether mounted on the building or installed, in the parking lot shall have 90-degree cutoff fixtures.  
*Applicant Response:* Lights will have cutoff fixtures.
8. In the future, a final plan review shall be submitted for the second phase of development, which includes an additional parking lot and a 44,000 square foot building.

*Applicant Response:* The second phase will probably be the 133,740 square foot expansion of the production greenhouse.

9. Will there be any retail sales?

*Applicant Response:* Not in this phase.

Public Works Comments: none.

**Action:** Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #3177, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs.

### **SPECIAL USE PERMIT APPLICATIONS**

#### **ITEM NO. 1 – 19565...SPECIAL USE PERMIT APPLICATION #SP-2018-96 - DR. KELLY MATHER WITH USD 500**

**Synopsis:** Renewal of a special use permit (#SP-2016-26 - expired 4/28/2018) for the temporary use of Land for modular classrooms at William White School at 2600 North 43rd Terrace, submitted by Rob Richardson, Director of Planning. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2018-96, subject to:

#### **Urban Planning and Land Use Comments**

1. Subject to approval, this special use permit shall be valid for two years.
2. How long is the modular classroom anticipated to be in use as the new elementary school will be under construction in 2019?

*Staff Response:* While the applicant did not respond to this comment, staff concludes that the modular classroom will be used prior to the construction of New West Elementary School, which will be completed within the two-year cycle of the special use permit.

Public Works Comments: none.

**Action:** Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-96 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs.

**ITEM NO. 2 – 19566...SPECIAL USE PERMIT APPLICATION #SP-2019-2 - LINDA SIEMENS WITH CULTIVATE KC**

**Synopsis:** Renewal of a special use permit (#SP-2016-97) for the temporary use of land for storage trailers and a cooler for the market farm training program and community garden at 1900 North 1st Street, submitted by Rob Richardson, Director of Planning. The applicant is requesting to continue the placement of two shipping containers along with four additional containers and a moveable high tunnel on the property to be used as a cooler and storage as part of Cultivate KC's urban farming and farmers market program. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2019-2, subject to:

Urban Planning and Land Use Comments

1. Approval for 2 years.
2. When were the four additional storage containers, mentioned in the updated letter, placed on site? When do you anticipate having them removed?

*Applicant Response:* One of the containers was placed there in 2013, and another one placed right beside it in 2016. There are no immediate plans to remove these as they are providing secure storage for necessary program equipment. (Other storage attempts have resulted in loss by theft.) They were considered “non-permanent” since they are not anchored down. If Juniper Gardens Training Farm ceases programming, they will be removed. The others were placed there in the Spring of 2018, moved from our previous Gibbs Road Farm location. They are there temporarily until the completion of a Scaling Up Farm at another currently undetermined location, at which time they will be moved. We anticipate approximately one to two years.

Staff Note: The approval of this special use permit application would be for all six temporary storage containers on site.

Note to Applicant: Additional containers may not be placed without an additional special use permit.

3. Please provide photographs from 3<sup>rd</sup> Street.

*Applicant Response:* These photographs were taken on 1/2/19 from two different areas of 3<sup>rd</sup> Street. Although much of 3<sup>rd</sup> Street is residential housing, these were taken from two of the more open areas in between the housing.



Public Works Comments: none.

**Action:** Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-2 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs.

### **VACATION APPLICATION**

#### **ITEM NO. 1 – 19570...VACATION APPLICATION #A-2018-7 - WIL ANDERSON WITH BHC RHODES**

**Synopsis:** Vacation of an alley at 813 Barnett Avenue, submitted by Rob Richardson, Director of Planning. The applicant has submitted a change of zone application, master plan amendment, and vacation application in order to redevelop the former Central Elementary School building as offices and to redevelop the existing school yard as a parking lot.

**January 31, 2019**

Note: There was also a variance application submitted that was withdrawn which affected the change of zone and master plan amendment; therefore, those applications could not be heard by the City Planning Commission.

The vacation application is for a 20-foot wide alley that appears to be vacated in the Unified Government's parcel map, but research by the surveyor indicated that this action is necessary to ensure that the alley is actually vacated.

The Planning Commission voted 6 to 0 to recommend approval of Alley Vacation Application #A-2018-7.

**Action:** Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Alley Vacation Application #A-2018-7. Roll call was taken and there were nine "Ayes," Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs.

### **MASTER PLAN APPLICATION**

#### **ITEM NO. 1 – 19571...MASTER PLAN APPLICATION #MP-2019-1 - CURTIS PETERSEN WITH POLSINELLI**

**Synopsis:** Master plan amendment from Mixed Use to Business Park and Community Commercial for property at 4600 and 4602 Orville Avenue and 4601 State Avenue, submitted by Rob Richardson, Director of Planning.

**Action:** This item was previously heard with Change of Zone Application #3174.

### **PLANNING AND ZONING NON-CONSENT AGENDA**

#### **CHANGE OF APPLICATION**

#### **ITEM NO. 1 – 19567...CHANGE OF ZONE APPLICATION #3159 - BRYAN RUOFF WITH 3F30 ARCHITECTS**

**Synopsis:** Change of zone from C-1 Limited Business District to C-2 General Business District for X-Press Mart convenience store with fueling pumps at 3801 Leavenworth Road, submitted by Rob Richardson, Director of Planning. The Planning Commission voted 5 to 2 to recommend



approval of Change of Zone Application #3159 to CP-2 Planned General Business District, subject to numerous stipulations.

**Action:** As previously noted under revisions, at the request of the petitioner, this item is held over to the February 28, 2019 meeting.

### **SPECIAL USE PERMIT APPLICATION**

#### **ITEM NO. 1 – 19572...SPECIAL USE PERMIT APPLICATION #SP-2018-19 - ZONING ENFORCEMENT STAFF - REVOCATION OF SPECIAL USE PERMIT**

**Synopsis:** Revocation of a special use permit for the temporary use of land to keep two storage container units on the site at 5401 State Avenue for failure to comply with the requirements set forth herein or established by the Unified Government Board of Commissioners as a condition for approval, submitted by Rob Richardson, Director of Planning. The applicant, Jimmy Smith, is keeping several semi-truck trailers at 5407 State Avenue and 5421 State Avenue. After being cited with a zoning violation, the applicant filed a special use permit to keep the trailers at this location. The request was granted on April 26, 2018, and he has failed to comply with the approved stipulations. On April 26, 2018, the Board of Commissioners approved this application for two years, subject to:

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

**Rob Richardson, Director of Planning**, said in April of 2018, this body approved a special use permit at 54<sup>th</sup> & State Avenue, basically the southwest corner of the intersection, with six stipulations and gave 120 days to accomplish those and 60 days on others. Three of those have not been accomplished. The first of those being that the solid fence screening along the east side was not built. The fencing and landscaping on the west side to hide the trailers were not built within 120 days either. The site was not cleaned up within 60 days.

Subsequently, zoning enforcement staff issued a summons for these violations. The trial was set for December 5<sup>th</sup> and the applicant failed to appear in court. The Unified Government was issued a default judgment against the applicant. Given that he's in default and refused to appear in court, staff is recommending that the Board of Commissioners revoke this special use permit according to what's outlined and the code. The property owner, the applicant, and those within 200 feet have been notified. I'm not sure if the applicant is here this evening or not, that's Mr. Jimmy Smith. I think he should be given a chance to speak as well as those for and against.

The applicant did not appear.

**Mayor Alvey** opened the public hearing.

No one appeared in support.

No one appeared in opposition.

**Mayor Alvey** closed the public hearing.

**Action:**        **Commissioner Murguia made a motion, seconded by Commissioner Philbrook, to revoke Special Use Permit Application #SP-2018-19.** Roll call was taken and there were nine "Ayes," Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs.

## **REGULAR AGENDA**

### **REGULAR CONSENT AGENDA**

**Mayor Alvey** asked does any member of the Commission or anyone in attendance tonight wish to set-aside any item on the Regular Consent Agenda. If an item is not set aside, all items on the Consent Agenda will be voted on by one vote. There were none.

**Commissioner McKiernan** said now that we've concluded the Planning and Zoning and before we move to the next item, I just wanted to point out and, again, I've not had to do this for over a year and I've been glad that I haven't had to do this—my disappointment that there are—at the end of every Planning and Zoning agenda, there is a tax status report that lists any items that come

before the Planning Commission where the properties are in arrears on their property taxes. We are not allowed to use that information as the basis for any decision, and we don't do that.

I want to just go on record with my disappointment that everyone who comes before our Planning Commission is asking the Unified Government to work on their behalf. If you have not paid your property taxes, then you are not funding the organization that you are asking to work on your behalf. I believe that puts an unfair burden on the Unified Government and it puts an unfair burden on every taxpayer who pays in full and on time. I just want to go on record with my disappointment one more time that there are, in fact, items before the Planning Commission tonight that were in arrears on taxes.

**Action:** Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the Regular Consent Agenda. Roll call was taken on the motion and there were nine "Ayes," Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs.

#### **ITEM NO. 1 – 19575...PLAT: KING ESTATES, 2<sup>ND</sup> PLAT**

**Synopsis:** A plat of King Estates 2<sup>nd</sup> Plat, located along 124<sup>th</sup> Terrace north of Hollingsworth Road, being developed by Reginald B. King, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

**Action:** 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," Townsend, McKiernan, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

#### **ITEM NO. 2 – 19576...PLAT: DELAWARE PARK**

**Synopsis:** A plat of Delaware Park, located along North 74<sup>th</sup> Drive south of State Avenue, being developed by NorthPoint Development, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

**Action:** 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,” Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs.

### **ITEM NO. 3 – MINUTES**

**Synopsis:** Minutes from regular sessions of November 29 and December 13, 2018; and special sessions of December 13, 2018; and January 10, 2019.

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

### **ITEM NO. 4 – WEEKLY BUSINESS MATERIAL**

**Synopsis:** Weekly business material dated January 10, 17, and 24, 2019.

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

### **PUBLIC HEARING AGENDA**

No items

### **STANDING COMMITTEES’ AGENDA**

#### **ITEM NO. 1 – 1953...RESOLUTION: AGREEMENT WITH CITY OF BONNER SPRINGS**

**Synopsis:** A resolution authorizing the Mayor to extend the agreement with the city of Bonner Springs, Kansas, for street maintenance and police services to the unincorporated area of Loring for an additional year, submitted by Misty Brown, Deputy Chief Counsel. This was scheduled to appear before the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, on January 28, 2019. It was requested, and approved by the Mayor, to fast track to the January 31, 2019 full commission meeting.

**Commissioner Bynum** said we're happy to reach this agreement with the City of Bonner Springs. The blue sheet, I believe, is just the corrected dollar amount.

**Action:**        **RESOLUTION NO. R-2-19**, "A resolution authorizing an Addendum to the Interlocal Cooperative Agreement among the Unified Government of Wyandotte County/Kansas City, Kansas and Bonner Springs, Kansas, for street maintenance and police services to the unincorporated area of Loring." **Commissioner Bynum made a motion, seconded Commissioner Kane, to adopt the resolution.** Roll call was taken and there were nine "Ayes," Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs.

**ITEM NO. 2 – 19556...RESOLUTION:    AGREEMENT WITH KAW VALLEY DRAINAGE DISTRICT AND THE ARMY CORPS OF ENGINEERS**

**Synopsis:** A resolution authorizing the Unified Government to enter into a Public Partnership Agreement with Kaw Valley Drainage District and the Army Corps of Engineers to secure free federal funds, submitted by Misty Brown, Deputy Chief Counsel. This does not commit the UG to anything more than already budgeted. This was scheduled to appear before the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, on January 28, 2019. It was requested, and approved by the Mayor, to fast track to the January 31, 2019 full commission meeting.

**Commissioner Bynum** said this is actually very exciting to be able to enter into this agreement and provide for flood protection for this area that so desperately needs it and have it be federally funded to the tune of, I believe, more than our entire Unified Government budget, \$400M plus.

**Action:**        **RESOLUTION NO. R-3-19**, "A resolution approving the Project Partnership Agreement between the Department of Army and the Unified Government of Wyandotte County/Kansas City, Kansas, and the Kaw Valley Drainage District of Kansas City, Wyandotte County, Kansas, for the Argentine Levee Unit Flood Risk Management Project." **Commissioner Bynum made a motion, seconded by Commissioner Kane, to adopt the resolution.** Roll call was taken and there were nine "Ayes," Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs.

## **ADMINISTRATOR'S AGENDA**

### **ITEM NO. 1 – 19557...RESOLUTION: SALE OF MUNICIPAL TEMPORARY NOTES, SERIES 2019-1**

**Synopsis:** A resolution authorizing and directing the sale and delivery of General Obligation Improvement Municipal Temporary Notes, Series 2019-1, estimated amount \$44.4 million, submitted by Kathleen VonAchen, Chief Financial Officer. On November 8, 2018, the Commission adopted Resolution No. R-53-18 authorizing the sale of said notes and bonds.

and

### **ITEM NO. 2 – 19558...ORDINANCE AND RESOLUTION: SALE OF CITY GENERAL OBLIGATION BONDS, SERIES 2019-A**

**Synopsis:** Requesting approval of the following, submitted by Kathleen VonAchen, Chief Financial Officer. On November 8, 2018, the Commission adopted Resolution No. R-53-18 authorizing the sale of said notes and bonds.

- An ordinance authorizing and providing for the issuance of City General Obligation Improvement Bonds, Series 2019-A.
- A resolution authorizing and directing the sale and delivery of City General Obligation Improvement Bonds, Series 2019-A, estimated amount \$18 million.



### **2019 GO BONDS & TEMPORARY NOTES SALE RESULTS & CREDIT RATINGS** *Unified Government of Wyandotte County & Kansas City, Kansas*

**January 31, 2019**

1



## **FINANCING TIMELINE**

|                      |                               |
|----------------------|-------------------------------|
| January 10           | ♦ Posting of POS              |
| January 14 (week of) | ♦ Rating Agency Presentations |
| January 25           | ♦ Receive Ratings             |
| January 31           | ♦ Bond/Note Pricing           |
| February 7           | ♦ Posting of FOS              |
| February 26          | ♦ Closing                     |
| March 1              | ♦ 2018-I Temp Note Payoff     |



**Debbie Jonscher, Deputy Chief Financial Officer**, said we had our note and bond sale today, so I just have a short presentation. I'll be quick about it just to give you the results. This presentation is for both Items 1 and 2 on the Administrator's Agenda.

I just want to also say that we had a favorable sale today. Our interest rates that we obtained on both the bonds and the notes were lower than the projections that we got from Springstead just a month ago. We'll be showing those here shortly.

Just to show you what we've been doing for the last month, since back in November, we had the approval of the project authorizations. Since then, we've been working on putting together the official statement. We've held rating agency calls, which the Mayor participated in.

Today, we did the bond and note pricing. We'll close on both of those issues on February 26<sup>th</sup> and we will pay off the 2018 temp note issue on March 1<sup>st</sup>.

#### Pricing / Sale Results

- Bond issue was a competitive sale
- At pricing date 1/31/2019, total interest cost (TIC):
  - Series A GO \$20.3 million (principal) - \$9.1 million TIC or 3.15% thru August 2039
    - 6 bids- winning bid: Robert W. Baird & Co., Inc.
  - Series I Temp Note \$44.4 million (principal) - \$855,000 TIC or 1.85% thru March 2020
    - 7 bids- winning bid: J.P. Morgan Securities LLC



Just a note on the results today. As I said, they were favorable; lower than the projections that we had been given. Both the projections were over, even on the GO bond. The projection was that the rate would be around 3.7% and the temp note would be around 3%. The GO bond issue was \$20.3M. We received a rate of 3.15% on a 20-year bond so it matures in August 2039. We received six bids on the bonds with the winning bid going to Robert W. Baird & Co., Inc. I will note that this rate is even lower than the 2018 bond rate that we got. That rate was 3.26%.

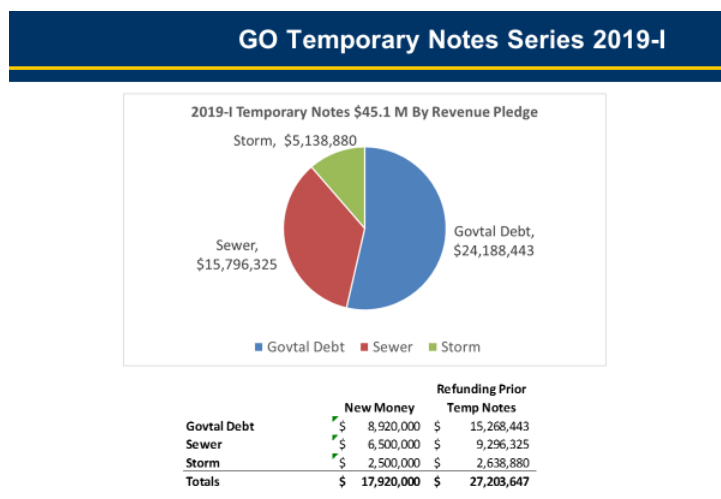
The temp notes were \$44.4M. We have a rate of 1.85%. It's a one-year maturity ending in March 2020. There were seven bids on the temporary notes with J.P. Morgan getting the winning bid. Last year's notes were 1.6%, so we were just slightly higher on the notes this year.

| CAPITAL FINANCING PLAN                                                                                                                                                                                                                                                                                                 |                          |                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-----------------------------------------------------|
| Purpose                                                                                                                                                                                                                                                                                                                | Estimated Financing Cost | Anticipated Financing Instrument                    |
| Temporary Financing of Capital Projects during planning, design, and construction                                                                                                                                                                                                                                      | \$44.4 M                 | Municipal Temporary Notes, Series 2019-I            |
| <ul style="list-style-type: none"> <li>- Wolcott Expansion</li> <li>- Pump Stations SCADA</li> <li>- Police Tow Lot</li> <li>- Brune Elementary</li> <li>- Downtown Grocery Store</li> <li>- Kaw Point Biosolids</li> <li>- Piper Creek Interceptor</li> <li>- Kaw Bank River Stabilization at Turkey Creek</li> </ul> |                          |                                                     |
| Permanent Financing of completed Capital Projects                                                                                                                                                                                                                                                                      | \$20.3 M                 | General Obligation Improvement Bonds, Series 2019-A |
| <ul style="list-style-type: none"> <li>- Riverview Avenue Bridge Replacement</li> <li>- Wolcott Expansion – Phase I</li> <li>- Pump Station Elimination</li> <li>- Hutton Road, Georgia to Leavenworth</li> </ul>                                                                                                      |                          |                                                     |
| FUTURE FINANCINGS LATER IN 2019 AND THEREAFTER                                                                                                                                                                                                                                                                         |                          |                                                     |
| Adult Jail/Courthouse Improvements (fall 2019)                                                                                                                                                                                                                                                                         | \$4.5 M                  | PBC Lease Revenue Bonds                             |
| Juvenile Detention Facility (fall 2019)                                                                                                                                                                                                                                                                                | \$3.7 M                  | PBC Lease Revenue Bonds                             |
| Health Department Improvements (fall 2019)                                                                                                                                                                                                                                                                             | \$3.1 M                  | PBC Lease Revenue Bonds                             |
| Permanent Financing of 2019 Temp Notes                                                                                                                                                                                                                                                                                 | \$44.4 M                 | General Obligation Bonds (over next 3 years)        |
| New Money – Capital Projects                                                                                                                                                                                                                                                                                           | \$13-\$15 M              | General Obligation Bonds (over next 3 years)        |

4



This is just showing some of the projects that are in both the temp note and bond issue, as well as we wanted to note that there is a potential for future financing later this year. We have three PBC issues that were approved in the project. Two of the projects: the Adult Jail and Courthouse, as well as the Juvenile Detention facility have bonds already issued on the projects. We're holding off on issuing the bonds until we spend down the money that we've already issued. There is a potential to do those later in the year or potentially later if spending is slower. We also anticipate additional temp notes financing over the next three years as well as general obligation bonds.

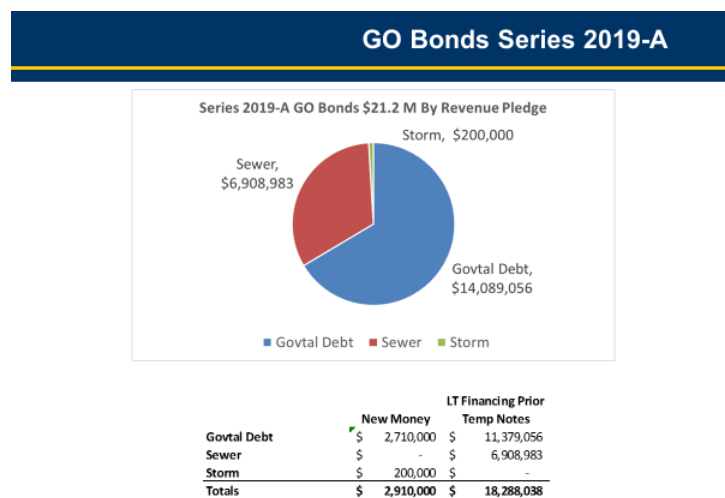


5



The next two slides are breakdowns of the temp notes and general obligation bonds. The temp notes were \$44M. Of that, \$24.1M is governmental debt, \$15.8M is sewer and \$5.4M is storm water. Down at the bottom we've also broken out the issue based on \$27.2M for projects that

were financed in temp notes in 2018. We're rolling those over into 2019 because the projects aren't finished. Then we had some new money that was added into the temp notes.



It's the same information for the bonds. \$14M is general obligation, \$6.9M is sewer, and the smallest is water issue. \$18.2M of the \$21M in bonds was financed with temp notes in 2018.

**Current Credit Ratings Affirmed**

**S&P: AA (Outlook: Stable) – January 2019**

- Weak economic indices although gaining access to a broad, diverse metropolitan statistical area
- Very strong management with strong financial policies and practices
- Very Strong budgetary flexibility with General Fund available fund balance at 21% operating expenditures in 2017
- Very strong liquidity
- Very weak debt-and contingent liability position, with debt carrying charges at 21% of expenditures and net direct debt at 194% of total governmental revenue, as well as high overall net debt at greater than 10% of market value and a large pension and OPEB liabilities

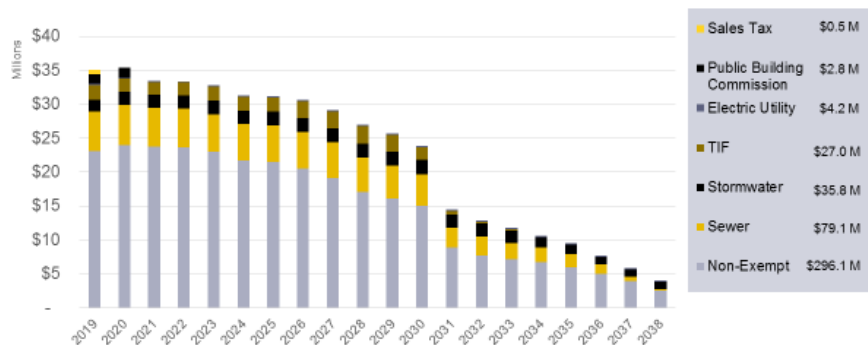
**Moody's: A1 (Outlook: Stable) – January 2019**

- Large tax base experiencing continued commercial development
- Stable financial operations with adequate General Fund reserves and liquidity
- High debt, pension and OPEB burdens
- Below average resident income levels

As I said, we held credit rating calls a couple of weeks ago. Both of the rating agencies: Standard & Poor's and Moody's, have held our current ratings. Standard & Poor's is AA with a stable outlook. Moody's is A1 with a stable outlook. We noted some of the items that they addressed in the report.

## SUMMARY OF CITY GF-BACKED BONDED DEBT

- Outstanding General Fund-backed debt of \$446 Million
- \$149.4 Million, or 33.5%, have dedicated revenue streams outside the General Fund tax revenue base



8

This is just a summary of our outstanding debt. I believe we've showed this graph in previous presentations before. It shows our total of General Fund-backed outstanding debt \$446M. 33.5% of that is dedicated with revenue streams that are outside the General Fund tax base. We've broken them out by their funding source: sewer, stormwater, TIF, sales tax. That just shows the different breakdowns.

Thank you from the Financing Team!



9

This is our Financing team today: me, as well as Kathleen VonAchen, our CFO; Alyse Villareal, who is not here tonight; our Debt Coordinator as well as representative Elizabeth Bergman from Springstead; and Gina Riekhof and Jennifer Quinn from Gilmore & Bell. Dave McGilvery, from Springstead, is usually here but he was unable to be here, so he missed out on the picture today.

January 31, 2019

## UG Commission Action

### Approve bond ordinance and resolutions



10



That concludes the presentation. The Commission action would be to approve the resolution and bond ordinance.

**Commissioner Murguia** said before I make my motion, I just want to say great photo; great work on your guys' part. It's really nice to see that such bright, strong women are in charge of our money here in Wyandotte County. I really appreciate that.

**Action:**        **RESOLUTION NO. R-4-19**, "A resolution authorizing and directing the issuance, sale and delivery of Municipal Temporary Notes, Series 2019-1, of the Unified Government of Wyandotte County/Kansas City, Kansas; providing for the levy and collection of an annual tax, if necessary, for the purpose of paying the principal of and interest on said notes as they become due; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith." **Commissioner Murguia made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were nine "Ayes," Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs.

**Action:**        **ORDINANCE NO. O-1-19**, "An ordinance authorizing and providing for the issuance of General Obligation Improvement Bonds, Series 2019-A, of the Unified Government of Wyandotte County/Kansas City, Kansas; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest

on said bonds as they become due; authorizing certain other documents and actions in connection therewith; and making certain covenants with respect thereto.”

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

**RESOLUTION NO. R-5-19**, “A resolution prescribing the form and details of and authorizing and directing the sale and delivery of General Obligation Improvement Bonds, Series 2019-A, of the Unified Government of Wyandotte County/Kansas City, Kansas, previously authorized by Ordinance No. O-1-19 of the issuer; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and action connected therewith.”

**Commissioner Murguia made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs.

### **COMMISSIONERS' AGENDA**

No items

**Mayor Alvey** adjourned the meeting as the Board of Commissioners and reconvened as the Land Bank Board of Trustees.

### **LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA**

#### **ITEM NO. 1 – 181...LAND BANK BUSINESS**

**Synopsis:** Request approval of the following applications, submitted by Chris Slaughter, Land Bank Manager. The Land Bank Advisory Board recommended approval. On January 14, 2019, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.



**Mayor Alvey** asked if any Commissioner or anyone in attendance tonight wish to set-side any item on the Land Bank Board of Trustees' Consent Agenda. If an item is not set-aside, all items will be voted on by one vote. There were none.

**Applications**

2441 S. 12<sup>th</sup> Terr. – Martin Lugo, property acquisition  
 2443 S. 12<sup>th</sup> Terr. – Martin Lugo, property acquisition  
 1612 S. Bethany St. – Mark O'Bryan, yard extension  
 1614 S. Bethany St. – Mark O'Bryan, yard extension  
 1620 S. Bethany St. – Mark O'Bryan, yard extension  
 1628 S. Bethany St. – Mark O'Bryan, yard extension  
 1630 S. Bethany St. – Mark O'Bryan, yard extension  
 1632 S. Bethany St. – Mark O'Bryan, yard extension

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

**PUBLIC ANNOUNCEMENTS**

No items

**MAYOR ALVEY  
 ADJOURNED THE MEETING AT 7:50 P.M.  
 January 31, 2019**

---

Bridgette D. Cobbins  
 Unified Government Clerk

tk

**January 31, 2019**



Suite 323  
Kansas City, Kansas 66101-3070

# Government Clerk's Office

Bridgette D. Cobbins  
Unified Government Clerk

Phone: 913-573-5260  
Fax: 913-573-5299  
<http://www.wycokck.org>

## Memorandum

**To:** Doug Bach  
County Administrator

**From:** Bridgette Cobbins  
UG Clerk

**Date:** February 14, 2019

**Re:** Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

tpl

Attachment

## 1. ELECTION ABSTRACT:

Abstract of votes casted in Wyandotte County at the USD #202 Bond Question Mail Ballot, January 29, 2019.

**Action:** Received and filed.

## 2. CONTRACT DOCUMENTS:

Capital Electric Line Builders, Inc., for ITS Improvements (Village West Area-State Ave) Dynamic Message Signs & Cameras, Project I.D. 3344, \$423,667.42.

**Action:** Received and filed.

## 3. PUBLIC NOTICE:

Alandon Tow, 6224 Kansas Avenue, held a public auto auction on February 5, 2019 at 10:00 a.m.

**Action:** Received and filed.

## 4. PERSONNEL ACTION COMMUNICATION, DATED FEBRUARY 12, 2019:

### Section I - Appointments

| Name            | Department/Division | Eff. Date | Job Title             |
|-----------------|---------------------|-----------|-----------------------|
| Jessica N Seals | DA's Office         | 2/7/19    | Admin Supt Specialist |
| Scott R Thomure | DA's Office         | 2/7/19    | Admin Supt Specialist |

### Section II-Transfer

| Name             | Department/Division | Eff. Date | Former Job Title  | New Job Title      |
|------------------|---------------------|-----------|-------------------|--------------------|
| Bradley J Girard | PW/WPC              | 2/7/19    | Plant Operator II | Plant Operator III |

### Section III - Separations

| Name               | Department/Division | Eff. Date | Job Title             |
|--------------------|---------------------|-----------|-----------------------|
| Robert W Fenner    | Parks/Rec           | 2/4/19    | Park Maint Tech I     |
| Cori E Harris      | Finance/Treasury    | 1/25/19   | Fiscal Supt Assistant |
| Lindsay M Lemanske | Finance/Treasury    | 2/5/19    | Fiscal Supt Assistant |
| Brianna M Mance    | Finance/Treasury    | 2/4/19    | Fiscal Supt Assistant |

### Section IV - Leaves of Absence

| Name       | Department/Division | Lv. Beg | Lv. Ends | Leave/Pay |
|------------|---------------------|---------|----------|-----------|
| Michaela L | Police/Comm         | 1/16/19 | 2/16/19  | unpaid    |

Ruffin  
Michaela L  
Ruffin                      Police/Comm                      2/17/19    3/9/19                      unpaid

#### **Section VII - Reclassification**

| <b>Name</b> | <b>Department/Division</b> | <b>Eff. Date</b> | <b>Former Job Title</b>         | <b>New Job Title</b> |
|-------------|----------------------------|------------------|---------------------------------|----------------------|
| Vacant      | Health                     | 2/7/19           | Environmental Health Specialist | Program Supervisor   |

**Action:**            Received and filed. Copy previously forwarded to Payroll.

#### **5. CLAIMS FOR DAMAGES:**

Judith Mendez, 6401 Spring Ave., KCK, alleging damage to her yard due to a snowplow coming through her neighborhood on January 14, 2019.

Lauren Tweedie, 809 SW Blvd., KCK, alleging damage to the driver's side mirror of her vehicle due to a snowplow on January 13, 2019.

Darlene Verser, 5041 Waverly Ave., KCK, alleging damage to her vehicle tire due to hitting a pot hole on 47<sup>th</sup> Street going to Roe.

**Action:**            Received and filed. Copies previously forwarded to Legal.

#### **6. SUMMONS:**

Stephen Allen Elsey vs. Unified Government of Wyandotte Kansas City Kansas and Kansas City Kansas Police Captain Brittanie Pruitt #1914 and et. al., Case No. 2019-CV-000069.

**Action:**            Received and filed. Copy previously forwarded to Legal.

#### **7. TRAVEL REQUESTS:**

Jennifer Amayo, Fire/Operations/Training, travel to Indianapolis, IN, April 7 – 9, 2019, to attend the Fire Department Instructor's Conference, Employee Training & Travel.

Glen Carter, Kenneth Hickerson, Christopher G. Morales, Jr., Patrick O'Neill, Anthony Reyes and Wade Smith, KCKPD, travel to Hutchinson, KS, March 18 – 24, 2019, to attend Law Enforcement Leadership Academy (LELA), Employee Training & Travel.

Dion Dundovich, Jeff Gardner, Kynard Hylton, and David Weaver, Police/EOD, travel to Oak Ridge, TN, April 15 – 19, 2019, to attend Alarm Response Training (ART), federally funded.

Anthony Johnson Jr., Operations, travel to Little Rock, AR, March 3 – 9, 2019, to attend OK Program Coordinator Training, Employee Training & Travel.

Nancy Sanchez, Health/PHS/WIC, travel to Baltimore, MD, April 5 – 10, 2019, to attend the National WIC Association Annual Conference, stated funded.

Njeri Mwangi, DA's Office, travel to Dallas, TX, April 7 – 11, 2019, to attend Conference on Crimes Against Women, Grant Fund.

**Action:** Approved by Administrator's Office and received and filed.

**8. APPLICATION FOR PRIVATE SECURITY BUSINESS:**

Strategic Protection Services, Inc. DBA Strategic Protection Services, Inc., 7171 W. 95<sup>th</sup> St., Ste 210, Overland Park, KS

**Action:** Referred to License.



Suite 323  
Kansas City, Kansas 66101-3070

# Government Clerk's Office

Bridgette D. Cobbins  
Unified Government Clerk

Phone: 913-573-5260  
Fax: 913-573-5299  
<http://www.wycokck.org>

## Memorandum

**To:** Doug Bach  
County Administrator

**From:** Bridgette Cobbins  
UG Clerk

**Date:** February 21, 2019

**Re:** Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

mbb

Attachment



## 1. REPORT:

Special Law Enforcement Trust Fund – State Forfeiture Program FY18, submitted by Terry Zeigler, Chief of Police.

**Action:** Received and filed.

## 2. REPORT:

Financial report for the Self-Supporting Municipal District/Downtown Improvement District (SSMID) for the month of January 2019.

**Action:** Received and filed.

## 3. COMMUNICATION:

Bridgette Cobbins, UG Clerk, listing bids received on February 20, 2019, for Project #B29172 – WWTP 20 Screening Replacement Project.

**Action:** Received and filed. Copies previously forwarded to County Administrator, Emma Scovil, Legislative Auditor, and Public Works.

## 4. COMMUNICATION:

Jeremiah Blake, Director of Government Affairs, Charter Communications, stating Spectrum Mid-America, LLC (a subsidiary of Charter Communications, Inc.) now holds the state-issued authority to operate the cable system in Kansas City, KS.

**Action:** Received and filed. Copies previously forwarded to Legal and Information & Technology.

## 5. COMMUNICATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

| <u>Warrant #</u> | <u>Issue Date</u> | <u>Amount</u> | <u>Fund</u> | <u>Reason</u>        | <u>Vendor</u>                             |
|------------------|-------------------|---------------|-------------|----------------------|-------------------------------------------|
| 851446           | 1/18/2019         | \$ 708.51     | 790         | Wrong Vendor         | Midwest Mortgage Services                 |
| 851050           | 1/18/2019         | \$ 198.00     | 770         | Other Do Not Reissue | KS Dept of Revenue Motor Vehicle Division |
| 853565           | 2/22/2019         | \$ 252.72     | 110         | Wrong Vendor         | Johnson, Gail L.                          |

**Action:** Received and filed.

## 6. PERSONNEL ACTION COMMUNICATION, DATED FEBRUARY 19, 2019:

### Section II-Transfers

| Name             | Department/Division | Eff. Date | Former Job Title | New Job Title    |
|------------------|---------------------|-----------|------------------|------------------|
| Linda E Campbell | Transit             | 2/6/19    | Transit Operator | Transit Operator |
| Ana L Quimby     | Mayor's Office      | 1/24/19   | Prof Assistant   | Prof Assistant   |

### Section III - Separations

| Name              | Department/Division | Eff. Date | Job Title            |
|-------------------|---------------------|-----------|----------------------|
| John S Sutherland | DA's Office         | 2/8/19    | ADA II               |
| Travis L Thomas   | Fire                | 2/22/19   | Manager<br>Fire Comm |
| Jayna A Whitham   | Fire/Comm           | 2/4/19    | Dispatcher           |

### Section IV - Leaves of Absence

| Name             | Department/Division | Lv. Beg | Lv. Ends | Leave/Pay |
|------------------|---------------------|---------|----------|-----------|
| Linda E Campbell | Transit             | 2/6/19  | 3/5/19   | unpaid    |
| Erin E Davis     | Finance/Treasury    | 2/21/19 | 3/23/19  | unpaid    |

### Section V - Increases per Memorandum of Understanding

| Name           | Department/Division | Eff. Date | Job Title             |
|----------------|---------------------|-----------|-----------------------|
| Trenton L Ford | PW/WPC              | 2/23/19   | General Maint Worker  |
| Jesus M Galvan | PW/WPC              | 2/23/19   | General Maint Worker  |
| Juanita C Soto | Register of Deeds   | 3/6/19    | Admin Supt Specialist |

### Section VIII - Other Request

| Name           | Department/Division | Action Requested and Explanation  |
|----------------|---------------------|-----------------------------------|
| Melody A Henre | Municipal Court     | Out of class pay effective 2/7/19 |

**Action:** Received and filed. Copy previously forwarded to Payroll.

## 7. PERSONNEL ACTION COMMUNICATION, DATED FEBRUARY 21, 2019:

### Section I - Appointments

| Name             | Department/Division | Eff. Date | Job Title                    |
|------------------|---------------------|-----------|------------------------------|
| Daniel A Lopez   | Fire                | 2/14/19   | Firefighter<br>Paramedic III |
| Makiah M Sanchez | Police              | 2/21/19   | Public Safety<br>Dispatcher  |

### Section V - Increase per Memorandum of Understanding

| Name          | Department/Division | Eff. Date | Job Title                |
|---------------|---------------------|-----------|--------------------------|
| Robyn G Brown | Police              | 3/5/19    | Public Safety Dispatcher |

**Action:** Received and filed. Copy previously forwarded to Payroll.

## 8. CLAIMS FOR DAMAGES:

Larry W. Harvey, Jr., 3051 N. 51<sup>st</sup> St., alleging damages to parking lot due to trucks doing construction on Leavenworth Road parking on his lot.

Rick D. Swearengin, 3401 N. 109<sup>th</sup> Terr., alleging damages to yard and sprinkler head due to a city snowplow.

Shawn Q. Hooser, 6749 Everett Ave., alleging damage to mailbox due to a city snowplow.

**Action:** Received and filed. Copies previously forwarded to Legal.

## 9. SUMMONS:

Stephan Allen Elsey vs Unified Government Wyandotte County, Kansas City, KS and Kansas City Kansas Police Captain Brittanie Pruitt #1914 and et al, Case 2019-CV-000069.

**Action:** Received and filed. Copy previously forwarded to Legal.

## 10. NOTICE OF HEARING:

Unified Government vs Shirleeta Adams, et al, Case No. 2018-PT-000002.

**Action:** Received and filed. Copy previously forwarded to Legal.

## 11. CERTIFICATES OF INSURANCE:

A-Train Security  
 Allied Universal Topco, LLC, et al (2)  
 Andy Frain Services, Inc. (2)  
 Estrella Azul, LLC  
 Brink's Incorporated and All Subsidiaries (2)  
 Champion National Security, Inc. (2)  
 Crowd Systems, Inc.  
 Daniels Security Service, Inc.  
 FPK Security, Inc., Mark David DBA FPK Investigations  
 FTI Wholesale DBA Frosty Treats, Inc.  
 Harvey Brothers Trucking & Wrecking Co., Inc.  
 ISS Uni-Guard Security, Inc.  
 Jennings Tree & Lawn Care, LLC  
 Kansas City Taxi, LLC  
 Loomis Armored US, LLC

Tom Marvel DBA Marvel Tree Service  
Metro Public Safety & Investigation  
North Kansas City Security Patrol Services, Inc., North Kansas City Bureau of In  
Clarence Palmer dba Palmer Tree Service  
Remote Risk Management, LLC  
Ryan Lawn & Tree, Inc.  
Supreme Green Landworks, LLC & Supreme Green KC  
T.A.P.S. of KC, Inc.  
Thomas Protective Service, Inc.  
Tidd Tree, LLC  
Titan Protection & Consulting, Inc.  
Twin City Security, Inc.  
Gregory Van Booven DBA Van Booven Lawn, Landscape & Tree Care  
Vend-Tech Enterprise, LLC (2)  
Whelan Event Staffing Services, Inc. (2)  
Wright Tree Service, Inc.

**Action:** Referred to License.

## **12. BUSINESS BONDS:**

Electrical Contractor's Bonds  
A.B. May Company  
AB Electrical, Inc. (2)  
Advantage 1 Heating & Cooling  
All Star Electrical, LLC  
Allen Strausbaugh DBA Allen's Electric  
Alan Allio  
Angstrom Electric, LLC  
Robert Arbuckle DBA Arbuckle Electric  
Benjamin Fisher DBA Better Choice Electric  
Hatheway Electric, LLC DBA Bid Right Electric  
Brookside Electrical Project Services, LLC  
James Brunner DBA Brunner Electric, Inc.  
Capital Electric Line Builders, Inc.  
The Ceiling Fan Man Electrical Service, LLC  
Chapman Electric, LLC  
Eric Hoge DBA Commonwealth Electric Company of the Midwest  
Davin Electric, Inc.  
Duckworth Electric, LLC  
Glennon J. Durham  
Dye Electric, LLC  
Gregory Oppold DBA Eco Electric  
Edison Electric, LLC  
Edwards Electric Service, LLC  
Electrical Corporation of America, Inc.  
Endeavor Electric Construction Services, Inc.  
Facility Solutions Group, Inc.  
Fatboy Electric, Inc.  
Four Star Electric, Inc.  
H & S Electric, LLC  
Indiana Industrial Services, LLC

Integrity Electric  
JKS Electric, LLC  
K.B. Complete, Inc. Plumbing, Heating and Cooling  
Kramer Electric, LLC  
Richard A. Davey DBA Lesser Electric  
Lighting Resources USA, Inc.  
Lucas Electric, LLC  
Lynn Electric and Communications, Inc.  
M & E Electric  
Mag-Tronics Industrial, Inc.  
Master Electric, LLC  
Morse Electric, LLC  
O'Neal Industrial Electric, LLC  
Oliver Electric Construction, Inc.  
PM Contracting, Inc.  
Peery Construction, LLC  
Phillip Lopez DBA Pleasant Hill Electric  
Power Electric  
Premier Electric & Lighting Design, Inc.  
Pro Circuit, Inc.  
Pro Electric, LC  
Rockhill Electric & Technology, LLC  
Santa Fe Air Conditioning & Refrigeration, Inc.  
Shamrock Electric, Inc.  
Shavers Electric, LLC  
Simmons Electrical  
Sosaya & Sons Construction, Inc.  
Staco Electric Construction Company, Inc.  
Advanced Electrical, LLC DBA Summit Electric  
SunSmart Technologies, LLC  
Superior Electrical Construction, Inc.  
Switch Phase Electrical Services, LLC  
TJC Holdings, Inc.  
Thor's Hammer, Inc.  
Total Electric Contractors, Inc. and James Leonard  
Mike Busby DBA Total Home Service  
Tri-Services Mep, LLC  
Vazquez Commercial Contracting, LLC  
Velex, Inc. (2)  
Kevin Turner/Westhues Electric, Inc.  
RL Yates Electrical Construction Co., Inc. DBA Yates Electrical Co.

#### HVAC Contractor's Bonds

David Wolgamott DBA Air Sales & Service Mechanical Company  
Blue Valley Heating & Cooling, LLC (2)  
Hale's Heating & Cooling  
Metro Heating & AC  
Mojo Heating and Cooling, LLC

#### Mechanical Contractor's Bonds

A.B. May Company  
ALTA Refrigeration, Inc.  
American Boiler Services, Inc., DBA American Boiler & Mechanical

Barnes & Dodge, Inc.  
CMS Mechanical Services, LLC  
MMC Contractors National, Inc.  
Rand Construction Company  
Reddi Services, Inc. DBA Brush Creek Heating and Cooling  
Reddi Services, Inc. DBA Reddi Root'r  
U.S. Engineering Company  
Universal Piping Industries, LLC  
Western Enterprise, Inc.

#### Mechanical/HVAC Bonds

AmeriPure Water Company, Inc.  
Anthony Plumbing, Heating and Cooling  
Balance Point H & C Inc. DBA Balance Point Heating & Cooling  
C and D Heating & Cooling, LLC  
Cates Heating and A/C Service  
Central Industrial Sheet Metal Works  
D'Agostino Mechanical Contractors Inc.  
Deem, LLC  
ECS Geothermal, Inc.  
Edwards McDowell, Inc.  
Enerfab, Inc.  
Erv Smith Services  
Gatza Heating & Air Conditioning, Inc.  
Gorman's Heating and Cooling, LLC  
Jones Lang LaSalle Americas, Inc.  
Kearn Heating and Cooling, LLC  
Kruse Corporation  
Krystal Companies, LLC DBA Welker Heating and Cooling  
Ladd Service Company, LLC  
Midwest Heating, Cooling & Plumbing, LLC  
Peak Roofing & Construction, LLC  
Pinnacle Mechanical  
Preston Refrigeration Company, Inc.  
Pro Metals, LLC  
Shawnee Heating & Cooling, Inc.  
Stadium Sheet Metal  
Summit Heating & Cooling, LLC  
Wade Lytch DBA The Climate Controller

#### Plumber's Bond

A.B. May Company  
Accurate Mechanical, LLC  
Action Plumbing, Inc.  
AmeriPure Water Company, Inc.  
Anthony Ficara Quick Relief Plumbing  
Anthony Plumbing Heating and Cooling  
Around Your House, LLC  
Axiom Plumbing, LLC  
B.L. Air Inc.  
Bill the Plumber, LLC  
D'Agostino Mechanical Contractors, Inc.  
DH Plumbing, LLC



Enerfab, Inc.  
Fred Pflumm Plumbing, Inc.  
Hendrick Grzybowski DBA Homemeister, LLC  
JB Complete Home Services, LLC  
John Wareham  
Jones Plumbing, LLC  
Kenneth Crosby DBA Plumber Time  
Kinney's Plumbing Company  
Kris Tressin KMZC Plumbing, Inc.  
Kruse Corporation  
Ladd Service Company, LLC  
Mike Busby DBA Total Home Service  
MMC Contractors National, Inc.  
Murray Plumbing  
Needham Plbg & Mechanical  
Patrick Sampson DBA Proline Plumbing  
Rand Construction Company  
Reddi Services, Inc. DBA Reddi Root'r  
Roy Herriott & Sherry Beets DBA Express Septic  
Scott's Square Deal, LLC  
Steve the Plumber, Inc.  
True Blue Plumbing, LLC  
U.S. Engineering Company  
Western Enterprise, Inc.

Second Hand and Junk Dealer's Bonds

ABC, Inc.  
Scrap Management, LLC

Septic Tank and Cess Pool Installer and Cleaner Bond

Koontz Construction, LLC DBA Koontz Septic

Sign Hanger's Bonds

M & P, Inc.  
Midtown Signs, LLC  
See More Signs, Inc.

**Action:** Referred to License.

**13. CONTINUATION CERTIFICATES:**

Electrical Contractor's Bonds

Able Electric, LLC (3)  
Advanced Services DS, LLC  
Alan Knight DBA Sparkle Electric  
Cimmaron Electric, Inc.  
Citywide Electric, Inc.  
Clayco Electric Company  
D Electric, LLC  
Electric Shop, Inc. DBA Mr. Electric  
Fred Roberts II, Inc. DBA Suburban Electric  
Gerald Reinhold

Greenway Electric, Inc.  
JMC Services, Inc.  
Linton Donnell DBA L. Donnell & Son Construction Company  
Michael J. Mills DBA Ace Electric, LLC  
Mike Hagen Electric, Inc.  
CM Mose & Son  
Rohan R. Kerr DBA Kingston Electric  
RW Electrical and Construction, Inc.  
Scott the Electrician, LLC  
T. D. Electric, LLC  
Virgal Williams  
William Powell, III

#### HVAC Contractor's Bonds

B.L. Air, Inc.  
Steve Chontos DBA Chontos Heating & Cooling  
Design Mechanical, Inc.  
Engineered Environment KC, LLC  
K B Plumbing, Heating & Cooling, Inc./K B Complete Plumbing, Heating & Cooling  
Pro Air, Inc.

#### Mechanical Contractor's Bonds

Lippert Mechanical Service Corporation  
Martin Mechanical, Inc.  
McCarty Mechanical, Inc.  
MVP Electric, LLC  
R-Mech Heating, Cooling & Plumbing  
Sheet Metal Contractors, Inc.  
Wyandotte Refrigeration, Inc.

#### Mechanical/HVAC Contractor's Bonds

Dave Maxwell's Heating & Cooling, LLC  
LBA Air Conditioning, Heating & Plumbing, Inc.  
CM Mose & Son  
Ronald E. Scroggins  
Steinmetz HVAC, LLC  
TMS, Inc.

#### Miscellaneous Bonds

Al's Electrical Maintenance  
All Climate Refrigeration, LLC  
Joseph Applebury  
Complete Home Heating and Air Conditioning, LLC  
Brad Darnell of DEEM, LLC  
Epic Electric Service Corp  
Heart of America Serv Co, LLC  
Jake Hawk Electric, LLC  
Jay-Mar Electric, LLC  
Kasa Electric, LLC  
Marvin Loecker of P1 Group, Inc.  
P1 Group, Inc. (2)  
PAR Electrical Contractors, Inc.  
PEGC, LLC

R & R Plumbing, Inc.  
Pryor Mechanical, LLC  
The State Group Industrial (USA) Limited  
Trademark Electric, Inc

#### Plumber's Bonds

Accent Home Services, LLC  
Advanced Services DS, LLC  
Bruce Roberts DBA Waterford Plumbing Company  
Cecil Chappell, Jr. DBA C M C Plumbing (2)  
Five Star Mechanical Contractors, Inc.  
General Construction Enterprises, LLC DBA General Plumbing Contractors  
Jim Glover DBA Jim Glover Plumbing  
J. F. Denney Plumbing & Heating  
K. B. Complete, Inc. Plumbing, Heating and Cooling  
MCS Plumbing, LLC  
CM Mose & Son  
Poor John's Plumbing  
Ray Morrison Plumbing  
Santa Fe Trails Plumbing, Inc.  
Stine-Nichols Plumbing, Inc.  
TMS, Inc.  
The Total Home Co., Inc.  
United Heating and Cooling, Inc.  
W. Vielhauer Plumbing, LLC (2)

#### Septic Tank & Cell Pool Bonds

A-1 Sewer and Septic Service, Inc.  
Bill Truninger DBA Truninger Brothers  
Deffenbaugh Industries, Inc. DBA Johnny on the Spot  
RHEA, Rex DBA Clean Right Septic & Sewer Service  
Sherry DBA Express Septic

#### Sign Hanger's Bonds

K.C. Sign Express, Inc. & Steele Manufacturing, Corp.  
Ltd Signs & Graphics, LLC  
Miller Sign Shoppe, LLC  
Northern Ventures, Inc.  
Outfront Media, LLC  
Service & Industrial Repair, Inc.  
SV Imaging & Interior, LLC  
Tri-City Sign Company

#### Waste Hauler's Bond

A-1 Sewer & Septic Service, Inc.

**Action:** Referred to License.

## 14. CANCELLATION NOTICES:

Electrical Contractor's Bonds

Donald Sullivan DBA Tech Electric  
Grant Evans  
Justin Hatfield  
Lynch Electrical, Inc.  
Malins Electric, Plumbing & Remodeling, LLC  
Midwest Custom Electric, LLC  
Power Electric Service, Inc.

HVAC Bond

David Wolgamott DBA Air Sales & Service Mechanical Company

Mechanical Contractor's Bonds:

Joe Elliott

Miscellaneous Bonds

Check Collection of America, Inc.  
Cimmaron Electric, Inc.  
Elvin's Refrigeration, Inc.  
Geiger Ready Mix Company, Inc.  
M & S Electric, LLC  
Peery Construction, LLC  
R/S Electric Construction, LLC  
The Islas Fam (3)

Plumber's Bonds

AA Drain Medic, Inc.  
Action Plumbing of Lawrence, Inc.  
Aqua Works Plumbing, LLC  
DLA Plumbing, LLC  
Plumbing Plus Incorporated  
T S A, Inc.

**Action:** Referred to License.

**15. REINSTATEMENT NOTICES:**

Electrical Contractor's Bond  
All Electric, LLC

Plumber's Bond  
Sanders Management, Inc.

**Action:** Referred to License.

**16. RIDERS:**

Electrical Contractor's Bond  
CM Mose & Son

Mechanical/HVAC Contractor's Bond  
Abraham Mechanical & Sons, LLC

CM Mose & Son

Plumber's Bond  
CM Mose & Son

**Action:** Referred to License.

**17. APPLICATION FOR CMB LICENSE (OP):**

Maria E. Lopez/Zoila Hurtado-Rocha DBA Las Gorditas #2, 844 Central Ave.

**Action:** Referred to License.

**18. APPLICATIONS FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:**

MME, LLC/ Marcie L. Huckaby DBA The Dotte Spot, 8123 Parallel Pkwy. Ave.

**Action:** Referred to License.

**19. APPLICATION FOR PRECIOUS METAL DEALERS/PAWN:**

Central Pawn, Inc./Donald Budd, III, 1000 Central Ave.

**Action:** Referred to License.

**20. APPLICATIONS FOR MASSAGE THERAPIST LICENSE:**

Morgan Hanlen d/b/with Chateau Avalon, 701 Village West Pkwy.  
Renee Neff d/b/with Chateau Avalon, 701 Village West Pkwy.

**Action:** Referred to License.