

**MARCH 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 MIKE MAY, ST. LUKE'S LUTHERAN
CHURCH**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, MARCH 28, 2019 AGENDA**
- VI. 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.)
- VII. PLANNING AND ZONING CONSENT AGENDA**
- VIII. PLANNING AND ZONING NON-CONSENT AGENDA**
- IX. MAYOR'S 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' CONSENT AGENDA**
- XVI. PUBLIC ANNOUNCEMENTS**
- XVII. ADJOURN**

SERGEANT-AT-ARMS: CAPTAIN RONALD SCHUMAKER

PLANNING AND ZONING AGENDA

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. **#3178 - TIM MAGILL**

Synopsis: Change of Zone from A-G Agriculture District to R-1 Single Family District for a second home at 9731 Leavenworth Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 19657

2. **#3180 - JEFFREY J. GARDNER**

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for an additional accessory structure at 3640 North 83rd Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 19658

3. **#3182 - JASON T. HUSSEY**

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District to allow production and sale of agricultural products on-site at 732 North 57th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 19660

4. **#3183 - MATT SCHLICHT**

Synopsis: Change of Zone from RP-1 Planned Single-Family District to R-1 Single Family District for continuation of the residential development at 4401 North 115th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 19661

B. SPECIAL USE PERMIT APPLICATIONS

1. **#SP-2019-13 - JASON MYERS WITH COACH AUTOMOTIVE RESTYLERS, LLC**

Synopsis: Renewal of a Special Use Permit (#SP-2017-10 - expires 4/27/2019) for a car dealer's license at 3030 South 24th Street, Suite B, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

Tracking #: 19651

2. **#SP-2019-14 - RYAN CASH WITH WITCH'S BREW LLC**

Synopsis: Renewal of a Special Use Permit (#SP-2009-14 - expires 4/30/2019) for a drinking establishment at 222 North 6th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 10 YEARS)**

Tracking #: 19652

3. **#SP-2019-15 - JEFF STEHNEY WITH JOE'S KANSAS CITY BBQ**
Synopsis: Renewal of a Special Use Permit (#SP-2017-40 - expires 6/29/2019) for a parking lot for the restaurant at 4620 Mission Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
Tracking #: 19653
4. **#SP-2019-16 - JEFFREY HOLLINSHED**
Synopsis: Special Use Permit for live entertainment in conjunction with coffee shop (retail sales and barbershop) at 2005 North 5th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
Tracking #: 19663
5. **#SP-2019-18 - JAMES P. DONOVAN WITH THE SHOWROOM FLOOR, LLC**
Synopsis: Special Use Permit for a short-term rental/AIRBNB at 1127 Southwest Boulevard, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
Tracking #: 19664
6. **#SP-2019-20 - RYAN DENK WITH MCANANY, VAN CLEAVE & PHILLIPS, P.A.**
Synopsis: Renewal of a Special Use Permit (#SP-2013-52 - expired 11/7/2018) for dirt removal at 1625 South 86th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**
Tracking #: 19654
7. **#SP-2019-21 - DANIEL CASTILLO WITH MOCKINGBIRD LOUNGE**
Synopsis: Renewal/Expansion of a Special Use Permit (#SP-2016-100 - expired 1/26/2019) for a drinking establishment with live entertainment at 204 Orchard Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
Tracking #: 19665
8. **#SP-2019-22 - JULIE A. RAMIREZ**
Synopsis: Renewal of a Special Use Permit (#SP-2017-50 - expired 11/30/2018) for the Temporary Use of Land for a storage container at 32 North 74th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
Tracking #: 19666
9. **#SP-2019-23 - REGINA E. COMPERNOLLE**
Synopsis: Renewal of a Special Use Permit (#SP-2017-14 - expired 3/30/2019) for the Temporary Use of Land for a You-Pick berries, small vegetable farm, CSA pick-up produce stand and small classes at 4141 Joyce Drive, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
Tracking #: 19655
10. **#SP-2019-25 - TARYN GLIDEWELL**
Synopsis: Renewal of a Home Occupation Special Use Permit (#SP-2018-31 - expires

4/5/2019) for a short-term rental/AIRBNB at 2914 West 44th Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 2 YEARS**)

Tracking #: 19656

C. PLAN REVIEW APPLICATION

1. #PR-2019-4 - MAJID AMIRAHMADI

Synopsis: Preliminary Plan Review for a grocery store at 501 Minnesota Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL**)

Tracking #: 19667

D. ORDINANCE AMENDMENT

1. 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**)

This item was tabled from the February 28, 2019 full commission meeting.

Tracking #: 19612

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

1. AN ORDINANCE rezoning property at 1301 North 98th Street (#3151) from A-G Agriculture District to CP-2 Planned General Business District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL**)
Tracking #: 18106
2. AN ORDINANCE rezoning property at 2205 West 36th Avenue (#3169) from RP-5 Planned Apartment District to CP-O Planned Nonretail Business District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL**)
Tracking #: 18483
3. AN ORDINANCE rezoning property at 800-830 Washington Boulevard, 1304-1312 North 8th Street, 813-851 Everett Avenue and 1315 North 9th Street (#3175) from C-1 Limited Business and RP-5 Planned Apartment Districts to RP-5 Planned Apartment District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL**)
Tracking #: 18594

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

A. CHANGE OF ZONE APPLICATION

1. #3181 - CHRISTOPHER T. PHILLIPS

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for an accessory building at 3201 Pomeroy Drive, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL - 6/1 vote)**

Tracking #: 19659

B. SPECIAL USE PERMIT APPLICATION

1. #SP-2019-3 - BLAKELUND MORONEY WITH MORONEY MOTORS, LLC

Synopsis: Special Use Permit for automotive sales at 3131 Merriam Lane, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR DENIAL - 5/2 VOTE)**

Tracking #: 19662

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

Properties included in applications to be considered on the Planning & Zoning agenda have delinquent taxes as follows:

COZ #3182: 2014 - \$26,590.26; 2015 - \$29.01

#SP-2019-3: 2018 - \$8,222.99

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

IX. MAYOR'S AGENDA

X. REGULAR CONSENT AGENDA

1. **RESOLUTION: AMEND THE 2019 COMMISSION MEETING SCHEDULE**

Synopsis: A resolution amending the 2019 Commission meeting schedule and the 2019 Standing Committee schedule, submitted by Ken Moore, Chief Legal Counsel.

Tracking #: 19674

2. **RESOLUTION: AMEND MASTER EQUIPMENT LEASE PURCHASE AGREEMENT WITH BANC OF AMERICA**

Synopsis: A resolution amending the Master Equipment Lease Purchase Agreement, dated October 17, 2013, with Banc of America Public Capital Corp., submitted by Kathleen VonAchen, Chief Financial Officer. The proceeds will be used to pay the costs of acquiring and installing certain equipment. The maximum amount is not to exceed \$11.5M.

*On March 4, 2019, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 19581

3. **ORDINANCE: AMENDMENTS TO THE ADMINISTRATIVE PENALTY PROCESS**

Synopsis: Ordinance amending the administrative penalty process allowing enforcement through additional chapters and increasing the range of possible penalties, submitted by Greg Talkin, Director of Neighborhood Resource Center.

*On March 4, 2019, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.*

Tracking #: 19599

4. **RESOLUTION: DEBT POLICY REVISIONS**

Synopsis: A resolution adopting Debt Policy revisions, submitted by Kathleen VonAchen, Chief Financial Officer.

*On March 4, 2019, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 19592

5. **RESOLUTION: TEMPORARY HOUSING OF INMATES**

Synopsis: A resolution authorizing the UG to enter into inmate housing agreements with Miami, Jackson, Andrew, Leavenworth and Butler counties submitted by Jane Wilson, Assistant Counsel.

*On March 18, 2019, the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.*

Tracking #: 19634

6. RESOLUTION: COOPERATIVE JURISDICTIONAL AGREEMENT BETWEEN KCKPD AND BSPD

Synopsis: A resolution approving an agreement between the KCKPD and the Bonner Spring PD for traffic enforcement and limited law enforcement surrounding events at the Renaissance Festival and Amphitheatre, submitted by Terry Zeigler, Police Chief.

*On March 18, 2019, the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.*

Tracking #: 19637

7. REQUEST: ADOPT-A-SPOT PROGRAM

Synopsis: Request approval of the Adopt-A-Spot program in Wyandotte County/Kansas City, Kansas, submitted by Melissa Sieben, Assistant County Administrator.

*On March 18, 2019, the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.*

Tracking #: 19636

8. MINUTES

Synopsis: Minutes from regular sessions of February 14 and 28, 2019; and special session of February 28, 2019.

Tracking #: MINUTES

9. WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated March 7, 14, and 21, 2019.

Tracking #: WEEKLY BUSINESS MATERIAL

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

1. ORDINANCE: TERMINATE NFM/CABELA'S TDD

Synopsis: An ordinance terminating the Nebraska Furniture Mart/Cabela's Transportation Development District and ceasing the collection of a 0.1% TDD Sales Tax, submitted by Kathleen VonAchen, Chief Finance Officer.

On August 18, 2005, the Commission unanimously adopted Ordinance No. O-69-05 creating

the tenth of a cent (.10) TDD over the NFM/Cabela's retail properties.

Tracking #: 19642

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

1. LAND BANK BUSINESS

Synopsis: Communication requesting consideration of the following Land Bank applications, submitted by Chris Slaughter, Land Bank Manager. The Land Bank Advisory Board recommended approval.

Applications

1227 Ann Ave. - Saol Franco Meza, yard extension

1233 Ann Ave. - Saol Franco Meza, property acquisition

Transfer from Land Bank

748 Seminary St. to Rosedale Development Association (RDA)

(Property was in Tax Sale 342 and transferred into the Land Bank. RDA would like to take ownership of the property in order to allow the neighbors to continue the community garden and preserve an important community gathering place and healthy food access point.)

Tax Sale Transfers

186 properties from Tax Sale 342 on December 13, 2018

*On March 4, 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.*

Tracking #: 19597

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

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

To: Unified Government Board of Commissioners
From: City Staff
Date: March 28, 2019
Re: Change of Zone Petition #3178

GENERAL INFORMATION

Applicant:
Tim Magill

Status of Applicant:
Owner
12200 Donahoo Road
Kansas City, KS 66109

Requested Actions:
Change of Zone from
A-G Agriculture District to R-1 Single
Family District

Date of Application:
December 11, 2018

Purpose:
To split the parcel to separate two
single family homes

Property Location:
9731 and 9745 Leavenworth Road



Commission Districts:

1. Commissioner At Large: Melissa Bynum
2. District Commissioner: Michael (Mike) Kane

Existing Zoning: A-G Agriculture District

Surrounding Zoning:

North:	CP-2 Planned General Business District
South:	A-G Agriculture District
East:	A-G Agriculture District
West:	A-G Agriculture and R-2 Two Family Districts

Existing Uses:

North:	Undeveloped parcels (The Woodlands)
South:	Large lot single family home
East:	Large lot single family home
West:	Large lot single family homes

Total Tract Size: 4.8 acres

Master Plan Designation: The Prairie Delaware Piper Master Plan designates this property as Suburban Residential.

Major Street Plan: The Major Street Plan classifies Leavenworth Road as a Class C Thoroughfare.

Advertisement: The Wyandotte Echo – January 17, 2019
Letters to Property Owners – January 15, 2019, February 6, 2019
and March 19, 2019

Public Hearings: March 11, 2019 and March 28, 2019

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

PROPOSAL

Detailed Outline of Requested Action: The applicant, Tim Magill wants to rezone the parcel from A-G Agriculture District to R-1 Single Family District in order to split the parcel into two lots to separate two single family homes on the property, located at 9731 and 9745 Leavenworth Road.

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 character of the neighborhood is comprised of large lot single family homes to the south along Leavenworth Road and The Woodlands racetrack is north, across the street from this property.

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 is compatible with them.

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 detrimentally affect nearby property.

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

One of the residences on the property is not vacant.

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 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.*

The proposed use will not increase the traffic or parking demand 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.*

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

Not available

c. Storm water control

To be designed to meet City Code

d. Police

Police service is provided by West Patrol, District #223

e. Fire

Fire service is provided by Station #6

f. Transit

Kansas City ATA provides transit service along Leavenworth Road, Route #113.

g. Schools

Piper USD 203

h. Streets

See item #6 above

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

The proposed use's economic impact will be minimal on 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 relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowner is minimal.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on January 24, 2019. According to the applicant, those in attendance did not oppose the applicant's proposal.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application #3178, subject to:

Urban Planning and Land Use Comments:

1. The purpose of the rezoning from A-G Agriculture District to R-1 Single Family District is to split this parcel into two tracts and separate the two single family homes

Applicant Response: I understand.

2. Subject to approval, a \$50.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department following the Board of Commissioners meeting.

Applicant Response: I understand.

3. Subject to approval, the existing 6,500 square foot detached accessory building will be legal, non-conforming because there is no size limitation on an accessory building in the former A-G Agriculture District.

Applicant Response: I understand.

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) Prior to construction permit acquisition, a valid private on-site wastewater permit is required to be obtained from the Wyandotte County Health Department for construction, alteration, extension, or replacement of private on-site wastewater system.
- 2) The County Surveyor makes separate technical review of the survey documents and/or exhibits and submits comments directly to the preparer of the survey documents. Provide revised survey documents in accordance with County Surveyor comments.

- 3) 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 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 #3178 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

March 11, 2019 City Planning Commission Minutes
Applicant Response Letter
Neighborhood Meeting Minutes
E-mail from Wyandotte County Health Department
Zoning Map
Proposed Lot Split

REVIEW OF INFORMATION AND SCHEDULE

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

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #3178 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 #3178, 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.

March 11, 2019 City Planning Commission Minutes:

Non-Consent Agenda Starts At 22:40:

CHANGE OF ZONE APPLICATION #3178 – TIM MAGILL – SYNOPSIS: Change of Zone from A-G Agriculture District to R-1 Single Family District for a second home at 9731 Leavenworth Road. Detailed Outline of Requested Action: The applicant, Tim Magill wants to rezone the parcel from A-G Agriculture District to R-1 Single Family District in order to split the parcel into two lots to separate two single family homes on the property, located at 9731 and 9745 Leavenworth Road.

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 March 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;
7. The Notices to property owners dated January 15, 2019 and February 6, 2019; and
8. The testimony from tonight's Board of Zoning Appeals meeting.

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

Present in Support:

- ❖ Mr. Tim McGill, applicant, 12200 Donahoo Road, Kansas City, Kansas 66109

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts at 25:12: Planning Director Richardson asked what year the house was started and not finished. Mr. McGill stated about 30 years ago. Director Richardson asked why construction was stopped? Mr. McGill stated for various personal reasons (there was not a stop-work order issued.) Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote starts at 26:15:

On motion by Mr. Miller, seconded by Dr. Serda, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application #3178:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

1. The purpose of the rezoning from A-G Agriculture District to R-1 Single Family District is to split this parcel into two tracts and separate the two single family homes

Applicant Response: I understand.

2. Subject to approval, a \$50.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department following the Board of Commissioners meeting.

Applicant Response: I understand.

3. Subject to approval, the existing 6,500 square foot detached accessory building will be legal, non-conforming because there is no size limitation on an accessory building in the former A-G Agriculture District.

Applicant Response: I understand.

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) Prior to construction permit acquisition, a valid private on-site wastewater permit is required to be obtained from the Wyandotte County Health Department for construction, alteration, extension, or replacement of private on-site wastewater system.

- 2) The County Surveyor makes separate technical review of the survey documents and/or exhibits and submits comments directly to the preparer of the survey documents. Provide revised survey documents in accordance with County Surveyor comments.
- 3) 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

To: Urban Planning and Land Use & City Planning Commission
701 N. 7th St Kansas City, Kansas 66101

Re: Staff Comments and Suggestions
Change of Zone Petition # 3178
9731 and 9745 Leavenworth Rd. Kansas City, KS

In response to Urban Planning and Land Use Comments---

1. I understand the purpose for the rezone from A-G to R-1 is to split the parcel into two tracts and thus separate the two houses.
2. I am aware and understand, subject to approval, that an ordinance publication fee of \$50 will be submitted to Urban Planning and Land Use Department following the board of commissioners meeting.
3. It is also understood, subject to approval, that the existing 6,500 sq. ft. detached accessory building will be legal, non-conforming because there is no size limitation on an accessory building in the former A-G district.

In response to Public Works Comments---

1. I understand that prior to a construction permit being acquired, a valid private on site wastewater permit is required from the Wyandotte County Health Dept. for any construction, alteration, extension or replacement of private on-site wastewater system.
2. I am aware that construction plans must meet UG standards and criteria and will be reviewed and approved by UG prior to any permits being issued.

Tim Magill, Applicant



Date: 1-25-19

MINUTES OF NEIGHBORHOOD MEETING

Application number 2310 and 3178

January 24, 2019

Piper High School Library
4400 N 107th St
Kansas City, KS 66109

Meeting called to order: 7PM

People attending: Nela Bruner, Mandy Bruner, Gail Magill, Tim Magill

*Welcome and refreshments

*Introduction of applicant: Tim Magill

*Presentation: Applicant presented the survey, legal description and plans for property. Pictures of four of the most recent properties rehabed by the applicant were displayed showing the type and quality of work than can be expected on this property.

*Summary: The applicant reinarated that he has always liked this house and property and wants to see it brought to its full potential as a very desirable property and one that fits in with the rest of the community.

He has the desire, experience and means by which to accomplish this.

*No questions asked

*The only comments made were those of support and encouragement.

Meeting adjourned: 8PM

Minutes taken by: Gail Magill

From: **McDaniel, Jim** [jmcDaniel@wycokck.org]
Subject: **9731 Leavenworth Rd**
Date: **Nov 1, 2018 at 3:48:20 PM**
To: **gailmagill@att.net**

The above listed property does not have an approved septic system on file with the Health Department. On 11/01/2018 I inspected the existing septic tank for state and county requirements. The existing septic is at least a 1,200 gal tank and is in good condition. This tank would be approved to continue using as part of the septic system. The lateral field must be uncovered for inspection and approved or replaced before occupancy can be allowed. If the entire system is inspected and approved, a drawing of the system along with the fee of \$150.00 must be submitted to the Health Department. An approved system will then be logged into the septic data base.

Thanks,
Jim McDaniel

Jim McDaniel | Environmental Health Specialist, Air Quality & Environmental Health Services
Unified Government Public Health Department
619 Ann Avenue, Kansas City, Kansas 66101
913.573.6700 | Direct: 913.573.6783
<https://www.wycokck.org>

Promoting good health and a safe environment for a better community.



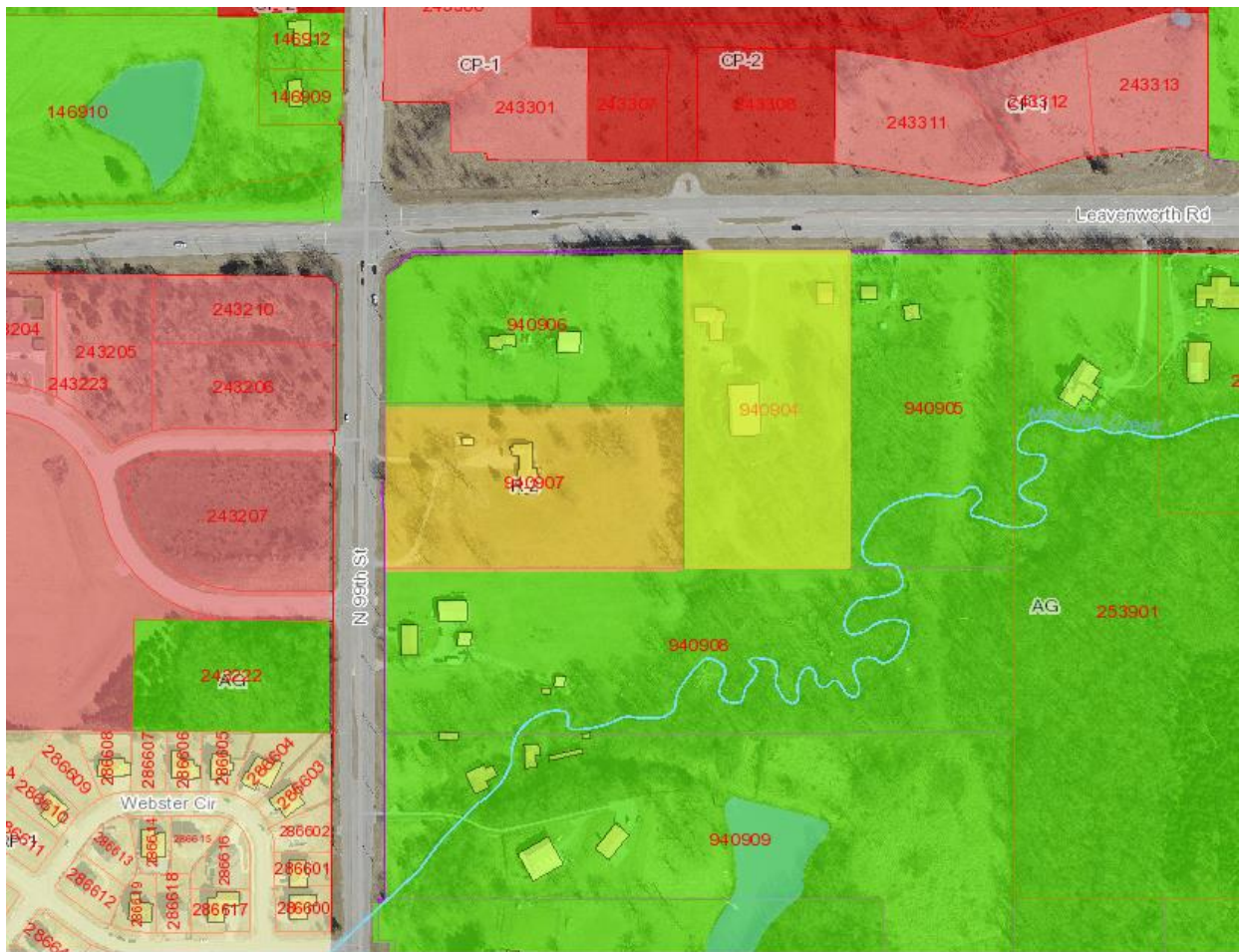


Figure 1. Zoning Map of 9731 - 9745 Leavenworth Road as indicated by the yellow shaded box (provided by UG Maps).

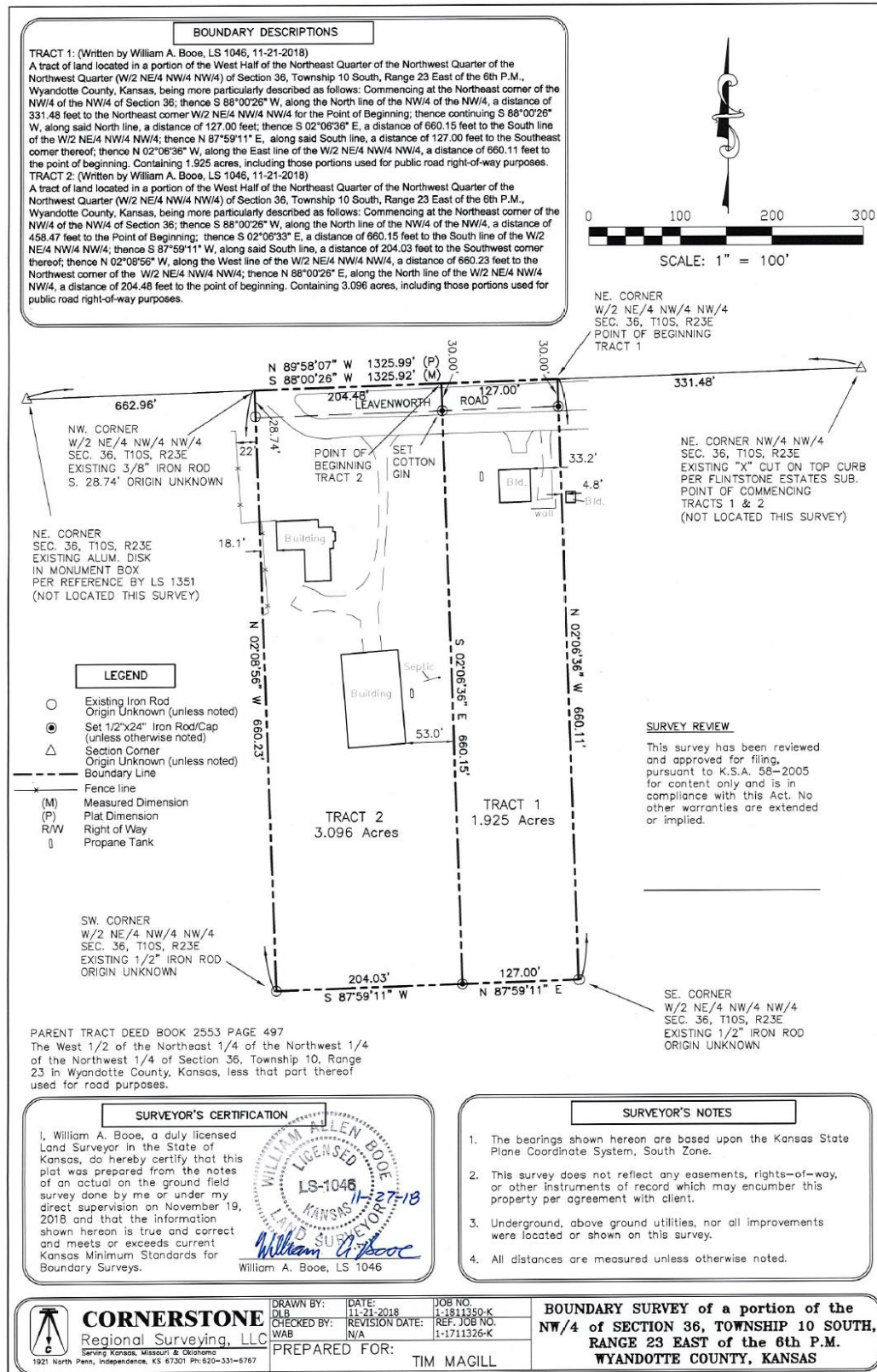




Figure 2. Photograph of 9731 Leavenworth Road (left) and 9745 Leavenworth Road (right) (provided by Google Street View).



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

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

To: Unified Government Board of Commissioners
From: City Staff
Date: March 28, 2019
Re: Change of Zone Petition #3180

GENERAL INFORMATION

Applicant:
Jeffery Gardner

Status of Applicant:
Property Owner
3640 North 83rd Street
Kansas City, KS 66109

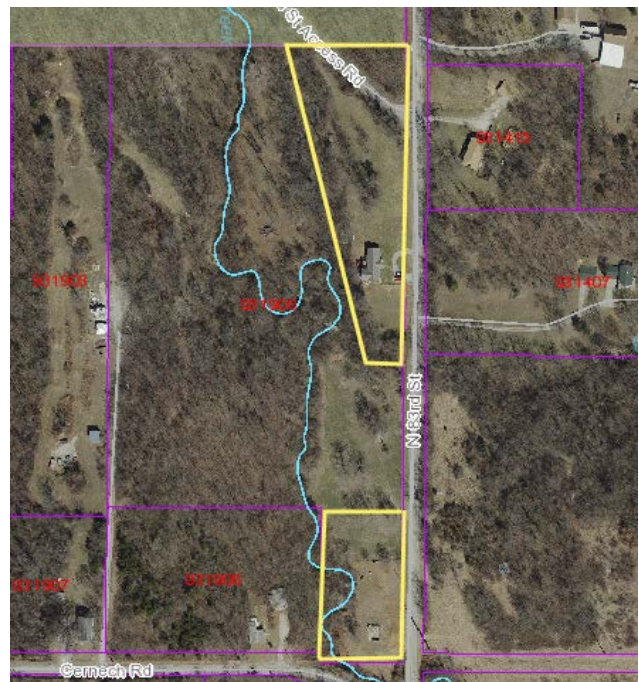
Requested Actions:
Change of Zone from R-1 Single Family
District to AG Agriculture District

Date of Application:
January 18, 2019

Purpose: To allow additional accessory
structures

Property Location: 3640 North 83rd
Street

Existing Zoning: R-1 Single Family District



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

Existing Uses: **North:** Wyandotte County Lake Park
 South: Single Family Homes
 East: Single Family Homes and Wooded lots
 West: Single Family Homes and Wooded lots

Total Tract Size: 15.76 acres

Master Plan Designation: The City-Wide Master Plan designates this area as Low-Density Residential.

Major Street Plan: The Major Street Plan designates North 83rd Street and Cernech Road as local streets.

Advertisement: The Wyandotte Echo – February 14, 2019
 Letters to Property Owners – February 13, 2019 and March 19, 2019

Public Hearings: March 11, 2019 and March 28, 2019

Public Opposition: One person appeared in opposition at the March 11, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jeffery Gardner, has requested a change of zone from R-1 Single Family District to AG Agriculture District to allow a second accessory structure to be built on the property. Currently there is a horse barn and the applicant desires to build a detached garage near the home. The property is split-zoned with a portion that is already AG and a portion that is R-1; this petition would change the entire lot to AG.

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 low-density with a combination of low-density residential lots and agricultural uses. There are several wooded lots and Wyandotte County Lake Park.

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

The proposed zoning is expected to be compatible with nearby uses.

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 proposed use would not be detrimental to nearby property.

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

The property is not vacant, currently there is a single-family home and horse barn.

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 not necessary for the convenience and welfare of the public; however it 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.*

This is not an issue.

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

The City-Wide Master Plan designates this area as Low-Density Residential. A rezoning to AG Agriculture District conforms to this use.

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

A portion of this property is located within the Special Flood Hazard area as designated by FEMA. Agricultural uses and open space, as opposed to residential, are encouraged in the SFHA.

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

Sanitary sewer is not available in this area. The closest sanitary sewer is along Leavenworth Road.

c. Storm water control

To meet code.

d. Police

Police service is provided by West Patrol, District #222

e. Fire

Fire service is provided by Station #4

f. Transit

KCATA provides bus 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.

This would not have an economic impact on 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 relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowner is minimal.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on February 20th, 2019. No opposition was expressed.

KEY ISSUES

Special Flood Hazard Area

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application #3180, subject to:

Urban Planning and Land Use Comments:

1. If approved, the following setbacks from property lines are applicable:
 - a. Front yard: Not less than 50 feet
 - b. Side yard interior: Not less than 20 feet
 - c. Side yard, corner: Not less than 50 feet
 - d. Rear yard: Not less than 50 feet
2. This property is located within a FEMA designated Special Flood Hazard Area (SFHA). A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in 27-550, subsection (a).
 - Requirements for proposed structures within the SFHA:
 - Freeboard shall be designed to meet 18 inches above Base Flood Elevation or greater.
 - Area of structure under BFE allowed for storage only (reference FEMA standards for flood proofing/wet proofing)
3. How many animals, and what type do you plan to keep?

Applicant Response: We are not planning on getting more at this time and that's not the reason we are trying to get the zoning changed. We just want the garage.

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 #3180 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

March 11, 2019 City Planning Commission Minutes
Aerial Image
Zoning Map
Floodplain Map
Conservation District Comments
Neighborhood Meeting Affidavit, Sign-in and Minutes

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	March 11, 2019	March 28, 2019
Rezoning	Approval	

STAFF CONTACT: **Kimberly Portillo**
 kportillo@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #3180 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 #3180, 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.

March 11, 2019 City Planning Commission Minutes:

Hearing Starts At 26:54:

CHANGE OF ZONE APPLICATION #3180 – JEFFREY J. GARDNER - SYNOPSIS:

Change of Zone from R-1 Single Family District to A-G Agriculture District for an additional accessory structure at 3640 North 83rd Street. **Detailed Outline of Requested Action:** The applicant, Jeffery Gardner, has requested a change of zone from R-1 Single Family District to AG Agriculture District to allow a second accessory structure to be built on the property. Currently there is a horse barn and the applicant desires to build a detached garage near the home. The property is split-zoned with a portion that is already AG and a portion that is R-1; this petition would change the entire lot to AG.

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 March 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 February 14, 2019; and
7. The Notices to property owners dated February 13, 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:

- ❖ Jeff Gardner, applicant, 3640 North 83rd Street, Kansas City, Kansas 66109

Present in Opposition:

- ❖ Michelle Masters, 8402 Cernech Road, Kansas City, Kansas 66109

Staff Recommendation starts at 31:55: Planning Director Richardson stated that the rezoning impacts the corner of 83rd and Cernech; the rest of the property is already agriculture. The staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts at 32:45:

On motion by Mr. Miller, seconded by Dr. Serda, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application #3180:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

1. If approved, the following setbacks from property lines are applicable:
 - e. Front yard: Not less than 50 feet
 - f. Side yard interior: Not less than 20 feet
 - g. Side yard, corner: Not less than 50 feet
 - h. Rear yard: Not less than 50 feet
2. This property is located within a FEMA designated Special Flood Hazard Area (SFHA). A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in 27-550, subsection (a).
 - Requirements for proposed structures within the SFHA:
 - Freeboard shall be designed to meet 18 inches above Base Flood Elevation or greater.
 - Area of structure under BFE allowed for storage only (reference FEMA standards for flood proofing/wet proofing)
3. How many animals, and what type do you plan to keep?

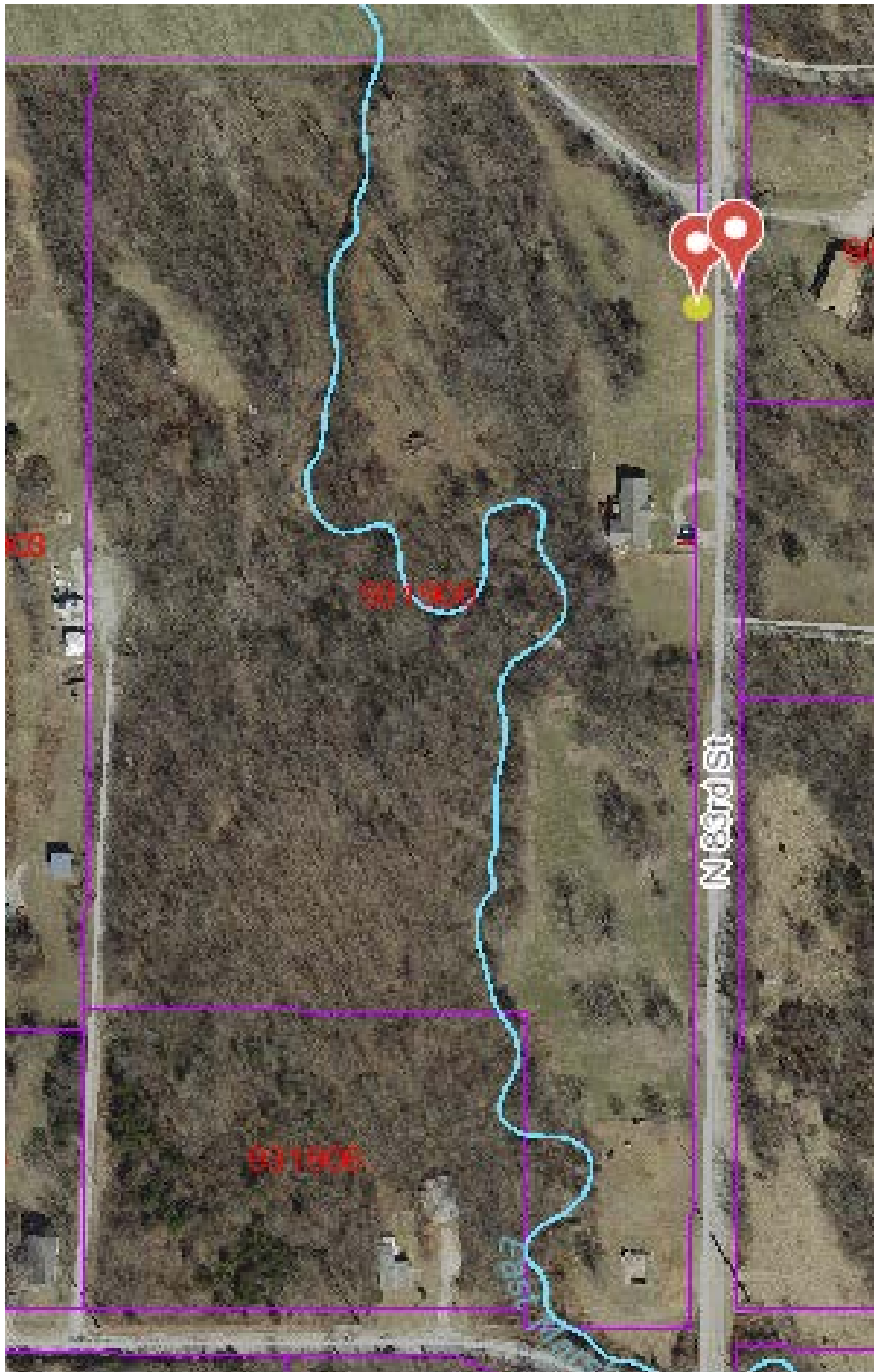
Applicant Response: We are not planning on getting more at this time and that's not the reason we are trying to get the zoning changed. We just want the garage.

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









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

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

February 12, 2019

RE: COZ 3180 Jeffery Gardner Single Family to Ag District 3640 North 83rd 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 3180 Jeffery Gardner Single Family to Ag District 3640 North 83rd 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 four major soil types identified: Knox silt loam, 7 to 12 percent slopes, Knox silt loam, 12 to 18 percent slopes, Knox silt loam, 18 to 30 percent slopes and Kennebec silt loam, frequently flooded. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- Care will be needed on soil erosion if there is major grading to be done. Silt fence can be used to protect the area.
- 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

FAX: 913 573 5796 ATTN: ~~Wanda~~ JANET PARKER. 4 PGS TOTAL

AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF KANSAS)
COUNTY OF WYANDOTTE) SS:

Comes now Jeffrey Gardner, of lawful age, sound mind and upon his/her oath states as follows:

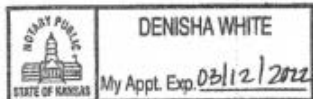
1. That I am the petitioner for Petition # 3180.
2. That I conducted a neighborhood meeting on 2.20.2019.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 21 day of Feb, 2019.

My commission expires 12 of Mar, 2022.




Notary Public

Sign-in Sheet

Print

Sign

[illegible]

MINUTES

Application Number 3180

Date and Location: February 20th, 2019, FOP Lodge #4 7844 Leavenworth Rd., Kansas City, KS 66112

Meeting called to order at: 1750 hrs

Names of people in attendance: 6

Introductions: Jeff Gardner

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

Req. to A Zone to A to prepare for accessing Building/garage. Garage will be used for our vehicles.

Questions and answers (include the following):

- > Who asked question or gave comment
- > What was the question or comment
- > Who answered the question/comment
- > What was the answer given

① Tonja: So you are doing your rest of your property to A to.
Jeff: Yes, Tonja: OK, what does that have to do with us?

Meeting adjourned at: 1810 hrs.

Minutes taken by: Ashley Gardner



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

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

To: Unified Government Board of Commissioners
From: City Staff
Date: March 28, 2019
Re: Change of Zone Petition #3182

GENERAL INFORMATION

Applicant:
Jason Hussey

Status of Applicant:
Property Owner
732 North 57th Street
Kansas City, KS 66102

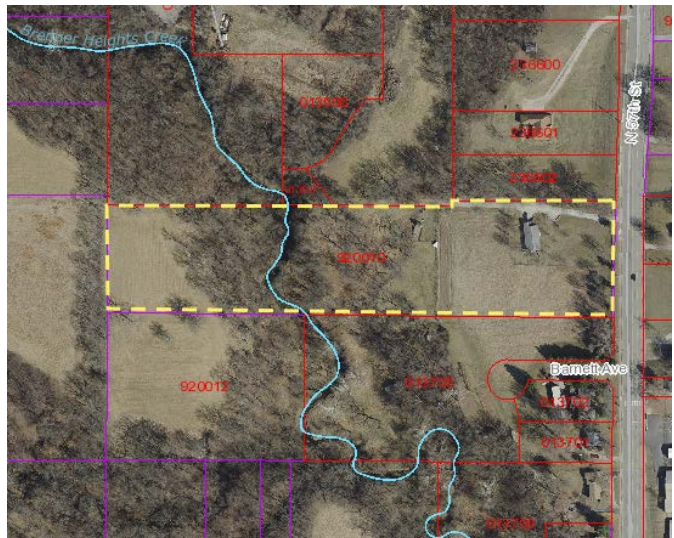
Requested Actions:
Change of Zone from R-1 Single
Family District to A-G Agriculture
District

Date of Application:
January 25, 2019

Purpose:
To allow the sale of agricultural products on-site, such as berries, fruits, vegetables, honey, and flowers.

Property Location:
732 North 57th Street

Existing Zoning: R-1 Single Family District



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

Existing Uses: **North:** Residential Single-Family and undeveloped lots
 South: Residential Single-Family and undeveloped lots
 East: Residential Single-Family and undeveloped lots
 West: Residential Single-Family and farming operations

Total Tract Size: 8.13 acres

Master Plan Designation: The City-Wide Master Plan designates this property as Low-Density Residential.

Major Street Plan: The Major Street Plan designates North 57th Street as a Class A Thoroughfare.

Advertisement: The Wyandotte Echo – February 14, 2019
 Letters to Property Owners – February 13, 2019 and March 19, 2019

Public Hearings: March 11, 2019 and March 28, 2019

Public Opposition: Opposition to the keeping of farm animals has been expressed by two neighbors in a phone call and email. One person appeared at the March 11, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jason Hussey, has submitted an application to rezone the property at 732 North 57th Street from R-1 Single Family District to A-G Agriculture District in order to produce and sell agricultural products.

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 low-density residential, there are several undeveloped lots however the major roadways of State Avenue and I-70 Highway are within close proximity. North 57th Street is a high-volume road due to the fact that it connects these streets.

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

The zoning and uses of properties are laid out above. The proposed use is 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?*

A portion of this property is located within the FEMA designated Special Flood Hazard Area Zone AE and floodway of Brenner Heights Creek. Residential uses and construction are discouraged in this area due to the potential for flood hazard. More information is needed to determine if nearby property could be detrimentally affected.

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

The property is not vacant, there is a single family home.

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 not necessary for the convenience or welfare of the public, but it is not likely to impact the use, visual quality or marketability of nearby properties.

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.*

It is not anticipated that there would be an increase in traffic or parking demand that would adversely affect road capacity, safety, or create parking problems. The applicant has noted that he will have all visitors park on his property.

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

The Master Plan designates this area as Low-Density residential. The proposed use would be in conformance.

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

Available

c. Storm water control

To meet code

d. Police

Police service is provided by Midtown Patrol, District #441

e. Fire

Fire service is provided by Station #4

f. Transit

KCATA provides bus service along State Avenue, Route 101

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 would be a smaller operation. It is not expected that the operation would be of significant economic impact on 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.

Providing access to fresh fruits and vegetables would have a positive impact on the public health and welfare.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on February 23, 2019. Two people were in attendance. Meeting minutes are provided in the attachments.

KEY ISSUES

Opposition from neighbors

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application #3182, subject to:

Urban Planning and Land Use Comments:

1. Please provide a business plan and include the following information:
 - a. What volume of customers do you plan to have?

Applicant Response: It is anticipated that the volume of customers would be less than 50 customers per day.

- b. Where would customers park?

Applicant Response: Customers would park wholly within the property. Existing parking locations for four vehicles are shown on the attached layout. Additional space is available along the drive as needed and can be constructed with a gravel pad for designated parking at a later date as warranted.

Parking along 57th Street is not allowed. "No Parking" signs are located along 57th Street and adjacent to the property drive. Parking along 57th Street will be further discouraged by locating all sales wholly within the property boundaries and placing directional entrance signs at the drive.

Staff Comment: Gravel parking is no longer allowed. Additional future parking must be a paved surface.

- c. What hours of operation would sales be done?

Applicant Response: Hours of operation are anticipated to be Saturdays, 8:30 a.m. – 5:30 p.m.

- d. Would you have any employees?

Applicant Response: No, it is not anticipated that we would have any employees.

e. Would you continue to live on the property?

Applicant Response: The intent is to keep the existing building as a residence.

2. Accessory buildings such as barns, silos, other exclusively agricultural structures, road side stands etc. are allowed in AG provided that such structures are set back at least 50 feet from any street line.

Applicant Response: Acknowledged. Any future construction will follow Unified Government ordinance.

3. What are the current and proposed use of the existing building on site?

Applicant Response: The current use of the existing building is a residence. The proposed use would be to continue using the building as a residence.

4. North 57th Street is considered a Class A Thoroughfare and experiences a high volume of traffic. At no time should visitors be stopped along North 57th Street. All sales and parking should occur wholly within the property boundaries.

Applicant Response: Acknowledged. Parking along 57th Street is not allowed. "No Parking" signs are located along 57th Street and adjacent to the property drive. Parking along 57th Street will be further discouraged by locating all sales wholly within the property boundaries and placing directional entrance signs at the drive.

5. Any proposed work in the designated Special Flood Hazard Area requires a floodplain development permit. Structures placed within this area must be at a minimum 18 inches above Base Flood Elevation.

Applicant Response: Acknowledged. It is not anticipated that any future construction would occur in the floodplain. All future construction will follow Unified Government ordinance and all applicable local, State, and Federal laws. Please see updated attached proposed site layout for more information

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: Opposition to this application has been expressed by neighbors. The primary concern is the potential for animals at this site, however with the property being zoned R-1 and greater than 5 acres, animals are already allowed by code. The applicant would like this change of zone to allow for sales of farm products including berries, honey, fruit, vegetables and flowers.

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 #3182 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

March 11, 2019 City Planning Commission Minutes
Aerial Map with Floodplain
Zoning Map
Proposed Layout
Future Improvements
Site Photographs
Conservation District Comments
Email in Opposition
Neighborhood Meeting Affidavit, Minutes and Sign-in
Email from Applicant to Neighbor

REVIEW OF INFORMATION AND SCHEDULE

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

STAFF CONTACT: **Kimberly Portillo**
 kportillo@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #3182 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 #3182, 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.

March 11, 2019 City Planning Commission Minutes:

Hearing Starts At 34:49:

CHANGE OF ZONE APPLICATION #3182 – JASON T. HUSSEY – SYNOPSIS:

Change of Zone from R-1 Single Family District to A-G Agriculture District to allow production and sale of agricultural products on site at 732 North 57th Street. Detailed Outline of Requested Action: The applicant, Jason Hussey, has submitted an application to rezone the property at 732 North 57th Street from R-1 Single Family District to A-G Agriculture District in order to produce and sell agricultural products.

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 March 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 February 14, 2019; and
7. The Notices to property owners dated February 13, 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:

- ❖ Jason Hussey, applicant, 732 North 57th Street, Kansas City, Kansas 66102

Present in Opposition:

- ❖ Nancy Ballance, 809 North 57th Street, Kansas City, Kansas 66102
- ❖ There was one person present that did not speak

Staff Recommendation starts at 42:11: Planning Director Richardson stated that this action does not have a bearing as to whether or not the applicant can keep animals. It does not have any bearing on the taxes as the Assessor will look at the use of the land; it might affect the valuation but not the assessment rate which is the critical portion of this. With those two comments, he staff recommends approval.

Motion and Vote Starts at 43:50:

On motion by Mr. Reasons, seconded by Dr. Serda, the Planning Commission voted as follows to **RECOMMEND APPROVAL of Change of Zone Application #3182:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Please provide a business plan and include the following information:
 - a. What volume of customers do you plan to have?

Applicant Response: It is anticipated that the volume of customers would be less than 50 customers per day.

- b. Where would customers park?

Applicant Response: Customers would park wholly within the property. Existing parking locations for four vehicles are shown on the attached layout. Additional space is available along the drive as needed and can be constructed with a gravel pad for designated parking at a later date as warranted.

Parking along 57th Street is not allowed. "No Parking" signs are located along 57th Street and adjacent to the property drive. Parking along 57th Street will be further discouraged by locating all sales wholly within the property boundaries and placing directional entrance signs at the drive.

Staff Comment: Gravel parking is no longer allowed. Additional future parking must be a paved surface.

c. What hours of operation would sales be done?

Applicant Response: Hours of operation are anticipated to be Saturdays, 8:30 a.m. – 5:30 p.m.

d. Would you have any employees?

Applicant Response: No, it is not anticipated that we would have any employees.

e. Would you continue to live on the property?

Applicant Response: The intent is to keep the existing building as a residence.

2. Accessory buildings such as barns, silos, other exclusively agricultural structures, road side stands etc. are allowed in AG provided that such structures are set back at least 50 feet from any street line.

Applicant Response: Acknowledged. Any future construction will follow Unified Government ordinance.

3. What are the current and proposed use of the existing building on site?

Applicant Response: The current use of the existing building is a residence. The proposed use would be to continue using the building as a residence.

4. North 57th Street is considered a Class A Thoroughfare and experiences a high volume of traffic. At no time should visitors be stopped along North 57th Street. All sales and parking should occur wholly within the property boundaries.

Applicant Response: Acknowledged. Parking along 57th Street is not allowed. “No Parking” signs are located along 57th Street and adjacent to the property drive. Parking along 57th Street will be further discouraged by locating all sales wholly within the property boundaries and placing directional entrance signs at the drive.

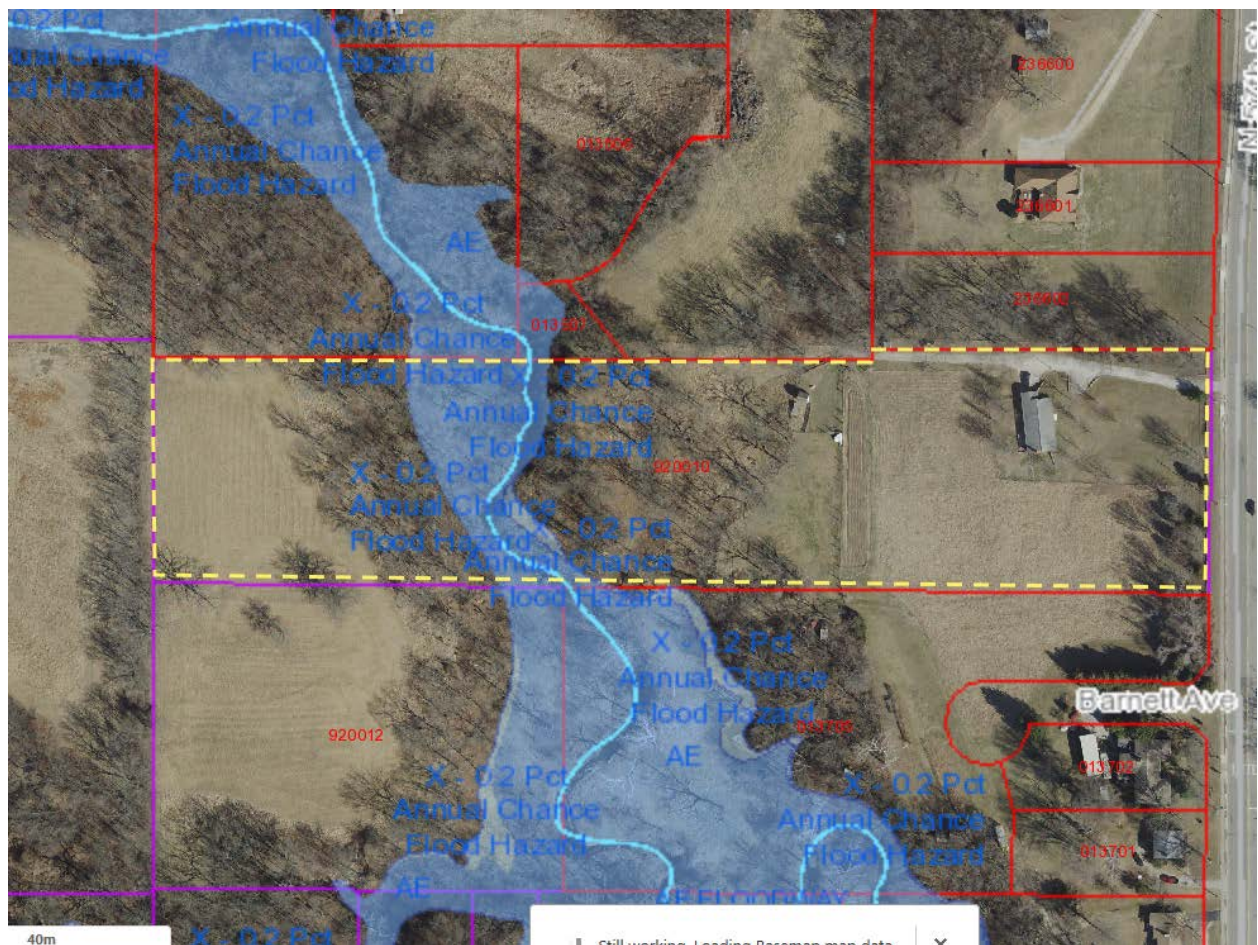
5. Any proposed work in the designated Special Flood Hazard Area requires a floodplain development permit. Structures placed within this area must be at a minimum 18 inches above Base Flood Elevation.

Applicant Response: Acknowledged. It is not anticipated that any future construction would occur in the floodplain. All future construction will follow Unified Government ordinance and all applicable local, State, and Federal laws. Please see updated attached proposed site layout for more information

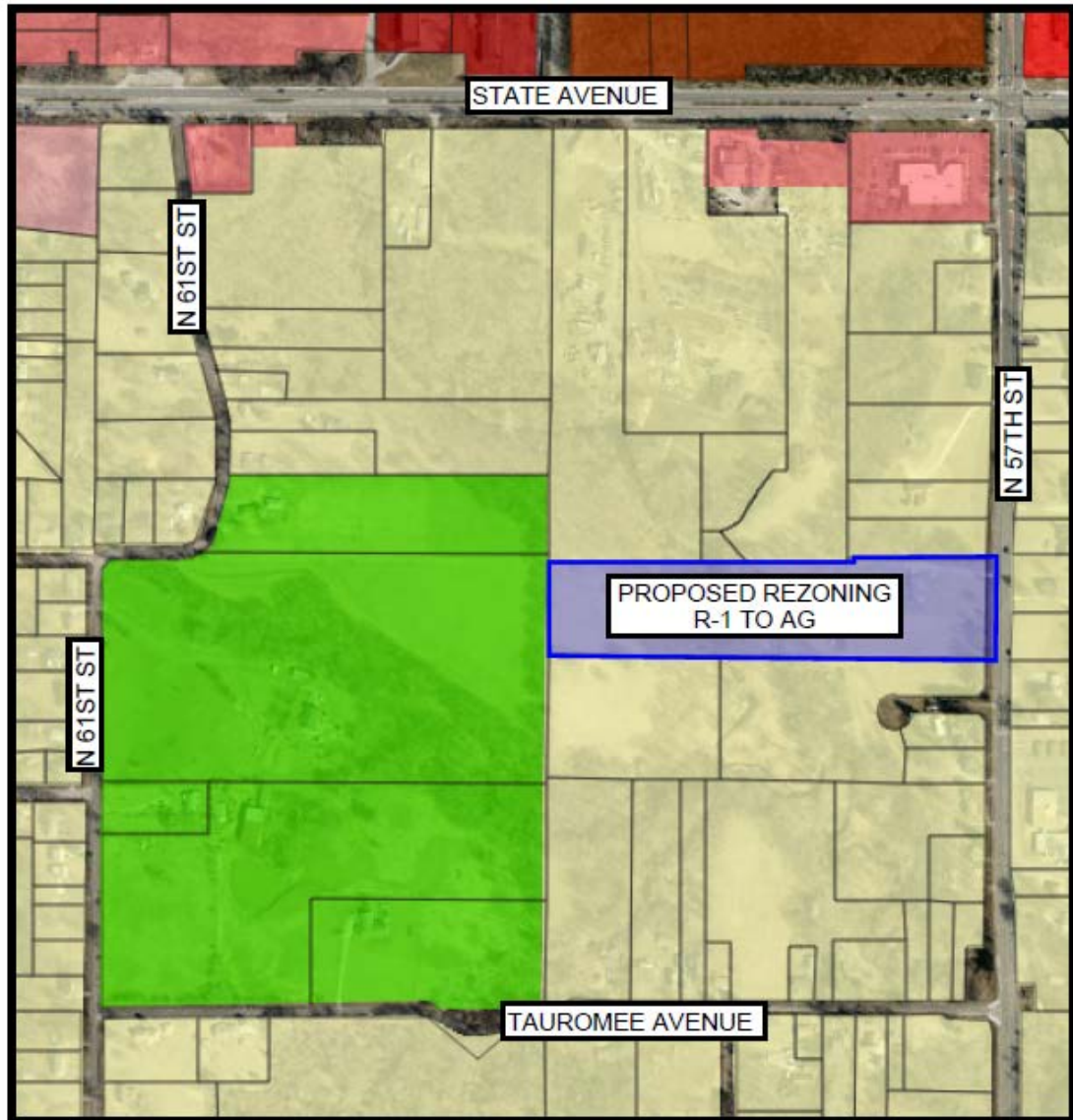
Public Works Comments:

- 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: Opposition to this application has been expressed by neighbors. The primary concern is the potential for animals at this site, however with the property being zoned R-1 and greater than 5 acres, animals are already allowed by code. The applicant would like this change of zone to allow for sales of farm products including berries, honey, fruit, vegetables and flowers.

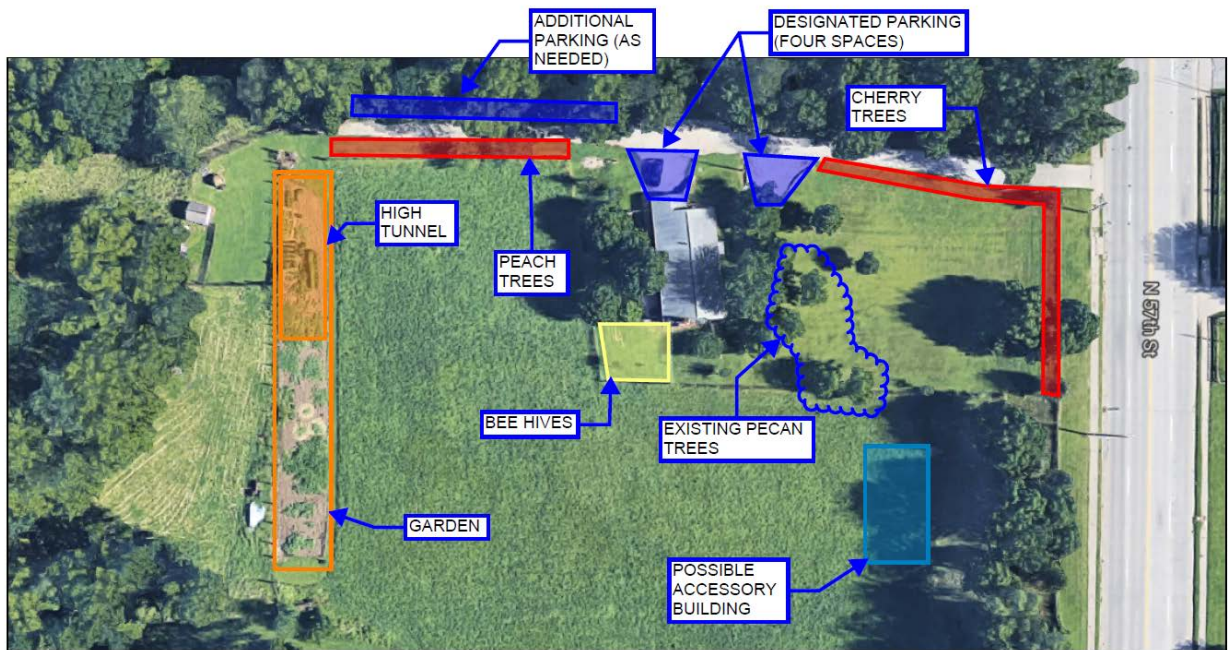


AREA MAP PROPOSED REZONING 732 N 57TH ST



December 31, 2018

Landbank Parcel	Zoning	C-1	CP-1
City Limit	AG	CP-0	R-1



**SITE PHOTOGRAPHS
PROPOSED REZONING
732 N 57TH ST**



**SITE PHOTOGRAPHS
PROPOSED REZONING
732 N 57TH ST**





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

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

February 12, 2019

RE: COZ 3182 Jason Hussey Single Family to Ag District North 57th 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 3180 Jeffery Gardner Single Family to Ag District 3640 North 83rd 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 four major soil types identified: Ladoga silt loam, 3 to 8 percent slopes, Kennebec silt loam, frequently flooded, Judson silt loam, 0 to 1 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.
- Care will be needed to prevent soil erosion in the production of agricultural produce. Strip cropping and field borders can reduce soil movement.
- 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



Tue 2/26/2019 11:39 AM

ANITA KELLEY <alkelley3@comcast.net>

57th Street Rezoning

To Portillo, Kimberly

Planner | Floodplain Administrator

Department of Urban Planning and Land Use

701 N 7th Street Suite 423,

Kansas City KS 66101

Dear Ms. Portillo,

My name is Anita Kelley. I live at 907 N 57th St. I am opposed to rezoning 57th street for agricultural usage.

My main concern is with allowing farm animals on a residential street. These animals can get loose and roam on to 57th street, which is a highway (I70) exit and has a lot of traffic. We already are bothered by automotive noise and emissions. I do not feel adding farm animal noise and emissions will improve our quality of life.

Sincerely,

Anita L. Kelley

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

Comes now Jason Hussey, of lawful age, sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition # 3182.
2. That I conducted a neighborhood meeting on FEB 23, 2019, 10:00 A.M.
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.

Jason Hussey
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26th day of February, 2019

My commission expires 30th of May, 2019.

Sally H. Wachtel
Notary Public

SALLY H. WACHTEL
Notary Public - State of Kansas
My Appt. Expires 5/20/19

Application Number: #3182

Date and Location: February 23, 10:00 a.m., West Wyandotte Library, 1737 N 82nd St, Kansas City, KS 66112

Meeting called to order at: 10:00 a.m.

Name of people in attendance: Harold Owens, 911 N 57th St.
Anita Kelley, 907 N 57th St.

Introductions:

Applicant arrived at approximately 9:50 a.m. Two residents came to the meeting at approximately 10:15 a.m.

Applicant introduced himself and stated the he was applying for a change of zoning from R-1 to A-G.

Questions and Answers:

The following questions were all from Harold Owens and Anita Kelley. The questions were all answered by the applicant, Jason Hussey.

Q: What was the intent of the change of zoning?

A: The intent is to acquire change of zoning from R-1 to A-G to allow for the sale of vegetables, eggs, and honey at the site. It is anticipated that the stand would be open Saturdays, 8:30 a.m. to 5:30 p.m.

Q: Will there be any animals?

A: The applicant does not intend to raise animals for sale at this time, but remains a possibility in the future. The property is currently zoned R-1 and is over five acres, allowing for the raising of livestock. The change of zoning to A-G will not change the ability to raise livestock. It is likely that the applicant would raise animals for personal use.

Q: Would the animals be properly contained?

A: Yes, the animals would be properly contained to prevent them from running loose.

Q: Where would people park?

A: People would park down near the house. There is existing parking for about four vehicles. Parking is not allowed along 57th Street.

Q: What is the date of the public meeting?

A: The public meeting is March 11. The applicant could not remember the exact time, but recommended looking on the County website.

Meeting adjourned at: No additional residents arrived, and meeting was adjourned at 10:35 a.m.

Minutes taken by: Jason Hussey



Tue 2/26/2019 3:21 PM

jason hussey <jhussus@hotmail.com>

Neighborhood Meeting

To alkelley3@comcast.net; hpowens59@yahoo.com; Portillo, Kimberly

 You replied to this message on 2/27/2019 9:47 AM.



3182 zoning neighborhood meeting.pdf
287 KB

Suggested Meetings

Action Items

+ Get more add-ins

Harold and Anita-

Thanks for taking the time to come to the neighborhood meeting last Saturday and to discuss the change in zoning. I attached the meeting minutes that I sent to the County. Please let me know if you have any comments.

To clarify regarding the keeping of livestock; I don't intend on raising livestock for sale at this moment, but leave the option open in the future. It is likely that I would raise livestock for personal use. The property is currently zoned R-1 and is greater than five acres. This allows for the keeping of livestock, and changing to zone AG will not change this. If I keep livestock, I will take all necessary measures to keep and maintain them in a responsible manner and in accordance with County ordinance.

The public meeting is scheduled for March 11, **6:30 p.m.**, [701 N 7th St, Kansas City, KS](#).

Please feel free to email or call me with any questions.

Sincerely,

Jason Hussey
816-863-1163



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

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

To: Unified Government Board of Commissioners
From: City Staff
Date: March 28, 2019
Re: **Change of Zone Petition #3183**

GENERAL INFORMATION

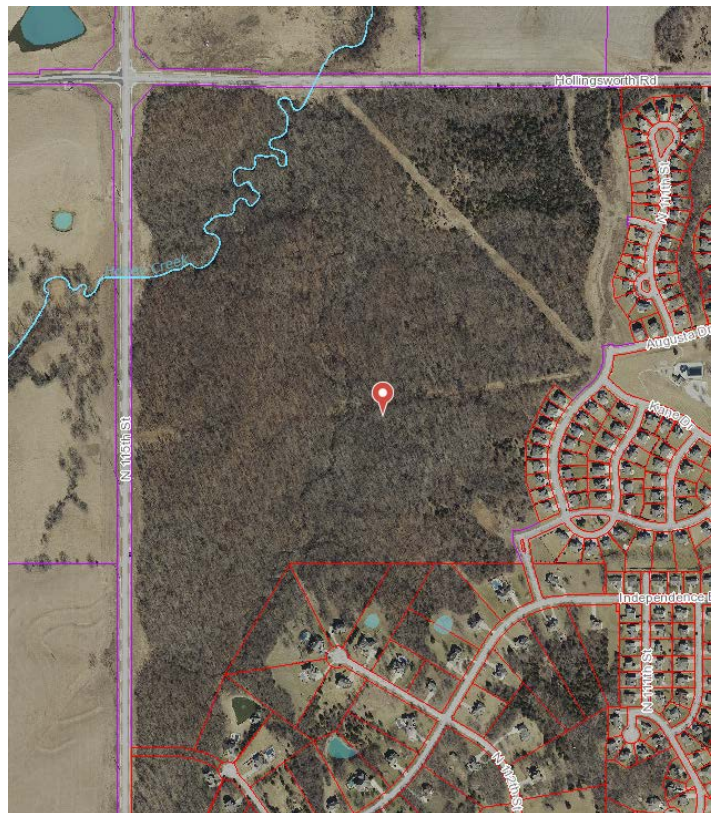
Applicant:
Matt Schlicht, P.E., P.L.S.

Status of Applicant:
Representative
Engineering Solutions
50 Southeast 30th Street
Lee's Summit, MO 64082

Requested Actions:
Change of Zone from
RP-1 Planned Single Family District
to R-1 Single Family District.

Date of Application:
January 25, 2019

Purpose: To create a single family
residential subdivision with 25 lots
and a 37.9 acre common area.



Property Location: 4401 North 115th Street

Existing Zoning: RP-1 Single Family District

Existing Surrounding Zoning:	North:	AG Agriculture District
	South:	R-1 Single Family District
	East:	RP-1 Planned Single Family District
	West:	AG (WYCO) Agriculture District

Existing Uses:	North:	Agriculture, single family houses
	South:	Platted single family subdivision
	East:	Platted single family subdivision
	West:	Agriculture

Total Tract Size: 163.3 acres

Master Plan Designation: The majority of the property is designated Planned Low Density Residential district in the Prairie Delaware Piper Master Plan. The southern portion is designated Planned Suburban Residential District.

Major Street Plan: The City-Wide Master Plan designates 115th Street as a Class C Thoroughfare and Hollingsworth as a Collector Street

Advertisement: The Wyandotte Echo – Change of Zone - February 14, 2019
Letters to Property Owners – Change of Zone – February 13, 2019
and March 19, 2019; Plat – February 13, 2019

Public Hearings: March 11, 2019 and March 28, 2019

Public Opposition: There were 2 people present at the March 11, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: Matt Schlicht with Engineering Solutions has applied to create a single family subdivision with 25 lots and a 37.9 acre common area. The subdivision includes large lots that are approximately 5 acres in size with a few lots smaller than 5 acres.

City Ordinance Requirements: Article XXII Sections 27-1001 – 27-1419 and Article XXI Sections 27-501 - 27-1000

FACTORS TO BE CONSIDERED

1. Neighborhood character

This area is surrounded by single family subdivisions with agricultural uses to the north and west.

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

The proposed use is expected to be compatible with the surrounding zoning and uses.

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 has not been developed in the past.

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 provide additional single family lots and housing options for the community.

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.*

Lots 1, 2, 11, and 12 have either less than 5 acres, less than 300 feet of frontage or both on a major thoroughfare. This could create an excessive number of driveways on a major thoroughfare without adequate spacing. Variance petition #2318 is a variance request that includes these issues.

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

The Prairie Delaware Piper Master Plan designates this property as low density residential. A small portion of the property in the south is designated planned suburban residential. The lot sizes are larger than the 3 acre to 1/3 acre range stated in the land use plan. The low density residential land use district also discourages development proposals for lots that front a major arterial. The district does encourage clustering of units to allow for open space and other community amenities.

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 or enhance the environment.

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*

Septic

c. *Storm water control*

To be designed to city code.

d. *Police*

Police service is provided by West Patrol, District #223

e. *Fire*

Fire service is provided by Fire District #4

f. *Transit*

None

g. *Schools*

Piper USD 203

h. *Streets*

See item #6 above

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

The low density of the development may result in lower tax revenue overall for the amount of land. However, the ability to develop on septic and the lack of internal local streets may provide a cost benefit for future maintenance.

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

The proposed use is capable of meeting applicable ordinance requirements, except the zoning code requirements which the developer has applied for a zoning variance.

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 will provide additional housing lots and will not impose a hardship on individual landowners.

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.

In general, the development is of such a character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity. The lots that do not meet the requirements for lot frontage or size on a major thoroughfare may pose a safety risk due to excessive number of driveways or inadequate spacing of driveways on a major thoroughfare.

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.

This development has limited internal local street circulation; the lots are largely served from the existing streets. The lots that do not meet the requirements for lot frontage or size on a major thoroughfare may pose a safety risk due to excessive number of driveways or inadequate spacing of driveways on a major thoroughfare. Additionally, the Prairie Delaware Piper Master Plan discourages developments that have lot frontages on major thoroughfares.

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.

The 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.

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.

The development is designed with due regard to topography. The large common lot is largely a response to the topography of the site.

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 development is near Piper Elementary, Middle School and High School. The area does not have great access to parks and playgrounds. It is unclear what amenities will be available in the subdivision and whether all lots will have

access to amenities, such as the lots that do not have access to the large common area.

PREVIOUS ACTIONS

A Preliminary Plat for Northridge First Plat Lots 1-239 & Tracts A, B, C, D, E & F was submitted in August 2017, but was withdrawn before any action was taken.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on February 21, 2019. The neighborhood meeting minutes are attached to this report.

KEY ISSUES

Lots with frontages on major thoroughfares
Amenities.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application #3183, subject to:

Urban Planning and Land Use Comments:

1. Please describe why it is necessary to have lots that have less than 300 feet of frontage and less than 5 acres on 115th Street as required by the code.

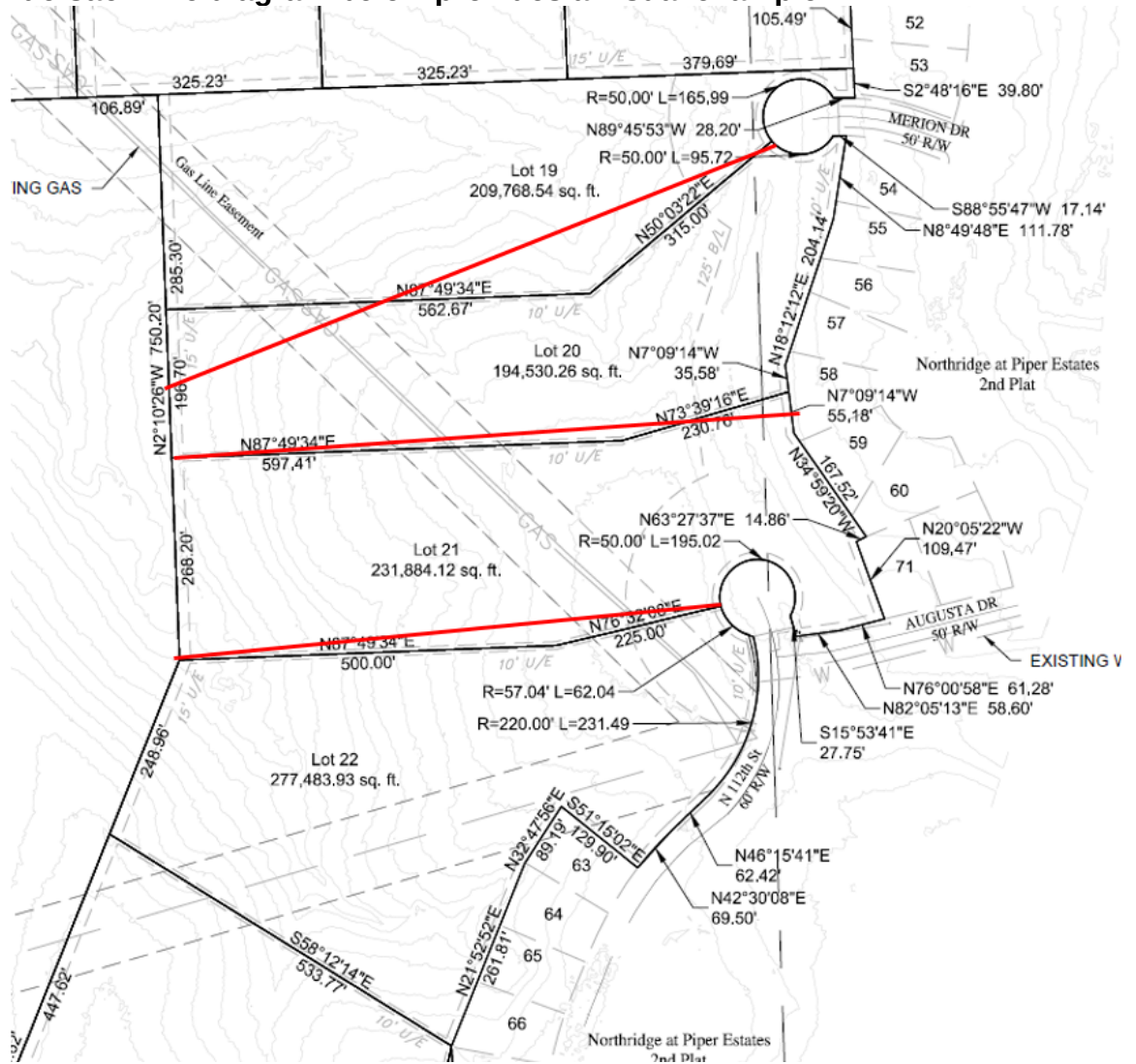
Applicant Response: Lot 1 is the only lot that is less than 300 feet and it is only 2 inches short, we ask this be allowed as a variance. The area of Lots 1 and 2 are less than 5 acres but greater than 3 acres, due to the irregular lot shapes. The 2 lots are equal to and in most cases larger than the lots in the existing Piper Estates subdivision and because the lots are consistent with the surrounding areas the developer is requesting a variance. Additionally, if the lots were combined the total area of the two lots would be nearly twice the size of the existing adjacent lots.

2. The cul-de-sac lots should have side lot lines that are radial to the cul-de-sac and do not have bends in the side lot lines. Please adjust the lines between lots 19 and 20, and 21 and 22.

Applicant Response: The new side lots lines for lots 19-22 are radial to the cul-de-sac except the existing lot lines that were existing from previous plats.

Staff Response: The above comment was meant to remove the bends in the side lot lines to provide side lot lines that are straight and radial to the

cul-de-sac. The diagram below provides a visual example.



3. How will lots with no common property line with the common area be able to access and use the common area?

Applicant Response: An access easement has been added to access the Common Area

Staff Response: The tract must access to a public street meeting the minimum lot width of the zoning district.

4. What are the proposed covenants and restrictions?

Applicant Response: proposed CC&R's have been provided for review

5. What are the proposed amenities? Developers with less than 50 lots shall provide one amenity such as those listed in the table below:

Table 7: Residential Amenity Guidelines

Small:	
	Basketball, volleyball, or other court sport.
	Open play area of at least 15,000 square feet with maximum of three (3) percent slope and two benches and one play structure.
	One picnic area with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter , and one (1) barbeque grill/pit per area.
	Option provided by owner, but must be considered equal to one of the other small options.
Regular:	
	Swimming pool.
	Golf course.
	Residential clubhouse.
	Two (2) basketball, volleyball, or other court sports.
	Two (2) tot lots with a minimum size of four-thousand (4,000) square feet per area, one (1) play structure per tot lot, one (1) bench per tot lot.
	Two (2) picnic areas with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter , and one (1) barbeque grill/pit per area.
	Trail(s) for pedestrian and/or bicycles that connect(s) to the overall trail network within the area. This trail may be within preserved natural corridor.
	Option provided by owner, but must be considered equal to one of the other regular options.

Applicant Response: The developer is proposing to make a series of nature trails throughout the common area.

- 6. Applicant must change the subdivision name so it will not be confused with the existing adjacent subdivision and its amenities.**

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) Final development plans and a final plat will have to be approved by UG staff and Planning Commission prior to construction permit acquisition. This will include final engineering, calculations, and complete drawings with construction notes and details. The Final Development Plans/Plat must meet the requirements of UG standards and criteria.

- 2) The County Surveyor makes separate technical review of the plat and submits comments directly to the preparer of the plat. Provide revised plat in accordance with engineering and County Surveyor comments.
 - 3) 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:
None

Additional Stipulations from City Planning Commission Meeting:

1. Eleven lots on 115th Street to comply with Board of Zoning Appeals approval.
2. Animals and farm restrictions are included in the CCR.
3. Code-compliant access to the open space.
4. Change the subdivision name.
5. Tree preservation of at least half the area and then at final plat show what percentage larger than that (50%) they can preserve on each lot and record that.
6. Lot 25 should be squared up and access to Lot 132 of the existing subdivision.
7. Work with Public Works for signage on the cul-de-sac.

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 #3183, subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

March 11, 2019 City Planning Commission Minutes
Preliminary Plat
Photos
Conservation District Comments
Fire Department Comments
GeoSpatial Services Comments
Neighborhood Meeting Minutes

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	March 11, 2019	March 28, 2019
Rezoning	Approval	

Public Hearing	March 11, 2019	TBD
Preliminary Plat Approval		

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #3183 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 #3183 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.

March 11, 2019 City Planning Commission Minutes:

Hearing Starts At 44:40:

CHANGE OF ZONE APPLICATION #3183 – MATT SCHLICHT – SYNOPSIS: Change of Zone from RP-1 Planned Single Family District to R-1 Single Family District for continuation of the residential development at 4401 North 115th Street.

NORTHRIDGE FIRST PLAT – SYNOPSIS: Preliminary Plat for 25 single-family lots at 4401 North 115th Street

Detailed Outline of Requested Action: Matt Schlicht with Engineering Solutions has applied to create a single family subdivision with 25 lots and a 37.9 acre common area. The subdivision includes large lots that are approximately 5 acres in size with a few lots smaller than 5 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 March 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 February 14, 2019 for the change of zone application;
7. The Notices to property owners dated February 13, 2019; and
8. The testimony from the Board of Zoning Appeals meeting tonight.

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

Present in Support:

- ❖ Matt Schlicht, applicant, Engineering Solutions, 50 Southeast 30th Street, Lee's Summit, MO 64082
- ❖ Guy Tiner, 924 South 132nd Street, Bonner Springs, Kansas

Present in Opposition:

- ❖ Bill Hurrelbrink, 11022 Cleveland Avenue, Kansas City, Kansas, under contract to purchase 4316 North 112th Street, Kansas City, Kansas
- ❖ Dana Bye, 10708 Augusta Drive, Vice President of the Northridge at Piper Estates Neighborhood Association

Staff Recommendation starts at 1:07:44: Planning Director Richardson stated that the Board of Zoning Appeals approved 11 lots along 115th Street. The owner has indicated that they will do restrictions in their covenants related to animals and farm uses and he would make that an additional stipulation for this application. He further stated that they will also be required to do a code-compliant access to the open space which would be a 65 or 70 foot access off one of the internal streets. They will change the name of the subdivision and inform staff and the neighborhood association of the name change. They said that they were going to preserve the trees and for now he would stipulate that they have to preserve half of the trees on every lot. As they come back for review of the final plat he wants them to clarify how much more (percentage) they can do to preserve the trees on each lot. It will be shown on the final plot plan and the plat which will be recorded with the Register of Deeds. He stated that he does not really have a problem with Lot 25 but it might be better if it was squared off like the other subdivision because if there is another fence it is going to look odd. He would recommend squaring off the shape a little bit so there is not a long narrow lot behind someone's property and off-set the access so the driveway access would be east of the southern extension of 112th Street similar to Lot 132. With regard to the cul-de-sac, they need to work with Public Works for some type of signage. Director Richardson stated that with these additional seven stipulations, the staff recommends approval.

Motion and Vote Starts at 1:13:09:

On motion by Dr. Serda, seconded by Mr. Reasons, the Planning Commission voted as follows to **RECOMMEND APPROVAL of Change of Zone Application #3183:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

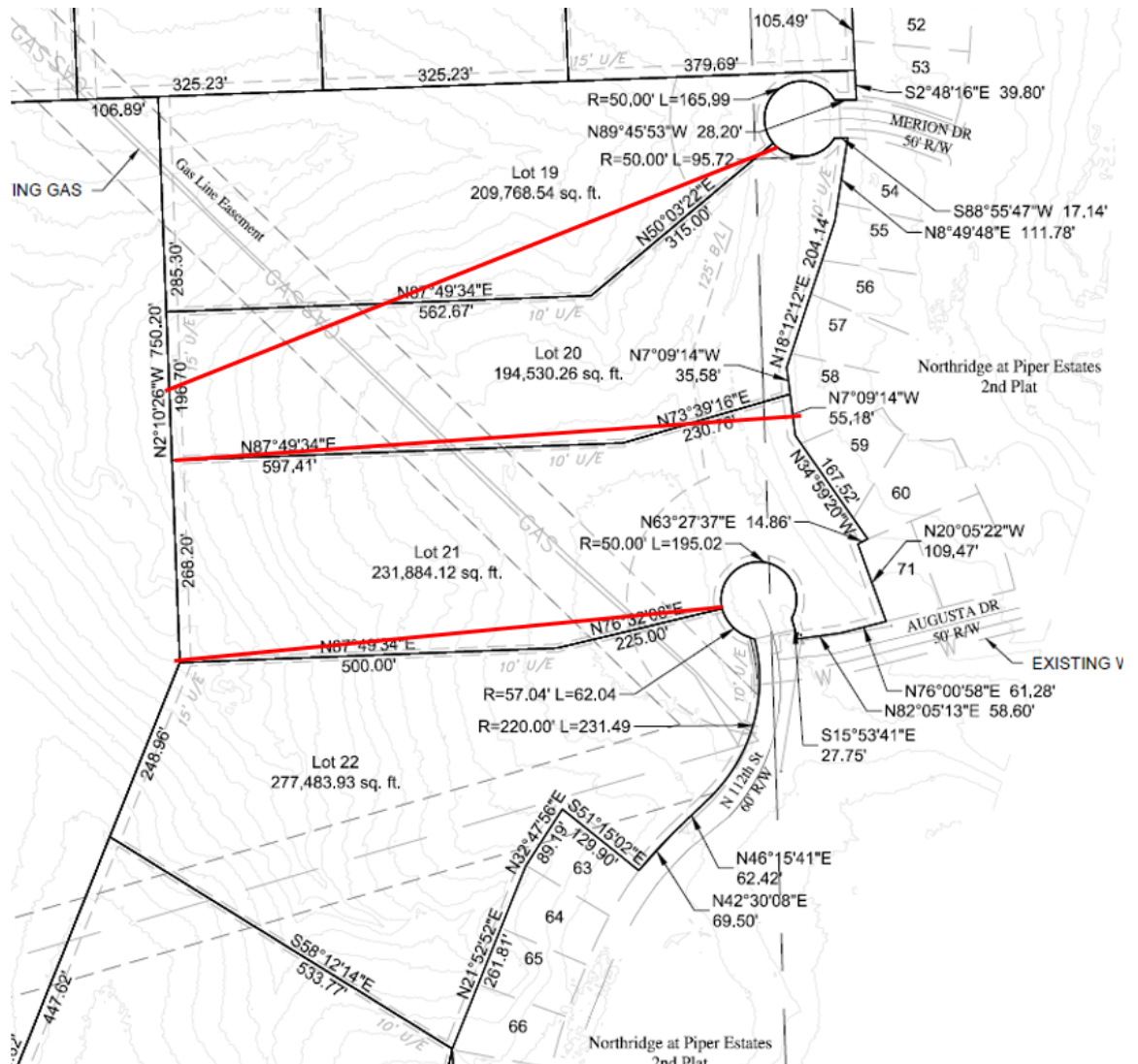
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Applicant Response: Lot 1 is the only lot that is less than 300 feet and it is only 2 inches short, we ask this be allowed as a variance. The area of Lots 1 and 2 are less than 5 acres but greater than 3 acres, due to the irregular lot shapes. The 2 lots are equal to and in most cases larger than the lots in the existing Piper Estates subdivision and because the lots are consistent with the surrounding areas the developer is requesting a variance. Additionally, if the lots were combined the total area of the two lots would be nearly twice the size of the existing adjacent lots.

2. The cul-de-sac lots should have side lot lines that are radial to the cul-de-sac and do not have bends in the side lot lines. Please adjust the lines between lots 19 and 20, and 21 and 22.

Applicant Response: The new side lots lines for lots 19-22 are radial to the cul-de-sac except the existing lot lines that were existing from previous plats.

Staff Response: The above comment was meant to remove the bends in the side lot lines to provide side lot lines that are straight and radial to the cul-de-sac. The diagram below provides a visual example.



3. How will lots with no common property line with the common area be able to access and use the common area?

Applicant Response: An access easement has been added to access the Common Area

Staff Response: The tract must access to a public street meeting the minimum lot width of the zoning district.

4. What are the proposed covenants and restrictions?

Applicant Response: proposed CC&R's have been provided for review

5. What are the proposed amenities? Developers with less than 50 lots shall provide one amenity such as those listed in the table below:

Table 7: Residential Amenity Guidelines

Small:	
	Basketball, volleyball, or other court sport.
	Open play area of at least 15,000 square feet with maximum of three (3) percent slope and two benches and one play structure.
	One picnic area with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter , and one (1) barbeque grill/pit per area.
	Option provided by owner, but must be considered equal to one of the other small options.
Regular:	
	Swimming pool.
	Golf course.
	Residential clubhouse.
	Two (2) basketball, volleyball, or other court sports.
	Two (2) tot lots with a minimum size of four-thousand (4,000) square feet per area, one (1) play structure per tot lot, one (1) bench per tot lot.
	Two (2) picnic areas with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter , and one (1) barbeque grill/pit per area.
	Trail(s) for pedestrian and/or bicycles that connect(s) to the overall trail network within the area. This trail may be within preserved natural corridor.
	Option provided by owner, but must be considered equal to one of the other regular options.

Applicant Response: The developer is proposing to make a series of nature trails throughout the common area.

6. Applicant must change the subdivision name so it will not be confused with the existing adjacent subdivision and its amenities.

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) Final development plans and a final plat will have to be approved by UG staff and Planning Commission prior to construction permit acquisition. This will include final engineering, calculations, and complete drawings with construction notes and details. The Final Development Plans/Plat must meet the requirements of UG standards and criteria.
 - 2) The County Surveyor makes separate technical review of the plat and submits comments directly to the preparer of the plat. Provide revised plat in accordance with engineering and County Surveyor comments.

- 3) 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:
None

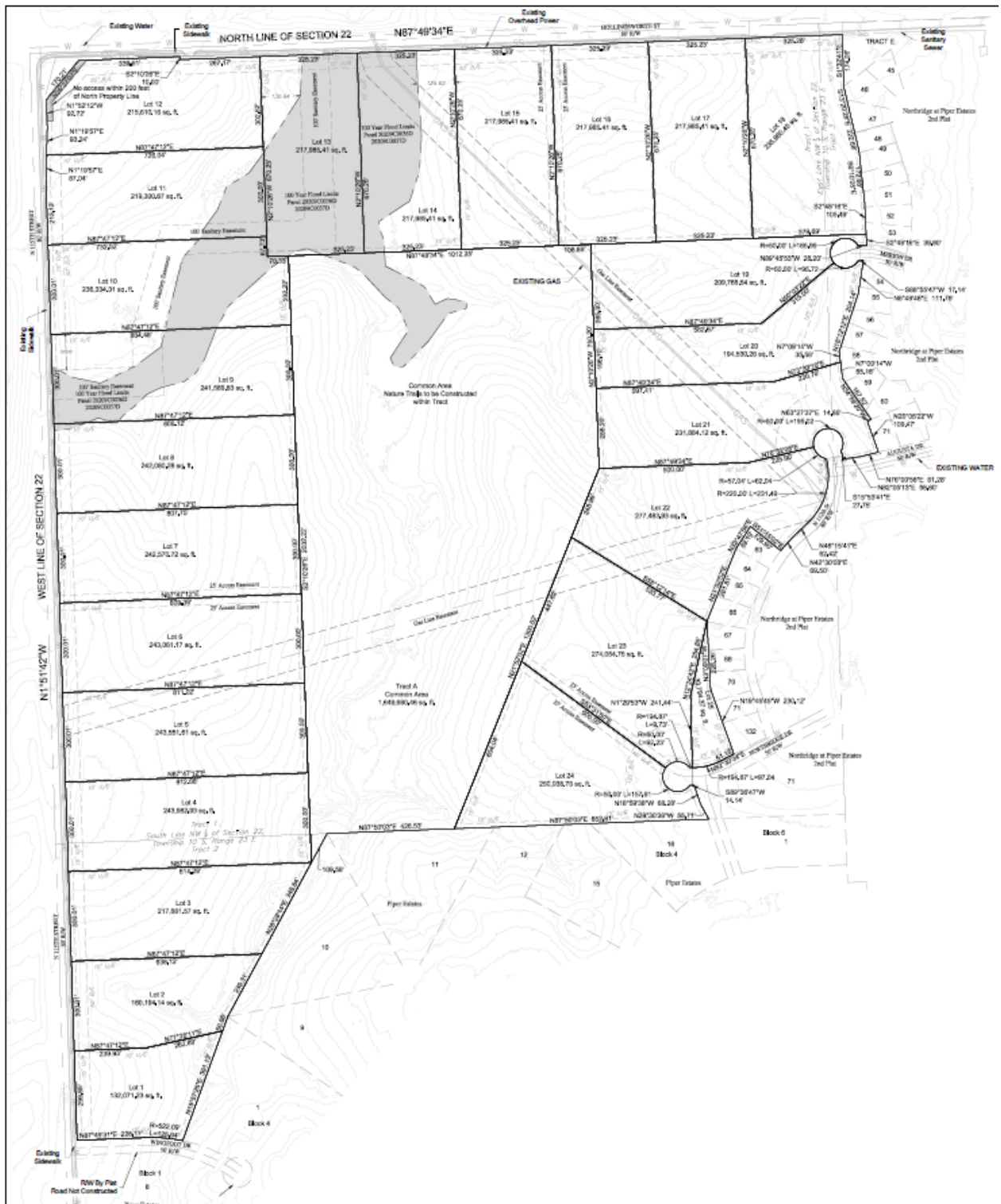
Additional Stipulations from City Planning Commission Meeting:

1. Eleven lots on 115th Street to comply with Board of Zoning Appeals approval.
2. Animals and farm restrictions are included in the CCR.
3. Code-compliant access to the open space.
4. Change the subdivision name.
5. Tree preservation of at least half the area and then at final plat show what percentage larger than that (50%) they can preserve on each lot and record that.
6. Lot 25 should be squared up and access to Lot 132 of the existing subdivision.
7. Work with Public Works for signage on the cul-de-sac.

On motion by Dr. Serda, seconded by Mr. Connelly, the Planning Commission voted as follows to **APPROVE NORTHIDGE FIRST PLAT:**

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

Motion to APPROVE Passed: 7 to 0
Subject to the above stipulations





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

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

February 12, 2019

RE: Northridge First Plat 25 single-family lots 4401 North 115th 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 for Northridge First Plat 25 single-family lots 4401 North 115th 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)
Dwellings and Small Commercial Buildings
Soil Features

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

- There are seven major soil types that were identified: Kennebec silt loam, frequently flooded, Gosport-Sogn complex, 7 to 35 percent slopes, Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded, Ladoga silt loam, 3 to 8 percent slopes, Pawnee clay loam, 4 to 8 percent slopes, eroded, Armster clay loam, 8 to 12 percent slopes, eroded 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.
- There was no Erosion Control Plan for the plat to review. **We would not recommend any action until we had a chance to review the Erosion Control Plan.** This is a sizable area to be developed. The area is very rolling and has a major stream in it. This area should not be developed without an Erosion Control Plan.
- The Best Management Practices in this report can be used to develop an Erosion Control Plan and protect the area.

- 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.

The following Best Management Practices are recommended for this plat:

* **Access Road** – Temporary entrance/exit pads should be constructed of a stone base design to provide a buffer area where construction vehicles can drop their mud to avoid transporting it onto public roads. See the *Protecting Water Quality Field Guide* pages 27-29 for Temporary Gravel Construction Entrance/Exit Pad.

* **Dust Control** – Any combination of the following may be used to help reduce the dust and air pollution at a construction site; vegetative cover, sprinkling, barriers, street cleaning and mulching. See the *Protecting Water Quality Field Guide* pages 89-92 for Dust Control information.

* **Critical Area Planting** - After final grade has been completed permanent vegetation will be established. See the *Protecting Water Quality Field Guide* pages 35-54 for Temporary, and Permanent Seeding.

* **Filter Strips** – During development, strategic non disturbance of existing perennial grass vegetation can function as filter strips. See the *Protecting Water Quality Field Guide* pages 195-200 for Filter Strip.

* **Silt Fences** - Temporary sediment barrier consisting of a geotextile fabric which is attached to supporting posts and trenched into the ground may be substituted for vegetative strips. Install on the contour, where fence can intercept runoff as a sheet flow; not located in crossing channels, waterways or other concentrated flow paths. See the *Protecting Water Quality Field Guide* pages 175-181 for Sediment Fence.

* **Sediment Trap** - Temporary catch basins consisting of a row or more of entrenched and anchored straw bales can be utilized in minor swales with less than 2 acres of drainage. See the *Protecting Water Quality Field Guide* for Straw Bale Sediment Trap.

* **Mulching** – Mulch can be applied to seeded areas to help establish plant cover. It can also be used in unseeded areas to protect against erosion over the winter or until final grading and shaping can be accomplished. See the *Protecting Water Quality Field Guide* pages 61-66 for Mulching.

* **Precision Land Forming** – Keep disturbed areas small; open only the land that is minimally necessary to perform the intended construction activities; and only for the minimum duration of time necessary to complete construction. Permanent or temporary soil stabilization should be applied to denuded areas that will remain undisturbed for longer than 60 days.

* **Sediment Basins** – This best management practice should be utilized in the natural concentrated flow areas to protect adjacent property and meet the National Pollution Discharge Elimination Systems Permit (NPDES). See the *Water Quality Field Guide* pages 201 – 208 for Temporary Sediment Trap and pages 209-216 for Sediment Basin.

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

DEVELOPMENT REVIEW COMMITTEE

Unified Government of Wyandotte County/ Kansas City, Kansas



FIRE DEPARTMENT-FIRE PREVENTION DIVISION

815 North 6th St.
Kansas City, Kansas 66101

(913) 573-5550
(913) 551-0490 fax

DEPARTMENTAL REQUIREMENTS AND RECOMMENDATIONS

DRC No. PLAT.PRELIM. Address: 4401 N. 115th St.
Development Name: Northridge at Piper Description: Preliminary plat-Lots 1-25, Tract 4
STAFF ONLY: ☐ A ☒ A/C ☐ F & F ☐ H/C ☐ R/A

Ordinance Requirements:

Before this Department can approve the issuance of a building permit for the above-named project, the developer, owner or contractor must address / agree with the following requirements, stipulated by the Unified Government Ordinances, by signing this form.

- 1) Compliance with the International Building Code -2012 Edition
- 2) Compliance with the International Fire Code – 2012 Edition
- 3) Compliance with current NFPA 101@ Life Safety Code
- 4) Compliance with existing fire codes, Unified Government ordinances, state rules and regulations

*Submit detailed, dimensioned street paving plans, including hydrant locations, prior to final plat submittal for review.

NOTE: Items highlighted with (*) must be addressed prior to departmental approval.

Harvey Fields II

Digitally signed by Harvey Fields II
Date: 2018.12.10 11:09:11 -06'00'

2/11/19

Attending DRC Member:

Date

I, _____, as _____ of the above referenced project, do hereby certify that I will comply with all of the above ordinance requirement(s), and give consideration to the recommendation(s) above.

Signature and Date

Contact Phone Number and Email Address

Mailing Address, City, State, and Zip Code



GeoSpatial Services
A Division of the Knowledge Office

710 North 7th Street Suite 200
Kansas City, Kansas 66101

Phone: (913) 573-2941
Fax: (913) 573-4106

To: Rob Richardson, Urban Planning and Land Use
Janet Parker, Urban Planning and Land Use

From: Robert Ringel, GIS Analyst, Unified Government GSS

Date: February 11, 2019

RE: **NORTHRIDGE FIRST PLAT**

We have researched the official county records for the above plat as submitted to Urban Planning and Land Use by:
Engineering Solutions

On:
January 25, 2019

And we have determined the following:

Takes all of CIC-TAS Parcel:
949800

Owner-of-Record:
Choyce, LLC

Jurat Signature:
None

We find that the plat is: **Presently unacceptable for posting.**

Please note the following comments.

1) Taxes

Per KSA 19-1207 any current taxes and assessments must be paid along with any unlevied taxes for the current year. Parcel 949800 has unpaid 2014 & 2015 taxes and/or assessments currently total: \$26,345.30. For exact payoff amount the tax payer should contact the Unified Government Treasurer. These taxes must be satisfied prior to recording.

2) Legal Description

Legal description needs to be surveyed boundary description.

3) Preliminary

The plat is preliminary.



Neighborhood Meeting was held at 4404 N 112th Street, Kansas City, KS

Date of Meeting 2-21-19

Start of Meeting 5:00pm

The name, address and email of the attendees are provided on the attachment.

The meeting begin by Matt Schlicht describing the process of Rezoning the property from RP-1 to R-1, Preliminary Platting the property for the 25 single family homes and the variance request for the lots area being less than 5 acres for Lots 1 and 2, the variance for lots 19 thru 24 for the lot width being less than 1/3 of the lot depth. A background was provided describing the previous application for a small lot subdivision and the reasons this plan was not continued, with the primary reason being the offsite improvements required. The previous preliminary plat was shown with the smaller lots and then the proposed 25 lot development was presented. It was described that the home types and sizes would be similar to the homes that Higdon Construction was building in the current phase of Northridge at Pipe Estates. The attendees were then allowed to ask questions and below is a representation of the questions asked and the answers provided.

#1 The preliminary plat illustrates the existing cul-de-sac at the end of Wingfoot Drive will be removed?

-It was described that this is a mistake and the note will be removed with the next submittal and this will be mentioned at the public meetings to be clear that the cul-de-sac will remain.

#2 What will the size, quality, type, cost and style of the homes in this new phase of the development?

-The homes will be the same or similar to the homes being built by Higdon Construction in Northridge at Piper Estates.

#3 Will outbuildings be allowed and what type of agricultural use can take place on these lots?

-The accessory use buildings will be required to meet the City's Zoning requirement which Matt Schlicht stated was less than 1,000 square feet. The lots are zoned R-1 so the future residents will not be allowed to have livestock on these lots.

#4 Will the trees remain?

-The developer will not remove any of the existing trees and the only trees that will be removed will be the ones selected by the future residents.

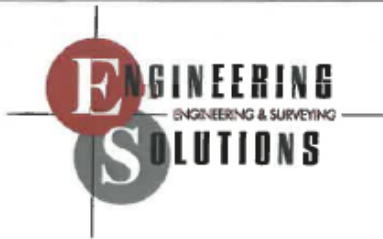
#5 When will the construction begin?

-The first phase will be along 115th Street and if all goes well the first homes would start construction in Spring / Summer 2019.

50 SE 30th Street Lee's Summit, MO 64082

P: (816) 623-9888 F: (816) 623-9849

www.engineeringsolutionskc.com



#6 Will these residents have access to the amenities in Northridge at Piper and what amenities will be provided?

-This development will be independent of the existing development and will have its own CC&R's and will provide a nature trail through the common area of Tract A.

#7 Can this development be called "Northridge"?

-It appears the name "Northridge at Piper Estates" is a trademarked name however it is the developer's position that "Northridge" should be allowed but if the Northridge at Piper Estates Home's Association would like to discuss Matt Schlicht asked that they call.

General comments were made to Matt Schlicht by several attendees that this estate plan is more favorable to the existing plan prepared by the previous developer.

To the best of my knowledge and belief the above comments accurately describe the neighborhood meeting and conversations that occurred at the meeting.


Matthew J. Schlicht, PE, PLS

PLANNING DEPARTMENT
PLANNING COMMISSION

RE: #2318 Board of Appeals 03-11-19 @ 6:30
#3183 Preliminary Plat 03-11-19 @ 6:00

Northridge at Piper Estates was established in 2002 and consists of two phases, for a total of 170 Lots. After 10 years and 126 homes, the original developers defaulted and lost ownership of 44 Lots to the bank in 2012. Mr. Higdon purchased the remaining lots from the bank in 2012 and took on the developer rights for the association. Mr. Higdon was in control of the Association and its assets until December 2014 (approximately 30 months).

The neighbors quickly realized under the control of Mr. Higdon that he was not an improvement over the prior developers. Undeveloped lots remained unmaintained and full of tall grass, weeds, trash and construction debris. Association assets such as the pool and pool house were in dire need of maintenance and insurance claims, and he refused to file claims or fix the damages. Acres of greenspace, two ponds, and a creek all went without proper care and maintenance. Commissioner Kane has actually consistently mowed multiple grassy areas of the development proposal that adjoins our grounds, not even near his own home, for many years because it was never maintained by Mr. Higdon.

Construction lots quickly caused headaches and damages to homeowner properties and continue to do so. Construction lots often lacked required erosion control measures such as silt fences and led to rivers of mud in our streets. Many neighbors have damaged landscaping and yards based upon the grading of the yards. The UG through code enforcement and the planning department has consistently had to field our complaints and come out and cite his properties for his failure to comply with the code. The Neighborhood Resource Center e-link public access system reflects pages of enforcement action taken against his properties within our neighborhood.

Mr. Higdon has dumped gravel in the street, parked and stored both large and small construction equipment and vehicles on our landscaped common areas, and has even stored construction site supplies, such as fencing and building materials on our landscaped common areas causing damage to the sod. We have had to endure actual raw sewage in our yards and in our streets, because Mr. Higdon and his contractors apparently don't know how to properly install and hook up the grinder pump systems. Mr. Higdon has hit our sprinkler system irrigation lines and dug up our landscaped islands, damaged sod, and dumped construction debris wherever he pleases. He combined lots without our authorization, which impacts our finances. Mr. Higdon has consistently refused to fix these issues and reimburse the Association for the damage he has caused.

Neighbors have consistently complained to the board and our management company about his properties. Mr. Higdon's disrespect for our neighborhood has become quite evident. We do not wish to be associated with Mr. Higdon any further. He is currently building on his last Lot, and we are thrilled he will be done.

Since Mr. Higdon purchased the remaining lots from the bank, he has repeatedly said he didn't want to have anything to do with the Association, he just wanted to build houses. His lack of care and respect for the Association is the reason he is no longer in control of the Association.

Years before I moved into the neighborhood, they were fed up with dealing with disrespectful developers and decided to take action. They walked door to door, met amongst themselves, and came up with a plan. The Declarations stated the homeowners could gain control of the Association when the subdivision was 95% completed or December 2, 2014.

Because Mr. Higdon didn't want to have anything to do with the Association, he likely didn't take the time to ever read or review those Declarations. Had he taken the time to do so, he may have realized that the development proposal before you, the 167 acres of land known as 4401 N. 115th street, which was a separate real estate transaction outside of our Lots, was never legally deeded into our Declarations along with our 170 Lots and therefore, could not be a part of our Association without the consent of the homeowners. The neighbors knew this and that is why they moved to enforce the turnover as soon as they legally could. They wanted to be done with Mr. Higdon.

Our management company and members of our Board have met with and engaged Mr. Higdon on more than one occasion regarding our relationship. Because the turnover date has passed, the Declarations dictate the necessary legal process for annexing additional properties into our Association. We proposed to Mr. Higdon that we would entertain the prospect of annexing in the subject property for a substantial financial contribution. This act would have required a 2/3 majority vote by our homeowners to vote in favor of such annexation, and a host of other legal considerations, all at our expense. Mr. Higdon declines to do so, and thus has changed his development proposal to be a stand alone separate subdivision.

It would have been fiscally irresponsible to not require a financial contribution. Upon the annexation of the property, the Association (which at that time was 160 or so occupied homes) would have become solely legally and financially responsible for the common areas (which were

exponentially more than the acreage that we already currently maintain). This would include all related expenses such as maintenance, landscaping, utilities, and insurance of the grounds. The 160 or so homes would have also immediately lost the ability to have their votes count, as Mr. Higdon would have had one vote for every Lot in the property, giving him an immediate majority. As the Declarations do not allow for unoccupied Lots to be assessed dues, Mr. Higdon's Lots would not have been financially contributing to the Association at all, including the additional costs associated with the property and it would take many many years to receive any income from those Lots. Considering the lack of financial help from Mr. Higdon during his 30 months in charge of the Association, we knew we had to make smart financial decisions for the financial health and future of the Association and could not take such a risk. Did Mr. Higdon like that he wasn't able to just pop up more homes and use our assets, at our expense? No, he did not, and the relationship has continued to deteriorate.

Mr. Higdon has consistently not paid the UG taxes on time on the majority of the Lots he purchased in 2012 and the tax payment records reflect this. So not only does he habitually disrespect us all within our own neighborhood, he chooses to disrespect Wyandotte County and the UG by not paying the taxes on his Lots when they are due. We pay our taxes on time, we are invested in this community, Mr. Higdon is not. Ask any local realtor, homes listed for sale in our neighborhood go quickly. He wants to be able to market "more Northridge" homes for his own financial benefit.

I am asking you to have our backs. I am asking you to support our neighborhood that is tired of spending its time, energy, and money fighting with someone who simply does not care about this community or its citizens. It is our hard work, our dedication to our neighborhood and community, and our financial investment in our assets that have made our neighborhood a success. The only thing we have to thank Mr. Higdon for is selling his homes to some awesome people.

We are not opposed to the land being developed. We are opposed to Mr. Higdon intentionally attempting to capitalize off of our good name, a name that WE have worked so hard to protect, in spite of developers such as Mr. Higdon. He has only been responsible for building a small percentage of our homes and was only in control for 2.5 years of our 17 year history, this does not entitle him to perpetually benefit from our name or use our name for a development completely unassociated with us. Having a subdivision of homes, right next to another subdivision of homes with virtually the same name, is going to be confusing to those within the real estate market, and those within the community and could present a whole host of legal issues for us.

It is absolutely 100% unnecessary for Mr. Higdon to use the name Northridge in or for any of his future development projects in Wyandotte County, Kansas. This is just another way for Mr. Higdon to disrespect our neighborhood. It is spiteful, it is immature, and it is completely self-serving.

According to the submitted plat, 7 of the 24 homesites will have to enter into our subdivision, past our monuments, to utilize our internal streets to access their driveways, yet they are not associated with us. It has numerous deviations from the Piper Prairie Master Plan adopted by the UG for this area. Obviously a lack of internal streets is more cost effective way to develop a subdivision and not incur infrastructure costs, but there isn't even a piece of land for a subdivision monument. It's another attempt by Mr. Higdon to use Northridge at Piper Estates, our reputation, and our subdivision name recognition as a way to sell his homes and financially benefit.

Please ask Mr. Higdon to pick another name for his new subdivision, it really is quite that simple. We do not want to expend any more of our resources in a legal battle with Mr. Higdon. While imitation is said to be considered a form of flattery, we would encourage Mr. Higdon to gain some confidence in his own abilities as a developer and home builder and start to forge his own path and make a name for himself, outside of Northridge.

Thank you-

Dana Bye
Vice President
Northridge at Piper Estates
Homes Association, Inc.

Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

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

To: Unified Government Board of Commissioners

From: City Staff

Date: March 28, 2019

Re: **Petition #SP-2019-13**

GENERAL INFORMATION

Applicant:
Jason Myers

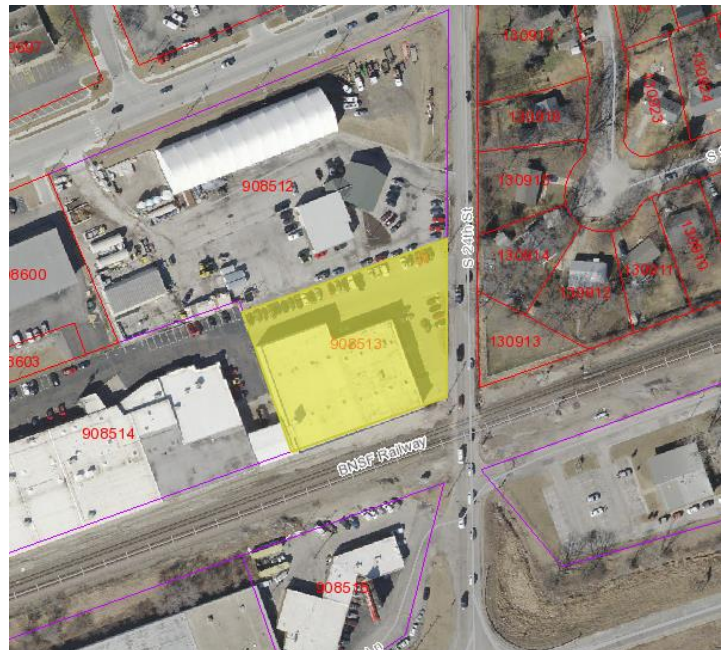
Status of Applicant:
Coach Automotive Restylers, LLC
3030 South 24th Street
Kansas City, KS

Requested Action:
Approve Special Use Permit to
operate a used car auction
business

Date of Application:
January 22, 2019

Purpose:
To continue to operate a used car auction business

Property Location:
3030 South 24th Street, Suite B



Commission Districts: 1. Commissioner At Large: Tom Burroughs
2. District Commissioner: Angela Markley

Existing Zoning: M-2 General Industrial District

Existing Surrounding Zoning: **North:** M-2 General Industrial District
South: BNSF Railway Right-of-Way
East: R-1(B) Single Family District
West: M-2 General Industrial District

Existing Uses: **North:** Office and Industrial Businesses
South: BNSF Railway
East: Single Family Residences
West: Industrial Businesses

Total Tract Size: 1.05 acres

Master Plan Designation: The City-Wide Master Plan Designates this property as Business Park Land Use.

Major Street Plan: The Major Street Plan designates 24th Street as a local street.

Advertisement: The Wyandotte Echo – February 14, 2019
Letters to Property Owner – February 13, 2019 and March 19, 2019

Public Hearings: March 11, 2019 and March 28, 2019

Public Opposition: No one appeared at the March 11, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: This application has been submitted to continue operating a car auction business at this 3030 South 24th Street, Suite B. The existing business installs automotive aftermarket leather interiors and sunroofs.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The surrounding area includes industrial, commercial, and residential uses.

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

The current use is compatible with most of the surrounding area. So far there has not been a compatibility issue for the houses to the east.

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 suitable for the current use. Removal of the restrictions will not detrimentally affect nearby property.

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

The property is not vacant. Coach Automotive Restylers has been operating on the property since 2005.

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

The current use conforms to the Master Plan. The City-Wide Master Plan designates this property as Business Park District.

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 current use has not resulted in increasing the amount of vehicular traffic to the point where it has exceeded the capacity of the street network to accommodate it, so there are no concerns for the renewal.

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 necessarily for the welfare of the public, but it will also not substantially or permanently injure the appropriate use, visual quality, or marketability of the adjoining property, as long as the commercial design guidelines are adhered to.

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 an issue.

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

Any chemical spills need to be cleaned up immediately. This site is very close to a major stream. It is easy to contaminate the stream with a misuse of chemicals.

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 proposed use does not create a benefit for the public health, safety, or welfare, but denial of the special use permit renewal would create a hardship for the landowner by preventing the landowner from continuing to operate this type of business at this location.

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

SP-2017-10 was previously approved by the Board of Commissioners for two (2) years.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on February 20, 2019. The meeting was called to order at 5:15 PM and adjourned at 5:30 PM. There was one attendee. A copy of the sign-in sheet, minutes, and affidavit are attached.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-13, subject to:

Urban Planning and Land Use Comments:

1. How have you complied with the approved 2017 stipulation?

The parking area must be screened with shrubs in addition to the existing trees adjacent to South 24th Street. According to the Commercial Design Guidelines Landscaping Requirements (Sec. 27-577(b)(2)), landscape berms and/ or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity.

Staff Response: The applicant submitted site photographs depicting shrubs planted along South 24th Street.

2. Approval would be for five (5) 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-2019-13 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

March 11, 2019 City Planning Commission Minutes
Aerial map
Zoning map
Conservation District Comment Letter
Conservation District Soil Survey
Updated Business Plan
Photos of property
Neighborhood meeting sign-in sheet
Neighborhood meeting minutes
Neighborhood meeting affidavit

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	March 11, 2019	March 28, 2019
Special Use	Approval	

STAFF CONTACT: Hannah Kroll
 hkroll@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-13** 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-2019-13**, 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.

March 11, 2019 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2019-13 – JASON MYERS WITH COACH AUTOMOTIVE RESTYLERS, LLC. – SYNOPSIS: Renewal of a Special Use Permit (#SP-2017-10 – expires 4/27/2019) for a car dealer’s license at 3030 South 24th Street, Suite B. **Detailed Outline of Requested Action:** This application has been submitted to continue operating a car auction business at this 3030 South 24th Street, Suite B. The existing business installs automotive aftermarket leather interiors and sunroofs.

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?” (No one responded in the affirmative.)

“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 March 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;
7. The notices to property owners;

8. Email in support of #SP-2019-14 from Strawberry Hill Neighborhood Association received by staff today.

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 stated that he would like to remove Special Use Permit Applications #SP-2019-20 and #SP-2019-24 from the Consent Agenda.

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to **APPROVE the remaining items on the Consent Agenda:**

Carson	Chairman
Cho	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Reasons	Aye
Serda	Aye
Huey	Not Present
Neal	Not Present
Pauley	Not Present
Motion to APPROVE Passed: 7 to 0	
Subject to:	

Urban Planning and Land Use Comments:

1. How have you complied with the approved 2017 stipulation?

The parking area must be screened with shrubs in addition to the existing trees adjacent to South 24th Street. According to the Commercial Design Guidelines Landscaping Requirements (Sec. 27-577(b)(2)), landscape berms and/ or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity.

Staff Response: The applicant submitted site photographs depicting shrubs planted along South 24th Street.

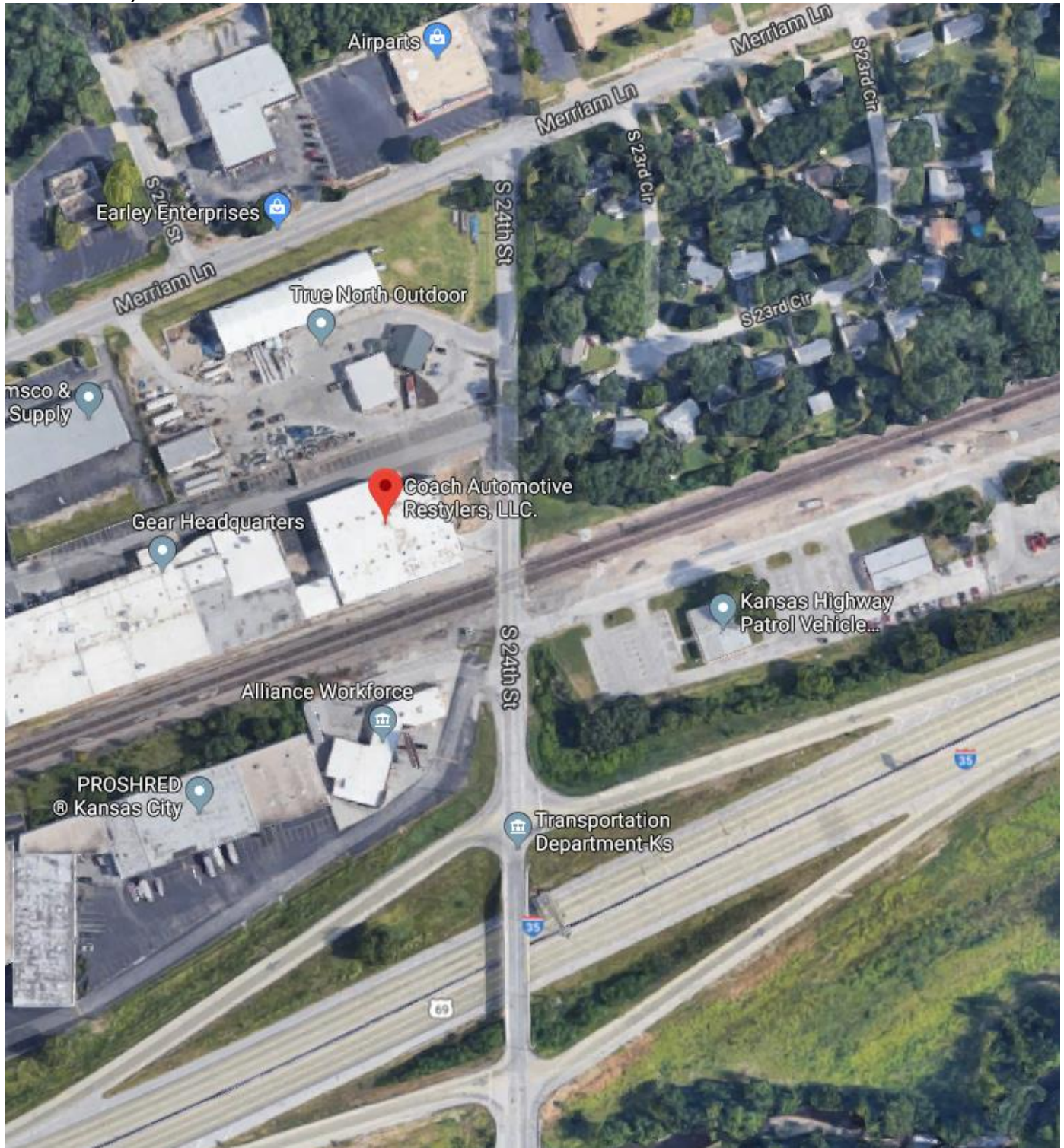
2. Approval would be for five (5) years.

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





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

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

February 12, 2019

RE: SP 2019-13 Jason Meyers, dealer license for cars 3030 South 24th 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 for SP 2019-13 Jason Meyers, dealer license for cars 3030 South 24th 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 was identified: Reading silt loam, rarely flooded. This soil type is considered erodible when the surface is denuded of a protective cover.
- This site is well protected at this time. Any chemical or liquid spills need to be cleaned up immediately. This site is very close to a major stream. It is easy to contaminate the stream with misuse of chemicals.
- 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.

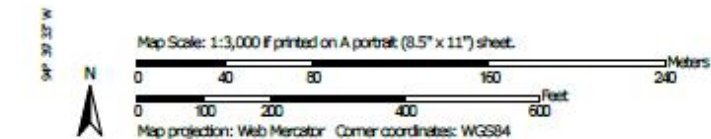
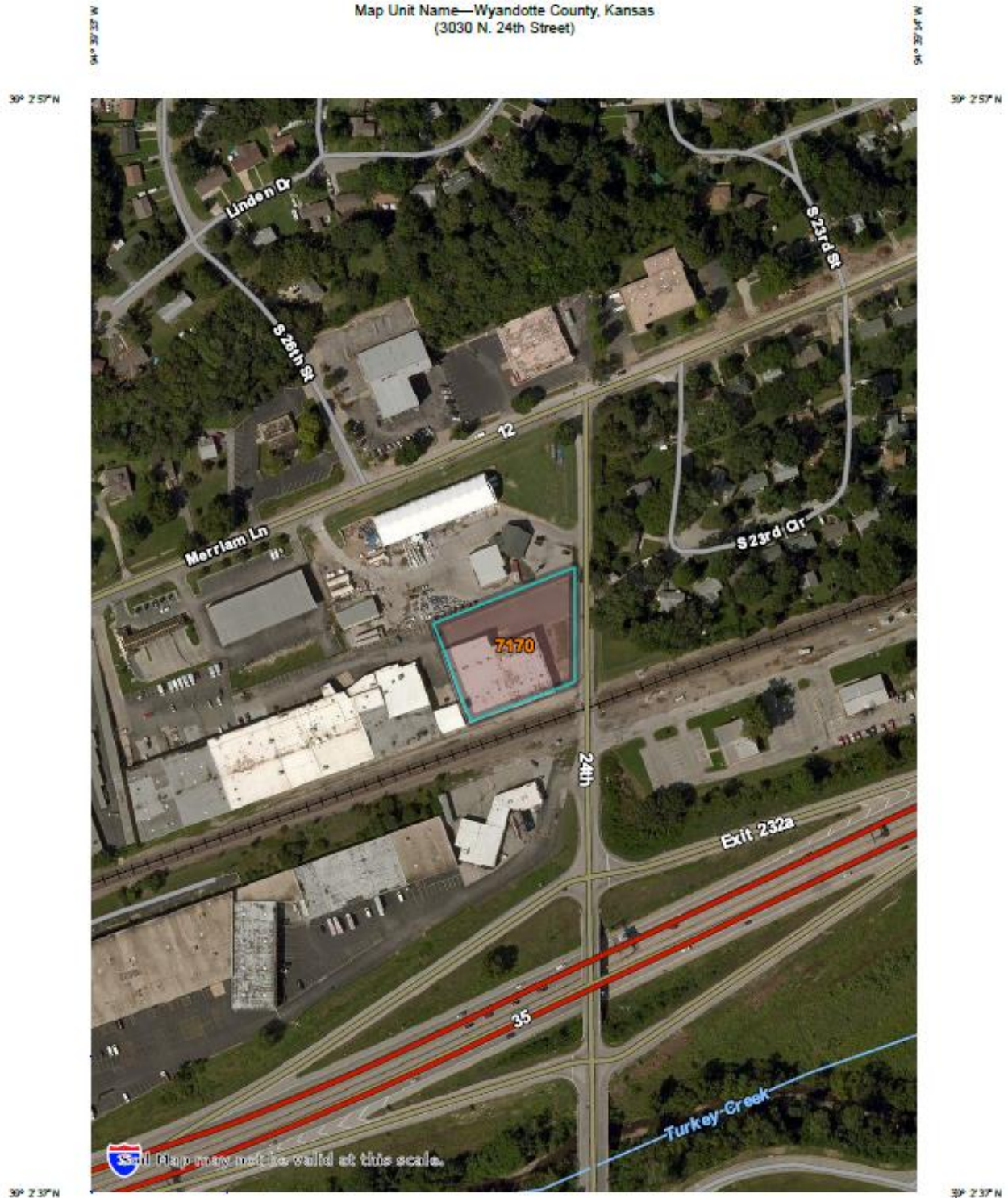
The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural 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

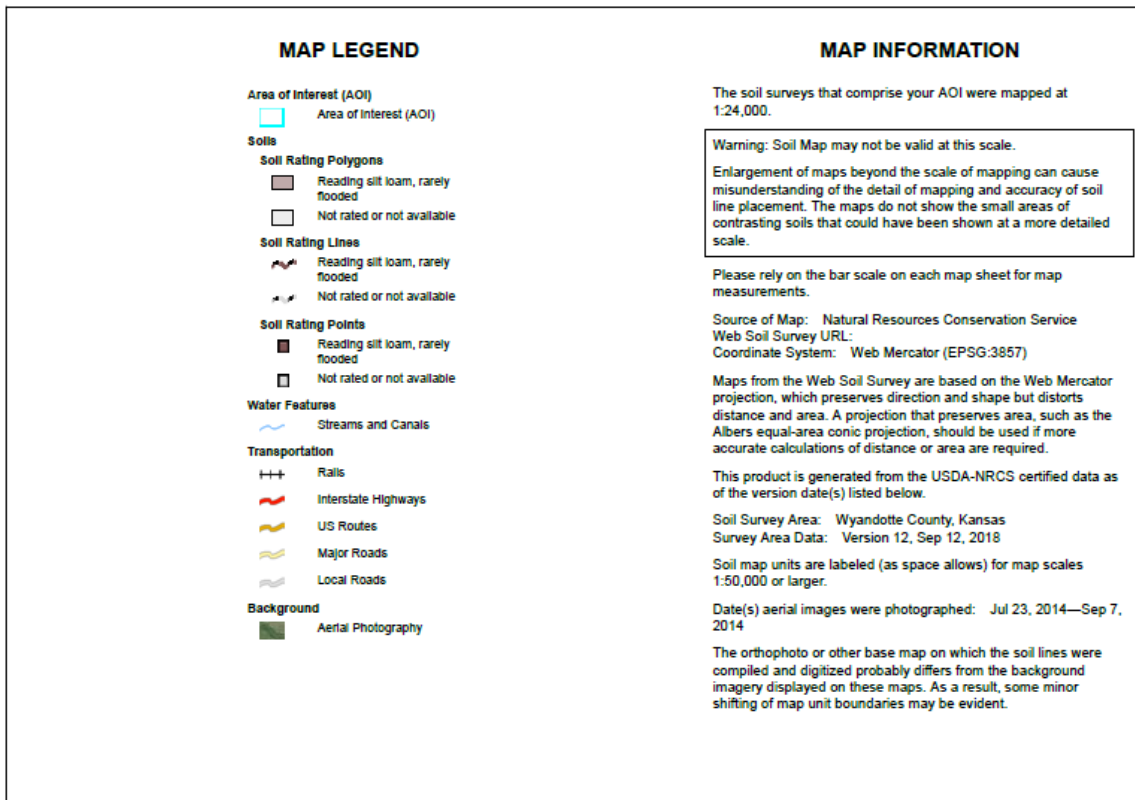
enclosures



USDA Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

2/11/2019
Page 1 of 3



Map Unit Name

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7170	Reading silt loam, rarely flooded	Reading silt loam, rarely flooded	1.1	100.0%
Totals for Area of Interest			1.1	100.0%

Description

A soil map unit is a collection of soil areas or nonsoil areas (miscellaneous areas) delineated in a soil survey. Each map unit is given a name that uniquely identifies the unit in a particular soil survey area.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

Coach Automotive Restylers LLC

Business Plan

Q1 2019

Coach Automotive Restylers LLC opened its doors in May of 2005 to offer quality automotive aftermarket installation of leather interiors and sunroofs. We have solidified a successful business relationship with approximately 90% of the new automotive dealerships in the KC metro area. While expanding our business with used car sales, it still remains very important to stay focused on our current dealership clientele. The nature of our business and the skills of our employees have allowed us to successfully supplement revenues by utilizing the Kansas Dealers license for used vehicles. Our process will remain at purchasing 2-4 vehicles each month at auction. All vehicles will continue to be remedied of safety, performance and cosmetics concerns and listed sale to the public using on-line listing websites not affiliated with Coach Automotive. While awaiting potential buyers, the vehicles are placed outside during business hours and moved inside our shop every night. The space we have available both inside and out continues to limit the number we can keep on hand. Our goal remains to add additional revenues through used car sales in 2019 and beyond.



Figure 1. Photograph of landscaping along South 24th Street (provided by the applicant).



Figure 2. Photograph of landscaping along South 24th Street (provided by the applicant).







Coach Automotive neighborhood meeting sign in sheet.

1. Name Clara Welsh Company RESIDENT
Signature Clara Welsh Date 3-30-19
2. Name _____ Company _____
Signature _____ Date _____
3. Name _____ Company _____
Signature _____ Date _____
4. Name _____ Company _____
Signature _____ Date _____
5. Name _____ Company _____
Signature _____ Date _____
6. Name _____ Company _____
Signature _____ Date _____

COACH AUTOMOTIVE NHM

MINUTES:

Application Number SP-2019-13

NHM took place on 02/20/2019 at 3030 S 24th St.
Kansas City, Ks 66106

Meeting called to order at: 5:15p.m.

Names of people in attendance: Elana Welsh

Introductions:

We explained that we were renewing our special use permit for our dealers license.

Elana Welsh's only question was if anything regarding the special use permit had changed since the last meeting she attended. We explained no changes to special use permit and we are required to have a neighborhood meeting in order to renew our special use permit for our dealers license. She was fine with our business and selling vehicles. We thanked her for attending.

Minutes taken by Mark Brumitt

Meeting was adjourned at 5:30p.m. We stayed until 5:45p.m. with no one else showing but Miss Welsh.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

Comes now Laron A. Myers, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP-2019-13
2. That I conducted a neighborhood meeting on 02/20/19.
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.

[Signature]
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 20th day of Feb, 2009.

My commission expires 31st of Oct, 20019



[Signature]
Notary Public



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

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

To: Unified Government Board of Commissioners
From: City Staff
Date: March 28, 2019
Re: Petition #SP-2019-14

GENERAL INFORMATION

Applicant:
Ryan Cash

Status of Applicant:
Representative
Witches Brew, LLC
222 North 6th Street
Kansas City, KS 66101

Requested Action:
Renewal of Special Use Permit
(#SP-2009-14)

Date of Application:
January 24, 2019

Purpose:
To continue operation of a drinking establishment, Sammy's Tavern

Property Location:
222 North 6th Street

Existing Zoning:
C-1 Limited Business District



Existing Surrounding Zoning: **North:** R-1(B) Single Family District
South: R-1(B) Single Family District
East: RP-5 Apartment District
West: R-1 (B) Single Family District

Existing Uses: **North:** Single Family Residences
South: Single Family Residences and Dental Lab
East: Apartment Building and Single-Family Residences
West: Single Family Residences

Total Tract Size: .1 acre

Master Plan Designation: The City-Wide Master Plan designates this area as community commercial

Major Street Plan: The City-Wide Master Plan designates 6th Street as a collector street.

Advertisement: The Wyandotte Echo – February 13, 2019
Letters to Property Owner – February 14, 2019 and March 19, 2019

Public Hearings: March 11, 2019 and March 28, 2019

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

PROPOSAL

Detailed Outline of Requested Action: Applicant is looking to renew their special permit (#SP-2009-14) to continue operation of their drinking establishment, Sammy's Tavern.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The character of the neighborhood is mostly residential with a few commercially used properties to the south.

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 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.*

Future use of the bar should not detrimentally affect nearby properties. The bar has been in good standing with the surrounding neighbors, despite it not conforming to the typical residential uses surrounding it.

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

Property is not currently 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 a slight increase of vehicular traffic to the property, but not to the point where capacity would be exceeded.

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, as there are many bars within Kansas City, Kansas. However, Sammy's Tavern has not had any issues in the past that would deem it an inconvenience to the adjoining properties.

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 is typically associated with bars, especially later at night.

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.*

No irreplaceable natural resources would be damaged or destroyed by the proposed use.

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 as compared to the hardship imposed on the individual landowner or landowners. If the

application is denied, the applicant will have to find a new property that is more suited for their drinking establishment.

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

The proposed use should not result in an overcrowding of land or cause undue concentrations of population.

PREVIOUS ACTIONS

Approval of Special Use Permit(s) #SP-2009-14, #SP-2004-20 and #SP-2002-15

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on February 25, 2019. The meeting minutes, sign in sheet, and affidavit are attached below

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-14, subject to:

Urban Planning and Land Use Comments:

1. If approved, Special Use Permit will be valid for ten (10) years
2. Have your hours of operation changed since your last approval in 2009?

Applicant Response: No

3. Have there been any complaints from neighbors since your last approval?

Applicant Response: No

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-2019-14 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

March 11, 2019 City Planning Commission Minutes
Aerial Image
Zoning Image
Neighborhood Meeting Documents

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	March 11, 2019	March 28, 2019
Special Use	Approval	

STAFF CONTACT: Alex Hufft
 AHufft@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2019-14 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-2019-14, 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.

March 11, 2019 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2019-14 – RYAN CASH WITH WITCH’S BREW LLC. – SYNOPSIS: Renewal of a Special Use Permit (#SP-2009-14 – expires 4/30/2019) for a drinking establishment at 222 North 6th Street. **Detailed Outline of Requested Action:** Applicant is looking to renew their special permit (#SP-2009-14) to continue operation of their drinking establishment, Sammy’s Tavern.

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?” (No one responded in the affirmative.)

“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 March 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;
7. The notices to property owners;
8. Email in support of #SP-2019-14 from Strawberry Hill Neighborhood Association received by staff today.

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 stated that he would like to remove Special Use Permit Applications #SP-2019-20 and #SP-2019-24 from the Consent Agenda.

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to **APPROVE the remaining items on the Consent Agenda:**

Carson	Chairman
Cho	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Reasons	Aye

Serda Aye
Huey Not Present
Neal Not Present
Pauley Not Present
Motion to APPROVE Passed: 7 to 0
Subject to:

Urban Planning and Land Use Comments:

1. If approved, Special Use Permit will be valid for ten (10) years
2. Have your hours of operation changed since your last approval in 2009?

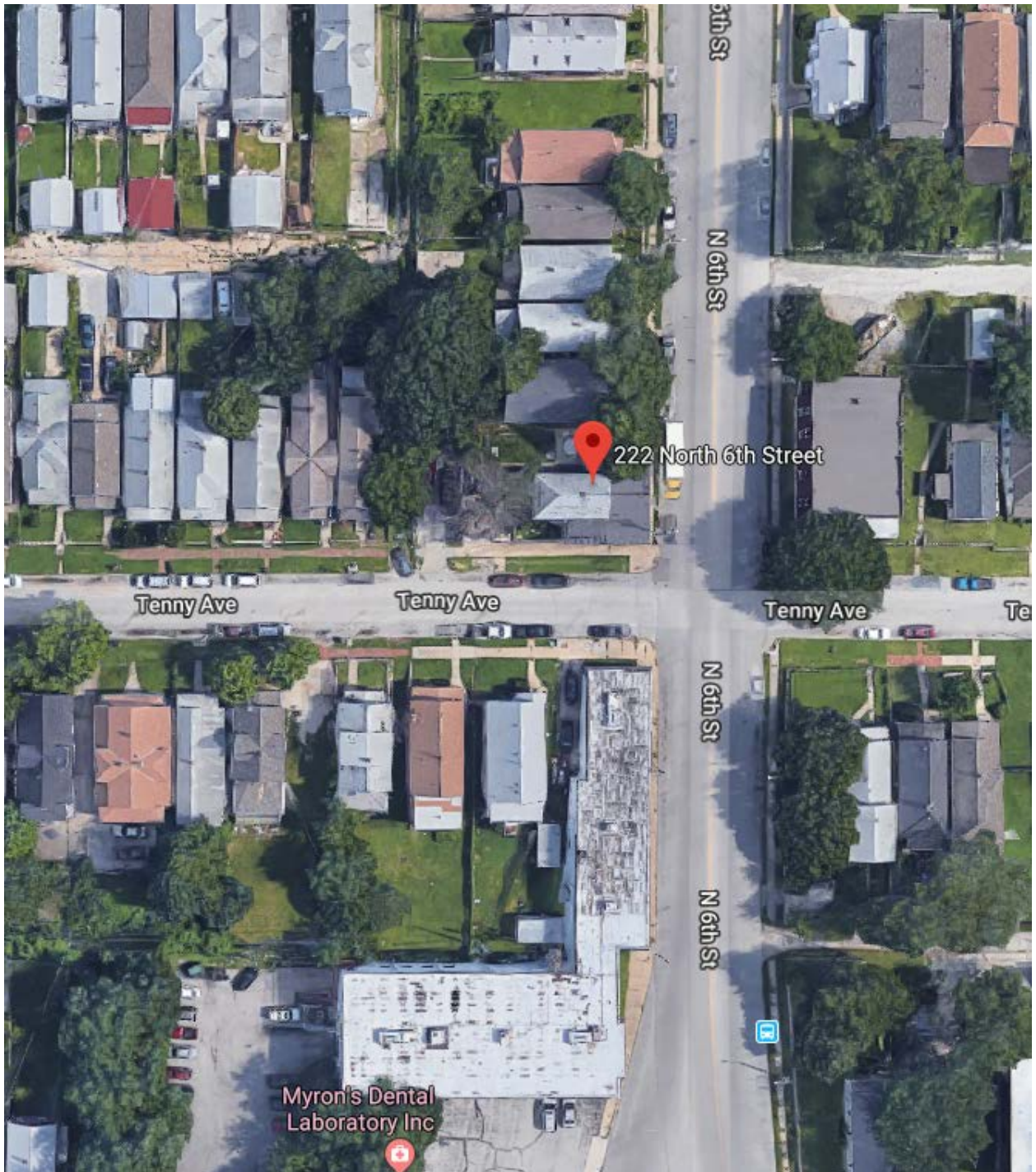
Applicant Response: No

3. Have there been any complaints from neighbors since your last approval?

Applicant Response: No

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





Date: February 14, 2019

SUBJECT: Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use #SP-19402-00005. The purpose of this:

➤ special use permit

is to allow the sale of alcohol at Sammy's Tavern located at 222 N. 6th Street Kansas City KS, 66101.

We are having a neighborhood meeting on Monday, February 25, 2019 at 5 p.m. at the following address:

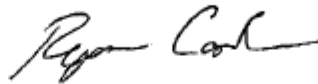
Sammy's Tavern
222 N. 6th Street
Kansas City KS, 66101

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,

Ryan Cash or Lindsey Alt
(913)281-0184
222 N. 6th Street
Kansas City KS, 66101



minutes

NEIGHBORHOOD MEETING		
Date	2/25/2019	Meeting Time 5:00PM
		Meeting Location 222 NORTH 6TH STREET KC KS 66101
Meeting called by	SAMMY'S TAVERN	
Type of meeting	NEIGHBORHOOD MEETING	
Facilitator	RYAN CASH	
Note taker	LINDSEY ALT	
Timekeeper	LINDSEY ALT	
Attendees	SEE ATTACHED SIGN-IN SHEET	
Agenda Topic 1	Introductions	
Time allotted	10min	PRESENTED BY ALL IN ATTENDANCE
Discussion	OWNERS INTRODUCED THEM SELVES TO EVERYONE	
Conclusions	ALL WHO ATTENDED THE MEETING TOOK TIME TO INTRODUCE EACH OTHER.	
Agenda Topic 2	#SP-19402-00005	
Time allotted	30Min	PRESENTED BY RYAN CASH
Discussion	RYAN OPENED THE FLOOR TO ANY CONCERNS IN RESPECTS TO RENEWAL OF #SP-19402-00005	
Conclusions	NO CONCERNS WERE VOICED BY ANY OF THE PARTIES IN ATTENDANCE.	
Agenda Topic 3	Planned improvements	
Time allotted	30min	PRESENTED BY RYAN CASH AND LINDSEY ALT
Discussion	FUTURE PLANS OF IMPROVEMENTS TO THE FACILITY I.E. INSTALATION OF SECURITY CAMERAS, RE-FINISHING THE HARDWOOD FLOORS AND THE FUTURE PURCHASE OF NEW TABLES AND BAR STOOLS. IT WAS ALSO STATED THAT SAMMY'S TAVERN PLANS ON BEING INVOLVED IN SUPPORTING THE COMMUNITY IN MAINTAINING THE HISTORIC VALUES OF THE PROPERTY AS WELL AS BEING OPEN TO HOSTING EVENTS THAT WILL SUPPORT THE DEVELOPMENT OF SMALL BUSINESSES AND THE GROWTH OF THE COMMUNITY.	
Conclusions	IN CONCLUSION OF THE DISCUSSED TOPICS IT SEEMS THAT THERE WAS SUPPORT FROM THE PARTIES IN ATTENDANCE. IT WAS ALSO STATED THAT THE ATMOSPHERE HAS BRIGHTENED AND THAT THE REGULARS BELIVE THAT THE NEW OWNERSHIP IS MAKING SIMPLE YET BENIFICIAL CHANGES.	

NAME	ADDRESS	PHONE
Terasey Alt	owner	913-948-0840
Ryan Case	owner	913-207-7225
DAN ASHLOCK	Bartender	816-540-7259
Christina Canillo		1816) 469-0840
Melissa Sanchez		621-6049
Richard M Sanchez		621-6049
Pam Eggen	Tony's	816-728-5885

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wichita) SS:

Comes now Ryan Cash, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP-19402-00005
2. That I conducted a neighborhood meeting on 2/25/2019
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.

Ryan Cash
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25 day of Feb 2, 2019

My commission expires 8 of 22, 2021

Bonnie Vazzano
Notary Public

BONNIE VAZZANO
NOTARY PUBLIC
STATE OF KANSAS
My Appl. Exp. 8-22-23



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

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

To: Unified Government Board of Commissioners
From: City Staff
Date: March 28, 2019
Re: Petition #SP-2019-15

GENERAL INFORMATION

Applicant:
Jeff Stehney

Status of Applicant:
Joe's Kansas City BBQ
3200 West 42nd Avenue
Kansas City, KS

Requested Action:
Renewal of Special Use
Permit for parking lot

Date of Application:
January 22, 2019

Purpose: To renew a
Special Use Permit for an
off-site parking lot for
Joe's Kansas City BBQ

Property Location:
4620 Mission Road



Commission Districts:

1. Commissioner At Large: Melissa Bynum
2. District Commissioner: Ann Brandau Murguia

Existing Zoning: C-3 Commercial District

Existing Surrounding Zoning: North: CP-1 Planned Limited Business and R-1(B) Single Family Districts

South: C-3 Commercial District

East: CP-1 Planned Limited Business and R-2 Two Family Districts

West: R-1(B) Single Family District

Existing Uses: North: Commercial (hair salon) and Single Family Residential

South: Commercial (car wash and restaurant)

East: Commercial (Joe's Kansas City BBQ restaurant)

West: Single and Two-Family Residential

Total Tract Size: 0.24 acre

Master Plan Designation: The 47th Street and Mission Road Area Concept Plan (2000) designates this parcel for part of the 47th and Mission Road Village (mixed use) and Neighborhood (single family home) use. The Rosedale Master Plan (2016) designates this area for urban mixed use development.

Major Street Plan: The Major Street Plan classifies Mission Road as a Class C Thoroughfare.

Advertisement: The Wyandotte Echo – February 14, 2019
Letters to Property Owner – February 13, 2019 and March 19, 2019

Public Hearings: March 11, 2019 and March 28, 2019

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

PROPOSAL

Detailed Outline of Requested Action: Mr. Stehney with Joe's Kansas City BBQ is requesting a renewal of their Special Use Permit to continue utilizing the 14-spot parking lot at 4620 Mission Road that was built in 2017 and was previously approved as leased parking for Taco Republic restaurant, located at 500 County Line Road.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The neighborhood is mixed use in nature. There are currently both commercial and residential uses in the area.

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

The zoning of nearby properties is both residential and commercial. While parking is a compatible commercial use, it may not be the highest and best use of the property. However, the parking lot has been a positive asset to the restaurant due to the popularity of Joe's and large number of customers.

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

This is not expected to have a significant negative effect on nearby properties.

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

A demolition permit for the structure on this parcel was obtained in December 2014. Since 2017 it has been used as a parking lot for Joe's.

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

Though special use permits are not addressed in the Master Plan, parking lots are not a use laid out in the 47th Street and Mission Road Area Concept Plan or the Rosedale Master Plan for this area. The plans call for mixed use development in this area and by having this site be used as a parking lot, we may be inhibiting that from happening in the future.

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 has not been an issue yet and is not expected to be one.

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.*

Parking in this area is notoriously difficult. Providing safe parking nearby will continue to be beneficial to the community as well as the applicant.

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.*

There can be an increase in noise on days when the lot is being used frequently.

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.*

There is, arguably, relative gain to the public when reducing congestion due to parking shortages, especially for the surrounding residents and visitors. However, it must be said that the greatest gain is to the property owner and the operators of Joe's and other restaurants.

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

SP-2017-7 was previously approved by the Board of Commissioners for two (2) years. PR-2017-8 was approved by the Board of Commissioners.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on February 22, 2019. The meeting was called to order at 3:00 PM and adjourned at 3:30 PM. There were four attendees. A copy of the neighborhood meeting minutes and affidavit are attached.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-15, subject to:

Urban Planning and Land Use Comments:

1. Per the approved 2017 special use permit and plan review stipulations:

After meeting with the applicant, staff has become aware of future development plans that would, ultimately improve the parking in the area without having to dedicate this site for parking exclusively, allowing it to be developed to a higher and greater use in the future. These plans, while still unable to be disclosed publicly, are expected to be completed in two (2) years' time. According to the letter submitted to staff (attached) by the representatives of the applicant, they are amending their request to use the parcel as a parking lot, largely in its current, unimproved condition for a period of two (2) years while the other developments are completed.

If approved, the stipulations would be as follows:

1. Additional parking must be available in two (2) years' time.
 2. If no additional parking has been developed and available, the property owner must go through the DRC process to develop this site as a parking lot that is compliant with the Commercial Design Guidelines.
 3. The interim parking configuration must be approved by staff and striped per code.
2. It does not appear that stipulation #2 has been adhered to, as a final plan review was not submitted with the special use permit application. The applicant has one (1) year to comply or the special use permit will be void. Otherwise the approval will be for two (2) additional years.
3. Potholes must be repaired and lot restriped.

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-2019-15** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

March 11, 2019 City Planning Commission Minutes
Aerial map
Zoning map
Pictures of property
Neighborhood meeting minutes
Neighborhood meeting affidavit
Site Plan

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	March 11, 2019	March 28, 2019
SUP	Approval	

STAFF CONTACT: **Hannah Kroll**
 hkroll@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-15** 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-2019-15**, 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.

March 11, 2019 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2019-15 – JEFF STEHNEY WITH JOE’S KANSAS CITY BBQ – SYNOPSIS: Renewal of a Special Use Permit (#SP-2017-40 – expires 6/29/2019) for a parking lot for the restaurant at 4620 Mission Road. **Detailed**

Outline of Requested Action: Mr. Stehney with Joe's Kansas City BBQ is requesting a renewal of their Special Use Permit to continue utilizing the 14-spot parking lot at 4620 Mission Road that was built in 2017 and was previously approved as leased parking for Taco Republic restaurant, located at 500 County Line Road.

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?" (No one responded in the affirmative.)

"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 March 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;
7. The notices to property owners;
8. Email in support of #SP-2019-14 from Strawberry Hill Neighborhood Association received by staff today.

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 stated that he would like to remove Special Use Permit Applications #SP-2019-20 and #SP-2019-24 from the Consent Agenda.

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to **APPROVE the remaining items on the Consent Agenda:**

Carson	Chairman
Cho	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Reasons	Aye
Serda	Aye
Huey	Not Present
Neal	Not Present
Pauley	Not Present
Motion to APPROVE Passed: 7 to 0	
Subject to:	

Urban Planning and Land Use Comments:

1. Per the approved 2017 special use permit and plan review stipulations:

After meeting with the applicant, staff has become aware of future development plans that would, ultimately improve the parking in the area without having to dedicate this site for parking exclusively, allowing it to be developed to a higher and greater use in the future. These plans, while still unable to be disclosed publicly, are expected to be completed in two (2) years' time. According to the letter submitted to staff (attached) by the representatives of the applicant, they are amending their request to use the parcel as a parking lot, largely in its current, unimproved condition for a period of two (2) years while the other developments are completed.

If approved, the stipulations would be as follows:

1. Additional parking must be available in two (2) years' time.
 2. If no additional parking has been developed and available, the property owner must go through the DRC process to develop this site as a parking lot that is compliant with the Commercial Design Guidelines.
 3. The interim parking configuration must be approved by staff and striped per code.
2. It does not appear that stipulation #2 has been adhered to, as a final plan review was not submitted with the special use permit application. The applicant has one (1) year to comply or the special use permit will be void. Otherwise the approval will be for two (2) additional years.
3. Potholes must be repaired and lot restriped.

Public Works Comments:

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

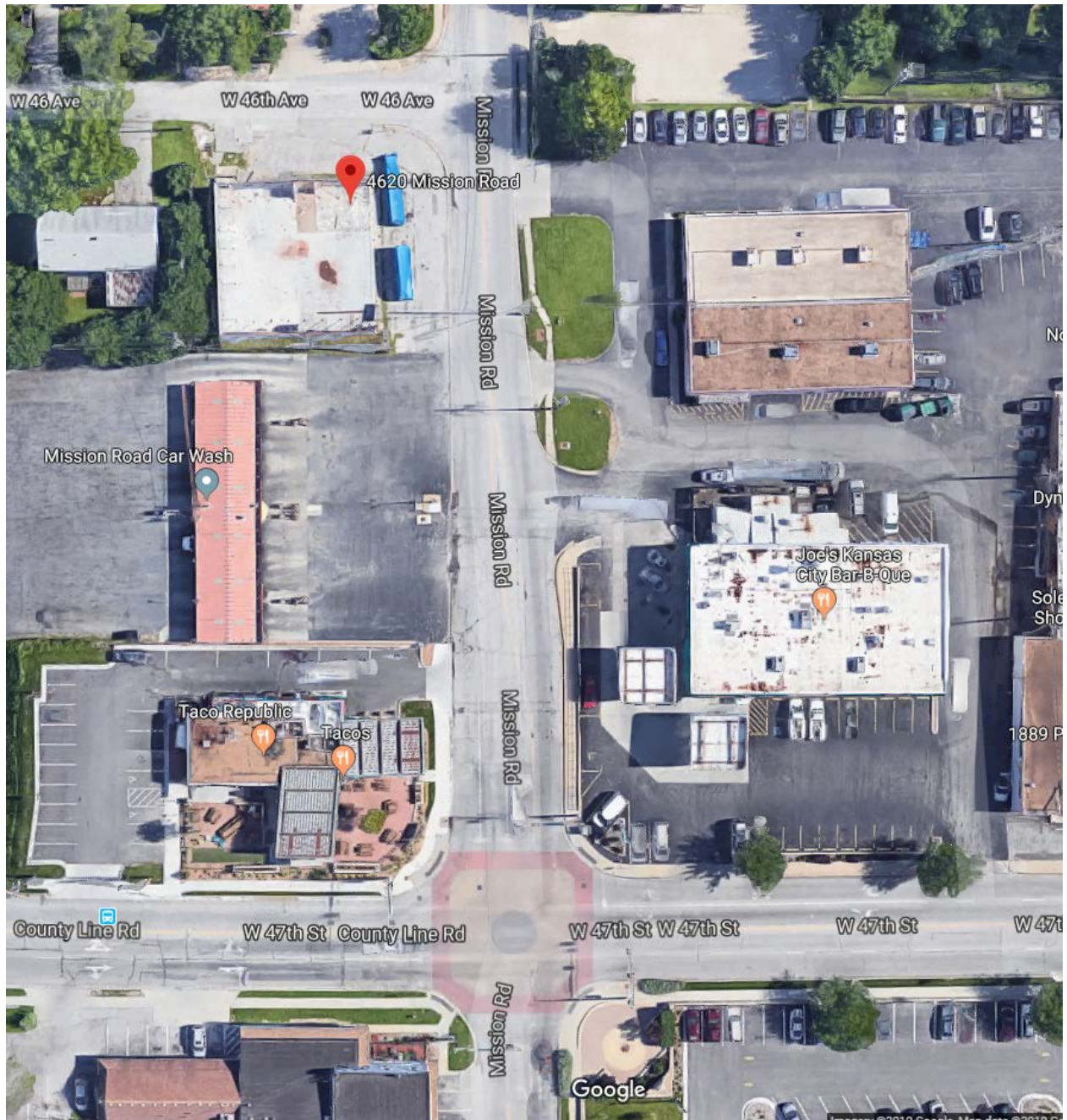
1) None.

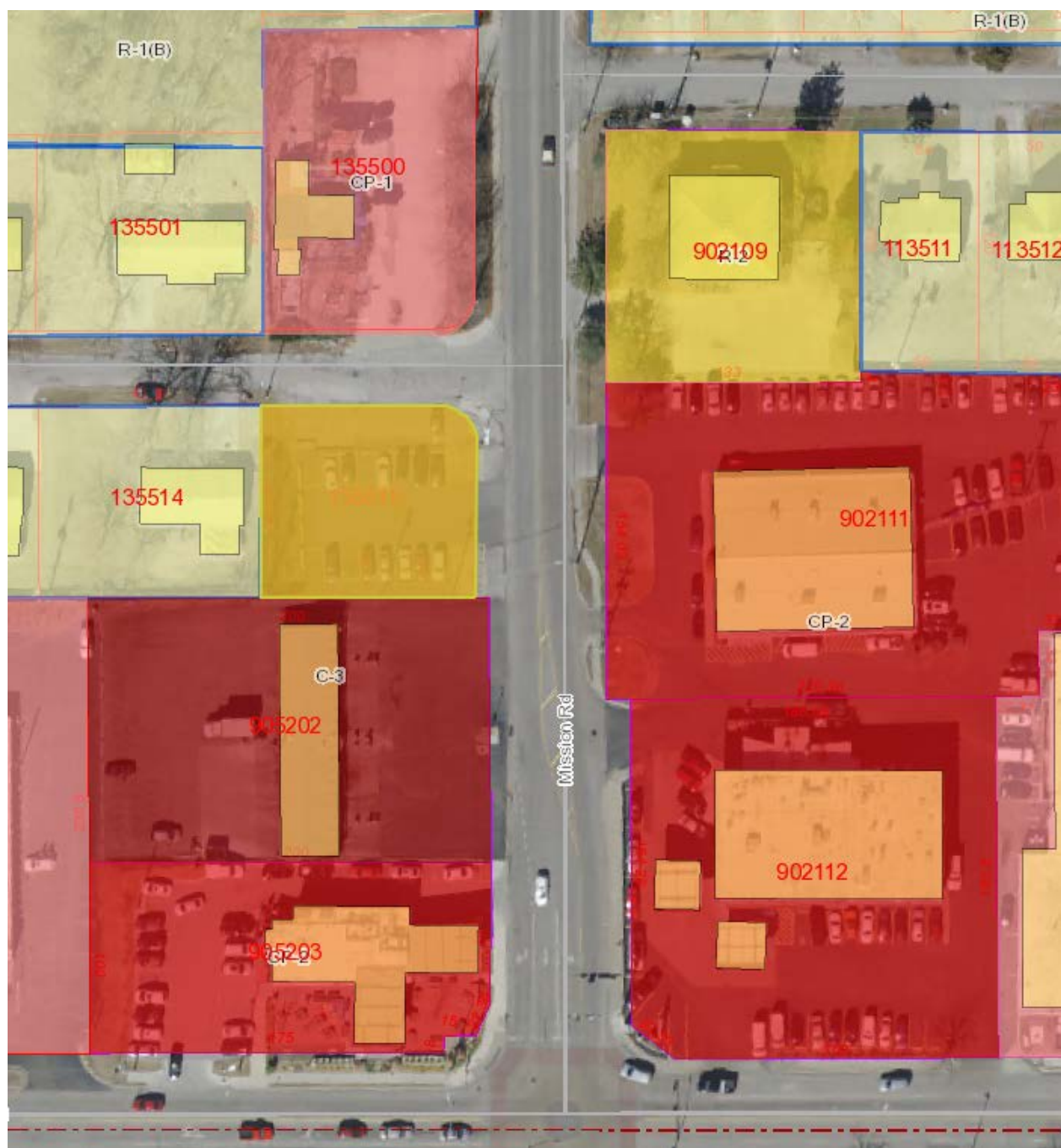
B) Items that are conditions of approval (stipulations):

1) None.

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

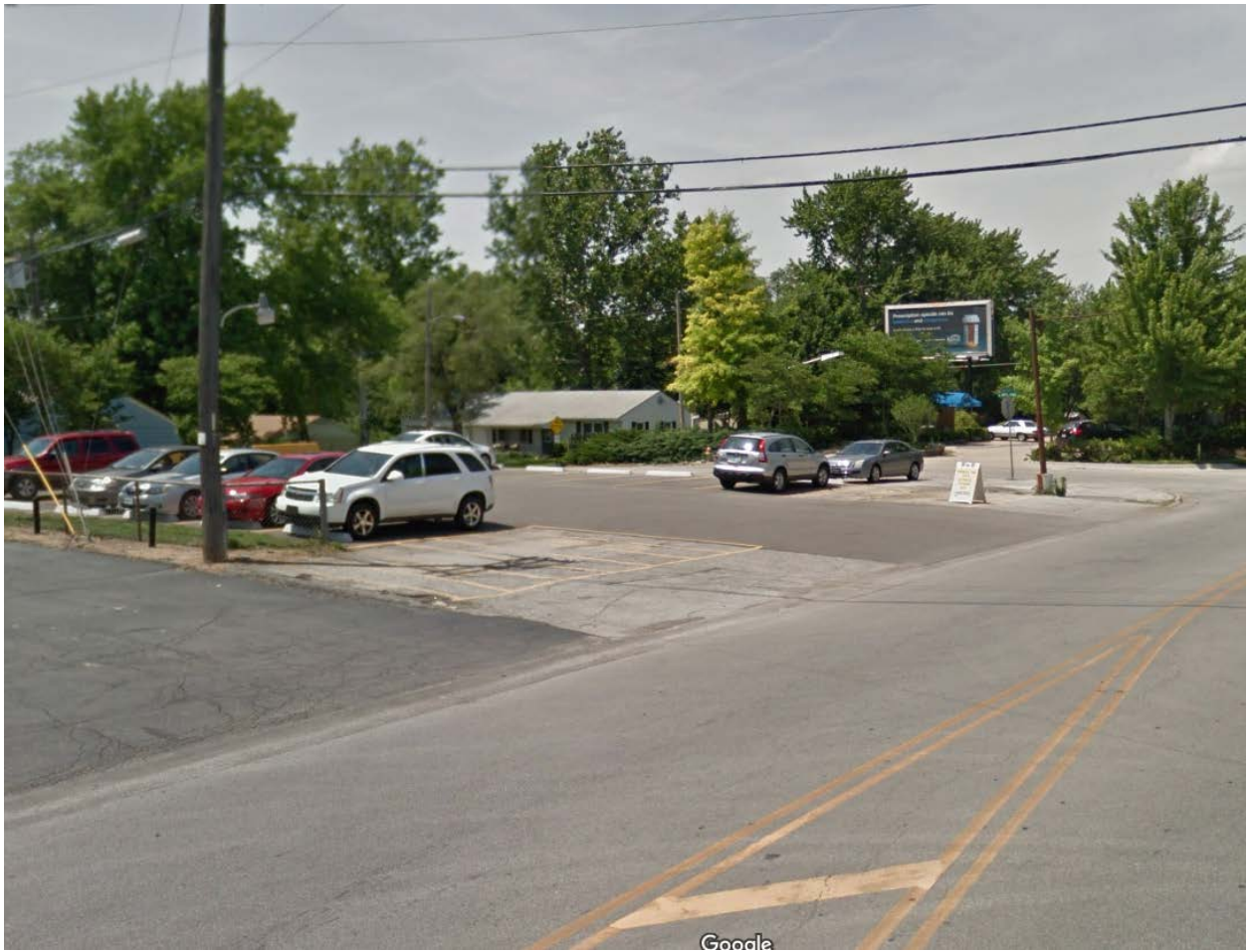
1) None







Google Street View (June 2018)



Google Street View (June 2018)

MINUTES:

Application Number #SP-2019-15

Date and Location:

Friday – February 22, 2019
Rosedale Development Association
1403 Southwest Boulevard

Meeting called to order at: 3:00pm

Names of people in attendance:

Donna Mueller
Erin Stryka
Ryan Barrows
Pam Taylor

Introductions

Statement from Ryan Barrows that this is a request to renew the special use permit for the parking lot.

Questions and answers:

Erin Stryka asked: Are there going to be any changes or improvements?

Ryan Barrows answered: No, not at this time. Taco Republic is responsible for maintaining the lot and they have exercised their option to renew their lease.

Erin Stryka stated: The lot needs potholes filled and re-striping.

Ryan Barrows replied: We will discuss with Taco Republic

Erin Stryka stated: It would be nice to get a sidewalk added on the Mission Road side.

Ryan Barrows replied: We can check into it.

Donna Mueller stated: Having the extra parking is nice, it really helps with everyone's parking at times.

Erin Stryka stated: Carol O'Neal, a neighboring resident that attended the neighborhood meeting for the prior special use permit, could not be in attendance as she broke her shoulder, but told Erin to relay that she and her neighbors are pleased how the extra parking has helped and that they support the lot.

Erin Stryka asked: If anyone is hiring for the summer (in reference to a youth program she is working with)

Ryan Barrows answered: We are always interviewing.

Donna Mueller stated: Joe's Kansas City BBQ has the Right of First Refusal with Quality Litho.

Erin Stryka stated: She will be at the March meeting

Meeting adjourned at: 3:30pm

Minutes taken by: Pam Taylor

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Ryan Barrows, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP-2019-15.
2. That I conducted a neighborhood meeting on February 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.

Ryan Barrows
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26th day of February, 20019.

My commission expires 21 of April, 2019.

Elizabeth O'Neill
Notary Public







Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

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

To: Unified Government Board of Commissioners
From: City Staff
Date: March 28, 2019
Re: Petition #SP-2019-16

GENERAL INFORMATION

Applicant:
Jeffrey Hollinshed

Status of Applicant:
Owner
1972 North Thompson Street
Kansas City, Kansas 66101

Requested Action:
Approve Special Use Permit

Date of Application:
January 24, 2019

Purpose:
To operate live entertainment in a coffee shop/cafe

Property Location:
2003 ½ - 2015 North 5th Street

Commissioner Districts:
1. Commissioner At Large: Melissa Bynum
2. District Commissioner: Gayle Townsend



Existing Zoning: TND Traditional Neighborhood Design District

Existing Surrounding Zoning: **North:** RP-5 Planned Apartment District
South: C-3 Commercial District
East: RP-5 Planned Apartment District
West: RP-5 Planned Apartment District

Existing Uses: **North:** Vacant land
South: Commercial building
East: Single family homes
West: Single family homes and vacant lots

Total Tract Size: .50 acre

Master Plan Designation: The Northeast Area Master Plan designates this property as Neighborhood Mixed Use.

Major Street Plan: The Major Street Plan classifies 5th Street as a Collector street.

Advertisement: The Wyandotte Echo – February 14, 2019
Letters to Property Owner – February 13, 2019 and March 19, 2019

Public Hearings: March 11, 2019 and March 28, 2019

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

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jeffrey Hollinshed wants to offer live entertainment (jazz) to customers within the coffee shop/café located at 2003 ½ - 2015 North 5th Street on during the weekday and on weekends.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is varied with commercial buildings along 5th Street and residences throughout the area.

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

The zoning and their uses of properties nearby are set out above. The proposed uses are 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.

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

The proposed use conforms to 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 not increase 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.***

Because this building has been a commercial store front since 1949, the proposed uses 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 applicant keeps to the doors and windows closed when jazz artists are performing, noise that is typically associated with live entertainment will not be an issue.

- 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.***

The proposed use will 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 as compared to the hardship imposed on the landowner is minimal. If the application is denied, the applicant may only have four (4) live entertainment events annually.

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

This is not foreseen to be an issue considering the size of the establishment.

PREVIOUS ACTIONS

The Board of Zoning Appeals approved a variance (BOZA #2142) for zero (0) off-street parking in November 2014 and a rezoning (COZ #3121) from RP-5 Planned Apartment District to TND Traditional Neighborhood Design District in October 2016 to continue to operate a corner store, barbershop and café since 1949.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on February 21, 2019. According to the applicant, those in attendance did not appear in opposition of the project.

KEY ISSUES

Security for patrons

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-16, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, this special use permit shall be valid for two (2) years.
2. The applicant has stated on the application that live entertainment will be performed by students on weekends during the day and an opportunity for local jazz artists to perform in the evenings.

The coffee shop has 18 seats and closes at 10:00 PM on Thursday, Friday, and Saturday. The music performed by artists will be ambient and not a dance club or lounge.

Applicant Response: This is a coffee shop with jazz. This business is not a club or disco. There will be no dance floor.

Staff Response: Based on the applicant's response, it is clear this business is not operating like a traditional bar/drinking establishment with live entertainment. Instead, the coffee shop, which can serve alcohol will not be

open past 10:00 PM which is the normal operating hours without the addition of jazz music.

3. What are the hours of operation of the café? In addition to Thursday through Saturday, are there any other days and/or times that events will be held?

Applicant Response: The hours of operation are as follows:

- Thursday and Friday - 5:00 PM to 10:00 PM
- Saturday - 8:00 AM to 10:00 PM
- Sunday – 8:00 AM to 2:00 PM

These are the current hours unless special events are scheduled.

4. Is alcohol being served on the premises?

Applicant Response: Alcohol is served, however not openly displayed.

5. The business must use an ID card reader when live entertainment is occurring if alcohol is present.

Applicant Response: No card reader is currently used, will check on requirements.

Staff Response: A card reader shall be provided as alcohol is served on the premises.

6. Is on-site security being provided? If so, what security measures are being taken to ensure patron safety?

Applicant Response: No on-site security is provided. Not required for 1 to 125 customers.

Staff Response: Staff wants to ensure that if there is an incident that the authorities are notified by the owner/manager, and the patron is promptly removed.

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-2019-16 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

March 11, 2019 City Planning Commission Minutes
Aerial Photograph
Applicant Response Letter
Neighborhood Meeting Minutes

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	March 11, 2019	March 28, 2019
Special Use	Approval	

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2019-16 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-2019-16, 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.

March 11, 2019 City Planning Commission Minutes:

Hearing Starts At 1:43:25:

SPECIAL USE PERMIT APPLICATION #SP-2019-16 – JEFFREY E. HOLLINSHED – SYNOPSIS: Special Use Permit for live entertainment in conjunction with coffee shop (retail sales and barbershop) at 2005 North 5th Street. **Detailed Outline of Requested Action:** The applicant, Jeffrey Hollinshed wants to offer live entertainment (jazz) to customers within the coffee shop/café located at 2003 ½ - 2015 North 5th Street on during the weekday and on weekends.

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 March 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 February 14, 2019; and
7. The Notices to property owners dated February 13, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Planning Commissioner Jones recused herself from this application at 8:23 p.m.

Present in Support:

- ❖ Jeff Holinshed, applicant, 1972 North Thompson Street, Kansas City, Kansas 66101
- ❖ Carolyn Wyatt, 359 Troup Avenue, Kansas City, Kansas 66101
- ❖ Chester Owner, 1150 Washington, Kansas City, Kansas
- ❖ Jesse Blakely, 400 North 5th Street, Kansas City, Kansas 66101

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts at 1:51:10: Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts at 1:52:20:

On motion by Mr. Miller, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2019-16:**

Carson	Chairman
Cho	Aye

Connelly	Aye
Ernst	Aye
Jones	Not Present
Miller	Aye
Reasons	Aye
Serda	Aye
Huey	Not Present
Neal	Not Present
Pauley	Not Present

Motion to recommend APPROVAL Passed: 6 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. The applicant has stated on the application that live entertainment will be performed by students on weekends during the day and an opportunity for local jazz artists to perform in the evenings.

The coffee shop has 18 seats and closes at 10:00 PM on Thursday, Friday, and Saturday. The music performed by artists will be ambient and not a dance club or lounge.

Applicant Response: This is a coffee shop with jazz. This business is not a club or disco. There will be no dance floor.

Staff Response: Based on the applicant's response, it is clear this business is not operating like a traditional bar/drinking establishment with live entertainment. Instead, the coffee shop, which can serve alcohol will not be open past 10:00 PM which is the normal operating hours without the addition of jazz music.

3. What are the hours of operation of the café? In addition to Thursday through Saturday, are they any other days and/or times that events will be held?

Applicant Response: The hours of operation are as follows:

- Thursday and Friday - 5:00 PM to 10:00 PM
- Saturday - 8:00 AM to 10:00 PM
- Sunday – 8:00 AM to 2:00 PM

These are the current hours unless special events are scheduled.

4. Is alcohol being served on the premises?

Applicant Response: Alcohol is served, however not openly displayed.

5. The business must use an ID card reader when live entertainment is occurring if alcohol is present.

Applicant Response: No card reader is currently used, will check on requirements.

Staff Response: A card reader shall be provided as alcohol is served on the premises.

6. Is on-site security being provided? If so, what security measures are being taken to ensure patron safety?

Applicant Response: No on-site security is provided. Not required for 1 to 125 customers.

Staff Response: Staff wants to ensure that if there is an incident that the authorities are notified by the owner/manager, and the patron is promptly removed.

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

Commissioner Jones rejoined the Commission at 8:33 p.m.

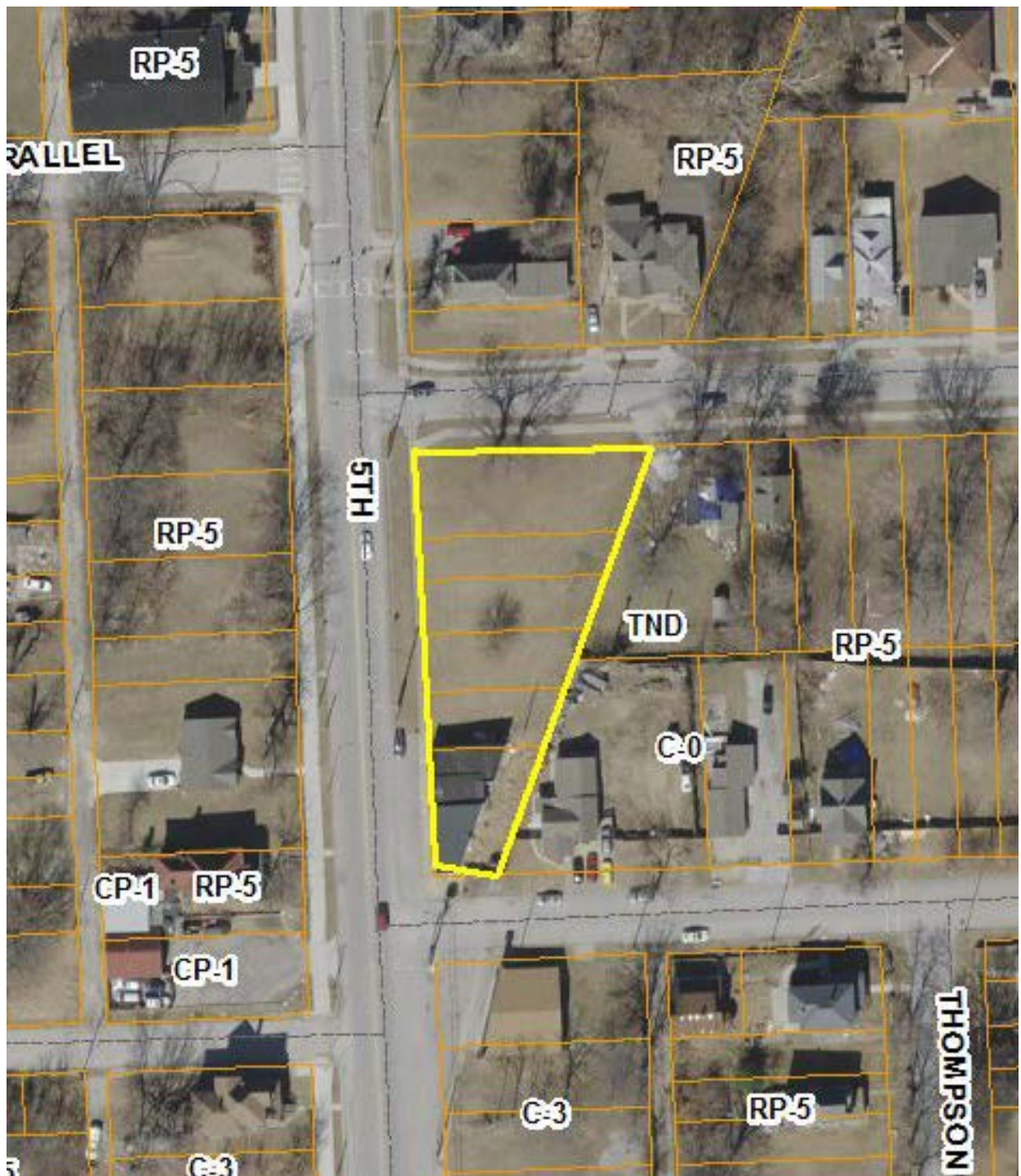


Figure 1. Aerial photograph of 2003 1/2 - 2015 North 5th Street (provided by ArcMap).

Toy, Byron

From: cmproperties1717 <cmproperties1717@gmail.com>
Sent: Thursday, February 28, 2019 6:33 PM
To: Toy, Byron
Subject: Fwd: Re: SP-2019-16 - Draft Staff Report

I tried earlier, I guess it didn't go thru.....let me know if you got it now

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: cmproperties1717 <cmproperties1717@gmail.com>
Date: 2/28/19 10:34 AM (GMT-06:00)
To: btoy@wycokck.org
Subject: Re: SP-2019-16 - Draft Staff Report

Hey Byron,
I apologize, I thought those questions where to be answered during the meeting. I came by your office this morning after I realized a written response was required.

1. This is a coffeeshop with jazz. This business is not a club or disco. No dance floor.
2. Hours of operation are:
Thursday 5pm - 10pm
Friday 5pm - 10pm
Saturday 8am - 10pm
Sunday 8am - 2pm
These are current hours unless special events are scheduled.
3. Alcohol is served, however not openly displayed.
4. No card reader currently used, will check on requirements.
5. No onsite security provided. Not required for 1 to 125 customer.

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: "Parker, Janet" <jparker@wycokck.org>
Date: 2/19/19 5:04 PM (GMT-06:00)
To: cmproperties1717@gmail.com
Cc: "Toy, Byron" <btoy@wycokck.org>, "Parker, Janet" <jparker@wycokck.org>
Subject: SP-2019-16 - Draft Staff Report

Attached are the “**draft**” comments on this application. Please submit additional information/plans to our office, by **Tuesday, February 26, 2019**, at 12:00

1

MINUTES:

Application Number # SP 2019-16

Date and Location: 2-21-2019 6:00 pm 2003 1/2 N. 5th St
Kansas City, KS 66101

Meeting called to order at: 6:00 PM

Names of people in attendance:

Jeffrey E. Hollinshead
Samantha Bradshaw

Ms. Carolyn Wyatt, Fowler Park Home Association
Reginald Hollinshead

Shari Baptist

Julia Spiess

Iris Jones

Introductions:

Bradley McGee
Michael Knight
Latisha Hollinshead

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

Live entertainment permit at John's Java & Jazz

Questions and answers (include the following):

What are you wanting to do? C. Wyatt

- Create an opportunity for local musicians to perform in a small venue.

Work with USD 500 to offer opportunity for student musicians.

No opposition.

Meeting adjourned at: 7:15 PM

Minutes taken by: Samantha Bradshaw



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

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

To: Unified Government Board of Commissioners
From: City Staff
Date: March 28, 2019
Re: Petition #SP-2019-18

GENERAL INFORMATION

Applicant:
James P. Donovan

Status of Applicant:
The Showroom Floor LLC
5400 Johnson Drive, #116
Mission, KS 66205

Requested Action:
Approve a special use permit

Date of Application:
January 25, 2019

Purpose:
To operate a Short-Term
Rental/Bed and Breakfast at a
residence owned by the applicant

Property Location:
1127 Southwest Boulevard



Commission Districts: Commissioner At-Large: Tom Burroughs
District Commissioner: Ann Brandau Murguia

Existing Zoning: M-2 General Industrial District

Existing Surrounding Zoning: **North:** M-2 General Industrial District
South: M-2 General Industrial District
East: M-2 General Industrial District
West: M-2 General Industrial District

Existing Uses: **North:** Industrial business (drywall company)
South: Industrial business (electrical contractor)
East: Restaurant (Dagwood's Café)
West: Industrial business

Total Tract Size: 0.17 acre

Master Plan Designation: The Rosedale Master Plan designates this property as Single Family.

Major Street Plan: The Major Street Plan classifies Springfield Street as a local street.

Advertisement: The Wyandotte Echo – February 14, 2019
Letters to Property Owner – February 13, 2019 and March 19, 2019

Public Hearings: March 11, 2019 and March 28, 2019

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

PROPOSAL

Detailed Outline of Requested Action: The applicant, James Donovan with The Showroom Floor, LLC is applying to use a building, located at 1127 Southwest Boulevard as a short-term rental space, rented through sites such as AIRBNB and VRBO. This home 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.

The neighborhood is residential in nature, predominately single-family homes, although there are duplexes to the north and apartments in the area.

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 might be compatible with the surrounding single-family houses if operated properly. Operating this property as a short-term rental has the potential to create issues related to noise, parking and other concerns related to overcrowding if improperly managed.

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 may not detrimentally affect nearby property so long as the property owners properly manages the operation.

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

The property does not have a rental license since the applicants have purchased the property in September 2017.

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 not increase 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.*

The proposed use provides convenient lodging for the public and will not likely substantially or 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 or loss to the public health, safety, and welfare is likely to be minimal. If denied, the landowner would not be able to use the property as a short-term rental but may continue to use the property as a single-family residence.

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

This is not foreseen to be an issue.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on February 20, 2019. According to the applicant, those that attended the meeting were not opposed to the project.

KEY ISSUES

Occupancy Conversion of Structure
Neighborhood Preservation
Quality of Life
Housing Availability
Economic Development
Safety
Regulatory Consistency

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-18, 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 Building Inspection Department – Anthony Hutchingson, Chief Building Inspector:
 - a. I find no records of permits or inspections for the referenced project. It appears the structure has been illegally converted from a B to a R

occupancy. Change of occupancy projects shall be submitted to Development Review Committee (DRC) for approval.

Please address this comment from Building Inspection.

Applicant Response: Applicant and owner are seeking approval of a short-term rental application so that the property can be used as such. Applicant and owner understand that a change of occupancy will require DRC approval. One will be applied for and obtained prior to making the property available for short-term renting.

3. Based on the photographs provided by the applicant, it is clear the building was used for a commercial business. Previous business licenses from 2000 – 2017 supports this assertion.

Applicant Response: Photographs were taken after the former business was closed and reflect the condition of the property when the photographs were taken as part of this application. Applicant and owner are seeking approval to exclusively use the property as a residential, short-term rental unit.

4. Within the M-2 General Industrial District, dwellings are not permitted in the district. After a building inspection, a rental license application was denied in September 2014 by the Rental License Department.

Applicant Response: Applicant and owner are unaware of the property's application history and were not associated with the property until 2014.

5. How long has the short-term rental business been in operation?

Applicant Response: The rental business is not now operating as a business. This is a business start-up venture.

6. Were neighbors consulted prior to opening the business?

Applicant Response: There have been discussions with neighbors about potential land use options to include short-term renting. Neighbors have been supportive of our plans and have appreciated advance notice. Neighbors were invited to the neighborhood meeting as part of this application process. The sign-in sheet and meeting minutes have been forwarded as part of this application process.

7. Do you have a business license?

Applicant Response: The property did have a business license for a used car lot. That business was closed, and the state license returned to the Kansas Department of Revenue. Applicant and owner understand that a business license, if required as part of the short-term rental process, is subject to receiving approval with this special use permit application. If

necessary, one will be applied for and obtained prior to making the property available for short-term renting.

8. Have you paid appropriate lodging taxes?

Applicant Response: AIRBNB collects all taxes.

9. How many rooms are rented?

Applicant Response: The property consists of a single-family home. The entire home will be a short-term rental. The house consists of two bedrooms, one full bathroom, a full kitchen and a commons area.

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

Applicant Response: The property can accommodate up to six (6) people.

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

Applicant Response: The maximum number of vehicles will be four.

12. How often are guests in the residence?

Applicant Response: The property is not a shared property and will be available for guests seven day per each, each week of the year.

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

Applicant Response: A rental license is not necessary; the property is not available on a long-term basis.

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

Applicant Response: The house consists of two bedrooms, one full bathroom, a full kitchen and a commons area.

15. As this is not your primary residence, where are you located?

Applicant Response: Applicant and owner (husband and wife) choose to hold title to non-owner occupied residence in LLC's (see above). Up until now, all such property has been long-term rentals. This property is owned by The Showroom Floor LLC, the single administrative member is Peggy S. Donovan, and the corporate address is 5400 Johnson Drive, Suite 166, Mission, KS 66205 (approximately three miles south and west of the property). Applicant and owner reside at 3009 West 51st Street, Westwood, KS 66205 (just off Mission Road approximately 1.7 miles south of the

property).

16. How often do you visit the property?

Applicant Response: Applicant has a history of conducting drive-by inspections on all property owned/managed by applicant. Further, on long-term rentals, the applicant coordinates interior inspections with tenants on at least a quarterly basis and using these inspections to maintain certain aspects of the property (turning exterior water on/off depending on the season, replacing furnace filters, etc.). This short-term rental will allow the applicant more opportunities to access the interior and exterior for inspection, especially when cleaning the property between occupancy.

17. Who is responsible for issues that may arise when tenants are renting the house, if neighbors have concerns, or to clean and prepare the house between tenants?

Applicant Response: The applicant is responsible for these actions and has a history of making himself available as needed. AIRBNB messaging, texting, and direct phone calls contact data is provided and the application welcomes and encourages contact should there be issues.

18. Have you provided your surrounding neighbors with your contact information should they have concerns?

Applicant Response: Immediate neighbors and applicant have a positive working/neighborly relationship, have exchanged phone numbers and in some cases have exchanged e-mail. For the purposes of this application, communications/notices will all neighbors will be via USPS. Property line and “over the fence” discussions are always welcome.

19. Per Business Licensing: If approved, the applicant will need to file the occupation tax application with our office for the business activity.

Applicant Response: Applicant will file the occupation tax application if approved.

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

Stipulations of Approval:

- 1) Host will maintain a safe environment described above.
- 2) Host will obtain a business license with the City.
- 3) The maximum number of guests is limited to five (5) people.
- 4) Obtain a building permit from Building Inspection Department for a change of occupancy.
- 5) Regarding the parking pad along Southwest Boulevard, which must be changed to make the appearance more residential, the applicant has two options:
 - a. Remove three-fourths of the concrete/parking pad. area where the concrete has been removed shall be sodded, or
 - b. Remove the entire concrete pad, replace with grass and restrict parking on-site to the rear of the property, behind the building.
- 6) Approval is for two (2) years.

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-2019-18 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

March 11, 2019 City Planning Commission Minutes
Applicant Response Letter
Neighborhood Meeting Minutes
Zoning Map
Aerial Photograph
Applicant Letter
Floor Plan
Photographs provided by the applicant

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	March 11, 2019	March 28, 2019
Special Use	Approval	

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-18** 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-2019-18**, 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.

March 11, 2019 City Planning Commission Minutes:

Hearing Starts At 1:53:06:

SPECIAL USE PERMIT APPLICATION #SP-2019-18 – JAMES P. DONOVAN WITH THE SHOWROOM FLOOR LLC – SYNOPSIS: Special Use Permit for a short-term rental/AIRBNB at 1127 Southwest Boulevard. ***Detailed Outline of Requested Action:*** The applicant, James Donovan with The Showroom Floor, LLC is applying to use a building, located at 1127 Southwest Boulevard as a short-term rental space, rented through sites such as AIRBNB and VRBO. This home 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 March 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 February 14, 2019; and
7. The Notices to property owners dated February 13, 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:

- ❖ James Donovan, applicant, The Showroom Floor, LLC, 5400 Johnson Drive #116, Mission, Kansas 66205

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts at 1:55:04: Planning Director Richardson stated that the staff recommends approval and would note that there are no residential neighbors to this property. It was previously converted to a used car lot and they paved the front. There are some minor modifications that the applicant needs to do. All of the AIRBNBs have been approved for one (1) year as a trial if they did not live there. If the Commission wanted to approve this application for two years, this would be the place to do it as there is no residential around it.

Motion and Vote Starts at 1:56:20:

On motion by Mr. Connelly, seconded by Dr. Serda, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2019-18:**

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

Motion to recommend APPROVAL Passed: 7 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 Building Inspection Department – Anthony Hutchingson, Chief Building Inspector:
 - a. I find no records of permits or inspections for the referenced project. It appears the structure has been illegally converted from a B to a R occupancy. Change of occupancy projects shall be submitted to Development Review Committee (DRC) for approval.

Please address this comment from Building Inspection.

Applicant Response: Applicant and owner are seeking approval of a short-term rental application so that the property can be used as such. Applicant

and owner understand that a change of occupancy will require DRC approval. One will be applied for and obtained prior to making the property available for short-term renting.

3. Based on the photographs provided by the applicant, it is clear the building was used for a commercial business. Previous business licenses from 2000 – 2017 supports this assertion.

Applicant Response: Photographs were taken after the former business was closed and reflect the condition of the property when the photographs were taken as part of this application. Applicant and owner are seeking approval to exclusively use the property as a residential, short-term rental unit.

4. Within the M-2 General Industrial District, dwellings are not permitted in the district. After a building inspection, a rental license application was denied in September 2014 by the Rental License Department.

Applicant Response: Applicant and owner are unaware of the property's application history and were not associated with the property until 2014.

5. How long has the short-term rental business been in operation?

Applicant Response: The rental business is not now operating as a business. This is a business start-up venture.

6. Were neighbors consulted prior to opening the business?

Applicant Response: There have been discussions with neighbors about potential land use options to include short-term renting. Neighbors have been supportive of our plans and have appreciated advance notice. Neighbors were invited to the neighborhood meeting as part of this application process. The sign-in sheet and meeting minutes have been forwarded as part of this application process.

7. Do you have a business license?

Applicant Response: The property did have a business license for a used car lot. That business was closed, and the state license returned to the Kansas Department of Revenue. Applicant and owner understand that a business license, if required as part of the short-term rental process, is subject to receiving approval with this special use permit application. If necessary, one will be applied for and obtained prior to making the property available for short-term renting.

8. Have you paid appropriate lodging taxes?

Applicant Response: AIRBNB collects all taxes.

9. How many rooms are rented?

Applicant Response: The property consists of a single-family home. The entire home will be a short-term rental. The house consists of two bedrooms, one full bathroom, a full kitchen and a commons area.

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

Applicant Response: The property can accommodate up to six (6) people.

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

Applicant Response: The maximum number of vehicles will be four.

12. How often are guests in the residence?

Applicant Response: The property is not a shared property and will be available for guests seven day per each, each week of the year.

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

Applicant Response: A rental license is not necessary; the property is not available on a long-term basis.

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

Applicant Response: The house consists of two bedrooms, one full bathroom, a full kitchen and a commons area.

15. As this is not your primary residence, where are you located?

Applicant Response: Applicant and owner (husband and wife) choose to hold title to non-owner occupied residence in LLC's (see above). Up until now, all such property has been long-term rentals. This property is owned by The Showroom Floor LLC, the single administrative member is Peggy S. Donovan, and the corporate address is 5400 Johnson Drive, Suite 166, Mission, KS 66205 (approximately three miles south and west of the property). Applicant and owner reside at 3009 West 51st Street, Westwood, KS 66205 (just off Mission Road approximately 1.7 miles south of the property).

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aspects of the property (turning exterior water on/off depending on the season, replacing furnace filters, etc.). This short-term rental will allow the applicant more opportunities to access the interior and exterior for inspection, especially when cleaning the property between occupancy.

17. Who is responsible for issues that may arise when tenants are renting the house, if neighbors have concerns, or to clean and prepare the house between tenants?

Applicant Response: The applicant is responsible for these actions and has a history of making himself available as needed. AIRBNB messaging, texting, and direct phone calls contact data is provided and the application welcomes and encourages contact should there be issues.

18. Have you provided your surrounding neighbors with your contact information should they have concerns?

Applicant Response: Immediate neighbors and applicant have a positive working/neighborly relationship, have exchanged phone numbers and in some cases have exchanged e-mail. For the purposes of this application, communications/notices will all neighbors will be via USPS. Property line and “over the fence” discussions are always welcome.

19. Per Business Licensing: If approved, the applicant will need to file the occupation tax application with our office for the business activity.

Applicant Response: Applicant will file the occupation tax application if approved.

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

Stipulations of Approval:

- 1) Host will maintain a safe environment described above.
- 2) Host will obtain a business license with the City.
- 3) The maximum number of guests is limited to five (5) people.
- 4) Obtain a building permit from Building Inspection Department for a change of occupancy.

- 5) Regarding the parking pad along Southwest Boulevard, which must be changed to make the appearance more residential, the applicant has two options:
 - a. Remove three-fourths of the concrete/parking pad. area where the concrete has been removed shall be sodded, or
 - b. Remove the entire concrete pad, replace with grass and restrict parking on-site to the rear of the property, behind the building.
- 6) Approval is for two (2) years.

Mr. Donovan stated that he has never dealt with a better group of people. Whoever he was talking to was wonderful to talk to; they were clear and precise and told him exactly what to do.

Written Responses
Additional Information/Plans
Petition #SP-2019-18
Short Term Rental Application
The Showroom Floor LLC
1127 Southwest Blvd
Kansas City, KS. 66103

February 21, 2019

Letters to Property Owners: Postmarked February 9, 2019

Neighborhood Meeting: February 20, 2019, 5pm at the property
Two neighbors attended (sign-in sheet and meeting minutes forwarded as required).

Opening Statement:

Applicant has a 25-plus year history of owning and managing long-term non-owner occupied residential single-family houses, each through their own corporate structure (The Law School Annex LLC, sold in 2018, 2106 West 48th Street LLC, sold in 2016, Donovan Enterprises LLC, a Kansas LLC, and 4831 State Line LLC, a Missouri LLC). Applicant has also managed Bliss Network LLC from 2008 until the owner sold the property in 2018. Applicant and Owner have a historic and successful background in dealing with residential single-family rentals.

Applicant and Owner provide the following written comments in response to the request for additional information/plans:

Urban Planning and Land Use Comments

1a. I find no records of permits or inspections for the referenced project. It appears the structure has been illegally converted from a B to a R occupancy. Change of occupancy projects shall be submitted to Development Review Committee (DRC) for approval.

Applicant and Owner are seeking approval of a short-term rental application so that the property can be used as such. Applicant and Owner understand that a change of occupancy will require a DRC approval. One will be applied for and obtained prior to making the property available for short-term renting.

2. Based on the photographs provided by the applicant, it is clear that building was used for a commercial business. Previous business licenses from 2000-2017 supports this assertion.

Photographs were taken after the former business was closed and reflect the condition of the property when the photographs were taken as part of this application. Applicant and Owner are seeking approval to exclusively use the property as a residential, short-term rental unit.

3. Within the M-2 General Industrial District, dwellings are not permitted in the district. After a building inspection, a rental license application was denied in September 2014 by the Rental License Department.

Applicant and Owner are unaware of the property's application history and were not associated with the property in 2014.

4. How long has the short-term rental business been in operation?

The rental business is not now operating as a business. This is a business start-up venture.

5. Were neighbors consulted prior to opening the business?

There have been discussions with neighbors about potential land-use options to include short-term renting. Neighbors have been supportive of our plans and have appreciated advance notice. Neighbors were invited to the Neighborhood Meeting as part of this application process. The sign-in sheet and meeting minutes have been forwarded as part of this application process.

6. Do you have a business license?

The property did have a business license for a used car lot. That business was closed and the state license returned to the Kansas Department of Revenue. Applicant and Owner understand that a business license, if required as part of the short-term rental process, is subject to receiving approval with this Special Use application. If necessary, one will be applied for and obtained prior to making the property available for short-term renting.

14. As this is not our primary residence, where are you located?

Applicant and Owner (husband and wife) choose to hold title to non-owner occupied residence in LLC's (see above). Up until now, all such property has been long-term rentals. This property is owned by The Showroom Floor LLC, the single administrative member is Peggy S. Donovan, and the corporate address is 5400 Johnson Drive Suite 166, Mission, KS 66205 (approximately three miles south and west of the property). Applicant and Owner reside at 3009 West 51st Street, Westwood KS 66205 (just off Mission Road approximately 1.7 miles south of the property).

15. How often do you visit the property?

Applicant has a history of conducting drive-by inspections on all property owned/managed by Applicant. Further, on long-term rentals Applicant coordinates interior inspections with tenants on an at least quarterly basis and using these inspections to maintain certain aspects of the property (turning exterior water on/off depending on the season, replacing furnace filters, etc.). This short-term rental will allow Applicant more opportunities to access the interior and exterior for inspection, especially when cleaning the property between occupancy.

16. Who is responsible for issues that may arise when tenants are renting the house, if neighbors have concerns, or to clean and prepare the house between tenants?

The Applicant is responsible for these actions and has a history of making himself available as needed. ABnB messaging, texting, and direct phone calls contact data is provided and Applicant welcomes and encourages contact should there be issues.

18. Per Business Licensing: If approved, the applicant will need to file the occupation tax application with our office for the business activity.

Applicant will file the occupation tax application if approved.

Public Works Comments

None required.

The Showroom Floor LLC

5400 Johnson Drive #166
Mission, KS 66205
telephone: 913-660-4815

Application Number: SP-2019-18 – 1127 Southwest Boulevard
Date and Location: February 20, 2019, at 1127 Southwest Boulevard, KCKS

Metting called to order at 5:30pm

Names of people in attendance:

James P. Donovan, Applicant

Terry Masters of Bernie Electric, 2316 South 5th Street, KCKS (arrived at approximately 5:30pm)

David Barlett of Barlett Property Investment, 5543 Aberdeen Rd, Fairway, KS (arrived at approximately 5:35pm)

Introductions: Both people were greeted at the door by the Applicant and both knew each other as neighboring business persons.

Prior to David Barlett's arrival Terry Masters was given a rear yard walking tour of the property.

Terry Masters commented on the storage structure located in the rear yard during the exterior tour of the property. He asked where it was purchased, Applicant responded "Harbour Freight". He also commented on how he was impressed with how the structure has maintained its physical integrity.

Terry Masters and Applicant returned to the living room area of the property.

David Barlett arrived and greeted Terry Masters in a social and friendly way.

Applicant overviewed the application process with the attendees and provided an interior walking tour of the property.

Terry Masters asked about the potential use of the basement. Applicant responded that it will be off limits to all tenants and currently is empty except for a dehumidifier that is operating.

Terry Masters asked if the basement took on water. Applicant responded "No".

Terry Masters asked about the use of two interior storage areas (closets of sorts). Applicant responded that they will both be off limits to all tenants - one is housing maintenance related material for the property and the other is housing road signs and materials owned by the Kansas City Area Historic Trails Association, an organization dedicated to marking various historic trails in the Kansas City region. Applicant and Owner are members of the association.

Terry Masters commented on the size (large) of the master bedroom closet stating he was impressed.

Terry Masters and David Barlett then moved the conversation toward the involvement in neighborhood and activities associated with various properties in the neighborhood. These comments were not related to this SUP application or this property.

Terry Masters and David Barlett left the property shortly after 6pm. Applicant remained at the property until the meeting was adjourned at approximately 6:30pm.

Minutes taken by James P. Donovan, Applicant

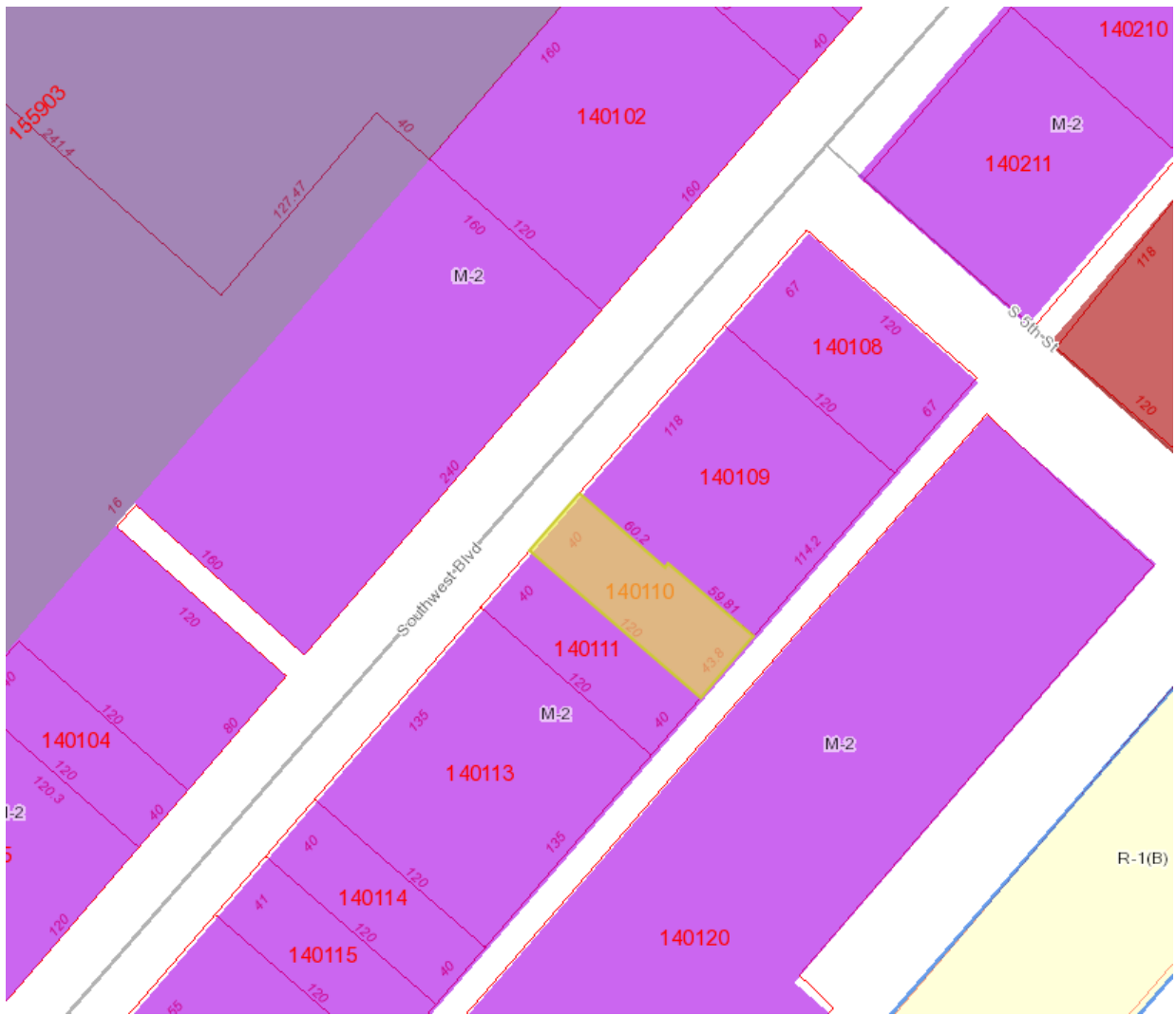


Figure 1. Zoning Map of 1127 Southwest Boulevard as indicated by the shaded box (provided by UG Maps).



Figure 2. Aerial photograph of 1127 Southwest Boulevard as indicated by the shaded box (provided by UG Maps).

Written Responses
Special Use Permit Request
Short Term Rental Application
The Showroom Floor LLC
1127 Southwest Blvd, KCKS 66103

Describe how you will communicate with the neighbors

Immediate neighbors and applicant have a positive working/neighborly relationship, have exchanged phone numbers and in some cases have exchanged email. For the purposes of this application, communications/notices with all neighbors will be via USPS. Property line and "over the fence" discussions are always welcome.

Describe how you will pay appropriate lodging taxes

Airbnb collects all taxes.

How many rooms are rented

The property consists of a single family home. The entire home will be a short-term-rental. The house consists of two bedrooms, one full bathroom, a full kitchen and a commons area.

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

The property can accommodate up to six people.

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

The maximum number of vehicles will be four.

How often are guests in the residence

The property is not a shared property and will be available for guests seven days per week each week of the year.

Do you have rental license from the Unified Government for the facility

A rental license is not necessary, the property is not available on a long-term basis.

Provide a detailed description of the area(s) rented for Airbnb/other rental operations including bedrooms, bathrooms, common areas, etc

An initial draft of a potential short-term rental description:

Spacious 2Bd 1Ba Bungalow - Conveniently Located on Southwest Boulevard's commercial corridor.

Just off I-35 in the Rosedale neighborhood of KCK this unique bungalow is moments from KU Medical Center, the Plaza, Crown Center, the Arts/Crossroads District, downtown.

The house is a very well maintained 2 bedroom one bath, kitchen with a raised bar area for eating and immediately adjacent to one of Kansas City's best breakfast restaurants (closes at 3pm each day so that you can enjoy a quiet night).

Locally owned and independently managed. We respect your privacy and are available should you need assistance.

This house is in a mixed use neighborhooe and provides convenient access to the best of Kansas City. P.S. I challenge you to check out Rosedale's Memorial Arch just a short walk from the house.

Just off I-35 and moments from anywhere you want to be.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

Describe how you will maintain a safe environment including:

- Working smoke detectors in each bedroom plus each level of the house
- GFCI outlets are required in bathrooms
- Double keyed locks are not allowed
- Copper cannot be used for gas supply lines
- Windows must be operable, not blocked or boarded
- Handrails are required at sets of 4 or more stairs/risers
- Hot water tank and furnace must be vented properly and operational
- Electric panel and circuits must be safe

Attached are a number of photos to introduce the details of the property. Please note that the property includes a 100 amp fuse box, GFCI outlets in all "wet" areas, a single key to work all exterior deadbolt and handled locks, no copper gas lines, and no four level set of steps/stairs/risers.

The electric hot water tank is located in the basement.

The HVAC is located in the attic crawl space.

The property has three exterior doors each with a bolt lock and handled latch. All locks share a single key. The living room (front entry area) has three fixed windows that are not designed to be operable. The front bedroom has an operable double hung window. The back bedroom has an operable double swing French door. See photos.

The property also has four operating exterior security motion detection cameras. The hardware and software for this system is located inside the building in one of the secured storage areas.

The basement is accessible via an interior set of stairs with a handrail. However, the basement and two interior storage areas will be locked closed and inaccessible to the public (see property diagram).

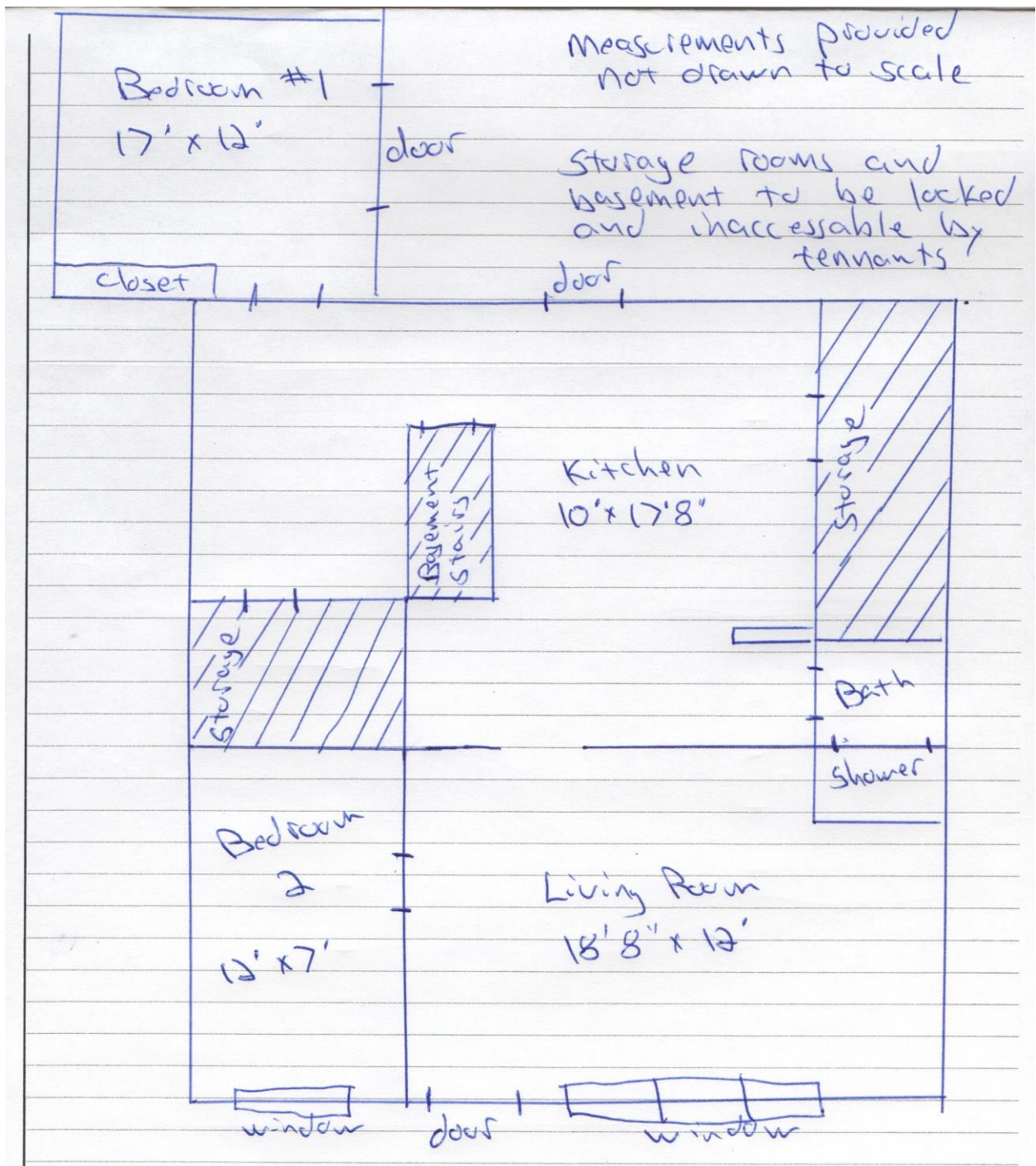


Figure 3. Floor Plan of 1127 Southwest Boulevard (provided by the applicant).



Figure 4. Photograph of the front of 1127 Southwest Boulevard (provided by the applicant).



Figure 5. Photograph of the east façade of 1127 Southwest Boulevard (provided by the applicant).



Figure 6. Photograph of the north façade of 1127 Southwest Boulevard (provided by the applicant).



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

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

To: Unified Government Board of Commissioners
From: City Staff
Date: March 28, 2019
Re: Petition #SP-2019-20

GENERAL INFORMATION

Applicant:
Ryan Denk

Status of Applicant:
Representative
McAnany, Van Cleave & Phillips, P.A.
10 E. Cambridge Cir. Dr., Ste. 300
Kansas City, KS 66103

Requested Action:
Renewal of Special Use Permit for
continued removal of dirt

Date of Application:
January 29, 2019

Purpose:
To continue removing dirt from property in hopes of expanding industrial park

Property Location:
1625 South 86th Street

Existing Zoning:
MP-1 Planned Light Industrial and Industrial Park District



Existing Surrounding Zoning: **North:** A-G Agriculture District
South: A-G Agriculture District
East: MP-2 Planned General Industrial District
West: R-1 Single Family District

Existing Uses: **North:** Undeveloped tracts of land
South: Railroad Company and Auto Auction Site
East: Construction equipment supplier
West: Single family residences

Total Tract Size: 28.56 acres

Master Plan Designation: The City-Wide Master Plan designates this property as a business park use

Major Street Plan: The City-Wide Master plan designates Kaw Drive as a Class A Thoroughfare

Advertisement: The Wyandotte Echo – February 13, 2019
Letters to Property Owner – February 14, 2019 and March 19, 2019

Public Hearings: March 11, 2019 and March 28, 2019

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

PROPOSAL

Detailed Outline of Requested Action: The applicant, Ryan Denk, is applying for a renewal of their Special Use Permit (#SP-2013-52) to continue dirt removal at Westhills Industrial Park in hopes of building a 20,000 sq./ft facility.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

This is a light industrial park in close proximity to rural uses.

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 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.*

The removal of dirt is necessary to begin construction on the originally proposed facility

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

Property was zoned 19 years ago

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 should not result in an increase of vehicular traffic to the site, as the intended use is not geared towards attracting any public use or attention.

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.*

If done properly, there should be no substantial or permanent injury to 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.*

Removal of dirt causes excess dust particles, depending on how often work is being done, this could cause issues to surrounding neighbors.

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

Erosion controls must continue to remain in place

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

This should not 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.*

If this project continues to be approved, the proposed structure would be more beneficial, rather than creating any type of hardships.

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-2000-47, #SP-2004-10, #SP-2007-37, #SP-2011-4 and #SP-2013-52

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on February 19, 2019. The meeting minutes, sign in sheet, and affidavit are attached below.

KEY ISSUES

1. Length of time of project

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-20, subject to:

Urban Planning and Land Use Comments:

1. In 2000, when this was first approved, the intent was to remove dirt and build a 20,000 sq./ft facility. In 2004, upon renewal, you stated that removal of dirt and construction of facility would be done in three years. It has been almost 15 years since that assurance, and it seems progress has not been made, even with the continual Special Use Permit renewals. This seems to be a much longer ongoing project then first proposed. Do you have any estimate as to when the dirt will be fully removed to begin construction on the facility?

Applicant Response: The first building was built in about the time frame that you are referring to (Judy Company). Subsequently, there have been two more buildings built. What we tried to convey from the beginning is that we do not control the demand for dirt. It gets removed as demand dictates, and we have moved as much as we can over the years.

2. In the first approved Special Use Permit (#SP-2000-47) it was passed with the stipulation that there must be two (2) access points created onto K-32 within 6 months of starting the project. Did these access points ever get created, or has the access through Ruby been the only access point since the beginning?

Applicant Response: This requirement was removed for two (2) access points years ago because KDOT will not allow.

3. Have you stayed current with the Surety Bond that has been required as a stipulation since the beginning of the project? Please provide copy if so.

Applicant Response: We have stayed current on the bond. (attached below)

4. With the project currently being stagnant, is there any equipment on the site? Also, have you continued to ensure proper maintenance of the site, such as trash removal and maintaining proper erosion control or fencing?

Applicant Response: No equipment on site. Equipment is on site while dirt removal is being conducted, including a broom to keep the streets clean and a water truck to keep the dust down. Erosion control measures have been installed on numerous occasions, but we will comply with the request to provide additional erosion control.

5. Approval would be for five (5) 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-2019-20 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

March 11, 2019 City Planning Commission Minutes
Aerial Image
Zoning
Conservation District Comments
Neighborhood Meeting Documents
Surety Bond
Letters

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	March 11, 2019	March 28, 2019
Special Use	Approval	

STAFF CONTACT: **Alex Hufft**
 AHufft@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-20** 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-2019-20**, 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.

March 11, 2019 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2019-20 – RYAN DENK WITH MCANANY, VAN CLEAVE & PHILLIPS, P.A. – SYNOPSIS: Renewal of a Special Use Permit (#SP-2013-52 – expired 11/7/2018) for dirt removal at 1625 South 86th Street. **Detailed Outline of Requested Action:** The applicant, Ryan Denk, is applying for a renewal of their Special Use Permit (#SP-2013-52) to continue dirt removal at Westhills Industrial Park in hopes of building a 20,000 sq./ft facility.

Planning Commissioner Connelly stated that he removed this item from the Consent Agenda to find out why the applicant had not renewed it sooner when it expired in November 2018 and asked him to explain the measures they had taken concerning the Conservation District comments. Mr. Short stated that he was not aware that it had expired until it was brought to his attention and they have stipulated to the stipulations (in the staff report.) He has contacted an erosion specialist in Riverside, Missouri.

Present in Support:

- ❖ Mr. Steve Short, 6521 Fairway Drive, Kansas City, Missouri

Present in Opposition:

- ❖ No one appeared

Staff Recommendation: Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

On motion by Dr. Serda, seconded by Mr. Reasons, the Planning Commission voted as follows to **recommend APPROVAL of #SP-2019-20:**

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

Motion to APPROVE Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

1. In 2000, when this was first approved, the intent was to remove dirt and build a 20,000 sq./ft facility. In 2004, upon renewal, you stated that removal of dirt and construction of facility would be done in three years. It has been almost 15 years since that assurance, and it seems progress has not been

made, even with the continual Special Use Permit renewals. This seems to be a much longer ongoing project than first proposed. Do you have any estimate as to when the dirt will be fully removed to begin construction on the facility?

Applicant Response: The first building was built in about the time frame that you are referring to (Judy Company). Subsequently, there have been two more buildings built. What we tried to convey from the beginning is that we do not control the demand for dirt. It gets removed as demand dictates, and we have moved as much as we can over the years.

2. In the first approved Special Use Permit (#SP-2000-47) it was passed with the stipulation that there must be two (2) access points created onto K-32 within 6 months of starting the project. Did these access points ever get created, or has the access through Ruby been the only access point since the beginning?

Applicant Response: This requirement was removed for two (2) access points years ago because KDOT will not allow.

3. Have you stayed current with the Surety Bond that has been required as a stipulation since the beginning of the project? Please provide copy if so.

Applicant Response: We have stayed current on the bond. (attached below)

4. With the project currently being stagnant, is there any equipment on the site? Also, have you continued to ensure proper maintenance of the site, such as trash removal and maintaining proper erosion control or fencing?

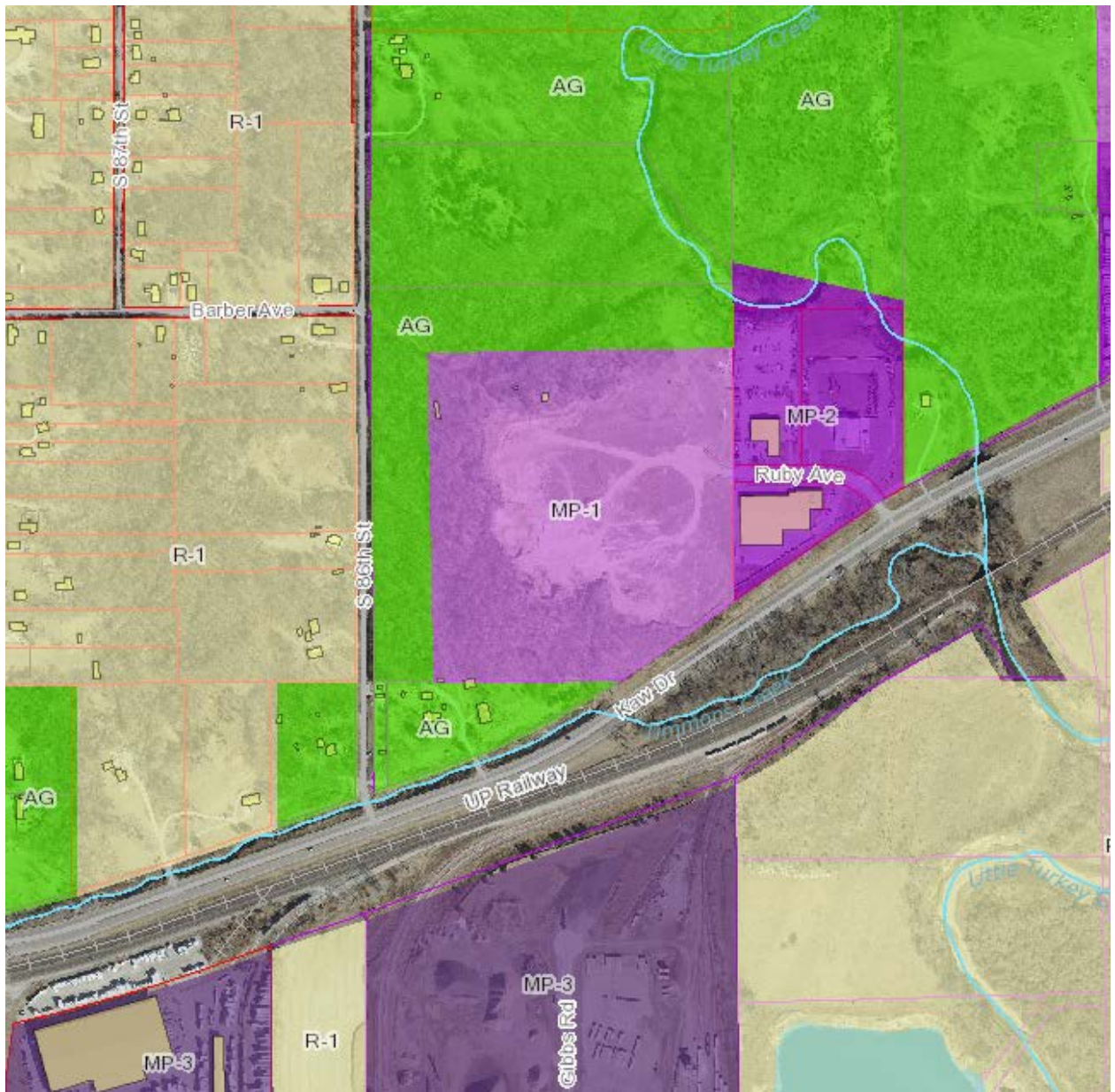
Applicant Response: No equipment on site. Equipment is on site while dirt removal is being conducted, including a broom to keep the streets clean and a water truck to keep the dust down. Erosion control measures have been installed on numerous occasions, but we will comply with the request to provide additional erosion control.

5. Approval would be for five (5) 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







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

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

February 12, 2019

RE: SP-2019-20, Ryan Denk for West Hill Industrial Park removal of dirt 1625 South 26th Street

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of SP-2019-20, Ryan Denk for West Hill Industrial Park removal of dirt 1625 South 26th 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)
Small Commercial Buildings Limitations Map
Dwellings and Small Commercial Buildings Report
Soil Features

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

- There are four major soil types identified in the construction area: Falleaf-Grinter soils, 8 to 20 percent slopes, Ladoga silt loam, 3 to 8 percent slopes, Orthents and Welda silt loam, 4 to 8 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- There has been little done to control the erosion on and off this property since the last time we looked at the site. **We would not recommend approval of this special permit until the following erosion control practices are installed.** This site has a tremendous amount of uncontrolled soil moving on the property. There needs to be more conservation practices closer to the source. More basins need to be built closer to the source of soil movement. Sediment basins need to be maintained. Maintenance should be performed regularly to ensure basins do not fill in causing them to not function as designed.
- Large areas need to be seeded. All areas that have been excavated need to be seeded with a good permanent seeding which needs to include fertilization

and mulch. What top soil is left needs to be saved and spread over borrow areas. This will help establish good seed beds. Much of the area has some grass and weeds but it is not adequate to control erosion. The whole area needs to have a good seeding of grass in order to control erosion. This will protect the sediment basin in the northeast corner of the property. This basin protects Turkey Creek. As the basin fills with sediment, it needs to be cleaned out or to will fail and wash directly into Turkey Creek.

- If the area being excavated is left more than 30 days, a temporary seeding and mulching of the areas is needed. Silt fence may also be needed to protect areas that have already been seeded.
- There also needs to be an entrance/exit of gravel that will act to remove mud from vehicles leaving the area.

The following Best Management Practices are recommended for this plat:

* **Access Road** – Temporary entrance/exit pads should be constructed of a stone base design to provide a buffer area where construction vehicles can drop their mud to avoid transporting it onto public roads. See the *Protecting Water Quality Field Guide* pages 27-29 for Temporary Gravel Construction Entrance/Exit Pad.

* **Dust Control** – Any combination of the following may be used to help reduce the dust and air pollution at a construction site; vegetative cover, sprinkling, barriers, street cleaning or mulching. See the *Protecting Water Quality Field Guide* pages 89-92 for Dust Control information.

* **Critical Area Planting** - After final grade has been completed permanent vegetation will be established. See the *Protecting Water Quality Field Guide* pages 35-54 for Temporary, and Permanent Seeding.

* **Silt Fences**- Temporary sediment barriers consisting of a geotextile fabric which is attached to supporting posts and trenched into the ground may be substituted for vegetative strips. Install on the contour, where fence can intercept runoff as a sheet flow; not located in crossing channels, waterways or other concentrated flow paths. See the *Protecting Water Quality Field Guide* pages 175-181 for Sediment Fence.

* **Sediment Trap** -Temporary catch basins consisting of a row or more of entrenched and anchored straw bales can be utilized in minor swales with less than 2 acres of drainage. See the *Protecting Water Quality Field Guide* for Straw Bale Sediment Trap.

* **Mulching** – Mulch can be applied to seeded areas to help establish plant cover. It can also be used in unseeded areas to protect against erosion over the winter or until final grading and shaping can be accomplished. See the *Protecting Water Quality Field Guide* pages 61-66 for Mulching.

* **Precision Land Forming** – Keep disturbed areas small; open only the land that is minimally necessary to perform the intended construction activities; and only for the minimum duration of time necessary to complete construction. Permanent or temporary soil stabilization should be applied to denuded areas that will remain undisturbed for longer than 60 days.

* **Sediment Basins** – This best management practice should be utilized in the natural concentrated flow areas to protect adjacent property and meet the National Pollution Discharge Elimination Systems Permit (NPDES). See the *Protecting Water Quality Field Guide* pages 201 – 208 for Temporary Sediment Trap and pages 209-216 for Sediment Basin.

Technical assistance is available from our office as well as the field manual, *Protecting Water Quality*, which is a useful guide for protecting community soil and water resources. This manual can be purchased from our office or it can be downloaded for free from the website <http://www.dnr.state.mo.us/wpscd/wpcp/wpcp-guide.htm>. 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

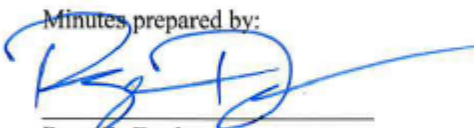
enclosures

MINUTES OF NEIGHBORHOOD MEETING
CONCERNING SP-2019-20

Minutes relating to the special use permit relating to removal of dirt.

The meeting was properly noticed and scheduled for February 19, 2019 at 5:30 p.m. at the Kansas City, Kansas West Branch Public Library, Conference Room A, 1737 N. 82nd Street, Kansas City, Kansas 66112. At that time, Tim Yauilla, Branch Manager for Kirby-Smith Machinery Incorporated, Steve Short, applicant, and Ryan B. Denk, counsel for applicant, appeared. Mr. Yauilla indicated he was there strictly to see what would take place at a neighborhood meeting. As no one else appeared, the neighborhood meeting was adjourned at approximately 5:50 p.m.

Minutes prepared by:



Ryan B. Denk



McAnany, Van Cleave & Phillips, P.A.
Attorneys at Law Since 1901

Kansas City • St. Louis
Springfield • Omaha • Tulsa

Ryan B. Denk

10 East Cambridge Circle Drive
Suite 300
Kansas City, Kansas 66103
(913) 573-3310
rdenk@mvplaw.com

February 5, 2019

Janet L. Parker
Department of Urban Planning and Land Use
701 N. 7th Street, Suite 423
Kansas City, Kansas 66101

Re: Special Use Permit at 1625 S. 86th Street, Kansas City, Kansas
Special Use Permit #SP-2019-20 – Removal of dirt
MVP No.: 3556.00000

Dear Ms. Parker:

A neighborhood meeting will be held to discuss the application by West Hills Industrial Park for a special use permit filed for the continued removal of dirt at the property located at 1625 South 86th Street, Kansas City, Kansas. This meeting will be held on Tuesday, February 19, 2019 at 5:30 p.m. at the Kansas City, Kansas West Branch Public Library, Conference Room A, 1737 N. 82nd Street, Kansas City, Kansas 66112. You are invited to attend.

Sincerely,

Ryan B. Denk
Counsel for West Hills Industrial Park
RBD/djm

cc: Steve Short

73J5106.DOCX



10 East Cambridge Circle Drive, Suite 300, Kansas City, Kansas 66103
www.mvplaw.com Ph 913.371.3838 Fax 913.371.4722
KANSAS MISSOURI ILLINOIS ARKANSAS OKLAHOMA NEBRASKA IOWA

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE)

Comes now Steve Short, of lawful age, sound mind and upon his oath states as follows:

1. That I am the petitioner for Special Use Permit #SP-2019-20 – Removal of Dirt.
2. That I conducted a neighborhood meeting on February 19, 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.

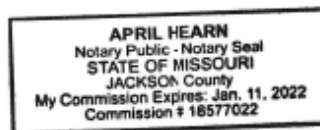
Further affiant saith not.


Affiant – Steve Short

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28 day of February, 2019.

My commission expires 1 of Jan, 2022.


Notary Public



7478331.DOC



UNIVERSAL SURETY COMPANY

601 SOUTH 12TH ST., SUITE 100 P.O. BOX 80468 LINCOLN NE 68501-0468

Continuation Certificate

The UNIVERSAL SURETY COMPANY (hereinafter called the Surety) hereby continues in force its Bond Number **101437** in the sum of: _____

Fifty Thousand & 00/100 (\$50,000.00) Dollars,

on behalf of **West Hills Industrial Park, LLC**

in favor of **City of Kansas City, Kansas**

from **2/6/2019** to **2/6/2020**

Subject to all the covenants and conditions of said Bond. This Bond and the obligations of Surety hereunder shall not be continued if the Principal does not file this Certificate with any agency with which it is required to be filed within thirty (30) days of the effective date hereof.

Unless expressly continued, this bond shall expire on the earlier of (1) the date referenced above (2) cancellation by the Surety or (3) it is otherwise terminated.

IN WITNESS WHEREOF, the Surety has caused this instrument to be signed by its duly authorized Attorney-in-Fact and its corporate seal to be hereto affixed **Thursday, November 15, 2018**

Principal **West Hills Industrial Park, LLC**

By _____

Surety **UNIVERSAL SURETY COMPANY**

By _____

Tara Martin, Attorney-in-Fact



BHC RHODES

CIVIL ENGINEERS • SURVEYORS

January 22, 2019

Ms. Melissa Mitchell
Unified Government of Wyandotte County
Department of Urban Planning & Land Use
Indian Springs Market Place, 4601 State Ave
Kansas City, KS 66102

RE: West Hills Industrial
1625 S. 86th Street
Special Use Permit Renewal

Dear Ms. Mitchell:

The following is a summary of the changes to the grading and erosion control plans that support the renewal of the Special Use Permit.

1. No changes have been made to the plan sheets since last reviewed and approved by the Unified Government with the previous permit renewal.

The Owner has indicated that no fill or excavation operations have taken place since the permit was renewed in 2011 due to economic conditions.

If you should have any further questions, please call me at (913) 663-1900.

Sincerely,



Caleb J. Flake, PE, LEED® AP
Project Engineer

cc: Steve Short, Owner
Ryan Denk, McAnany, Van Cleave & Phillips, P.A.
file

BHC RHODES is a Trademark of Brungardt Honanichl & Company, P.A.

6363 College Blvd., Suite 500 • Overland Park, KS 66211 • P: (913) 663-1900 • ibhc.com

Westhills Industrial Park, LLC
P.O. Box 14439
Parkville, MO 64152

January 28, 2019

Kim Portillo
Planner
Department of Urban Planning and Land Use
Neighborhood Resource Center
4953 State Avenue
Kansas City, KS 66102

Ms. Portillo:

I am writing this in response to your request regarding how much dirt has been removed from the site, under our special use permit, since the last renewal. I can unhappily state that there has been no material change from the last permit renewal. While the economy has improved, we have not been in exactly the right spot related to projects that needed dirt, to be able to move much.

I hope that this letter will satisfy the request for information.

Sincerely,



Steve Short



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

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

To: Unified Government Board of Commissioners
From: City Staff
Date: March 28, 2019
Re: Petition #SP-2019-21

GENERAL INFORMATION

Applicant:
Daniel Castillo

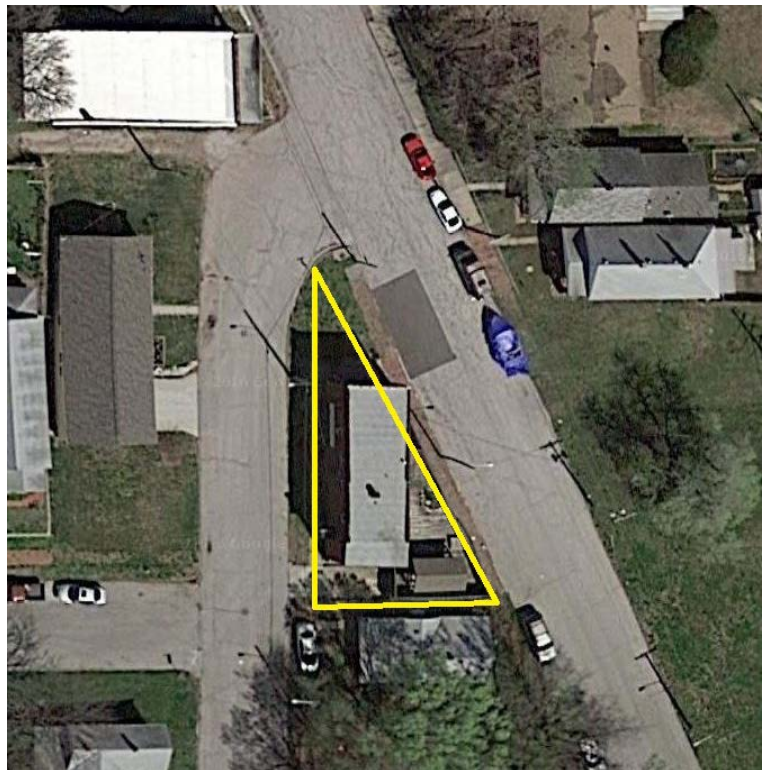
Status of Applicant:
Operator
The Mockingbird Lounge
204 Orchard Street
Kansas City, KS 66101

Requested Action:
Renewal of a special use permit
for a drinking establishment and
approval of special use permit for
live entertainment

Date of Application:
January 25, 2019

Purpose:
To continue to operate a drinking
establishment and add live
entertainment

Property Location: 204 Orchard Street



Existing Zoning: C-1 Limited Business District

Existing Surrounding Zoning: North: R-1(B) Single Family District, R-2(B) Two 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 Residential, Duplex

South: Single Family Residential

East: Single Family Residential

West: Single Family Residential

Total Tract Size: 0.06 acre

Master Plan Designation: The City-Wide Master Plan designates this area as Urban Density.

Major Street Plan: The City-Wide Master Plan designates Orchard Street as a local road.

Advertisement: The Wyandotte Echo – February 14, 2019
Letters to Property Owner – February 13, 2019 and March 19, 2019

Public Hearings: March 11, 2019 and March 28, 2019

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

PROPOSAL

Detailed Outline of Requested Action: Daniel Castillo has applied to continue to operate a bar and lounge serving alcoholic beverages and to add live entertainment.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

Strawberry Hill is one of Kansas City's oldest neighborhoods. Overall the area is mostly comprised of residential uses, though there are a notable amount of commercial uses as well. Though this property is surrounded by residential, there are other commercial properties nearby and overall in the neighborhood.

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

Most nearby properties are residential in nature but there are several commercial businesses within a couple blocks of this location. It is compatible with nearby residential and commercial uses and will provide an amenity for the neighborhood.

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.*

The space is not vacant; it has been occupied by the Mocking Bird Lounge since early 2017.

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

The proposed use conforms with the City-Wide 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.*

Since opening, the vehicular traffic and parking associated with this use has not exceeded the capacity of the street network to accommodate it. It is unlikely that adding live entertainment will have much affect on traffic above current levels.

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 establishment is an amenity for the neighborhood and provides a gathering space for the public. The proposed use will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property. On the contrary, a successful business will likely improves the values of the area in general.

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 could be a concern for neighboring residential areas. This may not prove to be as much of an issue as there does not currently appear to be any issue with this. With the addition of live entertainment, noise could become more of a concern.

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.

The proposed use will 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.

Denial of the special use permit for the drinking establishment would cause this business to close. Denial of the live entertainment component would limit their operations and would not allow events at this location.

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

The proposed use would not result in overcrowding of land or cause undue concentrations of population

PREVIOUS ACTIONS

#SP-2016-100 was approved in 2017 to operate a drinking establishment at this location.

Board of Zoning Appeals #2228 was approved for number of off-street parking spaces.

NEIGHBORHOOD MEETING

The applicant had a neighborhood meeting on February 25, 2019. There was no one in attendance at the meeting.

KEY ISSUES

Live Entertainment

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of SP-2019-21 subject to:

Urban Planning and Land Use Comments:

- 1. Have there been any changes to the business plan, hours, number of employees, or any other aspect of the business operations since the original special use permit was approved?**

Applicant Response: Over the last couple of years the business plan has

been tweaked in order to meet the demand or lack thereof of the neighborhood. We have closed on Mondays and Tuesdays during the winter due to slow business during the winters. We have also noticed that we need to bring in groups of people on slower nights in order to make ends meet. The neighborhood is changing and younger people are moving to Strawberry Hill, but we feel like our original Cocktail bar concept does not draw enough of our neighborhood on weeknights to survive without things like karaoke night, or trivia night.

2. Have there been any structural changes (additions, interior remodels, etc.) to the building since the approval of the special use permit?

Applicant Response: There have not been any major changes to the building since the last special use permit was approved. Mostly just changes in equipment behind the bar and in the kitchen.

3. Please describe the live entertainment events you plan on hosting at the location. Include frequency of events, number of anticipated attendees, anticipated noise level (e.g. will you have amplified live music?)

Applicant Response: The live entertainment includes Trivia Night, Open Mic Comedy, Karaoke and Songbird Sundays. Trivia Night will take place on Wednesday nights from 8:30-10pm. It usually draws a crowd of 25-30 participants. Open Mic Comedy will take place on Thursday nights from 8pm-10pm and draws a crowd of about 30-40 participants and viewers total. After Comedy will be Karaoke from 10pm-1am on Thursdays. The karaoke crowd usually widdles down to 15-25 people. Songbird Sunday is from 8-9:30pm on Sunday nights. Depending on the local musician the music can draw 10-30 people. I ask all musicians who perform to not use amplification or to use very little because our space is so small. Most musicians are acoustic folk/singer songwriter type performers.

4. The windows and doors shall remain closed during any live entertainment events that increase the noise volume above normal bar operations.
5. As a stipulation of adding live entertainment, an ID card reader shall be used while live entertainment events are occurring.
6. Please provide an updated security plan.

Applicant Response: As our events are still minimal and do not reach above normal bar attendance (our occupancy is 49) we would like to maintain that the bartender is the primary security. We have added a security camera system of 5 cameras since our last special use permit approval.

Staff Response: Must comply with Unified Government security ordinances.

7. The second floor residential use must remain up to code and be properly licensed if used for rental property.

8. This property is within the historic environs of the Mathias Splitlog Residence, which means that any exterior additions or façade work would need to be approved through the Landmarks Commission.
9. Approval would be for five (5) 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-2019-21** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

March 11, 2019 City Planning Commission Minutes
Floor plan
Photos

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	March 11, 2019	March 28, 2019
Special Use	Approval	

STAFF CONTACT: Zach Flanders
zflanders@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-21** 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-2019-21**, 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.

March 11, 2019 City Planning Commission Minutes:

Hearing Starts At 1:57:50:

SPECIAL USE PERMIT APPLICATION #SP-2019-21 – DANIEL CASTILLO WITH MOCKINGBIRD LOUNGE – SYNOPSIS: Renewal/Expansion of a Special Use Permit (#SP-2016-100 – expired 1/26/2019) for a drinking establishment with live entertainment at 204 Orchard Street. **Detailed Outline of Requested Action:** Daniel Castillo has applied to continue to operate a bar and lounge serving alcoholic beverages and to add live entertainment.

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 March 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 February 14, 2019;
7. The Notices to property owners dated February 13, 2019; and
8. Email from Strawberry Hill Neighborhood Association in favor of this application received by staff today.

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

Present in Support:

- ❖ Daniel Castillo, applicant, The Mockingbird Lounge, 204 Orchard Street, Kansas City, Kansas 66101

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts at 2:00:07: Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts at 2:00:15:

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2019-21:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Have there been any changes to the business plan, hours, number of employees, or any other aspect of the business operations since the original special use permit was approved?

Applicant Response: Over the last couple of years the business plan has been tweaked in order to meet the demand or lack thereof of the neighborhood. We have closed on Mondays and Tuesdays during the winter due to slow business during the winters. We have also noticed that we need to bring in groups of people on slower nights in order to make ends meet. The neighborhood is changing and younger people are moving to Strawberry Hill, but we feel like our original Cocktail bar concept does not draw enough of our neighborhood on weeknights to survive without things like karaoke night, or trivia night.

2. Have there been any structural changes (additions, interior remodels, etc.) to the building since the approval of the special use permit?

Applicant Response: There have not been any major changes to the building since the last special use permit was approved. Mostly just changes in equipment behind the bar and in the kitchen.

3. Please describe the live entertainment events you plan on hosting at the location. Include frequency of events, number of anticipated attendees, anticipated noise level (e.g. will you have amplified live music?)

Applicant Response: The live entertainment includes Trivia Night, Open Mic Comedy, Karaoke and Songbird Sundays. Trivia Night will take place on Wednesday nights from 8:30-10pm. It usually draws a crowd of 25-30 participants. Open Mic Comedy will take place on Thursday nights from 8pm-10pm and draws a crowd of about 30-40 participants and viewers total. After Comedy will be Karaoke from 10pm-1am on Thursdays. The karaoke crowd usually widdles down to 15-25 people. Songbird Sunday is from 8-9:30pm on Sunday nights. Depending on the local musician the music can draw 10-30 people. I ask all musicians who preform to not use amplification or to use very little because our space is so small. Most musicians are acoustic folk/singer songwriter type performers.

4. The windows and doors shall remain closed during any live entertainment events that increase the noise volume above normal bar operations.
5. As a stipulation of adding live entertainment, an ID card reader shall be used while live entertainment events are occurring.
6. Please provide an updated security plan.

Applicant Response: As our events are still minimal and do not reach above normal bar attendance (our occupancy is 49) we would like to maintain that the bartender is the primary security. We have added a security camera system of 5 cameras since our last special use permit approval.

Staff Response: Must comply with Unified Government security ordinances.

7. The second floor residential use must remain up to code and be properly licensed if used for rental property.
8. This property is within the historic environs of the Mathias Splitlog Residence, which means that any exterior additions or façade work would need to be approved through the Landmarks Commission.
9. Approval would be for five (5) years.

Public Works Comments:

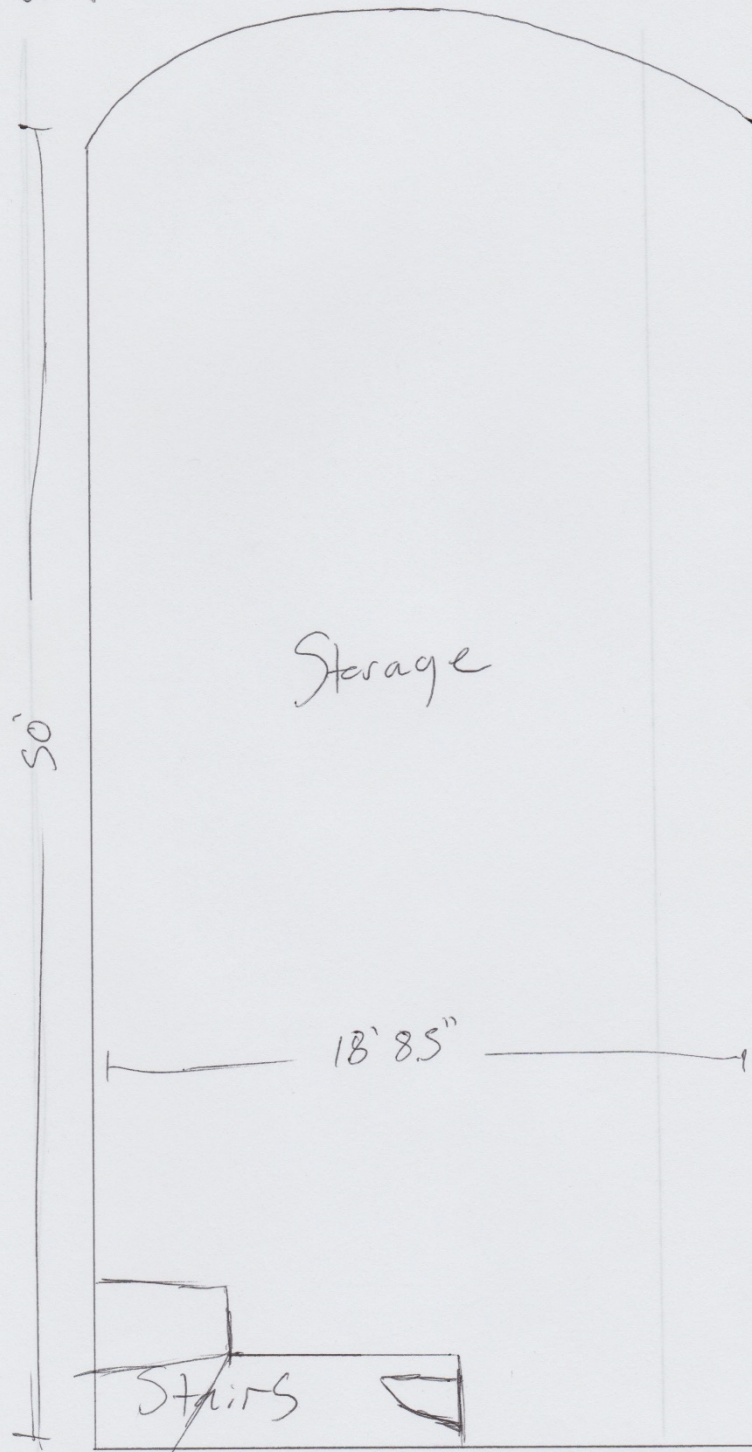
A) Items that require plan revision or additional documentation before engineering can recommend approval:

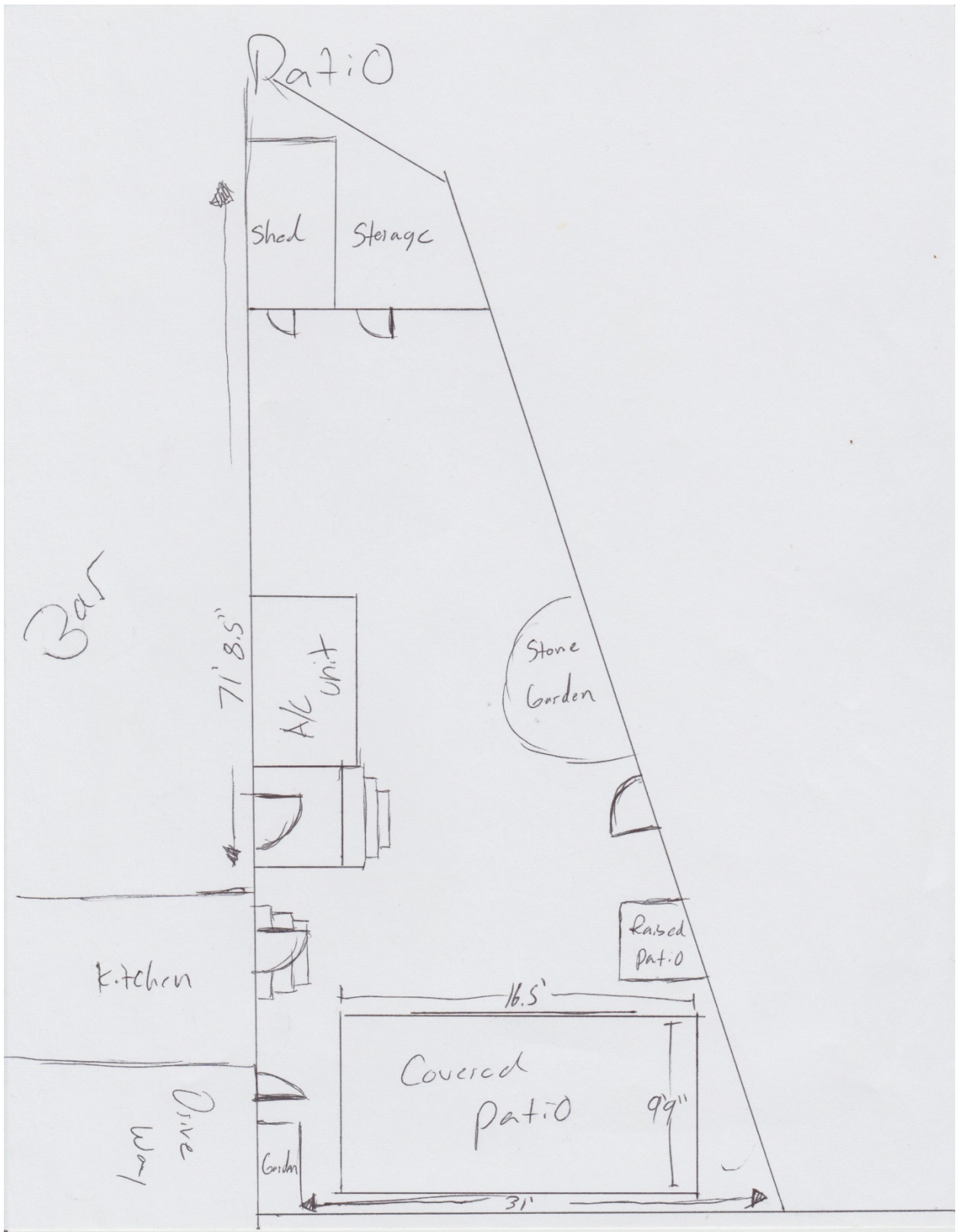
1) None.

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

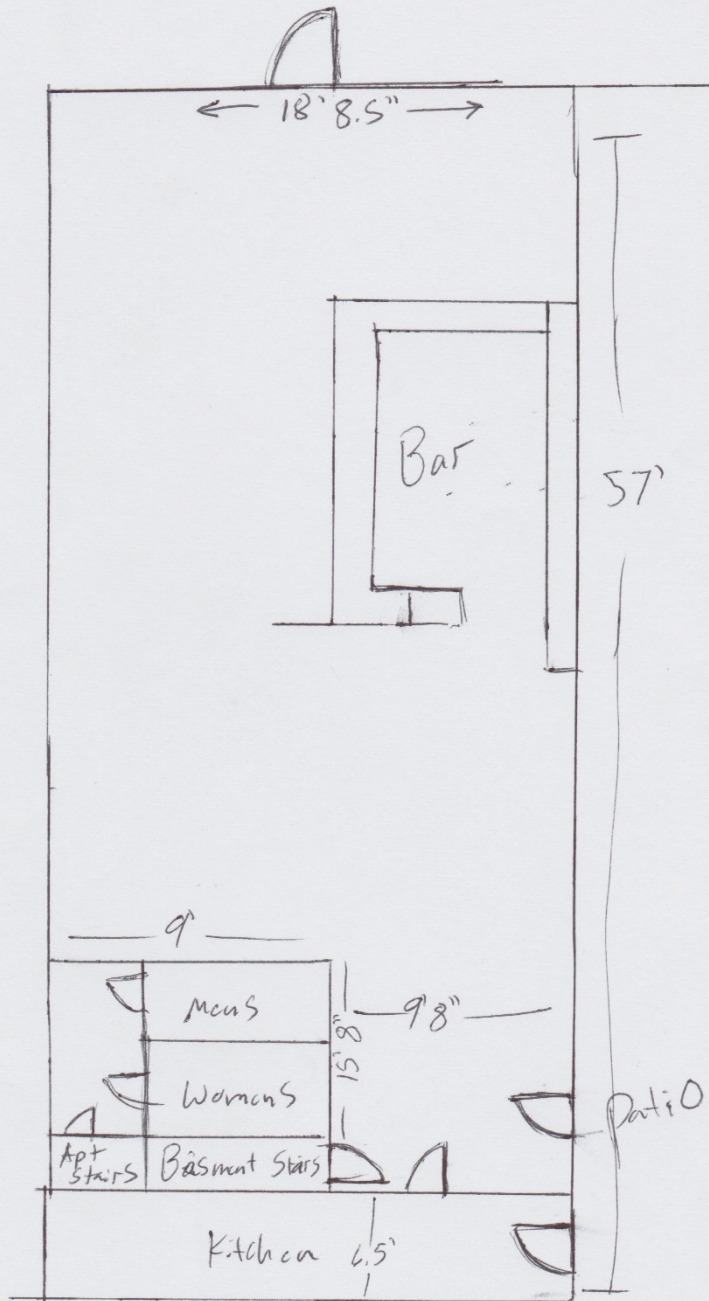
- 1) None.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 2) None

Basement





Bar

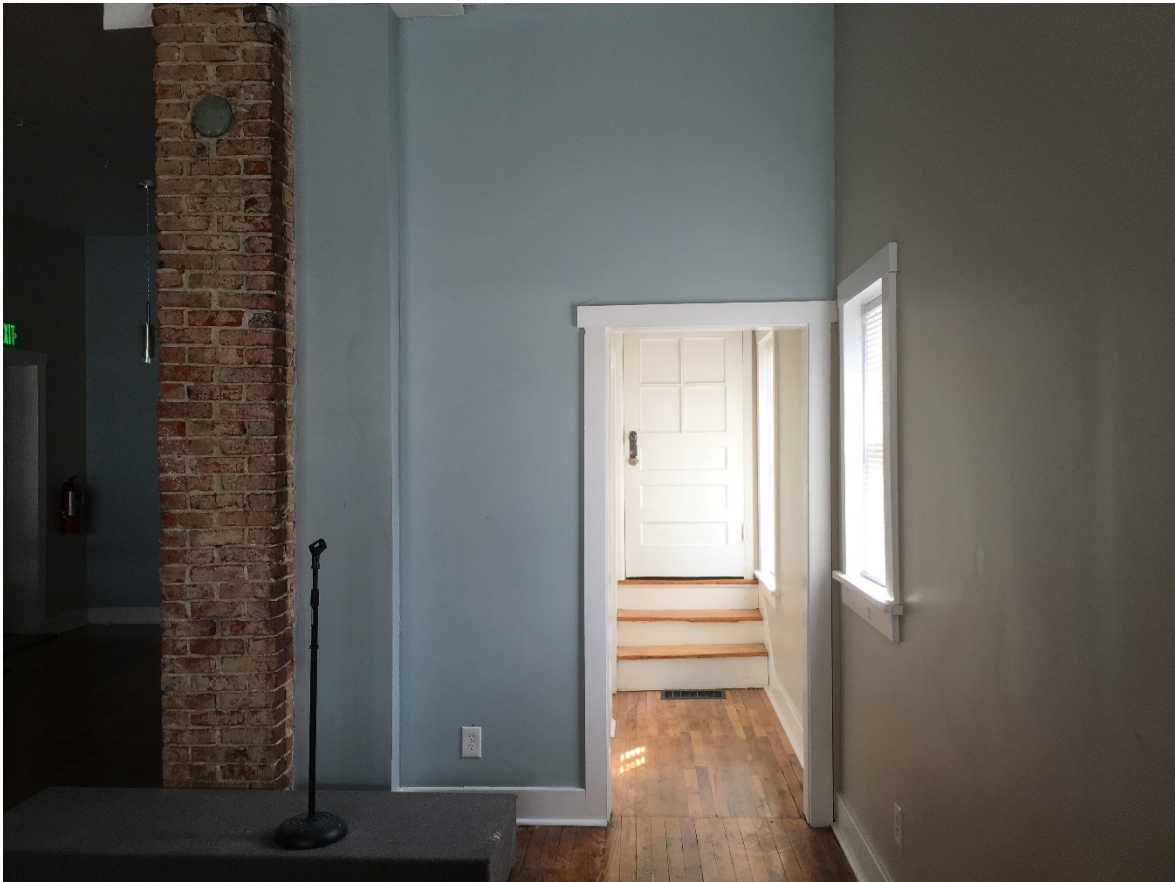
























Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

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

To: Unified Government Board of Commissioners
From: City Staff
Date: March 28, 2019
Re: **Petition #SP-2019-22**

GENERAL INFORMATION

Applicant:

Julie A. Ramirez and Juan Rangel

Status of Applicant:

32 North 74th Street
Kansas City, Kansas

Requested Action:

Renewal of a special use permit
for personal storage unit

Date of Application:

January 25, 2019

Purpose:

The applicant wishes to continue
using a personal storage unit in
her backyard for lawn items, bikes, winter clothes, etc.



Property Location: 32 North 74th Street

Commission Districts:

1. Commissioner At Large: Tom Burroughs
2. District Commissioner: Jim Walters

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 residence
South: Single family residence
East: Single family residence
West: Single family residence

Total Tract Size: 0.62 acre

Master Plan Designation: The Major Street Plan designates this property as Low-Density Residential.

Major Street Plan: The City-Wide Master Plan designates 74th Street and Lyon Street as local streets.

Advertisement: The Wyandotte Echo – February 14, 2019
Letters to Property Owner – February 13, 2019 and March 19, 2019

Public Hearings: March 11, 2019 and March 28, 2019

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

PROPOSAL

Detailed Outline of Requested Action: The applicants, Julie A. Ramirez and Juan Rangel, are seeking approval to continue using a personal storage unit at 32 North 74th Street.

City Ordinance Requirements:

- Chapter 27 – Planning and Development
 - Article VI – Administration and Review Procedures
 - Sec. 27- 214 – Special Use Permit
 - Article VIII – Zoning
 - Division 4 – District Regulations
 - Sec. 27-454 – R-1 Single Family District
 - Division 6 – Special Use Permits
 - Sec. 27-592 – Sec. 27-606
 - Division 7 – Accessory Uses
 - Sec. 27-609 – districts R-1, R-1(B), R-2 R-2(B)

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The character of the neighborhood is low-density residential.

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

The proposed use will not increase traffic or parking demands for the site.

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 suitable for the use and the removal of the restrictions may detrimentally affect nearby property. The accessory uses section of the code requires that accessory buildings shall be limited to customary residential finish materials. The intent of this requirement is to protect the appearance of the neighborhood and nearby property. The storage container does not meet this intent and may 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.*

The Master Plan does not address storage containers or special use permits.

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 increasing 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.*

The use is not reasonably necessary for the convenience and welfare of the public and may substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property, because the storage container does not meet the requirements of accessory uses in a residential district as discussed above.

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 to the public health, safety, and welfare as compared to the hardship imposed on the landowners is 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

SP-2017-50 – approval for usage of storage container in rear yard

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on February 22, 2019. The meeting was called to order at 12:00 PM and adjourned at 12:30 PM. There were zero attendees. A copy of the meeting notice to neighbors, meeting minutes, and affidavit are attached.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-22, **for two (2) years provided the applicant builds a pitched roof on the storage container by August 31, 2019**

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-2019-22 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

March 11, 2019 City Planning Commission Minutes
Aerial view
Zoning map
Update letter from property owner
Site Plan
Photos of container
Neighborhood meeting letter
Neighborhood meeting minutes
Neighborhood meeting affidavit

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	March 11, 2019	March 28, 2019
Special Use	Approval	

STAFF CONTACT: Hannah Kroll
 hkroll@wycokck.org

MOTIONS

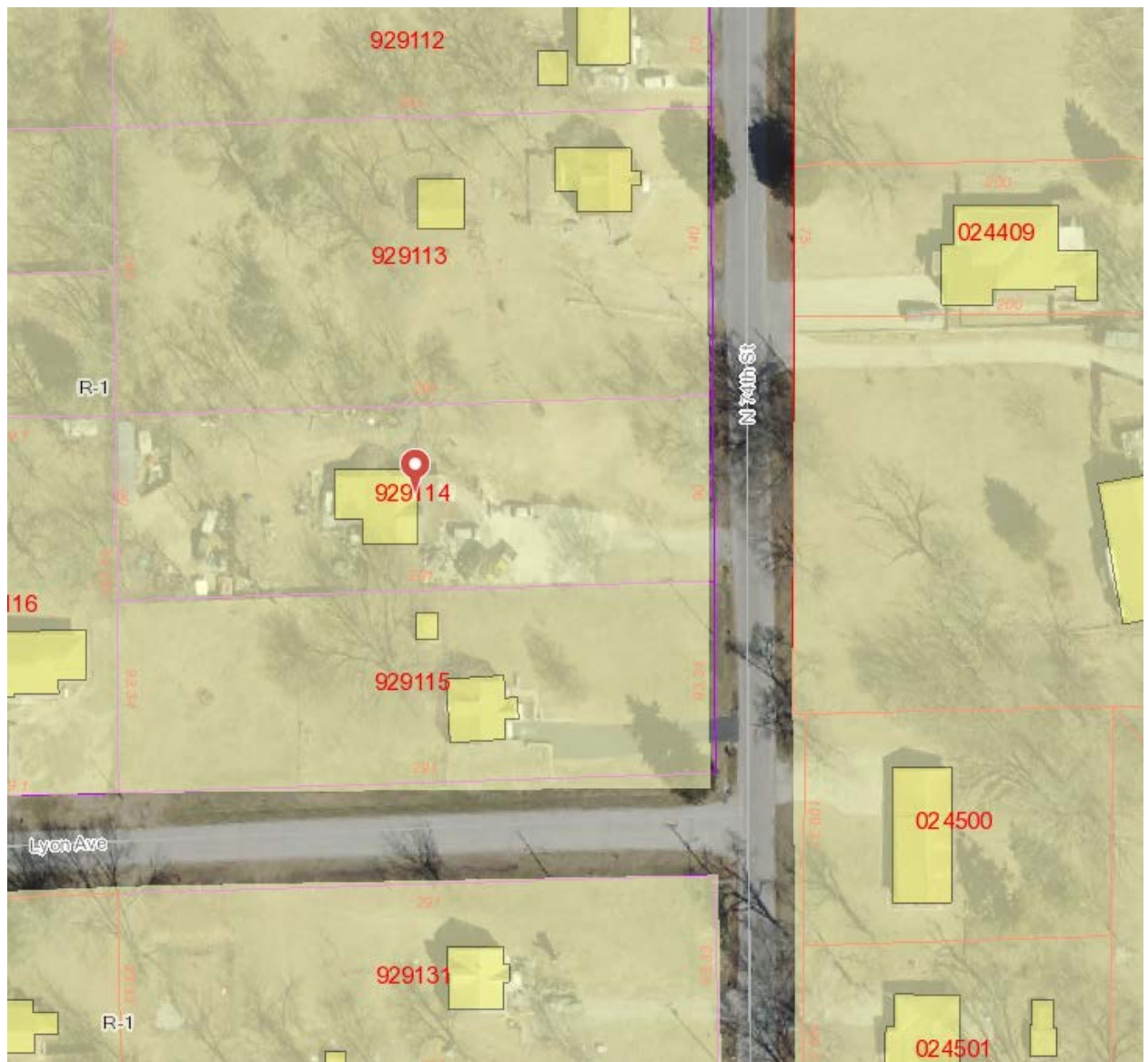
I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2019-22 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments 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-2019-22**, 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.





Jan. 2019

Julie A. Ramirez
32 N 74th St.
K.C, KS 66111

To: Janet Parker
Tony Sabljak

- Structure Storage Container - # 17402-00044 #SP-2017-50

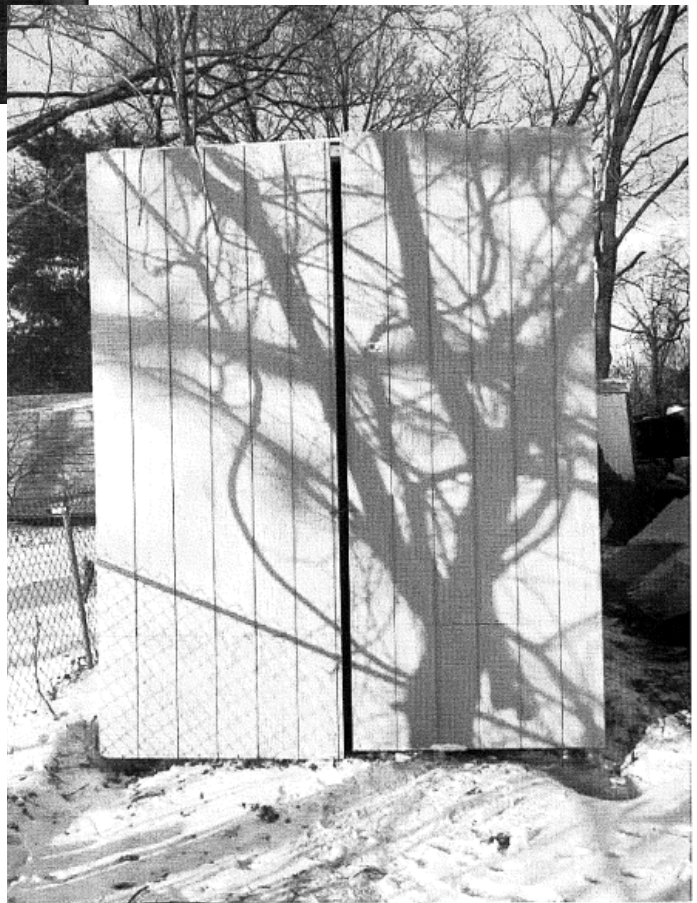
We have a structure storage container that we would like to keep for the duration of us living here.

We would also like to know why neighbors with a connex container still have them in their front yards. We have noticed at least two within a mile from our house for maybe a couple of years now and in plain sight. We have paid 350\$ twice and have did everything your City Planning Commissioners have asked from us and still our neighbors have theirs in front of their property.

Kamiret, Julie 32N74st KCKS66111

Wyandotte County, KS





To: Janet
Parker

SAMPLE:

(Please use this sample to develop your letter.)

Date: 2-22-19

Name Julie A. Ramirez - Juan Rangel
Address 32 N 74th St.
City/State/Zip KCKS 66111

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use # SP-2019-22. The purpose of this:

(please use all that applies)

- > change of zone
- ☒ special use permit
- > preliminary plan review

is for a Storage Unit

at the following address: 32 N 74th St. KCKS 66111

I/We are having a neighborhood meeting on 2-22-19 at 12:00 p.m. at the following address (W. West Library) 1737 N. 32nd St. KCKS 66112

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,

Julie Ramirez

Name and Contact Information

Julie A. Ramirez
913-669-0467

Jagot
part 2

SAMPLE MINUTES:

Application Number #SP-2019-22
Date and Location: 2-22-19 - NY West Library
1737 N. 8th St. KCKS 66112
Meeting called to order at: 12:00 pm

Names of people in attendance: 0

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):

- Who asked question or gave comment
- What was the question or comment
- Who answered the question/comment
- What was the answer given

Meeting adjourned at: 12:30 pm

Minutes taken by: Julie A. Ramirez

AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF Kansas
COUNTY OF Wyandotte) SS:

Comes now Julie A. Ramirez of lawful age, sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition # SP-2019-22
2. That I conducted a neighborhood meeting on 02-22-2019
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.

[Signature]
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 22nd day of February 2019

My commission expires 17th of Sept 2019

[Signature]
Notary Public





Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

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

To: Unified Government Board of Commissioners
From: City Staff
Date: March 28, 2019
Re: Petition #SP-2019-23

GENERAL INFORMATION

Applicant:
Regina Compornolle

Status of Applicant:
Owner
4141 Joyce Drive
Kansas City, KS 66104

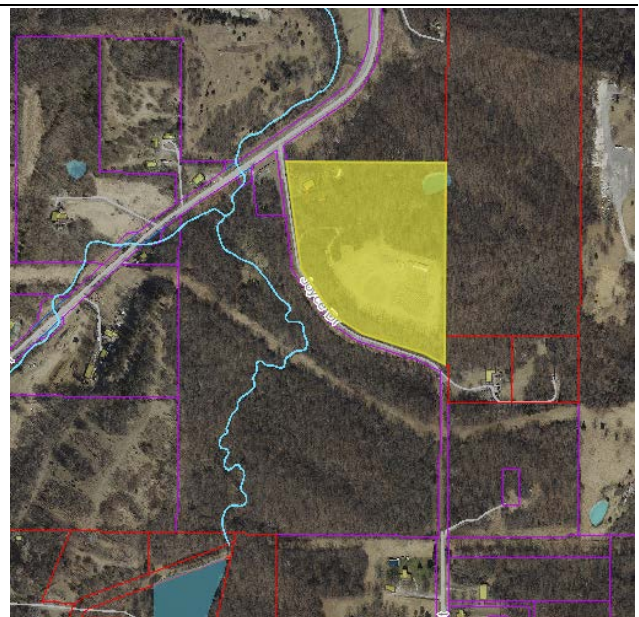
Requested Action:
Renewal of Special Use Permit for the
Temporary Use of Land

Date of Application:
January 25, 2019

Purpose:
To continue operating a You-Pick blueberry farm as well as providing small agricultural classes on sustainable farming, soil building, plant identification and cultivation.

Property Location:
4141 Joyce Drive

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:** Undeveloped Land
South: Vacant Land
East: Single Family home and undeveloped land
West: Vacant Land

Total Tract Size: 14.1 acres

Master Plan Designation: The City-Wide Master Plan designates this property as Rural Density Residential

Major Street Plan: The City-Wide Master Plan classifies Joyce Drive as a local road

Advertisement: The Wyandotte Echo – February 13, 2019
Letters to Property Owner – February 14, 2019 and March 19, 2019

Public Hearings: March 11, 2019 and March 28, 2019

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

PROPOSAL

Detailed Outline of Requested Action: The applicant, Regina Compennolle, is seeking a renewal of their previous Special Use Permit (SP-2017-14), to continue operating their You-Pick blueberry operation, as well as continue to host small classes on sustainable, regenerative farming, soil building and native plant identification, cultivation and uses.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is mostly rural. There are large areas of undeveloped land surrounding the applicant's property.

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 restrictions should not detrimentally affect nearby property. There is quite a bit of distance between the property and adjacent homes.

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

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 of vehicular traffic to the property, but not to the point where capacity would be exceeded.

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, except for those who choose to participate in the picking of berries and agricultural classes that the farm offers. The use will not substantially or 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.*

The property in question, as well as surrounding properties, have a substantial amount of acreage. The extra noise that may be generated from those participating in the farm's activities, will be of short duration and little intensity, that it should not create any problems for near-by property.

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 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 as compared to the hardship imposed on the individual landowner or landowners. If the application is denied, the applicant will be unable to continue operating their you-pick blueberry farm or host agricultural classes.

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

The proposed use will not result in overcrowding of land

PREVIOUS ACTIONS

Approval of Special Use Permit #SP-2017-14

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on February 25, 2019. The meeting minutes, sign in sheet, and affidavit are attached below.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-23, subject to:

Urban Planning and Land Use Comments:

1. If approved, Special Use Permit will be valid for two (2) years.
2. When you open the farm to allow customers to come and pick berries, how many people typically attend? And what days and times does this occur?

Applicant Response: Berry picking is by appointment. Usually we have 2 to 4 people and sometimes a small group of 8 or 10

3. What times do you anticipate the classes to occur on Mondays and Saturdays?

Applicant Response: Monday classes are usually 7 pm to 8 or 9 pm. Saturday classes may start as early as 10 am and end as late as 6 pm.

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-2019-23 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

March 11, 2019 City Planning Commission Minutes
Aerial Image
Zoning
Conservation District Comments
Neighborhood Meeting affidavit
Neighborhood Meeting Sign-in Sheet and Minutes
Neighborhood Meeting Letter
Letters
Farm Pictures

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	March 11,2019	March 28,2019
Special Use	Approval	

STAFF CONTACT: **Alex Hufft**
 AHufft@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-23** 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-2019-23**, 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.

March 11, 2019 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2019-23 – REGINA E. COMPERNOLLE
– **SYNOPSIS:** Renewal of a Special Use Permit (#SP-2017-14 – expires 3/30/2019) for the Temporary Use of Land for a You-Pick berries, small vegetable farm, CSA pick up produce stand and small classes at 4141 Joyce Drive. **Detailed Outline of Requested Action:** The applicant, Regina Compernelle, is seeking a renewal of their previous Special Use Permit (SP-2017-14), to continue operating their You-Pick blueberry operation, as well as continue to host small classes on sustainable, regenerative farming, soil building and native plant identification, cultivation and uses.

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?" (No one responded in the affirmative.)

"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 March 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;
7. The notices to property owners;
8. Email in support of #SP-2019-14 from Strawberry Hill Neighborhood Association received by staff today.

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 stated that he would like to remove Special Use Permit Applications #SP-2019-20 and #SP-2019-24 from the Consent Agenda.

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to **APPROVE the remaining items on the Consent Agenda:**

Carson	Chairman
Cho	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Reasons	Aye
Serda	Aye
Huey	Not Present
Neal	Not Present
Pauley	Not Present
Motion to APPROVE Passed: 7 to 0	
Subject to:	

Urban Planning and Land Use Comments:

1. If approved, Special Use Permit will be valid for two (2) years.
2. When you open the farm to allow customers to come and pick berries, how many people typically attend? And what days and times does this occur?

Applicant Response: Berry picking is by appointment. Usually we have 2 to 4 people and sometimes a small group of 8 or 10

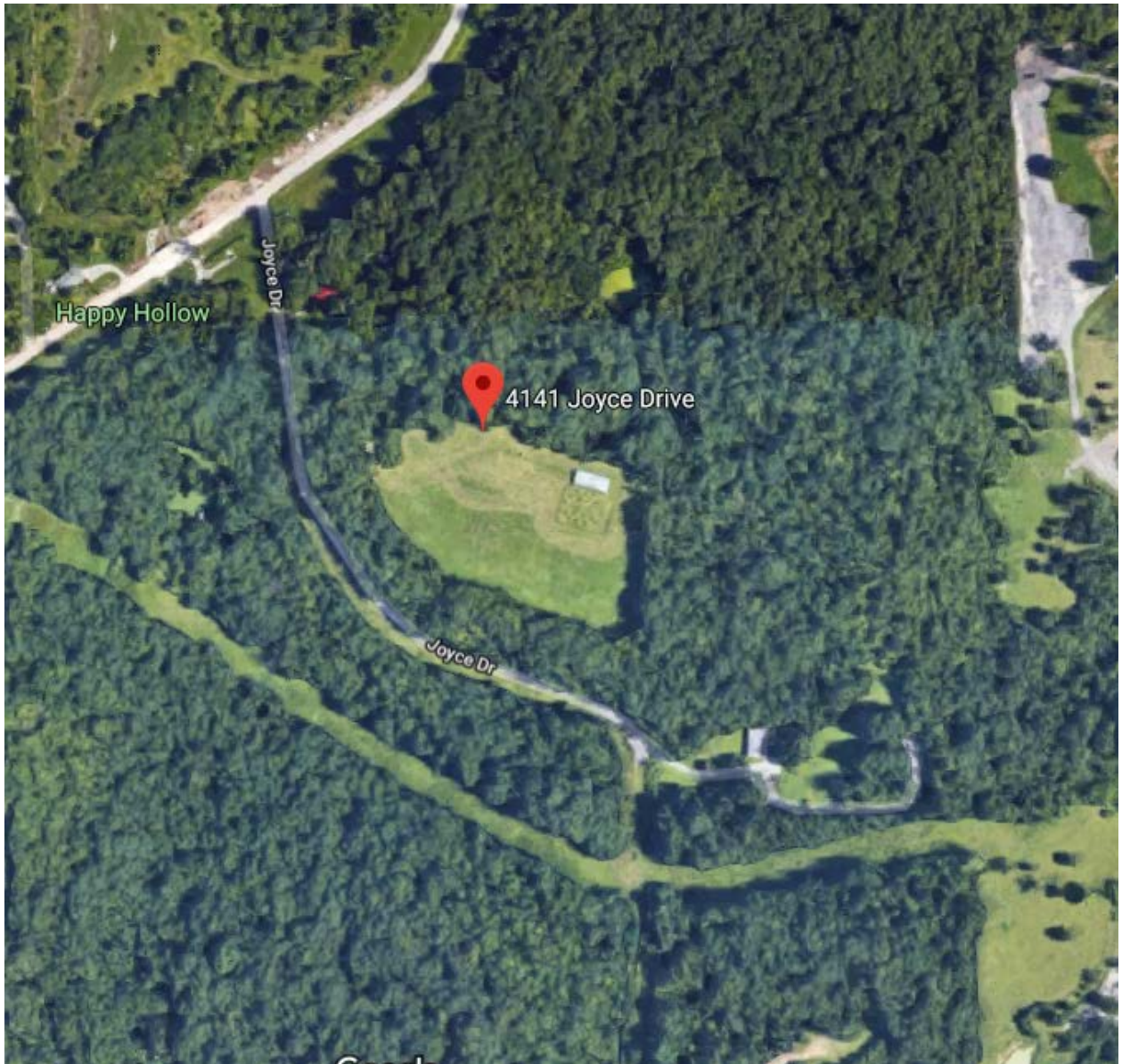
3. What times do you anticipate the classes to occur on Mondays and Saturdays?

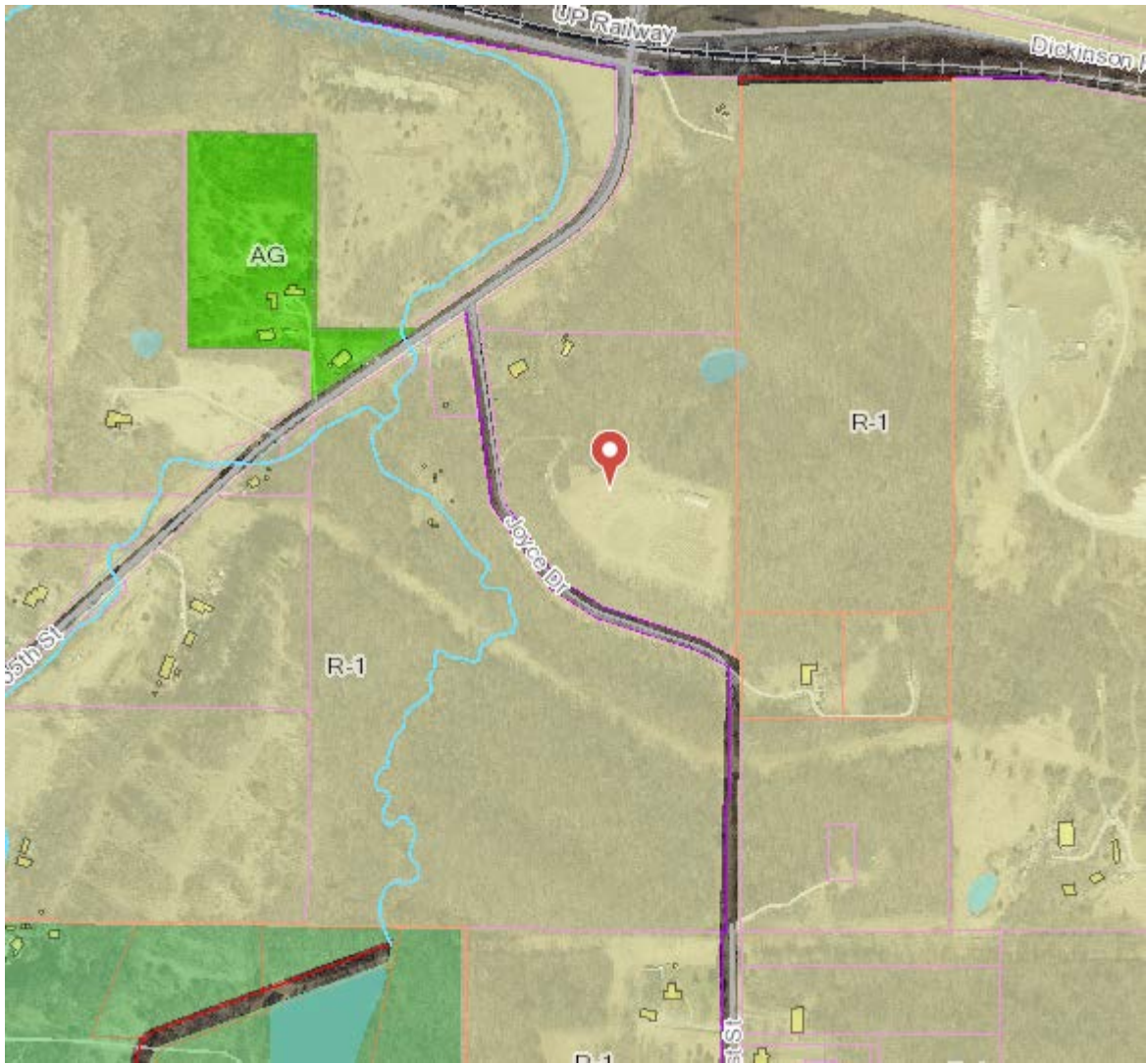
Applicant Response: Monday classes are usually 7 pm to 8 or 9 pm. Saturday classes may start as early as 10 am and end as late as 6 pm.

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







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

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

February 12, 2019

RE: SP 2019-23 Regina Compennolle small vegetable farm 4141 Joyce Drive

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 2019-23 Regina Compennolle small vegetable Farm 4141 Joyce Drive.

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 type that were identified: Gosport-Sogn complex, 7 to 35 percent slopes and Knox silt loam, 12 to 18 percent slopes. These soil types are considered very erodible when the surface is denuded of a protective cover.
- This site has very steep soils on it. There needs to be a plan to control soil erosion when the area is disturbed. Conservation practices need to be implemented on site

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

AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF Missouri)
COUNTY OF Platte) SS:

Comes now Regina Cooper Rolfe, of lawful age, sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition # SP-2018-23
2. That I conducted a neighborhood meeting on 2/25/19
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 26 day of Feb., 2019

My commission expires 21 of Oct., 2019


Notary Public

ANN E. FAZZINO
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires Oct. 21, 2019
Commission # 15251810

Meeting Minutes for SP# 2019-23
Regina Compernelle
4141 Joyce Drive
Kansas City KS 66104

February 26, 2019

Meeting was held at the West Wyandotte Public Libray at 5pm February 25th by Regina Compernelle.
No one attended.

Feb 12, 2019

SUBJECT: Neighborhood Meeting

I have filed an application renewal with the Department of Urban Planning and Land Use SP-2019-23. The purpose of this special use permit is for an organic You-Pick blueberry operation with small classes on sustainable, regenerative farming and soil building and native plant identification, cultivation and uses 4141 Joyce Drive.

I am having a neighborhood meeting on Monday February 25th, 5pm, at the West Wyandotte Library, conference room A, 1737 N 82 St, Kansas City, KS 66112.

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 following address/email/phone number listed below if you have any questions.

Sincerely,

Regina Compennolle
4141 Joyce Drive
Kansas City, KS 66104
816-547-0266
email: SacredEarthArts@aol.com

Special Use Permit Application from Regina Compernelle.

Kansas Uniform Parcel Number:150-026-23-0-40-01-002.00-0

Parcel ID: 917402

Quick Reference Identification: 8865

Legal Description:

552C BEG 844FT N SE COR SE1/4; N 1010FT, W 804FT, S7E-519.75FT, S33E-319FT, S57E-147.5FT, S70E-455FT TO POB 10AC M/L

Justification:

Organic food production is based on sustainable use of our natural resources such as soil and water and should be promoted in all areas of our city. Sharing of new ideas and technology brings students and farmers together in an atmosphere of sharing resources, knowledge and hands-on experience.

We intend to create a welcoming place, bringing people to our beautiful piece of property just outside the inner city to buy and pick organic fruit and vegetables and learn about farming and local plants and just experience the beauty nature. It would be very satisfying to share our knowledge and spark enthusiasm for natural practices.

My husband Rick Mareske is the farm manager in the horticulture department for Johnson County Community College. He and I have been developing a sustainable fruit and vegetable farm. We are working toward organic certification. We grow herbs and vegetables and a fruit and berry orchard consisting of apples, pears, peaches and berries on approximately one acre of our 14 acre property. We are beginning our you-pick operation this year by inviting or subscription holders and have a CSA (with pick up by appointment) and farm stand to sell fruits and vegetables.

We currently have small classes and tours (10 people maximum) on sustainable, regenerative farming and soil building, connecting people to natural living, herbs, native plant identification, cultivation and uses.

Classes are held partially in our living room and on our deck outside with tours in the woods and field. 10 people is the most we can accommodate comfortably so the classes will be small, weekly on Monday evenings and some Saturdays during the fair weather months. We have a large driveway which can hold 10 cars and a large field in which people can park. We have a farm/home insurance policy ready that would cover any damages or injuries incurred.

Our goal is to stay small, managing the farm ourselves. Rick and I are both passionate about sustainable living. This is our post-retirement dream.

Regina Compernelle
4141 Joyce Drive
Kansas City, KS 66104
SacredEarthArts@aol.com

1/22/2018

Mr. Byron Toy
Staff Planner
Urban Planning and Land Use Department
701 N. 7th St., Room 423
Kansas City, KS 66101

I'm applying for a Special Use Permit Renewal in order to have classes, apprentices, a farm stand, You-Pick and CSA customers come to our R-1 residential farm. I met with you for the preliminary meeting in May 2017 to talk about the plans my husband and I have for our property here in KCK. We've streamlined our goals and are confident in our abilities to implement the projects. We are seeking to increase the occurrence of classes to weekly on Monday evenings and occasional Saturdays. I'm enclosing a check for \$550 for a Special Use Permit.

Please find my application and materials indicated in the instructions. Everything is also on the thumb drive provided.

Thank you for your consideration.

Sincerely,

Regina Compennolle

4141 Joyce Drive
Kansas City, KS 66104

Kansas Uniform Parcel Number:150-026-23-0-40-01-002.00-0

Parcel ID: 917402

Quick Reference Identification: 8865

Legal Description:

552C BEG 844FT N SE COR SE1/4; N 1010FT, W 804FT, S7E-519.75FT, S33E-319FT, S57E-147.5FT, S70E-455FT TO POB 10AC M/L

THE GARDEN AT DOGWOOD FOREST SITE MAP

HIGH TUNNEL
FIGS
STRAWBERRIES
FAMILY GARDEN

1. JERUSALEM ARTICHOKE
- 2 ASPARAGUS
- 3 RHUBARB
- 4 BLUE BERRIES
- 5 RASPBERRIES
- 6 BLACKBERRIES

ORCHARD
BARTLET PEAR: 7, 21 PEACH: 10, 13, 24
SECKLE PEAR: 12, 23 CHERRY: 16
MOON GLOW PEAR: 15, 18
CUMBERLAND APPLE: 8, 19, 22
FREEDOM APPLE: 9, 14, 17
LIBERTY APPLE: 11, 20, 25







Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

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

To: Unified Government Board of Commissioners

From: City Staff

Date: March 28, 2019

Re: **Petition #SP-2019-25**

GENERAL INFORMATION

Applicant:
Taryn Glidewell

Status of Applicant:
Property Owner
2914 West 44th Avenue
Kansas City, KS 66103

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

Date of Application:
January 25, 2019

Purpose:
To continue operate a Bed and Breakfast/AIRBNB at the applicant's primary residence

Property Location:
2914 West 44th Avenue



Commission Districts: Commissioner At Large: Tom Burroughs
District Commissioner: Ann Brandau Murguia

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

Existing Surrounding Zoning: North: R-1(B) Single Family District and R-2(B) Two Family Districts

South: R-1(B) Single Family District and R-2(B) Two Family Districts

East: R-1(B) Single Family District and R-2(B) Two Family Districts

West: R-1(B) Single Family District and R-2(B) Two Family Districts

Existing Uses: North: Single family residences and duplexes

South: Single family residences and duplexes

East: Single family residences and duplexes

West: Single family residences and duplexes

Total Tract Size: 0.12 acre

Master Plan Designation: The Rosedale Master Plan designates this property as Low-Density Residential.

Major Street Plan: The Major Street Plan designates 44th Street as a Local Street and Mission Road as a Class A Thoroughfare.

Advertisement: The Wyandotte Echo – February 14, 2019
Letters to Property Owner – February 13, 2019 and March 19, 2019

Public Hearings: March 11, 2019 and March 28, 2019

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

PROPOSAL

Detailed Outline of Requested Action: The applicant, Taryn Glidewell, is applying to continue to use the property at 2914 West 44th Avenue as a Bed and Breakfast/AIRBNB. This is the applicant's primary residence, and the applicant lists both bedrooms (two bedroom residence).

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The neighborhood is residential in nature, with a mix of single family and two-family residences, and apartments nearby.

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

The zoning and uses of the properties are set out above. The proposed use might be compatible with the surrounding residences if operated properly. Operating this property as a bed and breakfast has the potential to create issues related to noise, parking, and other concerns related to overcrowding. The fact that this property is the primary residence of the host mitigates these concerns to some extent.

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 may not detrimentally affect nearby property. Potential detrimental effects such as noise and parking are mitigated by some extent by the fact that this property is the primary residence of the house.

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 not increase vehicular traffic to the point where it exceeds the capacity of the street network

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 provides convenient lodging for the public and will not likely substantially or 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 or loss to the public health, safety, and welfare is likely to be minimal. If denied, the landowner would not be able to use the property as a bed and breakfast but may use the property as a single-family house.

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

This is not an issue.

PREVIOUS ACTIONS

#SP-2018-31 was approved by the Unified Government Board of Commissioners on April 5, 2018 for one (1) year.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on February 22, 2019. According to the applicant, no one attended the meeting except for Erin Stryka, Executive Director of Rosedale Development Association (RDA), who hosted the meeting.

KEY ISSUES

Neighborhood Preservation
Quality of Life
Housing Availability
Economic Development
Safety
Regulatory Consistency

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-25, subject to:

Urban Planning and Land Use Comments:

1. A synopsis from March 2018 approval:
 - a. One or two bedrooms are being rented to a total of five (5) guests and a business license was obtained in June 2018. While the applicant resides in the home, Ms. Glidewell received approval for one (1) year because she leaves the residence when she rents both bedrooms.
2. When you rent out both bedrooms, do you leave the premises?

Applicant Response: When I rent out both bedrooms, I do leave.

3. Has anything changed in your operation since your approval last year?

Applicant Response: The only thing that has changed is that I will no longer be renting out the one bedroom, only the full house.

4. Has there been any complaints or incidents with neighbors since you have been approved?

Applicant Response: There have been zero complaints or incidents with anyone (neighbors or otherwise) at all in my operations. My neighbors are supportive.

5. If approved, the following will be stipulations of approval:
 - a. Host will maintain a safe environment including:
 - i. Working smoke detectors in each bedroom plus each level of the unit/house.
 - ii. GFCI outlets are required in bathrooms.
 - iii. Double keyed locks are not allowed.
 - iv. Copper cannot be used for gas supply lines.
 - v. Windows must be operable, not blocked or boarded.
 - vi. Handrails are required at sets of 4 or more stairs/risers.
 - vii. Hot water tank and furnace must be vented properly and operational.
 - viii. Electric panel and circuits must be safe.
 - b. Host will obtain a business license with the City.
 - c. The maximum number of guests is limited to five (5) people (not including an infant/child).
 - d. Only one additional (guest) car is permitted.
 - e. House rules must include provisions indicating no parties or events to be held on site.
 - f. Approval is for one (1) year.

Applicant Response: I agree to all of the stipulations, and already have those in place. However, I would graciously request an extension of approval for two (2) years, instead of one (1) year.

Staff Response: Again, although applicant lives in the residence, the whole home is available for short term rental. The applicant is not on-site when guests are present and completed a one (1) year trial successfully. Therefore approval shall be for two (2) 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

Stipulations of Approval:

- 1) Host will continue to maintain a safe environment described above.
- 2) Host will continue to obtain a business license with the City.
- 3) The maximum number of guests is limited to five (5) people.
- 4) Approval is for two (2) years.

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-2019-25 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

March 11, 2019 City Planning Commission Minutes
Applicant Response Letter
Neighborhood Meeting Minutes
Parking Options
Google Street View of house and parking
Building Sketch
Zoning Map
Site Photographs

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	March 11, 2019	March 28, 2019
Special Use	Approval	

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-25** 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-2019-25**, 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.

March 11, 2019 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2019-25 – TARYN GLIDEWELL – SYNOPSIS: Renewal of a Special Use Permit (#SP-2018-31 – expires 4/5/2019) for a short-term rental/AIRBNB at 2914 West 44th Avenue. **Detailed Outline of Requested Action:** The applicant, Taryn Glidewell, is applying to continue to use the property at 2914 West 44th Avenue as a Bed and Breakfast/AIRBNB. This is the applicant's primary residence, and the applicant is lists both bedrooms (two bedroom residence).

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?" (No one responded in the affirmative.)

"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 March 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;
7. The notices to property owners;
8. Email in support of #SP-2019-14 from Strawberry Hill Neighborhood Association received by staff today.

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 stated that he would like to remove Special Use Permit Applications #SP-2019-20 and #SP-2019-24 from the Consent Agenda.

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to **APPROVE the remaining items on the Consent Agenda:**

Carson	Chairman
Cho	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Reasons	Aye
Serda	Aye
Huey	Not Present
Neal	Not Present
Pauley	Not Present
Motion to APPROVE Passed: 7 to 0	
Subject to:	

Urban Planning and Land Use Comments:

1. A synopsis from March 2018 approval:
 - a. One or two bedrooms are being rented to a total of five (5) guests and a business license was obtained in June 2018. While the applicant resides in the home, Ms. Glidewell received approval for one (1) year because she leaves the residence when she rents both bedrooms.
2. When you rent out both bedrooms, do you leave the premises?

Applicant Response: When I rent out both bedrooms, I do leave.

3. Has anything changed in your operation since your approval last year?

Applicant Response: The only thing that has changed is that I will no longer be renting out the one bedroom, only the full house.

4. Has there been any complaints or incidents with neighbors since you have been approved?

Applicant Response: *There have been zero complaints or incidents with anyone (neighbors or otherwise) at all in my operations. My neighbors are supportive.*

5. If approved, the following will be stipulations of approval:
- a. Host will maintain a safe environment including:
 - i. Working smoke detectors in each bedroom plus each level of the unit/house.
 - ii. GFCI outlets are required in bathrooms.
 - iii. Double keyed locks are not allowed.
 - iv. Copper cannot be used for gas supply lines.
 - v. Windows must be operable, not blocked or boarded.
 - vi. Handrails are required at sets of 4 or more stairs/risers.
 - vii. Hot water tank and furnace must be vented properly and operational.
 - viii. Electric panel and circuits must be safe.
 - b. Host will obtain a business license with the City.
 - c. The maximum number of guests is limited to five (5) people (not including an infant/child).
 - d. Only one additional (guest) car is permitted.
 - e. House rules must include provisions indicating no parties or events to be held on site.
 - f. Approval is for one (1) year.

Applicant Response: I agree to all of the stipulations, and already have those in place. However, I would graciously request an extension of approval for two (2) years, instead of one (1) year.

Staff Response: Again, although applicant lives in the residence, the whole home is available for short term rental. The applicant is not on-site when guests are present and completed a one (1) year trial successfully. Therefore approval shall be for two (2) 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

Stipulations of Approval:

- 1) Host will continue to maintain a safe environment described above.
- 2) Host will continue to obtain a business license with the City.
- 3) The maximum number of guests is limited to five (5) people.
- 4) Approval is for two (2) years.

Toy, Byron

From: Taryn Glidewell <tgldewell@gmail.com>
Sent: Friday, March 01, 2019 11:53 AM
To: Toy, Byron
Subject: Re: SP-2019-25 - Special Use Permit for short-term rental

Responses to page 5 of the draft:

Q. 2: When I rent out both bedrooms, I do leave.

Q. 3 The only thing that has changed is that I will no longer be renting out the one bedroom, only the full house.

Q. 4: There have been zero complaints or incidents with anyone (neighbors or otherwise) at all in my operations. My neighbors are supportive.

Q. 5: I agree to all of the stipulations, and already have those in place. However, I would graciously request an extension of approval for two years, instead of the one year.

Thank you again for working with me on this. I really hope you get the letters today. They might have been addressed to Janet, so she may have them.

Taryn

On Fri, Mar 1, 2019 at 11:40 AM Taryn Glidewell <tgldewell@gmail.com> wrote:

Sorry about that. Thanks for following up. I mailed those documents (affidavit, minutes, and neighborhood letter) on Monday so hopefully they get to you today. That's not good.

I'll look at the draft letter now and respond. I'm so sorry for the hold up!

Sent from my iPhone

On Feb 28, 2019, at 12:30 PM, Toy, Byron <btoy@wycokck.org> wrote:

Taryn,

Could you please send me a response to the draft staff report comments on page 5? Additionally, could you please send me your neighborhood meeting sign-in sheet, minutes and affidavit? They were due yesterday and I am trying to finalize the staff report.

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!

Minutes

Application Number: SP-2019-25

Date and Location: 2/22/19 Rosedale Development Association 1403 Southwest Boulevard KC, KS 66103

Meeting called to order at: Taryn Glidewell and Erin Stryka were present at 4:55pm.

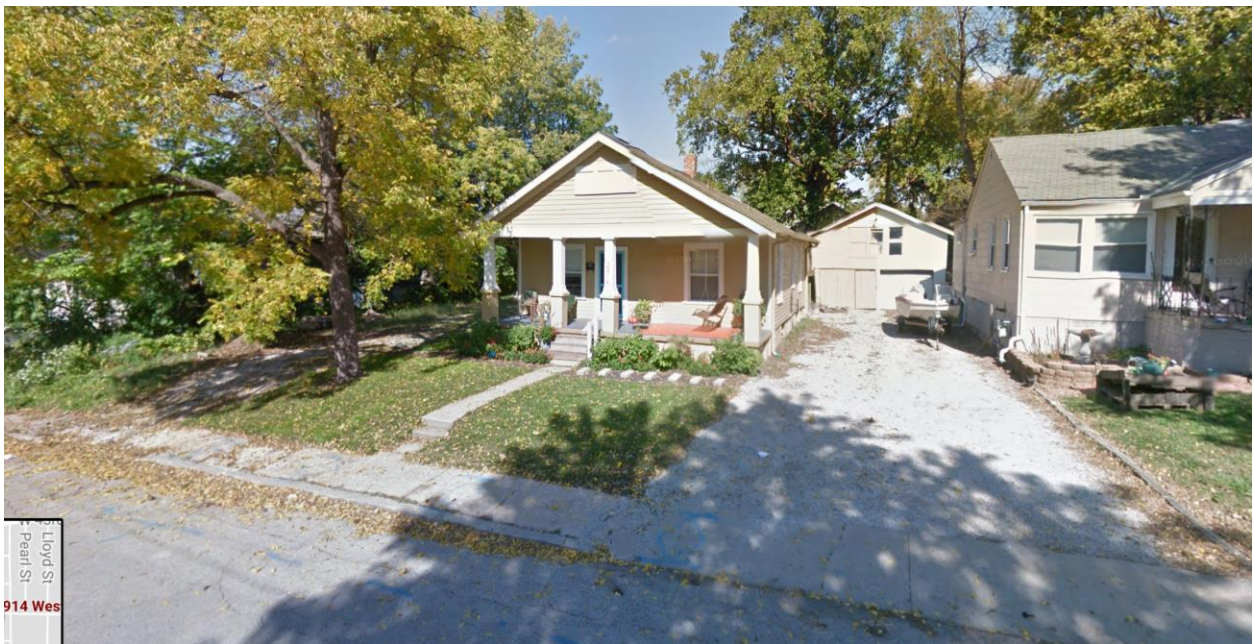
Sign-in sheet on back of affidavit: No one else (other than Erin) attended.

Meeting Adjourned at: We left RDA at 5:36pm

No minutes were taken as there was no meeting.



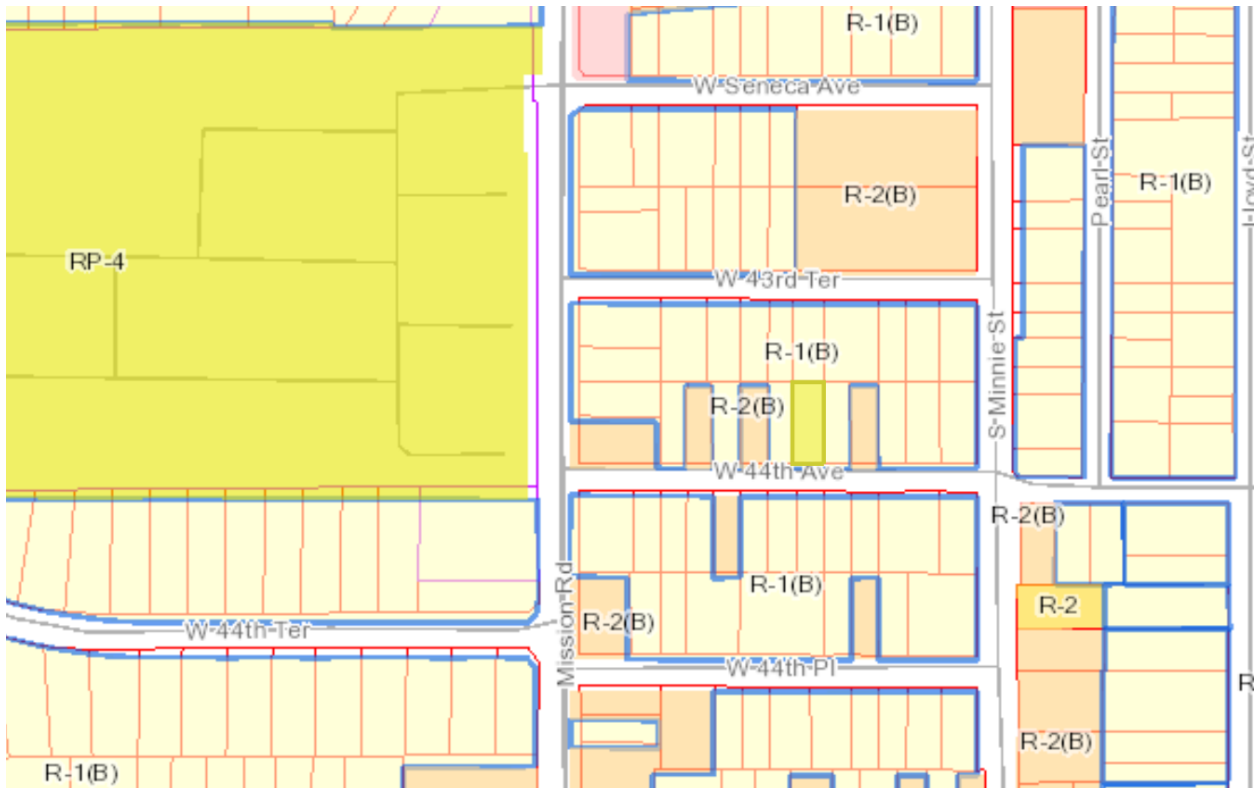
Parking options



Google Street View of house and parking



Building sketch



Zoning map



Kitchen



Bedrooms



Bathroom



Living room



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

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

To: Unified Government Board of Commissioners
From: City Staff
Date: March 28, 2019
Re: Petition #PR-2019-4

GENERAL INFORMATION

Applicant:
Katherine Carttar

Status of Applicant:
Representative
Unified Government
701 North 7th Street
Kansas City, Kansas 66102

Requested Action:
Preliminary Plan Approval

Date of Application:
January 25, 2019

Purpose:
Construct a new downtown grocery store

Property Location:
501 Minnesota Avenue

Existing Zoning:
C-D Central Business District



Surrounding Zoning: **North:** C-D Central Business District
 South: C-D Central Business District
 East: C-D Central Business District
 West: C-D Central Business District

Existing Uses: **North:** Reardon Civic Center
 South: Gas station and parking
 East: University of Kansas Strawberry Hill Campus
 West: Parking and UMB Bank

Total Tract Size: 0.8 acre+/-

Master Plan Designation: Catalyst Block in the Downtown Master Plan

Major Street Plan: Minnesota Avenue is a Class B Thoroughfare
 5th Street is a Class B Thoroughfare

Advertisement: Property Owner Letters – February 13, 2019 and March 19, 2019
 Wyandotte Echo – None Required

Public Hearings: March 11, 2019 and March 19, 2019

Public Opposition: There is some opposition to the more modern design of the building. That opposition was overwhelmed with positive comments about the design. However the public comment nearly universally supports the grocery store.

PROPOSAL

Detailed Outline of Requested Action: The Unified Government is pursuing the construction of a downtown grocery store to provide healthy fresh food to the urban community. The 14,000 square foot facility will be owned by the Unified Government and operated by The Merc Co+op. The facility will have indoor and outdoor seating as well as a deli, possibly salad bar and coffee bar in addition to the typical grocery store offerings. The 500 block will be restriped to add nearly 100 parking space to the area to compensate for the elimination of some parking to build the facility and the parking that will be dedicated to the store. The grocery will sit on the corner of 5th and Armstrong with its front door on Minnesota across from the entry of the Reardon Center. This is a similar model to the ones used by the Unified Government to build the Hilton Garden Inn and The Legends 14 Theater.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765

FACTORS TO BE CONSIDERED

1. Neighborhood character.

This is the gateway to downtown. The area is bounded on the south by Strawberry Hill neighborhood homes, but the particular corner is dominated by

the Reardon Civic Center, Children's Campus and the Strawberry Hill Campus of the University of Kansas Health System and their modern architecture. The gas station at 5th and Armstrong Avenue is a blighting element that sits between the grocery and the neighborhood.

2. *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 street network in the area is more than capable of accommodating the increase in daily traffic. The only significant issue is the loading dock on 5th Street and the impacts to 5th Street by trucks maneuvering into the dock. The trucks will block the entire street briefly as they back into the dock.

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

First and foremost, it is clear that the new grocery will be a catalyst for the block and the area! It complies with the mobility guidance of the plan by adding the wider trail on 5th Street. Minnesota Avenue, 5th, Armstrong and 6th are all being restriped to accomplish the street design goals of the Master Plan. Additionally the corner of 5th and Minnesota is reserved and angle for public art as an entry monument to downtown. Currently a mural and sculpture are anticipated. Those will be accomplished later. The proposal meets the block principles and concepts outlined in the plan although it is a tall one-story building that appears to be the height of a two-story building. The plan does not address modern versus historic architectural concepts.

4. *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*

Available

d. *Police*

Police service is provided by the East Patrol District 115. Police Headquarters is less than 2 blocks away. Additionally, the KU Police will be in the area.

e. Fire

Fire service is provided by Station #1

f. Transit

Transit stops are adjacent to the property across 5th and across Minnesota. The downtown transit center is less than 2 blocks away.

g. Schools

Kansas City, Kansas USD 500

5. The capability of the proposed use to meet applicable ordinance and other requirements.

The proposal will meet the codes of the Unified Government.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Plan Review Application #PR-2019-4, subject to:

Urban Planning and Land Use Comments:

1. Four community input meetings were held. Nearly 19,000 invitations were sent to addresses east of I-635 and north of the Kansas River. Over 200 unique individuals participated in the meetings. The results are remarkably positive! The feeling of hopefulness, pride and anticipation from the citizens was inspiring! One person attended and commented negatively at all 4 meetings and accounts for a significant portion of all negative comments related to modern versus historic architecture. We are not aware of anyone else attending twice. All the comment sheets are attached as separate document for each meeting (only the front side was scanned, but comments on the back side were transcribed). All the comments on those sheets, front and back, have been transcribed as well as comments taken on the flip charts at each meeting. All comments are attached as a separate document as well. The community was asked their opinion on 3 images of what the store might look like, if it seemed welcoming, and if they were likely to shop at the store. The following is a summary of the questionnaire results:

	comp agree	agree	neutral	disagree	comp disagree	no answer
Image 1	37	54	54	7	15	22
Image 2	54	55	41	13	9	20
Image 3	74	42	29	14	20	17
Style Welcoming	91	56	23	5	5	14
Likely to shop	120	39	22	1	2	10

2. Based on the public input, a design close to image #3 with some warmer tones from image #2 is being developed. The final design will be presented as part of the final plan review. We would ask the Planning Commission for some leeway in merging the designs as we move to final plan.
3. The interior layout shown in this document is not finalized but is show for reference.
4. The site landscaping will be refined to meet code as part of the final development plan.
5. The interior design will be selected by The Merc Co+op. Some of the potential images are attached.
6. The truck turning movements are a concern, but if the rush hours are avoided, the issues should not be significant and are like ones experienced in most urban areas. No deliveries utilizing a semi-truck and trailer should arrive between 7:30 AM and 8:30 AM or between 4:30 PM and 5:30 PM. These times could be adjusted based on a traffic study of actual peak hour traffic. If possible, the bull nose on Minnesota east of 5th should be pushed back to allow the proposed parking along 5th south of Minnesota to remain.
7. The mural will be accomplished as part of the sign package that will be approved by staff later. The sculpture will be designed and installed later as well. The Planning Commission will not approve the sign or the sculpture.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval:
 - a. None.
2. Items that are conditions of approval (stipulations):

- a. Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
 - b. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - a. 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 #PR-2019-4 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

1. March 11, 2019 City Planning Commission Minutes
2. The 3 images presented at community meetings
3. Building elevations
4. General site plan
5. Detailed block site plan
6. Detailed grocery and parking only site plan
7. Landscape Plan
8. Interior layout
9. Possible interior design images
10. Truck turning diagrams for loading dock
11. In separate documents, scans of the questionnaires from the public meetings
12. In a separate document transcription of all comments from the public meetings.

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	March 11, 2019	March 28, 2019
Plan Review (P)	Approval	

STAFF CONTACT: **Rob Richardson**
 rrichardson@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #PR-2019-4 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 #PR-2019-4, 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.

March 11, 2019 City Planning Commission Minutes:

Hearing Starts At 2:07:25:

PLAN REVIEW APPLICATION #PR-2019-4 – MAJID AMIRAHMADI – SYNOPSIS:

Preliminary Plan Review for a grocery store at 501 Minnesota Avenue. **Detailed Outline of Requested Action:** The Unified Government is pursuing the construction of a downtown grocery store to provide healthy fresh food to the urban community. The 14,000 square foot facility will be owned by the Unified Government and operated by The Merc Co+op. The facility will have indoor and outdoor seating as well as a deli, possibly salad bar and coffee bar in addition to the typical grocery store offerings. The 500 block will be restriped to add nearly 100 parking space to the area to compensate for the elimination of some parking to build the facility and the parking that will be dedicated to the store. The grocery will sit on the corner of 5th and Armstrong with its front door on Minnesota across from the entry of the Reardon Center. This is a similar model to the ones used by the Unified Government to build the Hilton Garden Inn and The Legends 14 Theater.

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 March 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; and
6. The Notices to property owners dated February 13, 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:

- ❖ Katherine Carttar, Director of Economic Development,
- ❖ Rita York, Merc Co+op, Lawrence, Kansas
- ❖ Carla Manning, 613 Sandusky Avenue, Kansas City, Kansas, Vice-Chairman of Infrastructure Action Team
- ❖ Jason Norbury, Executive Director of Downtown Shareholders, 726 Armstrong Avenue, Kansas City, Kansas

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts at 2:18:58: Planning Director Richardson stated that he would like to thank Rita, Merc Co+op, AIA Team, Katherine, Public Works, and Building and Logistics that helped with all the public meetings. He stated that the public comments was very interesting as it was astounding how positive the comments were (all surveys were provided to the Planning Commission members.) There were 200 people at the meetings and only three people had negative comments. He thought the positivity was amazing and a credit to the team and how they worked on the project together. He stated that the bike racks will be worked into the final plan and he will talk to the architect about wheel chair access beyond ADA (it is going to be a very accessible site). The front door of this site will line up with the front door of the Reardon Center; they will be across the street from each other with a cross walk. The ramp will be extended out to the street more and the parking will be restriped. The distance to cross the street will be reduced there. He further stated that a lot of things are being done to make it more accessible. Director Richardson stated that he has not noticed any CEPTD issues to date but obviously with the gas station there the security issues do need to be looked at. There will be community police, UG police, downtown shareholders security and store security and the team is looking at other security measures. The one ramp will be partially screened so he needs to look at that. There will be pedestrian lighting as part of the store. As far as green infrastructure, they will work with BHC Rhodes with that; there will not be a lot of change to this site. Most of the change will be parking striping, sidewalk work, adding a little green space and he will investigate what can be done with that. They are working with BPU on renewable energy as an energy source for this project so that would be part of the green infrastructure but he thinks they may have meant more on-site green infrastructure. He further stated that he will look at the east side of the building and the sidewalk along there. He is not sure what can be done but maybe something can be done to align it. Director Richardson stated that all of these issues will be looked at as they move towards final plan review, which will be next month. He stated that he put some of the final plan information in this staff report so the Commission had the most up-to-date information. Moving forward to final plan he would ask that the staff have more leeway than usual because the team is taking the public comments and trying to blend the different perspectives that were shown. The staff recommends approval to the stipulations in the staff report.

Motion and Vote Starts at 2:24:18:

On motion by Mr. Connelly, seconded by Mr. Miller, the Planning Commission voted as follows to **recommend APPROVAL of Plan Review Application #PR-2019-4:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

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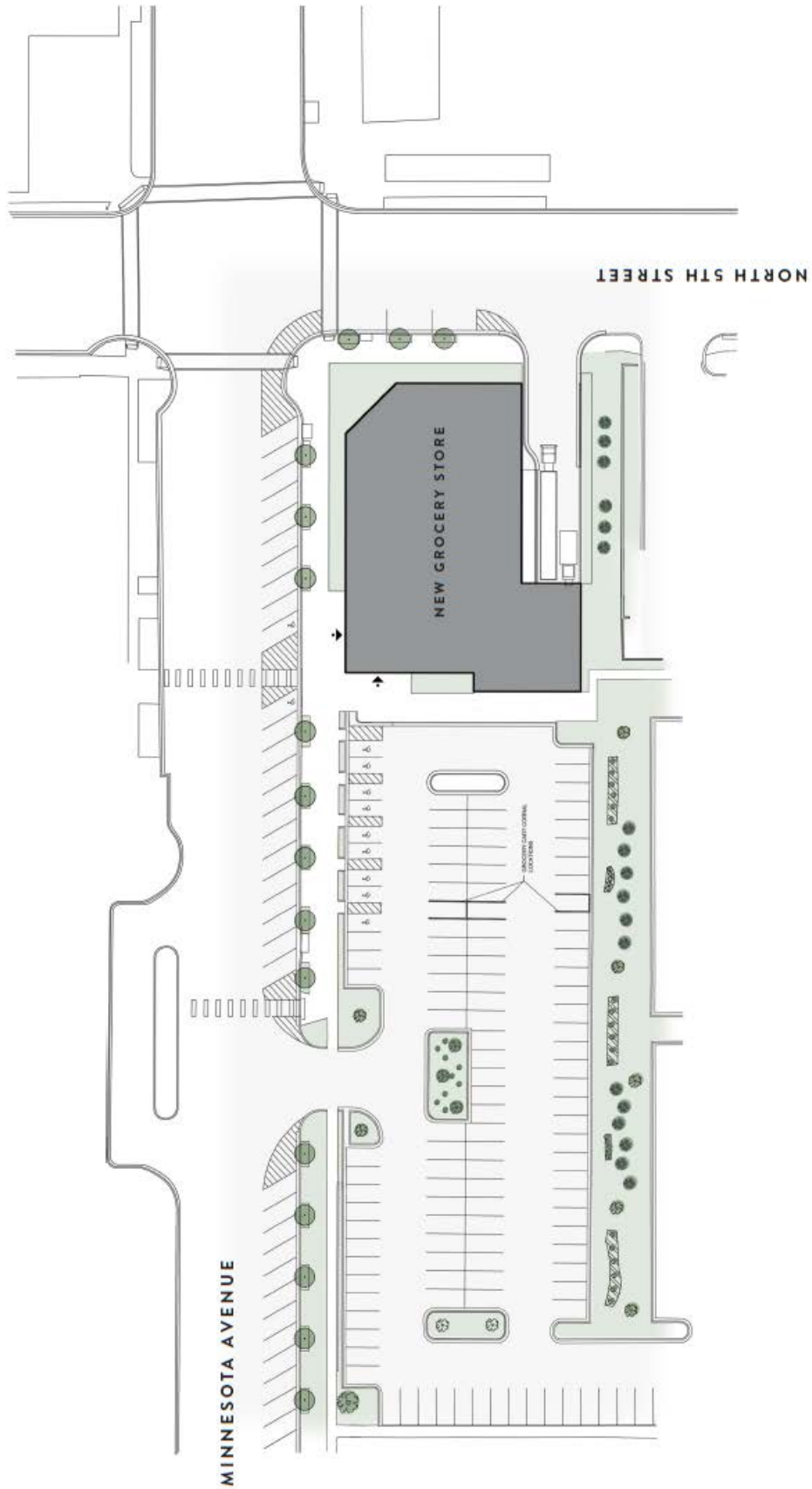


15





Basic Site Plan



[illegible]

[illegible]

20



Potential interior designs

PRODUCE



DELI

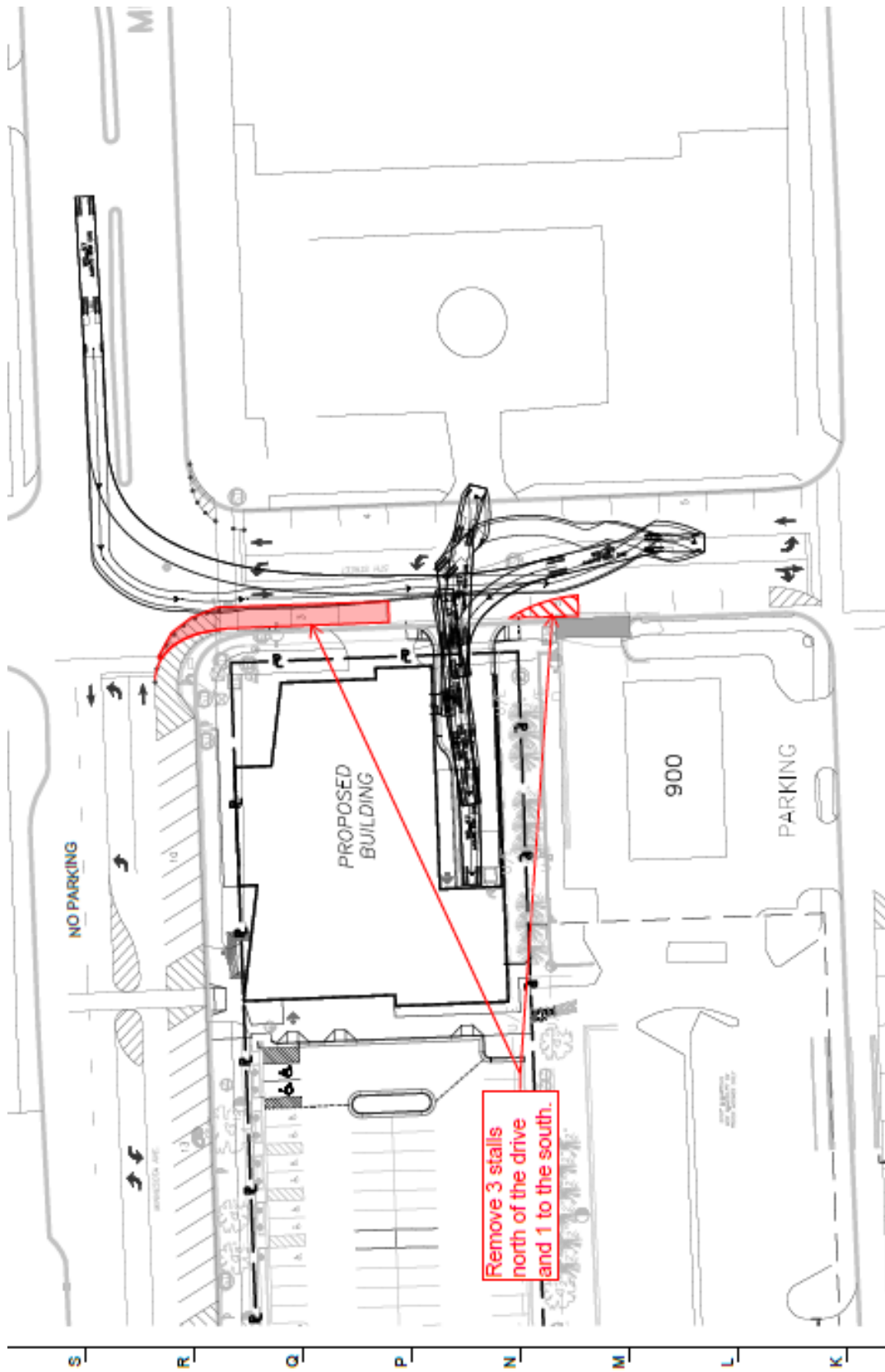


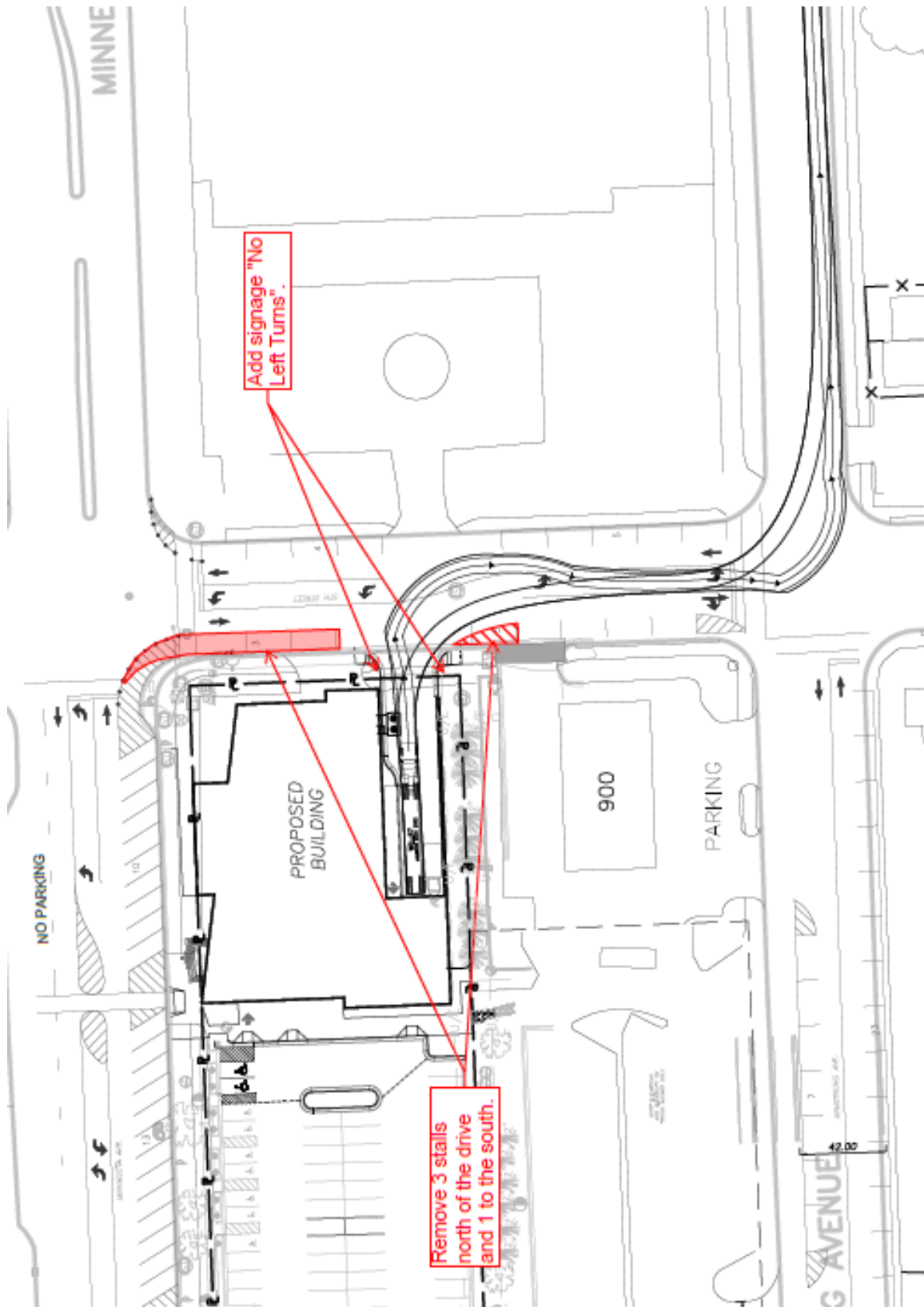
FRONT END



Unified Governments of WYCO KCK & The Merc Co-op
DOWNTOWN GROCERY STORE
INTERIOR IMAGES







MERC Grocery Store - February 16, 2019 Meeting – Miscellaneous Comments

- Dripping from canopy
- Shade attracts non-shoppers
- Concern shopping carts going away
- Prefer the shaded canopy
- Security concern
- Will like to stay till 9:00 p.m.
- Higher quality bread, produce, meat/fish (fresh)
- Hours deli is open
- Seating inside
- Prices too high
- Need to hire from community
- Concern prices at Lawrence being high
- Concern about fuel storage leaks from
- Affordable option
- Like colorful
- Store big enough?
- Have bike and scooter rental to connect to east bottoms, DOT, KCMO
- Bike
- Excited about the project
- Drive-up/pick-up for groceries
- Charge for cooking classes?
- Too many stray dogs in area
- Handicap accessible carts
- Get produce from neighboring community gardens
- Have cleaning household product
- Nice cover over bus stop
- Stray dogs
- Price of goods to be comparable to other local stores
- Like coupons and weekly sales
- WYCO taxes are high
- Connectivity
- Salad bar
- 2nd floor for other amenities
- Like red color on #1 design
- Main difference in images is color – all look similar – more concerned to what will be inside
- Plenty of handicap parking needed
- Plastic carts preferred, no metal
- Image 3 preferred – more appealing
- Will there be solar energy used? Would love to if budget allows. (Currently no)

- Who is responsible for snow removal and maintenance? (UG & MERC – MERC contracts out)
- Who would provide electric shopping carts for those with disabilities? (MERC would be responsible for shopper experience. Will meet ADA code requirements through permitted review. Already incorporated.
- Do not want repeat of Piggly Wiggly – i.e. – smelled, poor customer service, poorly maintained – loiterers.
- Need to consider how to keep loiterers away so shoppers do not feel uncomfortable, especially coming from other areas. Try to prevent by design.
- Safety – to attract customers, avoid negative reputation. (Response from MERC – they do hire security, off-duty police.)
- Will gas station remain? (Gas station is separate, privately owned)
- Can people become owners? (Yes)
- Will the bank remain?
- Will maintenance be on UG or on the MERC? (e.g. snow removal, mowing)
- Will UMB Bank remain? (Yes)
- Where will people park for Reardon Center? (Street parking will still be available and was increased to accommodate that change.)
- What is the plan for parking of new KU facility? (They will likely do their own parking as a state facility UG does not do plan review.)
- What is cost to build? (Will double check – expect couple million)
- What is cost to buy in to co-op? (Will double check with MERC - \$75 for equity share)
- Extent of managing homeless population – seating, etc.? (Private security)
- Benefit of joining co-op? (Exclusive discounts, opportunity to vote in elections)
- Will there be tables for the Deli area? (We can consider and discuss with MERC) Follow-up – would be beneficial, nice idea similar to Costo seating area. (There will be hot food and seating area)
- Drop off parking/short-term parking.
- Anticipated timeline? (Planning Commission/BOC in March, Final Development Plan to PC in April, followed by building permit process and construction.)
- Products outside grocery? Ex: beauty products? (Lawrence store does provide. Would be similar in operation)
- Lawrence MERC – has hot food section, salad bar, etc. Would like to see something similar. MERC – provides local beauty options also.
- How many employees? (Lawrence store has approximately 100)
- Do you have a maintenance program? (MERC operates with “store refresh”, interior and exterior, every 2-3 years)
- Northeast corridor is a dying area – hope the area can support it.
- Protocol for potential safety issues? (Lawrence store has security. Will likely contract for security in similar way)
- Aiming to “reclaim” area to promote development
- Safety for residents and visitors

- More information on board participation? (No paid, however, participate in elections, 10-15 hours/month, 15% discount. 7 person board now, expanding to 9. Joint board for KCK and Lawrence)
- Would like to make sure pedestrian area is covered, i.e. not slats for water to come through.
- Will the MERC coop have self-check-out?
- There will be inside and outside seating
- There will be a deli...salad bar
- Coffee and juice bar?
- Membership should be affordable
- Sell burritos and tamales
- Publish more details on MERC profit sharing and cost
- Need recycling – plastic/glass
- Must have household products
- Concern about maintenance with Image #3
- Will there be a coffee kiosk and tables inside? #1 – community space
- Image 2 has good curb appeal - #3 looks “cold”
- Like the awning – can this be incorporated with #2?
- Make the fresh produce central to the store, conveniently placed
- Like to have a dietitian there to help educate – classes
- Like the awning to protect against weather
- Well-lit inside – natural light
- Fresh produce, deli, coffee shop are positives
- Would like to see people cashiers and self-checkout
- Healthy options on ends and at check-out (where there are usually candy bars) – impulse buys
- No tobacco sales
- Color (interior) is good
- Does the MERC sell bulk food items? (Yes)
- Concerns with interior: would like to come in to produce
- Keep in mind ethnic diversity of the area
- Local festival involvement could potentially bring business
- Will they sell wine? (Kansas law allows beer up to 6%. Looking at selling local beers – Free State for example)
- How many check-out stands? (between 3-4 for now)
- Should promote on TV when opening – keep local news informed
- Potential to bring business from KCMO
- Partial to design #2
- Natural light, windows, entry/exit to street and parking. Modern feel
- OMG so amazing – incorporate interesting art/design into hard surface areas – Ex. Boulevard Beer Hall parking lot islands/walkways for safety. 1 and 3 favorites – 3 is #1
- Charging station for electric vehicles desired. Solar power potentially?

- Will there be a pharmacy? (Not at this time. MERC has reached out to KU; however they declined.)
- Would like to see outdoor hangout/seating
- Should more of the building address street versus parking lot? (The aim is to make it walkable and accessible to those without cars also)
- Would like to see 4-sided architecture – provide sense of security in back areas
- Bike sharing station
- Car sharing station (zip car)
- What is classroom used for? (Health and nutrition, sales, meetings space)
- Can we aim for “active” south walls? With murals or fake windows to simulate eyes on the street.
- On-site butcher
- Ethnic HBA (health and beauty aids)
- Outdoor community space (cars look very close to building front)
- Coin-operated cart system (much like Aldi’s) – no cart corrals
- #3 - + brighter colors
- Night renderings? Photos of food
- Want solar panels
- Like farmer’s market under canopy
- Want bike rack
- Want diversity of food – greens, ham hocks, etc.
- Like MERC’s deli
- Like MERC’s class offerings
- Excited for store
- Pharmacy
- Delivery or pick-up
- Free Wi-Fi in deli/café
- Employees with good attitudes
- Salad bar
- Butcher
- Look at Prescott Plaza (Sun Fresh on 18th Street)
- Show exterior lighting for security/safety
- Roof garden? Maintenance – access
- What is the timeframe to recoup UG’s investment
- Concerns of wind/climate weather at northwest corner
- Where is the YMCA? This was sold as a healthy campus? YMCA still fundraising
- Didn’t mention Sun Fresh
- Potential for second story seating/security?
- Be careful with overcrowding of interior
- Glazing one-way? Strength?
- Extra entry for drive-up/pick-up? Insta-cart?
- Option 3 color is Overland Park beige (same with Option 1/gas station look

- Option 2 like tones
- Option 1 like full awning
- Opportunity to expand on top?
- Be careful about use of livable wage
- Look at Prescott Plaza (Sun Fresh on 18th Street) – colors
- Shrubs/landscaping help soften edge
- Make the fresh produce central to the store, conveniently placed
- Security guard
- Like to have a dietitian there to help educate – classes
- Fish
- Like the awning to protect against weather
- Well-lit inside – nature light
- Aldi style cart system
- Parking – Fire Department and Convention Center – use it now
- Farm/green on roof
- Very inviting – pleasant place to site
- Coffee area – barista
- All things Sun Fresh has
- Wi-Fi
- Salad bar
- Farmers market
- #3 more modern – like it/want functional coloring
- 1 and 2 not attractive
- Relationship to Strawberry Hill
- Renewal energy/solar
- Sushi
- Really good location
- WIC great
- Brick feels traditional and cornice adds nice cap/feeling to building
- Good architecture –Examples - Prescott Plaza, Legends, modern, brick, lots of windows
- Parking important
- ADA get in with ease
- Store hours
- #3 going green
- Lots of natural lights
- More traditional design – less Millennial
- There are no minorities on project team

MERC Grocery Store - February 16, 2019 Evening Meeting

Question 6: Do you have any suggestions or other thoughts about the building?

1. Pick up and drop lane for old people
2. Second story seating – security
3. Tight security
4. The use of any local building materials and contractors
5. I would like for the store to be open 24 hours a day, 7 days a week
6. It would be nice for the store to deliver groceries to your home
7. I am so happy you're coming to our neighborhood. Thank you – Thank you – Thank you
8. The 3rd concept looks like it has potential for bits of outdoor dining or market space. The modern buildings are interesting but the 3rd concept appeared more flexible.
9. Looks great!
10. Need bicycle racks. Thank about bike/pedestrian customers. An outdoor (or indoor) space to eat deli food would be nice. I like #3 but with #2 colors.
11. I really like the canopy ideas, access for the disabled a must. Friendly staff will make all the difference.
12. I would love to see as much art installed/other interesting and unconventional design touches as possible. We have limited parks/shared spaces in this area so please knock this out of the park. The current designs are beautiful.
13. I like the awning of #3 and the color of #2
14. Please build it as energy efficient as possible to help with operating expenses. In fact, following the Lawrence store's example of using a lot of solar power is a great idea. Yes, an upfront cost, but saves thousands of dollars into the future.
15. The dock should NOT FACE the front door of KU
16. Would like the larger awning in image 3; be suitable to put a patio/café under it.
17. Any of the design options would be acceptable to neighborhood. I prefer the look of #2 (and would like the awning of #3 in some form too)
18. Bike share stations (and maybe scooter share too.) Smoke-free (and tobacco free and vape free) outdoor environment. On back of building – not just plain walls – murals and/or faux windows. Do CPTED assessment (Crime Prevention Through Environmental Design). Outdoor seating – benches, picnic tables, bike racks, good transit access, connections to trails, sidewalks, bike routes and good pedestrian-level lighting.
19. I like the idea of #3 if there will be farmers markets and “events” under the awning. I love the MERC.
20. I certainly will try out the grocery store but may not shop on a regular basis. I like the idea of a coop. I am upset that the YMCA is not part of the “healthy campus.” I like the classroom idea.

21. All designs are beautiful! I lean toward #1 and #2 as they appear/feel more organic and less monolithic (#3) and may be more visually appealing when constructed.
22. I chose to buy a house in Strawberry Hill because I'm so excited about the MERC coop and being able to walk to a grocery store where I am buying fresh produce while supporting others in my community.
23. I want you to know how much I support this project. I like the look and the fact of the options – especially #2. You cannot please everyone and that's OK. This doesn't and shouldn't look like a corner market or box grocery store because it is so much more – especially with the classroom which I am excited to hear will be part of this.
24. Like #3 because it has an outside area that is covered – possible outside activities.
25. Affordable groceries. I spend money elsewhere out of the county just to get fresh produce (non-processed foods.) Prices that I can work with.
26. I would like affordable groceries. We would like to spend our grocery dollars in our county, but my money needs to go far and not only cater to those that only work in Kansas City, Kansas.
27. Modern #3. This will hopefully spur more developers and revitalization of downtown KCK. Also, a place to sit and eat (food or coffee.) Electric car chargers and bike share

Question 7: What are some of the products you hope will be offered at the downtown grocery store (please be specific)?

1. Greens, green bean, beans, ham hocks
2. You should survey the local residents with a list of foods that you can provide
3. Fresh produce and fish and fresh bakery products
4. Salt free, Sugar free, Low-fat food items
5. Fruits and vegetables, ready-made/deli – but anything you do will be fantastic. The reason I like drawing #3 is:
 - a. It's light and airy, love the slats
 - b. It's higher than the others and bigger. It's like a big front porch and this neighborhood loves porch sitting. It's welcoming. It says come and hang out; enjoy the shade. Hey, maybe you could get a porch swing.
6. Diet Best Choice soda in flavors and not just Diet Coke
7. Basic groceries, Paninis, fresh fruit, coffee
8. Latino products – tortillas, etc. Deli is great idea, ethnic products and other than Latino. English/Spanish
9. Ready to eat deli food, variety of spices, ability to buy an entire cow, pig, lamb, etc. (special order)
10. Non-GMO; organic meat, gluten-free, fresh produce
11. Bulk products – beans, oats, Shatto milk and cream

12. Pre-made breakfast/lunches. Coffee bar (local KCV roasters) Gelato, KC Coffee. Seafood, nice cheese. I was a member in Lawrence before moving to Strawberry Hill and plan on doing all of my shopping at your new store.
13. Butcher cut on-site meats. Non-frozen fruits and vegetables – all fresh
14. Bulk items (oatmeal, rice, etc.) and spices. Pre-made foods for to-go lunch. Coffee bar, filtered water station, salad bar. Thank you all so much for your hard work. This is so exciting for the hill!
15. Solar panels, no alcohol sale, no self-checkout, produce should be fresh, fresh bread, well lit (bright), meat section with butcher, Mexican section.
16. Fresh fruits, vegetables, meat, dairy products
17. Products that will be of interest to the diverse KCK community (and affordable), ex. Refugee communities from Asia and Africa, Latin American products. Hot food/lunch bar/salad bar.
18. High quality fresh produce, prepared deli foods to grab and go.
19. Deli meats and cheeses, quality meat department – healthy chicken, pork, beef and seafood options. Quality produce and dairy. All of these high-end items, but also the economic priced items – affordable staples along with high end specialty items.
20. Next presentation – No yellow lettering on its background.
21. Produce, dairy, bakery foods, etc.
22. Essential oils, tinctures, herbal supplements; fresh herbs, local raw honey, Zum soaps and laundry detergents on local equivalent. All the things you carry in Lawrence. Host food truck events and live music.
23. Affordable fresh produce along with pantry and frozen items. But I would love specialty and ethnic foods as well. I cook vegetarian during the week and meat on weekends. So grass fed and free range is great. I also would like to see the use of local farmers and gardeners. Thank you.
24. Produce that's fresh and local, deli, organic, low cost items on pantry type items (flour, Quinoa, canned beans.) I would like local products – produce and other locally made “small batch” items. I also want it to be accessible to others not as fortunate as me.
25. Fresh produce, affordable pantry staples, vegan and vegetarian meal ideas (and at the prepared deli.) I'm also ok with “rescued” or “ugly” produce – quality products that may not be picture perfect, that might keep prices lower. Mostly I want a Clean, Full Service grocery store in my neighborhood. Thank you to everyone on this team that has brought this to fruition.
26. Affordable options with no added sodium; canned items (beans, veggies, tuna), rotisserie chicken, salad bar, coffee beans you can grind in-store, an in-store coffee shop, bulk items (e.g. nuts), Arugula and lots of other greens and fresh veggies. Healthier items sold next to the checkout (instead of only a bunk of junk food.) No tobacco or vape products (we already have a super high density of tobacco retailers in Wyandotte County.)

MERC Grocery Store - February 16, 2019 Noon Meeting

Question 6: Do you have any suggestions or other thoughts about the building?

1. Handicap accessible
2. Solar on parking lot eventually
3. Would love to be able to offer double up food bucks with/Snap
4. I would like to see a short-term loading zone for people to stop and drop people off.
5. Get rid of the eyesore of a gas station to the south. Need a café for lunch or dinner, walk-ins. Accessible to people in KCMO; it is a stone's throw away for them to come here. Exceeds my expectations, I would be proud to have this in my downtown. I will shop there; how do I get a membership?
6. Having covered/open area for outdoor farmer's market would be nice.
7. How can we make it more inviting to all in a way that incorporates the diversity of WYCO residents? I would love to see art incorporated into the building somehow. Maybe a mural, community mural, a space for people to share conversation. Ask Jose Faus, local Latino community artist.
8. Store hours
9. Please make sure to have sufficient bike facilities.
10. Ask the community for real.
11. Would you be willing to look at employment for individuals with a felony background?
12. Inclusion
13. Sell local goods, coffee, produce
14. Market to downtown KCMO as well. It's a 6-minute drive to River Market. Both sides need better food options.
15. Friendly inside interior – not cramped aisles. Safety and easy access are major concern. Smaller than I imagined. Would shop at this stop and be proud that it is in downtown. Senior discount day.
16. Looks good!
17. Image #1 fits into the historical architecture of Strawberry Hill more so than the other two.
18. My concern is the economic viability of the store for all involved. There should be more foot traffic once the KU hospital is running. If prices are \$1 or more compared to other stores this will force consumers to go elsewhere. I do not see WIC members buying shares. My concern is that "thug like" characters will be patronizing the store like they do at the adjacent gas station which is a "dump." Once bad actors start hanging out there this will turn off the people that shop there as they will go elsewhere. Another concern is the underground gas storage tanks which could result in a very expensive clean-up cost to taxpayers.

19. Can you build a small flame thrower on the south facing exterior wall to incinerate the filling station? That would be pretty good.
20. The building should be designed like Prescott Plaza or The Legends with a wider appeal, not to look like an exclusive modern (young, white, wealthy) area.
21. Lighting of walks for your surrounding community members.
22. Bike racks
23. Perhaps more brick with a small stone cap/cornice
24. I like the glass corner on the left in Image 1, the wood-look of Image 2, and the large awning in Image 3. Outdoor seating for lunch!
25. I love all the windows, I love the large awning in Image 2, I love the façade in Image 2, and I love indoor/outdoor/sheltered areas. I will shop here after work! I will stop by to buy take-out food for dinner after work maybe once a week. Self-check-out would be nice if possible. Bulk foods would be nice. Cooking classes would be awesome. Advertise to River Market and downtown KCMO residents to make more money. I hope you can open asap! Please have biodegradable take-out containers.
26. There are things about all designs that I like. Lots of windows, large covered area around entrance, color contrast.
27. Concern about maintenance of awning on #3. This building will be one of the first things people see when they enter KCK.
28. Traffic control around parking on-street, speed bumps, extra traffic lights, LED parking lights (in parking lot.)
29. It would be nice to see a multi-story building that could double as a multi-use and encourage other businesses – local gym?/auditorium?
30. Yes, a chain grocery store
31. There should be a larger overhang in the front so customers may get out of the weather. How much bond money was used and will our property tax drop again/or will taxes be raised? Cooking classes – how much will it cost? Are the produce local? Parking on Minnesota will be parking meters? Will you hold a job fair for this area?
32. Go green, have electric shopping carts, have a satisfactory number of handicap parking.,
33. N/A – all are good as long as they help in the redevelopment of downtown.
34. I live on 36th Street, therefore 5th and Minnesota would be too far for me to travel to. I think there needs to be a large store at 16th and 17th and Quindaro Boulevard to better serve the community.
35. Entrance to KCK from east – needs to be attractive! Concerned about parking for Reardon Center. Flowers, trees on the roof – add to aesthetics – fresh herbs. Like Aldi cart system, keeps carts out of parking and keeps parking lot clean. Minnesota will be narrow because of diagonal parking. Think about buses on the street and backing out. Needs to be a store that welcomes people. Is one dock

enough? Have you considered north of Pitko's. How about entertainment or holiday events.

36. Will the store cater to the people that live around the store? Will you have a program for high school students to work there? What are your hours of operation?
37. It is vital that we have plenty of handicapped parking because you will have several senior citizens, high rises around the store.
38. Looks like everything is being done right.
39. Outdoor seating area for lunch would be nice. Upkeep is important.
40. Will there be security inside and out? Will the outside be kept clean? How often?

Question 7: What are some of the products you hope will be offered at the downtown grocery store (please be specific)?

1. Organic foods, less exposure to pesticides
2. Bulk bins, meat and dairy alternatives, organic, salad bar
3. Quality products
4. Fresh bread locally baked/fresh produce/coffee shop/a butcher
5. Organic, fresh, variety, clean
6. All foods
7. Long tea, red sockeye salmon, fresh-canned wild; whole grain breads
8. Braggs products, natural supplements
9. A hot food bar so I can eat here/grab a hot meal on my lunch break
10. Fresh kale, corn, cabbage, broccoli, butter, milk, deli bar, seafood, bulk items, salad bar
11. A variety of fresh produce and meats. Alternative "meats" for vegan/vegetarian cooking, frozen or otherwise. Bulk items of basics like rice, Quinoa, etc. To go, pre-made foods like sandwiches and salads for a quick lunch.
12. Organic produce; free range poultry; grass fed beef
13. Fresh veggies and quality meats
14. Bakery having a diverse selection, more fresh and healthy selections
15. Lots of vegetables and fruit; fresh meat
16. Coffee, milk, ice, paper plates, cutlery, plastic wrap, things you need for an event, flowers for events, lunch meat, bread.
17. Fresh produce and meats, place to sit and eat inside, salad bar, deli
18. All healthy foods, fresh vegetables, fresh fruits, seafood, meats.
19. Fresh produce, local and organic, if possible. Healthy to go items, vitamins and supplements.
20. Generics, fresh produce, vegetarian food

21. Just quality produce. It would be great to see some seasonal produce as well. Affordable staples and locally grown meat, fish and dairy.
22. More of the fruits and vegetables and less of a store that sells chips and junk food. Need wholesome food.
23. Organic food, re-usable bags at checkout, hot items, soup, chicken.
24. We live and work in the area so we will be shopping here. I hope you are able to offer affordable lunch options to cater to downtown employees.
25. Reasonable prices and some generics, deli and seating.
26. Always Save, Best Choice, gourmet foods, coffee shop with at least a barista part time.
27. Lunch items – salad bar, soup, healthy sandwiches. Basic household supplies – toilet paper, paper towels. Healthy dessert options like Halo Top and dark chocolate. Iced tea
28. Coffee kiosk, salad/soup bar, fresh options to grab over lunch
29. Name brand products – not off brands; reasonably priced – not overpriced (be competitive with Price Chopper, etc.) Fresh produce, fresh meats, deli.
30. Vegetarian, pre-made food, coffee bar, bulk food purchases. I'm ready to pay for my membership.
31. What price range of products – affordable prices.
32. Fresh vegetables, fruits, berries, locally produced food, less processed food, healthy "to go" items.
33. Provide a strong connection to Missouri/Kansas (bus/street car); add bird/limg scooters and bikes; large room for classes (planting/local life)
34. Fresh fish, seafood and meat; fresh vegetables inclusive of avocados, mushrooms; hair and beauty products; personal hygiene products.
35. To go lunch options (salads, sushi, wraps, stir-fry); items that don't come wrapped in plastic – options without packaging; doughnuts, cake donuts with white frosting; everything Aldi sells. Basics and a few special things and pre-made frozen dinner options.
36. Fruit/salad/coffee/juice bar from 7:00 a.m. to 6 or 7:00 p.m. Outdoor seating area that is non-smoking and enforced. Outdoor security that watches over parking areas. Candy-free aisle/check out for parents.
37. Grocery pick-up closer to the building. Security for parking lots, lot of lighting. Handicap shopping carts, what are the hours of operation?

MERC Grocery Store - February 21 2019 Noon Meeting

Question 6: Do you have any suggestions or other thoughts about the building?

1. The design should respect the history of Strawberry Hill.
2. Happy to see it coming to this area!
3. Open soon – can't wait!
4. Don't like going into store to have to find someone to help me (have someone on the floor that looks like they're here to help me)
5. Hire locals from southeast area for construction
6. Lots of concern – no one from the surrounding communities were instrumental in this venture!
7. Concern about homeless sleeping or hanging out at the store
8. Of course handicapped accessible and motorized
9. I like the way it is
10. What can we do to get the rest of the block developed?
11. Would be great to implement a renewable energy plan into the design to mitigate energy consumption and foot printing micro-wind or solar.
12. Bike racks, outdoor seating for nice days
13. Really like Image 3
14. Control the grocery carts
15. Keep upkeep
16. So excited!
17. Do not accommodate scooters please
18. Please keep store clean in and outside (makes a big difference). Also employees' appearance needs to be neat.
19. It is very modern which I appreciate – the 2nd image is the best fit to the buildings around it. I'd like to see more red brick. Image 2 has a similar feel to some new buildings in Lawrence.
20. Please consider CPTED in design to help deter crime. Plan to keep carts close to MERC. Inside design controls flow in and out of the store to deter crime.
21. Seating area please! Should be close to the street and be welcoming to those who arrive on foot.
22. Current designs too snobby and modern
23. Please make sure you consider all income levels and access to transportation. Don't ban bags and strollers.
24. Free street parking
25. Beautification of the grounds is important. The landscaping could help equalize the ugly concrete and asphalt surrounding the location.
26. We need more landscaping downtown
27. Seems like the entrance lends to congestion with drop-offs and pick-ups and entering to park.

28. That it is welcoming to all people. I would like for it to keep up as far as keeping clean and competitive in pricing but affordable.
29. Don't take away the parking for Jack Reardon Center. Make the building already built on 5th Street the grocery store. It has parking garage already. Build like the Cosentino's downtown.
30. Native plants please; where can the BPU's solar farm fit in? Multi-lingual signage please
31. I would like this building to look less modern and more like a 1880s brick/stone "downtown" multi-story similar to Massachusetts Street in Lawrence to capture development of a "walkable" Minnesota Avenue.
32. Brick – bring more warmth to the building to create a more welcoming feel. Current design options feel modern and trendy – not typically appealing to lower income families. Also brick = timeless. Current look may be dated in 20 years – not long-term.
33. Colors should coordinate with Reardon Center. Top windows need shades – sunlight is very blinding. Very exciting. Grocery carts will walk off. Need a way to corral them. #2 is my favorite. Easy stop when I leave work.
34. No, I think it's perfect. (No, me pareu perfecto)

Question 7: What are some of the products you hope will be offered at the downtown grocery store (please be specific)?

1. Almond milk options and milk alternatives
2. Ground turkey 99%
3. Lunch
4. Locally grown fresh produce; seasonal/holiday bakery items; salad bar; hot foods/deli; box lunches for meetings in office; good assortment of general groceries.
5. Fresh vegetables and fruit, etc.
6. Salad bar, homemade soups, Gluten free, breakfast
7. Good steak options and good salad/soup bar
8. Salad bar, seafood, bakery and deli
9. Wide array of spices, curry, ginger, etc. Fresh locally sourced eggs
10. I would like to see Mexican products
11. Mexican products
12. Sugar-free and low-fat
13. As long as you have fresh food you are good
14. Fresh vegetables
15. Basically what you offer in Lawrence is fine
16. Vegetarian pre-made items, bulk grains, beans and coffee
17. Fresh produce (natural and organic), bakery
18. Salad bar to eat in or to go. Possibly box lunch or meeting snacks
19. Salad bar, hot food for lunches

20. Fruits, vegetables, fish, salad bar, lunch and breakfast options
21. I would like to see a fresh bread option, juices, salad bar options, soups.
22. Fresh produce (good quality), deli-hot foods and bakery
23. Food to support office workers, salad bar, coffee, box lunches
24. Organic products, bulk items, salad bar, deli and hot food, catering menu (i.e. boxed lunches, sandwich trays, etc.)
25. Bread, 2% milk, eggs, lunch stuff, salad bar, catering for box lunches would be nice. Best Choice okay, not Always Save. Fresh foods are more expensive and I can't afford them.
26. Prepared lunch foods like soup and salad bar; organic milk and fresh produce
27. Soy and Almond milk
28. Organic, clearance vegetables and dairy like natural grocers, local farmers with local vegetables
29. Local Kombucha coffee
30. Pita bread and hummus. These items don't exist out here. Items for pets. PetSmart is too far away.
31. Red Bull, microwaveable dinners, salad bar
32. Quality organic products and quality meat options
33. Fresh meats, vegetables and fruits. Name brands as well as Best Choice. Must be able to use SNAP/Food Stamps. The deli, bakery, meeting area, and dining area are a plus.
34. Fresh fruits and vegetables, etc.
35. Locally-grown and value added products with organic standards (not necessarily the "organic" label.) Kansas City Food Circle, New Roots for Refugees and Farm School at Gibbs Road products. Global and domestic fair trade products.
36. Local produce and products. Campo Lingo eggs, local BBQ sauces, etc.
37. Grass fed beef, bulk dry goods, salad bar, hot bar items, breakfast burritos, dog and cat food, kitty litter, paper goods, diapers, baby food/snacks, plants and flowers, cook books, ice, baked goods and pastries.
38. Café/deli (hot and cold foods), salad bar, fruits, coffee bar, boxed lunches, etc. for meetings, Quiche, sandwiches, fried chicken, etc.
39. Latino products, also products that everyone can use. (productos lativos, taubien productos que todos cousu miemo)

MERC Grocery Store - February 21, 2019 Evening Meeting

Question 6: Do you have any suggestions or other thoughts about the building?

1. Use brick
2. I hope this happens
3. Nice work!
4. The best thing to happen for KCK residents and is something that has been needed for health reasons.
5. The design looks like a knock-off
6. Aldi
7. A bicycle rack please!
8. Solar panel is concerning; it makes parking space dark!
9. Walk-up coffee bar; you can be bold with colors. The remainder of area is beige and boring. Worried about incoming foot and auto traffic to corner. Concerned about gas station and the KU Med adding. Like the awning but needs more style (looks quickly made.) Pharmacy?
10. Image #3 awning with Image #2 building. No gypsy cabs – well lit.
11. Would like a combination of Image 3 – awning over Image 2
12. #3 seems to fit in with the current architecture of the area in terms of color and material. This is important to help make the MEEC feel more accessible and part of our community.
13. \$5 million = 50 x \$100,000 – give 50 local merchants a chance to improve health – 50 locations.
14. Thanks for coming to KCK. Do you have bicycle racks? Are there opportunities for community events at the front and in the parking lot?
15. I like the larger awning and the interior colors shown on the first. It needs some color to reflect the diversity of our community.
16. Looks a bit too modern but I guess that's what you are going for.
17. It needs to fit more into the Strawberry Hill neighborhood. These designs are too modern! I'm a resident of the Hill! I like the awning idea – don't want steel or hard structure – needs to be more inviting.
18. Hope security cameras in parking lot and have well lit areas for parking.
19. Security cameras and lighted area
20. I felt like there were 3 skins of 1 design to give me the illusion of choice.
21. If it's #2 – The building design feels welcoming. Make sure people can easily identify it's a grocery store as they drive by.
22. Solar panels like in Lawrence; include rooftop or courtyard gardens; keep and befriend gas station – be a good neighbor. Add sunflowers to interior design? KCK mural? Keep it people-sized. Create a position to welcome and work with the WYCO community.

23. #2 building color; building #3 awning; #5 – don't live close enough to shop consistently.
24. The size of the building does not seem large enough to serve the downtown residents.
25. The white awning in image #3 looks a little weird
26. Would love a coffee bar – would love to see it run by Thou Mayest, City Market Coffee, and Splitlog. In the education space – hold lessons on how to cook the food of local communities – Hispanic, Burmese, Congolese, and Nepal. I would like to see the gas station stay if it gets a little face lift. I like having gas close by and the guy who runs it now is nice!
27. Including styles that relate to or remind us of the history of Wyandotte.
28. I like the flowers and pumpkins or something seasonal outside the front door.
29. The first one looks like a corporate headquarters – I don't like that. It is going to be in my neighborhood so I am going to shop there no matter what. I like the brick on the third one and I think the canopy gives it the feel of a community gathering space.
30. Signage on 7th or from downtown loop and I-70?
31. Colors of #2 are great; awning at #3 is great
32. The look and feel of the building should be welcoming to low-income families in our neighborhood. As a person who is middle class, I have access to the majority of the grocery stores in the metro area. My concern is that a grocery store in downtown KCK represents the entire community of KCK. (I am a WYCO resident by the way.)
33. I like the warmth of #2 but the design of #3. I want the interior to feature more "realistic" lighting, not the Uber commercial bright lighting (think Whole Foods – UGH!) I like the choice of location – accessible within the neighborhood by foot as well as bus and car. I would hope to see a lot of outreach programs that encourage (perhaps reward?) participation – i.e. cooking classes for young parents, nutrition education/suggestions for seniors.
34. Bike-ability, affordability, diversity in staff, community mural! Have community partners (El Centro, PAL, etc.) to supply help? Staffing? Utilize other businesses, i.e. Slap's BBQ, Splitlog Coffee, and Krisman's. Celebrate diversity – I'd love to help (913-963-1128)

Question 7: What are some of the products you hope will be offered at the downtown grocery store (please be specific)?

1. Whole foods/Cosentino's
2. Place for a cup of coffee and a sandwich/snack. Fresh fruit and vegetables; healthy snack items
3. Allergen-friendly products, community priced products, hot and cold ready-to-eat food
4. Fresh fruit and vegetables – anything seasonal

5. Organic, fruit, greens, beans, etc. All vegetables, meats – beef, poultry, fish, etc.
6. Amy's frozen products, vegetarian items, eco-conscious packaging, good cheese, possible to have Ibis bread?
7. Fresh affordable food like Hy-Vee, etc.
8. Organic/local; grass fed and fresh meat
9. Organic/local – grass fed beef and pork, holistic health items
10. Local produce; affordable, sustainably grown foods, "clearly organic" (AWG); bulk grains and snacks; Café Fair coffee.
11. This is no food desert. Everything I need is at Bonito Michoacán and 10 other merchants within 1 mile. La Chiquita
12. Scone mixes; refugee farmers produce; Gyro kits and Bob's Red Mill products
13. Organic, short grain brown rice; seaweed, org bulk mango with no added sugar, nut yeast, rice cakes, raw nuts and seeds, big bulk section, hand made local tamales and tortillas.
14. Fresh baked items – so excited!
15. Veggies, fruit and meat
16. Leafy vegetables – turnip, collard, mustard
17. Cheese-its; Nutella; bottled Starbucks and teas
18. Sara Lee Delightful products. Hebrew national hot dogs, low-calorie, high-fiber products
19. Fairfield milk, Thomas bagel thins, Oroweat sandwich thins
20. Local KCK produce
21. Fresh fruits and vegetables; local milk and dairy products; and food at a value similar to Aldi
22. Drinking fountain! To my knowledge there's no drinking fountain outdoors in all of downtown or Strawberry/Turtle Hill.
23. Deli-fresh loaves of bread and healthy microwaveable dinners (Amy's)
24. Fresh fruit and veggies; Farmers Market one day per week; excited about local produce – showcase local farms; cheeses and meats!
25. Organic fruits and vegetables
26. Products that have affordable prices. Items that are diverse and ethnic needs.
27. Whole wheat bread, small ice cream containers (1 pint?), Blue Bunny is good. Have healthy items that are appropriate to take to a pot luck (cut fruit, cooked vegetables) that I can grab on my way to work (ready to eat.)
28. Fresh seasonal vegetables – good fresh sustainable fish. A selection of "natural" cleaning products even if limited – overall products that are affordable for a broad range of socio-economic levels.
29. My hope is to bring my friends of different ethnicities than myself to some of the meetings that MERC Coop is hosting. My name is Drew Hammond, 913-710-9953, drewhammandkc@gmail.com, 425 North 14th Street, KCK 66102.

30. Fajitas, Chai tea, fresh salsa, Deke pre-chopped salad, peanuts, Devours frozen dinners, butter, hot sauce and BBQ sauce, local pig meats, Betty Rae's ice cream, pre-made meals.
31. Coconut-based products, sausage, San Antonio salsa, hot Cheetos, Best Choice, clearly organic, Goya, Amy's Daija, GT's, Kombueha, Nature Valley, Lay's, culturally competent foods, ESP produce, dog food, toiletry brands?, Tom's products, Zum, avocado's, Roastene or Splitlog coffee?, sauerkraut, Tripe (meat), dairy-free!, Alafia, purified water fill up, Bee's community garden.
32. Good coffee, fresh produce, Mexican food (tortillas and prepared fajita meat), La Cron, generic basics (pasta, veg, spices, etc.), fresh bread, oatmeal squares, cheese options, herbs and spices, plain low-fat Greek yogurt, fresh salsa, Dole pre-chop salad-like Kale, Asian; Amy's frozen meals, ready to eat sushi and salads.
33. Fresh fruits and vegetables featuring local farmers; soups and salads, humus, healthy choices, food demonstrations – how to cook healthy, affordable food that tastes great – feature to eat cultural relevant food.

MERC Grocery Store - February 21, 2019 Meeting – Miscellaneous Comments

- “Real” security – specially for children and elderly
- Good manager is important – friendly and stern
- Needs to look nice and clean
- Want “organic”
- Atmosphere inside very important
- Want to feel welcome
- Friendly employees
- Cameras for not stealing
- What kind of products? – local is important – new roots for refugees
- Image Preference - #3 – concern about durability of canopy in winter/weather; #2 – concern materials would fade over time3; #3 like that canopy offers shade and shelter from sun
- Gas station is not part of the project
- Want way for shopping carts to be corralled
- Bike racks – need parking for bicycles
- How to handle shopping baskets left at bus stops?
- Image #3 – canopy covers from snow and rain
- Is the KCK Coop a separate entity from the Lawrence Coop?
- Separate management between KCK and Lawrence
- Preferential treatment to hire KCK community?
- Will the community classroom be as robust as Lawrence Programs?
- Is this store going to emphasize organic or certain brands?
- Design is too modern; looks too expensive
- Too many linear shapes – harsh corners
- Doesn’t reflect Strawberry Hill culture – look at fire station
- Option #2 looks too much like grocery store (Natural Grocers)
- Like canopy on Option #3
- Bike racks
- Will allow bags and strollers
- Affordability is key
- Important to have dedicated parking!
- Image #1 – make sure windows have shades to prevent sun glare. Coordinate with surrounding colors and materials and other buildings downtown.
- Image #3 – like the canopy for weather protection. Like the windows and openness
- Like fresh produce and deli items
- Image #2 – not as many windows – brick looks heavy. Like the landscaping and trees
- Discourage outdoor seating = concern about non-customers taking up seating
- Size of store? About 14,000 square feet

- Images 1 and 3 favorites
- How many jobs?
- Image #1 – Too Johnson County; #2 – Feels more like it fits the vibe downtown, looks like a grocery store – noticeable driving by – more inviting. #3 – Looks like a bank or drive-through
- Lunch options (healthy) and breakfast
- Fresh bread and bagels
- Will there be an option for deli platter for meetings, etc.? There will be a full scale deli.
- Gluten free options
- Classroom sounds great – interested in doing classes
- WIC supported easily
- Murals - ties building to community
- Free range and non-GMO options? Yes
- Why aren't the neighborhood meetings held on weekends? There could potentially be a different group of people
- Want to see support of local and farmers' gardens – Juniper Gardens. New roots for refugees. Currently they go to farmers markets to sell; could see the faces that produce the items right down the road.
- Hoped to see a more "traditional" grocery store option. Cornice, brick, Kansas old school style. Option #1 – looks like an art gallery, not grocery. Reflect architecture of nearby fire station.
- Can we please get rid of the gas station! Response: Hopeful that investment in the area will spur further investment and development.
- WIC – visibility, more veggies
- Local – visit Price Chopper on Roe/37th – Hispanic items
- Hours of operation? After 5 pm, neighborhood vibe (Juniper Hills), shifts, workers leave area
- Salad bar option
- Option #3 – canopy looks like corrugated sheet metal
- Not a fan of all the windows – easily broken, hard to maintain
- Option #3, industrial feel – would not be proud to have this. Good concept to cover maybe a farmers' market but concept feels cheap, industrial, loading bay – looks real bad
- Color on #2 looks like red brick, warm color draws people. Having red brick would be best. Looks less modern – doesn't fit downtown.
- Looks like Whole foods – not in a good way. Looks unaffordable
- Option #2 has most potential. Add red brick – go away from all the windows
- Glass breezeway instead of canopy
- Affordable foods
- Don't ban bags, etc. people riding bus need to have a way to carry their goods
- Make it reasonably accessible to people
- Like the additional shade and protection awning that #3 provides

- Think about how to get input from residents who are not likely to come to the meetings.
- Consider immigrants, non-English speakers
- Entrance should lead to produce (It will)
- Curious about the ownership of building following initial agreement
- My concern is the filling station and ground contamination; is there a study?
- How accessible from residents in Northeast on North 4th Street – no bus stops near
- Have you addressed needs of population (mostly seniors)
- All images look like Whole food, except for Image #3
- Can be more inviting design because it's very modern
- Concern building is accessible from KU Behavior Unit
- Add brick (something more timeless) to exterior
- Curious about windows and vandalism (continuous expense or repair)
- Image #3 looks strange – Don't understand purpose of overhang
- Are community members going to participate in building (construction) MBE and WBE (will they help?)
- Is there a commitment to support Section 3 program (government funding with prevailing wages)
- Store can be leader in keeping area beautiful
- Are there plans to clean up the gas station?
- Ready for store, great location but don't take away from Jack Reardon Center

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

a variety of fresh produce and meats. Alternative "meats" for
 vegan/vegetarian cooking, frozen or otherwise. Bulk bins of basics
 like rice, quinoa, etc. To go, pre-made foods like sandwiches
 and salads for a quick lunch.

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

SOLAR PARKING LOT & CANVALES ☺
BY

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

BULK BINS, MEAT + DAIRY ALTERNATIVES, ORGANIC,
SALAD ETC

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Would be pre able offer Double Up Food Bucks w/ SWP

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

I would like to see a short term loading zone for people to stop & drop people off.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

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4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

GET RID OF THE EYESORE OF A GAS STATION TO THE SOUTH
NEEDS A CAFE FOR LUNCH OR DINNER, VENDING
~~STANDS~~ ADVERTISING TO PEOPLE IN KCMO, ~~CLARENCE~~ IT IS A STONES
THROW AWAY FOR THEM TO GET HERE.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

3rd

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	(3)	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	(3)	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	(4)	(3)	2	1
4. The general style of the building design feels welcoming.	5	(4)	3	2	1
5. I am likely to shop at this downtown grocery store.	(5)	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

we started to design later seems so well. It will be important due to Rivermarket. Both sides need with few options

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

We live and work in the area so we will be shopping here. I hope you are able to offer affordable family options to cater to Down town employees.

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
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4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Handicap Accessible

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Organic Foods less Exposure to Pesticides.

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

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4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Go Green, Have Electric Shopping carts
Have a satisfactory # of handicap parking

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Fresh fish, seafood, & meat
Fresh vegetables inclusive of avocados, mushrooms
Have a beauty products, personal hygiene products

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	(4)	3	2	1
4. The general style of the building design feels welcoming.	(5)	4	3	2	1
5. I am likely to shop at this downtown grocery store.	(5)	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

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6. Do you have any suggestions or other thoughts about the building?

*WPA cell are good as long as they help in the
Redemptorist of Downtown*

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Bakery, having a diverse selection more fresh & healthy selections.

Downtown Grocery Store Community Meeting -- SURVEY

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6. Do you have any suggestions or other thoughts about the building?

I live on 36th Street therefore 5th and Minnesota would be a
 far for me to travel to. I think there needs to be a larger
 store at 169 17th and Bundo Blvd. to better serve the community.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Lots of vegetables & fruit also fresh meat

Downtown Grocery Store Community Meeting -- SURVEY

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Downtown Grocery Store Community Meeting -- SURVEY

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6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

A hot food bar so I can eat here / grab a hot meal on my lunch break

Downtown Grocery Store Community Meeting -- SURVEY

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4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Brags products, natural supplements

Downtown Grocery Store Community Meeting -- SURVEY

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5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Having covered open area for outdoor farmer's market would be nice.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

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5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

*There are things about all designs that I like.
lots of windows, large covered area around entrance,
color contrast.*

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

*coffee, milk
salad, soup, beer
fresh options to grab over lunch*

Downtown Grocery Store Community Meeting -- SURVEY

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5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

~~AT~~ CONCERN ABOUT MAINTENANCE OF Awning on #3. This bldg will be one of the first things people see when they enter bldg

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Fresh Vegetables, Fruits, Berries.
 LOCALLY PRODUCED FOOD (K)
 LESS ~~PROCESSED~~ PROCESSED
 HEALTHY 'TO GO' ITEMS

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	(2)	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	(4)	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Traffic control around parking on street - speed bumps
extra traffic lights LED parking lights, (in parking lot)

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Organic food, re-usable bags at checkout
Hot items, soap, chicken

Downtown Grocery Store Community Meeting -- SURVEY

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4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

There should be a larger overhang in the front so customers may get out of the weather.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

*Grocery pick up & closer to the building
Seamless for the parking lot, lots of lighting
Handicap Shopping Carts, what are the hours of operation
— over —>*

Downtown Grocery Store Community Meeting -- SURVEY

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6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

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4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Fresh Kale, Corn, Cabbage, Broccoli, Butternut, Deli Bread, Season, Pickle, Beans
 SALAD BAR, KETO

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

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6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

I like the glass corner on the left in Image 1, the wood-look of Image 2, & the large awning in Image 3.
Outdoor seating for lunch!

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Lunch items - salad bar, soup, healthy sandwiches
Basic household supplies - toilet paper, paper towels
Healthy dessert options like Halo Top & dark chocolate.
Iced tea

see
Bachman 2 Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
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4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

I love all the windows, I love the large awning in image 3, I love the red facade in image 2, and I love the awning/sheltered areas

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Fruit salad / coffee / juice bar from 7am to 6 or 7pm.
Outdoor seating area that is non-smoking and enforced.
Outdoor security that watches over parking areas
Candy-free isle / check out for parents.

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
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4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

How can we make it more inviting to all in a way that incorporates the diversity of white residents. I would love to see art incorporated into the building somehow.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	(5)	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	(5)	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	(5)	4	3	2	1
4. The general style of the building design feels welcoming.	(5)	4	3	2	1
5. I am likely to shop at this downtown grocery store.	(5)	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

billie factors

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

vegetarian, pre made food, coffee bar, bulk food packages

I would like to pay for my membership

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Perhaps more brick with a small stone cap/cornice

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Always Save; Best Choice; Gourmet foods;

Coffee Shop with at least a Barista part-time

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

oolong tea
Red Sockeye Salmon
Whole Grain Bread

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

IT WOULD BE NICE TO SEE A MULTI-STORY BUILDING THAT COULD DOUBLE AS A MULTI-USE AND ENCOURAGE OTHER RESOURCES.
- LOCAL GYM? / AUDITORIUM?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

- PROVIDE A STRONG CONNECTION TO MISSOURI / KANSAS. (BUS / STREET CARS)
- ADD BIRD / LIME SCOOTERS AND BIKES.
- LARGE ROOM FOR CLASSES (PLANTING / LOCAL LIFE)

THANK YOU!!

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

yes - a chain grocery store

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

1. What Price Range of Product.

2. Afford Price

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

lighting & walks for your surroundings
community members

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Reasonable prices & some groceries
Deli & Seating

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	(1)
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	(4)	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	(1)
4. The general style of the building design feels welcoming.	5	4	(3)	2	1
5. I am likely to shop at this downtown grocery store.	5	(4)	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Will there be security inside + out?
Will the outside be kept clean + free of graffiti?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Fresh produce + meats
Salad bar
Deli

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
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2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Store Hours

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

ALL FOODS

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

*Outdoor seating area for lunch would be nice
upkeep is important*

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

*Fresh produce, local & organic, if possible
Healthy To Go items
Vitamins & supplements*

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Please make sure to have submitted the facility

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Looks like everything is being done right

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

→ To go lunch options (salads, sushi, wraps, stuff)

→ Items that don't come wrapped in plastic → options w/o packaging

→ Doughnuts → cake donut w/ white frosting

→ Everything Aldi sells. Basics + A few specialty things + pre made frozen dinner options

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Organic, fresh, variety, clean

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.					
	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

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4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

IT IS VITAL THAT we have plenty of handicapped parking
 because you will have several sr citizens high rises
 100 around the store.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

All Healthy foods, vegetables, fish, fruits, Seafood, Meats
 (fresh)

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Ask The Community For Feedback

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of Image 1 meets my expectation of a downtown grocery store.	5	(4)	3	2	1
2. The look and feel of Image 2 meets my expectation of a downtown grocery store.	5	4	(3)	2	1
3. The look and feel of Image 3 meets my expectation of a downtown grocery store.	5	4	3	2	(1)
4. The general style of the building design feels welcoming.	5	4	(3)	2	1
5. I am likely to shop at this downtown grocery store.	5	4	(3)	2	1

6. Do you have any suggestions or other thoughts about the building?

Entrance to KCK from EAST - needs to be attractive!
 Concerned about parking for Gordon Center
 Fawn, flower, tiles on the roof - add to aesthetic - fresh herbs

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

coffee with the PC
 paper plates, cutlery, wax paper, plastic wrap - things you need for an event
 flowers for events
 church meat, bread

(OVER)

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

will the store cater to the people that live around the store?

will you have a place for high school students to work there?
what are your hopes of operation?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
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4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

FRESH BREAD LOCALLY BAKED / FRESH PRODUCE /
COFFEE SHOP // A BUTCHER

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

INQUEST

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

See local stores for the products

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

friendly inside interior - not cramped like safety easy access is major concern

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Name brand products not off brands, reasonably priced (we compete with Price it offers etc. fresh produce) fresh meats, Deli,

Downtown Grocery Store Community Meeting -- SURVEY

Krta

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Looks good!

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

fresh veggies and quality meats

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Image 1 fits into the history architecture of Strawberry Hill more so than the other two.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

*- Organic produce
- Free Range Poultry
- Gluten Free Beef*

Downtown Grocery Store Community Meeting -- SURVEY

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5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

I concern is the economic viability of the store for all involved. There should be more foot traffic since the KU hospital is running. If prices are #1 or more compared to other stores this will force consumers to go elsewhere. I do not see WIC members buying shoes. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]? More of the fruits and vegetables and less of a store that sells chips and junk food. Need wholesome food.

(over)

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

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5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Can you build a small flower box on the east side facing exterior wall to incorporate the filling station. That would be pretty good.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Just quality produce. It would be great to see some seasonal produce as well. Affordable staples and locally sourced meat, fish, + dairy.

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

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4. The general style of the building design feels welcoming.	5	4	3	2	<u>1</u>
5. I am likely to shop at this downtown grocery store.	5	4	<u>3</u>	2	1

6. Do you have any suggestions or other thoughts about the building?

The building should be designed ~~like~~ like Prescott place
 or the legends with a wider appeal, not to look like
 an exclusive modern (young, white, wealthy) area.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

GROCERIES, fresh produce, vegetables, food.

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

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6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

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4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Quality products

Neighborhood Grocery Store Community Meeting

February 13, 2019 12:00

Name	Address	Phone	E-Mail
1. Dragi C. Misic	612 Elizabeth Ave K	66101 501-231-7484	sportsloving@comcast.com
2. Terry Clay	604 ST 13E	6601 979-3999	Udawn@kclm.org
3. Kathleen/audra	2204 Wash Blvd	11	Kvanden@wyckok.org
4. Jody Bodary	501 N 15th St	KC, KS 66102	913-281-1891 ket.jody@gmail.com
5. Patrick Wicks	701 N 7th	573-5272	patrickwicks@wyckok.org
6. Jennifer Schmittendorf	701 N 7th	573-5118	jsschmittendorf@wyckok.org
7. Aaron Marks	3036 N 2nd	(913) 980-2730	ayw12230@gmail.com
8. Byron Toy	701 N 7th St	(913) 573-5750	btoy@wyckok.org
9.			
10.			
11.			
12.			
13.			
14.			
15.			

Neighborhood Grocery Store Community Meeting

February 13, 2019 12:00

Name	Address	Phone	E-Mail
1. Gene Meyer	12019 Kameia Rd	OPKS 913-897-4833	
2. Marcos Subletta	7517 Grady Ave		KubeltH@wycockk.org
3. Randy Lopez	3046 S 96th Ter		RandyLopez28@gmail.com org
4. Jim WISS	3507 N 123rd	KIC	twiss@wycockk.org
5. Chiquita Wilson	3016 Parkview Ave	KK 913-321-7690	
6. Freda L. Wilson	2016 Parkview Ave	KKS " " "	
7. Paul Bell	1711 N 36th St	816-323-2652	
8. Barbara Clark	2050 E. 1550 Rd. Lawrence, KS	785-842-4102	barbarac4@magnessfan.com
9. Brent Smith	815 N. 6th St	(913) 669-8736	basm.H@kckad.org
10.			
11.			
12.			
13.			
14.			
15.			

Neighborhood Grocery Store Community Meeting

February 13, 2019 12:00

E-Mail

Phone

Address

Name

1. Theresa Linnman 3833 N 87 913 899 4323
bay state 913-279-3498 flinman@kckha.org
2. Theresa Linnman bay state 913-279-3498 flinman@kckha.org
3. Shirley Cantelero 804 J. St 913-788 7330
4. Mavis Supple 1118 N 7th 816-576 7539
5. April Friedl 2424 52nd St opiksu@gmail.com
6. Beverly Eastwood 1621 N 7th St 913-767-6807 beaeterwood@umkc.com
7. Lauren Cooper (913) 573-5072 laeppu@uwyckk.org
8. Joyce Dorcas 3059 Ruby Ave (913) 633 4497 jaycedorcas@uwyckk.org
9. Kelly Barth 825 Maize St Lawrence KS 785-843-8578 kellybarth58@aig mail.com
10. Kwelle Dyer 2101 N 45th St 913 961-6562 007tdyer@aig mail.com
11. Rob Anderson cell 747 000 0000 anderson@uwyckk.org

15.

14.

13.

12.

Neighborhood Grocery Store Community Meeting

February 13, 2019 12:00

Name	Address	Phone	E-Mail
1. Andre Johnson	2508 Stewart	816-738-9050	
2. Richard Roche			Rocka@wyckokc.org
3. Gail Jones	Purchasing	913-573-5446	gjones@wyckokc.org
4. Laura Poland		913-371-7501	
5. Beatrice Lee		913-281-4528	
6. Maureen Alaal		913-371-7893	
7. Rob Richardson			
8. Melissa Bynum		216-973-0645	mbynum@wyckokc.org
9. Janu McKinney		816-382-2719	janu.mckinney@heart.org
10. Caprice Kimbrel			crkimbrel.smile@hotmail
11. Carol Kimbrel		913-514-2898	bigc.bardwork@hotmail
12. Jill Anderson		913 904 4743	jill.anderson@ibhc.com
13. Ruth Eastwood		913 371-9695	Ruth.Eastwood@yahoo.com
14. Jim Schraeder	2108 Wash. Blvd.	913 371 2644	schraeder3@gmail.com
15. Evelyn Trimmers	3615 George	913 371 0382	

Neighborhood Grocery Store Community Meeting

February 13, 2019 12:00

Name	Address	Phone	E-Mail
1. Linda Siemens	300 E 39th St Rm 413	913-961-0669	linda@culthidek.org
2. Kim Gaspar	"	"	kim@culthidek.org
3. Justie Nebo	714 N. 17th St. CCS		spelson@nycok.org
4. Caleb Withers	P.O. Box 5121 KCKS	913-638-4698	
5. Marcus Wynn	420 Sandusky	913-535-6604	marcus@more2.org
6. Nancy Burns	400 N 16	913-244-0028	nburns@wyoctec.org
7. Andrea Smith	1911 Nebraska	281-9420	
8. Rebekah Goughman	216 N 10th	913-341-1112	rebekah@visithonsouthks.com
9. Zogfa Garcia	1821 Central	9546995853	681central@nycok.org
10. Justine Underwood-Jones	431 Ann Ave	913-803-4758	underwood.jones@nycok.org
11. Jason Norway	726 Broadway	913-371-0705	diannorway@nycok.org
12. Patrick Sumner	812 N. 7th St.	913-5732938	psumner@nycok.org
13. Dorothy Reed	420 Walker	913-3210954	dreed1108@gmail.com
14. Bernadine Rasheed	413 Walker	913-2813525	brassocks@sbcglobal.net

Neighborhood Grocery Store Community Meeting

February 13, 2019 12:00

Name	Address	Phone	E-Mail
1. Deb Bailey	1128 Louisa	913 208 1655	racegal62@gmail.com
2. Zach Flinders	701 N 7th St	913-573-5779	2flinders@wyckoff.org
3. Mary Chidress	2917 N. 36th Street	913 908 6217	ms.mary.c@yahoo.com
4. Gloria Johnson	1906 N. 8th Street	913 621 6526	
5. King Portillo	701 N. 7th St	913 573 5755	koortill@wyckoff.org
6. Mark Shapiro	300 N 34	6213402	
7. Nick Snyder	510 SANBURY	913) 225-0354	NICKI.LUKIN@GMAIL.COM
8. EZR SNYDER	" "	913) 441-3241	Zac.Snyders@gmail.com
9. JESSICA MONAGHAN	855 OHIO	(913) 579-5950	JESSICA MONAGHAN @YAHOO.COM
10. Logan Macenthan	250 N 32nd St	816-522-6605	lmacenthan@wyckoff.org
11. CHRISTIAN COOK	401 N 16th St	913-312-5840	ccook11@wyckoff.org
12. Donna Hilgner	442 BARNETT AVE	913-830 1911	jhilgner@wyckoff.org
13. Clinton Widdman	8105 Oakland	785-741-4379	clwiddman@wyckoff.org
14. Dorei FIACK	537 Thompson	913-938-2212	lfiaack@wyckoff.org
15. Paul C. Ridgway	419 Armstrong Ave	816 617-8257	ridgway3@gmail.com

Neighborhood Grocery Store Community Meeting

February 13, 2019 12:00

Name	Address	Phone	E-Mail
1. Elith Turnpseed	3019 Parkwood Blvd	9/281-3193	turnipseede@
2. Adam Whitney	3630 Locust	913-486-2742	adam@the20th.org yago0.com
3. Alexia Silva	539 Armstrong Ave	(913) 514-4033	alexia@vstansas gtyts.com
4. Megan Painter	1303 Central Ave	913 205 6463	mpainter@chuckk.org
5. Janeria Phillips	3104 Delavan Ave	913-342-9222	
6. Rhonda Green	722 N 61 st Trk	913 579 5513	rtcars5255@cd
7. Ken Moore	701 N 7 th	573-5060	car
8.			
9.			
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Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
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4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

I would love to see as much art installation/other interesting & unconventional design features as possible. We have limited parks/shaded spaces in this area so please keep this in mind of the park. The current designs are beautiful.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Pork items (carnival, ribs, etc.) & spices. No meat foods for b-gg lunch. Coffee bar. Filtered water station, Salad bar.

Thank you all so much for your hard work!
This is so exciting for the block!

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

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6. Do you have any suggestions or other thoughts about the building?

Modern. This will age fully. We are
developing a stable system for storing milk. (1947)
a place to sit and eat. (The house, female, color, coffee)

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

We made breakfast lunch Colaba Local KC washes
 Colaba, KC Colaba. Sea food. Nice cheese. I was
 a member in long time before moving to Strawberry Hill and
 then on days. It is very good. (see new story)

Downtown Grocery Store Community Meeting -- SURVEY

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6. Do you have any suggestions or other thoughts about the building?

Star. Purely, no alcohol sale, no self-checkout, produce should be front center, fresh bread, Wed 11 (bright), meat section w/ butcher, Mexican section.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

I like the ability of 3 the look of 2

Downtown Grocery Store Community Meeting -- SURVEY

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6. Do you have any suggestions or other thoughts about the building?

Please build it as every efficient as possible to help w/ operating expenses.
In fact, following the Lawrence Store's example of using a lot of solar power is a great idea. Yes, an upfront cost, but saved thousands of dollars into the future.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Delicatessen meats & cheeses, quality meat dept - especially charlemagne pork, beef & seafood options
Quality produce & dairy. All of these high end items, but also the economic priced items - affordable staples along w/ high end specialty items.

Downtown Grocery Store Community Meeting -- SURVEY

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6. Do you have any suggestions or other thoughts about the building?

The dock should NOT FACE The Front door of Ku-

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Butcher cut on side meats

Non Frozen Fruit & vegetables All Fresh-

Downtown Grocery Store Community Meeting -- SURVEY

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7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

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6. Do you have any suggestions or other thoughts about the building?

Pick up old Deep Lane for old People

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

greens, green beans, beans, Ham Hocks,

Downtown Grocery Store Community Meeting -- SURVEY

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Downtown Grocery Store Community Meeting -- SURVEY

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6. Do you have any suggestions or other thoughts about the building?

Security Seating

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

You should survey the local residents with a list of foods that you can provide

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

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6. Do you have any suggestions or other thoughts about the building?

Tight Security

7. What are some of the products you hope will be offered at the downtown grocery store. (Please be specific)

Fresh produce & Fish & Fresh Bakery products

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

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6. Do you have any suggestions or other thoughts about the building?

Any of the design options would be acceptable to me though I prefer the look of #2 (and would like the design of #3 in some form, too)

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Fresh produce, affordable pantry staples, meats & vegetables, meal ideas (and at the prepped deli). I'm also ok with "rescued" or "ugly" produce - quality products that may not be perfect, but that might keep prices lower.

Downtown Grocery Store Community Meeting -- SURVEY

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Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

the use of any local building materials and contractors

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

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6. Do you have any suggestions or other thoughts about the building?

- I would like for the store to be open 24 hours a day 7 days a week
- It would be nice for the store to deliver grocery to your homes

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

- Salt free
- Sugar free
- Low fat food items

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4. The general style of the building design feels welcoming.	3	4	3	2	1
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6. Do you have any suggestions or other thoughts about the building?

Give store Starbucks (and maybe similar share, too)

Smoke-free (and tobacco free and vape free) outdoor environment

On back of building → not just plain walls — murals and/or faux windows

DO CPED assessment (Crime Prevention Through Environmental Design)

What are some of the products you hope will be offered at the downtown grocery store (Please be specific)?

• Affordable options with no added sodium/canned items (beans, veggies, tuna)

• Grass-fed chicken

• Salad bar

• Coffee beans you can grind in-store • And an in-store coffee shop

• Bulk items (e.g. nuts) • Avocado, ~~water~~ and lots of other greens & fresh veggies

Downtown Grocery Store Community Meeting -- SURVEY

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6. Do you have any suggestions or other thoughts about the building?

I am so happy you're coming to our neighborhood. THANK YOU THANK YOU THANK YOU

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Fruits & veg
Ready made/deli
But anything you do will be fantastic

SEE BACK →

Downtown Grocery Store Community Meeting -- SURVEY

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7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Reunión de la Comunidad del Supermercado -- ENCUESTA

Usando una escala de 1 a 5, donde 5 significa "totalmente en acuerdo" y 1 significa "totalmente en desacuerdo", por favor califique las siguientes afirmaciones.

	Totalmente en acuerdo	Acuerdo	Neutral	Desacuerdo	Totalmente en desacuerdo
1. La apariencia de la <u>Imagen 1</u> cumple con mi expectativa de una tienda de comestibles del centro.	5	4	3	2	1
2. La apariencia de la <u>Imagen 2</u> cumple con mi expectativa de una tienda de comestibles del centro.	5	4	3	2	1
3. La apariencia de la <u>Imagen 3</u> cumple con mi expectativa de una tienda de comestibles del centro.	5	4	3	2	1
4. El estilo general del diseño del edificio es acogedor.	5	4	3	2	1
5. Es probable que compre en esta tienda de comestibles del centro.	5	4	3	2	1

6. ¿Tienes alguna sugerencia u otra opinión sobre el edificio?

7. ¿Cuáles son algunos de los productos que espera que se ofrezcan en el supermercado [Por favor sea específico]?

Downtown Grocery Store Community Meeting -- SURVEY

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4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

I like the idea of #3 if there will be farmers markets + "events" under the awning. I like more

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Produce that's fresh + local, deli, organic, low cost items on pantry type items (flour, quinoa, canned beans). I would like local products - produce - I other locally made "small batch" items. I also want it to be accessible to others not as fortunate as me.

Downtown Grocery Store Community Meeting -- SURVEY

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6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

DIET BEST CHOICE SODA IN FLAVORS NOT JUST NEW COKE

Downtown Grocery Store Community Meeting -- SURVEY

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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	No 5! so much.				
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

No certainly will ~~try~~ try out the grocery but may not shop on a regular basis. I like the idea of a co-op. I am upset that the YMAA is not part of the healthy campaign. I like the idea of some of the products you hope will be offered at the downtown grocery store [Please be specific? Fresh fruits, vegetables, meat, dairy products]

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific?]

Fresh fruits, vegetables, meat, dairy products

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5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

ALL DESIGNS ARE BEAUTIFUL! I LEAN TOWARD #1 & #2 AS THEY APPEAR/FEEL MORE ORGANIC & LESS MONOLITHIC (AND MAY BE MORE VISUALLY APPEALING WHEN CONSTRUCTED)

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

PRODUCTS THAT WILL BE OF INTEREST TO THE DIVERSE KCK COMMUNITY (AND AFFORDABLE)
 1. EX. REFUGEE COMMUNITIES FROM ASIA & AFRICA, LATIN AMERICAN PRODUCTS
 2. HOT FOOD/LUNCH BAR/SALAD BAR

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5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

The 3rd concept looks like it has potential for lots of outdoor dining or market space. The modern buildings are interesting, but the 3rd concept appeared more flexible.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Basic Groceries. Paninis. Fresh Fruits. Coffee

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4. The general style of the building design feels welcoming.		4	3	2	1
5. I am likely to shop at this downtown grocery store.		4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Need bicycle racks. Think about bike / food customers. An outdoor (or indoor) space to eat deli food would be nice.

I like #3, but w/ #2 colors

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Ready to eat deli food, variety of spices, ability to buy an entire cow, pig, lamb, etc (special order?).

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6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Non-GMO, organic meats, gluten-free fresh produce

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6. Do you have any suggestions or other thoughts about the building?

I would like AFFORDABLE groceries. We would like to spend our grocery dollars in our country, but my money needs to go far, and not only cater to those that only work in KCK.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Bulk products - beans, oats, shatto milk & cream

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6. Do you have any suggestions or other thoughts about the building?

I REALLY LIKE THE CONCEPT IDEAS, ACCESS FOR THE DISABLED A MULTIFRIENDLY STAFF WILL MAKE ALL THE DIFFERENCE

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6. Do you have any suggestions or other thoughts about the building?

Affordable groceries. I spend money else where out of the country just to get fresh produce. Over-processed foods. Priced that I can work with.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Produce, ~~meat~~ dairy, bakery foods, etc.

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6. Do you have any suggestions or other thoughts about the building?

I chose to buy a house in Strawberry Hill because I'm so excited about the place & being able to walk to a grocery store where I can buy fresh produce while supporting others in my community.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

High-quality fresh produce, prepared deli foods to grab & go

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6. Do you have any suggestions or other thoughts about the building?

Look great.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Latino products - tortillas etc deli is great idea,
ethnic products

Up close than Latino

English / Spanish

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6. Do you have any suggestions or other thoughts about the building?

I want you to know how much I support this project. I like the look and the feel of the options -- especially the one you cannot please everyone -- and that's OK. This doesn't and shouldn't look like a corner market or a small grocery store. Because it is so much more -- especially in the classroom which I am excited to hear will be part of this.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Affordable fresh produce along w/ poultry & frozen items. But I would love specialty ethnic foods as well. I could see seasonal during the week & meat as well. So green food and some wine is great. I also would like to see the use of local farmers & growers. Thank you!

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6. Do you have any suggestions or other thoughts about the building?

When I go to the store I like the way the outside area is that is a good place to have a picnic.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

next presentation No yellow library on it back ground

Neighborhood Grocery

February 1.

- | | <u>Name</u> | <u>Address</u> |
|-----|--------------------------|-----------------|
| 1. | Luke E. Burke | 540 Barnett Ave |
| 2. | Paul S. S. S. | 655 24th |
| 3. | Stephanie Bell | 1030 Sandusky A |
| 4. | Don Blood | 2032 N. 32nd |
| 5. | WALTER BLOOD | 411 - - |
| 6. | Justine Underwood-Jones | 431 ANN A |
| 7. | | |
| 8. | | |
| 9. | | |
| 10. | | |
| 11. | | |
| 12. | | |
| 13. | | |
| 14. | | |
| 15. | | |

Neighborhood Grocery

February 1

<u>Name</u>	<u>Address</u>
1. John Houston	614 Sandusky
2. Mary Rupert	Wyandotte Ave
3. Karl & Sam Schlageck	613 Sandusky
4. Daniel Silva	727 Minnesota
5. Laura Swan	523 Ann Ave
6. Alicia Houston	614 Sandusky, An
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	

Neighborhood Grocery

February 1

<u>Name</u>	<u>Address</u>
1. JEREMY SCHEPMANN	607 Oakland Ave. KCKS
2. ROSS STEWART	620 Sandusky, K
3. Allan Baskley	433 Parallel
4. Julieta Mavuz	37 N 14 th St
5. Andriana Hdz	37 N 14 th St
6. Tony Privitera	1414 Genessee KC
7. Gordon Criswell	2221 Neb. Ave 1
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	

Neighborhood GroceryFebruary 1.

<u>Name</u>	<u>Address</u>
1. Johnny Taylor	2917 Stewart Avenue
2. Anthony Hampton	2119 Lombard Dr.
3. Tom Ferguson	635 Sandusky
4. J.P. Hallbrook	U R
5. Janell Friesen	531 N. Thompson St
6. Mary Collins	2225 Washington B
7. Vicki Aude	320 Walker Ave
8. Eric Simpson	323 N 30th St
9. Sydney Isle	"
10. THOMAS GORDON	2521 N. 7 th
11. Serafin Mancera	833 Anna
12. Arletta Gray	1211 Everett Ave
13.	
14.	
15.	

Neighborhood Grocery

February 1

Name

Address

- 1.
2. Chu Kim 1028 m. mans
3. Mack Sprague Perry, KS
4. Vercie Lark
5. Tony Martinez 824 State
6. Nozella Brown 5319 Hask.
7. Bryce Workman 612 Sandusky
8. Cindy Myers 529 8thom
9. Anita Metoyer 5029 Haskell A
10. Gwendy Mitchell 344 Quind
11. Christopher Gray 1211 Everett
- 12.
- 13.
- 14.
- 15.

Neighborhood Grocery

February 1.

Name

Address

1. Renee Kimbraugh 2910 Stewart 1st
2. Andy Dumas 1716 Miss Kinsen
3. David Brown 5319 Haskell Ke
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

The design should respect the history of strawberry hill.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Almond Milk options + milk alternatives

Downtown Grocery Store Community Meeting -- SURVEY

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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	(5)	4	3	2	1
4. The general style of the building design feels welcoming.	(5)	4	3	2	1
5. I am likely to shop at this downtown grocery store.	(5)	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

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4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

offer local coffee - hot pasterie
lunch buffet / salad bar

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

organic
clearance veg. - during like natural growers
local farmers w/ local vegetable

Downtown Grocery Store Community Meeting -- SURVEY

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4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Local Produce & Coffee

New Parts

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Local Kombucha

Coffee

Downtown Grocery Store Community Meeting -- SURVEY

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- | | | | | | | |
|----|---|---|---|---|---|---|
| 1. | The look and feel of Image 1 meets my expectation of a downtown grocery store. | 5 | 4 | 3 | 2 | 1 |
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| 3. | The look and feel of Image 3 meets my expectation of a downtown grocery store. | 5 | 4 | 3 | 2 | 1 |
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6 Do you have any suggestions or other thoughts about the building?

5. Do you have any suggestions or other thoughts about the building?
I WOULD LIKE THIS BUILDING TO LOOK LESS MODERN
AND MORE LIKE AN 1880'S BRICK/STONE TOWNHOMES -
MULTI STORY, SIMILAR TO MASS STREET IN DORCHESTER TO EXHIBIT
DIVERSITY OF A "LIVINGABLE" MANHATTAN ST.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?
GRASS FED BEEF, BULK DRY GOODS, SAUSAGE, HOT OIL, MEATS
BULK CASE BUTTER, DGS + CUT FISH, BUTTER CURED, PORKL BERRIES,
DIAPERS, BABY FOOD, SALT, PLANTS + FLOWERS, COOK BOOKS,
ICE!! BAKED GOODS + PASTRIES

Research of *A. fallax* at the downtown grocery store [Please be specific]?

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6. Do you have any suggestions or other thoughts about the building?

Please make sure you consider all income levels and access to transportation. Don't ban bags & strollers.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

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6. Do you have any suggestions or other thoughts about the building?

Current design is too modern and modern

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Some kind of bread and milk

Downtown Grocery Store Community Meeting -- SURVEY

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6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

ground turkey 99%,

Downtown Grocery Store Community Meeting -- SURVEY

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6. Do you have any suggestions or other thoughts about the building?

none

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

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6. Do you have any suggestions or other thoughts about the building?

Integrate to plaza. Where can the BPO be added to the main
 multi-ingathering place
 Locally-grown - value added products with various other local
 products. Local food products. Kenyan food products. New Kenyan
 products. Family products. Local products. Global products.
 Fairtrade products

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

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6. Do you have any suggestions or other thoughts about the building?

*Seating area please!
Should be close to vine street & be welcoming to those who arrive on foot.*

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

*Prepared linen foods, like Soup & Salad bar
organic milk, fresh produce*

Downtown Grocery Store Community Meeting -- SURVEY

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6. Do you have any suggestions or other thoughts about the building?

so excited!

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

fruits/veg, fish, salad bar, lunch + breakfast options

Downtown Grocery Store Community Meeting -- SURVEY

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5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Keep purp kept

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Salad bar, hot food for dinner

Downtown Grocery Store Community Meeting -- SURVEY

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6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store. [Please be specific]?

Concern about Homeless sleeping on flagging out of the store

Downtown Grocery Store Community Meeting -- SURVEY

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7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

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5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

A catering for box lunches would be nice.

Lunch stuff - Salad bar, Free Street Parking.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Bread, milk, eggs.

Best Choice okay, Not Always Save

Impression: Fresh foods are more ~~expensive~~ expensive. I can't afford them.

Downtown Grocery Store Community Meeting -- SURVEY

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6. Do you have any suggestions or other thoughts about the building?

Brick - bring more warmth to the building to create a more welcoming look. Current design appears to feel modern + trendy. Not typically appealing to lower income families. Also brick = timeless. Current look may be dated in 20 years.
 What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?
 Local produce & products, Campa Linda soap, Local B&B Sausages, etc.

Not long term.

Downtown Grocery Store Community Meeting -- SURVEY

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6. Do you have any suggestions or other thoughts about the building?

PLEASE CONSIDER CPTED IN DESIGN TO HELP DETERR CRIME.
 - plan to keep carts close to where
 - inside design controls flow in & out of the store to deter crime.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

organic products - bulk items
 salad bar, deli & hot food
 catering menu (ie boxed lunches, sandwich trays, etc)

Downtown Grocery Store Community Meeting -- SURVEY

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6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Local organic, fresh produce; seasonal/indigenous local items; salad bar; hot food/deli; box lunches for meetings in offices; good assortment of animal groceries

Downtown Grocery Store Community Meeting -- SURVEY

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6. Do you have any suggestions or other thoughts about the building?

Control the grocery carts.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

*Salad bar to eat in or to go. Possibly box lunch
on the meeting snacks.*

Downtown Grocery Store Community Meeting -- SURVEY

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4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building? *NO*

7. What are some of the products you hope will be offered at the downtown grocery store [please be specific]? *Fresh Vegetable + fruit etc.*

Downtown Grocery Store Community Meeting -- SURVEY

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very exciting

6. Do you have any suggestions or other thoughts about the building?

Colors should coordinate w/ Beacon Center
 Top windows need shades - sun light is very blinding
 Grocery carts will look off. Need a way to corral them.
 #2 is my favorite
 What are some of the products you hope will be offered at the downtown grocery store [please be specific]?
 Deli - Hot & cold foods
 Quiche, sandwiches, fried chicken, etc.

Salad Bar Fruits

Coffee Bar

Boxed lunches etc for meetings

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6. Do you have any suggestions or other thoughts about the building?

Really like image 3

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

*Fresh Produce - Natural - Organic
Bakery*

Downtown Grocery Store Community Meeting -- SURVEY

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5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Note of concern -- no one from the surrounding communities were instructed in this meeting

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store. <u>I like the purple</u>	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

It is very modern which I appreciate - the 2nd image is better - the look to the building is around it. I'd like to see more red brick.

Image 2 has a similar feel to some new buildings in Lawrence.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Food to support office workers

- salad bar - hot lunches

- coffee

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of Image 1 meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of Image 2 meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of Image 3 meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Please keep store clean in and outside (makes it brighter)
also, employees need to be neat.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Fresh produce (good quality) Deli hot foods.
Bakery.

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

7 Do you have any suggestions or other thoughts about the building?

Fresh Fruits & Vegetable Etc.

Don't Take away the parking for Jack Beaton CTR.

Make the Building a Reddy Built on 5th street the Grocery Store

It has parking garage already. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Build it like the Cosonatio's Downtown

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
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4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Requ the color of the grounds is important. The landscaping will help, and a little water feature & maybe some seating for people to sit.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

- Pita bread and hummus. They have a lot of stuff out here.
- Items for pets. PetSmart is too far away.

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of Image 1 meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of Image 2 meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of Image 3 meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

I would like to see a fresh bread option

Do not accommodate scooters please

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Juices

Salad bar option

Soups

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Good speak options

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Good salad/soup bar

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
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4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Salad Bar
 Home made soups
 Gluten Free
 Breakfast

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
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4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

We need more landscaping downtown

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

- Red bull

- microwaveable dinners for 15.00

- salad bar

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

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4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Seems like the entrance leads to congestion w/ drop offs & pick ups and entering to park

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

quality organic products & quality meat options

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

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6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

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6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

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6. Do you have any suggestions or other thoughts about the building?

Hand looks from SE area for construction

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

N/T

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

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4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Don't like going into store have find someone to help me (have someone on the floor that looking like there here to help me

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

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	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

open soon!!! can't wait

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

lunch

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

bike racks outside seating for nice days

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Vegetarian premade items bulk grains beans + coffee

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

of course handicapped accessible & motorized

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Sugar Free
Low-fat

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

That it is welcoming to all people. I ^{would} like it to keep up as far as keeping clean and competitive in pricing but affordable.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Fresh meats, vegetables, fruits. Name brand as well as better choice. Must be able to use SNAP/FOOD STAMPS. The deli, bakery, meeting area, and dining area, etc. a plus.

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
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4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Salad bar, seafood, bakery, deli

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
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4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Reunión de la Comunidad del Supermercado -- ENCUESTA

Usando una escala de 1 a 5, donde 5 significa "totalmente en acuerdo" y 1 significa "totalmente en desacuerdo", por favor califique las siguientes afirmaciones.

	Totalmente en acuerdo	Acuerdo	Neutral	Desacuerdo	Totalmente en desacuerdo
1. La apariencia de la <u>Imagen 1</u> cumple con mi expectativa de una tienda de comestibles del centro.	5	4	3	2	(1)
2. La apariencia de la <u>Imagen 2</u> cumple con mi expectativa de una tienda de comestibles del centro.	5	4	3	2	(1)
3. La apariencia de la <u>Imagen 3</u> cumple con mi expectativa de una tienda de comestibles del centro.	5	4	3	2	(1)
4. El estilo general del diseño del edificio es acogedor.	5	4	3	2	(1)
5. Es probable que compre en esta tienda de comestibles del centro.	5	4	3	2	(1)

6. ¿Tienes alguna sugerencia u otra opinión sobre el edificio?

NO, me parece perfecto

7. ¿Cuáles son algunos de los productos que espera que se ofrezcan en el supermercado [Por favor sea específico]?

Productos latinos, harbin productores que todo amolamos

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Would be great to implement a renewable energy plan into the design to mitigate energy consumption and get p.r.t. of micro-wind a solar.

7. What are some of the products you hope will be offered at the downtown grocery store. [Please be specific]?

Especially what you offer in Lawrence is fine

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	(5)	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	(5)	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	(5)	4	3	2	1
4. The general style of the building design feels welcoming.	(5)	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	(4)	3	2	1

6. Do you have any suggestions or other thoughts about the building?

NA

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Wide Array of Spices: Curry, Ginger, etc.
Fresh locally sourced eggs

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

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4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

I would like to see Mexican products

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
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5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Mexican Products

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

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6. Do you have any suggestions or other thoughts about the building?

WHAT CAN WE DO TO GET THE FEEL OF THE BLOCK DEVELOPED?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

FRESH VEGETABLES

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

I like the way it is.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

As long as you have fresh food I am good.

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Happy to see it coming to this area!!!

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Neighborhood Grocery Store Community Meeting

February 21, 2019 12:00

56

Name

Address

Phone

E-Mail

1.

Soranda Nelson 1713 N 3rd St

919/344-1659

2.

Ge F. Dunder 958 North Ave

913-371-3282

3.

Dartell Heard 2044 N 4th St

913 371 7206

4.

Debra Taylor

(770) 334-9190

5.

Sharon Williams

913) 293-8479

6.

Doris L Jenkins

413-621-2149

7.

Karen Greenwood 1047 Oak Grove Rd

9-237-5462

koforpeace@gmail.com

8.

Deborah Amehmade

913 Broadway KCMU 816-494-7387

eu243ett@1-a-a52

9.

Adam Runcill 403 Stb Ave

913-551-5586

Adam Runcill@HUR.gov

10.

Carrie Stapleton P.O. Box 410365 KCMU 64141

carrie.stapleton@gmail.com

11.

William E Williams 428 Barnett

913 433 6308

willibilly@yahoo.com

12.

Michael Thompson

1641 2nd Street

913 544 7240

michael.w.thompson@gmail.com

13.

Debra Lewis

913-423-1776

14.

Brice, Fredrick

15.

Angie Lucas

573-9132

alucsa@yahoo.com

Neighborhood Grocery Store Community Meeting

February 21, 2019 12:00

Name	Address	Phone	E-Mail
1. Justine Hubbard	Jones 431 Ave	913-802-1758	wehsturn@jonesgrocery.com
2. Rev. I. Titum	2109 Georgia Ave	913-391-4828	
3. Chris May	540 Minnesota Ave	913-573-9025	osmay@hpa.com
4. Bill Crandall	4700 Road	816-210-3726	brandall@ccwv.org
5. Jessie S. White	831 Lafayette	321-3437	stewart@ccwv.org
6. Caleb Henstley		913-449-4434	caleb.henstley@gmail.com
7. Janice Barnett	8506 Lafayette	816-591-5294	janice.tbarnett@gmail.com
8.			
9.			
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15.			

Neighborhood Grocery Store Community Meeting

February 21, 2019 12:00

Name	Address	Phone	E-Mail
1. Norma Post	1010 Quindaro Blvd	631-1436	
2. Lori Austin	540 Minnesota Ave KCL	513-5050	laustinebp@gmail.com
3. Jorell Boyd	7th Street Casino	918-848-0111	jboyd@jscdc.com
4. Juliana Sellers	2704 SE 16th	816-588-9033	safer4home@gmail.com
5. BOBO			
6.			
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15.			

Neighborhood Grocery Store Community Meeting

February 21, 2019 12:00

Name	Address	Phone	E-Mail
1. Sharon Carpenter	2510 N. 73rd Trg		Shahcarb@aol.com
2. Candie Leonard-Albwell	1383 Cleveland Ave NE, KS City		ccpc@communityorganization@gmail.com
3. Angela Turner	726 Minnesota Ave KK		aturner@simmons-security.com
4. Yauria Zaldívar	88 S. 25th St KE 66102		yauriazaldivar8@gmail.com
5. Keith Kennedy	415 N 14th St KK 66102		KKENNEDY@BAUERWAD.COM
6. Sybiline Isak	3915 Vineyard Rd KCMO		sybiline.isak@gmail.com
7. Richard Graham	500 Minnesota Ave 66101		rgraham@peachtreehotelgroup.com
8. Cara Burzyne	469 Ann Ave		caraburzyne@wyckoff.org
9. Andie Johnson	2508 Stewart		
10. Victor Heeb	1817 N. 68th St. 913-485-5716		FORVIC@56cglobal.NET
11. Wendy D. Mims	3143 Redwood Dr KK 913 224 6303		
12. Ron Anderson	611 Taunton Dr		randerson@wyckoff.org
13. Cab Hunsley	716 N 7th St KCK 913-573-2835		chunsley@wyckoff.org
14. Sid Knapp	3832 N. 87th St KK		jud.knapp@gmail.com
15.			

Neighborhood Grocery Store Community Meeting

February 21, 2019 12:00

Name	Address	Phone	E-Mail
1. Robert Griffin	718 Oakland Ave	913-233-0052	NH
2. Carol Daniels	718 Oakland Ave.	913-233-0052	NH
3. Simon Kass	638 Sp. Flg.	785-318-2021	Simon.kass 730@gmail.com
4. Kenny Milk	4400 Lombard	913-588-8847	
5. Mary Beth Schwartz	620 Tenny Ave	816-674-8875	mbschwartzke@gmail.com
6. Cathy Handberg	755 Minnesota Ave	913-371-4031	charding@wythea/hfdn.org
7. Mark Jensen	520 Minnesota Ave	913-710-3069	markjensen@kcp.com
8. Brent Grose	520 Minnesota Ave	816-716-0013	
9. Corinne West	1921 Webster	816-392-6074	NH
10. John Adams	533 Laurence Ave.	913-749-2466	
11.			
12.			
13.			
14.			
15.			

Neighborhood Grocery Store Community Meeting

February 21, 2019 12:00

Name	Address	Phone	E-Mail
1. Dragi Mistic	612 Elizabeth Ave	501-231-7484	sportslovely@gmail.com
2. Linette Betts	2428 N 72 Pl	913-461-9440	LinetteBettsD90@aol
3. Kevin Linn	777 N 74 St	913-344-7550	KLIEN@75CKC.COM
4. Tenny Burley-Krausz	2207 N 13th St KCK 66106	913-573-9024	jburlay@bpl.com
5. Venita Huggins	3119 N 58th St KCK 66104	913-602-1663	hugginsvenita@gmail.com
6. Marlova White	906 Cleveland KCKS 66101		
7.			
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Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

		Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1.	The look and feel of Image 1 meets my expectation of a downtown grocery store.	5	4	3	2	1
2.	The look and feel of Image 2 meets my expectation of a downtown grocery store.	5	4	3	2	1
3.	The look and feel of Image 3 meets my expectation of a downtown grocery store.	5	4	3	2	1
4.	The general style of the building design feels welcoming.	5	4	3	2	1
5.	I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

I like the awning of #3 & the darker brick look of #2.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

*as much local produce as possible.
good deli selection; house made hummus, black
eyed pea salad, house made egg salad.*

Very excited for this to open
Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building? #2 is my favorite

Healthy options! Vegetarian & fish options

Good cheese

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

healthy lunch options - I worked at BPV & will walk over to pick up lunch. I am a vegetarian & don't have many local healthy options.
 Organic milk, free range eggs & meat (for my kids)

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
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4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Image #3 awning of Image 2 bldg.
NO GYPSY (ABS
WIDE LEGAL

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

organic / local
grass fed pork meat

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
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3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

USE BACK

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Would like a combination of Image 3 - Awnings over Image 2

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

** Organic / local
* grass fed + finished beef + pork
* Wholesale local eggs.*

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

		Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1.	The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	(1)
2.	The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	(5)	4	3	2	1
3.	The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	(3)	2	1
4.	The general style of the building design feels <u>welcoming</u> .	(5)	4	3	2	1
5.	I am likely to shop at this downtown grocery store.	5	(4)	3	2	1

6. Do you have any suggestions or other thoughts about the building?

If it's #2! Make sure people can easily identify it's a grocery store as they drive by.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Fresh fruits and vegetables
local milk + dairy products
Food at a value similar to ALDI

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	(4) →	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4 ← (3)	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	← (4)	3	2	1
4. The general style of the building design feels welcoming.	5	(4)	3	2	1
5. I am likely to shop at this downtown grocery store.	(5)	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

~~Repetitive~~ WALK-UP COFFEE BOP? ~~(Coffee shop?)~~ You can be bold with colors - the renovation of area is huge and boring. Wonder if about raised foot and auto traffic to corner. Concerned about gas station & KU mto adding. LIFE THE AWNING BUT NEEDS MORE STYLE (look quickly made). Pharmacy?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

FALITAS, ~~SANTITAS~~ CHAI TEA, Fresh salsa, Dole pre-chopped salad, peanuts, Devdus frozen dinners, butter, hot sauce & bbq sauce, Local Pig meats, Betty Roe's ice cream, pre-made meals

Downtown Grocery Store Community Meeting -- SURVEY

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	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
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2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store. <u>Appreciable</u>	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Would love a coffee bar - would love to see it run by Thai Maestros, City Market Coffee, Spinning
in the education space - hold lessons or how to cook the food of local communities
Hippie, Burmese, Congolese, Nepali...

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Good Coffee, fresh produce, Mexican food (tortillas?) + prepared food (meat), La Grail,
generic basics (pasta, veg, spices, etc), fresh bread, Oatmeal Squares!,
cheese options, herbs + spices, Plain low-fat Greek yogurt, fresh Salsa, Pile pre-chop
Ready to eat - sushi, salads Amy's frozen meals!
Salad: live Kale, Asian

Downtown Grocery Store Community Meeting -- SURVEY

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4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Including styles that relate to or remind us of the history of Wyandotte

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

products that include local products
 items that are truly diverse and ethnic foods

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

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5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Bike-ability AF FORDABILITY; Diversity in staff; have community partners (El Centro, PAL, etc) to supply help? Staffing! Utilize other businesses, i.e.: Slap's BBQ sauce, Spilltlog coffee, Krisman's Tacos, ~~El Centro~~ ^{San Antonio} Salsas, for local products you hope will be offered at the downtown grocery store [Please be specific]?
 Hot Cheetos, Best Choice, Clearly Organic, Goya, Amy's, Dango, G.T.'s Kombucha, Native Valley, Lays, Culturally competent foods, Dog food?, Toiletry brands? Tom's products, ZUM, Avocado's Roastene for Spilltlog sauce? Saver Knaus, Tripe (meat), Dairy-Free!! ESP. PRODUCE - Alaffia, Fortified Water for

Community MURAL! (diversity)

3211-496 / 913-943-1122

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

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4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

- I like the warmth of #2, but the design of #3.
- I want the interior to feature more "realistic" lighting, no the uber commercial bright lighting (think Whole Foods),
UG-14.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

- Fresh seasonal vegetables - good fresh sustainable fish.
- A selection of "natural" cleaning products even if limited - overall, products that are affordable for a broad range of socio-economic levels.

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	③	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	③	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	③	2	1
4. The general style of the building design feels welcoming.	5	4	③	2	1
5. I am likely to shop at this downtown grocery store.	5	④	3	2	1

6. Do you have any suggestions or other thoughts about the building?

The look and feel of the building should be welcoming to low-income families in our neighborhood. As a person who is middle class, I have access to the majority of the grocery stores in the Metro area, my concern is that a grocery store in downtown KCK represents the entire community of KCK.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]? by the way.)

My hope is to bring my friends of different ethnicities than myself to

some of the meetings that Merc-o-op is hosting.

My name is Dren Hammond, 913.710.9953, dren.hammond.kc@gmail.com, 425 N 14th St
KCK, KS 66102.

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
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6. Do you have any suggestions or other thoughts about the building?

Aldi

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

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6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

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4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Have security cameras in parking lot, and have well lit areas for parking

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Vegetables, fruit and meat

Downtown Grocery Store Community Meeting -- SURVEY

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Downtown Grocery Store Community Meeting -- SURVEY

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4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Sherry Comer
Lovell Green
14015

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

- Leafy vegetables - turnip, Colored Mustard

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

I felt like there were 3 skins of 1 design to give me the illusion of choice

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Drinking Fountain! To my knowledge, there's no drinking fountain outdoors in all of downtown or Starbuckery/Turtle Hill.

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

I like the flowers and pumpkins or something seasonal outside the front door.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Whole wheat bread
small ice cream containers (w/ pint?) Blue Bunny is good
have healthy items that are appropriate to take to a potluck (cut fruit, cooked vegetables) that I can grab on my way to work. (ready to eat)

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

No

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

① Place for a cup of coffee + a sandwich/snack

② Fresh fruit + Vegetables

③ Healthy snack items

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store. - like the awning idea	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

*It needs to fit more into the Shawbury Hill neighborhood. These designs are too modern! It's a contrast of an hill.
I like the awning idea - don't want steel or wood structure - needs to be more inviting*

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

From bread items - 20 products

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

THE DESIGN LOOKS LIKE A KNOCK OFF
WHOLE FOODS / CONVENTION'S

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Organic, Fruit, ~~Vegetables~~ greens, Beans - etc. NO
Vegetables, meats - Beef, poultry, fish etc.

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

• solar panels like in Lawrence

• include rooftop or courtyard gardens

• keep + behind the gas station -- be a good neighbor

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

LOCAL KCK PRODUCE

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

2nd floor facade is interesting it makes parking space Dark!!!

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Fresh affordably Food like HV-VEG etc.

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Fresh fruit & vegetables and things seasonal

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store. <i>1st choice</i>	(5)	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store. <i>2nd choice</i>	(5)	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store. <i>2nd choice</i>	(5)	4	3	2	1
4. The general style of the building design feels welcoming.	(5)	4	3	2	1
5. I am likely to shop at this downtown grocery store.	(5)	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

A bicycle rack, please!

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

*Amy's frozen products
vegetarian items
Eco-conscious packaging
good cheese
Possible to have
this bread?*

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Looks a bit ~~too~~ too modern but I guess that's what you are going for

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

org. short grain brown rice... seaweed... org bulk mango... we needed sugar
nut yeast, rice cakes, ~~whole grain flour~~... raw nuts
and seeds... Big Bulk section!! Handmade local tamales + tortillas

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	(4)	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	(4)	3	2	1
4. The general style of the building design feels welcoming.	5	(4)	3	2	1
5. I am likely to shop at this downtown grocery store.	5	(4)	3	2	1

6. Do you have any suggestions or other thoughts about the building?

I like the older awning and the "interior" colors shown on the first 14
Need some color to reflect the diversity of the community.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Score mixes
Gro kits

refuge farmers produce
Bobs red mill products

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

#2 bldg color; bldg 3 awning

#5-Don't live close enough to shop consistently

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

FAIRFIELD MILK, THOMAS BUTTER, BUNS, OREO CHEAT SANDWICH THINS

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

allergan friendly products
complementary priced products
hot and cold ready-to-go food

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

The best thing to happen for KCK residents and is something that has been needed for health reasons

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

The size of the building does not seem large enough to serve the downtown residents

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Sava Lee Delightful products, He brew National bldgs, low-calorie, high-fiber products

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	(3)	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	(5)	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	(3)	2	1
4. The general style of the building design feels welcoming.	(5)	4	3	2	1
5. I am likely to shop at this downtown grocery store.	(5)	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

I hope this happens

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store. <i>Becky</i>	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

will work!

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

minutes 10/19/19 Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store. <i>I like the appearance but not the color.</i>	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store. <i>Yes!</i>	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Do you have people who? Better opportunities for community events at the front? And in the parking lot?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Milk, breads, fresh fruits & vegetables, potatoes, local farmers, soups & salads, hummus - healthy choices! Good dinner options - how to cook healthy & delicious food that tastes great - feature local & national

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

THE WHITE BUILDING IN IMAGE 3 LOOKS A LITTLE OVERHEATED

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

chees-its; nutella; baked snacks; teas;

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

The first one looks like a corporate headquarters. I don't like that. It is going to be in my neighborhood, so I am going to stop there no matter what I like the brick on the outside, and I think the canopy gives it the feel of a community gathering space.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Deli-fresh ~~meats~~ loaves of bread.
Healthy microwaveable dinners (Amy's)

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

STORAGE ON 7TH? OR FROM ~~STREET~~ MAINWAY CORP AND I-20?

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

FRESH FRUIT AND VEGGIES -- FARMERS MARKET IS ONLY ONCE A WEEK
EXCITED ABOUT LOCAL PRODUCTS -- SPINACH LOCAL TOMATOES
JARS AND MEATS!

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

Colors of #2 and #3 are
Awning of #3 is great

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Organic fruits & vegetables

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

#3 seems to fit in with the current architecture of the area in terms of color & material. This is important to help make the store feel more accessible & part of our community.

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

Local produce
Affordable, sustainably grown foods "Clearly organic" (AWG)
Bulk grains & snacks, Cafe Fair coffee

Downtown Grocery Store Community Meeting -- SURVEY

Using a scale of 1 to 5, where 5 means "Completely Agree" and 1 means "Completely Disagree", please rate the following statements.

	Completely Agree	Agree	Neutral	Disagree	Completely Disagree
1. The look and feel of <u>Image 1</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
2. The look and feel of <u>Image 2</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
3. The look and feel of <u>Image 3</u> meets my expectation of a downtown grocery store.	5	4	3	2	1
4. The general style of the building design feels welcoming.	5	4	3	2	1
5. I am likely to shop at this downtown grocery store.	5	4	3	2	1

6. Do you have any suggestions or other thoughts about the building?

15 million = 50 x \$100,000
 Give 50 local merchants a chance to improve health 50 locations

7. What are some of the products you hope will be offered at the downtown grocery store [Please be specific]?

This is NO food desert.
 Everything I need is at Kenito Michogay
 + 10 other merchants with 1 mile. La Chiquito

	Image 1	Image 2	Image 3	Style	Welcoming	Likely to shop
agree						
neutral						
disagree						
comp disagree						
no answer						

Neighborhood Grocery Store Community Meeting

February 21, 2019 5:30

Name	Address	Phone	E-Mail
1. Lisa Bell	P.O. Box 171474 Dallas		community4@gmail
2. Adrienne Smith	2400 N 18th St - 281-4069		
3. Corinne Smith	2620 N 18th St 281-4062		
4. Kelvin Beatty	9213 Manning Ave 713-240-9130		
5. Don Baker	1021 Greedy Ave KCKs 913-944/552		
6. Hannah Bohart	1022 Kentucky St 402-889-0110		
7. Lydia Knopp	422 N. Thompson, KCK, 66101 913-963-1128	lydia.knopp@gmail.com	
8. Rachel Jefferson	P.O. Box 172403 KCK, 66117 913-206-0047	jeffersonrachel@gmail	
9. Debbie	OR KS 913 484 1332	014913KCK@gmail	
10. Drew Hammond	425 N 14th St, KCKs, 66102 413 710 9953	DrewHammondKCK@gmail.com	
11. Alvaro Gall	925 Reynolds 26101 913-56830-19		
12. Alicia Ellingsworth	4223 Gibbs Road 66106 913-313-8456	alicia.ellingsworth@gmail.com	
13. Viken Alfecman	431 Amy 626-667-1588		
14. Donna Smith	281-4069		
15.			

Neighborhood Grocery Store Community Meeting

February 21, 2019 5:30

Name

Address

Phone

E-Mail

1. Justine Underwood-Jones 431 Ave Ave underwood.jones@gmail.com
2. William Skorn 2825 S. Coyote Dr
3. Hannah Mosnick 1919 N 76th Dr Hannah.mosnick@gmail.com
4. Anna G. Todd 3207 N 36th St 913-371-0083
5. Kelly Lanier 11817 Brookwood Kellie.Lanier@gmail.com
6. Willie Lanier 11817 Brookwood
7. Anita Oitka 2725 N 32nd 4009 N 126th Anetora@yahoo.com
8. Doug Buch
9. Michelle Overholt 501 Armstrong Ave
10. Rita Ruklowski 526 Ann Ave 816.804-2443 Rachel@annal.com
11. COLLEEN MURPHY 406 ANN AVE 913 421-7585
12. Brenda Hicks 838 Gaudens Blvd 816-651-1288 bwize0626@gmail.com
13. Dwight 11 816-651-4835
14. 34
- 15.

Neighborhood Grocery Store Community Meeting

February 21, 2019 5:30

Name	Address	Phone	E-Mail
1. Cathy Zelbst	622 N. 20th St, KCT 66102		czelbstk@hotmail.com
2. LVN's Rodrick	6425 N. Dusk Ave	913-636-4277	CRodrick@gmail.com
3. David Bonate	2190 Boston St K, KS 66105		freelingsd@gmail.com
4. Gwendolyn Opus	3135 W. 10th Ave. KCK		
5. East & Main	2816 W. Rockaway St KCK		
6. Kathryn Paarein	20811 West 123rd Terrace Ks 66061		kathynpaarein89k@kc.rr.com
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

Neighborhood Grocery Store Community Meeting

February 21, 2019 5:30

Name	Address	Phone	E-Mail
1. Megan Wheeler	325 N. 15th St	913-244-2052	meganwheeler@gmail.com
2. Margaret Boudreau	1308 14th		
3. Justin Hare	526 Riverview	913-228-0637	JustinHare@gmail.com
4. Pam Egan	614 Perry	716 724 5885	ppegan@gmail.com
5. Laura Wilson		913 341-1138	
6. Debbie Beck		913 908 4299	
7. David Crockett		619-865-1887	
8. May Conner		913-265-7934	

9.
10.
11.
12.
13.
14.
15.

Neighborhood Grocery Store Community Meeting

February 21, 2019 5:30

Name	Address	Phone	E-Mail
1. Jesus Rodriguez	1418 N 25th St	(903) 626 74-76	
2. Lidia Rodriguez	1418 N 25th St	(903) 626 74-76	
3. Shannon Cnss	611 N 6th Street	(785) 766-0069	scoriss@ymail.com
4. Rachel		(816) 591-6498	
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

Neighborhood Grocery Store Community Meeting

February 21, 2019 5:30

Name

Address

Phone

E-Mail

1. **Donnie Thomas 1726 N. 32nd St** 913 728-1833 *drng914@gmail*
2. **Mable L. Lowery 2509 N. 34th** 913-372-654 *Mlowery2@icr.com*
3. **Jeff Conway** 411 W 97th St. of KS 816-716-9238 *jeffconway@icr.com*
4. **Cheryl Sostava** 502 N 5th KCK 913-217-8661 *csostava@icr.com*
5. **Carol Whitehead** 20 S. 16th St. KCK 913-342-6379 *carolsw@swbell.net*
6. **Peggy Phil Englehart** 3500 N 57th KCK 913-281-7599 *ppgykck@sbglbl.net*
7. **Holly Hammond** 1425 N 14th St. KCK 913-908-4838 *hollyxhammond@gmail*
8. **Even Lindsay** 2927 N Early KCK 913-909-5035
9. **Stuart Sweetland** 3408 Minnesota Ave 913-621-8746 *ssweetland@donnelly.edu*
10. **Hills Goff** 937 W ANTHEST LAURENCE 785-766-7480 *NGOFF@KU.EDU*
11. **Mrs. Gale Hale** 1021 Galey Ave KCK 913-281-0724 *lgale@ku.edu*
12. **Kathryn Foster** 10910th St Lawrence KS 785-917-9445 *kathryn.foster@ku.edu*
13. **Shoyette Danias** 803 N 34th Apt H Wau102 785-303-7084 *shoyette.danias@gmail.com*
14. **Helen Dolan** 8911 Ann Avenue KCK 66112 (913) 63-0333 *hbet522@aol.com*



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

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

To: Unified Government Board of Commissioners

From: City Staff

Date: March 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. 7th 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

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.

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

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:**

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

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.¹
- 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.

¹ 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’s¹ 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.

¹ 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

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December 17, 2018

Ken Moore, City Attorney
Unified Government of WyCo/KCK
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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

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Colby Capital, LLC
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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 (10th 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 (1st 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 (1st 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.” *Brobbrowski*, 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.¹ At the end of 2017, Dollar Tree had 14,610 stores in the U.S.² Dollar General had had a total of 14,609 U.S.

¹ Hughes, C.J., “The Indestructible Tenant?” *The Real Deal—New York Real Estate News*, May 2018, http://therealdeal.com/issues_articles/the-indestructible-tenant/.

² *Id.*

stores in 2017.³ Five Below had 625 stores nationwide as of 2017.⁴ CNN Business reported that as of mid-2018, both Dollar Tree and Dollar General had marked their 15,000th store opening.⁵ Investor's Business Daily reported on August 30, 2018 that Dollar General reported quarterly revenues in the amount of \$6.44 billion.⁶

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, 2016.⁷ 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.⁸ 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.⁹ 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."¹⁰ (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.¹¹ One planning commissioner pointed out that "no other stores would be affected."¹² 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.¹³ 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.¹⁴ 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

³ *Id.*

⁴ *Id.*

⁵ <https://money.cnn.com/2018/08/30/news/companies/dollar-general-tree-walmart-target-economy/index.html>, August 30, 2018.

⁶ <https://www.investors.com/research/ibd-industry-themes/dollar-tree-earnings-dollar-general-earnings/>.

⁷ See Memo from City Staff to Unified Government Board of Commissioners, February 25, 2016, at 5, incorporating February 8, 2016 Planning Commission Minutes.

⁸ *Id.*

⁹ See Memo dated February 8, 2016, at 4, and attached exhibits..

¹⁰ Memo to Board of Commissioners, February 25, 2016, at 6.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *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.”¹⁵

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.*”¹⁶ 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.”¹⁷ 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.¹⁸ For example, the article asserts that chain stores are harmful to a “vibrant local retail economy.”¹⁹ 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.”²⁰ The author laments the “loss of locally owned stores,” accusing national chains of wanting to be “the only game in town.”²¹ 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.”²² The author additionally asserts that chain stores “contribute far less to the local economy than independent businesses.”²³ 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.”²⁴ The article concludes by urging readers to support land use laws “that deter chain stores and foster local ownership.”²⁵

¹⁵ Memo to Board of Commissioners, February 25, 2016, at 5, listing six articles.

¹⁶ Minutes of February 25, 2018 Board of Commissioners Meeting, at 21 (emphasis added).

¹⁷ *Id.*, at 21.

¹⁸ Exhibit 1 to Staff Memo, at 6.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*, at 6-7.

²² *Id.*, at 7.

²³ *Id.*

²⁴ *Id.*, at 7-10.

²⁵ *Id.*, at 10.

The next article, Exhibit 2 to the staff report, is entitled “As Dollar Stores Proliferate, Opponents Worry for Small Towns.”²⁶ 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.”²⁷ The author favors local businesses that the dollar stores “would compete with unfairly,” having the effect of “undermining...downtown and village centers.”²⁸ 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.”²⁹

The third article cited in the Staff Report is entitled, “Food environment and childhood obesity: the effect of dollar stores.”³⁰ 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.”³¹ On the contrary, the researchers concluded that “it could be that dollar stores may actually play some role in facilitating healthy food consumption behaviors.”³² “[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.”³³

The fourth article attached to the staff report is entitled “4 Reasons Shopping at Dollar Stores Costs More.”³⁴ This article compares volume and pricing of items for sale at dollar stores with comparable items for sale at a “regular grocery store.”³⁵ The article also compares the quality of household furnishings purchased at a dollar store with items purchased at a “furniture store.”³⁶ Most significantly, the author of this article argues that “dollar stores take money out of the community.”³⁷ 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.”³⁸ The author argues for protecting local businesses against “companies that are based elsewhere.”³⁹

The fifth article attached to the staff report is entitled, “What Dollar Store Locations Reveal About America.”⁴⁰ Although mostly about geographical distribution of dollar stores in the United States, the author ultimately concludes: “Though some affluent shoppers might enjoy

²⁶ Exhibit 2 to Staff Report, at 11.

²⁷ *Id.*, at 12-13.

²⁸ *Id.*

²⁹ *Id.*, at 13.

³⁰ Exhibit 3 to Staff Report, at 15.

³¹ *Id.*, at 22.

³² *Id.*

³³ *Id.* at 23.

³⁴ Exhibit 4 to Staff Report, at 28.

³⁵ See *id.*, at 28-29.

³⁶ *Id.*, at 29.

³⁷ *Id.*, at 31.

³⁸ *Id.*, at 31.

³⁹ See *id.*, at 32.

⁴⁰ 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.”⁴¹

The sixth and final article attached to the Staff Report is entitled, “UG to look at limiting number of dollar stores in community.”⁴² This article asserts that “[s]ome dollar stores are replacing other stores that have exited neighborhoods.”⁴³ It further states: “The planning department wants to study the issue and potentially limit the number of new dollar stores in the community.”⁴⁴ The article also reports: “According to UG documents, the issue was brought forward by Mayor Mark Holland.”⁴⁵

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.⁴⁶ 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 18th Street.”⁴⁷ 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.”⁴⁸ 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.⁴⁹ 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.”⁵⁰ Holland also disclosed that he intended to offer financial support to the local grocery company through tax-increment financing.⁵¹

⁴¹ *Id.*, at 38.

⁴² Exhibit 6 to Staff Report, at 39.

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ 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.

⁴⁷ 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>.

⁴⁸ *Id.*

⁴⁹ Roberts, Rob. Kansas City Business Journal, October 7, 2015.

⁵⁰ Orendorff, *supra* note 47.

⁵¹ 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."⁵² 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."⁵³ Commissioner Philbrook expressed the view that "we don't have food supply, good food supply, for folks in parts of town."⁵⁴ 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."⁵⁵ 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."⁵⁶ 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."⁵⁷

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).

⁵² Minutes, at 21.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*, at 23.

⁵⁶ *Id.*

⁵⁷ *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.”⁵⁸ 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.”⁵⁹ 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.”⁶⁰ 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.

⁵⁸ Minutes, February 25, 2016, at 22.

⁵⁹ *Id.*

⁶⁰ *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.

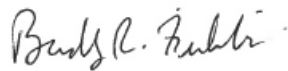
Moreover, the ordinance is unreasonable. The only purported “evidence” introduced regarding the effects of dollar stores consisted of a handful of news articles from outside of the community, and a scholarly study which established that dollar stores actually *promote* healthy eating habits, not to mention 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.


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February 18, 2019

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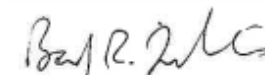
Re: Regulation of "small box variety stores" by the Unified Government of
Wyandotte County/ Kansas City, Kansas

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. Finkeldci

(First published _____)

#3151

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 1301 North 98th Street in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture District to CP-2 Planned General Business 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 September 29, 2017, by the owners of property to have the zoning of said property changed from its present zoning of A-G Agriculture District to CP-2 Planned General Business 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:

Part of Lot 4, Schlitterbahn Vacation Village, Second Plat, a subdivision in Kansas City, Wyandotte County, Kansas, lying in The South half of Section 1, Township 11 South, Range 23 East, and being more particularly described as follows: (Note: Held South 87 degrees 20 minutes 51 seconds West along the North line of the Southwest Quarter of Section 1, Township 11 South, Range 23 East – Kansas Coordinate System, 1983, North Zone) BEGINNING at the Northwest corner of said Lot 4, said point also being on the Easterly Right-of-Way line of N. 98th Street, as depicted on said Schlitterbahn Vacation Village, Second Plat; thence North 66 degrees 53 minutes 22 seconds East, along the Northwesterly line of said Lot 4, said line also being the Southerly line of Lot 2, of said Schlitterbahn Vacation Village, Second Plat, a distance of 916.00 feet, to the Southeasterly corner of said Lot 2, said point also being the Southwest corner of Lot 5, of said Schlitterbahn Vacation Village, Second Plat; thence North 83 degrees 39 minutes 10 seconds East, continuing along the Northerly line of said lot 4, and along the South line of

said Lot 5, a distance of 132.49 feet, to the North-most corner of said Lot 4, said point also being the Southeast corner of said Lot 5, said point also being on the Westerly line of Lot 1, of said Schlitterbahn Vacation Village, Second Plat; thence South 00 degrees 36 minutes 47 seconds West, along the Northeasterly line of said Lot 4 and along the Westerly line of said Lot 1, a distance of 209.30 feet; thence South 21 degrees 53 minutes 13 seconds East, continuing along the Northeasterly line of said Lot 4 and along the Westerly line of said Lot 1, a distance of 315.29 feet; thence South 66 degrees 53 minutes 13 seconds East, continuing along the Northeasterly line of said Lot 4 and along the Westerly line of said Lot 1, a distance of 86.98 feet; thence South 82 degrees 05 minutes 35 seconds East, continuing along the Northeasterly line of said Lot 4 and along the Westerly line of said Lot 1, a distance of 122.37 feet; thence South 70 degrees 17 minutes 39 seconds East, continuing along the Northeasterly line of said Lot 4 and along the Westerly line of said Lot 1, a distance of 155.84 feet; thence South 32 degrees 21 minutes 34 seconds West, departing the Northeasterly line of said Lot 4 and the Westerly line of said lot 1, a distance of 462.91 feet; thence South 66 degrees 54 minutes 12 seconds West, a distance of 503.22 feet, to a point on the Southwesterly line of said Lot 4, said point also being on the Northeasterly Right-of-Way line of said N. 98th Street, said point also being on a non-tangent curve; thence Northwesterly, along the Southwesterly line of said Lot 4 and along the Northeasterly Right-of-Way line of said N. 98th Street, and along a curve to the right, whose initial tangent bearing is North 53 degrees 03 minutes 49 seconds West, having a radius of 675.00 feet, and through a central angle of 05 degrees 39 minutes 09 seconds, an arc length of 66.59 feet, to a point of tangency; thence North 47 degrees 24 minutes 39 seconds West, continuing along the Southwesterly line of said Lot 4 and along the Northeasterly Right-of-Way line of said N. 98th Street, a distance of 624.55 feet, to a point of curvature; thence Northwesterly and Northerly, continuing along the Southwesterly line of said Lot 4 and along the Northeasterly Right-of-Way line of said N. 98th Street, and along a curve to the right, having a radius of 725.00 feet, and through a central angle of 27 degrees 18 minutes 33 seconds, an arc length of 345.56 feet, to a point of tangency; thence North 20 degrees 06 minutes 06 seconds West, continuing along the Southwesterly line of said Lot 4 and along the Northeasterly Right-of-Way line of said N. 98th Street, a distance of 74.32 feet, to the POINT OF BEGINNING, containing 925,424 square feet, or 21.2448 acres, more or less, located at approximately 1301 North 98th Street, Kansas City, Kansas.

be changed from its present zoning of A-G Agriculture District to CP-2 Planned General Business District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-466, 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 CP-2 Planned General Business 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 _____)

#3169

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 2205 West 36th Avenue in Kansas City, Kansas, by changing the same from its present zoning of RP-5 Planned Apartment District to CP-O Planned Nonretail Business 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 August 24, 2018, by the owners of property to have the zoning of said property changed from its present zoning of RP-5 Planned Apartment District to CP-O Planned Nonretail Business 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:

All that part of Lot 1, University-Rosedale, 3rd Addition, a subdivision in Kanas City, Wyandotte County, Kansas, lying in the Southwest Quarter of Fractional Section 26, Township 11 South, Range 25 East, described as follows: COMMENCING at the Southwest corner of the Southwest Quarter of Fractional Section 26, Township 11 South, Range 25 East; thence North 01 degree 51 minutes 53 seconds West, along the West line of said Southwest Fractional Quarter, a distance of 836.28 feet to a point; thence North 88 degrees 08 minutes 07 seconds East, departing said West line, a distance of 172.74 feet to a point on the North line of Lot 1, University-Rosedale, 3rd Addition, a subdivision in Kansas City, Wyandotte County, Kansas, the POINT OF BEGINNING; thence North 41 degrees 33 minutes 06 seconds East, along said North line, a distance of 256.43 feet to a point; thence South 47 degrees 27 minutes 20 seconds East, departing said North line, a distance of 82.46 feet to a point; thence South 03 degrees 29 minutes 51 seconds East a distance of 4.78 feet to a point; thence South 86 degrees 30 minutes 09 seconds West a distance of 18.66 feet to a

point; thence South 03 degrees 29 minutes 51 seconds East a distance of 90.51 feet to a point; thence North 86 degrees 30 minutes 09 seconds East a distance of 18.66 feet to a point; thence South 03 degrees 29 minutes 51 seconds East a distance of 35.50 feet to a point; thence South 86 degrees 30 minutes 09 seconds West a distance of 18.66 feet to a point; thence South 03 degrees 29 minutes 51 seconds East a distance of 85.10 feet to a point; thence North 86 degrees 30 minutes 09 seconds East a distance of 18.66 feet to a point; thence South 03 degrees 29 minutes 51 seconds East a distance of 35.39 feet to a point; thence South 86 degrees 27 minutes 58 seconds West a distance of 128.25 feet to a point; thence North 04 degrees 53 minutes 22 seconds West a distance of 91.87 feet to a point of curvature; thence in a Northerly, Northwesterly and Westerly direction, along a curve to the left, having a radius of 15.00 feet, through a central angle of 90 degrees 00 minutes 00 seconds, an arc distance of 23.56 feet to a point of tangency; thence South 85 degrees 06 minutes 38 seconds West a distance of 33.03 feet to a point of curvature; thence in a Westerly and Northwesterly direction, along a curve to the right, having a radius of 82.00 feet, through a central angle of 46 degrees 16 minutes 49 seconds, an arc distance of 66.23 feet to the POINT OF BEGINNING, containing 40,809 Square Feet or 0.9368 Acres, more or less, located at approximately 2205 West 36th Avenue, Kansas City, Kansas,

be changed from its present zoning of RP-5 Planned Apartment District to CP-O Planned Nonretail Business District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-463, 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 CP-O Planned Nonretail Business 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 _____)

#3175

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 800-830 Washington Boulevard, 1304-1312 North 8th Street, 813-851 Everett Avenue and 1315 North 9th Street in Kansas City, Kansas, by changing the same from its present zoning of C-1 Limited Business and RP-5 Planned Apartment Districts to RP-5 Planned Apartment 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 26, 2018, by the owners of property to have the zoning of said property changed from its present zoning of C-1 Limited Business and RP-5 Planned Apartment Districts to RP-5 Planned Apartment 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:

All of Lots 3 through 6 along with the adjacent 10 feet of right-of-way of Eighth Street vacated in Ordinance No. 336, and all of Lots 10 through 27 along with the adjacent 10 feet of right-of-way of Everett Avenue vacated in Ordinance No. 1016, and all of Lots 36 through 48, and all of the public alley between Lot 48 and Lots 4, 5 and 6, and all of the public alley between Lots 10 through 19 and 36 through 45, and all of the south half of the public alley adjacent to Lots 46, 47 and 48, all being in Block 87, WYANDOTTE CITY, a subdivision in the City of Kansas City, Wyandotte County, Kansas, being more particularly described as follows: beginning at the southwest corner of Lot 36, Block 87, WYANDOTTE CITY, thence North 02 degrees 08 minutes 32 seconds West, with the west line of said Lot 36, and its northerly prolongation, a distance of 141.00 feet to the southeast corner of Lot 20, Block 87; thence South 87 degrees 51 minutes 28 seconds West, with the south line of Lots 20 through 27, a distance of 200.00 feet to the southwest corner of said Lot 27, said point also being

on the east right-of-way line of N. 9th Street; thence North 02 degrees 08 minutes 32 seconds West, with the east right-of-way line of N. 9th Street and the west line of said Lot 27, and its northerly prolongation, a distance of 133.00 feet to a point on the south right-of-way line of Everett Avenue as established by Ordinance No. 336; thence North 87 degrees 51 minutes 28 seconds East, with the south right-of-way line of Everett Avenue a distance of 450.00 feet to the northeast corner of Lot 10, Block 87; thence South 02 degrees 08 minutes 32 seconds East, with the east line of Lot 10, and its southerly prolongation, a distance of 142.00 feet to the centerline of an existing public alley; thence North 87 degrees 51 minutes 28 seconds East, with the centerline of said existing alley, and its easterly prolongation, a distance of 100.00 feet to the southwest corner of Lot 3, Block 87; thence North 02 degrees 08 minutes 32 seconds West, with the west line of said Lot 3 Block 87, a distance of 44.00 feet to the northwest corner of said Lot 3 Block 87; thence North 87 degrees 51 minutes 28 seconds East, with the north line of said Lot 3 and its easterly prolongation, a distance of 160.00 feet to a point on the west right-of-way line of N. 8th Street, as established by Ordinance No 1016; thence South 02 degrees 08 minutes 32 seconds East, with the west right-of-way line of N. 8th Street, a distance of 176.00 feet to a point on the north right-of-way line of Washington Boulevard; thence South 87 degrees 51 minutes 28 seconds West, with the north right-of-way line of Washington Boulevard and the south line of Lots 6, and 48 through 36, all of Block 87, a distance of 510.00 feet to the point of beginning. The above described tract contains 136,460 square feet, or 3.13 acres, located at approximately 800-830 Washington Boulevard, 1304-1312 North 8th Street, 813-851 Everett Avenue and 1315 North 9th Street,

be changed from its present zoning of C-1 Limited Business and RP-5 Planned Apartment Districts to RP-5 Planned Apartment District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-460, 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 RP-5 Planned Apartment 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



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

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

To: Unified Government Board of Commissioners
From: City Staff
Date: March 28, 2019
Re: **Change of Zone Petition #3181**

GENERAL INFORMATION

Applicant:
Chris Phillips

Status of Applicant:
Property Owner
3201 Pomeroy Drive
Kansas City, KS 66109

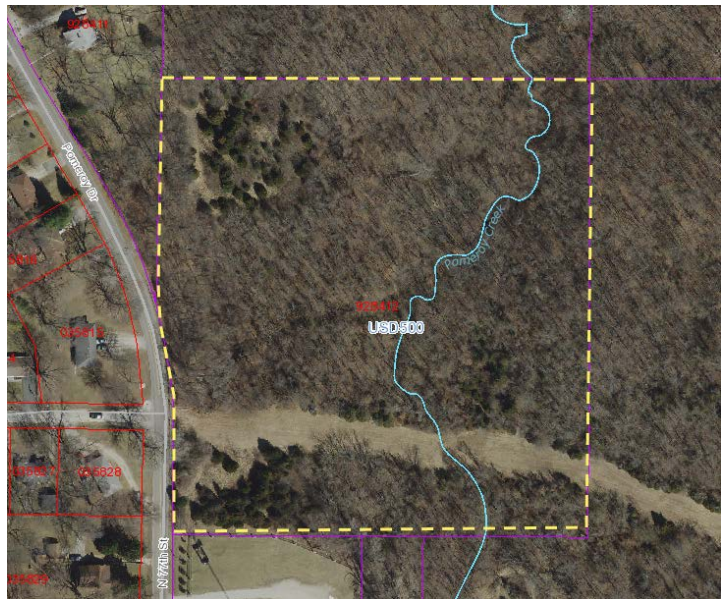
Requested Actions:
Change of Zone from R-1 Single
Family District to AG Agriculture
District

Date of Application:
January 25, 2019

Purpose:
To keep farm animals and grow a garden, along with have a barn, tractor and farm equipment.

Property Location: 3201 Pomeroy Drive

Existing Zoning: R-1 Single Family District



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:** Undeveloped, wooded lots
 South: BPU Tower and generator site
 East: Undeveloped, wooded lot
 West: Residential Single Family

Total Tract Size: 10.67 acres

Master Plan Designation: The City-Wide Master Plan designates this property as Rural-Density Residential

Major Street Plan: The Major Street Plan designates Pomeroy Drive as a Boulevard/Parkway.

Advertisement: The Wyandotte Echo – February 14, 2019
 Letters to Property Owners – February 13, 2019 and March 19, 2019

Public Hearings: March 11, 2019 and March 28, 2019

Public Opposition: No one appeared either for or against this application at the March 11, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Chris Phillips, has submitted this application for rezoning of the property at 3201 Pomeroy Drive from R-1 Single Family District to AG Agriculture District in order to keep farm animals and have a garden. Supporting functions such as construction of a barn and equipment storage (tractor) are also proposed.

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 area to the west of Pomeroy Drive has been developed as single-family residential. The area to the east of Pomeroy Drive, where this property is located, has been left largely undeveloped with heavily wooded areas.

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

The properties immediately adjacent to this one are zoned R-1 Single Family however are undeveloped and heavily wooded. There are some AG Agriculture lots further north along Pomeroy Drive. It is expected that this use would be compatible with surrounding uses.

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 topography of this site would make it difficult to develop as single family without significant investment. Removal of the restrictions would not detrimentally affect nearby property.

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

This property is 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.*

The proposed use is not necessary for the convenience and welfare of the public; however it 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.*

This is not expected to be an issue.

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

The Master Plan designates this area as Rural-Density Residential. A rezoning to AG Agriculture District would be in compliance with this designation.

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

It is not expected that the proposed use would either harm or enhance the environment.

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

The closest sanitary sewer line is along Leavenworth Road.

c. Storm water control

To meet code

d. Police

Police service is provided by West Patrol, District #222

e. Fire

Fire service is provided by Station #4

f. Transit

KCATA provides bus 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 is not expected to have an economic impact on 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 relative gain to the public health, safety and welfare as compared to the hardship imposed on the landowners is minimal.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on February 22, 2019. No one was in attendance.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 1 to recommend **APPROVAL** of Change of Zone Application #3181, subject to:

Urban Planning and Land Use Comments:

1. Do you plan to clear out the trees?

Applicant Response: We will clear 1 acre of trees for our Barn site and yard

2. How many, and what type, of animals do you plan to have?

Applicant Response: Our goal is to start out with chickens and ducks. Later in years will make a place for other animals like goats and miniatures.

3. Accessory buildings, such as barns, silos, other exclusively agricultural structures, roadside stands, etc. are allowed in AG provided that such structures are setback at least 50 feet from any street line.

Applicant Response: Our barn would be set back over 50 feet from the road.

4. The following setbacks would apply to any proposed structures;

- a. Front yard: Not less than 50 feet
- b. Side yard interior: Not less than 20 feet
- c. Rear yard: Not less than 50 feet

Applicant Response: The barn will comply with all of the setbacks listed.

5. Is there a utility easement running through the property? In aerial imagery it appears there is a potential easement.

Applicant Response: There is a utility easement running through the property. We have had locates on all of that area of the property.

6. The applicant signature page of the application was not notarized. This is considered an incomplete application and cannot move forward without this item. Please submit.

Applicant Response: The signature page is now notarized and included.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
- 1) Provide a preliminary site plan showing location of proposed barn, driveway and driveway entrance, existing utility easements if any and all applicable dimensions and related information in accordance with UG standards and criteria. The drawing provided with the application is not adequate. Further discussion with staff may be required.
 - 2) Applicant should be aware any work on Pomeroy creek shall require Army Corp of Engineers approval. It appears the submitted drawing illustrates the proposed road to the barn shall be crossing Pomeroy creek. Further discussion with staff may be required.
- 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

Applicant Response:

1. A new site plan with the following measurements is included.
Driveway: 120 x 8
Barn: 40 x 60
Trees cleared: 1 acre
2. We are aware of "Pomeroy Creek" and have been in contact with the Army Corp of Engineers.

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 #3181 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

March 11, 2019 City Planning Commission Minutes
Aerial Map
Zoning Map
Proposal Drawing
Conservation District Comments
Neighborhood Meeting Affidavit and Minutes

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	March 11, 2019	March 28, 2019
Rezoning	Approval	

STAFF CONTACT: **Kimberly Portillo**
 kportillo@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**3181** 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 #**3181**, 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.

March 11, 2019 City Planning Commission Minutes:

Hearing Starts At 33:25 and the applicant was not present; the application was recalled at 2:25:09 and the applicant was not present.

CHANGE OF ZONE APPLICATION #3181 – CHRISTOPHER T. PHILLIPS –

SYNOPSIS: Change of Zone from R-1 Single Family District to A-G Agriculture District for an accessory building at 3201 Pomeroy Drive. *Detailed Outline of Requested Action:* The applicant, Chris Phillips, has submitted this application for rezoning of the property at 3201 Pomeroy Drive from R-1 Single Family District to AG Agriculture District in order to keep farm animals and have a garden. Supporting functions such as construction of a barn and equipment storage (tractor) are also proposed.

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 March 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 February 14, 2018; and
7. The Notices to property owners dated February 13, 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

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts at 2:25:35: Planning Director Richardson stated that this case is not controversial and even though the applicant is not present and there is no opposition present, the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts at 2:25:50:

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to **RECOMMEND APPROVAL of Change of Zone Application #3181:**

Carson	Chairman
Cho	Aye
Connelly	No
Ernst	Aye
Jones	Aye
Miller	Aye
Reasons	Aye
Serda	Aye
Huey	Not Present
Neal	Not Present
Pauley	Not Present

Motion to recommend APPROVAL Passed: 6 to 1

Urban Planning and Land Use Comments:

1. Do you plan to clear out the trees?

Applicant Response: We will clear 1 acre of trees for our Barn site and yard

2. How many, and what type, of animals do you plan to have?

Applicant Response: Our goal is to start out with chickens and ducks.
Later in years will make a place for other animals like goats and miniatures.

3. Accessory buildings, such as barns, silos, other exclusively agricultural structures, roadside stands, etc. are allowed in AG provided that such structures are setback at least 50 feet from any street line.

Applicant Response: Our barn would be set back over 50 feet from the road.

4. The following setbacks would apply to any proposed structures;
 - a. Front yard: Not less than 50 feet
 - b. Side yard interior: Not less than 20 feet
 - c. Rear yard: Not less than 50 feet

Applicant Response: The barn will comply with all of the setbacks listed.

5. Is there a utility easement running through the property? In aerial imagery it appears there is a potential easement.

Applicant Response: There is a utility easement running through the property. We have had locates on all of that area of the property.

6. The applicant signature page of the application was not notarized. This is considered an incomplete application and cannot move forward without this item. Please submit.

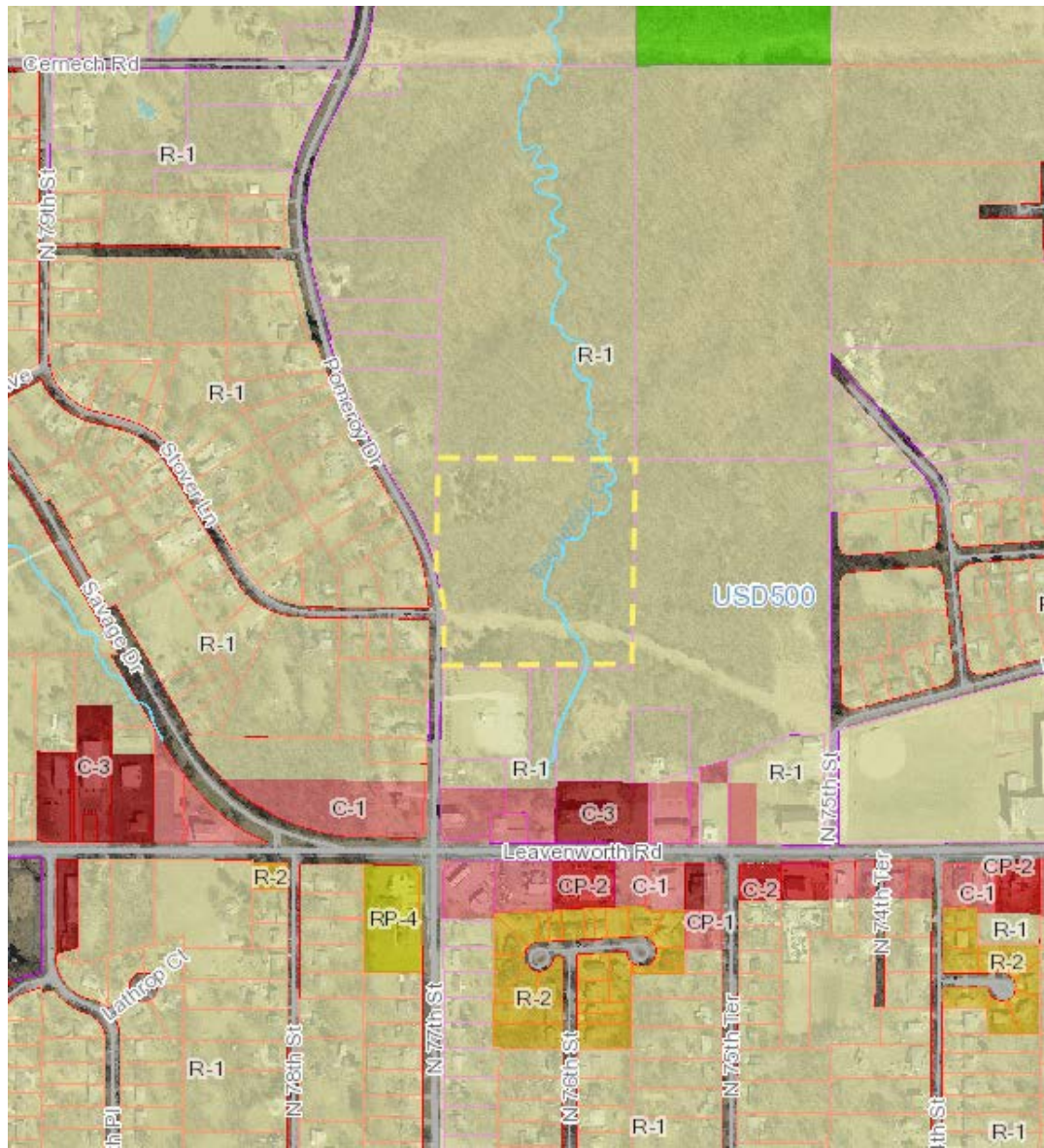
Applicant Response: The signature page is now notarized and included.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) Provide a preliminary site plan showing location of proposed barn, driveway and driveway entrance, existing utility easements if any and all applicable dimensions and related information in accordance with UG standards and criteria. The drawing provided with the application is not adequate. Further discussion with staff may be required.
 - 2) Applicant should be aware any work on Pomeroy creek shall require Army Corp of Engineers approval. It appears the submitted drawing illustrates the proposed road to the barn shall be crossing Pomeroy creek. Further discussion with staff may be required.
- 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

Applicant Response:

1. A new site plan with the following measurements is included.
Driveway: 120 x 8







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

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

February 12, 2019

RE: COZ 3181 Chris Phillips Single Family to Ag District 3201 Pomeroy Drive

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 3181 Chris Phillips Single Family to Ag District 3201 Pomeroy Drive.

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, 7 to 12 percent slopes and Knox silt loam, 12 to 18 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- Care will be needed to prevent soil erosion if there is major grading to be done. Silt fence can be used to protect the area.
- 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

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now _____, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # 3181.
2. That I conducted a neighborhood meeting on Feb 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.

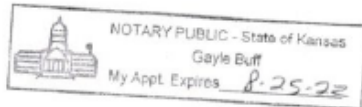
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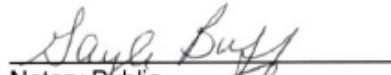


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26 day of Feb, 2019

My commission expires 25 of Aug, 2022





Notary Public

Application Number: 3181

Date/Time: ^{Location:} Feb 22 2019 National Agricultural Center & Hall of Fame

Meeting called to order at:

6:31pm

People in attendance: see Sign in sheet

Information: Ø

Questions and Answers:

Meeting adjourned at: 7:02pm

Minutes taken by: Chelsea Phillips

Thank You for coming to our neighborhood meeting for our rezoning request for 3201 Pomeroy dr.

The rezoning will be from R-1 to Agricultural.

We purchased the land in hopes that we would be able to utilize the land. Our goal is to build a barn, have a few animals starting with chickens. We would like to clear a spot for a large vegetable and fruit garden. We have 4 boys with a wide age range. Our purpose of this land is to give our family a place to enjoy the outdoors. We will start by putting in long drive along the south side of the property and clear our area for the barn on the back side. (refer to picture) Years later(15) we would like to eventually build a house to live in on the property.

Open up for questions :



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

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

To: Unified Government Board of Commissioners
From: City Staff
Date: March 28, 2019
Re: Petition #SP-2019-3

GENERAL INFORMATION

Applicant:

Blakelund Moroney

Status of Applicant:

Moroney Motors, LLC
8424 Tomahawk Rd.
Overland Park, KS

Requested Action:

Approval of a Special Use Permit

Date of Application:

November 30, 2018

Purpose:

To operate a used car dealership

Property Location:

3123-3135 Merriam lane

Existing Zoning:

M-2 General Industrial District



Existing Surrounding Zoning: **North:** MP-1 Planned Light Industrial District and C-1 Limited Business District
South: Johnson County, BNSF Railway
East: M-2 General Industrial District
West: M-2 General Industrial District

Existing Uses: **North:** Light Industrial Uses
South: BNSF Railway
East: Light Industrial Uses
West: Light Industrial/Office Uses

Total Tract Size: 1.66 acres

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

Major Street Plan: The City-Wide Master Plan designates Merriam Lane as Class C Thoroughfare

Advertisement: The Wyandotte Echo – December 20, 2018
Letters to Property Owner – December 14, 2018, January 30, 2019, February 20, 2019 and March 19, 2019

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

Public Opposition: No one appeared in opposition at any of the City Planning Commission meetings.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Blakelund Moroney, has submitted an application for a special use permit to open a used car dealer at the properties located at 3123-3135 Merriam Lane.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

Merriam Lane has a mix of commercial and light industrial uses.

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

A used car lot may not be compatible with the business park aesthetic that the Merriam Lane Corridor Plan aims to establish in this area and may present a compatibility issue by lowering the aesthetic quality of the 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 property is suitable for general industrial uses. Removal of the restrictions on used car lots may reduce the aesthetic quality of the area and thus detrimentally affect nearby property.

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

This property is not vacant. The owner wants to expand the existing use to include used car sales.

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

A used car dealership may not conform to the aesthetics of a business park that the Southwest Boulevard Merriam Lane Corridor Plan aims to establish in this area.

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 foreseen to be 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 compatibility issues addressed above are primarily related to the visual quality of a used car lot injuring neighboring properties and preventing the area from developing into a business park use.

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 proposed use would not result in a gain to the public health, safety or welfare.

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

This is not foreseen to be an issue.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting December 22, 2018. No one from the public attended the meeting.

KEY ISSUES

Compliance with the Commercial Design Guidelines

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 2 to recommend **DENIAL** of Special Use Permit Application #SP-2019-3 **as the applicant did not comply with the hold over stipulations from the February 11, 2019 meeting which were for the applicant and staff to have a face-to-face meeting and bring an architect and engineer that could provide adequate plans.**

STAFF COMMENTS AND SUGGESTIONS

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

It should be noted that at the January meeting the applicant indicated that he had sent Zach Flanders an updated plan and the staff recommended that the application be held over for staff to review the plan (Mr. Flanders was not at the meeting.) The reality is the file had been sent after the Planning Commission meeting had begun. The plans submitted were not code compliant. At the February meeting the Planning Commission (at the request of the applicant as he felt he was getting mixed signals) held over the application for applicant and staff to have a face-to-face meeting and for the applicant to bring an architect and

engineer that could provide adequate plans. The applicant did not submit adequate plans and the meeting did not take place.

Urban Planning and Land Use Comments:

1. Please provide a dimensioned site plan sealed by a professional engineer, surveyor, or other design professional that includes utilities.

Applicant Response:

Working with designer to get more detailed plan and eliminate the second property that is no longer part of the application.

Staff Response:

The updated site is not sealed by a professional and does not include utilities or property lines making it difficult to accurately review.

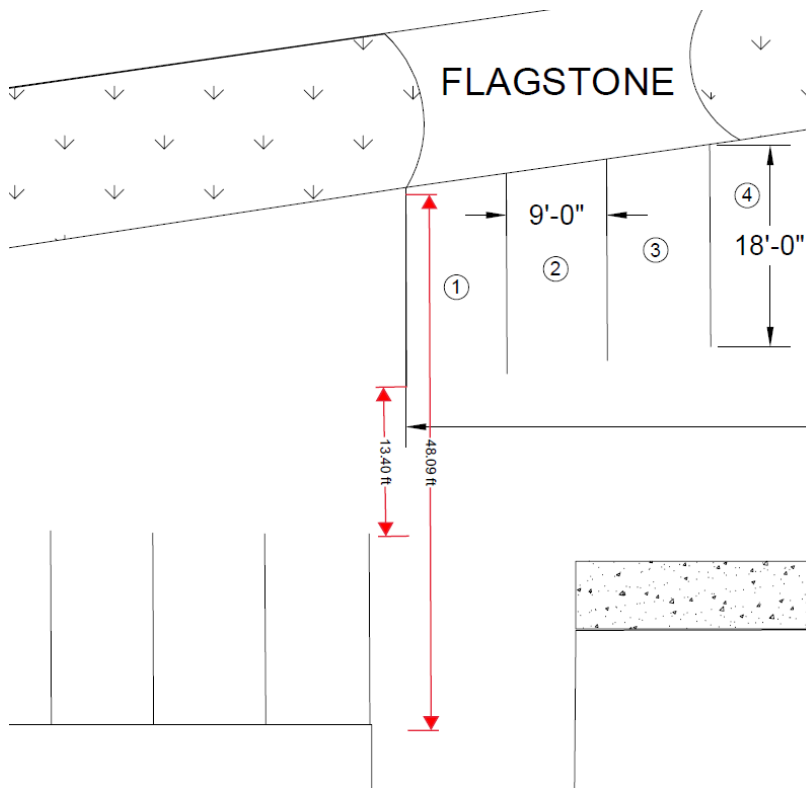
2. All parking and drive aisles must meet the UG dimensional standards. Parking spaces must be 9' by 18'. All parking spaces must be painted.

Applicant Response:

I will show correct dimensions in new plan.

Staff Response:

The drive aisles do not meet the UG's dimensional standards. Doubled loaded 90 degree parking aisles require 60 feet (24 feet of aisle space) to allow cars to back up and maneuver.



Staff Note: The updated site plan resolves the aisle width issue by removing parking spaces. Please note that as a stipulation of approval, cars may only be parked in individually marked parking spaces. This applies to cars for sale, customer parking, employee parking, and all other parking for the entire property. Cars may not be parked anywhere on the property that is not an individually marked space.

3. Cars may not block the drives into the property. In the included site plan, this includes the spaces marked 1, 2, 3, 4, and 5.

Applicant Response:

Drive containing spots 1,2,3 is not used as a driveway. I can make updates to close off driveway if needed. Is this necessary though because as I drive down Merriam Lane there are numerous auto dealers with vehicles parked in some driveways.

4. Cars for sale must not be placed in required parking spaces for customers. With a total building area of 6,569 square feet according to the submitted site plan, 27 parking spaces are required. The submitted site plan only shows 12 parking spaces for customers. However, the submitted site plan appears to have scale errors, and the actual building area and parking requirement may be greater.

Applicant Response:

Building area will be much less with 3133 removed from application. The wrong calculation was also made for required parking. M2 requires 1 space per 500ft. I will use less than 500ft at 3123 so we can go with the minimum customer parking required for M2.

Staff Response:

The updated site plan shows 6,243 square feet of building space on the property. The appraiser's datasheet includes 5882 square feet. With 500 square feet for the used car retail use and between 5743 and 5382 square feet for M-2 use, between 13 and 14 parking space are required. The resubmitted site plan shows 4 parking spaces for customers. Please include an additional 10 parking spaces on the site plan or submit a variance for the number of off-street parking spaces.

5. Landscaping

- a. Provide one street tree for every 30' of street frontage. The landscape areas may need to be expanded by removing paved areas in order to meet this requirement.
- b. Parking areas must be screened by continuous rows of shrubs. Please indicate landscaping on site plan.

Applicant Response:

I do not agree with tearing out brand new pavement installed by the city in the recent past. I will take care of planting a row of shrubs in the city turf ROW. I can add shrubs to the new plans.

6. No Inoperable vehicles shall be stored anywhere on the property.

Applicant Response:

Agree

7. Pavement areas must be kept in excellent condition at all times.

8. **Applicant Response:**

Agree. Zach said current pavement is in acceptable condition.

9. All signs must meet the sign code (sec. 27-727) and be properly permitted.

Applicant Response:

Briefly read over the sign requirements and don't see this as being an issue.

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) Provide revised site plan showing all dimensions, existing driveway widths, drive aisles, parking areas, distances from property lines, etc., in accordance with UG standards and criteria. Please discuss further with staff if there are any questions.
 - 2) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

Business License Comments:

1. If approved, applicant will need to file and maintain a current occupation tax application.

Staff Conclusion:

In the Southwest Boulevard Merriam Lane Corridor Plan, the community set forth a vision to improve the appearance of this corridor. The Unified Government made a large investment in rebuilding Merriam Lane. The Commercial Design Guidelines and the Special Use Permit requirement is intended to ensure used car dealers do not detract from the appearance of the community. The applicant has refused to make adequate improvements to the property or landscaping to meet the commercial design guidelines or the base zoning code. The number of parking spaces reserved for customers does not meet the zoning code and cannot be approved as is without a zoning variance. For these reasons, staff recommends denial of this application.

Update for March 11, 2019 Meeting:

This application was held over for applicant and staff to have a face-to-face meeting and bring an architect and engineer that can provide adequate plans. A meeting was set with the applicant and he said that he could not attend. Applicant also refused to prepare the required site plan with a scale and engineer/architect seal. The applicant does not understand staff cannot review without s proper plan.

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 **DENIAL** of Petition #SP-2019-3 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
March 11, 2019 City Planning Commission Minutes
Site Photos
Site Plan
Summary from Staff (separate attachment)

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 14, 2019	March 28, 2019
Special Use	Held Over February 11, 2019 Held Over March 11, 2019	

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

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition #SP-2019-3, 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.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2019-3 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. _____.

January 14, 2019 City Planning Commission Minutes:

Hearing Starts At 2:27:40:

SPECIAL USE PERMIT APPLICATION #SP-2019-3 – BLAKELUND MORONEY WITH MORONEY MOTORS, LLC – SYNOPSIS: Special Use Permit for automotive sales at 3131 Merriam Lane. **Detailed Outline of Requested Action:** The applicant, Blakelund Moroney, has submitted an application for a special use permit to open a used car dealer at the properties located at 3123-3135 Merriam Lane.

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. Planning Commissioner Serda stated that he had a conversation with Erin Stryka, Director of Rosedale Development Association, concerning this application. Ms. Stryka stated that this property is outside the boundaries of their area and they do not comment on those proposals.)

Present in Support:

- ❖ Blake Moroney, applicant, 8424 Tomahawk Road, Overland Park, Kansas (He stated that he sent his updated plan to Zach Flanders late and received his "out of office" message so the Commission does not have the most current plan.)

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts at 2:49:40: Planning Director Richardson stated that the staff recommends that this application be held over so staff can review the new plan (that was sent to Zach Flanders who is out of the office.) It is interesting that the

applicant doesn't want to do anything but park some cars out front; the staff has not had that come before the Commission on Merriam Lane. Everyone that has come forth has been willing to do some level of improvements and in some cases a very high level of improvements. He wants to hold this application over to see the new plan but also hopes that the applicant will take notice of what has taken place with the other special use permits and consider doing some improvements including making the site conform to the zoning code with regard to parking.

Motion and Vote Starts at 2:40:33:

On motion by Dr. Serda, seconded by Mr. Connelly, the Planning Commission voted as follows to **HOLD OVER Special Use Permit Application #SP-2019-3 until the February 11, 2019 meeting for the reasons listed by staff:**

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 2:21:54:

SPECIAL USE PERMIT APPLICATION #SP-2019-3 – BLAKELUND MORONEY WITH MORONEY MOTORS, LLC – SYNOPSIS: Special Use Permit for automotive sales at 3131 Merriam Lane. **Detailed Outline of Requested Action:** The applicant, Blakelund Moroney, has submitted an application for a special use permit to open a used car dealer at the properties located at 3123-3135 Merriam Lane.

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.)

Recording Secretary Parker stated that this application was heard last month in detail and was held over as the applicant stated he submitted a revised plan and staff had not seen it so it was not reviewed. (Note: The plan was submitted after the Planning Commission meeting started.)

Present in Support:

- ❖ Blake Moroney, applicant, 8424 Tomahawk Road, Overland Park, Kansas

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts at 2:34:02: Planning Director Richardson stated that first of all the staff has requested code compliance drawings on this project from the beginning. He stated that if you look at pages 9, 10 and 11 in the staff report (plans) the right-of-way is not shown which is part of a code compliant drawing so the staff can see where the right-of-way is located and what they are doing. For instance, on page 9 they have measured a couple of the parking spaces from the edge of the landscaping which is not the edge of the right-of-way. The staff has a hard time evaluating any of this when they do not have drawings that cannot be measured or accessed. He further stated that a commercial use has to meet the Commercial Design Guidelines. Those say that commercial activity can be done pursuant to the regulations attached to the use. He further stated that they have to comply with the commercial property; you cannot combine properties and say this goes with that and this goes with that. They need a parking variance in the parking regulations if they are going to do this. Director Richardson stated that this has been a very troublesome case because information has not been forthcoming and has not been presented in a way required by code. He stated that this does not meet code, needs a variance and the staff recommends denial.

The Planning Commission directed questions to the staff/ Planning Director Richardson stated that the applicant has been meeting/working with Zach Flanders and the correspondence has detailed what is needed. The staff has relayed to the applicant what needed to be submitted and why the plans submitted were deficient.

Chairman Carson allowed the applicant to speak again and he stated that he submitted plans about 6 weeks ago. Chairman Carson asked if he was told that they were sufficient. Mr. Moroney stated that when he submitted them Zach was out of the office (he submitted on 1/14/2019 at 6:38 p.m. – during the Planning Commission meeting) and when he got out of the meeting he told Zach that there was a problem as the plans were not given to everyone.

The applicant continued with his comments regarding what he was told (which is disputed by staff.) Additional comments/questions were directed to staff and the applicant. The applicant requested a hold over so he can meet with staff because he is getting mixed signals on the phone. Planning Director Richardson stated that from the beginning the applicant has stated that he was not going to comply with the stipulations.

Motion and Vote Starts at 2:44:47:

On motion by Dr. Neal, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend DENIAL of Special Use Permit Application #SP-2019-3 based on staff comments:**

Carson	No
Connelly	Aye
Ernst	No
Huey	Aye
Jones	No
Miller	No
Neal	Aye
Pauley	Aye
Reasons	No
Serda	Aye

Motion to DENY Failed: 5 to 5

On motion by Mr. Miller, seconded by Mr. Reasons, the Planning Commission voted as follows to **HOLD OVER Special Use Permit Application #SP-2019-3 for applicant and staff to have a face-to-face meeting and bring an architect and engineer that can provide adequate plans:**

Carson	Chairman
Connelly	No
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Aye
Neal	Aye
Pauley	Aye
Reasons	Aye
Serda	No

Motion to HOLD OVER Passed: 7 to 2

March 11, 2019 City Planning Commission Minutes:

Hearing Starts At 1:50:00:

SPECIAL USE PERMIT APPLICATION #SP-2019-3 – BLAKELUND MORONEY WITH MORONEY MOTORS, LLC – SYNOPSIS: Special Use Permit for automotive sales at 3131 Merriam Lane. **Detailed Outline of Requested Action:** The applicant, Blakelund Moroney, has submitted an application for a special use permit to open a used car dealer at the properties located at 3123-3135 Merriam Lane.

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 March 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;
7. The Notices to property owners dated December 14, 2018, January 30, 2019 and February 20, 2019; and
8. Additional information submitted to the Commission from staff this evening.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Chairman Carson stated that he communication with the applicant via email today.

Recording Secretary Parker stated that this application was heard in detail last month and was held over for one month **for applicant and staff to have a face-to-face meeting and bring an architect and engineer that can provide adequate plans**

Present in Support:

- ❖ Blake Moroney, applicant, 8424 Tomahawk Road, Overland Park, Kansas

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts at 1:32:15: Planning Director Richardson stated that the paperwork the applicant was given was the special use permit application that showed the requirement for the site plan. The first time that this application was on the Planning Commission agenda the staff was going to hold it over because staff did not have the information needed to review it. He further stated that Zach (Flanders) walked to Janet's (Parker) desk and told her that the applicant said that he is not going to comply and wants to be on the agenda. He stated that it has been hard for him to take the applicant seriously once statements like that are made. However, if he is willing to have a site plan prepared the staff will help him through the process. Director Richardson stated that he does not have a scaled site plan that he can look at so he cannot advise the applicant until he has the particulars. With regard to the tree it is hard to tell from the last site plan because the right-of-way is not shown. When the applicant says that Zach said he had to take out concrete by the street he is not talking about the green space near the street, he is talking about the parking lot. There are street trees on private property especially in utility heavy corridors. Director Richardson stated that there has been a lot of miscommunication but he believes that it stems from the applicant thinking that there does not need to be any improvements done here. He stated that is what Zach has conveyed to him but if the applicant is willing to change that and come back with a site plan (prepared by a professional) that the staff can evaluate he is happy to meet with him and guide him through the process to give him his best chance to get approved. Director Richardson further stated the site plan that was submitted was not drawn to scale and was deceptive. He is probably going to need a variance because of how the parking and drive aisles need to be done. Those have to be very specific so he needs to have a plan to review.

Chairman Carson asked if a site plan can be done in 30 days. Director Richardson stated that within 60 days a site plan could be submitted and staff could determine if there variances that are needed. If it is determined that variances are needed, he would request that staff be able to extend the hold over an additional 30 days to publish for variances.

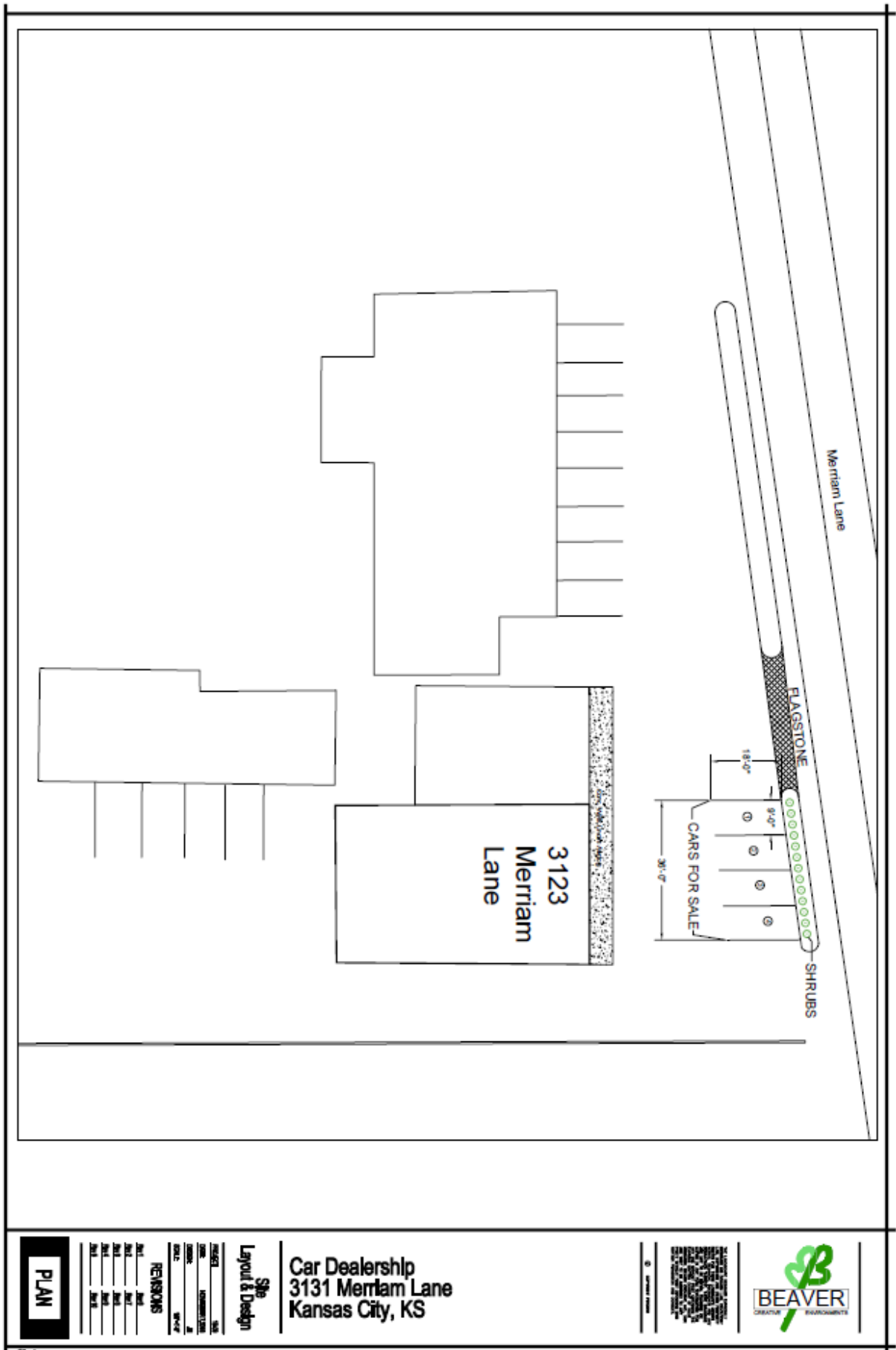
Planning Commissioner Connelly stated that the Commission has asked him to bring an architect or engineer to a face-to-face meeting with the staff and he did not do that so if the Commission asks him to submit a site plan (done by a professional) how long would it take him to get it to Rob or Zach? Mr. Moroney stated that he has consulted an engineer but he is not sure of the time line. Mr. Connelly asked him how long it would take him to get a site plan? Mr. Moroney stated that within the 60 day hold over he would hope 30 to 45 days. Chairman Carson asked if he can commit to getting an engineer to do the site plan. Mr. Moroney stated that he has already contacted an engineer. Mr. Moroney stated that it is his fault as he thought that he was just supposed to meet with staff; he did know that he was supposed to have an engineer. He knew that was coming but he wanted to meet with staff first. Mr. Connelly asked when he needs the site plan. Director Richardson stated that he would need it by May 1, 2019 at 12:00 Noon. As far as meeting with a design professional (architect or engineer), he needs to be told to prepare a site plan. Staff needs a scaled site plan showing all the site improvements and proposed improvements by May 1, 2019 at 12:00 Noon. Commissioner Connelly asked if he can have this done by May 1st with the existing improvements and proposed improvements. He stated that he wants to make sure the applicant understands. Mr. Moroney stated yes.

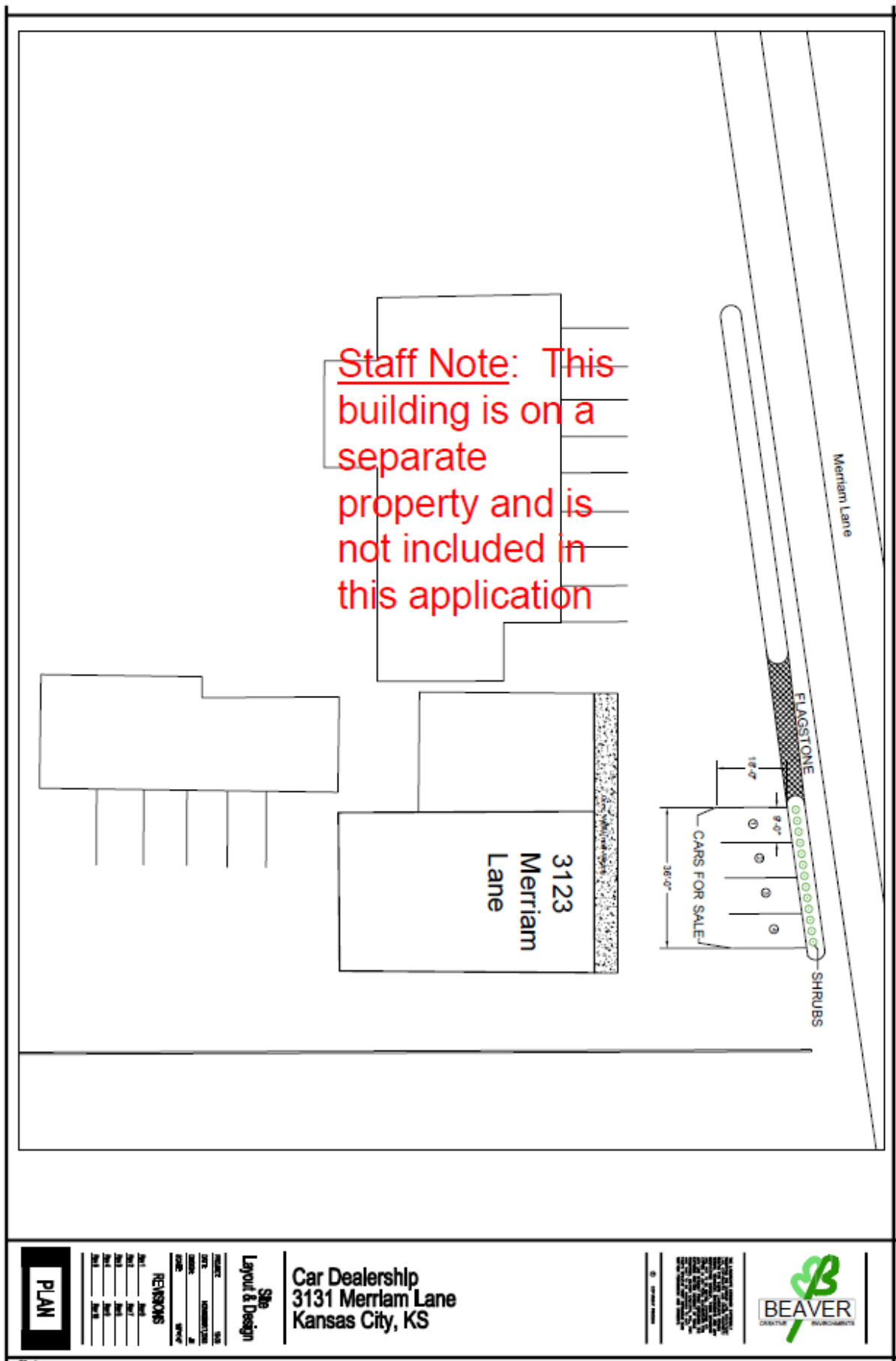
Motion and Vote Starts at 1:41:50:

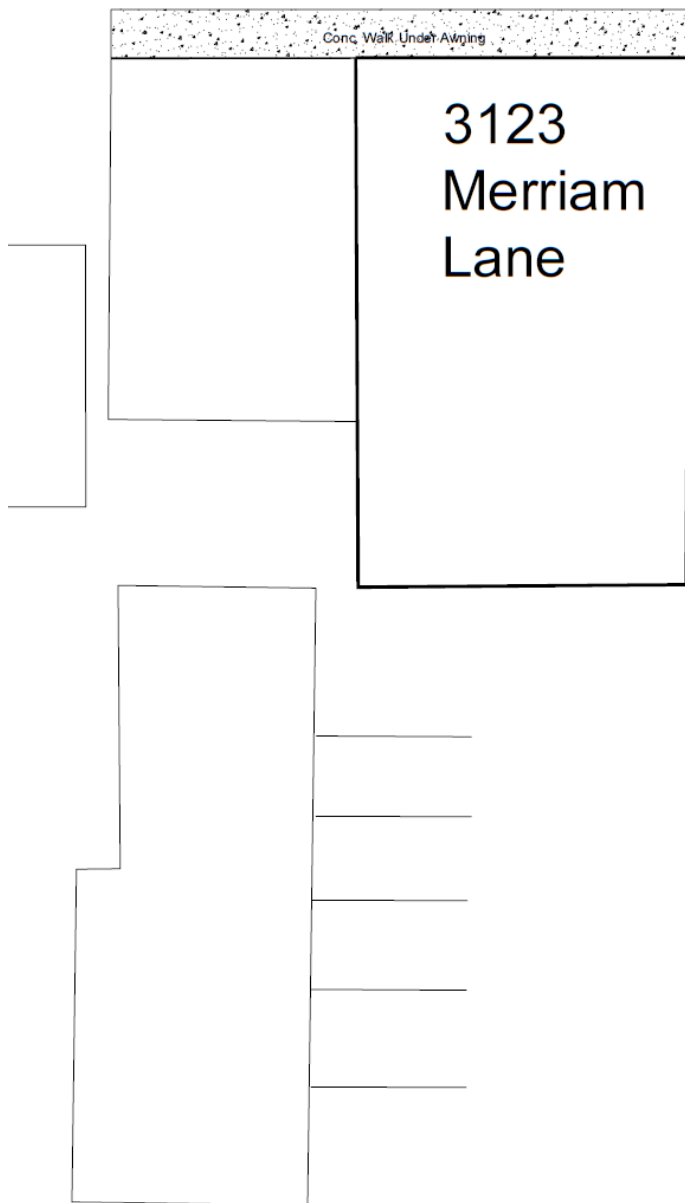
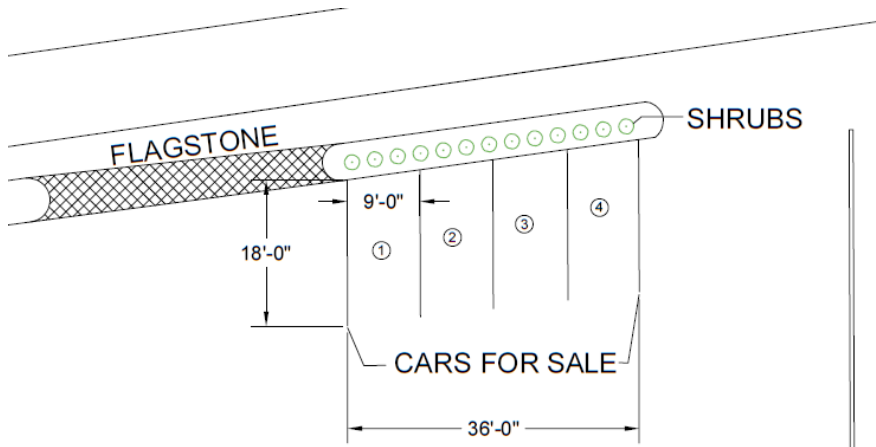
On motion by Mr. Connelly, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **DENIAL of Special Use Permit Application #SP-2019-3 as the applicant did not comply with the hold over stipulations from the February 11, 2019 meeting which were for the applicant and staff to have a face-to-face meeting and bring an architect and engineer that could provide adequate plans:**

Carson	Chairman
Cho	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	No
Neal	Not Present
Reasons	No
Serda	Aye
Huey	Not Present
Pauley	Not Present

Motion to recommend DENIAL Passed: 5 to 2







From: Flanders, Zachary <zflanders@wycokck.org>

Sent: Friday, March 8, 2019 5:16 PM

To: Richardson, Rob; Blakelund Moroney

Cc: 'Jeff Carson'; Sieben, Melissa

Subject: Re: SP 2019 - 3 Moroney Motors, LLC

All,

I wanted to share some documentation of my interactions with Blakelund Moroney to provide some context. I had previously shared this with Rob. I first met with him on November 11, 2018 to discuss the Special Use Permit for a used car dealership at 3123 Merriam lane. I prepared for this meeting by researching the property and code and making notes about what we were going to cover in the meeting. I emailed these notes to Alex Hufft and Hannah Kroll ahead of the meeting, because they joined me for the meeting, and I wanted them to have a copy of what we were going to cover in the meeting. We covered the need for a PE sealed site plan that showed a landscape buffer and a parking layout, as documented in the notes.

Original Meeting Invite: <https://xfer.wycokck.org/public/file/WCMDn93ct0efdziTBsviQA/01%20-%20Pre-Application%20Meeting%20for%20SUP%20for%20Auto%20Dealer.msg>

Notes from Meeting: https://xfer.wycokck.org/public/file/8c2EmA_zhECZlrRI6tQgWg/02%20-%20Auto%20Uses%20Criteria.msg

On December 21, 2018, Janet emailed the draft staff report to Blake which included the comments to provide a PE sealed site plan that showed a landscape buffer, street trees, and a parking layout.

Draft Staff Report: https://xfer.wycokck.org/public/file/P6mnjftC_EmFToa0BRsSjw/03%20-%20SP-2019-3%20Draft%20Staff%20Report.msg

On January 4, I emailed Blake to explain that the submitted site plan was not adequate because it was not sealed by a PE or other design professional:

January 4 email: https://xfer.wycokck.org/public/file/X4hxlzBko0CMwSswotvhlq/04%20-%20RE_%203123%20Merriam%20Lane.msg

Following the 1/4/2019 email, I had a phone conversation with Blakelund where he told me that he was not going to submit a site plan sealed by an engineer because he was not going to make any changes to the site. I explained that our code requires changes to the site including a landscape buffer and a street tree for every 30' of street frontage, and that we needed to see a parking layout with dimensions to understand the number and arrangement of parking spaces on the property. Blake said that he refused to make these improvements or submit an adequate site plan. Following this call, staff determined that the case could appear on the January agenda with a recommendation for denial. I called Blake back to explain that he would be on the January 14, 2019 agenda with a recommendation for denial due to lack of adequate site plan, parking issues, and landscape issues.

January phone call recollection: <https://xfer.wycokck.org/public/file/X-VCChbbh0uoo-tOMlg0IQ/05%20-%20Recollection%20of%20January%20phone%20call.docx>

On January 14 at 6:38 (after the beginning of the planning commission meeting), Blakelund emailed an updated site plan. This site plan was not substantially different from the site plan already on file and was not sealed by a PE or other design professional.

January 14 email: <https://xfer.wycokck.org/public/file/gntbyvn0nk2WnmDfY7TukA/06%20-%20FW%20Fw%203123%20Merriam%20Lane.msg>

After the January 14 Commission meeting, Blakelund sent me an email complaining that I had wasted his time:

January 17 email: <https://xfer.wycokck.org/public/file/pWBAYl6US0KhusP39W9FKw/07%20-%20Re%20Fw%203123%20Merriam%20Lane.msg>

I called Blakelund the week before the 2/11/2019 planning commission meeting to see if he was going to submit a development plan sealed by an engineer. He said that because no one had reached out to him after submitting the plan on 1/14/2019 that he assumed the updated site plan was adequate. I explained that the site plan was not adequate to evaluate the issues with the site, which were parking and landscaping. He asked if the only issues with the site were parking and landscaping, and I confirmed that the two outstanding issues were the site were parking and landscaping (after having explained that we needed an adequate site plan to evaluate these issues earlier in the call.)

February phone call
recollection: https://xfer.wycokck.org/public/file/xDeo2jLg_Uul_LBIQ5vVPA/08%20-%20Recollection%20of%20February%20phone%20call.docx

Following the February planning commission I was included on the following emails:

<https://xfer.wycokck.org/public/file/Bh1RGOigOU6aSaP6kgUv7A/09%20-%20Re%20Fw%203123%20Merriam%20Lane.msg>

<https://xfer.wycokck.org/public/file/x08hr1MDnkKyyoNRJ8tLhw/10%20-%20Re%20%23SP-2019-3%20.msg>

I hope this provides some context for the March planning commission meeting.

Thank you,

Zach

 **Zach Flanders** AICP

Urban Planner | Department of Urban Planning and Land Use

Municipal Office Bldg. | Room 423 | 701 North 7th St., Kansas City, KS 66101
P 913.573.5759 | F 913.573.5796 | zflanders@wycokck.org

Parker, Janet

Subject: Pre-Application Meeting for SUP for Auto Dealer
Location: Urban Planning Offices

Start: Tue 11/27/2018 2:00 PM
End: Tue 11/27/2018 2:30 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Faust, Jason
Required Attendees: Flanders, Zachary

Mr Blake Moroney (913-636-4381, morlawn@ksu.edu) and/or his wife request a pre-application meeting to discuss the SUP requirements for relocating a auto dealer license from their location in Missouri to a property on 3123-3135 Merriam Lane. They own a lawn care business but also maintain a dealer license to sell ½ ton – 1 ton trucks. He is looking at renting/buying this property to collocate both businesses there. He stated that there will be only occasional sales and not a lot of inventory on site.

He has been made aware of the automotive ordinance and the reason for a SUP and has been emailed a copy of the SUP application packet and your contact information in case they need to reschedule.

Parker, Janet

From: Flanders, Zachary
Sent: Tuesday, November 27, 2018 10:33 AM
To: Hufft, Alex; Kroll, Hannah R.
Subject: Auto Uses Criteria
Attachments: Auto-Related Uses Criteria.pdf

Required to submit PE sealed development plan and landscape plan showing how they will meet commercial design guidelines.

(19)Used car/truck lots and light automotive service and maintenance 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. Repurposing of structure(s) for used car/truck lots or light automotive service and maintenance.
 1. Upgrade parking, including striping and/or resurfacing of parking lots, if deemed necessary by staff. Make sure parking lot is in good condition, resurface is asphalt or concrete is breaking up. Parking needs to be striped and each car in individual space. The development plan needs to show how the striping will work.
 2. Landscaping, screening, and façade improvements to meet commercial design guidelines. Building must be 50% masonry (brick, stone) A brick wainscot may be required to meet this requirement. A continuous row of shrubs is required to screen parking areas from the public street A street tree is required for every 30' of street frontage. May need to expand landscape areas and remove paved areas to accomplish this.
- b. Signage.
 1. Following all permanent sign requirements under section 27-727.
 2. Following all special event display requirements under section 27-734.
 3. No display on sidewalks.
- c. Façade, landscaping, and screening.
 1. For new buildings:
 - i. All commercial design guidelines and district regulations shall be upheld in C-3 commercial districts including, but not limited to, the creation of quality development with respect to site planning, architectural design and landscaping.
 - ii. Commercial uses in industrial districts shall be subject to commercial design guidelines.
 2. For existing structures:
 - i. Such modifications as:
 - A. Restoring original brick.
 - B. Any necessary repair of the facade.
 - C. New doors or windows if existing fixtures are in disrepair.
 - D. Substantial effort beyond simply painting the building is necessary. Brick structures must be cleaned, paint removed and tuck pointed.
 - E. For non-brick buildings in addition to paint, additional architectural embellishments such as a brick wainscot may be required.
- b. Condition of automobiles/trucks.
 1. Automobiles/trucks available for sale, rent or lease must not be inoperable, ruined, dismantled or wrecked.
- c. Parking.
 1. The display area shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required by sections 27-466 through 27-470. Page 2

2. Parking shall be upgraded to current standards and regulations including medians, landscaping, and screening.

3. Each automobile shall be in a striped, designated parking space.

d. Install/repair sidewalks per code.

Merriam already has new sidewalks.



Zach Flanders AICP

Urban Planner | Department of Urban Planning and Land Use

Municipal Office Bldg. | Room 423 | 701 North 7th St., Kansas City, KS 66101

P 913.573.5759 | F 913.573.5796 | zflanders@wycokck.org

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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:

...

(19) Used car/truck lots and light automotive service and maintenance 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. Repurposing of structure(s) for used car/truck lots or light automotive service and maintenance.
 1. Upgrade parking, including striping and/or resurfacing of parking lots, if deemed necessary by staff.
 2. Landscaping, screening, and façade improvements to meet commercial design guidelines.
- b. Signage.
 1. Following all permanent sign requirements under section 27-727.
 2. Following all special event display requirements under section 27-734.
 3. No display on sidewalks.
- c. Façade, landscaping, and screening.
 1. For new buildings:
 - i. All commercial design guidelines and district regulations shall be upheld in C-3 commercial districts including, but not limited to, the creation of quality development with respect to site planning, architectural design and landscaping.
 - ii. Commercial uses in industrial districts shall be subject to commercial design guidelines.
 2. For existing structures:
 - i. Such modifications as:
 - A. Restoring original brick.
 - B. Any necessary repair of the facade.
 - C. New doors or windows if existing fixtures are in disrepair.
 - D. Substantial effort beyond simply painting the building is necessary. Brick structures must be cleaned, paint removed and tuck pointed.
 - E. For non-brick buildings in addition to paint, additional architectural embellishments such as a brick wainscot may be required.
- b. Condition of automobiles/trucks.
 1. Automobiles/trucks available for sale, rent or lease must not be inoperable, ruined, dismantled or wrecked.
- c. Parking.
 1. The display area shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required by sections 27-466 through 27-470.

2. Parking shall be upgraded to current standards and regulations including medians, landscaping, and screening.
 3. Each automobile shall be in a striped, designated parking space.
 - d. Install/repair sidewalks per code.
- (20) Heavy automotive/truck service, repair, and mechanics only in 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. Repurposing of structure(s) for heavy automotive/truck service, repair, and mechanics.
 1. Upgrade parking, including striping and/or resurfacing of parking lots, if deemed necessary by staff.
 2. Landscaping, screening, and façade improvements to meet commercial design guidelines.
 - b. Signage.
 1. Following all permanent sign requirements under section 27-727.
 2. Following all special event display requirements under section 27-734.
 3. No displays on sidewalks.
 - c. Façade, landscaping, and screening.
 1. For new buildings:
 - i. All commercial design guidelines and district regulations shall be upheld in C-3 commercial districts including, but not limited to, the creation of quality development with respect to site planning, architectural design and landscaping.
 - ii. Commercial uses in industrial districts shall be subject to commercial design guidelines.
 2. For existing structures:
 - i. Such modifications as:
 - A. Restoring original brick.
 - B. Any necessary repair of the facade.
 - C. New doors or windows if existing fixtures are in disrepair.
 - D. Substantial effort beyond simply painting the building is necessary. Brick structures must be cleaned, paint removed and tuck pointed.
 - E. For non-brick buildings in addition to paint, additional architectural embellishments such as a brick wainscot may be required.
 - d. Parking.
 1. Parking of the automobiles under heavy service, repair, or mechanics shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required by sections 27-466 through 27-470.
 2. Parking shall be upgraded to current standards and regulations including medians, landscaping, and screening.
 3. Each automobile shall be in a striped, designated parking space.
 - e. Install/repair sidewalks per code.

(Code 1988, § 27-1252; Ord. No. 64690, § 1(27-59.2), 8-30-1984; Ord. No. 64884, § 1, 10-3-1985; Ord. No. 65079, § 7, 11-6-1986; Ord. No. 65417, § 21, 4-6-1989; Ord. No. 65552, § 3, 8-9-1990; Ord. No. 65567, § 2, 9-20-1990; Ord. No. 65602, § 1, 2-7-1991; Ord. No. 65629, § 1, 6-6-1991; Ord. No. 65658, § 2, 9-5-1991; Ord. No. 65688, § 1, 12-19-1991; Ord. No. 65716, § 1, 5-7-1992; Ord. No. 65814, § 11, 7-8-1993; Ord. No. 66089, §§ 1, 2, 3-7-1996; Ord. No. 66177, § 4, 12-5-1996; Ord. No. 66255, § 2, 8-7-1997; Ord. No. O-65-98, § 1, 7-30-1998; Ord. No. O-31-99, § 2, 4-29-1999; Ord. No. O-85-00, § 1, 8-31-2000; Ord. No. O-48-02, § 2, 6-27-2002; Ord. No. O-91-02, § 1, 10-31-2002; Ord. No. O-41-05, § 3, 5-26-2005; Ord. No. O-55-07, § 1, 6-28-2007; Ord. No. O-16-08, § 1, 2-28-2008; Ord. No. O-1-10, § 1, 1-7-2010; Ord. No. O-66-10, § 1, 11-18-2010; Ord. No. O-42-15, § 1, 7-30-2015)

Parker, Janet

From: Parker, Janet
Sent: Friday, December 21, 2018 4:56 PM
To: morlawn@ksu.edu; jon@beavercreative.com
Cc: Flanders, Zachary; Parker, Janet
Subject: SP-2019-3 Draft Staff Report
Attachments: SP-2019-3-DRAFT.pdf

Importance: High

Attached are the “**draft**” comments on this application. Please submit additional information/plans to our office, by **Wednesday January 2, 2019**, at 12:00 Noon. Failure to respond will result in the case being held over for one month or a recommendation of denial. **Contact the Planner below with questions. For engineering questions or to set an appointment, please contact Martin Ntonjira at mntonjira@wycokck.org.**

Please also send a copy of the minutes, along with the attendance sheet, for your neighborhood meeting to Janet Parker (jparker@wycokck.org or Fax: 913-573-5796) by **Thursday, January 3, 2019. (If this has not already been done.)**

Also, if you have not picked up your zoning sign and posted it on your property, it must be done by December 26, 2018.

NOTE: This application will not appear on any agenda until Public Works and Planning comments are resolved. Please schedule appropriate meeting(s) to discuss the comments.

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

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

Thank you,

Janet L. Parker, CSC/APC

Janet L. Parker, CSC/APC

Department of Urban Planning & Land ...
Administrative Assistant
701 North 7th Street, Suite 423
Kansas City, KS 66101

(913) 573-5758 Work
(913) 573-5796 Fax
jparker@wycokck.org
www.wycokck.org/planning

NOTE: All applications to be heard by the Board of Zoning Appeals and City Planning Commission are to be submitted to:

Kim Portillo
Urban Planning and Land Use Annex
Neighborhood Resource Center
4953 State Avenue
Kansas City, KS 66102

From: Parker, Janet <jparker@wycokck.org>
Sent: Monday, December 10, 2018 4:16 PM
To: morlawn@ksu.edu; jon@beavercreative.com
Cc: Parker, Janet <jparker@wycokck.org>; Flanders, Zachary <zflanders@wycokck.org>
Subject: SP-2019-3 - 3131 Merriam Lane
Importance: High

The above application will be heard by the City Planning Commission on **Monday, January 14, 2019** at 6:30 p.m. in the Commission Chamber of the Municipal Office Building at 701 North 7th Street.

Attached is the list to be used for notification of the neighborhood meeting, which must be held by **January 2, 2019** (and the notices for the meeting must be mailed out ten (10) days prior to the neighborhood meeting) with the meeting minutes/affidavit, etc. sent to me by **January 3, 2019**. The instructions for the neighborhood meeting which includes a sample letter that can be sent to the people on the list is also attached. Also, please send a notice to me at the address below. If more than 1 person is listed at the same address, only 1 notice needs to be sent (addressed to all parties.)

The Planner assigned to this case is **Zach Flanders** at **zflanders@wycokck.org** or **913-573-5759**.

The zoning sign (**picked up from our office**) must be placed on the property by **December 26, 2018**. **Please call before coming to the office to make sure your sign is ready.**

A draft staff recommendation/report will be sent to you on **December 21, 2018**.

Please contact me with any questions.

Janet

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

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

Thank you,

Janet L. Parker, CSC/APC



NOTE: All applications to be heard by the Board of Zoning Appeals and City Planning Commission are to be submitted to:

**Kim Portillo
Urban Planning and Land Use Annex
Neighborhood Resource Center
4953 State Avenue
Kansas City, KS 66102**



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

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

To: City Planning Commission
From: City Staff
Date: January 14, 2019
Re: Petition #SP-2019-3

GENERAL INFORMATION

Applicant:
Blakelund Moroney

Status of Applicant:
Moroney Motors, LLC
8424 Tomahawk Rd.
Overland Park, KS

Requested Action:
Approval of a Special Use
Permit

Date of Application:
November 30, 2018

Purpose:
To operate a used car
dealership

Property Location:
3123-3135 Merriam lane

Existing Zoning:
M-2 General Industrial District



Existing Surrounding Zoning: North: MP-1 Planned Light Industrial District and C-1 Limited Business District
South: Johnson County, BNSF Railway
East: M-2 General Industrial District
West: M-2 General Industrial District

Existing Uses: North: Light Industrial Uses
South: BNSF Railway
East: Light Industrial Uses
West: Light Industrial/Office Uses

Total Tract Size: 1.66 acres

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

Major Street Plan: The City-Wide Master Plan designates Merriam Lane as Class C Thoroughfare

Advertisement: The Wyandotte Echo – December 20, 2018
Letters to Property Owner – December 14, 2018

Public Hearing: January 14, 2019

Public Opposition: None to date

PROPOSAL

Detailed Outline of Requested Action: The applicant, Blakelund Moroney, has submitted an application for a special use permit to open a used car dealer at the properties located at 3123-3135 Merriam Lane.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

Merriam Lane has a mix of commercial and light industrial uses.

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

A used car lot may not be compatible with the business park aesthetic that the Merriam Lane Corridor Plan aims to establish in this area and may present a compatibility issue by lowering the aesthetic quality of the 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 property is suitable for general industrial uses. Removal of the restrictions on used car lots may reduce the aesthetic quality of the area and thus detrimentally affect nearby property.

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

This property is not vacant. The owner wants to expand the existing use to include used car sales.

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

A used car dealership may not conform to the aesthetics of a business park that the Southwest Boulevard Merriam Lane Corridor Plan aims to establish in this area.

- 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 foreseen to be 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 compatibility issues addressed above are primarily related to the visual quality of a used car lot injuring neighboring properties and preventing the area from developing into a business park use.

- 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 proposed use would not result in a gain to the public health, safety or welfare.

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

This is not foreseen to be an issue.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant is required to have a neighborhood meeting by January 2, 2019. The meeting minutes, sign in sheet, and affidavit must be submitted to the Department of Urban Planning and Land use no later than January 3, 2019.

KEY ISSUES

Compliance with the Commercial Design Guidelines

STAFF COMMENTS AND SUGGESTIONS

Urban Planning and Land Use Comments:

1. Please provide a dimensioned site plan sealed by a professional engineer, surveyor, or other design professional that includes utilities.
2. All parking and drive aisles must meet the UG dimensional standards. Parking spaces must be 9' by 18'. All parking spaces must be painted.
3. Cars may not block the drives into the property. In the included site plan, this includes the spaces marked 1, 2, 3, 4, 10, 11, and 12.
4. Cars for sale must not be placed in required parking spaces for customers. With a total building area of 6,569 square feet according to the submitted site plan, 27 parking spaces are required. The submitted site plan only shows 12 parking spaces for customers. However, the submitted site plan appears to have scale errors, and the actual building area and parking requirement may be greater.
5. Landscaping
 - a. Provide one street tree for every 30' of street frontage. The landscape areas may need to be expanded by removing paved areas in order to meet this requirement.

- b. Parking areas must be screened by continuous rows of shrubs. Please indicate landscaping on site plan.
- 6. Façade improvements to meet the commercial design guidelines
 - a. 3133 Merriam
 - i. Replace inset windows with full-sized windows that fill the external brick window openings.
 - ii. Replace doors that have been boarded or replace with brick to match building.
 - b. 3123 Merriam
 - i. Add a brick wainscot to the building to meet the Commercial Design Guidelines
- 7. No Inoperable vehicles shall be stored anywhere on the property.
- 8. Pavement areas must be kept in excellent condition at all times.
- 9. All signs must meet the sign code (sec. 27-727) and be properly permitted.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) Provide revised site plan showing all dimensions, existing driveway widths, drive aisles, parking areas, distances from property lines, etc., in accordance with UG standards and criteria. Please discuss further with staff if there are any questions.
 - 2) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
- 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

Business License Comments:

- 1. If approved, applicant will need to file and maintain a current occupation tax application.

STAFF RECOMMENDATION

Staff recommends that the City Planning Commission make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommend _____ of Petition **#SP-2019-3** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

Site Photos
Site Plan

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 14, 2019	January 31, 2019
Special Use		

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

MOTIONS

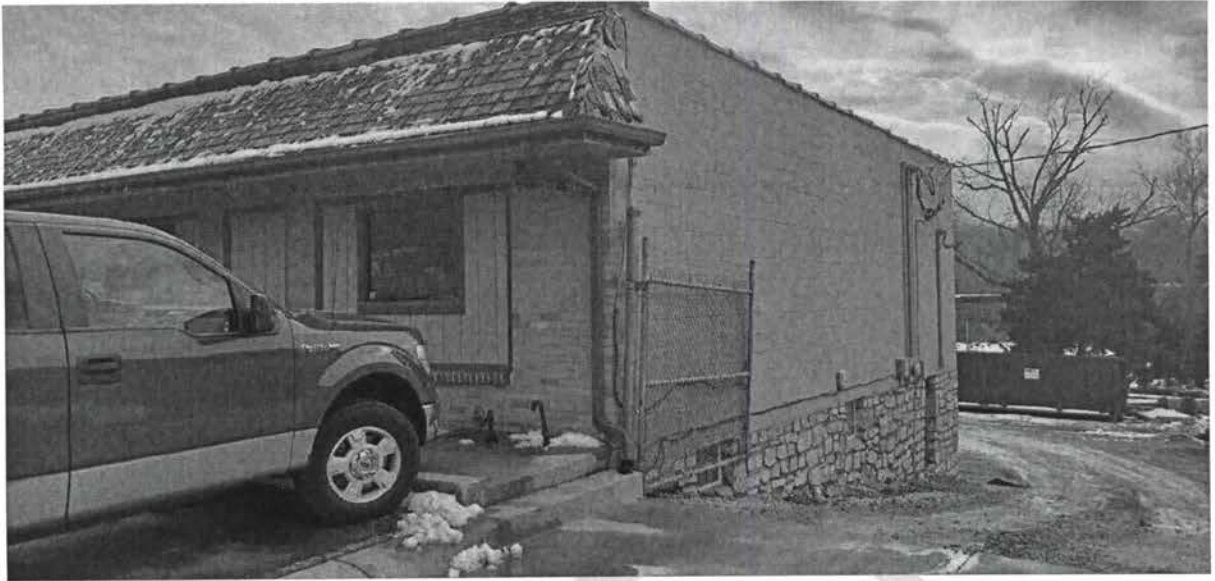
I move the Kansas City, Kansas City Planning Commission **RECOMMEND APPROVAL** of Petition **#SP-2019-3** to the Unified Government Board of Commissioners as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements of the Kansas City, Kansas City Planning Commission:

1. _____;
2. _____; And
3. _____.

OR

I move the Kansas City, Kansas City Planning Commission **RECOMMEND DENIAL** of Petition **#SP-2019-3**, to the Unified Government Board of Commissioners 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.





DRAFT

Parker, Janet

From: Flanders, Zachary
Sent: Friday, January 04, 2019 1:57 PM
To: 'Blakelund Moroney'; Parker, Janet
Cc: Ntonjira, Martin M.
Subject: RE: 3123 Merriam Lane

Blake,

We had not received this prior to today. Unfortunately, it is past the deadline, and we will have to hold you over until the February Planning Commission meeting (2/11/2019). Additionally, this plan is missing a seal to indicate that it was prepared by a professional engineer or other design professional. The plan is not correctly to scale (see image overlay below). Please provide a dimensioned site plan sealed by a professional engineer, surveyor, or other design professional.



Thank you,

Zach



Zach Flanders AICP

Urban Planner | Department of Urban Planning and Land Use
Municipal Office Bldg. | Room 423 | 701 North 7th St., Kansas City, KS 66101
P 913.573.5759 | F 913.573.5796 | zflanders@wycokck.org

Our goal is to serve you with excellence! Please click the following link and take a moment to complete this short customer service survey to help us better serve you! <https://www.surveymonkey.com/s/UBPLUCS>

From: Blakelund Moroney <morlawn@ksu.edu>
Sent: Friday, January 04, 2019 11:55 AM
To: Parker, Janet <jparker@wycokck.org>; Flanders, Zachary <zflanders@wycokck.org>
Subject: Fw: 3123 Merriam Lane

Zach,

Janet mentioned you saying the site plan was missing yesterday. I thought that had been sent out to you or the engineer. Either way it is attached here. If there is anything else you guys are needing from me please let me know.

Thanks,

Blake

Blakelund Moroney | President
Moroney Ventures, LLC

Moroney Landscape, LLC
Moroney Motors, LLC
8424 Tomahawk Rd.
Overland Park, KS 66207
Call/Text: (913) 406-4337

From: Blakelund Moroney
Sent: Friday, January 4, 2019 11:44 AM
To: Blakelund Moroney
Subject: Fw: 3123 Merriam Lane

Blakelund Moroney | President
Moroney Ventures, LLC

Moroney Landscape, LLC
Moroney Motors, LLC

8424 Tomahawk Rd.
Overland Park, KS 66207
Call/Text: (913) 406-4337

From: Jennifer Herrington <jen@beavercreative.com>
Sent: Friday, January 4, 2019 11:11 AM
To: Blakelund Moroney
Subject: Re: 3123 Merriam Lane

Here is what I got from what you sent me. If you need more changes, let me know and I will get to it next week.

On Fri, Jan 4, 2019 at 10:50 AM Blakelund Moroney <morlawn@ksu.edu> wrote:

I talked to the planner and we may not need to add flagstone in front of spots 1,2,3 so we can leave that off for now. We do need to remove 11 and 12 or the ones that block the drive on the east side of property.

Thank you,

Blake

Blakelund Moroney | President
Moroney Ventures, LLC
Moroney Landscape, LLC
Moroney Motors, LLC
8424 Tomahawk Rd.
Overland Park, KS 66207
Call/Text: (913) 406-4337

From: Blakelund Moroney
Sent: Friday, January 4, 2019 10:22:30 AM
To: Jennifer Herrington
Subject: Re: 3123 Merriam Lane

Hey Jen,

Thanks for the updated design. It looks like one of the pictures I sent Jon didn't make it to you. I will attach everything I sent him to this email. Let me know if you have any questions.

Thanks!

Blakelund Moroney | President
Moroney Ventures, LLC
Moroney Landscape, LLC

Moroney Motors, LLC
8424 Tomahawk Rd.
Overland Park, KS 66207
Call/Text: (913) 406-4337

From: Jennifer Herrington <jen@beavercreative.com>

Sent: Friday, January 4, 2019 10:07:44 AM

To: Blakelund Moroney

Subject: 3123 Merriam Lane

Here you go

Recollection of phone call
2/27/2019

Following the 1/4/2019 email, I had a phone conversation with Blakelund where he told me that he was not going to submit a site plan sealed by an engineer because he was not going to make any changes to the site. I explained that our code requires changes to the site including a landscape buffer and a street tree for every 30' of street frontage, and that we needed to see a parking layout with dimensions to understand the number and arrangement of parking spaces on the property. Blake said that he refused to make these improvements or submit an adequate site plan. Following this call, staff determined that the case could appear on the January agenda with a recommendation for denial. I called Blake back to explain that he would be on the January 14, 2019 agenda with a recommendation for denial due to lack of adequate site plan, parking issues, and landscape issues.

Parker, Janet

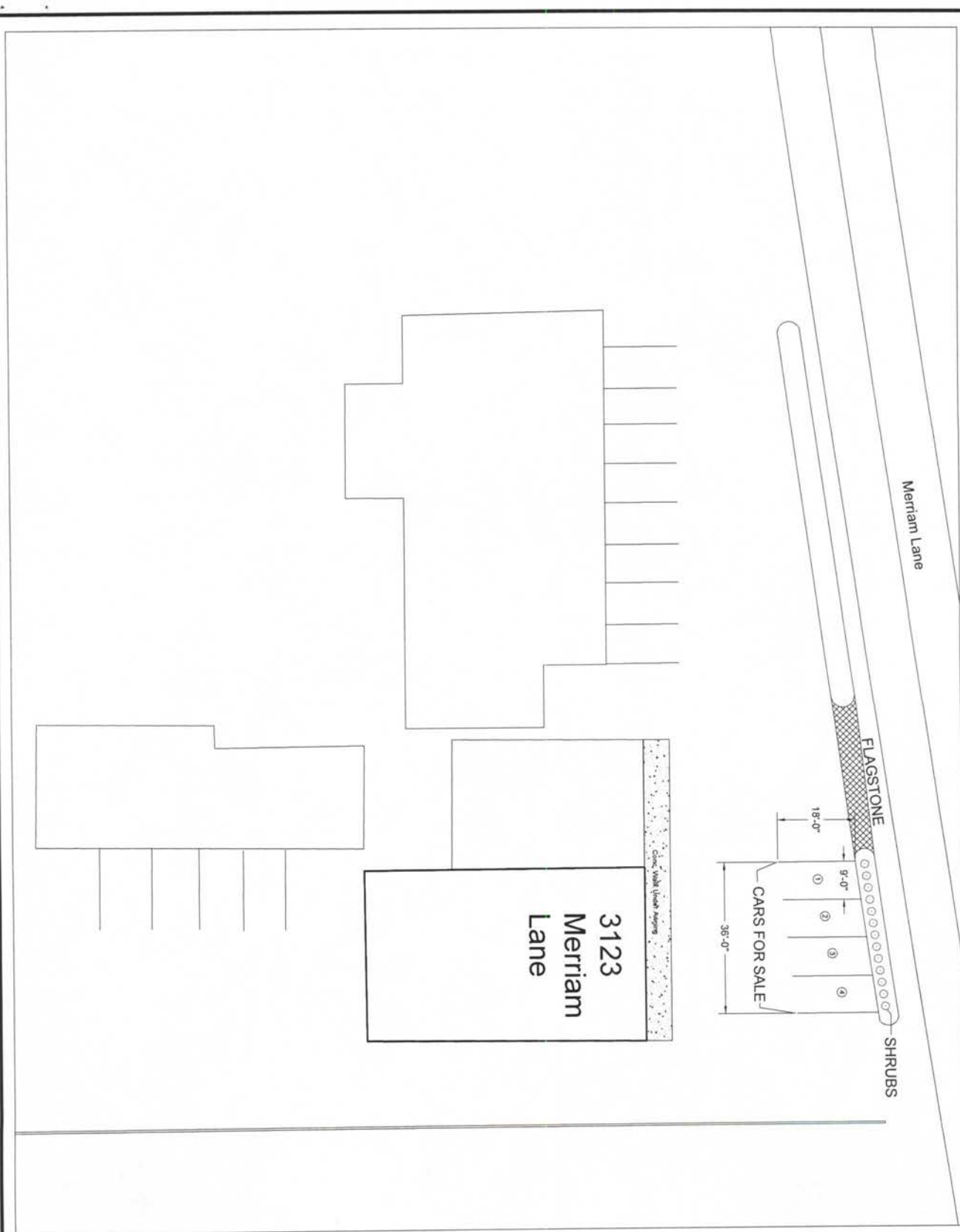
From: Flanders, Zachary
Sent: Friday, January 18, 2019 9:51 AM
To: Parker, Janet; Richardson, Rob
Subject: FW: Fw: 3123 Merriam Lane
Attachments: next door.pdf

Here is the updated plan. Note that he send it after the CPC meeting had already begun.

From: Blakelund Moroney <morlawn@ksu.edu>
Sent: Monday, January 14, 2019 6:38 PM
To: Flanders, Zachary <zflanders@wycokck.org>
Subject: Fw: Fw: 3123 Merriam Lane

Here is the updated plan with the correct overlay from the city changes that happened in the past year or so. We plan to flagstone the drive that is not used so that parking is available extending to the middle of the parking lot. Customer parking in the rear should be sufficient for the numbers we discussed.

Blakelund Moroney | President
Moroney Ventures, LLC
Moroney Landscape, LLC
Moroney Motors, LLC
Overland Park, KS
Call/Text: (913) 406-4337



BEAVER CREATIVE ENVIRONMENTS, INC. is a landscape architecture and civil engineering firm located in Kansas City, Missouri. The firm was founded in 1985 and has since grown to become one of the leading landscape architecture and civil engineering firms in the region. The firm's services include site planning, landscape architecture, civil engineering, and construction management. The firm has a strong reputation for providing high-quality, innovative, and cost-effective solutions to its clients. The firm's projects include commercial, residential, and institutional landscapes. The firm's clients include corporations, government agencies, and individuals. The firm's success is a result of its commitment to excellence, its dedication to its clients, and its ability to provide a wide range of services. The firm's contact information is as follows: BEAVER CREATIVE ENVIRONMENTS, INC., 10000 N. 100th St., Suite 100, Overland Park, KS 66213, Phone: (913) 241-1234, Fax: (913) 241-1235, Email: info@beavercreative.com, Website: www.beavercreative.com.

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Car Dealership
3131 Merriam Lane
Kansas City, KS

Site
Layout & Design

PROJECT: 10-08
DATE: NOVEMBER 12/08
DESIGNER: JH
SCALE: 1/8"=1'-0"

REVISIONS

Rev 1	Rev 2	Rev 3
Rev 4	Rev 5	Rev 6
Rev 7	Rev 8	Rev 9
Rev 10	Rev 11	Rev 12



Parker, Janet

From: Blakelund Moroney <morlawn@ksu.edu>
Sent: Thursday, January 17, 2019 10:43 PM
To: Flanders, Zachary
Subject: Re: Fw: 3123 Merriam Lane

Hey Zach,

I spent over 4 hours at the meeting this week and when it got to me it didn't seem like anything you and I had discussed made it into the other planners notes? They brought up parking issues and a few other items that you and I had resolved.... What can we do to make sure this next meeting isn't such a waste of time for both myself and the others involved?

Thanks,

Blake

Blakelund Moroney | President
Moroney Ventures, LLC

Moroney Landscape, LLC
Moroney Motors, LLC
Overland Park, KS
Call/Text: (913) 406-4337

From: Flanders, Zachary <zflanders@wycokck.org>
Sent: Monday, January 14, 2019 6:38:27 PM
To: Blakelund Moroney
Subject: Automatic reply: Fw: 3123 Merriam Lane

I am out of the office, returning on Thursday, January 17. I look forward to returning your email when I return.

Please call 913-573-5750 to be connected to a member of planning staff. For building permit related questions, please contact Building Inspection at 913-573-8620 to be connected to a member of Building Inspection staff.

Recollection of February Phone call
2/27/2019

I called Blakelund the week before the 2/11/2019 planning commission meeting to see if he was going to submit a development plan sealed by an engineer. He said that because no one had reached out to him after submitting the plan on 1/14/2019 that the updated site plan was adequate. I explained that the site plan was not adequate to evaluate the issues with the site, which were parking and landscaping. He asked if the only issues with the site were parking and landscaping, and I confirmed that the two outstanding issues were the site were parking and landscaping (after having explained that we needed an adequate site plan to evaluate these issues earlier in the call.)

Parker, Janet

From: Blakelund Moroney <morlawn@ksu.edu>
Sent: Monday, February 11, 2019 9:26 PM
To: Flanders, Zachary
Subject: Re: Fw: 3123 Merriam Lane

Hey Zach,

It sounds like there was some disconnect between what you and I discussed and what Rob had to say. I would like to set up an in person meeting with both you and Rob in the next day or two. Please let me know when you guys can meet.

Thank you,

Blake

Blakelund Moroney | President
Moroney Ventures, LLC
Moroney Landscape, LLC
Moroney Motors, LLC
Overland Park, KS
Call/Text: (913) 406-4337

From: Flanders, Zachary <zflanders@wycokck.org>
Sent: Monday, February 11, 2019 6:31:50 PM
To: Blakelund Moroney
Subject: Re: Fw: 3123 Merriam Lane

Sorry, we do not issue refunds if cases are withdrawn or denied.

Thank you,

Zach

From: Blakelund Moroney <morlawn@ksu.edu>
Sent: Monday, February 11, 2019 3:19:27 PM
To: Flanders, Zachary
Subject: Re: Fw: 3123 Merriam Lane

If I decided not to pursue this location would there be anyway to get my application fee returned on this case since it has not been discussed at the city planning commission yet.

Thanks,

Blake

Blakelund Moroney | President
Moroney Ventures, LLC
Moroney Landscape, LLC

Moroney Motors, LLC
Overland Park, KS
Call/Text: (913) 406-4337

From: Blakelund Moroney
Sent: Monday, February 11, 2019 2:50 PM
To: Flanders, Zachary
Subject: Re: Fw: 3123 Merriam Lane

Please add this to the file on this case. It shows that the access to the strip of garages in the back are only accessible to the landscape company at the neighboring property.

Thanks,

Blake

Blakelund Moroney | President
Moroney Ventures, LLC
Moroney Landscape, LLC
Moroney Motors, LLC
Overland Park, KS
Call/Text: (913) 406-4337

From: Blakelund Moroney
Sent: Monday, February 11, 2019 2:39 PM
To: Flanders, Zachary
Subject: Re: Fw: 3123 Merriam Lane

Zach,

I just wanting to confirm after speaking with you last week that the main concern you have at this time is the parking requirements related to the area of building on the property? Since nothing else was discussed I will assume that is the main hold up at this point unless I hear anything more from you. Thank you.

Blake

Blakelund Moroney | President
Moroney Ventures, LLC
Moroney Landscape, LLC
Moroney Motors, LLC
Overland Park, KS
Call/Text: (913) 406-4337

From: Blakelund Moroney
Sent: Thursday, January 17, 2019 10:42 PM
To: Flanders, Zachary
Subject: Re: Fw: 3123 Merriam Lane

Hey Zach,

I spent over 4 hours at the meeting this week and when it got to me it didn't seem like anything you and I had discussed made it into the other planners notes? They brought up parking issues and a few other items that you and I had resolved.... What can we do to make sure this next meeting isn't such a waste of time for both myself and the others involved?

Thanks,

Blake

**Blakelund Moroney | President
Moroney Ventures, LLC**

Moroney Landscape, LLC
Moroney Motors, LLC
Overland Park, KS
Call/Text: (913) 406-4337

From: Flanders, Zachary <zflanders@wycokck.org>
Sent: Monday, January 14, 2019 6:38:27 PM
To: Blakelund Moroney
Subject: Automatic reply: Fw: 3123 Merriam Lane

I am out of the office, returning on Thursday, January 17. I look forward to returning your email when I return.

Please call 913-573-5750 to be connected to a member of planning staff. For building permit related questions, please contact Building Inspection at 913-573-8620 to be connected to a member of Building Inspection staff.

Parker, Janet

From: Blakelund Moroney <morlawn@ksu.edu>
Sent: Tuesday, February 12, 2019 9:37 PM
To: Richardson, Rob
Cc: Flanders, Zachary; Sieben, Melissa
Subject: Re: #SP-2019-3

Rob,

I understand that you do not see reason to meet but I do. The commission also said we need to get together and get on the same page. I am not going to hire someone to do another plan until I meet with you and Zach and we get on the same page. What I have been told on the case has changed so many times it would be a waste of my time and resources to prepare anything more for you without first meeting to discuss the plan for this business and property. You and I have never met over the last 3 months of me working on this and that was very clear to everyone last night. It was also clear that anything I have worked on with Zach over the last 3 months was not run by you so basically the last 3 months has been a waste of my time and resources. I need to meet with you tomorrow so that we can clear up the last 3 months of miscommunication and get a clear understanding of the plan before I waste anymore of my time and the time of the city employees. I was instructed by the commission last night to set up a meeting with staff. I emailed Zach last night and have received no response and I am getting nothing but push back from you. It makes it very difficult to fulfill the request of the commission with Zach not responding and you resisting my attempt to meet.

Blake

**Blakelund Moroney | President
Moroney Ventures, LLC**

Moroney Landscape, LLC
Moroney Motors, LLC
Overland Park, KS
Call/Text: [\(913\) 406-4337](tel:9134064337)

From: Richardson, Rob <RRichardson@wycokck.org>
Sent: Tuesday, February 12, 2019 3:26 PM
To: Blakelund Moroney
Cc: Flanders, Zachary; Sieben, Melissa
Subject: RE: #SP-2019-3

Mr. Moroney,

Until we have a scaled plan with the correct information any advice I am giving you is speculative. It is pointless to meet without a plan. The sealed plan was the very first requirement listed in the draft staff opinion for this very reason. Let me know when you have a sealed plan.

Rob

From: Blakelund Moroney <morlawn@ksu.edu>
Sent: Tuesday, February 12, 2019 12:37 PM

To: Richardson, Rob <RRichardson@wycokck.org>; Flanders, Zachary <zflanders@wycokck.org>
Cc: 'Jeff Carson' <jeffcarsonkc@gmail.com>; Sieben, Melissa <msieben@wycokck.org>
Subject: Re: #SP-2019-3

Rob,

Also last night was the first time I had heard of any possible variances. It would have been helpful if during my many discussions with Zach that options was brought up. I searched the county site for variance information last night and came up with nothing. Please pass this information along to me as soon as you can so I am not crunched for time getting the necessary items in place.

I also want to apologize if I came off disrespectful to staff. That was never my intention but it was very frustrating that for the second month in a row it did not seem like you had been told of any of the conversations that Zach and I have been having over the past 2 months. I come to those meetings prepared the best I can by what Zach and I discuss and then it seems like you have no idea what has been told to me and I look like a fool for not being prepared for what you have to say, which largely different than what Zach and I discuss. I am not mad at Zach but feel that what he tells me needs to be added to the report or at least passed on to you so that we do not have this disconnect. That is why I feel so strongly about getting the 3 of us together ASAP so I can tell you what I understand the situation to be based on what Zach and I have discussed.

Thank you,

Blake

**Blakelund Moroney | President
Moroney Ventures, LLC**

Moroney Landscape, LLC
Moroney Motors, LLC
Overland Park, KS
Call/Text: (913) 406-4337

From: Blakelund Moroney
Sent: Tuesday, February 12, 2019 12:27 PM
To: Richardson, Rob; Flanders, Zachary
Cc: 'Jeff Carson'; Sieben, Melissa; jon@beavercreative.com
Subject: Re: #SP-2019-3

Thank Rob,

I appreciate your time responding. You do not know what was discussed between Zach and I so I do not like you accusing me of being misleading last night. I was told by Zach that the plan did not have to be stamped since no changes were being made to the property as long as the plan was to scale. I submitted the updated plan over a month ago and received no feedback since that time stating that the plan was not sufficient. I agree that I sent the plan sometime that day but not sure how it would have happened during the meeting since I was present. That point is not important as I take full responsibility for the plan not being submitted in a timely manner no matter what time that may have been.

I knew the number of parking spaces could be an issue and was ready to discuss that last night. All other parking issues that you brought up last night has already been discussed between Zach and I and there was no issue with anything besides the mere number of spaces until I heard of it from you for the first time last night.

5. Landscaping a. Provide one street tree for every 30' of street frontage. The landscape areas may need to be expanded by removing paved areas in order to meet this requirement.

5 b. Parking areas must be screened by continuous rows of shrubs. Please indicate landscaping on site plan.

This comes directly from the staff report. Please tell me how I was trying to be misleading? If I said anything was silly it was this above statement in the staff report about tearing out new city sidewalks and pavement to add a street tree, which based on your comments last night also seems silly because you stated I was not responsible for putting a tree in the right of way even though the the staff report specifically requires 1 "street tree" per 30ft of street frontage AND shrubs that I was told should be in the right of way in every discussion up until last night. Zach considered the "landscape area" that needed to be expanded, the strip of grass along the street and told me I would need to tear out concrete to enlarge that strip of grass if that is what it took to add a street tree.

I do not want to argue with you via email. Obviously based on your email sent today there is still a great amount of disconnect between what you, Zach, and I are talking about. I want an in person meeting with the 3 of us to get on the same page before I bring in a designer. Please make time to meet with me this afternoon or tomorrow so we can get on the same page and spend the next month working towards a common set of goals.

Thanks,

Blake

**Blakelund Moroney | President
Moroney Ventures, LLC**

Moroney Landscape, LLC
Moroney Motors, LLC
Overland Park, KS
Call/Text: (913) 406-4337

From: Richardson, Rob <RRichardson@wycokck.org>
Sent: Tuesday, February 12, 2019 11:49 AM
To: Blakelund Moroney; Flanders, Zachary; jon@beavercreative.com
Cc: Flanders, Zachary; 'Jeff Carson'; Sieben, Melissa
Subject: RE: #SP-2019-3

Mr. Moroney,

I am again forwarding the initial draft staff report that states a plan sealed by a design professional is required. The stipulations included in this document forwarded to you on December 21, 2018 at 4:56 PM and show that you were less than forthcoming with the Planning Commission last evening concerning what you had been told by staff. You acted like these are new requirements before the Planning Commission last night, which you know is not true. You lied to the Kansas City, Kansas City Planning Commission about the street tree requirement. Additionally, you mislead the Planning Commission last month regarding the you sent to Zach during the meeting that did not meet standards. Planning has

electronic records to prove the false statements. The next time misleading or false statements occur, staff is prepared to provide the documentation to the Planning Commission.

It is critical that you understand the seriousness of information that is provided to the Planning Commission. As the Director, I am offering a reset for you. I will set aside time to meet with you and your design professional to discuss a properly sealed plan that meets UG code requirements for a plan submittal (your design professional will be able to look up those requirements) at 4 PM on Wednesday February 27 for 1 hour. This will allow time for your design professional to complete a code compliant plan prior to the meeting and then make any necessary changes to the plan prior to the March Planning Commission meeting. At this point if you have ideas about how to make this work please bring them to the meeting on 2/27/19. The code does not allow for parking to be counted across property lines. Even if it is one space. If you are short on parking, a variance would be necessary. Likewise if you cannot meet landscape or façade improvement requirements, a variance is necessary. Obtaining a variance is a separate public action that requires a separate application. We can discuss at the meeting if it is necessary.

All of Planning staffs comments have been with the intent to get your application to a place where it could be properly analyzed and moving forward toward approval. Until you provide proper plans, all of our comments are largely speculation as to what the situation may or may not be. Additionally, it is critical that you are respectful to staff this is trying to help you. It is their job to follow the rules and regulations outlined by the County Commission and the State of Kansas.

Thank you,



Robin H. Richardson, AICP
Director of Planning

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

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

Robin Richardson, AICP
Director of Planning, Unified Government

701 N 7th Street, Room 423
Kansas City, Kansas 66101
(913) 573-5774 Office Direct
(913) 909-9042 Mobile
(913) 573-5796 Fax
RRichardson@wycokck.org
www.wycokck.org/planning

From: Blakelund Moroney <morlawn@ksu.edu>

Sent: Tuesday, February 12, 2019 10:47 AM

To: Richardson, Rob <RRichardson@wycokck.org>; Flanders, Zachary <zflanders@wycokck.org>

Subject: #SP-2019-3

I would like to set up an in person meeting with all three of us at the same time. I feel there was some disconnect last night so want to make sure we are all on the same page with plenty of time before next

months meeting. I can be flexible to meet pretty much all day today or tomorrow. Please let me know what works for you two.

Thank you,

Blake

Blakelund Moroney | President
Moroney Ventures, LLC

Moroney Landscape, LLC

Moroney Motors, LLC

Overland Park, KS

Call/Text: (913) 406-4337



Staff Request for Commission Action

Tracking No. 19674

Full Commission Meeting Date: 3/28/19

Committee:

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

Publication Required: Yes 4/4/2019

<u>Date:</u> 3/22/2019	<u>Contact Name:</u> Kenneth Moore	<u>Contact Phone:</u> x5070	<u>Contact Email:</u> kjmoore@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> A resolution amending the 2019 Commission meeting schedule and the 2019 Standing Committee meeting schedule.				
<u>Action Requested:</u> Adopt resolution.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Res Amend Meeting Dates				

(Published April 4, 2019)

RESOLUTION NO. R- -19

A RESOLUTION amending Resolution No. R-1-18 by changing two meeting dates of the Unified Government Commission and one meeting date of the Unified Government Standing Committees, and repealing that portion of Resolution No. R-1-18 which conflicts with this Resolution.

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

WHEREAS, pursuant to the provisions of Section 107 of Appendix C of the Unified Government of Wyandotte County/Kansas City, Kansas Code, the Commission adopted a schedule of regular Commission and Standing Committee meeting dates from February 5, 2018, through January 30, 2020, in Resolution No. R-1-18; and

WHEREAS, the Commission has determined that meetings of the Unified Government Commission and Standing committees originally scheduled in Resolution No. R-1-18 should be changed,

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

1. That the Full Commission Meeting Schedule adopted in Resolution No. R-1-18 be amended by changing:
 - August 1, 2019 meeting is rescheduled to August 15, 2019
 - October 10, 2019 meeting is rescheduled to October 17, 2019
2. That the Standing Committee Meeting Schedule adopted in Resolution No. R-1-18 be amended by changing:
 - July 29, 2019 Public Works & Safety and Administration & Human Services Standing Committee meetings are rescheduled to July 22, 2019.
3. That such portion of Resolution No. R-1-18, which conflicts with this Resolution, is hereby repealed.

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

Unified Government Clerk



Staff Request for Commission Action

Tracking No. 19581

Full Commission Meeting Date: 3/28/19

Committee: Economic Development & Finance

Date of Standing Committee Action: 3/4/19

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
2/21/2019	Kathleen VonAchen	x5186	kvonachen@wycokck.org	Finance

Item Description:

A resolution authorizing the Unified Government of Wyandotte County/ Kansas City, Kansas to amend its Master Equipment Lease Purchase Agreement dated October 17th, 2013, with Banc of America Public Capital Corp. the proceeds of which will be used to pay the costs of acquiring and installing certain equipment.

The maximum amount is not to exceed \$11,500,000.00.

Submitted by Kathleen VonAchen, Chief Financial Officer

Action Requested:

Please Approve

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution R 19 Master Lease, 2019 Amendment #6 Template, 2019 Lease Finance Detail

RESOLUTION NO. R-__-19

**RESOLUTION AUTHORIZING THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO AMEND ITS
MASTER EQUIPMENT LEASE PURCHASE AGREEMENT WITH BANC OF
AMERICA PUBLIC CAPITAL CORP, THE PROCEEDS OF WHICH WILL
BE USED TO PAY THE COSTS OF ACQUIRING AND INSTALLING
CERTAIN EQUIPMENT.**

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) desires to obtain funds to pay the costs of acquiring and installing some or all of the equipment identified on *Annex I* attached hereto (the “Equipment”); and

WHEREAS, in order to facilitate the foregoing and to pay the cost thereof, it is necessary and desirable for the Unified Government, to amend its annually renewable Master Equipment Lease Purchase Agreement (the “Lease”) with Banc of America Public Capital Corp (the “Lessor”), dated as of October 17, 2013, to extend the Origination Period (as defined in the Lease).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY KANSAS, AS FOLLOWS:

Section 1. Authorization of Lease Amendment. The Chief Financial Officer of the Unified Government of Wyandotte County/Kansas City, Kansas is hereby authorized to execute Amendment Number 6 to the Lease (the “Amendment”), attached hereto as *Exhibit A*, and take all other necessary action to amend the Lease.

Section 2. Authorization of Lease Transaction. The Unified Government states its intent to lease pursuant to the Lease and pursuant to separate Schedules of Equipment (the “Schedules”) some or all of the Equipment in a maximum principal amount of \$11,500,000. The Equipment to be leased and the related Schedule will be approved by subsequent resolution(s) of the Board of Commissioners.

Section 3. Authorization and Approval of Unified Government Documents. The Amendment is hereby approved in substantially the form submitted to and reviewed by the Board of Commissioners on the date hereof, with such changes therein as are approved by the County Administrator, the County Administrator’s execution of the Amendment being conclusive evidence of such approval.

The obligation of the Unified Government to pay Rental Payments (as defined in the Lease) under the Lease and any Schedules is subject to annual appropriation and will constitute a current expense of the Unified Government and will not in any way be construed to be an indebtedness or liability of the Unified Government in contravention of any applicable constitutional, charter or statutory limitation or requirement concerning the creation of indebtedness or liability by the Unified Government, nor **will** anything contained in the Lease or any Schedule constitute a pledge of the general tax revenues, funds or moneys of the Unified Government, and all provisions of the Lease and any Schedule will be construed so as to give effect to such intent.

The County Administrator is hereby authorized and directed to execute and deliver any Schedules on behalf of and as the act and deed of the Unified Government.

Section 4. Further Authority. The Unified Government will, and the officials and agents of the Unified Government are hereby authorized and directed to, take such actions, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution and to carry out, comply with and perform the duties of the Unified Government with respect to the Lease, any Schedules and the Equipment.

Section 5. Effective Date. This Resolution will take effect and be in full force from and after its passage by the Board of Commissioners.

ADOPTED by the Board of Commissioners of the Unified Government of Wyandotte County, Kansas City, Kansas, this March 28, 2019.

David Alvey, Mayor/ CEO

ATTEST:

Unified Government Clerk

APPROVED AS TO FORM:

Chief Counsel

Bank of America

Amendment Number 6
to Master Equipment Lease Purchase Agreement
dated as of October 17, 2013

This Amendment Number 6 made this 28th day of March, 2019 to the Master Equipment Lease Purchase Agreement dated October 17, 2013 (“Agreement”) between Banc of America Public Capital Corp (“Lessor”) and the Unified Government of Wyandotte County/Kansas City, Kansas (“Lessee”)

WITNESSETH:

WHEREAS, Lessor and Lessee are parties to the Agreement; and

WHEREAS, Lessor and Lessee desire to amend certain provisions of the Agreement;

NOW, THEREFORE, in consideration of the premises and the mutual obligations hereinafter contained, and for other good and valuable consideration, the receipt whereof is hereby acknowledged, the parties hereto agree as follows:

- 1. Section 1.01 “Origination Period”: is amended by deleting the reference to December 31, 2018, and replacing it with December 31, 2019.
- 2. Except as amended hereby, the Agreement shall remain in full force and effect and is in all respects hereby ratified and affirmed. Capitalized terms not otherwise defined herein shall have the meanings ascribed them in the Agreement.

IN WITNESS WHEREOF, the parties hereunto have caused this instrument to be executed by their duly authorized officers as of the day and year first above written.

Banc of America Public Capital Corp (Lessor)

Unified Government of Wyandotte County/Kansas City, Kansas (Lessee)

By: _____
Printed Name: _____
Title: _____

By: _____
Printed Name: _____
Title: _____

Annex 1 - 2018-2019 Unified Government Lease Financed Equipment Projects

CMIP Project #	Item/Project	Term (yrs)	Rate*	Principal**	Interest***	Annual Pmt****	Service, Maintenance
2016 equipment (not financed)							
NRC	Computer Database upgrade	3		264,000	-	88,000	0
2017 equipment (not financed)							
Fire	Fire Truck Aerial	10		950,000	26,163	121,163	0
	Fire Truck Quint	10		900,000	24,786	114,786	0
2018 Equipment (not financed)							
Fire	X-Series Monitor Upgrade Repl Program (2018-2021 LF)	5		400,000	10,528	90,528	0
	2013 Pumpers-Quints 2 LF (2018-2027)	10		1,520,000	41,861	193,861	0
2019 Equipment (not financed)							
Emergency Management-City	Radio Encryption (2019-2021 LF)	3		288,000	7,580	96,000	0
Fire Department	Aerial/Quint (2019-2029 LF)	10		900,000	24,786	90,000	0
	Pumper (2019-2028 LF)	10		790,000	21,757	79,000	0
Police Department	Patrol Vehicles (30) 2019 (2019-2021 LF)	3		1,200,000	31,584	400,000	0
Public Works	Fleet Vehicles (2019-2021 LF)	3		105,000	2,764	35,000	0
Transit	Light Duty Cutaway Buses-1 (2019-2023 LF)	5		103,795	2,727	20,759	0
Emergency Management-County	Radio Encryption (2019-2021 LF)	3		195,000	5,132	65,000	0
County-Aging Transit	Ford Transit Van-1 (2019-2023 LF)	5		72,000	1,891	14,400	0
Special Street & Highway-City Public Works	Skid Steer and Trailer (2019-2023 LF)	5		100,000	2,627	20,000	0
Fire Department	Pumper (2019-2028 LF)	10		790,000	21,757	79,000	0
	2013 Pumpers-Quints 2 (2019-2028 LF)	10		1,580,000	43,513	158,000	0
Parks & Rec	2018 Greens Mower (2019-2023 LF)	5		40,000	1,051	8,000	0
	2018 Fairway Mower (2019-2023 LF)	5		75,000	1,970	15,000	0
Contingency	Other			1,227,205			
TOTAL				\$ 11,500,000			

* Interest is estimated, based on a formula in the master lease. Estimated rates as of February 4, 2019:

3 year: 2.632 %

5 year: 2.627 %

7 year: 2.671 %

10 year: 2.754 %

** Principal column is the estimated total purchase price without interest if paid for by cash.

*** Interest column is the annual interest amount using estimated rates.

**** Estimated



Staff Request for Commission Action

Tracking No. 19599

Full Commission Meeting Date: 3/28/19

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 3/4/19

(If none, please explain):

Publication Required: Yes

<u>Date:</u> 3/21/2019	<u>Contact Name:</u> Greg Talkin	<u>Contact Phone:</u> x8628	<u>Contact Email:</u> gtalkin@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> Amendments to the administrative penalty process allowing enforcement through additional chapters and increasing the range of possible penalties.				
<u>Action Requested:</u> To approve the ordinance.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> 2-651 etc. - Ordinance change (Admin Citations)				

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE relating to Chapter 2, Article IX. Code Enforcement Administrative Penalty Process, amending Sections 2-651, 2-652 and 2-653.

BE IT ORDAINED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Sections 2-651, 2-652 and 2-653 are hereby amended to read as follows:

Sec. 2-651. - Enforcement through administrative citation.

A person who has violated any provision of Chapter 3, Chapter 8, ~~or Chapter 15~~, Chapter 17, Chapter 19, Chapter 27, or Chapter 32 of the Unified Government Code may be issued an administrative citation and be required to pay a civil penalty in accordance with the provisions of this Article.

(Ord. No. O-15-15, § 1, 2-19-2015)

Sec. 2-652. - Amount of penalties.

The following penalties may be imposed for each separate violation of a code provision:

- (1) \$100 for a first violation;
- (2) \$250 for a second violation within any 24 month period; and
- (3) \$500 for a third violation ~~or subsequent~~ violation within any 24 month period;
and
- (4) \$750 for a fourth violation within any 24 month period; and
- (5) \$1000 for a fifth violation within any 24 month period; and
- (6) \$1500 for a sixth or subsequent violation within any 24 month period.

(Ord. No. O-15-15, § 2, 2-19-2015)

Sec. 2-653. – Notice of violation.

- (a) The public officer or his or her designee shall provide notice and a reasonable time for persons with a legal interest in real property where a violation of Chapter 3, Chapter 8, ~~or Chapter 15~~, Chapter 17, Chapter 19, Chapter 27, or

Chapter 32 exists to remedy the violation, provided such violation does not create ~~an immediate~~ a danger to life, health or safety requiring immediate action.

- (b) If the person fails to cure the violation within the time provided by the public officer, the officer is authorized to issue an administrative citation.
- (c) Notice and opportunity to remedy a violation shall be considered given if a previous notice has been sent within the previous 24 months.

(Ord. No. O-15-15, § 3, 2-19-2015)

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the *Wyandotte Echo*.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS _____ DAY OF _____, 2019.**

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

Approved As To Form:

Daniel Kuhn, Assistant Counsel



Staff Request for Commission Action

Tracking No. 19592

Full Commission Meeting Date: 3/28/19

Committee: Economic Development & Finance

Date of Standing Committee Action: 3/4/19

(If none, please explain):

Publication Required: Yes

<u>Date:</u> 3/21/2019	<u>Contact Name:</u> Kathleen VonAchen	<u>Contact Phone:</u> x5186	<u>Contact Email:</u> kvonachen@wycokck.org	<u>Department/Division:</u> Finance
<u>Item Description:</u> Staff recommendation of the revised Debt Policy for Committee consideration and adoption. Memo summarizing the Committee members recommended revisions and revised redlined version included for Committee review and consideration. Resolution and clean version included for Committee adoption. Submitted by Kathleen VonAchen, Chief Financial Officer.				
<u>Action Requested:</u> Adopt resolution				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Debt Policy-Revision-3.04.2019-Reso-CleanPolicy, Debt Policy-Revision-3.04.2019-ED-F Packet				

RESOLUTION NO. R-_____

WHEREAS, budgetary and financial policies contain high-level principles and requirements that an organization must follow, as formally agreed upon by management and a governing body, in order to direct the strategic vision of an organization;

WHEREAS, budgetary and financial policies inform organizational processes by providing insight into standard functions and key risk and control points needing monitoring and take into consideration risk assessments, mitigations and audit efforts to achieve operational efficiencies; And, that policies help to shape strategic direction, so an organization can move to a mindset that recognizes cost/risk avoidance as a critical public policy discipline.

WHEREAS, formal adoption of budgetary and financial policies by a governmental organization is a recommended practice of the International City Management Association (ICMA) and the Government Finance Officers Association (GFOA).

WHEREAS, the Unified Government executes debt instruments, administers debt proceeds, manages ongoing disclosure and debt compliance, and makes debt service payments, acting with prudence and diligence and with attention to prevailing economic conditions.

WHEREAS, the primary objectives of a debt policy are to establish guidelines for the use of various categories of debt; create procedures and policies that minimize the UG's debt service and issuance costs; retain the highest practical credit ratings; and to provide full and complete financial disclosure and reporting.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS:

Section 1. That the Unified Government Board of Commissioners hereby adopts the debt policy included in Exhibit A:

Section 2. That the County Administrator is hereby authorized to execute in the name of the Unified Government of Wyandotte County/Kansas City, Kansas, any and all documents and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution. And that all other Unified Government staff is further authorized to take such actions as are necessary and proper to effectuate the purposes and intent of this Resolution.

ADOPTED BY THE BOARD OF COMMISSIONERS OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS 28th DAY OF MARCH 2019.

Unified Government Clerk

EXHIBIT A:

PROPOSED REVISED DEBT POLICY



Unified Government of Wyandotte County and Kansas City, Kansas

Debt Policy

Commission Resolution:

R-35-18

Adopted: 07/26/2018

Update: xx/xx/xxxx

I. Authority and Introduction:

The Mayor and the Board of Commissioners are responsible for legislation, policy formulation, and overall direction setting of the government. This includes the approval of financial policies which establish and direct the operations of Unified Government (UG) and the Public Building Commission (PBC). Further, the Unified Government issues debt on behalf of the Board of Public Utilities (BPU), which is an administrative agency of the UG. The County Administrator is responsible for carrying out the policy directives of the UG Board of Commissioners and Public Building Commission and managing the day-to-day operations of the executive departments, including the Finance Department. This policy shall be administered on behalf of the County Administrator by the Chief Financial Officer.

The Unified Government, through the County Administrator and Chief Financial Officer, executes debt instruments, administers debt proceeds, manages ongoing disclosure and debt compliance, and makes debt service payments, acting with prudence and diligence and with attention to prevailing economic conditions. The UG believes that debt is an equitable means of financing projects and represents an important means of meeting fiscal responsibilities.

The debt policy primarily addresses debt instruments/securities issued by the UG in public or private bond markets. This is consistent with examples of debt policies of other comparable municipalities, Government Finance Officers Association (GFOA) guidelines, and rating agency guidelines. The debt policies pertain to debt that is typically incurred when capital is raised in the public or private markets, including borrowings from sophisticated qualified institutional buyers, to meet the UG's funding needs (the purpose and need for financings is discussed as in Section 1). Such debt constitutes obligations whereby a third-party has provided funds, which is evidenced by the formal execution of a bond or certificate (or a similar instrument) and is held by the third-party until it is repaid.

The policy does not cover other obligations like contracts payable, notes payable, loans payable (e.g., HUD section 108 loans), arbitrage liability, and net pension obligation (NPO) and/or pension Unfunded Actuarial Liability (UAL) and Other Post-Employment Benefits (OPEB). The UG's Comprehensive Annual Financial Reports (CAFRs) provide a complete list of the outstanding long term liabilities. The sections in the CAFR listing the long term liabilities are: Governmental Activities Long-Term Liabilities and Business Type Activities Long-Term Liabilities. Consistent with Governmental Accounting Standards Board (GASB) standards, the net pension obligation (NPO) and OPEB obligation is reflected in the Governmental Activities Note to the Financial Statements of the CAFR as a long term liability.

The policy documents the UG's procedures and goals for the use of debt to finance UG needs. A regularly updated debt policy, in conjunction with the Five-Year Capital and Maintenance Improvement Program (CMIP), UG's Capital Improvements Plan, the Five-Year Long Term Financial Forecast, the Cash and Investment Policy, and the Reserve Policies, serves as an important tool that supports the use of the UG's resources to meet its financial commitments and to maintain sound financial management practices. This policy is enacted in an effort to standardize and plan the issuance and management of debt by the UG. While the Debt Policy serves as a guideline for general use, it allows for exceptions in extraordinary conditions.

II. Purpose of the Debt Policy:

The primary objectives of this debt policy are to establish guidelines for the use of various categories of debt; create procedures and policies that minimize the UG's debt service and issuance costs; retain the highest practical credit ratings; and to provide full and complete financial disclosure and reporting.

The UG's Debt Policy is also designed to:

- Establish parameters for issuing and managing debt;
- Provide guidance to decision makers related to debt affordability standards;
- Provides information to the public on the use of debt and to industry participants on the standards of the UG;
- Document the pre- and post-issuance objectives to be achieved by staff;
- Promote objectivity in the debt approval decision making process; and
- Facilitate the actual financing process by establishing important policy decisions in advance.

A biennial review of the Debt Policy will be performed and any changes to the Debt Policy will be brought forward for UG Commission consideration and approval. Further, in the event there are any deviations or exceptions from the Debt Policy when a certain bond issue is structured, those exceptions will be discussed in the staff reports when the bond issue is docketed for Commission consideration.

III. Applicability and Scope:

This policy shall apply to all Funds under the budgetary and fiscal control of the Mayor and the Board of Commissioners. Further, the Unified Government issues debt on behalf of the Board of Public Utilities (BPU), which is an administrative agency of the UG, and as a result this Policy is applicable to the BPU.

IV. Policy:

Section 1 – Purpose and Need for Financing

1.1 Purpose of Financing

The UG borrows money primarily to fund long-term capital improvement projects, essential equipment and vehicle needs, and to refinance existing debt. The issuance of debt to fund

operating deficits is not permitted. Debt will be used to finance eligible projects only if it is the most cost-effective means available to the UG.

While the “pay-go” means of using current revenues to pay for capital projects is often considered the preferred means of financing because it avoids interest payments, it may not be entirely equitable. The “pay- go” funding option requires current citizens to pay taxes over long periods of time in order to accumulate reserves sufficient to pay for capital projects. The UG would be able to undertake capital projects under this method only if sufficient cash accumulates. Prudent use of debt financing rather than pay-go funding of capital projects can facilitate better allocation of resources and increased financial flexibility. [Refer to the Capital Asset and Equipment Investment and Management Policy for criteria for “pay-go” funding.]

The four primary borrowing purposes for which bond proceeds may be used are summarized below:

- A. Long-Term Capital Improvements: The UG prepares a multi-year Capital and Maintenance Improvements Program (CMIP) budget working with asset managing departments in accordance with Commission approved Capital Asset and Equipment Investment and Management Policy. The CMIP budget includes projections for upcoming fiscal years and is updated during each Annual Budget process or if there are significant changes to the scope and/or cost of projects. In accordance with the Capital Asset Policy, future operations and maintenance costs associated with capital improvement projects are developed and identified prior to submission of the project for approval. The Financial Department works with the Public Works Department to ensure that accurate and complete budgeting of the CMIP is prepared as part of the Annual Budget process.

Since the aggregate cost of desired capital projects generally exceeds available funds, the capital planning process prioritizes projects and identifies the funding needs. The UG will initially rely on internally-generated funds and/or grants and contributions from other governments to finance its capital needs. Debt is issued for a capital project only when it is an appropriate means to achieve a fair allocation of costs between current and future beneficiaries and if a secure revenue source is identified to repay the debt.

The Finance Department, working with UG departments within the context of the Capital and Maintenance Improvements Program and the UG’s Five-Year Long Term Financial Forecast, oversees and coordinates the timing, processing, and marketing of the UG’s borrowing and capital funding activities. Close coordination of capital planning and debt planning ensures that the maximum benefit is achieved with the limited capital funds. The debt management process determines the availability of funds which can be raised through debt based upon the debt capacity/affordability analysis.

- B. Essential Vehicle and Equipment Needs: In addition to capital projects, the UG regularly finances certain essential equipment and vehicles. These assets range from public safety vehicles to information technology systems. The underlying asset must have a minimum useful life of three years. Short-term financings, including loans and capital lease purchase agreements, are executed to meet such needs.

- C. **Economic Development Needs:** The Unified Government strives to foster an environment in which small and large businesses thrive, jobs are created, redevelopment continues, tourism grows, and businesses locate in the community. To achieve these objectives, The UG regularly finances certain land acquisition, site preparation and infrastructure improvements related to economic development projects as a means of incentivizing private sector firms to invest in the community.
- D. **Refinancings/Refunding of Existing Debt:** The Chief Financial Officer working with the Municipal Advisor periodically evaluates the UG's existing debt and executes refinancings to achieve one or more of three objectives: reduce future interest costs, restructure debt to reflect changing debt service revenues, and to redefine bond-related legal requirements. A refinancing may include the issuance of bonds to refund existing bonds or the issuance of bonds in order to refund other obligations.

1.2 Financing Priorities

All borrowing requests or debt refunding proposals shall be reviewed by the Chief Financial Officer. The Finance Department shall be responsible for analyzing the proposal to determine if it is beneficial to the UG and complies with the UG's long-term financial planning objectives. Borrowing requests include any debt or refunding proposals made to the UG involving a pledge or other extension of the UG's credit through the sale of securities, execution of loans or leases, or making of guarantees or otherwise involving directly or indirectly the lending or pledging of the UG's credit.

For each financing proposal related to a new capital improvement project, the Finance Department will work with the department or other client parties to assess the feasibility and the impact of debt to fund the project based on the following assessments:

- A. **Nature of Project and Use of Funds:** Each proposal is evaluated by comparing the nature of the project and use of funds with competing proposals on the basis of the benefits derived and how it furthers the UG's policy objectives as laid out in the UG's Annual Budget, Five-Year Long Term Financial Forecast, Capital and Maintenance Improvement Program.
- B. **Cost-Benefit Analysis of Project:** A cost-benefit analysis is required for each project:
 - a. The benefits of a proposed project must be defined and, where appropriate, quantified in monetary terms. The funding sources are identified and estimated. Where revenues are part of the benefits, all assumptions made in deriving the revenues are documented. The validity of the assumptions and the risk associated with the revenue streams are assessed.
 - b. The costs of the project are estimated, with the basis documented and the risk associated with the estimates assessed. The uses of funds are identified and estimated. Identify whether the project will increase or reduce ongoing operation and maintenance expenses.
- C. **Expenditure Plan:** A detailed plan for the expenditure of funds is developed for each project. The underlying assumptions of the project cost expenditure plan are documented and the risk associated with these projections are analyzed.
- D. **Revenue for Debt Service Payment:** A detailed plan for the debt repayment is developed for each project. The underlying assumptions of revenue cash flow estimates

are documented and the risk associated with these revenue streams is analyzed. Where general fund or bond and Interest funds' revenues are proposed to service debt, the impact upon budgets is assessed. For all bonds an impact analysis on the repayment sources over time will be completed.

- E. Compliance with statutory provisions and bond covenants. Each issue will be evaluated for its impact on statutory debt limits, and in the case of revenue-only secured obligations existing bond covenants.

All requests are prioritized based upon this evaluation. If the Chief Financial Officer recommends the financing proposal and the County Administrator is in concurrence, the Debt Management Division will prepare the financing proposal for the Commission's authorization.

1.3 Asset Life

Consistent with its philosophy of keeping its capital facilities and infrastructure systems in good condition and to maximize a capital asset's useful life, the UG makes every effort to set aside sufficient current revenues to finance ongoing maintenance needs and to provide reserves for periodic replacement and renewal. Generally, no debt will be issued for periods exceeding the useful life or average useful lives of projects to be financed.

The UG will consider short or long-term financing for the acquisition, maintenance, replacement, or expansion of capital assets, including land. For short-term financing, the capital asset and/or rolling stock must have a minimum useful life of three years; for long-term financing, the physical asset must have a minimum useful life of ten years.

Section 2 – Credit Ratings

2.1 Credit Ratings

The UG seeks to maintain the highest possible credit ratings that can be achieved for debt instruments without compromising the UG's policy objectives. Ratings are a reflection of the general fiscal soundness of the UG, the local economy and other regional economic factors, and the capabilities of UG management. By maintaining the highest possible credit ratings, the UG can issue its debt at a lower interest cost, hence lowering the demands on repayment revenue sources such as the property taxes and user fees. To enhance creditworthiness, the UG is committed to prudent financial management, systematic capital planning, interdepartmental cooperation and coordination, and long-term financial planning.

Rating agencies consider various factors in issuing a credit rating; these typically include:

- UG's fiscal status
- Socio-economic and demographic profile of the revenue base
- UG's financial and general management capabilities
- Economic conditions that may impact the stability and reliability of debt repayment sources
- UG's general reserve levels
- UG's debt history and current debt structure
- The capital improvement project(s) being funded
- Covenants and conditions in the governing legal documents

The UG recognizes that external economic, natural, or other events may from time to time affect the creditworthiness of its debt. Each proposal for additional debt will be analyzed for its impact upon the UG's debt rating on outstanding debt. There are no predetermined credit rating formulas available from the rating agencies, although recent updates to rating methodologies from certain rating agencies have added transparency to their credit evaluation processes. This information provides a better understanding of how key quantitative and qualitative factors and risk factors are likely to affect rating outcomes. The UG Finance Department will monitor rating agency guidelines and methodologies regularly to stay informed of changes to the rating metrics and processes.

The Chief Financial Officer is responsible for managing the rating reviews associated with the UG's various debt obligations. This effort includes providing periodic updates, both formal and informal, on the UG's general financial condition and coordinating meetings and presentations in conjunction with a new debt issuance when determined necessary.

The Chief Financial Officer, working with the Debt Management Division and, if applicable, a Municipal Advisor, shall be responsible for determining whether a rating shall be requested on a particular financing, and which of the major rating agencies shall be asked to provide such a rating.

The UG recognizes the need to maintain ongoing communications with the rating agencies in order to provide information and demonstrate management engagement in the debt management system.

Section 3 – Types of Financing Instruments

There are many different types of financing instruments available to the UG; long term financing debt obligations like General Obligation Bonds, Lease Revenue Bonds and Revenue Bonds would typically constitute direct debt of the UG. The UG issues various types of debt for economic development projects. The UG issues conduit financings to benefit third parties where public benefit can be achieved. The following are brief summaries of different types of long- and short-term financing instruments that the UG may consider.

Direct Debt Obligations

3.1 General Obligation Bonds

General Obligation (GO) Bonds are secured either by a pledge of full faith and credit of an issuer or by a promise to levy taxes in an unlimited amount as necessary to pay debt service, or both. GO Bonds usually achieve lower rates of interest than other financing instruments since they are considered to be a lower risk. Such bonds are issued pursuant to K.S.A. 10-101 et seq., K.S.A. 10-620 et seq., and Article 12, Section 5 of the Constitution of the State of Kansas, all as amended and supplemented, for the purpose of paying a portion of the cost of certain street, sewer, public utility, and other public improvement projects. Adoption of a bond resolution by the UG commission is required for the issuance of general obligation bonds.

While typically general obligation bond debt repayment is reliant on property tax revenues, the UG also relies on charges for services deriving from the wastewater and stormwater enterprise utilities as the revenue source for repayment for such projects financed with general obligation bonds. As a result, these business-type activities general obligation debt outstanding is separately reporting in the UG's financial statements and reports.

3.2 Lease Revenue Bonds

Lease Revenue Bonds (LRBs) are lease obligations secured by an installment sale or by a lease-back arrangement between the UG and another public entity (such as the Public Building Commission (PBC)), where the general operating revenues of the UG are used to make lease payments, which are, in turn, used to pay debt service on the bonds. Lease Revenue Bonds of the PBC are authorized by the Constitution and statutes of the State of Kansas, including K.S.A. 12-1757 et seq.

Payments to be made under valid leases are payable only in the year in which use, and occupancy of the leased property is available, and lease payments may not be accelerated. Lease financing requires the annual fair market rental value of the leased property to be equal to or greater than the lease payment. The governmental lessee is obligated to place in its Annual Budget the payments that are due and payable during each fiscal year that the lessee has use of the leased property.

3.3 Revenue Bonds

A. Revenue Bonds are obligations payable from revenues generated by an enterprise, such as water, wastewater and stormwater utilities, electric utility, public golf courses, levee or parking facilities. Because the debt service is directly paid by the facility, such debt is considered self-liquidating and generally does not constitute a debt obligation of the issuer under the State of Kansas' debt limit criteria.

The UG's utility Revenue Bonds are payable solely from the UG's and BPU's Utility Enterprise Funds and are not secured by any pledge of ad valorem taxes or general fund revenues of the UG. In accordance with the agreed upon bond covenants, the revenues generated by these Enterprise Funds must be sufficient to maintain required coverage levels, or the rates of the enterprise have to be raised to maintain the revenue coverages. Revenue Bonds are issued under the authority and pursuant to the Constitution and laws of the State of Kansas, including the provisions of K.S.A. 10-1201 et seq., Article 12, Section 5 of the Constitution.

B. Revenue Bonds issued to provide incentives for economic development and repaid by revenues generated by the development project or from the adjacent area. Typically, these bonds are less secure as the repayment is linked to the performance of a private development over time. The UG will exercise significant diligence in determining the need and amount of the public financial participation, the probability of the forecasted revenues to actually occur, and include provisions in the bond structuring and security to minimize the risk of default.

3.4 Temporary Notes and Draw Bonds

Temporary Notes and Draw Bonds are short-term interest-bearing bonds issued in the anticipation of long-term future bond issuances. The UG may choose to issue temporary notes or draw bonds as a source of interim financing when it is considered by the Chief

Financial Officer to be prudent and advantageous to the UG. Such bonds are issued pursuant to K.S.A. 10-101 et seq., K.S.A. 10-620 et seq., and Article 12, Section 5 of the Constitution of the State of Kansas, all as amended and supplemented, for the purpose of paying a portion of the cost of certain street, sewer, public utility, and other public improvement projects. Adoption of a bond resolution by the UG commission is required for the issuance of temporary notes and draw bonds. While the UG practice is to renew temporary notes on an annual basis, State statute limits the interim financing period for individual capital projects financed with the note proceeds to four years.

3.5 Lines of Credit/ Direct Bank Loan

A Line of Credit / Direct Bank Loan is a contract between the issuer and a bank that provides a source of borrowed monies to the issuer in the event that monies available to pay debt service or to purchase a demand bond are insufficient for that purpose. Direct Bank loans are an important tool in a government's financing toolkit. The term bank loans include fixed-rate loans with defined maturities and loans or lines of credit that have variable interest rates and flexible payment provisions.

In entering into a direct bank loan, the UG in consultation with the Municipal Advisor will become knowledgeable as to how the bank loan is characterized for legal and accounting purposes, including how they are treated in the financial statements, and what types of disclosures should be made about these loans. State and local laws should be reviewed to ensure these financings are within legal limits and the financing is characterized appropriately. In the event that a Line of Credit is under consideration as an interim financing mechanism for a long-term capital need, before entering into any such agreements, takeout financing for such lines of credit must be planned for and determined to be feasible by the Chief Financial Officer.

When it is considered by the Chief Financial Officer to be prudent and advantageous to the UG, the UG may enter into agreements with commercial banks or other financial entities for purposes of acquiring a Line of Credit or Direct Bank Loan.

3.6 Lease Purchase Financings

The UG's equipment and vehicle financing program provides a mechanism for the short-term financing of essential equipment through a lease-purchase mechanism. The lease purchase terms are typically three to ten years. Under this program, the UG enters into a master lease agreement with a lessor to finance the lease purchase of essential equipment up to a certain amount. Equipment is funded on an as needed basis under this master lease agreement. The UG may enter into other standalone operating leases and lease purchase agreements on an as-needed basis.

3.7 State and Federal Loans

State and federal loan proceeds are an important source of funds for capital projects in addition to the bond proceeds. State Revolving Funds (SRFs) and the Water Infrastructure Finance and Innovation Act (WIFIA) program make low cost loans available to local agencies to fund certain public infrastructure projects. Through these programs, various state and federal agencies offer local agencies loans to fund qualifying public infrastructure projects. Benefiting departments within the UG will evaluate such programs in conjunction with Debt

Management on a case by case basis. Commission approval is required to apply for these loans.

3.8 HUD Section 108 Loan Guarantee Program

The U. S. Department of Housing and Urban Development (HUD) Section 108 Loan Guarantee Program allows municipalities to use their annual Community Development Block Grant (CDBG) entitlement grants to apply for federally guaranteed loans large enough to finance major community development and economic development projects. In order to utilize the Program, the UG must include the use of Section 108 Loans in its Consolidated Plan for HUD Programs.

The Finance Department currently oversees the fiduciary and reporting requirements of the UG's current HUD Section 108 loans.

Economic Development Debt Obligations

3.9 Special Districts Financing

The UG's special districts primarily consist of Community Improvement Districts (CID), Transportation Development Districts (TDD), Tax Increment Financing (TIF) and Sales Tax and Revenue Districts (STAR). Special Districts are typically developer initiated, whereby a developer seeks a public financing mechanism to fund public infrastructure required by the UG in connection with development permits or agreements, and/or tentative subdivision maps. Special District formation may also be initiated by an established community. Subject to approvals dictated by State statute, once a district is formed special taxes or assessments may be levied upon properties within the district to pay for facilities and services directly, or to repay bonds issued to finance public improvements.

The UG will consider requests for Special District formation and debt issuance when such requests address a public need or provide a public benefit. Each application will be considered on a case by case basis, and the Chief Financial Officer may not recommend a financing if it is determined that the financing could be detrimental to the debt position or the best interests of the UG.

Conduit Debt

3.10 Industrial Revenue Bonds

Industrial Revenue Bonds (IRBs) are tax-exempt private activity bonds that provide manufacturing and processing companies financing for capital expenditures. Industrial Revenue Bonds are not an obligation of the UG and are considered conduit debt. While the authorization to issue IRBs is provided by K.S.A. 12-1740 et seq, the tax-exempt status of these bonds is derived from federal law (Internal Revenue Code Section 103(b) (2)). Under state law, IRBs are issued by a local government agency, which can be a city, county, economic development authority, or a joint powers authority. Since IRBs are tax-exempt municipal bonds, interest rates are substantially lower than commercial financing rates. The bonds also allow long-term amortization periods up to 30 years (depending on the useful life of the assets financed), so a growing company will also devote less cash-flow to service loan principal repayment. The UG typically issues IRBs in order to exempt industries from paying property taxes or sales and use tax on building materials. IRB's require a governmental

entity (the Unified Government) to act as the "Issuer" of the bonds, who will hold an ownership interest in the property for as long as the IRBs are outstanding.

Section 4 – Debt Ratio Guidelines

Given the significant restrictions on local agency revenue sources, the UG is aware of the need to gauge the effect of ongoing debt service and other fixed obligations on its budgets and fiscal priorities over time. To provide a debt affordability plan and keep debt levels within acceptable ranges, the UG will consider generally accepted debt affordability standards in evaluating when, why, and how much debt should be incurred. Debt ratio guidelines discussed in sections 4.1 and 4.2 below pertain only to the City's long-term general fund debt supported by tax levy or General Funds, and coverage ratios in section 4.3 pertain to revenue bonds such as those issued by the UG's and BPU's Electric, Water, Wastewater and Stormwater utilities, as well as levee and golf course enterprises.

4.1 General Obligation Bonds

As discussed in Section 3.1, General Obligation Bonds are secured either by a pledge of full faith and credit of an issuer or by a promise to levy taxes in an unlimited amount as necessary to pay debt service, or both. Generally accepted measures of assessing the impact of general obligation bonds include:

- Debt per capita: This is the outstanding principal as a percentage of Kansas City, Kansas population.
- Debt as a percent of assessed valuation: This is the outstanding principal as a percentage of Kansas City, Kansas assessed valuation (excluding motor vehicle valuation).

This measure excludes general obligation bonds issued for wastewater, stormwater, levee or golf course enterprise funds capital projects. Included in the "debt" classification will be the estimated portion of temporary notes. The UG shall monitor and strive to achieve and/or maintain these debt statistics at a low to moderate classification, as generally viewed by the municipal bond market.

4.2 General Fund-Supported Debt

An important ratio used in analyzing the UG's debt position with respect to General Fund supported debt securities (including lease revenue obligations and annual appropriation clauses for certain economic development financings) is the required annual debt service/lease payment as a percentage of total general fund expenditures ("Debt Ratio"). This analysis includes the annual debt service/lease payment for all long-term fixed obligations of the UG backed by the UG General Fund. The UG shall strive to maintain this Debt Ratio below 10% of total General Fund expenditures.

It is a strong financial management practice and an important planning tool to also evaluate the effects of other significant long-term fixed costs, such as pension and retiree health care (OPEB) costs, on the UG's General Fund. Pension and OPEB costs and the UG's annual contributions to meet these obligations are not controlled by this Debt Policy. However, these contributions need to be taken into account in calculating the UG's overall debt burden. To that end, the ratio of the Actuarially Determined Contribution (ADC) to the pension system and retiree health care (OPEB) annual contributions as a percentage of General Fund expenditures ("Pension/OPEB Ratio") shall also be taken into consideration for

sound financial planning. Taken together, the UG will strive to maintain the combined Debt Ratio and Pension/OPEB Ratio below 25% of total General Fund expenditures.

Capacity analysis as determined by these measures will be undertaken when new General Fund- supported debt is issued or new Pension/OPEB benefits are examined. Further, the availability of sufficient suitable UG properties to serve as lease properties if required for a lease revenue bond measure will also be evaluated (see Section 3.2 for annual fair rental value requirement). Whenever authorization is sought for a lease revenue bond, the UG Commission will be provided with an estimate of the amount of unpledged and suitable UG properties that are expected to be available to support additional lease revenue borrowings.

4.3 Overlapping Debt

In addition to the UG's direct debt (General Obligation bonds and other General Fund Supported debt), debt levels of underlying and overlapping entities such as school districts and special districts add to a communities' overall debt burden. The UG's proportional share of the debt of other local governmental units which either overlap it or underlie it is called overlapping debt. Overlapping debt is generally apportioned based upon relative assessed value. While the UG does not control debt issuance by other entities, it recognizes that its taxpayers share the overall debt burden. The UG will continue to work with other jurisdictions in coordinating capital projects to lessen the overall debt burden. The UG shall include a statement of overlapping debt in its initial and continuing disclosure and/or annual financial statements.

4.4 Coverage Ratios for Revenue Bonds and Economic Development Financings

Long-term obligations payable solely from specific pledged sources are not subject to a debt limitation. Examples of such long-term obligations include those which achieve the financing or refinancing of projects provided by the issuance of debt instruments that are payable from restricted revenues, charges for services or user fees (enterprise funds) and revenues generated from a project. Also see Section 3.3, Revenue Bonds, and Section 3.9, Special District Financings.

The coverage ratio, which is the ratio of available annual revenues to annual debt service, is one of the primary indicators of the ability of an enterprise to meet its annual operating expenses and debt service payments. Generally, legal covenants requiring a minimum coverage ratio are set forth in the revenue bond documents and are based on the level of security provided to the bondholders (of the senior or subordinate debt obligations). General obligation bonds issued by the UG on behalf of its wastewater and stormwater utilities also are required to meet establish minimum debt coverage ratios. Rate covenants for the bonds and loans will require a rate increase if coverage ratios are expected to fall below the legal coverage levels.

State and Federal loans may also have certain coverage ratio requirements for enterprise funds which are pledged as revenue sources for repayment of the loan. These coverage ratio requirements are set forth in the financing agreements which are executed between the UG and state or federal agency for each project.

The UG will also evaluate appropriate affordable target coverage levels (i.e., financial coverage ratios), for the outstanding bonds and new debt issue planning when conducting cost of service studies, which are undertaken periodically for the enterprises.

Section 5 – Structure and Term of UG Indebtedness

5.1 Term of Debt

Debt will be structured for the shortest period possible, consistent with a fair allocation of costs to current and future beneficiaries or users. Borrowings by the UG should be of a duration that does not exceed the useful life of the improvement that it finances and where feasible, should be shorter than the projected economic life. The standard term of long-term borrowing is typically 15-30 years.

5.2 Rapidity of Debt Repayment

In structuring a bond issuance, the Finance Department will manage the amortization of debt, and to the extent possible, match its cash flow to the anticipated debt service payments.

The UG will seek to structure debt with aggregate level principal and interest payments over the life of the borrowing. “Backloading” of debt service will be considered only when one or more of the following occur:

- Natural disasters or extraordinary or unanticipated external factors make payments on the debt in early years prohibitive;
- The benefits derived from the debt issuance can clearly be demonstrated to be greater in the future than in the present;
- Such structuring is beneficial to the UG’s aggregate overall debt payment schedule
- Such structuring will allow debt service to more closely match project revenues during the early years of the project’s operation, especially for economic development financed project and enterprise revenue bonds.

5.3 Serial Bonds, Term Bonds, and Capital Appreciation Bonds

Serial bonds are bonds maturing annually (or serially) in specified amounts comprising all or a portion of a bond issue.

Term bonds are those where all bonds, or a portion of the issue equal to that which would mature over a period of two or more years in a bond issuance, mature at a single time. Term bonds can be structured so that a portion of term maturity is mandated to be called or retired each year (called “sinking funds”) to mirror a serial bond structure. The funds paid into the sinking fund each year may be used at that time to retire a portion of the term bonds ahead of their scheduled redemption. Sinking funds are preferred by investors since these funds provide the security of knowing that the issuer appropriately budgets and accounts for its expected future payments. The sinking fund also ensures that the payment of funds at maturity does not overtax the issuer’s resources at that time. The decision to use term or serial bonds is typically driven by market conditions when bonds are issued.

Capital Appreciation Bonds (CABs), also known as Zero Coupon Bonds or Turbo Bonds, do not pay periodic interest payments but are issued as deep discounted bonds that pay investors the principal amount invested plus the interest, compounded semi-annually at the

original interest rate, of the bond at maturity. CABs can be utilized in certain cases to better match a project's cash flow to the bond's debt service but typically carry significantly higher interest rates than bonds that pay semi-annual or periodic interest payments.

For each issuance, the UG Finance Department will select serial bonds or term bonds, or both. On the occasions where circumstances warrant, CABs may be used.

5.4 Interest Rates

The UG currently issues securities on a fixed interest rate basis only, although it is not precluded to enter into a variable rate structure if the Chief Financial Officer under the advice of the municipal Advisor deems the structure would have an economic advantage to the UG. Fixed rate securities ensure budget certainty through the life of the securities and can be advantageous in a low interest rate environment. Variable interest rate structures may be undertaken if such a structure for a given revenue-generating project or capital asset or facility is recommended by the Chief Financial Officer.

5.5 Debt Instrument Rating

The Chief Financial Officer, with a Municipal Advisor if appropriate, will assess whether a credit rating should be obtained for an issuance and make a recommendation to the County Administrator. If it is determined that a credit rating is desirable, the probable rating of the proposed debt issuance is assessed before its issuance, and necessary steps are taken in structuring the debt issuance to ensure that the best possible rating is achieved.

5.6 Credit Enhancements

Credit enhancement may be used to improve or establish a credit rating on a UG debt obligation. Types of credit enhancement include Letters of Credit, bond insurance or surety policies. The Chief Financial Officer will recommend the use of credit enhancement if it reduces the overall cost of the proposed financing or if, in the opinion of the Chief Financial Officer, the use of such credit enhancement furthers the UG's overall financial objectives.

A Letter of Credit is an arrangement with a bank that provides supplemental security, or in some cases, direct security that money will be available to pay debt service on an issue in the event insufficient funds are available to meet a debt service obligation. Bond Insurance is an unconditional pledge by an insurance company to make principal and interest payments on the UG's debt in the event insufficient funds are available to meet a debt service obligation. Bond insurance may be obtained from an insurance company and is a potential means of enhancing the debt's rating.

5.7 Debt Service Reserve / Surety Policy

Debt service reserve funds, if established for a bond series, are held by and are available to the bond Trustees to make principal and interest payments to bondholders in the event that pledged revenues are insufficient to do so.

The Chief Financial Officer will make a determination whether one will be included and, if so, the size of the debt service reserve fund on a case-by-case basis at the time of a new bond issuance. Factors that are taken into consideration are cost of setting a debt service reserve fund over the life of the bond issue compared to interest earnings, bond pricing or

credit rating impacts, conditions in the bond documents, if applicable, and other market conditions.

The maximum size of the reserve fund is governed by tax law, which permits the lesser of: 1) 10% of par; 2) 125% of average annual debt service; and 3) 100% of maximum annual debt service. The UG may issue bonds with a debt service reserve fund that is sized at a lower level or without a reserve fund.

The reserve fund requirement may also be satisfied by a surety policy, a form of insurance provided by a bond insurer to satisfy a reserve fund requirement for a bond issuance. Under this arrangement, instead of depositing cash in a reserve fund, the issuer buys a surety policy by paying a one-time premium equal to a percentage of the face amount of the policy. The UG may use a surety policy instead of a debt service reserve fund when economically feasible.

The UG will not rely on any uncollateralized credit instruments for any reserve requirement unless justified by significant financial advantage. If a surety policy is used in lieu of a debt service reserve fund, a provider distinct from the bond insurer shall be used.

5.8 Capitalized Interest

Generally, interest shall be capitalized for the construction period of a revenue producing project so that debt service expense does not begin until the project is expected to be operational and producing revenues. In addition, for lease back arrangements, such as those used for lease revenue bond transactions, interest may be capitalized for the construction period until the asset is operational. When warranted, interest may be capitalized for a period longer than the construction period.

5.9 Call Options/Redemption Provisions

The Chief Financial Officer, upon the advice of the Municipal Advisor, will recommend the use of a call option, if any, and call protection period for each issuance. A call option, or optional redemption provision, gives the UG the right to prepay or retire debt prior to its stated maturity. This option may permit the UG to achieve interest savings in the future through refunding of the bonds with lower interest rates. Often the UG must pay a higher interest rate as compensation to the buyer for the risk of having the bond called in the future. In addition, if a bond is called, the holder may be entitled to a premium payment ("call premium"). Because the cost of call options can vary widely, depending largely on market conditions, an evaluation of factors such as the following will be conducted in connection with each issuance:

- Interest rate premium for adding call provision
- The call premium paid to the bond holder
- Level of rates relative to historical standards
- The time until the bonds may be called at a premium or at par
- Interest rate volatility

Generally, 20-year or 30-year tax-exempt municipal borrowings are structured with a 10-year call at no premium. From time to time, market conditions may facilitate shorter call options (6-9 years) with no premium.

Section 6 – Method of Issuance and Sale

Under the direction of the Chief Financial Officer, Debt Management will coordinate the issuance of all debt, including issuance size, debt structure, cash flow analysis, and method of sale. The selection of the financing team and the role of the various consultants are discussed in Section 7.

6.1 Method of Sale

Debt issuances are sold by a single underwriter or to an underwriting/bank syndicate through either a public offering or a private offering. The selected method of sale will be that which is the most advantageous to the UG in the judgment of the Chief Financial Officer, in terms of lowest net interest rate, most favorable terms in the financial structure used, and market conditions.

Public Offerings – Public offerings can be executed through either a competitive sale or a negotiated sale. Method of sale for each bond offering is based on the recommendation of the Chief Financial Officer with advice from the Municipal Advisor.

Competitive Sale – In a competitive sale multiple underwriters or banks bid on the issue, with the purchaser selected offering the most favorable interest rate at the time of sale. In a competitive sale, bids will be awarded on a true interest cost basis (TIC), providing other bidding requirements are satisfied. In such instances where the UG deems the bids received unsatisfactory, it may, at the discretion of the Chief Financial Officer, enter into negotiation for sale of the securities or reject all bids. In general, the Competitive Sale method is recommended for “plain vanilla” financings with a strong underlying credit rating, such as general obligation bond issuances, if the bond is not expected to be treated as a “story bond” by the investors and generally stable and strong market conditions exist. In a Competitive Sale, the bidder’s role is limited to its review of the offering circular released by the UG, making a credit assessment based on the facts presented in the offering circular, and offering its bid per the bidding parameters established by the UG.

Negotiated Sale – In a Negotiated Sale, the underwriter or the underwriting syndicate for the bonds is identified upfront through a competitive selection process along with other professionals for the transaction. The negotiated sale process provides the UG control over the financing structure and the issuance timing and provides flexibility of distribution. Negotiated sales may be executed when competitive sales are not suitable or not a viable option. Examples of such circumstances include unusual financing terms, market volatility, and weaker credit quality. Special District bonds, which are often non-rated, are typically issued through a negotiated sale process. Due to their financial complexity, revenue bonds for enterprise utilities are also typically issued through a negotiated sale process. The underwriter will actively assist the UG, in consultation with the Municipal Advisor, in structuring the financing and marketing the bonds including providing assistance in preparing the bond offering circular.

Private Offerings – When determined appropriate by the Chief Financial Officer, the UG will negotiate financing terms with banks and financial institutions for specific borrowings on a private offering basis. These issuances are also referred to as “private placements”. Typically, private offerings are carried out by the UG when extraneous circumstances preclude public

offerings, as an interim financing, or to avoid the costs of a public offering for smaller issuances.

6.2 Bidding Parameters

In a Competitive Sale, the Notice Inviting Bids will be carefully constructed so as to ensure the best possible bid for the UG, in light of existing market conditions and other prevailing factors. Parameters to be examined include:

- Limits between lowest and highest coupons
- Discount or premium coupons
- Use of bond insurance
- Call provisions

The Chief Financial Officer will publish the Notice Inviting Bids among prospective bidders for the proposed bond issuance.

6.3 Initial Disclosure Requirements

Debt Management, together with the Chief Legal Counsel, Municipal Advisor, Bond Counsel and Disclosure Counsel, coordinates all the necessary documents for disclosure, with input from various other UG departments (as applicable for a particular bond issuance) and outside consultants. Each publicly offered debt issuance will meet the disclosure requirements of the Securities and Exchange Commission (SEC) and other government agencies before and after the bond sale takes place. The disclosure documents, particularly the Official Statement, will provide the potential investor with full and accurate information necessary to make prudent investment decisions.

All primary disclosure documents, which are a part of the bond offering documents (e.g., Official Statement), will be approved by the State of Kansas before being taken to the Commission for approval (see Section 6.4). The UG will also provide ongoing disclosure, in accordance with the Continuing Disclosure Agreements executed when the financing is authorized, as required by SEC Rule 15c2-12. Ongoing disclosure will also be approved by the Chief Financial Officer before it is disseminated to the markets.

6.4 Approval Process

In coordinating the bond issuance process, Chief Financial Officer will work with the Chief Legal Counsel, Bond Counsel, other responsible UG departments, and outside consultants to compile all bond related documents (see Section 7 for the role of various outside consultants). The Chief Legal Counsel, working with Bond Counsel, will assess any legal issues that may arise with respect to the issuance of the bonds. In circumstances where there may be legal uncertainty about some aspect of a proposed bond transaction, the UG may pursue an active validation action to obtain judicial approval before the bonds are issued. If a bond transaction is controversial and gives rise to a reverse validation action, the UG may find itself a party to that litigation. All proposed debt financings shall be authorized by the UG Commission.

Section 7 – Financing Team Roles and Selection Process

The Chief Financial Officer, working with the Chief Legal Counsel and the UG's Purchasing Department, shall be responsible for establishing a solicitation and selection process for securing professional services that are required to develop and implement a debt issuance.

Goals of the solicitation and selection process shall include encouraging participation from qualified service providers, both local and national, and securing services at competitive prices.

Section 7.1 Selection and Compensation

The identification of municipal advisors, trustees, and paying agents is accomplished through a selection process conducted by Debt Management and may also be based upon recommendations from advisors that are specifically skilled in the type of bond issuance being proposed.

Selection of consultants will be made from either an as-needed pool, which is assembled via a Request for Qualifications (RFQ) process, or a separate RFP issued for a specific bond issuance. Once the selection of a Municipal Advisor has occurred, the Municipal Advisor will assist the UG in the selection of other service providers, including broker-dealers/underwriters, trustees, escrow agents, credit enhancers, verification agents, title and insurance companies, and printers.

Compensation for Bond Counsel, Disclosure Counsel, Municipal Advisors, and other consultants will be as low as possible, given desired qualification levels, and consistent with industry standards.

The UG may encumber and advance the fees associated with municipal advisory services, which are later reimbursed from the bond proceeds, or may enter into contracts on a contingent basis.

Compensation for the other service providers listed above is typically included in the cost of issuance and paid from the bond proceeds. The ongoing trustee fee, semiannually or annually, for a bond issuance is budgeted under administration costs and appropriated in respective bond payment accounts.

The Chief Legal Counsel will take the lead in selecting the Bond Counsel and the Disclosure Counsel. Generally, Bond and Disclosure Counsel compensation is contingent on the issuance of bonds and is either paid or reimbursed from bond proceeds. This practice is generally consistent with industry standards.

Eligible UG staff costs related to issuance of long-term bonds may also be reimbursed from bond proceeds. As the UG often dedicates substantial time for special revenue bonds for economic development, the UG will seek either up-front payments from developers to cover such internal and external costs for events wherein the transaction does not proceed to conclusions; and/or recover from bond proceeds the internal and external costs incurred for the issuance. In the event of an up-front developer payment for a project that does proceed to financing, the developer will be reimbursed from bond proceeds.

7.2 Financing Team: Outside Consultants

Contracts with Municipal Advisors, Bond Counsel, and Disclosure Counsel will be processed in accordance with UG administrative procedures.

A. Municipal Advisors

As needed, the Chief Financial Officer will identify an independent Municipal Advisor. The primary responsibilities of the Municipal Advisor are to advise and assist on bond document negotiations, transaction structuring including advising on pricing and call provision options and timing of issuance, running debt service cash flow numbers, obtaining ratings on the proposed issuance, and generally acting as an independent financial consultant and economic and bond market expert.

The Municipal Advisor will also serve the UG as a Municipal Advisor, as defined by and in accordance with the Dodd-Frank Wall Street Reform and Consumer Protection Act. The Municipal Advisor has a fiduciary duty to the UG. Fiduciary duty is generally understood to encompass a duty of loyalty and a duty of care to the public agency.

B. Bond Counsel

The UG will retain external Bond Counsel for all debt issuances. As part of its responsibility in the debt issuance process, the UG's Chief Legal Counsel will coordinate the selection of Bond Counsel. Bond Counsel will prepare the necessary authorizing resolutions, ordinances, agreements, and other legal documents necessary to execute the financing. All debt issued by the UG will include a customary approving legal opinion of Bond Counsel.

C. Disclosure Counsel

The UG may retain Disclosure Counsel for public issuances that entail UG disclosure, in which such services may be provided by the Municipal Advisory firm, underwriter's counsel and Bond Counsel. Disclosure Counsel shall be required to deliver a customary 10(b)-5 opinion on UG offering documents. The UG's Chief Legal Counsel and the Chief Financial Officer shall oversee the selection of Disclosure Counsel. The Disclosure Counsel will work with UG staff to draft all disclosure documents for a bond financing.

The UG's Chief Legal Counsel may engage separate firms in the capacity of Bond and Disclosure Counsel or one single firm to perform bond and disclosure counsel functions.

The UG also retains services contracts with bond counsel and the municipal advisory firm to review the UG materials that are to reach investors or the securities markets.

D. Broker-Dealer/ Underwriters

For a competitive sale, the criteria used to select a broker-dealer/underwriter shall be the bid providing the lowest true interest cost to the UG.

For a negotiated sale debt issuance, the Chief Financial Officer, working with the Municipal Advisor, will identify broker-dealers/underwriters. The Chief Financial Officer will recommend to the County Administrator the selected broker-dealer/underwriter or a syndicate of underwriters. Broker-dealers/Underwriters will be required to demonstrate sufficient capitalization and experience related to the debt issuance being proposed, among other criteria determined for each issuance. The Chief Financial Officer will consider the following criteria in selecting a broker- dealer/underwriter and/or a syndicate:

- Experience with the particular type of financing, and size of the financing
- Overall experience
- Familiarity with UG issues

- Marketing expertise
- Distribution capability
- Previous experience as managing or co-managing broker-dealer/underwriter
- Financial strength, as evidenced by the firm's current financial statements
- Experience of the public finance team assigned to the financing
- Resources to complete the financing
- Compensation
- Community Reinvestment

E. Trustee / Paying or Fiscal Agent

A Trustee or Paying/Fiscal Agent is the institution – usually a commercial bank or trust company – appointed in the indenture or bond resolution to act as the agent of the issuer to pay principal and interest from monies provided by or on behalf of the issuer.

Paying or Fiscal Agent duties are typically limited to receiving money from the issuer and paying principal and interest to bondholders on behalf of the issuer. A Trustee, in addition to performing the duties of a Paying Agent, is responsible for establishing and holding the funds and accounts relating to the bond issuance, including accounts for bond proceeds and revenues, determining that the conditions for disbursement of proceeds and revenues have been met, and, in some cases, collecting revenues, and executing investments.

The Trustee/ Paying Agent solicitation and selection is typically coordinated by the Municipal Advisor in consultation with the Chief Financial Officer for a new bond issuance. The Debt Management Division will monitor the ongoing performance of a Trustee/Paying Agent. The Chief Financial Officer may periodically solicit for trustees or paying agent services from qualified commercial and trustee banks.

F. Other Service Providers

Other professionals may be selected, at the discretion of the Chief Financial Officer, on an as-needed basis. These include the services of revenue or market feasibility study, credit rating agencies, escrow agents, bond insurance providers, credit and liquidity banks, verification agents, title insurance companies, arbitrage rebate calculation consultant and services related to printing.

Section 8 – Refunding of UG Indebtedness

The UG will consider refunding its existing debt when benefits of the refunding outweigh the costs and risks.

8.1 Types of Refunding

A. Current Refunding

A current refunding is one in which the refunding bonds are issued less than 90 days before the date upon which the refunded bonds will be redeemed.

B. Advance Refunding

The Federal Tax Act of 2017 eliminated an issuer's ability to advance refund a tax-exempt issue with tax-exempt bonds. An entity can issue taxable bonds to advance refund tax-exempt bonds, which would normally lead to interest cost increases. The municipal bond

industry has come up with a short selection of bond products, synthetic refundings, forwards, etc., to advance refund issues. If a condition exists wherein the UG needs to advance refund an issue it will conduct an extensive analysis to the overall costs and benefits of the proposed transaction before proceeding.

8.2 Refunding Considerations

Refundings may be undertaken to:

- Take advantage of lower interest rates and achieve debt service cost savings
- Eliminate restrictive or burdensome bond covenants
- Restructure debt to either shorten/lengthen the duration of debt or free up reserve funds
- Refund outstanding indebtedness when existing financial structures impinge on prudent and sound financial management

Generally, the UG will consider a refunding only when there is a net economic benefit; i.e., when there is an aggregate net present value savings, expressed as a percentage of the par amount of the refunded bonds, at 3% and above for a current refunding. In addition, in the case of an advance refunding which is not allowed under current tax law, consideration is to be given to the impact of inefficient investment yields in the refunding escrow account (i.e., yield on the escrow investment is less than the yield on the refunding bonds. This inefficiency is also known as negative arbitrage.) Aggregate net present value savings should be greater than the aggregate amount of negative arbitrage to achieve an economic benefit. These savings requirements for a refunding may be waived by the Chief Financial Officer upon a finding that such a restructuring is in the UG's overall best financial interest.

8.3 Refunding Escrow Investment

The UG will seek to purchase State and Local Government Securities (SLGS) to fund its refunding escrows. However, at the discretion of the Chief Financial Officer, the UG may choose to fund an escrow through purchase of treasury securities on the open market when market conditions make such an option financially preferred or necessary.

Section 9 – Post Issuance Compliance and Administration

The following discuss administrative functions related to debt not discussed in the Tax-Exempt Financing Compliance Policy and Procedure or the Securities and Continuing Disclosure Matters Compliance Procedure.

9.1 Investment of Bond Proceeds

The proceeds of the bond sales will be invested until used for the intended project in order to maximize utilization of the public funds. The investments will be made to obtain the highest level of safety. The UG Cash and Investment Policy and the bond indentures govern objectives and criteria for investment of bond proceeds. The Chief Financial Officer, or the bond trustees under the direction of the Chief Financial Officer, will invest the bond proceeds in a manner to avoid, if possible, and minimize any potential negative arbitrage over the life of the bond issuance, while complying with arbitrage and tax provisions.

9.2 Arbitrage Compliance

The Chief Financial Officer shall establish and maintain a system of record keeping and reporting to meet the arbitrage rebate compliance requirements as required by the federal

tax code. This effort shall include tracking investment earnings on bond proceeds, calculating rebate payments in compliance with tax law, and remitting any rebate earnings to the federal government in a timely manner in order to preserve the tax-exempt status of the UG's outstanding debt issuances.

Additionally, general financial reporting and other tax certification requirements embodied in bond covenants shall be monitored to ensure that all covenants are in compliance. The ongoing compliance verification function will be coordinated by the Debt Management Division.

9.3 Ongoing Disclosure

The UG will meet secondary disclosure requirements in a timely and comprehensive manner, as stipulated by the SEC Rule 15c2-12. The Chief Financial Officer (CFO) shall be responsible for providing ongoing disclosure information to the Municipal Securities Rulemaking Board's (MSRB's) Electronic Municipal Market Access (EMMA) system, the central depository designated by the SEC for ongoing disclosures by municipal issuers. The CFO is responsible for maintaining compliance with disclosure standards promulgated by state and national regulatory bodies, including the Government Accounting Standards Board (GASB), the National Federation of Municipal Analysts, the Securities and Exchange Commission (SEC), and Generally Accepted Accounting Principles (GAAP). The UG may also employ the services of firms that improve the availability of or supplement the UG's EMMA filings.

The UG will provide full and complete financial disclosure to rating agencies, institutional and individual investors, other levels of government, and the general public to share clear, comprehensible, and accurate financial information using the appropriate channels/policies/procedures.

9.4 Compliance with Other Bond Covenants

In addition to financial disclosure and arbitrage compliance, once the bonds are issued, the UG is responsible for verifying compliance with all undertakings, covenants, and agreements of each bond issuance on an ongoing basis. This typically includes ensuring:

- Annual appropriation of revenues to meet debt service payments
- Taxes/fees are levied and collected where applicable
- Timely transfer of debt service/rental payments to the trustee or paying agent
- Compliance with insurance requirements
- Compliance with rate covenants where applicable
- Recordkeeping and continued public use of financed asset
- Compliance with tax covenants including the timely spend-down of project fund proceeds
- Compliance with all other bond covenants

The Debt Management Division will coordinate verification of covenant compliance and will work with the Chief Legal Counsel and all other responsible departments to monitor compliance with the aforementioned compliance requirements.

9.5 Compliance with State and Federal Reporting Requirements

The UG will meet required State and Federal reporting requirements related to bond and loan obligations.

V. **Quality Control and Quality Assurance:**

It is the responsibility of the Chief Financial Officer to ensure the presence of procedures that provide sufficient guidance to affected Unified Government personnel to fulfill the intent of this policy.

These policies will be reviewed bi-annually and updated on an as-needed basis. In the event there are proposed exceptions from the Debt Policy when a certain bond issue is structured, those exceptions will be discussed in the applicable staff reports when the bond issue is docketed for UG Commission consideration. Any exception will also be stated in the financing resolution or ordinance to be approved by Commission for the corresponding bond offering.

VI. **Metrics:**

To be developed and managed accordingly.

VII. **Definitions and Acronyms:**

Arbitrage - With respect to municipal bonds, arbitrage is the profit made from investing the proceeds of tax- exempt bonds in higher-yielding securities.

Backloading - Debt repayment is scheduled towards the back-end.

Broker-Dealer/ Underwriter - An investment banking firm which, singly or as a member of an underwriting group or syndicate, agrees to purchase a new issue of bonds from an issuer for resale and distribution to investors. The broker-dealer/underwriter acquires the bonds either by negotiation with the issuer or by award on the basis of competitive sale.

Community Improvement District (CID) - Under Kansas Statute KSA 12-6a29 cities may create districts that help to fund community improvement. The Unified Government has done so through Community Improvement Districts (CID). A CID is an area within which businesses pay an additional sales tax (typically 1% or less) or a special assessment that fund improvements within that district.

Conduit Financing - A financing in which the proceeds of the issue are loaned to a nongovernmental borrower who then applies the proceeds for a project financing or, if permitted by federal tax law for a qualified 501(c)(3) bond, for working capital purposes.

Continuing Disclosure - The ongoing disclosure provided by an issuer or obligated person pursuant to an undertaking entered into to allow the broker-dealer/underwriter to comply with SEC Rule 15c2-12.

Debt Service - The total interest, principal and mandatory sinking fund payments due at any one time.

Debt Service Reserve Fund - An account from which monies may be drawn to pay debt service on an issue of bonds if pledged revenues and other amounts available to pay debt service are insufficient. The size of the debt service reserve fund and investment of monies in the fund/account are subject to restrictions contained in Federal Tax law for tax-exempt bonds.

Electronic Municipal Market Access (EMMA) System - The EMMA system created by the MSRB is a comprehensive, centralized online source for market transparency data, educational material about the municipal securities market, and free access to municipal disclosures. Effective July 1, 2009, EMMA became the single, official repository for continuing disclosure documents as a result of changes mandated by the SEC in December 2008.

Escrow Agent - With respect to an advance refunding, the commercial bank or trust company retained to hold the investments purchased with the proceeds of the refunding and, customarily, to use the amounts received as payments on such investments to pay debt service on the refunded bonds.

Generally Accepted Accounting Principles (GAAP) - A widely accepted set of rules, conventions, standards and procedures for reporting financial information, as established by the Financial Accounting Standards Board.

Government Accounting Standards Board (GASB) - A standard-setting body, associated with the Financial Accounting Foundation, which prescribes standard accounting practices for governmental units.

Municipal Standards Rulemaking Board (MSRB) - An independent self-regulatory organization established by the Securities Acts Amendments of 1975, which is charged with primary rulemaking authority over dealers, dealer banks, and brokers in municipal securities.

Nationally Recognized Municipal Securities Information Repository (NRMSIR) - NRMSIR is an acronym for Nationally Recognized Municipal Securities Information Repository. NRMSIRs are the repositories for all annual reports and event notices filed under SEC Rule 15c2-12.

Public Building Commission (PBC) - The PBC is a municipal corporation duly created in accordance with the Act. The PBC is organized and operated under the Act for the benefit of the Unified Government and its residents, including the planning, development, construction, furnishing and equipping of public buildings for the benefit and use of governmental agencies. The PBC is governed by a five-member board, consisting of the Mayor/CEO of the Unified Government, the Unified Government Commissioner who serves a chairperson of the Economic Development and Finance Standing Committee, the County Administrator, the Chief Financial Officer of the Unified Government and the Chief Counsel of the Unified Government.

Sales Tax and Revenue Bonds (STAR Bonds) - Sales Tax Revenue (STAR) Bonds allow the Unified Government to issue bonds to finance certain authorized expenditures (primarily land acquisition and infrastructure) for the development of major commercial,

entertainment and tourism areas and use the sales and transient guest tax revenues generated by the development towards debt service. The issuance of STAR Bonds requires approval by the Kansas Department of Commerce and represents a partnership with the State, as both local and state revenues may be pledged for the development project.

SEC Rule 15c2-12 - A rule promulgated by the SEC under the Securities Exchange Act of 1934 concerning disclosure and continuing disclosure requirements for municipal securities.

Securities and Exchange Commission (SEC) - A federal agency which oversees and regulates stock, bond, and other financial markets.

Special Tax - A financial charge that is calculated via some type of special tax formula (or Rate and Method of Apportionment) and is levied annually on property for a defined period of years.

State and Local Government Series (SLGS) - SLGS is an acronym (pronounced “slugs”) for a type of U.S. Treasury obligation, the complete name of which is United States Treasury Securities – State and Local Government Series. SLGS are special United States Government securities sold by the Treasury to states, municipalities and other local government bodies through individual subscription agreements. The interest rates and maturities of SLGS are arranged to comply with arbitrage restrictions imposed under Section 103 of the Internal Revenue Code. SLGS are most commonly used for deposit in escrow in connection with the issuance of refunding bonds.

Tax Increment Financing (TIF) - A Tax Increment Financing (TIF) District allows the Unified Government to work with private developers to authorize redevelopment projects in blighted areas in accordance with State statutory requirements as set forth in K.S.A 12-1770a. TIF financing allows for a development project to access the incremental property and/or sales tax revenues generated by the project. TIF Districts may exist for up to twenty (20) years per project. In accordance with Kansas Laws, these funds may only be used for TIF-eligible expenses, which include but are not limited to: Land Acquisition & Relocation (of families), Public Improvements (curb, sidewalks, streets, lighting), Site Preparation (demolition), Utilities, and Sanitary and Storm Sewers.

Transportation Development District (TDD) - A Transportation Development District (TDD) is a special taxing district whereby a petitioner of 100% of the landowners in an area request either the levy of special assessments or the imposition of a sales tax of up to 1% on goods and services sold within a given area. Upon creation of a TDD by a municipality, the revenue generated by TDD special assessments or sales tax under Kansas law may pay the costs of transportation infrastructure improvements in and around the new development.

True Interest Cost (TIC) - A method of calculating bids for new issues of municipal securities that takes into consideration certain costs of issuance and the time value of money.

Underwriter Syndicate - A group of underwriters formed to purchase (underwrite) a new issue of municipal securities from the issuer and offer it for resale to the general public. The syndicate is organized for the purpose of sharing the risks of underwriting the issue, obtaining sufficient capital to purchase an issue and for broader distribution of the issue to

the investing public. One of the underwriting firms will be designated as the syndicate manager or lead manager to administer the operations of the syndicate.

Verification Agent - A certified public accountant who verifies that sufficient funds are deposited into an escrow to implement the objectives of the refunding or financing plan.

VIII. Related Documents and References:

- A. Tax-Exempt Financing Compliance Policy and Procedure
- B. Securities and Continuing Disclosure Matters Compliance Procedure
- C. Capital Asset and Equipment Investment and Management Policy
- D. Local Economic Development Policy
- E. Tax Abatement Policy
- F. Long-Term Financial Planning Policy
- G. County Administrator policies as applicable



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February 21, 2019

The Finance Department presented various versions of a revised debt policy to the Economic Development and Finance Standing Committee at their meetings on December 3, 2018, January 14, 2019 and February 4, 2019. Staff presentations of the revised debt policy included summary statements and an overview of the major proposed revisions. Proposed revisions have been reviewed by the Board of Public Utilities and the UG's Municipal Advisor, Springsted Inc. Over the past three months, staff has received Committee member feedback on the proposed policies.

Committee approval of the proposed policies, with inclusion of the revisions suggested by Committee members, is requested by the Committee at its March 4, 2019 meeting.

The Debt Policy, in addition to the UG's other financial and budgetary policies, is published in the annual budget document and on the UG's Finance Department, Fiscal Accountability Policies website at:
<https://www.wycokck.org/Finance/FAPolicies.aspx>.

Provided below is a brief summary of the proposed revisions. As you review the redlined version of the policy document you will notice a color coding, as follows:

- **Black text** – Existing policy language as published in the Adopted 2019 Budget.
- **Blue text** – Proposed new language/revisions that **does not propose any changes** of the Government's current practices. The revised language is added to **more fully document current practices**.
- **Red text** – **Changes to existing debt policy language.**
- **Maroon bold text** – **Revision language that departs from current practices.**

The following page reference the attached redlined version.

Pages 2, 22-25: Existing debt policy published in the 2019 Adopted Budget are deleted.

Six Purposes of Debt Policy (page 2):

- 1) Establish parameters for issuing and managing debt
- 2) Provide guidance to decision makers related to debt affordability standards
- 3) Provides information to the public on the use of debt and to industry participants on the standards of the UG
- 4) Document the pre- and post-issuance objectives to be achieved by staff

- 5) Promote objectivity in the debt approval decision making process
- 6) Facilitate the actual financing process by establishing important policy decisions in advance

Four Borrowing Purposes (pages 3-4):

- A. Long-Term Capital Improvements
- B. Essential Vehicle and Equipment Needs
- C. Economic Development Needs
- D. Refinancings/Refunding of Existing Debt

Criteria for Determining the Feasibility & Impact of Debt Financing a Project (pages 4-5):

- A. Nature of project and use of funds
- B. Cost-Benefit Analysis of project
- C. Expenditure Plan
- D. Revenue for debt service payment
- E. Compliance with statutory provisions and bond covenants

Asset Life (page 5): Closely match the repayment period with economic life of asset

Credit ratings (page 5): Maintain the highest rating possible; enhance creditworthiness.

Types of Financing Instruments (page 6-10):

- 1) General Obligation bonds
- 2) Lease Revenue bonds
- 3) Revenue Bonds
- 4) Temporary Notes / Draw bonds
- 5) Lines of Credit / Direct Bank Loans
- 6) Lease Purchase Financing (Equipment)
- 7) State & Federal Loans
- 8) HUD Section 108 Housing Guaranteed Loan Program
- 9) Special Districts Financing
- 10) Industrial Revenue Bonds

Debt Ratio Guidelines (pages 10-12):

- **General Obligation Bonds**
 - o Debt per capita (City of Kansas City, Kansas)
 - o Debt as a percent of assessed valuation (City of Kansas City, Kansas)
- **GF-Supported Debt**
 - o Debt Ratio - Annual debt service/lease payments as a % of total GF expenditures; target of 10% of General Fund expenditures
 - o Debt/Pension/OPEB Ratio – Annual debt service/lease payments AND annual pension and OPEB contributions from the General Fund as a % of General Fund expenditures; target at 25% of General Fund expenditures
- **Overlapping Debt** – Work with other jurisdictions in coordinating capital projects to lessen overall debt burden

- **Coverage Ratios for Revenue Bonds & Economic Development Financings** – typically 1.3 to 1.5 times net operating revenues; Coverage ratio calculations to also be calculated for UG utility enterprises whose debt are issued as general obligation bonds

Debt Terms (page 12): Typically, 15-30 years depending on type of issuance

Rapidity (page 12): Match repayment with projected cash flows; limited backloading

Interest Rate (page 13): Rely on fixed rate, but not precluded to have variable rate if appropriate for project

Debt Instrument Rating (page 13): Separate from “issuer rating”, if benefits the bond issuance pricing

Credit Enhancement (page 13): Bond insurance if benefits the UG

Debt Reserve Fund / Surety Policy (page 14): Depending on bond issue

Capitalized Interest (page 14): Borrow the interest during the construction period with start repayment when project revenues begin to be realized

Call Options and Redemption Provisions (page 14): Tailored to investor appetite; typically, 20-30 year municipal bonds have 10 year call provision with no premium

Method of sale (page 15): GO are competitive sold and all other able to do on a competitive basis; also, able to do “private placements”

Bidding Parameters for Competitive Sales (page 16): Documenting current practice

Bond Approval Process (page 16): Involves approval of:

- CFO, CAO
- Chief Legal counsel and Bond Counsel
- State of Kansas
- UG Commission and Mayor

Other provisions of policy as recommended by GFOA (pages 17-22):

- Financing Team Roles, Selection Process and Compensation
- Refunding of UG Indebtedness
- Investment of Bond Proceeds
- Arbitrage Compliance
- Ongoing Disclosure
- Compliance with Other Bond Covenants
- Compliance with State and Federal Reporting Requirements

Comprehensive Glossary of Terms (pages 25-27)

Related Documents and References (page 28)

ATTACHMENT #1:

PROPOSED REVISED DEBT POLICY (REDLINED VERSION)



Unified Government of Wyandotte County and Kansas City, Kansas

Debt Policy

Commission Resolution:

R-35-18

Adopted: 07/26/2018

Update: xx/xx/xxxx

I. **Authority and Introduction:**

The Mayor and the Board of Commissioners are responsible for legislation, policy formulation, and overall direction setting of the government. This includes the approval of financial policies which establish and direct the operations of Unified Government (UG) and the Public Building Commission (PBC). Further, the Unified Government issues debt on behalf of the Board of Public Utilities (BPU), which is an administrative agency of the UG. The County Administrator is responsible for carrying out the policy directives of the UG Board of Commissioners and Public Building Commission and managing the day-to-day operations of the executive departments, including the Finance Department. This policy shall be administered on behalf of the County Administrator by the Chief Financial Officer.

The Unified Government, through the County Administrator and Chief Financial Officer, executes debt instruments, administers debt proceeds, manages ongoing disclosure and debt compliance, and makes debt service payments, acting with prudence and diligence and with attention to prevailing economic conditions. The UG believes that debt is an equitable means of financing projects and represents an important means of meeting fiscal responsibilities.

The debt policy primarily addresses debt instruments/securities issued by the UG in public or private bond markets. This is consistent with examples of debt policies of other comparable municipalities, Government Finance Officers Association (GFOA) guidelines, and rating agency guidelines. The debt policies pertain to debt that is typically incurred when capital is raised in the public or private markets, including borrowings from sophisticated qualified institutional buyers, to meet the UG's funding needs (the purpose and need for financings is discussed as in Section 1). Such debt constitutes obligations whereby a third-party has provided funds, which is evidenced by the formal execution of a bond or certificate (or a similar instrument) and is held by the third-party until it is repaid.

The policy does not cover other obligations like contracts payable, notes payable, loans payable (e.g., HUD section 108 loans), arbitrage liability, and net pension obligation (NPO) and/or pension Unfunded Actuarial Liability (UAL) and Other Post-Employment Benefits (OPEB). The UG's Comprehensive Annual Financial Reports (CAFRs) provide a complete list of the outstanding long term liabilities. The sections in the CAFR listing the long term liabilities are: Governmental Activities Long-Term Liabilities and Business Type Activities Long-Term Liabilities. Consistent with Governmental Accounting Standards Board (GASB) standards, the net pension obligation (NPO) and OPEB obligation is reflected in the Governmental Activities Note to the Financial Statements of the CAFR as a long term liability.

The policy documents the UG's procedures and goals for the use of debt to finance UG needs. A regularly updated debt policy, in conjunction with the Five-Year Capital and Maintenance Improvement Program (CMIP), UG's Capital Improvements Plan, the Five-Year Long Term Financial Forecast, the Cash and Investment Policy, and the Reserve Policies, serves as an important tool that supports the use of the UG's resources to meet its financial commitments and to maintain sound financial management practices. This policy is enacted in an effort to standardize and plan the issuance and management of debt by the UG. While the Debt Policy serves as a guideline for general use, it allows for exceptions in extraordinary conditions.

III. Purpose of the Debt Policy:

The primary objectives of this debt policy are to establish guidelines for the use of various categories of debt; create procedures and policies that minimize the UG's debt service and issuance costs; retain the highest practical credit ratings; and to provide full and complete financial disclosure and reporting. ~~The UG Debt Policy sets forth comprehensive guidelines for the issuance and repayment of long-term debt. Debt financing serves as a tool to finance large capital investments that cannot be funded on a pay-as-you-go basis.~~

The UG's Debt Policy is also designed to:

- Establish parameters for issuing and managing debt;
- Provide guidance to decision makers related to debt affordability standards;
- Provides information to the public on the use of debt and to industry participants on the standards of the UG;
- Document the pre- and post-issuance objectives to be achieved by staff;
- Promote objectivity in the debt approval decision making process; and
- Facilitate the actual financing process by establishing important policy decisions in advance.

~~—the policy establishes criteria for the issuance of debt obligations so that acceptable levels of indebtedness are maintained;~~

~~1) debt policies transmit the message to investors and rating agencies that the jurisdiction is committed to sound financial management; and~~

~~1) debt policies can provide consistency and continuity to public policy development when appointed officials work from guidelines that govern the planning and execution of transactions and projects.~~

A biennial review of the Debt Policy will be performed and any changes to the Debt Policy will be brought forward for UG Commission consideration and approval. Further, in the event there are any deviations or exceptions from the Debt Policy when a certain bond issue is structured, those exceptions will be discussed in the staff reports when the bond issue is docketed for Commission consideration. ~~The debt financing policy statement sets forth comprehensive guidelines for the financing of capital expenditures. It is the objective of the policies that (1) the Unified Government obtain financing only when necessary; (2) the process for identifying the timing and amount of debt or other financing be as efficient as possible; (3) the most favorable interest rate and other related costs be obtained, and (4) when appropriate, future financial flexibility be maintained.~~

IV-III. Applicability and Scope:

This policy shall apply to all Funds under the budgetary and fiscal control of the Mayor and the Board of Commissioners. Further, the Unified Government issues debt on behalf of the Board of Public Utilities (BPU), which is an administrative agency of the UG, and as a result this Policy is applicable to the BPU.

V-IV. Policy:**Section 1 – Purpose and Need for Financing****1.1 Purpose of Financing**

The UG borrows money primarily to fund long-term capital improvement projects, essential equipment and vehicle needs, and to refinance existing debt. The issuance of debt to fund operating deficits is not permitted. Debt will be used to finance eligible projects only if it is the most cost-effective means available to the UG.

While the “pay-go” means of using current revenues to pay for capital projects is often considered the preferred means of financing because it avoids interest payments, it may not be entirely equitable. The “pay- go” funding option requires current citizens to pay taxes over long periods of time in order to accumulate reserves sufficient to pay for capital projects. The UG would be able to undertake capital projects under this method only if sufficient cash accumulates. Prudent use of debt financing rather than pay-go funding of capital projects can facilitate better allocation of resources and increased financial flexibility. [Refer to the Capital Asset and Equipment Investment and Management Policy for criteria for “pay-go” funding.]

The four primary borrowing purposes for which bond proceeds may be used are summarized below:

- A. Long-Term Capital Improvements: The UG prepares a multi-year Capital and Maintenance Improvements Program (CMIP) budget working with asset managing departments in accordance with Commission approved Capital Asset and Equipment Investment and Management Policy. The CMIP budget includes projections for upcoming fiscal years and is updated during each Annual Budget process or if there are significant changes to the scope and/or cost of projects. In accordance with the Capital Asset Policy, future operations and maintenance costs associated with capital improvement projects are developed and identified prior to submission of the project for approval. The Financial Department works with the Public Works Department to ensure that accurate and complete budgeting of the CMIP is prepared as part of the Annual Budget process.

Since the aggregate cost of desired capital projects generally exceeds available funds, the capital planning process prioritizes projects and identifies the funding needs. The UG will initially rely on internally-generated funds and/or grants and contributions from other governments to finance its capital needs. Debt is issued for a capital project only when it is an appropriate means to achieve a fair allocation of costs between current and future beneficiaries and if a secure revenue source is identified to repay the debt.

The Finance Department, working with UG departments within the context of the Capital and Maintenance Improvements Program and the UG's Five-Year Long Term Financial Forecast, oversees and coordinates the timing, processing, and marketing of the UG's borrowing and capital funding activities. Close coordination of capital planning and debt planning ensures that the maximum benefit is achieved with the limited capital funds. The debt management process determines the availability of funds which can be raised through debt based upon the debt capacity/affordability analysis.

- B. **Essential Vehicle and Equipment Needs:** In addition to capital projects, the UG regularly finances certain essential equipment and vehicles. These assets range from public safety vehicles to information technology systems. The underlying asset must have a minimum useful life of three years. Short-term financings, including loans and capital lease purchase agreements, are executed to meet such needs.
- C. **Economic Development Needs:** The Unified Government strives to foster an environment in which small and large businesses thrive, jobs are created, redevelopment continues, tourism grows, and businesses locate in the community. To achieve these objectives, The UG regularly finances certain land acquisition, site preparation and infrastructure improvements related to economic development projects as a means of incentivizing private sector firms to invest in the community.
- D. **Refinancings/Refunding of Existing Debt:** The Chief Financial Officer working with the Municipal Advisor periodically evaluates the UG's existing debt and executes refinancings to achieve one or more of three objectives: reduce future interest costs, restructure debt to reflect changing debt service revenues, and to redefine bond-related legal requirements. A refinancing may include the issuance of bonds to refund existing bonds or the issuance of bonds in order to refund other obligations.

1.2 Financing Priorities

All borrowing requests or debt refunding proposals shall be reviewed by the Chief Financial Officer. The Finance Department shall be responsible for analyzing the proposal to determine if it is beneficial to the UG and complies with the UG's long-term financial planning objectives. Borrowing requests include any debt or refunding proposals made to the UG involving a pledge or other extension of the UG's credit through the sale of securities, execution of loans or leases, or making of guarantees or otherwise involving directly or indirectly the lending or pledging of the UG's credit.

For each financing proposal related to a new capital improvement project, the Finance Department will work with the department or other client parties to assess the feasibility and the impact of debt to fund the project based on the following assessments:

- A. **Nature of Project and Use of Funds:** Each proposal is evaluated by comparing the nature of the project and use of funds with competing proposals on the basis of the benefits derived and how it furthers the UG's policy objectives as laid out in the UG's Annual Budget, Five-Year Long Term Financial Forecast, Capital and Maintenance Improvement Program.
- B. **Cost-Benefit Analysis of Project:** A cost-benefit analysis is required for each project:

- a. The benefits of a proposed project must be defined and, where appropriate, quantified in monetary terms. The funding sources are identified and estimated. Where revenues are part of the benefits, all assumptions made in deriving the revenues are documented. The validity of the assumptions and the risk associated with the revenue streams are assessed.
 - b. The costs of the project are estimated, with the basis documented and the risk associated with the estimates assessed. The uses of funds are identified and estimated.
Identify whether the project will increase or reduce ongoing operation and maintenance expenses.
- C. Expenditure Plan: A detailed plan for the expenditure of funds is developed for each project. The underlying assumptions of the project cost expenditure plan are documented and the risk associated with these projections are analyzed.
- D. Revenue for Debt Service Payment: A detailed plan for the debt repayment is developed for each project. The underlying assumptions of revenue cash flow estimates are documented and the risk associated with these revenue streams is analyzed. Where general fund or bond and Interest funds' revenues are proposed to service debt, the impact upon budgets is assessed. For all bonds an impact analysis on the repayment sources over time will be completed.
- E. Compliance with statutory provisions and bond covenants. Each issue will be evaluated for its impact on statutory debt limits, and in the case of revenue-only secured obligations existing bond covenants.

All requests are prioritized based upon this evaluation. If the Chief Financial Officer recommends the financing proposal and the County Administrator is in concurrence, the Debt Management Division will prepare the financing proposal for the Commission's authorization.

1.3 Asset Life

Consistent with its philosophy of keeping its capital facilities and infrastructure systems in good condition and to maximize a capital asset's useful life, the UG makes every effort to set aside sufficient current revenues to finance ongoing maintenance needs and to provide reserves for periodic replacement and renewal. Generally, no debt will be issued for periods exceeding the useful life or average useful lives of projects to be financed.

The UG will consider short or long-term financing for the acquisition, maintenance, replacement, or expansion of capital assets, including land. For short-term financing, the capital asset and/or rolling stock must have a minimum useful life of three years; for long-term financing, the physical asset must have a minimum useful life of ten years.

Section 2 – Credit Ratings

2.1 Credit Ratings

The UG seeks to maintain the highest possible credit ratings that can be achieved for debt instruments without compromising the UG's policy objectives. Ratings are a reflection of the general fiscal soundness of the UG, the local economy and other regional economic factors, and the capabilities of UG management. By maintaining the highest possible credit ratings, the UG can issue its debt at a lower interest cost, hence lowering the demands on repayment

revenue sources such as the property taxes and user fees. To enhance creditworthiness, the UG is committed to prudent financial management, systematic capital planning, interdepartmental cooperation and coordination, and long-term financial planning.

Rating agencies consider various factors in issuing a credit rating; these typically include:

- UG's fiscal status
- Socio-economic and demographic profile of the revenue base
- UG's financial and general management capabilities
- Economic conditions that may impact the stability and reliability of debt repayment sources
- UG's general reserve levels
- UG's debt history and current debt structure
- The capital improvement project(s) being funded
- Covenants and conditions in the governing legal documents

The UG recognizes that external economic, natural, or other events may from time to time affect the creditworthiness of its debt. Each proposal for additional debt will be analyzed for its impact upon the UG's debt rating on outstanding debt. There are no predetermined credit rating formulas available from the rating agencies, although recent updates to rating methodologies from certain rating agencies have added transparency to their credit evaluation processes. This information provides a better understanding of how key quantitative and qualitative factors and risk factors are likely to affect rating outcomes. The UG Finance Department will monitor rating agency guidelines and methodologies regularly to stay informed of changes to the rating metrics and processes.

The Chief Financial Officer is responsible for managing the rating reviews associated with the UG's various debt obligations. This effort includes providing periodic updates, both formal and informal, on the UG's general financial condition and coordinating meetings and presentations in conjunction with a new debt issuance when determined necessary.

The Chief Financial Officer, working with the Debt Management Division and, if applicable, a Municipal Advisor, shall be responsible for determining whether a rating shall be requested on a particular financing, and which of the major rating agencies shall be asked to provide such a rating.

The UG recognizes the need to maintain ongoing communications with the rating agencies in order to provide information and demonstrate management engagement in the debt management system.

Section 3 – Types of Financing Instruments

There are many different types of financing instruments available to the UG; long term financing debt obligations like General Obligation Bonds, Lease Revenue Bonds and Revenue Bonds would typically constitute direct debt of the UG. The UG issues various types of debt for economic development projects. The UG issues conduit financings to benefit third parties where public benefit can be achieved. The following are brief summaries of different types of long- and short-term financing instruments that the UG may consider.

Direct Debt Obligations

3.1 General Obligation Bonds

General Obligation (GO) Bonds are secured either by a pledge of full faith and credit of an issuer or by a promise to levy taxes in an unlimited amount as necessary to pay debt service, or both. GO Bonds usually achieve lower rates of interest than other financing instruments since they are considered to be a lower risk. Such bonds are issued pursuant to K.S.A. 10-101 et seq., K.S.A. 10-620 et seq., and Article 12, Section 5 of the Constitution of the State of Kansas, all as amended and supplemented, for the purpose of paying a portion of the cost of certain street, sewer, public utility, and other public improvement projects. Adoption of a bond resolution by the UG commission is required for the issuance of general obligation bonds.

While typically general obligation bond debt repayment is reliant on property tax revenues, the UG also relies on charges for services deriving from the wastewater and stormwater enterprise utilities as the revenue source for repayment for such projects financed with general obligation bonds. As a result, these business-type activities general obligation debt outstanding is separately reporting in the UG's financial statements and reports.

3.2 Lease Revenue Bonds

Lease Revenue Bonds (LRBs) are lease obligations secured by an installment sale or by a lease-back arrangement between the UG and another public entity (such as the Public Building Commission (PBC)), where the general operating revenues of the UG are used to make lease payments, which are, in turn, used to pay debt service on the bonds. Lease Revenue Bonds of the PBC are authorized by the Constitution and statutes of the State of Kansas, including K.S.A. 12-1757 et seq.

Payments to be made under valid leases are payable only in the year in which use, and occupancy of the leased property is available, and lease payments may not be accelerated. Lease financing requires the annual fair market rental value of the leased property to be equal to or greater than the lease payment. The governmental lessee is obligated to place in its Annual Budget the payments that are due and payable during each fiscal year that the lessee has use of the leased property.

3.3 Revenue Bonds

A. Revenue Bonds are obligations payable from revenues generated by an enterprise, such as water, wastewater and stormwater utilities, electric utility, public golf courses, levee or parking facilities. Because the debt service is directly paid by the facility, such debt is considered self-liquidating and generally does not constitute a debt obligation of the issuer under the State of Kansas' debt limit criteria.

The UG's utility Revenue Bonds are payable solely from the UG's and BPU's Utility Enterprise Funds and are not secured by any pledge of ad valorem taxes or general fund revenues of the UG. In accordance with the agreed upon bond covenants, the revenues generated by these Enterprise Funds must be sufficient to maintain required coverage levels, or the rates of the enterprise have to be raised to maintain the revenue coverages. Revenue Bonds are

issued under the authority and pursuant to the Constitution and laws of the State of Kansas, including the provisions of K.S.A. 10-1201 et seq., Article 12, Section 5 of the Constitution.

B. Revenue Bonds issued to provide incentives for economic development and repaid by revenues generated by the development project or from the adjacent area. Typically, these bonds are less secure as the repayment is linked to the performance of a private development over time. The UG will exercise significant diligence in determining the need and amount of the public financial participation, the probability of the forecasted revenues to actually occur, and include provisions in the bond structuring and security to minimize the risk of default.

3.4 Temporary Notes and Draw Bonds

Temporary Notes and Draw Bonds are short-term interest-bearing bonds issued in the anticipation of long-term future bond issuances. The UG may choose to issue temporary notes or draw bonds as a source of interim financing when it is considered by the Chief Financial Officer to be prudent and advantageous to the UG. Such bonds are issued pursuant to K.S.A. 10-101 et seq., K.S.A. 10-620 et seq., and Article 12, Section 5 of the Constitution of the State of Kansas, all as amended and supplemented, for the purpose of paying a portion of the cost of certain street, sewer, public utility, and other public improvement projects. Adoption of a bond resolution by the UG commission is required for the issuance of temporary notes and draw bonds. While the UG practice is to renew temporary notes on an annual basis, State statute limits the interim financing period for individual capital projects financed with the note proceeds to four years.

3.5 Lines of Credit/ Direct Bank Loan

A Line of Credit / Direct Bank Loan is a contract between the issuer and a bank that provides a source of borrowed monies to the issuer in the event that monies available to pay debt service or to purchase a demand bond are insufficient for that purpose. Direct Bank loans are an important tool in a government's financing toolkit. The term bank loans include fixed-rate loans with defined maturities and loans or lines of credit that have variable interest rates and flexible payment provisions.

In entering into a direct bank loan, the UG in consultation with the Municipal Advisor will become knowledgeable as to how the bank loan is characterized for legal and accounting purposes, including how they are treated in the financial statements, and what types of disclosures should be made about these loans. State and local laws should be reviewed to ensure these financings are within legal limits and the financing is characterized appropriately. In the event that a Line of Credit is under consideration as an interim financing mechanism for a long-term capital need, before entering into any such agreements, takeout financing for such lines of credit must be planned for and determined to be feasible by the Chief Financial Officer.

When it is considered by the Chief Financial Officer to be prudent and advantageous to the UG, the UG may enter into agreements with commercial banks or other financial entities for purposes of acquiring a Line of Credit or Direct Bank Loan.

3.6 Lease Purchase Financings

The UG's equipment and vehicle financing program provides a mechanism for the short-term financing of essential equipment through a lease-purchase mechanism. The lease purchase terms are typically three to ten years. Under this program, the UG enters into a master lease agreement with a lessor to finance the lease purchase of essential equipment up to a certain amount. Equipment is funded on an as needed basis under this master lease agreement. The UG may enter into other standalone operating leases and lease purchase agreements on an as-needed basis.

3.7 State and Federal Loans

State and federal loan proceeds are an important source of funds for capital projects in addition to the bond proceeds. State Revolving Funds (SRFs) and the Water Infrastructure Finance and Innovation Act (WIFIA) program make low cost loans available to local agencies to fund certain public infrastructure projects. Through these programs, various state and federal agencies offer local agencies loans to fund qualifying public infrastructure projects. Benefiting departments within the UG will evaluate such programs in conjunction with Debt Management on a case by case basis. Commission approval is required to apply for these loans.

3.8 HUD Section 108 Loan Guarantee Program

The U. S. Department of Housing and Urban Development (HUD) Section 108 Loan Guarantee Program allows municipalities to use their annual Community Development Block Grant (CDBG) entitlement grants to apply for federally guaranteed loans large enough to finance major community development and economic development projects. In order to utilize the Program, the UG must include the use of Section 108 Loans in its Consolidated Plan for HUD Programs.

The Finance Department currently oversees the fiduciary and reporting requirements of the UG's current HUD Section 108 loans.

Economic Development Debt Obligations

3.9 Special Districts Financing

The UG's special districts primarily consist of Community Improvement Districts (CID), Transportation Development Districts (TDD), Tax Increment Financing (TIF) and Sales Tax and Revenue Districts (STAR). Special Districts are typically developer initiated, whereby a developer seeks a public financing mechanism to fund public infrastructure required by the UG in connection with development permits or agreements, and/or tentative subdivision maps. Special District formation may also be initiated by an established community. Subject to approvals dictated by State statute, once a district is formed special taxes or assessments may be levied upon properties within the district to pay for facilities and services directly, or to repay bonds issued to finance public improvements.

The UG will consider requests for Special District formation and debt issuance when such requests address a public need or provide a public benefit. Each application will be considered on a case by case basis, and the Chief Financial Officer may not recommend a financing if it is determined that the financing could be detrimental to the debt position or the best interests of the UG.

Conduit Debt

3.10 Industrial Revenue Bonds

Industrial Revenue Bonds (IRBs) are tax-exempt private activity bonds that provide manufacturing and processing companies financing for capital expenditures. Industrial Revenue Bonds are not an obligation of the UG and are considered conduit debt. While the authorization to issue IRBs is provided by K.S.A. 12-1740 et seq, the tax-exempt status of these bonds is derived from federal law (Internal Revenue Code Section 103(b) (2)). Under state law, IRBs are issued by a local government agency, which can be a city, county, economic development authority, or a joint powers authority. Since IRBs are tax-exempt municipal bonds, interest rates are substantially lower than commercial financing rates. The bonds also allow long-term amortization periods up to 30 years (depending on the useful life of the assets financed), so a growing company will also devote less cash-flow to service loan principal repayment. The UG typically issues IRBs in order to exempt industries from paying property taxes or sales and use tax on building materials. IRB's require a governmental entity (the Unified Government) to act as the "Issuer" of the bonds, who will hold an ownership interest in the property for as long as the IRBs are outstanding.

Section 4 – Debt Ratio Guidelines

Given the significant restrictions on local agency revenue sources, the UG is aware of the need to gauge the effect of ongoing debt service and other fixed obligations on its budgets and fiscal priorities over time. To provide a debt affordability plan and keep debt levels within acceptable ranges, the UG will consider generally accepted debt affordability standards in evaluating when, why, and how much debt should be incurred. Debt ratio guidelines discussed in sections 4.1 and 4.2 below pertain only to the City's long-term general fund debt supported by tax levy or General Funds, and coverage ratios in section 4.3 pertain to revenue bonds such as those issued by the UG's and BPU's Electric, Water, Wastewater and Stormwater utilities, as well as levee and golf course enterprises.

4.1 General Obligation Bonds

As discussed in Section 3.1, General Obligation Bonds are secured either by a pledge of full faith and credit of an issuer or by a promise to levy taxes in an unlimited amount as necessary to pay debt service, or both. **Generally accepted measures of assessing the impact of general obligation bonds include:**

- **Debt per capita:** This is the outstanding principal as a percentage of Kansas City, Kansas population.
- **Debt as a percent of assessed valuation:** This is the outstanding principal as a percentage of Kansas City, Kansas assessed valuation (excluding motor vehicle valuation).

This measure excludes general obligation bonds issued for wastewater, stormwater, levee or golf course enterprise funds capital projects. Included in the "debt" classification will be the estimated portion of temporary notes. The UG shall monitor and strive to achieve and/or maintain these debt statistics at a low to moderate classification, as generally viewed by the municipal bond market.

4.2 General Fund-Supported Debt

An important ratio used in analyzing the UG's debt position with respect to General Fund supported debt securities (including lease revenue obligations and annual appropriation

clauses for certain economic development financings) is the required annual debt service/lease payment as a percentage of total general fund expenditures (“Debt Ratio”). This analysis includes the annual debt service/lease payment for all long-term fixed obligations of the UG backed by the UG General Fund. The UG shall strive to maintain this Debt Ratio below 10% of total General Fund expenditures.

It is a strong financial management practice and an important planning tool to also evaluate the effects of other significant long-term fixed costs, such as pension and retiree health care (OPEB) costs, on the UG’s General Fund. Pension and OPEB costs and the UG’s annual contributions to meet these obligations are not controlled by this Debt Policy. However, these contributions need to be taken into account in calculating the UG’s overall debt burden. To that end, the ratio of the Actuarially Determined Contribution (ADC) to the pension system and retiree health care (OPEB) annual contributions as a percentage of General Fund expenditures (“Pension/OPEB Ratio”) shall also be taken into consideration for sound financial planning. Taken together, the UG will strive to maintain the combined Debt Ratio and Pension/OPEB Ratio below 25% of total General Fund expenditures.

Capacity analysis as determined by these measures will be undertaken when new General Fund-supported debt is issued or new Pension/OPEB benefits are examined. Further, the availability of sufficient suitable UG properties to serve as lease properties if required for a lease revenue bond measure will also be evaluated (see Section 3.2 for annual fair rental value requirement). Whenever authorization is sought for a lease revenue bond, the UG Commission will be provided with an estimate of the amount of unpledged and suitable UG properties that are expected to be available to support additional lease revenue borrowings.

4.3 Overlapping Debt

In addition to the UG’s direct debt (General Obligation bonds and other General Fund Supported debt), debt levels of underlying and overlapping entities such as school districts and special districts add to a communities’ overall debt burden. The UG’s proportional share of the debt of other local governmental units which either overlap it or underlie it is called overlapping debt. Overlapping debt is generally apportioned based upon relative assessed value. While the UG does not control debt issuance by other entities, it recognizes that its taxpayers share the overall debt burden. The UG will continue to work with other jurisdictions in coordinating capital projects to lessen the overall debt burden. The UG shall include a statement of overlapping debt in its initial and continuing disclosure and/or annual financial statements.

4.4 Coverage Ratios for Revenue Bonds and Economic Development Financings

Long-term obligations payable solely from specific pledged sources are not subject to a debt limitation. Examples of such long-term obligations include those which achieve the financing or refinancing of projects provided by the issuance of debt instruments that are payable from restricted revenues, charges for services or user fees (enterprise funds) and revenues generated from a project. Also see Section 3.3, Revenue Bonds, and Section 3.9, Special District Financings.

The coverage ratio, which is the ratio of available annual revenues to annual debt service, is one of the primary indicators of the ability of an enterprise to meet its annual operating

expenses and debt service payments. Generally, legal covenants requiring a minimum coverage ratio are set forth in the revenue bond documents and are based on the level of security provided to the bondholders (of the senior or subordinate debt obligations). General obligation bonds issued by the UG on behalf of its wastewater and stormwater utilities also are required to meet establish minimum debt coverage ratios. Rate covenants for the bonds and loans will require a rate increase if coverage ratios are expected to fall below the legal coverage levels.

State and Federal loans may also have certain coverage ratio requirements for enterprise funds which are pledged as revenue sources for repayment of the loan. These coverage ratio requirements are set forth in the financing agreements which are executed between the UG and state or federal agency for each project.

The UG will also evaluate appropriate affordable target coverage levels (i.e., financial coverage ratios), for the outstanding bonds and new debt issue planning when conducting cost of service studies, which are undertaken periodically for the enterprises.

Section 5 – Structure and Term of UG Indebtedness

5.1 Term of Debt

Debt will be structured for the shortest period possible, consistent with a fair allocation of costs to current and future beneficiaries or users. Borrowings by the UG should be of a duration that does not exceed the useful life of the improvement that it finances and where feasible, should be shorter than the projected economic life. The standard term of long-term borrowing is typically 15-30 years.

5.2 Rapidity of Debt Repayment

In structuring a bond issuance, the Finance Department will manage the amortization of debt, and to the extent possible, match its cash flow to the anticipated debt service payments.

The UG will seek to structure debt with aggregate level principal and interest payments over the life of the borrowing. “Backloading” of debt service will be considered only when one or more of the following occur:

- Natural disasters or extraordinary or unanticipated external factors make payments on the debt in early years prohibitive;
- The benefits derived from the debt issuance can clearly be demonstrated to be greater in the future than in the present;
- Such structuring is beneficial to the UG’s aggregate overall debt payment schedule
- Such structuring will allow debt service to more closely match project revenues during the early years of the project’s operation, especially for economic development financed project and enterprise revenue bonds.

5.3 Serial Bonds, Term Bonds, and Capital Appreciation Bonds

Serial bonds are bonds maturing annually (or serially) in specified amounts comprising all or a portion of a bond issue.

Term bonds are those where all bonds, or a portion of the issue equal to that which would mature over a period of two or more years in a bond issuance, mature at a single time. Term bonds can be structured so that a portion of term maturity is mandated to be called or retired each year (called “sinking funds”) to mirror a serial bond structure. The funds paid into the sinking fund each year may be used at that time to retire a portion of the term bonds ahead of their scheduled redemption. Sinking funds are preferred by investors since these funds provide the security of knowing that the issuer appropriately budgets and accounts for its expected future payments. The sinking fund also ensures that the payment of funds at maturity does not overtax the issuer’s resources at that time. The decision to use term or serial bonds is typically driven by market conditions when bonds are issued.

Capital Appreciation Bonds (CABs), also known as Zero Coupon Bonds or Turbo Bonds, do not pay periodic interest payments but are issued as deep discounted bonds that pay investors the principal amount invested plus the interest, compounded semi-annually at the original interest rate, of the bond at maturity. CABs can be utilized in certain cases to better match a project’s cash flow to the bond’s debt service but typically carry significantly higher interest rates than bonds that pay semi-annual or periodic interest payments.

For each issuance, the UG Finance Department will select serial bonds or term bonds, or both. On the occasions where circumstances warrant, CABs may be used.

5.4 Interest Rates

The UG currently issues securities on a fixed interest rate basis only, although it is not precluded to enter into a variable rate structure if the Chief Financial Officer under the advice of the municipal Advisor deems the structure would have an economic advantage to the UG. Fixed rate securities ensure budget certainty through the life of the securities and can be advantageous in a low interest rate environment. Variable interest rate structures may be undertaken if such a structure for a given revenue-generating project or capital asset or facility is recommended by the Chief Financial Officer.

5.5 Debt Instrument Rating

The Chief Financial Officer, with a Municipal Advisor if appropriate, will assess whether a credit rating should be obtained for an issuance and make a recommendation to the County Administrator. If it is determined that a credit rating is desirable, the probable rating of the proposed debt issuance is assessed before its issuance, and necessary steps are taken in structuring the debt issuance to ensure that the best possible rating is achieved.

5.6 Credit Enhancements

Credit enhancement may be used to improve or establish a credit rating on a UG debt obligation. Types of credit enhancement include Letters of Credit, bond insurance or surety policies. The Chief Financial Officer will recommend the use of credit enhancement if it reduces the overall cost of the proposed financing or if, in the opinion of the Chief Financial Officer, the use of such credit enhancement furthers the UG’s overall financial objectives.

A Letter of Credit is an arrangement with a bank that provides supplemental security, or in some cases, direct security that money will be available to pay debt service on an issue in the event insufficient funds are available to meet a debt service obligation. Bond Insurance is an unconditional pledge by an insurance company to make principal and interest

payments on the UG's debt in the event insufficient funds are available to meet a debt service obligation. Bond insurance may be obtained from an insurance company and is a potential means of enhancing the debt's rating.

5.7 Debt Service Reserve / Surety Policy

Debt service reserve funds, if established for a bond series, are held by and are available to the bond Trustees to make principal and interest payments to bondholders in the event that pledged revenues are insufficient to do so.

The Chief Financial Officer will make a determination whether one will be included and, if so, the size of the debt service reserve fund on a case-by-case basis at the time of a new bond issuance. Factors that are taken into consideration are cost of setting a debt service reserve fund over the life of the bond issue compared to interest earnings, bond pricing or credit rating impacts, conditions in the bond documents, if applicable, and other market conditions.

The maximum size of the reserve fund is governed by tax law, which permits the lesser of: 1) 10% of par; 2) 125% of average annual debt service; and 3) 100% of maximum annual debt service. The UG may issue bonds with a debt service reserve fund that is sized at a lower level or without a reserve fund.

The reserve fund requirement may also be satisfied by a surety policy, a form of insurance provided by a bond insurer to satisfy a reserve fund requirement for a bond issuance. Under this arrangement, instead of depositing cash in a reserve fund, the issuer buys a surety policy by paying a one-time premium equal to a percentage of the face amount of the policy. The UG may use a surety policy instead of a debt service reserve fund when economically feasible.

The UG will not rely on any uncollateralized credit instruments for any reserve requirement unless justified by significant financial advantage. If a surety policy is used in lieu of a debt service reserve fund, a provider distinct from the bond insurer shall be used.

5.8 Capitalized Interest

Generally, interest shall be capitalized for the construction period of a revenue producing project so that debt service expense does not begin until the project is expected to be operational and producing revenues. In addition, for lease back arrangements, such as those used for lease revenue bond transactions, interest may be capitalized for the construction period until the asset is operational. When warranted, interest may be capitalized for a period longer than the construction period.

5.9 Call Options/Redemption Provisions

The Chief Financial Officer, upon the advice of the Municipal Advisor, will recommend the use of a call option, if any, and call protection period for each issuance. A call option, or optional redemption provision, gives the UG the right to prepay or retire debt prior to its stated maturity. This option may permit the UG to achieve interest savings in the future through refunding of the bonds with lower interest rates. Often the UG must pay a higher interest rate as compensation to the buyer for the risk of having the bond called in the future. In addition, if a bond is called, the holder may be entitled to a premium payment

(“call premium”). Because the cost of call options can vary widely, depending largely on market conditions, an evaluation of factors such as the following will be conducted in connection with each issuance:

- Interest rate premium for adding call provision
- The call premium paid to the bond holder
- Level of rates relative to historical standards
- The time until the bonds may be called at a premium or at par
- Interest rate volatility

Generally, 20-year or 30-year tax-exempt municipal borrowings are structured with a 10-year call at no premium. From time to time, market conditions may facilitate shorter call options (6-9 years) with no premium.

Section 6 – Method of Issuance and Sale

Under the direction of the Chief Financial Officer, Debt Management will coordinate the issuance of all debt, including issuance size, debt structure, cash flow analysis, and method of sale. The selection of the financing team and the role of the various consultants are discussed in Section 7.

6.1 Method of Sale

Debt issuances are sold by a single underwriter or to an underwriting/bank syndicate through either a public offering or a private offering. The selected method of sale will be that which is the most advantageous to the UG in the judgment of the Chief Financial Officer, in terms of lowest net interest rate, most favorable terms in the financial structure used, and market conditions.

Public Offerings – Public offerings can be executed through either a competitive sale or a negotiated sale. Method of sale for each bond offering is based on the recommendation of the Chief Financial Officer with advice from the Municipal Advisor.

Competitive Sale – In a competitive sale multiple underwriters or banks bid on the issue, with the purchaser selected offering the most favorable interest rate at the time of sale. In a competitive sale, bids will be awarded on a true interest cost basis (TIC), providing other bidding requirements are satisfied. In such instances where the UG deems the bids received unsatisfactory, it may, at the discretion of the Chief Financial Officer, enter into negotiation for sale of the securities or reject all bids. In general, the Competitive Sale method is recommended for “plain vanilla” financings with a strong underlying credit rating, such as general obligation bond issuances, if the bond is not expected to be treated as a “story bond” by the investors and generally stable and strong market conditions exist. In a Competitive Sale, the bidder’s role is limited to its review of the offering circular released by the UG, making a credit assessment based on the facts presented in the offering circular, and offering its bid per the bidding parameters established by the UG.

Negotiated Sale – In a Negotiated Sale, the underwriter or the underwriting syndicate for the bonds is identified upfront through a competitive selection process along with other professionals for the transaction. The negotiated sale process provides the UG control over the financing structure and the issuance timing and provides flexibility of distribution. Negotiated sales may be executed when competitive sales are not suitable or not a viable

option. Examples of such circumstances include unusual financing terms, market volatility, and weaker credit quality. Special District bonds, which are often non-rated, are typically issued through a negotiated sale process. Due to their financial complexity, revenue bonds for enterprise utilities are also typically issued through a negotiated sale process. The underwriter will actively assist the UG, in consultation with the Municipal Advisor, in structuring the financing and marketing the bonds including providing assistance in preparing the bond offering circular.

Private Offerings – When determined appropriate by the Chief Financial Officer, the UG will negotiate financing terms with banks and financial institutions for specific borrowings on a private offering basis. These issuances are also referred to a “private placements”. Typically, private offerings are carried out by the UG when extraneous circumstances preclude public offerings, as an interim financing, or to avoid the costs of a public offering for smaller issuances.

6.2 Bidding Parameters

In a Competitive Sale, the Notice Inviting Bids will be carefully constructed so as to ensure the best possible bid for the UG, in light of existing market conditions and other prevailing factors. Parameters to be examined include:

- Limits between lowest and highest coupons
- Discount or premium coupons
- Use of bond insurance
- Call provisions

The Chief Financial Officer will publish the Notice Inviting Bids among prospective bidders for the proposed bond issuance.

6.3 Initial Disclosure Requirements

Debt Management, together with the Chief Legal Counsel, Municipal Advisor, Bond Counsel and Disclosure Counsel, coordinates all the necessary documents for disclosure, with input from various other UG departments (as applicable for a particular bond issuance) and outside consultants. Each publicly offered debt issuance will meet the disclosure requirements of the Securities and Exchange Commission (SEC) and other government agencies before and after the bond sale takes place. The disclosure documents, particularly the Official Statement, will provide the potential investor with full and accurate information necessary to make prudent investment decisions.

All primary disclosure documents, which are a part of the bond offering documents (e.g., Official Statement), will be approved by the State of Kansas before being taken to the Commission for approval (see Section 6.4). The UG will also provide ongoing disclosure, in accordance with the Continuing Disclosure Agreements executed when the financing is authorized, as required by SEC Rule 15c2-12. Ongoing disclosure will also be approved by the Chief Financial Officer before it is disseminated to the markets.

6.4 Approval Process

In coordinating the bond issuance process, Chief Financial Officer will work with the Chief Legal Counsel, Bond Counsel, other responsible UG departments, and outside consultants to compile all bond related documents (see Section 7 for the role of various outside

consultants). The Chief Legal Counsel, working with Bond Counsel, will assess any legal issues that may arise with respect to the issuance of the bonds. In circumstances where there may be legal uncertainty about some aspect of a proposed bond transaction, the UG may pursue an active validation action to obtain judicial approval before the bonds are issued. If a bond transaction is controversial and gives rise to a reverse validation action, the UG may find itself a party to that litigation. All proposed debt financings shall be authorized by the UG Commission.

Section 7 – Financing Team Roles and Selection Process

The Chief Financial Officer, working with the Chief Legal Counsel and the UG's Purchasing Department, shall be responsible for establishing a solicitation and selection process for securing professional services that are required to develop and implement a debt issuance. Goals of the solicitation and selection process shall include encouraging participation from qualified service providers, both local and national, and securing services at competitive prices.

Section 7.1 Selection and Compensation

The identification of municipal advisors, trustees, and paying agents is accomplished through a selection process conducted by Debt Management and may also be based upon recommendations from advisors that are specifically skilled in the type of bond issuance being proposed.

Selection of consultants will be made from either an as-needed pool, which is assembled via a Request for Qualifications (RFQ) process, or a separate RFP issued for a specific bond issuance. Once the selection of a Municipal Advisor has occurred, the Municipal Advisor will assist the UG in the selection of other service providers, including broker-dealers/underwriters, trustees, escrow agents, credit enhancers, verification agents, title and insurance companies, and printers.

Compensation for Bond Counsel, Disclosure Counsel, Municipal Advisors, and other consultants will be as low as possible, given desired qualification levels, and consistent with industry standards.

The UG may encumber and advance the fees associated with municipal advisory services, which are later reimbursed from the bond proceeds, or may enter into contracts on a contingent basis.

Compensation for the other service providers listed above is typically included in the cost of issuance and paid from the bond proceeds. The ongoing trustee fee, semiannually or annually, for a bond issuance is budgeted under administration costs and appropriated in respective bond payment accounts.

The Chief Legal Counsel will take the lead in selecting the Bond Counsel and the Disclosure Counsel. Generally, Bond and Disclosure Counsel compensation is contingent on the issuance of bonds and is either paid or reimbursed from bond proceeds. This practice is generally consistent with industry standards.

Eligible UG staff costs related to issuance of long-term bonds may also be reimbursed from bond proceeds. As the UG often dedicates substantial time for special revenue bonds for economic development, the UG will seek either up-front payments from developers to cover such internal and external costs for events wherein the transaction does not proceed to conclusions; and/or recover from bond proceeds the internal and external costs incurred for the issuance. In the event of an up-front developer payment for a project that does proceed to financing, the developer will be reimbursed from bond proceeds.

7.2 Financing Team: Outside Consultants

Contracts with Municipal Advisors, Bond Counsel, and Disclosure Counsel will be processed in accordance with UG administrative procedures.

A. Municipal Advisors

As needed, the Chief Financial Officer will identify an independent Municipal Advisor. The primary responsibilities of the Municipal Advisor are to advise and assist on bond document negotiations, transaction structuring including advising on pricing and call provision options and timing of issuance, running debt service cash flow numbers, obtaining ratings on the proposed issuance, and generally acting as an independent financial consultant and economic and bond market expert.

The Municipal Advisor will also serve the UG as a Municipal Advisor, as defined by and in accordance with the Dodd-Frank Wall Street Reform and Consumer Protection Act. The Municipal Advisor has a fiduciary duty to the UG. Fiduciary duty is generally understood to encompass a duty of loyalty and a duty of care to the public agency.

B. Bond Counsel

The UG will retain external Bond Counsel for all debt issuances. As part of its responsibility in the debt issuance process, the UG's Chief Legal Counsel will coordinate the selection of Bond Counsel. Bond Counsel will prepare the necessary authorizing resolutions, ordinances, agreements, and other legal documents necessary to execute the financing. All debt issued by the UG will include a customary approving legal opinion of Bond Counsel.

C. Disclosure Counsel

The UG may retain Disclosure Counsel for public issuances that entail UG disclosure, in which such services may be provided by the Municipal Advisory firm, underwriter's counsel and Bond Counsel. Disclosure Counsel shall be required to deliver a customary 10(b)-5 opinion on UG offering documents. The UG's Chief Legal Counsel and the Chief Financial Officer shall oversee the selection of Disclosure Counsel. The Disclosure Counsel will work with UG staff to draft all disclosure documents for a bond financing.

The UG's Chief Legal Counsel may engage separate firms in the capacity of Bond and Disclosure Counsel or one single firm to perform bond and disclosure counsel functions.

The UG also retains services contracts with bond counsel and the municipal advisory firm to review the UG materials that are to reach investors or the securities markets.

D. Broker-Dealer/ Underwriters

For a competitive sale, the criteria used to select a broker-dealer/underwriter shall be the bid providing the lowest true interest cost to the UG.

For a negotiated sale debt issuance, the Chief Financial Officer, working with the Municipal Advisor, will identify broker-dealers/underwriters. The Chief Financial Officer will recommend to the County Administrator the selected broker-dealer/underwriter or a syndicate of underwriters. Broker-dealers/Underwriters will be required to demonstrate sufficient capitalization and experience related to the debt issuance being proposed, among other criteria determined for each issuance. The Chief Financial Officer will consider the following criteria in selecting a broker- dealer/underwriter and/or a syndicate:

- Experience with the particular type of financing, and size of the financing
- Overall experience
- Familiarity with UG issues
- Marketing expertise
- Distribution capability
- Previous experience as managing or co-managing broker-dealer/underwriter
- Financial strength, as evidenced by the firm's current financial statements
- Experience of the public finance team assigned to the financing
- Resources to complete the financing
- Compensation
- Community Reinvestment

E. Trustee / Paying or Fiscal Agent

A Trustee or Paying/Fiscal Agent is the institution – usually a commercial bank or trust company – appointed in the indenture or bond resolution to act as the agent of the issuer to pay principal and interest from monies provided by or on behalf of the issuer.

Paying or Fiscal Agent duties are typically limited to receiving money from the issuer and paying principal and interest to bondholders on behalf of the issuer. A Trustee, in addition to performing the duties of a Paying Agent, is responsible for establishing and holding the funds and accounts relating to the bond issuance, including accounts for bond proceeds and revenues, determining that the conditions for disbursement of proceeds and revenues have been met, and, in some cases, collecting revenues, and executing investments.

The Trustee/ Paying Agent solicitation and selection is typically coordinated by the Municipal Advisor in consultation with the Chief Financial Officer for a new bond issuance. The Debt Management Division will monitor the ongoing performance of a Trustee/Paying Agent. The Chief Financial Officer may periodically solicit for trustees or paying agent services from qualified commercial and trustee banks.

F. Other Service Providers

Other professionals may be selected, at the discretion of the Chief Financial Officer, on an as-needed basis. These include the services of revenue or market feasibility study, credit rating agencies, escrow agents, bond insurance providers, credit and liquidity banks, verification agents, title insurance companies, arbitrage rebate calculation consultant and services related to printing.

Section 8 – Refunding of UG Indebtedness

The UG will consider refunding its existing debt when benefits of the refunding outweigh the costs and risks.

8.1 Types of Refunding

A. Current Refunding

A current refunding is one in which the refunding bonds are issued less than 90 days before the date upon which the refunded bonds will be redeemed.

B. Advance Refunding

The Federal Tax Act of 2017 eliminated an issuer's ability to advance refund a tax-exempt issue with tax-exempt bonds. An entity can issue taxable bonds to advance refund tax-exempt bonds, which would normally lead to interest cost increases. The municipal bond industry has come up with a short selection of bond products, synthetic refundings, forwards, etc., to advance refund issues. If a condition exists wherein the UG needs to advance refund an issue it will conduct an extensive analysis to the overall costs and benefits of the proposed transaction before proceeding.

8.2 Refunding Considerations

Refundings may be undertaken to:

- Take advantage of lower interest rates and achieve debt service cost savings
- Eliminate restrictive or burdensome bond covenants
- Restructure debt to either shorten/lengthen the duration of debt or free up reserve funds
- Refund outstanding indebtedness when existing financial structures impinge on prudent and sound financial management

Generally, the UG will consider a refunding only when there is a net economic benefit; i.e., when there is an aggregate net present value savings, expressed as a percentage of the par amount of the refunded bonds, at 3% and above for a current refunding. In addition, in the case of an advance refunding which is not allowed under current tax law, consideration is to be given to the impact of inefficient investment yields in the refunding escrow account (i.e., yield on the escrow investment is less than the yield on the refunding bonds. This inefficiency is also known as negative arbitrage.) Aggregate net present value savings should be greater than the aggregate amount of negative arbitrage to achieve an economic benefit. These savings requirements for a refunding may be waived by the Chief Financial Officer upon a finding that such a restructuring is in the UG's overall best financial interest.

8.3 Refunding Escrow Investment

The UG will seek to purchase State and Local Government Securities (SLGS) to fund its refunding escrows. However, at the discretion of the Chief Financial Officer, the UG may choose to fund an escrow through purchase of treasury securities on the open market when market conditions make such an option financially preferred or necessary.

Section 9 – Post Issuance Compliance and Administration

The following discuss administrative functions related to debt not discussed in the Tax-Exempt Financing Compliance Policy and Procedure or the Securities and Continuing Disclosure Matters Compliance Procedure.

9.1 Investment of Bond Proceeds

The proceeds of the bond sales will be invested until used for the intended project in order to maximize utilization of the public funds. The investments will be made to obtain the highest level of safety. The UG Cash and Investment Policy and the bond indentures govern objectives and criteria for investment of bond proceeds. The Chief Financial Officer, or the bond trustees under the direction of the Chief Financial Officer, will invest the bond proceeds in a manner to avoid, if possible, and minimize any potential negative arbitrage over the life of the bond issuance, while complying with arbitrage and tax provisions.

9.2 Arbitrage Compliance

The Chief Financial Officer shall establish and maintain a system of record keeping and reporting to meet the arbitrage rebate compliance requirements as required by the federal tax code. This effort shall include tracking investment earnings on bond proceeds, calculating rebate payments in compliance with tax law, and remitting any rebate earnings to the federal government in a timely manner in order to preserve the tax-exempt status of the UG's outstanding debt issuances.

Additionally, general financial reporting and other tax certification requirements embodied in bond covenants shall be monitored to ensure that all covenants are in compliance. The ongoing compliance verification function will be coordinated by the Debt Management Division.

9.3 Ongoing Disclosure

The UG will meet secondary disclosure requirements in a timely and comprehensive manner, as stipulated by the SEC Rule 15c2-12. The Chief Financial Officer (CFO) shall be responsible for providing ongoing disclosure information to the Municipal Securities Rulemaking Board's (MSRB's) Electronic Municipal Market Access (EMMA) system, the central depository designated by the SEC for ongoing disclosures by municipal issuers. The CFO is responsible for maintaining compliance with disclosure standards promulgated by state and national regulatory bodies, including the Government Accounting Standards Board (GASB), the National Federation of Municipal Analysts, the Securities and Exchange Commission (SEC), and Generally Accepted Accounting Principles (GAAP). The UG may also employ the services of firms that improve the availability of or supplement the UG's EMMA filings.

The UG will provide full and complete financial disclosure to rating agencies, institutional and individual investors, other levels of government, and the general public to share clear, comprehensible, and accurate financial information using the appropriate channels/policies/procedures.

9.4 Compliance with Other Bond Covenants

In addition to financial disclosure and arbitrage compliance, once the bonds are issued, the UG is responsible for verifying compliance with all undertakings, covenants, and agreements of each bond issuance on an ongoing basis. This typically includes ensuring:

- Annual appropriation of revenues to meet debt service payments
- Taxes/fees are levied and collected where applicable

- Timely transfer of debt service/rental payments to the trustee or paying agent
- Compliance with insurance requirements
- Compliance with rate covenants where applicable
- Recordkeeping and continued public use of financed asset
- Compliance with tax covenants including the timely spend-down of project fund proceeds
- Compliance with all other bond covenants

The Debt Management Division will coordinate verification of covenant compliance and will work with the Chief Legal Counsel and all other responsible departments to monitor compliance with the aforementioned compliance requirements.

9.5 Compliance with State and Federal Reporting Requirements

The UG will meet required State and Federal reporting requirements related to bond and loan obligations.

~~The UG should not issue long-term debt to finance current operations. The UG is committed to systematic capital planning and intergovernmental cooperation and coordination. Debt issuance should be consistent with the government's financial plan.~~

~~Debt financing may include general obligation, special assessment, and revenue bonds; temporary notes; lease/purchase agreements, and other permitted obligations. Debt will be issued in accordance with all applicable federal and state laws. Additionally, the Unified Government will maintain full and complete financial disclosure and reporting.~~

~~Financial Limitations~~ established by the UG include:

- ~~Annual debt service payments, excluding Enterprise Funds, are targeted at 10%-12% of total budget authority of tax levied funds.~~
- ~~The Unified Government will follow Kansas Statutes setting financial debt limitations. The amount of outstanding debt cannot exceed 30% of the County's assessed valuation.~~
- ~~The Unified Government will examine and consider other indicators, such as per capita and net direct debt as measures of the community's ability to support debt.~~

~~Debt Issuance~~ factors the UG will consider are:

- ~~The target for general obligation support for new debt is established during the budget process. Historically the level of support has been \$10-\$20 million.~~
- ~~The Unified Government recognizes the importance of maintaining strong credit ratings.~~
- ~~Financing terms should not exceed the asset's useful life.~~
- ~~Enterprise Funds, including Sewer, Stormwater, Emergency Medical Services, Golf Course and the Public Levee should support debt issued for projects related to these activities.~~
- ~~General obligation backing should be used for essential government services or projects with an asset life of 5 years or greater.~~

- Economic development and Tax-Increment Financing (TIF) should be supported by project revenues, unless otherwise approved by the Commission.
- The Unified Government will determine if the debt should be issued on city/county basis.

Debt Restrictions for long-term financing include:

- The Unified Government should not issue debt to finance current operations.
- Debt should not be used for annual capital expenditures unless deemed a high priority by the Unified Government Commission.
- The Unified Government will use temporary note financing to complete projects prior to permanent financing, unless final project costs and timelines have been determined.

Pay-As-You-Go versus Long Term Debt Financing

The Unified Government will use the following criteria to evaluate pay-as-you-go versus long-term debt financing.

Factors favoring pay-as-you-go financing for projects include:

- The project can be funded using available revenues within the project timeline.
- Government debt levels are negatively impacting the credit rating.
- Unstable market conditions exist.

Factors supporting long-term debt financing for projects include:

- Interest rates and debt financing demand are favorable for the UG.
- Sufficient funding is not available for mandated federal and state projects or emergencies.
- Project life is 5 years or longer.

Debt Structuring will consider various factors, including the financial forecast, property tax requirements and the objective to retire principal in a timely manner. Specifically:

- Debt schedules will in most instances be structured for a 20-year term or less.
- General obligation bonds will typically be amortized with level principal/interest payments.
- Revenue bonds will be structured to align with available or projected pledged revenues.
- Enterprise funds will budget a transfer payment to the debt service fund to cover the scheduled debt payments for their specific projects financed under general obligation bond authority.
- The UG may include call options in the financing structure to achieve future interest savings by the early refunding of the debt obligation.
- Credit enhancements may be used to reduce borrowing costs, if the project has clear public benefit.
- Capitalization of interest is acceptable to allow interim financing for a project or development that is projected to generate revenue in future years.

Debt issuance Process will comply with all federal and state requirements. The Unified Government's Board of Commissioners must authorize the debt issuance. Guidelines include the following:

- The UG shall seek to issue its general or revenue bond obligations in a competitive sale, unless the government's Chief Financial Officer and/or financial advisor recommend an alternative approach.
- If competitive bids are evaluated to be unsatisfactory, alternative approaches may be considered.
- When a negotiated sale process is determined to be the most efficient financing alternative, the UG will use a competitive process for selection of the investment banking team. Considerations for a negotiated sale include: interest rates, special obligation financing and the project time schedule.

The Unified Government will use professionals to assist in authorizing and structuring the financing sale. The outside professionals may include the government's financial advisor, bond counsel, underwriter, bank trustee, or paying agent. Selection of professional services will be done in accordance with the government's procurement process.

Debt issued by the Unified Government will be managed and monitored by the Chief Financial Officer.

The investment of bond proceeds will adhere to the Government's bond indenture documents and Kansas State statute. Also, the Government has adopted and implemented a tax-exempt compliance policy, applicable after debt issuance.

Bond Refunding—The Unified Government will consider refunding to achieve interest cost savings, targeted at a minimum of 3% net present value savings; to restructure debt to align with the Government's financial forecast; or to modify the credit backing of a debt obligation.

Market and Investor Relations—An official statement will be completed for competitive financing and the UG will comply with ongoing disclosure requirements. The Unified Government's Comprehensive Annual Financial Report and information about the socio-economic trends will be reported to credit agencies on an annual basis.

Credit Rating Goal—The Unified Government's goal for its general obligation bond financing is to achieve the highest rating from all credit rating agencies. If a specific financing does not have government backing or credit enhancement, then the debt may be issued without a credit rating.

Credit Risk—The Unified Government recognizes the importance of limiting interest, credit or budget risk. The Unified Government will not consider the issuance of derivatives. Variable rate debt will not be used in the issuance of General Obligation debt but may be considered for development projects backed by project revenue.

VI.V. Quality Control and Quality Assurance:

It is the responsibility of the Chief Financial Officer to ensure the presence of procedures that provide sufficient guidance to affected Unified Government personnel to fulfill the intent of this policy.

These policies will be reviewed bi-annually and updated on an as-needed basis. In the event there are proposed exceptions from the Debt Policy when a certain bond issue is structured, those exceptions will be discussed in the applicable staff reports when the bond issue is docketed for UG Commission consideration. Any exception will also be stated in the financing resolution or ordinance to be approved by Commission for the corresponding bond offering.

VII.VI. Metrics:

To be developed and managed accordingly.

VIII.VII. Definitions and Acronyms:

Arbitrage - With respect to municipal bonds, arbitrage is the profit made from investing the proceeds of tax- exempt bonds in higher-yielding securities.

Backloading - Debt repayment is scheduled towards the back-end.

Broker-Dealer/ Underwriter - An investment banking firm which, singly or as a member of an underwriting group or syndicate, agrees to purchase a new issue of bonds from an issuer for resale and distribution to investors. The broker-dealer/underwriter acquires the bonds either by negotiation with the issuer or by award on the basis of competitive sale.

Community Improvement District (CID) - Under Kansas Statute KSA 12-6a29 cities may create districts that help to fund community improvement. The Unified Government has done so through Community Improvement Districts (CID). A CID is an area within which businesses pay an additional sales tax (typically 1% or less) or a special assessment that fund improvements within that district.

Conduit Financing - A financing in which the proceeds of the issue are loaned to a nongovernmental borrower who then applies the proceeds for a project financing or, if permitted by federal tax law for a qualified 501(c)(3) bond, for working capital purposes.

Continuing Disclosure - The ongoing disclosure provided by an issuer or obligated person pursuant to an undertaking entered into to allow the broker-dealer/underwriter to comply with SEC Rule 15c2-12.

Debt Service - The total interest, principal and mandatory sinking fund payments due at any one time.

Debt Service Reserve Fund - An account from which monies may be drawn to pay debt service on an issue of bonds if pledged revenues and other amounts available to pay debt service are insufficient. The size of the debt service reserve fund and investment of monies in the fund/account are subject to restrictions contained in Federal Tax law for tax-exempt bonds.

Electronic Municipal Market Access (EMMA) System - The EMMA system created by the MSRB is a comprehensive, centralized online source for market transparency data, educational material about the municipal securities market, and free access to municipal disclosures. Effective July 1, 2009, EMMA became the single, official repository for continuing disclosure documents as a result of changes mandated by the SEC in December 2008.

Escrow Agent - With respect to an advance refunding, the commercial bank or trust company retained to hold the investments purchased with the proceeds of the refunding and, customarily, to use the amounts received as payments on such investments to pay debt service on the refunded bonds.

Generally Accepted Accounting Principles (GAAP) - A widely accepted set of rules, conventions, standards and procedures for reporting financial information, as established by the Financial Accounting Standards Board.

Government Accounting Standards Board (GASB) - A standard-setting body, associated with the Financial Accounting Foundation, which prescribes standard accounting practices for governmental units.

Municipal Standards Rulemaking Board (MSRB) - An independent self-regulatory organization established by the Securities Acts Amendments of 1975, which is charged with primary rulemaking authority over dealers, dealer banks, and brokers in municipal securities.

Nationally Recognized Municipal Securities Information Repository (NRMSIR) - NRMSIR is an acronym for Nationally Recognized Municipal Securities Information Repository. NRMSIRs are the repositories for all annual reports and event notices filed under SEC Rule 15c2-12.

Public Building Commission (PBC) - The PBC is a municipal corporation duly created in accordance with the Act. The PBC is organized and operated under the Act for the benefit of the Unified Government and its residents, including the planning, development, construction, furnishing and equipping of public buildings for the benefit and use of governmental agencies. The PBC is governed by a five-member board, consisting of the Mayor/CEO of the Unified Government, the Unified Government Commissioner who serves a chairperson of the Economic Development and Finance Standing Committee, the County Administrator, the Chief Financial Officer of the Unified Government and the Chief Counsel of the Unified Government.

Sales Tax and Revenue Bonds (STAR Bonds) - Sales Tax Revenue (STAR) Bonds allow the Unified Government to issue bonds to finance certain authorized expenditures (primarily land acquisition and infrastructure) for the development of major commercial, entertainment and tourism areas and use the sales and transient guest tax revenues generated by the development towards debt service. The issuance of STAR Bonds requires approval by the Kansas Department of Commerce and represents a partnership with the State, as both local and state revenues may be pledged for the development project.

SEC Rule 15c2-12 - A rule promulgated by the SEC under the Securities Exchange Act of 1934 concerning disclosure and continuing disclosure requirements for municipal securities.

Securities and Exchange Commission (SEC) - A federal agency which oversees and regulates stock, bond, and other financial markets.

Special Tax - A financial charge that is calculated via some type of special tax formula (or Rate and Method of Apportionment) and is levied annually on property for a defined period of years.

State and Local Government Series (SLGS) - SLGS is an acronym (pronounced “slugs”) for a type of U.S. Treasury obligation, the complete name of which is United States Treasury Securities – State and Local Government Series. SLGS are special United States Government securities sold by the Treasury to states, municipalities and other local government bodies through individual subscription agreements. The interest rates and maturities of SLGS are arranged to comply with arbitrage restrictions imposed under Section 103 of the Internal Revenue Code. SLGS are most commonly used for deposit in escrow in connection with the issuance of refunding bonds.

Tax Increment Financing (TIF) - A Tax Increment Financing (TIF) District allows the Unified Government to work with private developers to authorize redevelopment projects in blighted areas in accordance with State statutory requirements as set forth in K.S.A 12-1770a. TIF financing allows for a development project to access the incremental property and/or sales tax revenues generated by the project. TIF Districts may exist for up to twenty (20) years per project. In accordance with Kansas Laws, these funds may only be used for TIF-eligible expenses, which include but are not limited to: Land Acquisition & Relocation (of families), Public Improvements (curb, sidewalks, streets, lighting), Site Preparation (demolition), Utilities, and Sanitary and Storm Sewers.

Transportation Development District (TDD) - A Transportation Development District (TDD) is a special taxing district whereby a petitioner of 100% of the landowners in an area request either the levy of special assessments or the imposition of a sales tax of up to 1% on goods and services sold within a given area. Upon creation of a TDD by a municipality, the revenue generated by TDD special assessments or sales tax under Kansas law may pay the costs of transportation infrastructure improvements in and around the new development.

True Interest Cost (TIC) - A method of calculating bids for new issues of municipal securities that takes into consideration certain costs of issuance and the time value of money.

Underwriter Syndicate - A group of underwriters formed to purchase (underwrite) a new issue of municipal securities from the issuer and offer it for resale to the general public. The syndicate is organized for the purpose of sharing the risks of underwriting the issue, obtaining sufficient capital to purchase an issue and for broader distribution of the issue to the investing public. One of the underwriting firms will be designated as the syndicate manager or lead manager to administer the operations of the syndicate.

Verification Agent - A certified public accountant who verifies that sufficient funds are deposited into an escrow to implement the objectives of the refunding or financing plan.

IX.VIII. Related Documents and References:

- A. Tax-Exempt Financing Compliance Policy and Procedure
- B. Securities and Continuing Disclosure Matters Compliance Procedure
- C. Capital Asset and Equipment Investment and Management Policy
- D. Local Economic Development Policy
- E. Tax Abatement Policy
- F. Long-Term Financial Planning Policy
- G. County Administrator policies as applicable



Staff Request for Commission Action

Tracking No. 19634

Full Commission Meeting Date: 3/28/19

Committee: Public Works & Safety

Date of Standing Committee Action: 3/18/19

(If none, please explain):

Publication Required: No

<u>Date:</u> 3/21/2019	<u>Contact Name:</u> Jane Wilson	<u>Contact Phone:</u> x5069	<u>Contact Email:</u> jwilson@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> This is a resolution that allows the County Administrator to enter into contracts pursuant to KSA 12-2908 with other Kansas county jails as needed for the temporary housing of Wyandotte County inmates, as a result of a continued increase in jail inmate population in Wyandotte County. This resolution would permit the County Administrator to enter into any such agreement, provided that the contract for inmate housing substantially complies with form agreement provided hereto as an attachment.				
<u>Action Requested:</u> To adopt the resolution.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Farmout resolution, Farmout form contract- Attachment				

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE UNIFIED GOVERNMENT TO ENTER INTO
INMATE HOUSING AGREEMENTS WITH MIAMI, JACKSON, ANDREW,
LEAVENWORTH AND BUTLER COUNTY.**

WHEREAS, K.S.A. 12-2908 authorizes municipalities to contract with other municipalities to perform any governmental service, activity or undertaking which each contracting municipality is authorized to perform by law; and

WHEREAS, K.S.A. 19-811 provides that the Sheriff shall have the charge and custody of the jail of his county, and all the prisoners in the same; and

WHEREAS, the Wyandotte County jail has a fluctuating need to house inmates in jails of other counties within Kansas due largely to growing inmate population; and

WHEREAS, many of the county jails within the state of Kansas have and will agree to house Wyandotte County jail inmates within their facilities, for a limited time, in exchange for a reasonable daily fee to be charged per inmate; and

WHEREAS, Wyandotte County jail inmate population is continually growing, resulting in a need for Wyandotte County to temporarily house its inmates at other county jails within the State of Kansas; and

WHEREAS, due to minimal extra capacity that other county jails in the State of Kansas have available for housing Wyandotte County inmates, there are several counties within Kansas that Wyandotte County would need to contract with for the temporary housing of Wyandotte County inmates. These counties include Miami, Jackson, Andrew, Leavenworth and Butler. Rather than present each separate inmate housing agreement before the Commission for approval as needed, the Commission desires to grant the County Administrator the ability to enter into and execute an agreement on behalf of the Board of Commissioners with any of the Kansas counties listed herein, as needed, in order to control the inmate population within the Wyandotte County jail.

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

1. The County Administrator is hereby authorized and directed to enter into and execute in the name of the Unified Government of Wyandotte County/Kansas City, Kansas an agreement with any of the above-listed Kansas counties pursuant to K.S.A. 12-2908 for the temporary housing of Wyandotte County jail inmates as needed, provided however, that

the terms and conditions of any such agreement substantially comply with those in the attached Form Agreement and provided further that no terms of the agreement contradict any of the terms or conditions set forth in the attached Form Agreement.

2. The County Administrator and his designees are hereby authorized to take any action required and execute any instruments necessary to implement and satisfy the intent of this Resolution.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS ____ DAY OF MARCH, 2019.

ATTEST:

Unified Government Clerk

**AGREEMENT BETWEEN XXXX COUNTY, KANSAS AND
WYANDOTTE COUNTY, KANSAS FOR THE HOUSING OF INMATES
IN THE XXXX COUNTY ADULT DETENTION CENTER**

THIS AGREEMENT, made and entered into this _____ day of _____, 2019, by and between the Board of County Commissioners of XXXX County, Kansas, hereinafter referred to as “XXXX County”, on behalf of the Sheriff of XXXX County, Kansas and the Board of County Commissioners of Wyandotte County, Kansas, hereinafter referred to as “Wyandotte County”, for the Sheriff of Wyandotte County, Kansas, each party having been duly organized and now existing under the laws of the State of Kansas.

WITNESSETH:

WHEREAS, each Sheriff is authorized by law to have charge and custody of the County jail and all the prisoners or inmates therein; and

WHEREAS, in the event of overcrowding in the Wyandotte County jail, the Sheriff of Wyandotte County may wish to transfer one or more inmates to the XXXX County Adult Detention Center as a place of confinement for the incarceration of one or more inmates lawfully committed to his custody; and

WHEREAS, the Sheriff of XXXX County is desirous of accepting and keeping in his custody such inmate(s) in the XXXX County Adult Detention Center for a rate of compensation mutually agreed upon by the parties hereto; and

WHEREAS, K.S.A. 12-2908, as amended, authorizes any county to contract with any other county to perform governmental services, activities or undertakings which each contracting county is authorized by law to perform; and

WHEREAS, the governing bodies of each of the parties hereto have determined to enter into this Agreement as authorized and provided for by K.S.A. 12-2908, as amended.

NOW THEREFORE, in consideration of the above and foregoing recitals, the payments to be made, the mutual promises and covenants herein contained, and for other good and valuable consideration, the parties agree as follows:

1. GOVERNING LAW

The parties hereto agree that, except when expressly otherwise provided, the laws and administrative rules and regulations of the State of Kansas shall govern in any matter relating to an inmate confined pursuant to this Agreement.

2. DURATION

This Agreement shall enter into full force and effect from the date hereof and end December 31, 2019, subject to earlier termination as provided by Section 3 herein. This Agreement may be renewed for like successive periods by written addendum by the parties hereto under such terms and conditions as the parties may determine. Nothing in this Agreement shall be construed such as to require Wyandotte County to have inmates housed in the XXXX County Adult Detention Center continuously or at all.

3. TERMINATION

This Agreement may be terminated by written notice of either party, provided that such termination shall become effective ten (10) working days after receipt of such notice. Within said ten (10) days, Wyandotte County will remove its inmates from the XXXX County Adult Detention Center.

4. MAILING ADDRESSES

All notices, reports, and correspondence to the respective parties of this Agreement shall be sent to the following:

XXXX County:

Contact Person:

Wyandotte County: Wyandotte County Sheriff
Criminal Justice Complex
710 N 7th Street, Ste. 20
Kansas City, Kansas 66101-3093
(913) 573-2861

Contact Person: Sheriff Donald Ash
Wyandotte County Jail Administrator Jeff Fewell

5. COMPENSATION

XXXX County agrees to accept and house Wyandotte County inmates for compensation at the rate of _____ Dollars (\$_.00) per day per inmate. A day shall be defined as any 24-hour consecutive period or any part of a day exceeding a four (4) hour period.

6. FURLOUGHS AND PASSES

XXXX County agrees that no furloughs or passes shall be granted to any inmate(s) housed by XXXX County on behalf of Wyandotte County pursuant to this Agreement without written authorization by the Wyandotte County Sheriff.

7. INMATE ACCOUNTS

XXXX County shall establish and maintain an account for each inmate received from Wyandotte County and shall credit to such account all money which is received from the inmate or from Wyandotte County on behalf of the inmate, and shall make disbursements debiting such account for expenditures for the inmate's personal needs. At the termination of this Agreement, the inmate's death, release from confinement or return to either Wyandotte County or indefinite release to the Court, the inmate's money shall be transferred to the inmate's account in care of Wyandotte County or to the inmate if the inmate is released directly from the XXXX County jail.

8. RESPONSIBILITY FOR INMATE CUSTODY

It shall be the responsibility of XXXX County to confine the inmate(s); to provide treatment, including the furnishing of substances and all necessary medical and hospital services and supplies; to provide for their physical needs; to make available to them programs of training and treatment which are consistent

with their individual needs, to retain them in said custody; to supervise them; to provide conditions of confinement and treatment in compliance with all constitutionally protected rights of prisoners, to maintain proper discipline and control; to make certain that they receive no special privileges and that the sentence and orders of the committing court are faithfully executed, provided that nothing herein shall be construed to require XXXX County, or any of its agents to provide treatment, facilities, or programs for any inmate(s) confined pursuant to this Agreement which it does not provide for similar inmates not confined pursuant to this Agreement.

9. MEDICAL SERVICES

(a) The Sheriff of XXXX County shall provide inmates from Wyandotte County with medical and dental treatment consistent with constitutionally protected rights of confined persons, the financial burden of which shall be borne by Wyandotte County; provided, that XXXX County shall make every reasonable effort to advise and consult with Wyandotte County prior to the rendering of such medical and dental services.

(b) An adequate record of all such services will be kept by XXXX County for Wyandotte County to review at its request. Any medical or dental services of major consequence shall be reported to Wyandotte County as soon as time permits, for further consideration, which may be beneficial to both parties.

(c) Should medical or dental services require hospitalization, Wyandotte County agrees to compensate XXXX County dollar for dollar any amount expended or cost incurred in providing the same; provided that nothing herein shall preclude Wyandotte County from retaking the ill or injured inmate(s) and seeking the necessary medical attention.

10. DISCIPLINE

XXXX County shall have physical control over and power to execute disciplinary authority over all inmates from Wyandotte County, but nothing contained herein shall be construed to authorize or permit the imposition of any type of discipline prohibited by the laws of the State of Kansas or the procedural and substantive due process rights guaranteed by the Constitution of the United States.

11. RECORDS AND REPORTS

(a) Wyandotte County shall forward to XXXX County before or at the time of delivery of inmates: an admission classification, a report outlining each inmate's social background, medical, psychiatric, education and vocational findings and indications of any special consideration or treatment programs that have been recommended or prescribed.

(b) XXXX County shall keep all necessary and pertinent records concerning each inmate in the manner mutually agreed upon by the parties hereto. During the inmate's confinement in the XXXX County jail, Wyandotte County shall be entitled to receive, and upon request be furnished with, copies of any such report or record.

12. REMOVAL FROM THE JAIL

An inmate of Wyandotte County legally confined in XXXX County shall not be removed from there by any person without a written order from Wyandotte County. This paragraph shall not apply to an emergency necessitating the immediate removal of the inmate for medical, dental, psychiatric treatment or other catastrophic condition presenting an eminent danger to the safety of the inmate, or to the inmates or personnel of XXXX County. In the event of any removal for such an emergency cause, XXXX County shall inform Wyandotte County of the whereabouts of the inmate or inmates so removed, at the earliest practicable time, and shall exercise all reasonable care for the safe keeping and custody of such inmate or inmates.

13. ESCAPES

In the event any inmate shall escape from custody in XXXX County, said County will use all reasonable means to recapture the inmate. The escape shall be reported immediately to Wyandotte County. XXXX County shall have the primary responsibility for and authority to direct the pursuit and retaking of the inmate or inmates within its own territory. Any cost in connection therewith shall be chargeable and borne by XXXX County.

14. DEATH OF AN INMATE

(a) In the event of a death of an inmate from Wyandotte County, the Medical Examiner, Coroner or other officials having the duties of such an officer in XXXX County shall be notified. Wyandotte County shall receive copies of any records made at or in connection with such notification.

(b) XXXX County shall immediately notify Wyandotte County of the death of an inmate, furnish information as requested, and follow the instructions of Wyandotte County with regard to the disposition of the body. The body shall not be released except on written order of the appropriate officials of Wyandotte County. All expenses relative to any necessary preparation of the body and shipment or express charges shall be paid by Wyandotte County and XXXX County may arrange to have Wyandotte County take care of burial and all matters related to or incidental thereto, and all such expenses shall be paid by Wyandotte County. The provisions of this paragraph shall govern only the relations between or among the parties thereto and shall not affect the liability of any relative or other person for the disposition of the deceased or for any expenses connected therewith.

(c) Wyandotte County shall receive a certified copy of the death certificate for any of its inmates who have died while in XXXX County custody.

15. RETAKING OF INMATES

Wyandotte County will retake any inmate, upon request of XXXX County, within ten (10) days after receipt of such request to retake. In the event the confinement of any inmate in XXXX County's jail is terminated for any reason, Wyandotte County agrees to accept delivery of the inmate at XXXX County, and at its expense, and return such inmate to the jurisdiction of Wyandotte County.

16. PHOTOGRAPHING AND PUBLICITY

XXXX County shall not be authorized to release publicity concerning inmates from Wyandotte County. XXXX County shall not release personal history or photographs of such inmates or information concerning their arrival or departure or permit reporters or photographers to interview or photograph such inmates. Requests for information regarding Wyandotte County inmates shall be referred to Wyandotte County. However, information permitted by the Kansas Open Records Act, K.S.A. 45-221 et seq., the Criminal History Record Information Act, K.S.A. 22-4701 et seq. and all other applicable state and federal statutes and rules and regulations which is not otherwise privileged, may be disclosed or given directly to a requestor by XXXX County.

17. INDEMNIFICATION

XXXX County shall indemnify, defend and hold harmless Wyandotte County and its officers and employees from liability and any claims, suits, judgement and damages to the extent such claims, suits, judgments and damages arise as a result of XXXX County's acts and/or omissions in the performance of this Agreement. Nothing herein shall be contrasted to require XXXX County to defend or indemnify any party for any claims, lawsuits, damages, expenses, costs or losses arising from the actions or omissions of Wyandotte County, its officers, agents or employees or allegations regarding Wyandotte County's authority to enter into this Agreement. Neither shall anything herein be construed to required XXXX County to defend or indemnify any part of any claims, lawsuits, damages, expenses, costs or losses

arising with respect to any Habeas Corpus action or any other action challenging the validity of a conviction or sentence.

18. JAIL ADMINISTRATION AND MANAGEMENT

XXXX County and its Sheriff further represent and warrant that its jail facility and its administration and management of inmates substantially complies with all constitutionally guaranteed rights of confined prisoners and will continue to comply throughout the term of this Agreement and further agree to notify Wyandotte County of any material changes in the physical structure or procedures of the operation of the jail.

20. BILLING AND PAYMENT.

XXXX County agrees to provide Wyandotte County with an itemized invoice, listing all names of inmates who were housed, total number of days housed, the medical expenses (if any) for each inmate and the dollar amount for each. XXXX County agrees to send said invoice each month. Wyandotte County agrees to make payment to XXXX County within a 30-days after receipt of the invoice.

21. RIGHT TO REFUSE

(a) XXXX County shall have the right to refuse to accept any inmate(s) from Wyandotte County when, in the opinion of XXXX County, its inmate census is at capacity or so near capacity that there is substantial risk, through usual operation of the jail, the legal capacity limits of the jail might be reached or exceeded.

(b) XXXX County shall further have the right to refuse to accept any inmate(s) from Wyandotte County who, in judgment of XXXX County, has a history of serious medical problems or who presents a substantial risk of escape from jail or a substantial risk of injury to other persons or property.

22. TRANSPORTATION

Wyandotte County prisoners incarcerated in XXXX County pursuant to this Agreement shall be transported to XXXX County by and at the expense of Wyandotte County and shall be returned, if necessary, to Wyandotte County by Wyandotte County personnel and at Wyandotte County expense. XXXX County is not responsible for transportation of Wyandotte County prisoners under this Agreement and shall be reimbursed by Wyandotte County for any actual expenses incurred in transport of an inmate(s) if, in fact, transportation of an inmate(s) by XXXX County personnel becomes necessary.

21. MISCELLANEOUS

This Agreement contains the entire agreement of the parties hereto and all prior agreements, negotiations, and discussions are merged herein. This Agreement may not be modified except by a written modification signed by both parties hereto. Any determination by a Court that one term or provision of this Agreement is invalid or unenforceable shall not void or invalidate the entire agreement.

IN WITNESS WHEREOF, the above and foregoing Agreement has been executed in duplicate by the parties hereto and made effective on the day and year first above written.

BOARD OF COUNTY COMMISSIONERS
XXXX COUNTY, KANSAS

, Chairman

SHERIFF OF XXXX COUNTY

, Sheriff

ATTEST:

, XXXX County Clerk

APPROVED AS TO FORM:

, County Counselor

COUNTY ADMINISTRATOR
WYANDOTTE COUNTY, KANSAS

Doug Bach, Administrator

SHERIFF OF WYANDOTTE COUNTY

Donald Ash, Sheriff

ATTEST:

Bridgette Cobbins, Unified Clerk

APPROVED AS TO FORM:

Jane A. Wilson, Unified Government Assistant Counsel



Staff Request for Commission Action

Tracking No. 19637

Full Commission Meeting Date: 3/28/19

Committee: Public Works & Safety

Date of Standing Committee Action: 3/18/19

(If none, please explain):

Publication Required: No

<u>Date:</u> 3/21/2019	<u>Contact Name:</u> Terry Zeigler	<u>Contact Phone:</u> x6009	<u>Contact Email:</u> tzeigler@kckpd.org	<u>Department/Division:</u> Police Department
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Item Description:

The KCKPD and BSPD have determined that to promote the health, safety, and welfare of the visitors and residents of Kansas City, Kansas, Bonner Springs, Kansas, and Wyandotte County, Kansas the police departments would create a jurisdictional agreement pursuant to K.S.A. 22-2401a which authorizes the Bonner Springs Police Department to conduct traffic enforcement and in limited circumstances other law enforcement activities during the time period prior to, during, and after events at the Renaissance Festival and Amphitheatre on the streets coterminous and adjacent to those locations in Kansas City, Kansas.

Action Requested:

To adopt the resolution.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution KCKPD-BSPD Jurisdictional Agreement, Interagency Agreement BSPD-KCKPD Final

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE APPROVAL OF THE AGREEMENT BETWEEN THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS POLICE DEPARTMENT AND THE CITY OF BONNER SPRINGS POLICE DEPARTMENT

WHEREAS, the Kansas City, Kansas Police Department (“KCKPD”) and the Bonner Springs Police Department (“BSPD”) have determined to create an agreement as necessary to enhance the law enforcement efforts of both agencies, protect the health, safety and welfare of visitors and residents of Kansas City, Kansas and Wyandotte County and establish guidelines consistent with the jurisdictional requirements found within K.S.A. 22-2401a; and

WHEREAS, K.S.A. 22-2401a authorizes the parties hereto to enter into cooperative jurisdictional agreements; and

WHEREAS, the Governing Bodies of each of the Parties hereto have determined to enter into this Agreement, as authorized and provided by K.S.A. 22-2401and;

WHEREAS, the parties have reached and prepared an Agreement which has been approved and executed by the Mayor/CEO of the City of Bonner Springs.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS: That the Mayor/CEO of the Unified Government of Wyandotte County/ Kansas City, Kansas is hereby authorized to execute said Agreement on behalf of the Unified Government, and the County Administrator is hereby authorized to take any action required and necessary to implement and satisfy the intent of said Agreement.

THIS RESOLUTION IS ADOPTED 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/CEO

ATTEST

Unified Government Clerk

Approved As To Form:

Casey Meyer, Assistant Counsel

AGREEMENT

This agreement entered into by and between the City of Bonner Springs, Kansas, a municipality formed and existing under the laws of the State of Kansas, and the Unified Government of Wyandotte County/Kansas City, Kansas, a municipality formed and existing under the law of the State of Kansas.

WITNESSETH:

WHEREAS, the principle law enforcement agency in the City of Kansas City, Kansas, is the Kansas City, Kansas Police Department (KCKPD); and

WHEREAS, the principle law enforcement agency in the City of Bonner Springs, Kansas, is the Bonner Springs Police Department (BSPD); and

WHEREAS, pursuant to K.S.A. 22-2401a (2017 Supp.), the BSPD employs a unit of commissioned law enforcement officers, who exercise such authority and jurisdiction as granted by the laws of the State of Kansas; and

WHEREAS, pursuant to K.S.A. 22-2401a (2017 Supp.), the KCKPD employs a unit of commissioned law enforcement officers, who exercise such authority and jurisdiction as granted by the laws of the State of Kansas; and

WHEREAS, in addition to and without limitation upon the other statutory grounds for BSPD officers to exercise the power and authority of law enforcement officer, K.S.A. 22-2401a (2017 Supp.) authorizes BSPD officers to exercise the powers of law enforcement officers within the City of Kansas City when a request for assistance has been made by KCKPD, as specifically provided in K.S.A. 22-2401a(6) (2017 Supp.); and

WHEREAS, in addition to and without limitation upon the other statutory grounds for KCKPD officers to exercise the power and authority of law enforcement officers, K.S.A. 22-2401a (2017 Supp.) authorizes KCKPD officers to exercise the powers of law enforcement officers on the property owned or under control of the City of Bonner Springs when a request for assistance has been made by BSPD, as specifically provided in the K.S.A. 22-2401a(2)(b) (2017 Supp.);

NOW THEREFORE, in consideration of the exchange of promises, agreements and covenants set forth herein, it is hereby agreed by the parties that:

1. The term of this agreement shall commence on the date that it has been approved by the governing body of the City of Bonner Springs and the Unified Government Board of Commissioners, and thereafter shall automatically renew annually unless terminated by either party in accordance with this agreement.

2. This agreement may be terminated at any time by providing thirty (30) days advance written notice to the following persons:

For the City of Bonner Springs:

Chief William "Billy" Naff
Bonner Springs, Kansas Police Department
13001 Metropolitan Avenue
Bonner Springs, KS 66012

with a copy to:

City Clerk of the City of Bonner Springs
205 E 2nd Street
Bonner Springs, Kansas 66012

and for Kansas City:

Chief Terry Zeigler
Kansas City, Kansas Police Department
700 Minnesota Ave.
Kansas City, KS 66101

with a copy to:

Unified Government Legal Department
Police Department Legal Advisor
701 N. 7th St., Ste. 961
Kansas City, Kansas 66101

3. The geographical scope of this agreement shall be all property within: a) The city limits of the City of Kansas City, Kansas which is immediately adjacent to the Providence Amphitheatre and Kansas City Renaissance Festival event venues, including the roadways adjacent to those facilities during the period of time immediately prior to, during, and immediately following events at those venues; and b) The city limits of the City of Bonner Springs, Kansas which is immediately adjacent to the Providence Amphitheatre and Kansas City Renaissance Festival event venues, including the roadways adjacent to those facilities during the period of time immediately prior to, during, and immediately following events at those venues;.
4. The parties hereby agree that at any place within the limits of the City of Kansas City, Kansas as described in paragraph 3 above, whenever a BSPD officer acting within the scope of his or her official duties as a BSPD officer reasonably believes it is necessary

to protect the health, safety and/or welfare of patrons, and persons using the roadways immediately adjacent to those facilities, of the Providence Amphitheatre and/or Kansas City Renaissance Festival, such BSPD officer is hereby authorized to exercise any and all power and authority of a law enforcement officer as may lawfully be exercised by a KCKPD officer within the City of Kansas City. If a BSPD officer exercises this power to arrest or detain a suspect, BSPD shall complete all reports and records required by applicable law, and when such action occurs outside the traditional jurisdiction of the BSPD, namely the jurisdictional boundary of the City of Bonner Springs, BSPD shall forward all copies of the relevant reports, records and the like to the KCKPD.

5. The parties hereby agree that if a BSPD officer is within the city limits of the City of Kansas City, as described in paragraph 3 above but not within his or her normal jurisdiction as defined by statute, and has probable cause to believe a criminal act is occurring within the city limits of the City of Kansas City, the officer shall immediately notify the KCKPD, absent exigent circumstances, and shall assist the KCKPD if so requested. If exigent circumstances exist, this provision of this agreement shall be deemed a request by KCKPD for the BSPD officer to assist KCKPD by exercising any and all power and authority as may lawfully be exercised by a KCKPD officer, until such time as KCKPD is able to respond to the situation and determine which police department should continue to handle the situation; provided that, the BSPD officer shall notify the KCKPD as soon as is practicable under the circumstances.
6. BSPD agrees that its officers shall transport and secure all persons arrested or detained by BSPD officers, within the territorial limits of the City of Kansas City, Kansas, pursuant to this agreement or otherwise, to the Wyandotte County Detention Center, JO-JIAC, Juvenile Detention Center, or other appropriate facility.
7. The parties hereby agree that at any place within the limits of the City of Bonner Springs, Kansas as described in paragraph 3 above, whenever a KCKPD officer acting within the scope of his or her official duties as a KCKPD officer reasonably believes it is necessary to protect the health, safety and/or welfare of patrons, and persons using the roadways immediately adjacent to those facilities, of the Providence Amphitheatre and/or Kansas City Renaissance Festival, such KCKPD officer is hereby authorized to exercise any and all power and authority of a law enforcement officer as may lawfully be exercised by a BSPD officer within the City of Bonner Springs. If a KCKPD officer exercises this power to arrest or detain a suspect, KCKPD shall complete all reports and records required by applicable law, and when such action occurs outside the traditional jurisdiction of the KCKPD, namely the jurisdictional

boundary of the City of Kansas City, KCKPD shall forward all copies of the relevant reports, records and the like to the BSPD.

8. The parties hereby agree that if a KCKPD officer is within the city limits of the City of Bonner Springs, as described in paragraph 3 above, but not within his or her normal jurisdiction as defined by statute, and has probable cause to believe a criminal act is occurring within the city limits of the City of Bonner Springs, the officer shall immediately notify the BSPD, absent exigent circumstances, and shall assist the BSPD if so requested. If exigent circumstances exist, this provision of this agreement shall be deemed a request by BSPD for the KCKPD officer to assist BSPD by exercising any and all power and authority as may lawfully be exercised by a BSPD officer, until such time as BSPD is able to respond to the situation and determine which police department should continue to handle the situation; provided that, the KCKPD officer shall notify the BSPD as soon as is practicable under the circumstances.
9. KCKPD agrees that its officers shall transport and secure all persons arrested or detained by KCKPD officers, within the territorial limits of the City of Bonner Springs, Kansas, pursuant to this agreement or otherwise, to the Wyandotte County Detention Center, JO-JIAC, Juvenile Detention Center, or other appropriate facility.
10. Nothing contained herein shall be deemed to be a limitation upon or restriction of any power or authority to act as a law enforcement officer granted to BSPD officers or KCKPD officers by any statute or other provision of law. This agreement is intended to extend the jurisdiction of BSPD and KCKPD as provided by law, and is in no way intended to limit any authority or power granted under K.S.A. 22-2401a (2017 Supp.) or any other provision of law.
11. Nothing in this agreement shall be construed as authorizing a KCKPD officer to violate the rules, regulations, policies, orders or directions of KCKPD or the City of Kansas City, Kansas. Nothing in this agreement shall be construed as authorizing a BSPD officer to violate the rules, regulations, policies, orders or directions of BSPD, or the City of Bonner Springs, Kansas.
12. The parties hereto specifically agree that BSPD officers who may exercise law enforcement authority as contemplated herein are not and will not become employees or agents of the Unified Government, and nothing in this agreement shall be construed to create any relationship between the parties or their respective employees other than that of independent governmental entities cooperating with one another solely for the purposes of addressing the public policy concerns discussed herein and addressed in K.S.A. 22-2401a (2017 Supp.), and carrying out the terms of this agreement.

13. The parties hereto specifically agree that at KCKPD officers who may exercise law enforcement authority as contemplated herein are not and will not become employees or agents of the City of Bonner Springs, and nothing in this agreement shall be construed to create any relationship between the parties or their respective employees other than that of independent governmental entities cooperating with one another solely for the purposes of addressing the public policy concerns discussed herein and addressed in K.S.A. 22-2401a (2017 Supp.), and carrying out the terms of this agreement.
14. The parties hereto specifically agree and fully acknowledge that any and all BSPD officers who exercise authority or act as contemplated by this agreement will at all times be acting in the course and scope of their employment with the City of Bonner Springs and that any and all KCKPD officers who exercise authority or act as contemplated by this agreement will at all times be acting in the course and scope of their employment with the Unified Government.
15. If any provision of this agreement is found by a court of competent jurisdiction to be unenforceable, the other provisions of this agreement shall remain in full force and effect.
16. This agreement may not be amended or modified except by another written instrument signed by the party or parties to be bound thereby.
17. Each of the undersigned persons represents and warrants that he or she is authorized to execute this agreement on behalf of the respective party, and that he or she has the full power and authority to bind such party to each and every provision of this agreement.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by their duly authorized representative on the dates herein subscribed.

City of Bonner Springs, Kansas Police Department
"BSPD"

By: _____

Date: _____

By: _____

Approved as to form:

Date: _____

Legal Counsel
City of Bonner Springs, Kansas

Mayor
City of Bonner Springs

Date: _____
Unified Government of Wyandotte County/Kansas City, Kansas
"KCKPD"

Approved as to form:

By: _____
Unified Government of Wyandotte County/Kansas City, Kansas

Legal Counsel
Unified Government of
Wyandotte Count/Kansas City, Kansas

Date: _____



Staff Request for Commission Action

Tracking No. 19636

Full Commission Meeting Date: 3/28/19

Committee: Public Works & Safety

Date of Standing Committee Action: 3/18/19
--

(If none, please explain):

Publication Required: No

<u>Date:</u> 3/21/2019	<u>Contact Name:</u> Melissa Sieben	<u>Contact Phone:</u> x5017	<u>Contact Email:</u> msieben@wycokck.org	<u>Department/Division:</u> Public Works
<u>Item Description:</u> Staff will present the proposed Adopt-A-Spot program in Wyandotte County/Kansas City, Kansas. Discussion will include program purpose, goals, and adoptable locations.				
<u>Action Requested:</u>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Adopt-A-Spot PowerPoint				

ADOPT-
A-SPOT
WYCO



WHAT'S ADOPTABLE?

PARKS

34 Parks

STREETS

15 Streets

LAND BANK

66 Spots



WHO CAN ADOPT?

ANYONE

Anyone can Adopt-A-Spot,
but there's a catch . . .



HOW DOES IT WORK?

PICK-A-SPOT

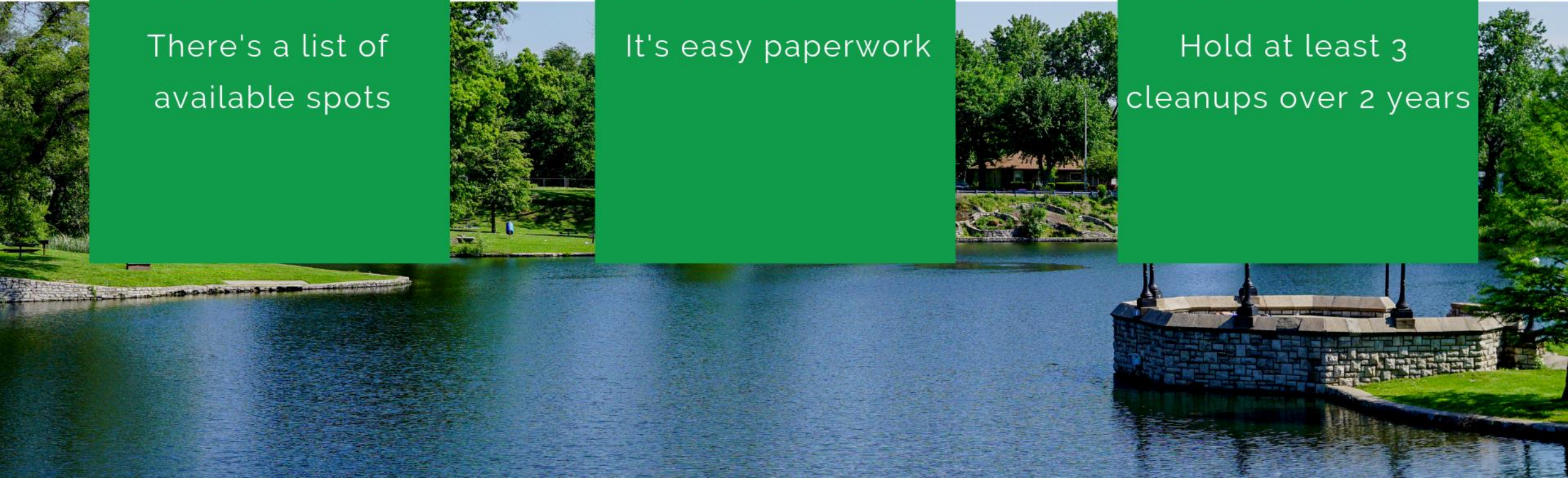
There's a list of
available spots

DO PAPERWORK

It's easy paperwork

GET STARTED

Hold at least 3
cleanups over 2 years





QUICK FACTS

WHAT'S INVOLVED?

- Anyone can be a sponsor
- Sponsors must choose an available location
- First-come, first-served
- No one under the age of 14 may participate in cleanups on adopted streets
- Must perform at least 3 cleanups during a two-year period

WHAT YOU GET

- Public Works provides safety equipment and trash bags
- Public Works will remove full trash bags from the site after a cleanup
- Sponsors get an on-site Adopt-A-Spot sign with their organization/business name printed on it



Make WyCo an even better place to
live, work, and play by adopting a spot!



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

REGULAR SESSION
THURSDAY, FEBRUARY 14, 2019

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, February 14, 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 (via phone); Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; and Alvey, Mayor/CEO, presiding. Philbrook, Commissioner Eighth District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell and Melissa Sieben, Assistant County Administrators; Emerick Cross, Commission Liaison; Patrick Waters, Senior Attorney; Daniel Kuhn, Assistant Counsel; Alan Howze, Knowledge Director; Misty Brown, Deputy Chief Counsel; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Lynn Melton, Assistant to the Mayor; Chris Slaughter, Land Bank Manager; and Captain Ronald Schumaker, Sergeant-at-Arms.

Mayor Alvey called the meeting to order.

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

Mayor Alvey said before we begin, for those who may not know, Commissioner Butch Ellison, who served as a Commissioner from May 2001 through April 2013, recently passed away. Commissioner Ellison not only served the Unified Government, but he also served as an educator for USD 500 for his entire career. Before we pray, we'll stand and have a moment of silence in honor of Commissioner Butch Ellison, and then we will follow with the invocation and the Pledge of Allegiance.

INVOCATION was given by Commissioner Johnson.

Mayor Alvey said I'll ask the Clerk if there are any revisions to tonight's agenda. **Bridgette**

Cobbins, UG Clerk, said there are no revisions.

MAYOR'S AGENDA

No items

CONSENT AGENDA

Mayor Alvey asked does any member of the Commission or anyone in attendance tonight wish to set-aside any item on tonight's Consent Agenda. You would need to step forward at this time, state your name and city of residency for the record, and ask that that item be set-aside. If that item is not set-aside, all items on the Consent Agenda will be voted on with one vote.

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

Item No. 1 – 185...REPORT: 2018 COMMISSION TRAVEL AND COMMUNITY EVENT EXPENDITURES

Synopsis: 2018 Commission Travel and Community Event Expenditures Report, submitted by Tom Wiss, Legislative Auditor.

Action: **For information only.**

Item No. 2 – 1957...ORDINANCES: ELECTRIC-ASSISTED SCOOTERS AND SHARED SMALL VEHICLE PROGRAMS

Synopsis: Two ordinances 1) authorizing the use of electric-assisted scooters and shared small vehicle programs within KCK, and 2) providing for definitions of the same, submitted by Patrick Waters, Senior Attorney.

Action: **ORDINANCE NO. O-2-19, "An ordinance authorizing the use of electric-assisted**

scooters and other shared vehicle programs; amending Sections 35-686, 35-687, 35-689 to 35-694, 35-697 and 35-698 to Chapter 35, Article XIV, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

Action: **ORDINANCE NO. O-3-19**, “An ordinance adding definitions of ‘electric-assisted scooters,’ ‘shared electric-assisted bicycles,’ ‘shared electric-assisted scooters,’ and ‘shared small vehicle program;’ amending Section 35-1 to Chapter 35, Article XIV, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

Item No. 3 – 1956...ORDINANCE: PROGRESSIVE DESIGN BUILD PROCUREMENT

Synopsis: An ordinance adding Progressive Design Build to the procurement code to enable the use of the progressive design build alternative delivery method for city construction projects, submitted by Susan Alig, Assistant Counsel.

Action: **ORDINANCE NO. O-4-19**, “An ordinance relating to alternative project delivery methods for the design and construction of buildings and other structures; amending original Sections 29-1, 29-152, 29-312(a), 29-313; creating new Section 29-316.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Murguia, Johnson Kane, Markley, Walters, Bynum, Burroughs, Townsend.

Item No. 4 – 186...RESOLUTION: BPU INSTALLATION OF DUCTILE IRON PIPE AND

APPURTENANCE

Synopsis: A resolution declaring the necessity and authorizing a survey and description of land for the Board of Public Utilities' installation of ductile iron pipe and appurtenances at 89th & Parallel Parkway to I-435 & France Family Drive, submitted by Susan Alig, Assistant Counsel.

Action: **RESOLUTION NO. R-7-19**, “A resolution declaring the necessity and authorization authorizing a survey and descriptions of lands necessary to be condemned for the construction, maintenance, operation, use and repair of the Board of Public Utilities’ Installation of Ductile Iron Pipe and Appurtenance, 89th and Parallel Parkway to I-435 and France Family Drive, all in Wyandotte County, Kansas. **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

Item No. 5 – 1958...RESOLUTION: CONTRACT AMENDMENT WITH WASTE MANAGEMENT

Synopsis: A resolution authorizing the County Administrator to negotiate a contract amendment with Waste Management to address how the number of residential units are calculated, penalties for missed pickups, and other matters pertaining to the contract, submitted by Misty Brown, Deputy Chief Counsel.

Action: **RESOLUTION NO. R-8-19**, “A resolution authorizing the County Administrator to negotiate a contract amendment with Waste Management to address matters pertaining to residential solid waste collection and disposal pertaining to how the number of residential units are calculated, how customer complaints are tracked, how penalties are assessed for missed trash pickups, and other matters pertaining to the contract.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

Item No. 6 – 19563...ORDINANCE: AMENDMENTS CODIFYING WEED/ MOWING VIOLATIONS

Synopsis: Amendments codifying the Unified Government’s ability to send a one-time yearly written notification to people that have received a weed/mowing violation in the previous twelve months, allowing abatement and assessment of any resulting costs without prior notice, submitted by Greg Talkin, Neighborhood Resource Director.

Action: **ORDINANCE NO. O-5-19**, “An ordinance authorizing a one-time yearly written notification to people that have received a weed/mowing violation in the previous twelve months, allowing abatement and assessment of any resulting costs without prior notice, increases the potential penalty for repeated violations to a maximum fine of \$1,500; relating to Chapter 8, Article XII-Weeds and Vegetation, amending Sections 8-534, 8-539 and 8-547 and repealing Section 8-548.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

Item No. 7 - MINUTES

Synopsis: Minutes from regular session of January 10, 2019, and special session of January 17, 2019.

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

Item No. 8 - WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated January 31 and February 7, 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,” McKiernan, Murguia, Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend.

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES' AGENDA

No items

ADMINISTRATOR'S AGENDA

Item No. 1 – 18203...ADMINISTRATOR'S UPDATE

Synopsis: Administrator's update, submitted by Doug Bach, County Administrator.

Mayor Alvey said the Administrator's update was presented at the 5:00 special session. Anyone who would like to access that, please go to the website or YouTube and you'll be able to access the Administrator's update.

Doug Bach, County Administrator, said all was delivered at that point. It's also a record as part of the minutes with the Clerk's Office so someone can receive a written transcript of that as well.

Action: Item was previously heard at the 5:00 p.m. special session.

COMMISSIONERS' AGENDA

No items

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

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

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

Item No. 1 – 19560...LAND BANK BUSINESS

Synopsis: Request approval of the following applications, submitted by Chris Slaughter, Land Bank Manager. The Land Bank Advisory Board recommended approval.

Applications

813 Minnesota Ave. – Casa Aleman, LLC, new construction

1522 Pacific Ave. – Emma Pacheco, property acquisition

1524 Pacific Ave. – Emma Pacheco, property acquisition

Donations to Land Bank (vacant lots)

1640 S. Valley – Michael N. Jenkins

1643 S. 13th – Michael N. Jenkins

1645 S. 13th – Michael N. Jenkins

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

PUBLIC ANNOUNCEMENTS

No items

**MAYOR ALVEY
ADJOURNED THE MEETING AT 7:06 P.M.
February 14, 2019**

Bridgette D. Cobbins

February 14, 2019

Unified Government Clerk

ade

February 14, 2019

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

**PLANNING & ZONING AND
REGULAR SESSION
FEBRUARY 28, 2019**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, February 28, 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; 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; Gordon Criswell and Melissa Sieben, Assistant County Administrators; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Robin Richardson, Director of Planning; Byron Toy and Zach Flanders; Planners; Janet Parker, Administrative Assistant; Emerick Cross; Commission Liaison; Misty Brown, Deputy Chief Counsel; Patrick Waters, Senior Attorney; James Bain, Assistant Counsel; Alan Howze, Knowledge Director; Justus Welker, Transportation Director; Don White, Assistant Fire Chief; Lideana Laboy, Traffic Engineer; and Captain Ronald Schumaker, Sergeant-at-Arms.

MAYOR ALVEY called the meeting to order.

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

INVOCATION was given by Mayor David Alvey.

Mayor Alvey said I'll ask the Clerk if there are any revisions to tonight's agenda. **Bridgette Cobbins, UG Clerk**, said yes, Mayor, we do have a revision. Item No. 2 on the Mayor's Agenda will be held over until Thursday, March 7th's full commission meeting.

MAYOR'S AGENDA

ITEM NO. 1 – 19628...RECOGNITION: DAWN HERRON, TRANSPORTATION DEPARTMENT

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.

Justus Welker, Transportation Director, said I would like to introduce you to Dawn Herron. Dawn's a transit operator for our Transit Department. We also have Assistant Chief Don White here tonight.

The morning of January 28th, Dawn just happened to be in the right place at the right time. She was providing paratransit service when she pulled up into a very serious house fire. Now, instead of driving by, Dawn chose to put herself in harm's way. She pulled up right there in harm's way. She was in the right place at the right time, as I mentioned. Several children had evacuated the house just in what they were wearing at the time, so there were a lot of kids who didn't have shoes on. They were in their pajamas. They came busting out of the house. Dawn opened the bus to them, provided safety and security for the kids, kept them warm and worked with the Fire Department on the site to make sure everybody else that needed safety and security had that.

As Dawn loaded the kids, she heard that their grandpa, I believe, was still in the house. Dawn was actually preparing herself mentally and physically to go into the house and help the grandpa. Fortunately, he was able to escape. He did have some injuries. We didn't know how serious at the time.

Dawn remained on the scene, made sure the kids were safe and secured and made sure everybody else was safe and secured. She worked with the Fire Department during that time. I just wanted to publicly recognize Dawn for the outstanding community service that she provided for our community.

As I mentioned, she could have driven by. She could have chosen to look the other way but she stopped. She put herself in harm's way and helped the community.

The Fire Chief wrote a letter of commendation for Dawn. We framed it for a commemorative of the event. Assistant Chief White is going to present that to Dawn.

Don White, Assistant Fire Chief, said I present this to you on behalf of the Fire Department. I want to thank you for being such a kind, good-hearted person and taking care of everybody that frightful morning. Thank you very much. **Mr. Welker** said we did the same. We wrote a letter

February 28, 2019

of commendation also just describing the outstanding service that Dawn provided and choosing to do the right thing instead of looking the other way. Thank you very much, Dawn, for the service you provided.

Action: Employee Recognized.

ITEM NO. 2 – 19632...APPOINTMENT/RESOLUTION: MUNICIPAL COURT JUDGE

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

Action: Per the blue sheet, this item was held over to the March 7, 2019 full Commission Meeting.

PLANNING AND ZONING CONSENT AGENDA

Ms. Cobbins 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 agenda. **Mayor Alvey** asked do any commissioners have any disclosures to reveal. **Commissioner Townsend** said I wish to disclose that I have had contact with proponents and opponents of Change of Zone Application #3159. **Commissioner Bynum** said we had communication regarding the ordinance amendment for the special use permit for the Small Box Discount Stores. **Commissioner Burroughs** said we all got letters. **Commissioner Bynum** said we all got that letter. **Mayor Alvey** said I have received communications by opponents of #SP-2018-97, also communications against Change of Zone #3159. **Commissioner McKiernan** said the same for me, Mayor.

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

Mayor Alvey asked if any member of the Commission or anyone in attendance tonight 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 & Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission. **Commissioner Philbrook** said I would like to pull C-2.

Abrid Mas said I'd like to set aside Item #3172. **Robin Richardson, Director of Planning**, said, Mayor, that's Item A-1. Item B-1 will need to come off as well. **Mayor Alvey** said Items A-1 and B-1 are connected. Those both come off. **Mr. Richardson** said correct.

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

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 19603...CHANGE OF ZONE APPLICATION #3172 – TITA LAGRIMAS WITH TRADEBE ENVIRONMENTAL SERVICES

Synopsis: Change of zone from M-2 General Industrial District to M-3 Heavy Industrial District

And

ITEM NO. 1 – 19604...SPECIAL USE PERMIT APPLICATION #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 45th Street, submitted by Robin Richardson, Director of Planning. 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 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. 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.

Robin Richardson, Director of Planning, said this item is for a facility that has trucks that go around through the region and collects hazardous waste and boxes. They bring it back to this facility, transfer them from a small truck to a larger truck. The hazardous waste is kept in the larger truck trailer for a week and then it's taken somewhere else to be disposed of. It comes to you recommended for denial. This is because the current zoning district is M-2, which doesn't allow this type of facility. The zoning would have to go from M-2 to M-3, and it requires a special use permit. Both items, I believe, if Mr. Moore will confer, this can be taken under one vote because they're both—the special use permit and the change of zone are related. **Ken Moore, Chief Legal Counsel**, said that's correct. They can be handled as one vote, but I think the vote on A-1 pretty much controls. **Mr. Richardson** said that is correct.

Abrid Mas, 1620 S. 45th St., said before I start, I'd like to say English is not my first language so if someone has any problem understanding me, I'll definitely repeat. We're asking the Board to reconsider the decision to deny the rezoning from M-2 to M-3. Tradebe is an environmental services company. We've been servicing the EFD area for more than five years without any problems. We're looking for a larger office in Kansas City. That's when we found this office on 45th Street. We want to expand in this city.

As he was saying, basically, our operation is pretty simple. We service universities, hospitals and research centers. We send teams of trained chemist to their facilities. We pack their discarded chemicals in drums. Those drums are transported according to DOT regulations to our 10-day facility here in Kansas City. They are transferred from a smaller truck to a larger truck; and every 10 days, this truck gets swapped out and sent to a recycling facility in Chicago.

There's no recycling. There's no opening of the drums. It's just a pure truck to truck operation that we do here in Kansas City. We are not allowed to store the drums inside the building. We're only allowed to store the drums inside the trailers, and that's basically what we've been doing for the last five years in Kansas City, without any major issue or problem. At this point, we'd like to ask you to reconsider the decision. We've been operating in over 20 states in the country in light industrial zonings. As a matter of fact, I received confirmation in Cincinnati

today to operate the same kind of operation, light industrial zoning. We haven't had any major issues in any of those states either. I'd like the Board to reconsider the decision.

Mayor Alvey opened the public hearing and asked is there anyone present who would like to speak in favor of the applications.

Joanne Sandifer Hanson, 530 Terrace Trail East, Lake Quivira, KS, said my brother Mickey Sandifer is also with me. We own the property. My parents have owned this property for many years. As you can see, we've had a lot of problems with getting renters. We've been trying to get some good renters in. We found Tradebe. Since Crystal Clean, which did a similar operation, had operated out of this building just a few—it's probably been about 8 or 10 years ago, it never even crossed our mind that there would be an issue, especially since there was no processing. There was nothing going on here. We have done a lot of research into their facility and realized that there had not been any incidents of any contamination or any problems whatsoever. We talked to them for quite some time. We've also been monitoring the building. Everything's been clean. Everything's been in tact. We drive by the buildings almost daily to make sure everything is done and everything has been intact. We haven't had any problems.

We did have our community meetings and some of the people came and asked questions but they didn't come to the Planning Commission saying that they had any issues with them being in the facility.

We are also asking you guys to please reconsider because they have been great tenants. They haven't had any history of anything. In light of the fact that in other cities they are considered light industrial because all they are is a transport station. I am asking—again, the M-3 rezoning would be just a temporary. It would not be permanent. It would be just for the length of their contract.

Mickey Sandifer, 14201 Midland Dr., Shawnee, KS, said I understand decisions you guys have to make and it's a toughy. I know when we're making those kinds of decisions, the staff sometimes gives us the worse scenarios of what can happen and what's going to happen. In 99% of the cases, that doesn't happen.

We've had a really hard time trying to keep tenants with some of the crime rates and some of the different issues that we've had around that area. I know we've talked to you about some of it, Mayor. We finally have a good slated tenant and they're fantastic people. We have long-term contracts. We're asking for a special use permit that could be pulled at any time. If there are any issues and there hasn't been any issues. We're kind of at the mercy of the court here. As my sister was saying, we let them in here because we didn't think it was a big concern. The realtor that had brought them up didn't mention anything like this to us. They've been fantastic.

We would ask that you might reconsider if that's at all possible and give it six months and check it and bring it back up for another six if that's what it takes. **Mayor Alvey** said we can't. **Mr. Sandifer** said we've had to do that before. There's never been any real issues. We ask that you give them a chance.

Mr. Richardson said, Mayor, I just will make one correction. The zoning is permanent. Once we publish the M-3 zoning, it's published and it would have to go through a rezoning process to change. The special use permit is the temporary part of it. The zoning will stay M-3 once it's published, unless somebody takes an action to remove it to M-2. **Mayor Alvey** said, Rob, the change of zoning applies to the entire industrial park or just a portion of it. **Mr. Richardson** said just the parcel on your screen there with a green dot, just this lot. **Mayor Alvey** said not that this would make a difference, but in other locations or municipalities, would this be a light industrial zoning. **Mr. Richardson** said I'm not familiar with any zoning codes in that great amount of detail. It would seem odd that a hazardous waste transfer station could be in anything but a heavy industrial zone, but a lot of cities do a lot of different things. If you're in a great big city, it might be different than what it is here.

Mayor Alvey asked is there anyone in opposition who would like to come forward and speak. Actually, you folks are in opposition to the petition because it's recommended for denial so really, I'm asking is there anyone in support for the petition to deny. There were none.

Mayor Alvey closed the public hearing.

Commissioner Kane said to the operator, if you have a spill, what equipment do you have in your warehouse to contain the spill. If you couldn't contain the spill, what would be your next plan of action. **Mr. Mas** said our chemists and all of the employees in our facility are trained to respond to spills. We have a spill kit that includes basically oil dry absorbents, absorbent pads. What we do, especially when we have a drum that is leaking, the first action we take is immediately overpad the drum which basically means put that drum into a larger drum. That prevents that from spilling. If there's a major spill, then all we can do is call the emergency department.

Commissioner Kane said that's a pretty good answer, except there's a group HAZMAT that specializes in that. **Mr. Mas** said correct. Yes. **Commissioner Kane** asked is that the one you're talking about. **Mr. Mas** said yes. Absolutely. We actually work with two companies here that are specialized in responding to HAZMAT situations. **Commissioner Kane** said for the Commission, that's what you're supposed to do. My former life, working in the safety department, we couldn't control it. We had to call somebody else. That's a great answer. **Mr. Mas** said just for clarification, we deal with both hazardous and nonhazardous waste as well. Actually, the majority of our waste is not hazardous.

Commissioner Markley said for those who are familiar with this area, it's not residential. I mean, I'm just going to say it, it's not. It is a little industrial area along the highway. It's not a place where people are going to build a house. I guess my feeling is somebody is doing this business. We keep saying we want business in our community. Somebody is doing this work. I feel like this is—if he were living in a house in a neighborhood, I would be concerned; but you can see from the picture, it is more of an industrial area anyway. The closest house, I think, would be like way over on Metropolitan.

I kind of feel like we should give him a chance. If he doesn't have any issues, continues to run a clean shop, we don't have any concerns. It sounds like he knows how to handle concerns if they do come up, but I think we should—staff, I don't know how we can do this, but we should find a way where we can get that information of what happens in the interim period and give him a year to show us that he can keep a clean shop and make it work. If he comes back in a year and we have that clean record, then I would feel comfortable.

Action: Commissioner Markley made a motion, seconded by Commissioner Kane, to approve Change of Zone Application #3172 and Special Use Permit Application #SP-2018-97.

Commissioner Philbrook said yes, I agree, Commissioner, that yes, we tell businesses we want them to come in here. I think they ought to be given a chance.

I also have a little question about—it sounded like we weren't really too sure about the zoning change. Did we really need it or not need it for this particular type of facility? I think with that in mind, having to work something out for them, I think we need to look at that zoning issue again a little closer. If that could be part of our recommendation too because I don't know if it is, Angela. I don't know what you were thinking.

Mr. Richardson said the zoning is required for a hazardous waste transfer facility to be M-3. The M-3 will be there forever. If this tenant leaves, any other M-3 use can come in without a special use permit unless it's one of the ones that require a special use permit, but their special use—as I understood the motion, it was to approve the zoning and then approve the special use permit for one year. **Commissioner Markley** said that is correct.

Commissioner Bynum said I was trying to understand the need for the special use permit piece of this action. **Mr. Richardson** said the hazardous waste transfer facility requires a special use permit and M-3 zoning. It requires both. **Commissioner Bynum** said I see, the zoning and the special use. **Mr. Richardson** said like a salvage yard requires M-3 zoning and a special use permit.

Commissioner Bynum said tell us some examples of other industries should this one leave that could come in under M-3 zoning without needing a special use permit. **Mr. Richardson** said I will read the list if you give me just a moment. M-3 allows whatever is in M-2 and M-1. It allows billboards, large assembly, railroad equipment, heavy contracting, motor vehicle, bridge companies, industrial production equipment, concrete products, larger telecommunication towers, crematories, dead animal processing, extended dead storage of motor vehicles, grain elevators, hazardous waste disposal (that's with a special use permit), manufacturing of industrial chemicals,

pesticides, agricultural chemicals, paints and related products, metal smelting, refining and large scale warehousing. That's the heavier industrial stuff that goes from M-2 to M-3.

Mayor Alvey asked would any of those also require a special use permit. **Mr. Richardson** said I need to get to a different portion of the Code for that so if you give me one more second. **Mayor Alvey** said sure. **Mr. Richardson** said sorry, the Code does not go backwards on a mobile device very well. Crematory would require another special use permit. The outdoor advertising sign would require—the billboard would require more. Some of the manufacturing processes and waste processes require additional special use permits. **Mayor Alvey** would a dead animal facility. **Mr. Richardson** said I'm not all the way through the list yet. Salvage yards, as we said, hazardous wastes, transfer storage processing and disposal, solid waste transfer process and disposal. That's all the ones that are in the other list. **Mayor Alvey** said we don't know whether—**Mr. Richardson** said dead animals do not require a special use permit. We have one of those in Armourdale and there's no special use permit for it.

Commissioner Burroughs said the question I would have is what type of security do you have on your vehicle storage. Is it backed into the warehouse wall to where the doors can't be opened? Is it locked? Is it monitored? Any kind of alarm system to notify if there's been anyone messing with the vehicle. **Mr. Mas** said that's a very good point. Yes, the trailers are backed against the building so the door is facing the building. You cannot access the trailer from the outside. We use dog seals, meaning you cannot access the trailer from the outside. We also use what we call a fifth wheel, which basically prevents the trailer from being moved. We have security cameras in the area that we get notifications in case there is some motion detected. We, as managers, can decide whether we should call 911 or not. **Commissioner Burroughs** said well, I appreciate the security.

What about MSDS? Are they readily available or emergency responders? **Mr. Mas** said we have MSDS and MSDS inside the office at all times and outside as well next to the trailer, so they're available. You don't have to access the office to get those MSDS. We keep track of everything that's inside the trailer on a daily basis. Everything is inspected three times a day, and we keep logs of all those inspections.

Mayor Alvey said there is a motion on the floor. Let's be clear that this motion would overturn the recommendation from the Planning & Zoning Commission and would allow then the special use permit and the change of zone from M-2 to M-3. Is that correct? **Ken Moore, Chief Legal Counsel**, said that is correct, and that motion will take eight votes. **Mayor Alvey** said it would take eight votes. **Commissioner Philbrook** said eight no votes because—**Mr. Moore** said the motion is to allow. **Commissioner Philbrook** said okay. I just want to make sure. **Mr. Moore** said aye to allow. **Mayor Alvey** said aye to allow the special use permit and the change of zone. Is that correct? It's recommended for denial. **Mr. Richardson** said it takes eight ayes to approve.

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

ITEM NO. 2 – 19605...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 86th Street, submitted by Robin Richardson, Director of Planning. The request is to use the property for agricultural purposes including hay production and a farm winery. 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 outbuildings 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 roadside 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 roadside 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:

1. Items that require plan revision or additional documentation before engineering can recommend approval: none.
2. Items that are conditions of approval (stipulations):
 - a. 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.
 - b. The proposed pond shall require UG Public Works and Kansas Division of Water Resources approval prior to construction permit acquisition.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: none.

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.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone #3176, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 3 – 19606...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, submitted by Robin Richardson, Director of Planning. Storage of equipment includes 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 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. One 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 four work vehicles remain parked on-site overnight?

Applicant's Response: Will occasionally be parked there.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #3179 to CP-3 Planned Commercial District, subject to the stipulations. Roll call was taken on the motion and there were nine "Ayes," McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs, Townsend.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 19603...CHANGE OF ZONE APPLICATION #3172 – TITA LAGRIMAS WITH TRADEBE ENVIRONMENTAL SERVICES

Synopsis: Change of zone from M-2 General Industrial District to M-3 Heavy Industrial District.

Action: Item previously heard with Change of Zone #3172.

ITEM NO. 2 – 19607...SPECIAL USE PERMIT APPLICATION #SP-2019-1 – RACHEL A. MCMEACHIN

Synopsis: Home occupation special use permit for a live/workspace for aerial classes at 556 Lowell Avenue, submitted by Robin Richardson, Director of Planning. The applicant 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. 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 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 p.m. – 8:00 p.m. and Saturday from 10:00 a.m. to 2:30 p.m. 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: 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 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 p.m. – 8:00 p.m. and Saturday from 10:00 a.m. to 2:30 p.m., ranging between 60 – 90 minutes.

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5. 9:00 p.m. 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 parking spaces that border the perimeter of north side of Lowell Avenue and west side of South 6th 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.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-1 for one year, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 3 – 19608...SPECIAL USE PERMIT APPLICATION #SP-2019-4 – LANCE PIERCE

Synopsis: Special use permit for a short-term rental/Airbnb at 4028 Booth Street, submitted by Robin Richardson, Director of Planning. This is not the applicant’s primary residence. 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 and where will they park?
Applicant Response: Four 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 bedrooms, 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 guests.

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 four or more stairs/risers.
- g. Hot water tank and furnace must be vented properly and operational.
- h. Electric panel and circuits must be safe.

Applicant Response: 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 year.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: none.
2. Items that are conditions of approval (stipulations):
 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.

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

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-4 for one year, subject to the stipulations. Roll call was taken on the motion and there were nine "Ayes," McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 4 – 19595... 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, submitted by Robin Richardson, Director of Planning. The applicant is requesting to continue parking company equipment on the property in conjunction with operating a truck business. 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 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 a.m. to 6:00 p.m.
Saturday – 6:00 a.m. to 12:00 p.m.
Sunday – Closed
3. In your application for your special use permit in 2014, you stated that you planned on working for another five 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 years.
Response: Please see attached.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-5 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 5 – 19596...SPECIAL USE PERMIT APPLICATION #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 Richardson, Director of Planning. 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-year approval.
Response: Yes, this is correct.
Staff Response: Five 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: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-6 for five years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 6 – 19602...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 dogs at 7922 Yecker Avenue, submitted by Robin Richardson, Director of Planning. 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 years.
Response: Yes, we are aware of it being a two-year permit. This is actually a renewal from two years ago as we still have our same five 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 five 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 five 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 two years. In fact, our neighbors at 2818 N. 79th, 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 dogs 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 backyard. 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 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 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: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-7 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine "Ayes," McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 7 – 19610...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, submitted by Robin Richardson, Director of Planning. 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 111th 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 a.m.
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: 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 years.

2. To minimize the impact on the immediate neighbors, the food truck may not leave before 7:00 a.m.

3. The truck shall be parked in the driveway in front of the third car garage door.

If an application to vacate North 111th 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.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit #SP-2019-9 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs, Townsend.

ORDINANCE AMENDMENTS

ITEM NO. 1 – 19611...ORDINANCE AMENDMENT: VENDING MACHINES

Synopsis: Consideration of revisions to Sections 27-340 and 27-612(10) concerning vending machines as accessory uses in non-residential zoning districts in the Kansas City, Kansas Code of Ordinances, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 9 to 0 to recommend approval of this ordinance amendment.

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

ITEM NO. 2 – 19612...ORDINANCE AMENDMENT: 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 Richardson,

Director of Planning. The Planning Commission voted 9 to 0 to recommend approval of this ordinance amendment.

Small Box Variety Stores

Unified Government Board of Commissioners
February 28, 2019

Original “Dollar Store” Ordinance

- **Ordinance O-13-16** was approved on February 25, 2016.
- The Ordinance required that any future dollar stores receive an SUP and required at least 10,000 feet between stores.
- “Dollar store” was defined as “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.”

Patrick Waters, Senior Attorney, said almost three years ago this week, this Commission considered and approved an ordinance that related to what was termed dollar stores. That ordinance required that future dollar stores receive a special use permit and required at least a \$10,000-foot separation distance between those stores. The definition for dollar store at the time is up there on the screen.

Concerns expressed at February 25, 2016 meeting

- These stores are not providing healthy food. They have too much snack food and canned food.
- If you allow neighborhoods to become saturated with poor quality food it becomes more difficult to bring in higher quality food.
- Residents in our urban areas only have bad food options - they need good food options.
- Feels like these stores are taking advantage of people because they have nowhere else to go.
- The properties are not clean, not up to Code.

At the time, the Commission expressed a lot of concern about the lack of healthy food options available at these stores. On the screen here is a sampling of some of the comments that were made that night, including that these stores were not providing healthy food. They have too much snack food and can food. If you allow these neighborhoods to become saturated with poor quality food, it becomes more difficult to bring in higher quality food. If there's only bad food options in many neighbors, our residents need good food options.

Some felt like these stores were taking advantage of people because they didn't have anywhere else to go. There were also some comments about the upkeep of the property and that they weren't up to code.

New ordinance

- Focuses on increasing access to fresh food.
- Supported by new evidence not available at the 2016 meeting.
 - *KCK Healthy Food Assessment* (Oct. 2017)
 - *City of New Orleans Small Box Retail Diversity Study* (Nov. 2018)

The reason we're back before you tonight is twofold. Number one, a couple of months ago we received a legal opinion from attorneys representing Colby Capital, which develops many Dollar General stores. They are (inaudible) in their opinion that the previous ordinance was unconstitutional because it favored instate businesses versus out-of-state businesses. This led us

to review the ordinance and when we did, we discovered that due to a drafting error, the chicken ordinance that was passed later that fall accidentally replaced this ordinance. It was actually not on the books. It is not on the books today.

Instead of simply resubmitting the same language from 2016, we kind of had a clean slate here so we decided to conduct some research and see if the ordinance could be strengthened and improved; and to see if there were any new studies which would further support the Commission's previous findings on this subject. It's clear from watching the Commission's comments at the 2016 meeting that the real focus was on the access to fresh, healthy food. That was the number one concern. In drafting this new ordinance, we took that into account.

KCK Healthy Food Assessment Recommendations

- Increase city-wide access to healthy food choices.
- Increase availability of healthy food choices in neighborhood stores.
- Avoid concentrations of unhealthy food retailers.
- Create public incentives and tax credits for healthy food retail.
- Require small retailers, corner stores, convenience stores and others to provide healthy and fresh food choices.

Additionally, since that time, two new major studies have been conducted, which we attached links to, which would support these findings. One is the KCK Healthy Food Assessment. The second was just completed. The City of New Orleans completed a very comprehensive study of what they termed to be small box variety stores.

With respect to the healthy food assessment, you can see some of the recommendations that they made on the screen: increasing access to healthy foods, increasing availability of healthy foods, and avoiding concentrations of unhealthy food retailers. They also talk about providing tax credits and even going as far as requiring searching food choices.

This ordinance does not solve all these issues. It does not address all these issues but definitely for the first three, I think, are definitely relevant to this ordinance and we feel like it conforms to that study.

I would also note that regulations based on health, safety, and welfare of our residents are clearly within the Commission's authority and are most likely to be upheld and withstand any legal challenge.

New ordinance

- *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.

That takes us to the new ordinance. It's based largely on the new ordinance passed by New Orleans. They used the term small box variety store. What's interesting here is that they define it not simply by what they sell, but by what they don't sell. Specifically, it excludes businesses that dedicate at least 15% of their shelf space to fresh or fresh frozen food. It excludes businesses that dedicate less than 2% of shelf space to food of any kind. If you're a business that simply has a coke machine or a candy counter, that excludes those types of businesses. It also excludes pharmacies and gas stations because the findings were that those types of businesses do not displace or inhibit the growth of full-service grocery stores.

That's really kind of the key finding of that study was that there is a certain type of store that sells just enough food to inhibit the growth of new grocery stores in those areas but not enough fresh, healthy food to meet the needs of the residents.

Action: **Commissioner Philbrook made a motion, seconded by Commissioner Murguia, to hold this back for consideration so we can have more time to study it. Several of us can understand exactly what this means and how the impact will be. We can bring it back to the full Planning & Zoning Committee meeting, the next full commission meeting in a month or our next one.**

Mayor Alvey opened the public hearing and asked if anyone would like to come in support of this to please come forward at this time. No one appeared.

Mayor Alvey asked if anyone would like to come in opposition of this to please come forward.

Pete Peterson, 748 Ann, KCK, said there's a motion and a second on the floor. Rather than have me go through my whole thing and presentation, if you want to reconsider it, that's fine with us. We'll come back. That is my understanding, I believe. **Mayor Alvey** said yes, it is.

Commissioner Kane said when we come back with this information—I drove all up and down Johnson County the last couple of days to see how many were around there and we've never compared it to New Orleans or whatever. We've always tried to do it at a municipality close to our same size. I would sure like to know what surrounding municipalities have even if we have to drive and see how many are in certain locations up north or across the river. I don't want to do anything where we're going to get sued. I want to make sure what we do is correct. I'd like as much information as possible so we can make an educated decision on this because I'm thinking there could be a lawsuit if we go about this the wrong way.

Commissioner Bynum said I just want to understand the new ordinance, the bullet points. The small box variety stores do not include retail stores that dedicate at least 15% of shelf space to fresh or frozen food—do not include. **Mr. Waters** said what this allows is, it allows them a way to exempt themselves from this ordinance. What it says is, if a store would currently meet the definition, a small box variety store but they increase their fresh and frozen food supply to at least 15%, it would not fall under that provision and it would not have to have a special use permit.

Commissioner Bynum asked are we saying that it would meet all four bullet points or one of the four. **Mr. Waters** said no, it's any of the four. If the store meets any of the four bullet points, they are exempt from the SUP requirement and the distance requirement.

Commissioner Bynum said part of the reason I asked that is because there's a store very near me that I would say probably fits in this small box store category that we're trying to capture. It strikes me that it's got more than 2% shelf space food of any kind. It would meet the definition of being

exempted out of this ordinance is why I'm asking. **Mr. Richardson** said this ordinance would not apply to any existing stores. This is just for new stores.

Commissioner McKiernan said thank you for clarifying that, Mr. Richardson, because really what—I understand there's a rationale behind why this was brought forward. What I'd ask the Commission to do is to thoughtfully consider possible unintended negative consequences that might come about as a result of this ordinance so that we just really thoroughly consider any unintended, negative consequences.

Commissioner Johnson said I'm not nearly as articulate as my fellow colleague here, but I'll just say this. I don't want any more dollar stores in my district. I don't want any more dollar stores in the northeast. We've got enough.

Commissioner Burroughs said in reading some of the material that was presented in reference to the new ordinance, I'm just curious as to what kind of incentives we might have as a governing body to determine just what it is we want to provide as far as fresh food facilities that would meet the needs of a local community. This is a diverse community, and I'm sure those needs are just as diverse throughout our community.

I'd like to see some kind of incentive, some kind of opportunity for a local community to have input but also, we're known as a food hub basically with a number of grocers. To not have an opportunity to have them partner for them not partnering, I've grown concern that in light of the failed project we had on 10th Street by the previous administration, I think there's room for improvement on possible incentives that we could put together as a local community, as a local board, to determine what needs are met, what needs are needed, and what we can do to meet those needs of the community. I'm pleased we're sending this back for some study. I would hope that staff would come forward with some ideas from other communities that have dealt with this small store issue.

Commissioner Murguia said I would also like to request that we have a very short special session because there are a number of new commissioners that were not here when the changes to this ordinance was originally brought forward. My recollection versus what staff's recollection of what

the emphasis was on, there was an emphasis on the healthy food option but there was also another very large piece of that which I don't want to get into tonight. Maybe if there's just a short special session to bring this Commission up to speed about what some of the concerns were with the dollar stores.

Before we move forward with something that seems to be—I had concerns about dollar stores, but they were not as healthy food related as they were related to other things. If we could have just a short session. It seems like we're sending it back anyway just to give staff better direction just so that they're not spending a lot of time in bringing something forward again that we're not in favor of. If we could do that.

Commissioner Townsend said I wasn't going to make a comment but in listening to my fellow commissioners, if we are not going to act on this tonight in the way we expected, one thing that I would not want to see in the interim is some application come through for what we might consider one of these. I'll go along with us being more educated about it, but these things do have a detrimental impact or have. In the interim, I sure would not want to see an application come through. I'll just leave it at that.

Mayor Alvey said it would seem to me that really, that's not under our control. We don't have the authority to stop someone following their rights under the law to pursue an application as it is described in the law. **Commissioner Townsend** said you may be right Mayor—**Mayor Alvey** said yes, you just don't want to see it. **Commissioner Townsend** said I'm voicing what—I'm not going as far as what Commissioner Johnson said because I am a counsel but I have just stated my opinion on it.

Commissioner Burroughs said these are smallbox specialty stores. I would hope that we would lose the moniker of dollar store or whatever it may be because I think it's putting a false title on some of these stores. These are smallbox specialty stores. It's like calling every soda pop of dark color a Coke. I think they all get classified into the same thing. I would be careful, Mayor, as we move forward as a Commission to call these dollar stores or \$0.99 stores. I think we're labeling smallbox specialty stores and lumping them all together.

Commissioner Philbrook said in our efforts to get more educated, so to speak, about this particular issue, I agree with Commissioner. I think we do need to have some type of a conversation among the commissioners to hash out some of these things and get some of these questions answered for us. Maybe we can send some questions to Planning & Zoning and have them come back with some answers for us as well as a conversation around this before we move forward with it.

Ken Moore, Chief Counsel, said, Mayor, I guess I'd just like to clarify what the motion is. I thought the initial motion was to hold it over to the next meeting. **Commissioner Philbrook** said it was. **Mr. Moore** said it seems like we've evolved into sending it back to Planning. If we're sending it back to Planning, there has to be some direction to the Planning Commission as to what the Commission would like versus just holding it over for this Commission to act at a later date.

Commissioner Philbrook said I've got a question for you. Can we, between the other commissioner and myself, pull that first one and put a new one forward to do exactly what you said? **Mayor Alvey** asked which is. **Commissioner Philbrook** said which would be for Planning & Zoning to answer some questions for us and put together a conversation at a special session. **Mr. Richardson** said I don't know that needs to go back to Planning Commission for that. **Commissioner Philbrook** said no. I don't think we—do we have to go back to Planning? **Mr. Moore** said no. **Commissioner Philbrook** said okay.

Mayor Alvey said if we would keep the table and allow us then to set up a special session and have the conversation that the Commission would like, it would come back up for consideration when. **Mr. Richardson** said March 28th. **Mayor Alvey** said March 28th. **Commissioner Philbrook** asked do we have time to do that?

Doug Bach, County Administrator, said I would probably offer, Mayor, that if we're not able to get a special session—we do have special sessions scheduled through all our commission meetings through March; however, we can work on seeing whether we can put it in. If we cannot, we can consider this and table it for another month and figure it out.

Mayor Alvey said we have a motion to table and we have a second which means that we will try to set up a time to have a special session.

Action: Commissioner Philbrook made a motion, seconded by Commissioner Murguia, to hold until March 28, 2019. Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs, Townsend.

MISCELLANEOUS ORDINANCES (Final action on previously approved items)

ITEM NO. 1 – 18107...ORDINANCE: REZONING PROPERTY

Synopsis: 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 Richardson, Director of Planning.

Action: **ORDINANCE NO. O-6-19**, “An ordinance rezoning property hereinafter described located at approximately 4240 and 4240R North 55th Street and 4400 and 4800 North 47th 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.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 2 – 1821...ORDINANCE: REZONING PROPERTY

Synopsis: 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 Richardson, Director of Planning.

Action: **ORDINANCE NO. O-7-19**, “An ordinance rezoning property hereinafter described located at approximately 607 to 611 North 6th 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.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were nine

“Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 3 – 18327...ORDINANCE: REZONING PROPERTY

Synopsis: An ordinance rezoning property at 10700 Lathrop Avenue (#3155) from A-G Agriculture District to TND Traditional Neighborhood Design District, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-8-19**, “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.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 4 – 19569...ORDINANCE: REZONING PROPERTY

Synopsis: An ordinance rezoning property at 13820 Donahoo Road (#3177) from A-G Agriculture (WYCO) District to A-G Agriculture (City) District, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-9-19**, “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.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 5 – 18379...ORDINANCE: VACATING PROPERTY

Synopsis: 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 Richardson, Director of Planning.

Action: **ORDINANCE NO. O-10-19**, “An ordinance vacating a tract of land being a part of a publicly dedicated alley, to be vacated, located between 444 Shawnee Road, 411 Stine Avenue, 1417 South 5th Street and 448 Shawnee Road, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 6 – 18532...ORDINANCE: VACATING PROPERTY

Synopsis: An ordinance vacating right-of-way (#R/W-2018-6) at 3777 Lloyd Street, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-11-19**, “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 2nd addition to Rosedale, located at 3777 Lloyd St, Kansas City, Wyandotte County.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs, Townsend.

PLANNING AND ZONING NON-CONSENT AGENDA

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 19627...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 Robin Richardson, Director of Planning. The applicant, 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 commercial lot and a final plan review to build a 4,000 square foot convenience store, eight 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.) 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 (18th Street and Interstate 70), Phillips 66 at 103rd Street and Leavenworth Road, and QuikTrip at 78th 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 roofline 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 screenwall. 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 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 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 footcandle at the property line.

Signage: Shall comply with the sign code.

Applicant Response: Acknowledged.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval:
 1. Engineering comments are listed as stipulations below.
2. Items that are conditions of approval (stipulations):
 - a. In future, if the adjacent property to the south on North 38th 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.
 - b. The drainage easement for the proposed public storm sewer within the site shall be in accordance with UG standards and criteria.
 - c. 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
 - d. 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.
 - e. Please coordinate with Dave Clark - (913-573-5721), UG Public Works, regarding crossing of Leavenworth Road for the proposed public sewer extension.
 - f. 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.
 - g. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: none.

Staff Conclusion:

The applicant has revised the landscape plan to screen the site from the residence bordering the south property line adjacent to North 38th Street. The operator has two other gas station/convenience stores in 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 38th 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 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.

Mayor Alvey said as the Clerk stated earlier a valid protest petition has been filed.

Robin Richardson, Director of Planning, said the crux of the issue with this case was a property just south of the subject site and whether that person would be able to live comfortably in that house after this development was made. Since that time, the applicant has agreed to purchase that home and the person who submitted the protest petition in opposition to this case, I believe, is here to speak in favor of the case this evening. I think Mr. Ruoff is here this evening. He can probably say that better than I did. Hopefully, we've resolved all the issues and this can move forward.

Bryan Ruoff, 7501 NW Tiffany Springs Parkway, Kansas City, MO, 3F30 Architects, said I think everyone here is somewhat familiar with this project. I will give you a really quick synopsis of where we have come from and where we're going. We submitted an application in December 2017. In the process of talking to the neighborhood association, it was suggested that maybe we turn the building to fast east, which meant that we'd have to acquire property. We started that process in May. We came to an agreement with the homeowner that was immediately adjacent in June and purchased his property. We went through a full redesign with the engineering staff. We redid the traffic report. We did all the civil engineering. We moved everything. We meet all the ordinances with the building that faces east. In that process there was some discussion on the next property over, but it wasn't needed for the development. In the last few months, that property has been somewhat of a holdup for the obvious reasons, so we've been negotiating and we've been working with them. We went through the Planning Commission as I said and without much issue but the real estate part has been ongoing.

Before, during and since the last Commission meeting where we held it off a month, we have finalized. We have a real estate contract. We have a rather large escrow. We have a closing

date. All of that has been established. I think it's a win/win situation right now for everyone but it's all depending on this meeting. If we don't pass, we don't need the property. If we do pass, you see where we are with that. We're kind of stuck on where we are tonight. Beyond that, I don't think there's anything that we haven't dealt with with staff. We meet ordinance. I don't think there's any issues outstanding that aren't conditions on the approval. We're past all that, I believe.

The only thing I would like to add to this is because we're purchasing this property as part of this deal, we would like to, somewhere in this process, get permission to staff for us to remove the retaining wall, the fence and the landscaping to the south of this property because there's not another residential property on the other side of that. It'd still be zoned residential. In order to save the cost of all that development cost to go into the real estate purchase, we'd like permission somewhere in this process. I can suggest the verbiage for that.

Right now, we're under a condition with the Planning Commission to work with staff to adjust the drive, the landscaping and everything on that south edge. That all is going away with this. We'd like permission to eliminate all that costs on the south end of the property because it doesn't really benefit anybody.

Mr. Richardson said, Mayor, I think we would agree with that. There was a lot of screening and retaining wall at the southern end of their project that's really not needed once that house is being—they're going to buy the house and demolish it. That is needed. The next thing, there's the 635 ramp. I think that's an acceptable solution. We'll work out all the details of that through the Development Review Committee. That would be a change which would require eight votes but because there's a protest petition, even though I think the circulator is going to speak in favor of this project, it still requires nine votes. If that would be part of the motion to approve the project with the modification of this other landscape, then we can move forward with that administratively.

Mayor Alvey opened the public hearing and asked if anyone would like to speak in favor.

John Cameron, 11223 W. 64th Terr., Shawnee, KS, said I am a real estate broker with First Real Estate Equity. I represent the property owner to the south, Ms. Christine Allen. We have come to terms. At this point, we support the rezoning and have taken the additional step, although maybe

not legally binding, we have circulated a petition among those who signed the original petition, except for one that I could not reach, all have signed that petition. I have that here tonight. I have a notarized statement very similar to the original protest petition.

I think we also agree that with the purchase of Ms. Allen's home, the retaining wall and additional screening will not be necessary.

Louetta Braswell, 5202 Parkview Avenue, KCK, said I am here as the Director of the Leavenworth Road Association. Our Board has been with and supportive of this project from day one. We see them as a great asset after all the renovation on Leavenworth Road. We see this as a project that will bring in more revenue and more businesses on all the other corners there at 38th & Leavenworth Road, and we say it with pride.

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

Mayor Alvey closed the public hearing.

Mayor Alvey asked if the petitioner wanted to make any closing comments. **Mr. Ruoff** said I think everybody understands where we're at. We do need a certain amount of votes. I would like to encourage everybody to think that process through. It obviously is a win/win situation. I do think it's going to be good for that corner. It's right on the interstate. I think it's going to help with some of that. We also have KDOT coming through with Leavenworth construction so there is a little bit of a sense of urgency on our part to get coordinated with them. We have to run a sewer line across the road, so there's a little bit of a time issue in here and that sort of thing. Other than that, I would request your support on this.

Commissioner Townsend said I'm happy that the parties involved were able to come to a resolution that satisfied both parties. While I'd like to see new development come into the district, I never really want to see it at the expense of a long-term and valued resident. Since the parties have been able to come to an agreement, I would move to approve this application, the

recommendation of the Planning Commission with the amendment referred to tonight for the removal of the screening and retaining wall.

Action: Commissioner Townsend made a motion, seconded by Commissioner Philbrook, to approve Change of Zone Application #3159 subject to the stipulations, and approving the removal of the screening and retaining wall.

Commissioner Bynum said just two quick things. I am also really happy to have the resolution of the issue with the homeowner. That's delightful. I just wanted to say to Mr. Jamal, apparently, you wrote me a letter several weeks ago, but there's been some odd thing with my mail here at city hall and I got a stack of it this tall today. I wanted to apologize to you. Had I received that letter back when you sent it, I would have responded to you; but unfortunately, I saw that letter today. Nonetheless, I'm happy with the project.

Commissioner Murguia said I just have a quick question. Mr. Jamal, do you have other stores in Wyandotte County, other gas stations?

Jamal Furok, 18023 Melrose Dr., Bucyrus, KS said I have one store in your district, 1800 Steel Road. That's the most recent store I built. I think a commissioner has visited my store and everybody in the neighborhood loves the store. This store that we have designed is exactly alike except it's much bigger, much larger. I think each and every one of you will be very happy to see the development we have done. We have developed about 12 other stores. We settle for nothing but a wow experience. That's what we call it when you walk in the door. We want to hear you say wow! I will tell you this, you will hear that we've got a couple of more projects coming up. We appreciate you giving us your time. We really appreciate Ms. Christine and John working on both parties' behalf to come to an agreement. I think this will be a great asset for the neighborhood and the community.

Commissioner Murguia said, Jamal, I just wanted to say his store in my district is absolutely beautiful. It's very clean. I've heard nothing but rave reviews about it. I just can't say enough good things. I've talked to you on the phone several times. Every time I've called him, he's called me back or spoke to me immediately. He's been very responsive to constituents'

concerns. It truly is the best run gas station I've ever encountered in Wyandotte County or elsewhere.

Mr. Furok said I'm not one of the owners that stays home and enjoys life. I have a passion to be in my stores, and you will probably see my car in one of these stores late at night. I'm in the stores. I'm not home at 4 o'clock. Actually, I'm at the stores until at least about 11 o'clock every night.

Brian, my architect, he has known me since 2001. We both work late nights, and sometimes he will pick up the phone and call me knowing that I'm still in the stores. That's what keeps us going. All the guys that are working for me, they have been there forever.

The glorious thing about my company and my team is we don't hire anybody from outside. We groom everybody from inside and they climb up the ladder. Every GM that we have in our stores, they were moved up from within the company. We don't even hire anybody from outside to bring in because we want them to know what is expected in the stores. Just like the commissioner said, we take pride in our stores. This is our home. We spend more time in these stores than at home. When you pull up to our lot, we want to make sure that you think it is a nice place. I can't say we are QuikTrip, but I will tell you this, where QuikTrip doesn't want to go, I am there. I am in the neighborhoods. I am your QuikTrip.

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

SPECIAL USE PERMIT APPLICATION

ITEM NO. 1 – 19609...SPECIAL USE PERMIT APPLICATION #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 three vehicles that are waiting to be recycled at the scrapyard (salvage operation) (SCOJO's Recycling, LLC) at 521, 523 and 525 South 11th Street, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 8 to 1 to recommend approval of Special Use Permit Application #SP-2019-8 for one year.

Robin Richardson, Director of Planning, said this is kind of a new operation. They're buying vehicles and basically taking a couple of the valuable pieces off of them and then taking them to the scrapyard. They don't have to take any fluids out of them. They don't have to take gas tanks out of them. They want to be able to keep three of them at this property. They'll be doing property improvements and screening for that. The Planning Commission did vote 8 to 1 in favor of this. As you can see, there's only one property between them and the railyard. It's a very heavily industrialized area.

Scott Johnson, 20103 Nall Avenue, Stillwell, KS, said I have a passion for recycling metal. We started up Scojo's Recycling. It's basically on pacing and automotive recycling business where we purchase defunct vehicles with bad engines, transmissions or wrecked vehicles, and then we remove a few of the valuable parts or components and deliver it straight to the scrapyard. We basically just need a place to put it right before it goes to the scrapyard. We have worked with the Urban Planning & Land Use Department, and we've met all the requirements to obtain a special use permit and approve the aesthetics of the property.

We'll have an 8-foot-tall full security and privacy fence around the entire property so nothing can be seen from outside of the property. We've already replaced all of the windows and painted the building and improved the aesthetics of the entire property. That's what we're doing.

Mayor Alvey opened the public hearing and asked is there anyone present who would like to speak in opposition. No one appeared in opposition.

Mayor Alvey closed the public hearing.

Commissioner McKiernan said, sir, Mr. Rodriguez is going to be your closest neighbor. Right? He came to the neighborhood meeting and it sounds like, from what I read, he got all of his questions answered and he did not come to the Planning & Zoning Commission meeting. Is that correct? **Mr. Johnson** said correct. **Commissioner McKiernan** said so he was satisfied with the answers he got at the neighborhood meeting. **Mr. Johnson** said yes. **Commissioner McKiernan** said fantastic. Given the fact that this is already zoned M-3, that this use is consistent with the zoning and with other properties in the area, that you have pledged to make physical improvements

and safety improvements, effectively make it a safer neighborhood. I would move that we approve as voted by the Planning Commission.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve Special Use Permit Application #SP-2019-8 for one year.**
Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs, Townsend.

REGULAR CONSENT AGENDA

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

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

ITEM NO. 1 – 19265...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. 45th Street; Frances Willard Elementary School along Orville Avenue from N. 28th Street to N. 36th 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.

Action: **ORDINANCE NO. O-12-19, “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.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 2 – 19631...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.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve and authorize Mayor to sign said plat.** Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 3 – 19601...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.

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

ITEM NO. 4 – MINUTES

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

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

ITEM NO. 5 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated February 14 and 21, 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,” McKiernan, Murguia, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs, Townsend.

STANDING COMMITTEES’ AGENDA

No items

ADMINISTRATOR’S AGENDA

No items

COMMISSIONERS' AGENDA

No items

LAND BANK BOARD OF TRUSTEES' AGENDA

No items

PUBLIC ANNOUNCEMENTS

No items

MAYOR ALVEY

ADJOURNED THE MEETING AT 8:16 P.M.

February 28, 2019

February 28, 2019

Bridgette D. Cobbins
Unified Government Clerk

tpl

February 28, 2019

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

SPECIAL SESSION, THURSDAY, FEBRUARY 28, 2019

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, February 28, 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; 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; Misty Brown, Deputy Chief Counsel; Gordon Criswell, Assistant County Administrator; Lynn Melton, Assistant to the Mayor; and Officer Doleshal, Sergeant-at-Arms.

MAYOR ALVEY called the meeting to order.

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

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, February 28, 2019, at 5:00 p.m. in the 5th 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 Judge in Municipal Court. At this time, I will turn it over to Commissioner Markley, the Chair of the Subcommittee, to provide an overview.

Commissioner Markley said as you all recall, we promoted from within for Moe Ryan's position which meant we now have an open position we need to fill. We went through the exact same process a second time with a new posting for that job. We only got one applicant that was different from the prior round of applicants. We did three additional interviews and out of the pool of candidates we have three more candidates for interviews; Meaghan Shultz, Karen Wittman, and Ryan Haga that will be with us tonight. Just like last time, I plan to ask each of them three questions, so they will have an opportunity to introduce themselves and talk to you all a little bit and then we have the same balloting procedure as last time as well.

Commissioner Burroughs said you said you only had one new applicant that applied?

Commissioner Markley said right. All the prior applicants were invited to roll their application forward and did so and then we had one new applicant who hadn't applied for the prior position.

Commissioner Markley said Meaghan Shultz will go first and they drew numbers in case anyone is curious as to how we determined that.

Doug Bach, County Administrator, said our first candidate is Meaghan Shultz.

Commissioner Markley said I have the honor again tonight of asking you—I have three questions for you. Everyone here has seen a copy of your resume and we will dive right into those questions.

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?

Meagan Shultz said I think that our biggest challenge is continuing to keep up with technology. Judge Ryan along with Judge Roberts are the ones that brought us Regis which contains LE WEB which we use to check peoples backgrounds and IMDSPlus Court Software. Using that software

has been so phenomenal in moving our court forward. We have learned many new ways to utilize it and I think it will continue to help us on this journey. However, there are other things technologically that I feel like we need to consider. The KBI now has an established conference room with the potential to do witness testimony for DUI—for their toxicologists on DUI cases and other drug cases, but for us it would be primarily DUI cases, but we do not have the technology in our courtrooms to facilitate this right now. I think it would be very important for us to consider it. It's not right in every case, but it is definitely right to use it in some of our cases.

The usual thing that happens on a DUI case when there is a toxicologist involved, the toxicologist shows up at court. The other witnesses show up at court and then often the defendant enters into a plea, so the toxicologist has traveled from Topeka and sat in court and not usually testify. It would be great if we good allow them the luxury of at times not actually having to make that commute as long as we can do it in a way that still ensures the rights of the defendant.

I think our biggest opportunity that we have has to do with mental health issues. We have a segment of the population that we end up dealing with because their mental health issues have caused them to behave in a pattern of conduct that puts them in jail and then puts them in front of us. We now have a Court Liaison, Jeff Robinson, who is with Wyandotte Mental Health. He works with us and we are doing some work with Judge Lynch with her care and treatment docket crossovers between her clients—or the people that she sees and our defendants. I believe that we have an opportunity to increase not only the coordination, but also the new KU Campus that is being renovated will contain a courtroom. I believe there is a large opportunity for us to maybe siphon off some of the mental health issue cases into that courtroom if we're able to coordinate that with KU and with the District Court.

2. What type of professional relationship should Municipal Court have with the Mayor/CEO, County Administration and commissioners and how would you deal with potential conflicts between those stakeholders?

Ms. Shultz said in my opinion the Commission sets the policies through its stated goals through the passing of ordinances and resolutions. The court, whether it's the Court Administrator or the Judges, should be able to come to Commission meetings, for example, at the state of the court, and other times when necessary to communicate with commissioners, the Mayor/CEO, and the County

Administrator regarding the direction that the court is going, other things that are happening in the court, but not about individual cases. Any person that is a judge has to uphold the judicial ethics which require an independent judiciary and also requires the avoidance of the appearance of impropriety. It would be improper for a judge to communicate with any about an individual case.

3. Our final question is kind of open-ended, so you can speak about yourself. In 5 minutes or less, tell us why you would be the best candidate and should be selected for the position.

Ms. Shultz said I think that I'm the best candidate because I am ready to hit the ground running. I am familiar with the court software, I am familiar with the court procedures, I have handled all of the dockets that we hold, I am familiar with all of the court personnel. I have good working relationships with all the court personnel and I believe that I would be a great addition to the team. I believe that my strengths compliment the strengths of the people that are already there, in particular Crystal Sprague, the Court Administrator and Judge Brajkovic. I really believe that the three of us work well together and I would be an asset in that respect.

I am really passionate about, and excited about, the changes that our court has made over the last few years. We hold regularly scheduled dockets that are called Ability to Pay Dockets. They are on the second and fourth Wednesday of the month. There are people, because of historic accumulation of fines, that don't have the ability to pay their fines. We deal with that by doing an Ability to Pay Hearing and we're doing those frequently and I'm not sure that people are aware that we're doing them. I like the direction that we're going with it especially when it comes to traffic fines. It's best for all of us if people are able to be licensed drivers and one of the ways to do that when they have excessive fines is to look at their actual ability to pay those fines and forgive the fines or come up with some sort of alternative means of them satisfying the fines.

We have also allowed people to automatically sign up for community service. It used to be we required you to attempt to pay your fine first, but when you come in and you plead guilty and you say can I do community service, the answer is yes. You can do either community service in full or you can do a combination of making partial payments and community service. I really think that has helped our court increase compliance. I believe it has helped increase our efficiency. We allow people to make payments online, but unfortunately at this time, we're only doing payments in full. I would love to be a part of making it so that we could do partial payments

online. That would increase, I believe, compliance with payment. It would decrease the need for people that appear in court. We have had over the course of the last couple years, we have transitioned our DUI diversions off of the regular docket for their check-in. This has reduced waiting time from three hours down to 30 minutes or less for those people which I believe helps them as far as keeping employment and being able to pay and do all the other things in their life that are important to them.

Lastly, but maybe even most importantly, I love this community. I moved here in 2005 and I didn't know anything about Wyandotte County, but I am extremely proud to live here, I love the people here, I'm involved in the community, and I really feel like having a passion for Wyandotte County is important to have with the judge. I'm from an Air Force family, so I have lived a couple of places to put it mildly. My husband and I have raised our children here and we are very happy to call this place home. I really believe that this place has the best of both worlds. We have a small-town feel, but with big city amenities and I think it's critical that you have a person in the Municipal Court Judge position who appreciates that.

Ms. Cobbins said you have one minute.

Ms. Shultz said thank you for your time. I appreciate it.

Mr. Bach said our next candidate is Karen Wittman.

Commissioner Markley said welcome Karen. We're going to put you through the three questions like last time. Everyone has seen your resume just like last time and we will dive right in.

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 Wittman said I did watch the people last time and I know you all asked about computer. I know that Judge Brandy mentioned computerized things for the court. I do know that when I get stuff over at the DA's Office from it, it is now more computerized than it used to be. The older ones were handwritten notes. I would like to at least tell the Commission that I was one of the

stakeholders in the Kansas Criminal Justice Information System that is housed within the KBI. Back, I would say maybe five years ago, it became very apparent that we were not tracking DUI offenders very well in the state. For example, here, I'm sure it happened here, it happened in Topeka; there was a Municipal Court and a District Court, there could be literally two different view eyes pending in both of the courts and neither court knew that was happening. KDOT realized that this was a safety issue for our state and they put up money to create something in the KCJIS realm in the KBI to keep track of these DUIs. They needed stakeholders that used the system, can design the system, etc., so I was one of them that helped first of all look at the business process how it is now and how it was and how it wasn't working and then help the designers actually put together the system that we currently have. It took over 2.5 years. They hired a company outside to help design it, but the KBI did a lot of the work also and basically it was for all District Courts and Municipal Courts to be able to get the information to the KBI almost in real time because we found that how it was happening. If somebody got convicted of a DUI in Municipal Court or District Court, they would fill out the papers, they would put it in a manila envelope, and when the manila envelope got full then they would send it. Well, I'm trying to prosecute a guy and he's now got—you know he's not a second, he's a third and so that's what was going on.

This system that was put together is revolutionary for states because it literally—we knew all the information was out there somewhere, it was just nobody was talking to one another. Now how the system operates is, a person can sit at their computer and access the portal to the KBI to the Criminal Justice information and it will go out and search all of those different places and bring that information in. Once it was completed, I was lucky enough that they chose me to roll out the design of the thing and how it works. I also even got to present at the KCJIS meeting that they have annually for stakeholders about how the process came about. Even after that was designed I wanted those documents to be able to be admissible in court and so they tasked me with actually writing the law to create that mechanism. I went and surveyed all the states. I'm like somebody else has to be doing something like this. Well nobody did it, and I was like how am I going to do this. I had nothing and so finally I just decided I'm going to say this, so I wrote the law to allow for that stuff to be certified and be admissible in court and now that is the law.

I have a lot of background in dealing with criminal justice records, how they need to be done and where they need to go and how it's done there at the KBI. I know at least that part of it

and I know that was one of judges priority and I feel like I could bring good information to the table for that.

2. What type of professional relationship should Municipal Court have with the Mayor/CEO, County Administration and commissioners and how would you deal with potential conflicts between those stakeholders?

Ms. Wittman said my answer is a little different this time only because this is not for the Administrative Judge. I feel that the Administrative Judge is the one that should have the voice to the Commission. It should be a single voice. Obviously, I am in hopes that the Administrative Judge would get input from me, you know we have a united front in that communication, but clearly, I don't think I should have a voice as a second. It should be the Administrative Judge speaking to the Commission as one single voice.

3. In 5 minutes or less, tell why you would be the best candidate and should be selected for this position.

Ms. Wittman said I didn't want to just say ditto, so I thought I would take at least this five minutes to give you a little bit—I know you have my resume, but to give you kind of a little overview of what I have done. Right, currently, I am Deputy District Attorney over at the Courthouse, but I have a really unique background. I have a degree in Forensic Science with a Minor in Chemistry. I have worked in a crime lab and I testified as an expert witness in the field of Forensic Chemistry. I did that for six years prior to going to law school because I kind of liked that law thing. It seemed interesting and so I ended up coming to Washburn, never been to Kansas before. I got my law degree. I also met my husband. He's a lawyer too, but he was out of school by the time I got there. I've been basically a Prosecutor, but I had some experience in racing and gaming which was a lot of fun. I used to come to the Woodland's to work and, of course, by husband was, you're going to the racetrack to go to work, but it was a great job. I also worked in insurance fraud, worker's compensation fraud, but my passion has always been traffic safety and keeping our roads safe. During my work in the District Attorney's Office in Shawnee County I created, and I brought a copy because I just came out with my—I called it the 14th Edition because the 13th Edition scared

me; but I've done 13 editions of a DUI Law Book. I am considered an expert in the field of DUI in the state of Kansas and I had that job for eight years. I did all sorts of things. I trained thousands of law enforcement officers all across the state. I've trained prosecutors. I've trained judges. I was a Municipal Judge for 21 years. I was invited to the Municipal Judges Conference and gave presentations to them specifically on DUI law or traffic safety law. I have written a number of articles and I know I've listed them there for you and I've done two since I turned that into you.

My husband and I just celebrated 28 years of marriage. We have two children. My daughter who is finishing up Graduate School was a dual athlete. She played ice hockey from Kansas, ice hockey, and soccer and she wants to be a law enforcement officer and so she has applied to be a law enforcement officer. My son is a Junior at KU and he wants to be a computer geek. He's an Eagle Scout. I'm very proud of both of them.

I will finish up by saying I hope that I will have an opportunity to work with the Administrative Judge to meet the goals that she has as well as the Commission goals to make this community as safe as we can. Thank you very much.

Mr. Bach said the next candidate is Ryan Haga.

Commissioner Markley said I have three questions that I will ask you similar to our previous interview with the committee. I'll ask all three questions and everybody here including the commissioners that aren't on the committee have seen your resume and has had access to that information.

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?

Ryan Haga said I think in particular to Wyandotte County I know that we've prioritized trying to do things we can to raise up the community in terms of some of our housing issues and blight issues while also dealing with economic disparities that help undergird those issues. I think a big part of what is going to be the Municipal Court Judge's job is to make sure that whenever people come in front of them regardless of whether it's some sort of housing issue or you know more typically a traffic or some other misdemeanor that has a positive affect on showing that we take

such violations seriously and that we want to hold them accountable without also using the system to put people into basically no end situations where they really can't dig themselves out from under a situation where they maybe have fines upon fines and other disparities as far as going forward.

2. What type of professional relationship should Municipal Court have with the Mayor/CEO, County Administration and commissioners and how would you deal with potential conflicts between those stakeholders?

Mr. Haga said obviously given that the Municipal Court Judge serves at the favor of the Mayor and the Commission, obviously, there's a significant amount of accountability there so I do think it's the Municipal Court Judge duty to a certain extent to be aware of what the county's priorities are and to the extent participate and fairly help move those priorities forward and hopefully share those priorities, quite frankly, given that we're all members of the same community. At the same time, it's important that the Municipal Judge be fair and objective to where whenever there's a defendant comes in front of you that the front of your mind isn't what can I do to this person to get them to comply and push forward our community priorities without listening to the persons actual circumstances which they're living under and what led to the violation that has come up. Now, not to say that if someone comes in with a sad enough story, they shouldn't comply with the law and make sure to hold that person accountable.

It's important whenever a citizen comes in front of the Municipal Court that they know they're getting a fair independent care regardless of what other priorities that the Unified Government should be pushing.

It is a tough balance to maintain because I do believe a Municipal Court Judge is a representative of the Unified Government. I do think it is part of their job besides us running those dockets to get out into the community and make sure people know them, understand them, and know that whenever they come in front of them that they're going to get a fair shake. It's important the community has general access to the UG, so they can understand what our priorities are and what we're doing and why we're doing it. I think that can be an interesting line to try to tread as a Municipal Court Judge and to a certain extent you do need to be a legal computer. The offense goes in here, the likely outcome comes out there, but it isn't that mechanical we all know. The judges have discretion in terms of crafting certain penalties and fines that we can take into account

the persons circumstances and, quite frankly, to a certain extent the county's goals and aspirations as well.

3. In 5 minutes or less, tell us why you would be the best candidate and should be selected for this position.

Mr. Haga said I think what I really bring to the next series is I have a real diversity viewpoint as a practicing attorney. When I graduated law school in 2005 I started doing firm work, but I only did that for about three years before I opened up my own practice here in Wyandotte County. I had my office on 26th & Armstrong in Don Taylor's building and Ray Probst building doing District Court criminal appointments, doing bankruptcy, doing divorces, tickets, and other various other criminal law work here in the county. I did that for about 2.5 years. For those 2.5 years I represented defendants in all different types of circumstances, you know economic and what have you. As an advocate for those people during that time I feel like I'm going to have a strong perspective what it's like to be on the defensive end and not just simply from the prosecutor's point of view. Also, during that time, I worked regularly as a Judge Pro Tem here in Kansas City, Kansas so while I was doing that type of work in the District Court I was also over here working the traffic dockets, the domestic dockets, the DUI dockets as a Pro Tem.

In 2012 I got a job here as a Municipal Attorney and in the six, seven years I was here I had a bunch of different duties. I started off doing internal litigation, but during that time a big part of what I was doing here on a regular basis was filling in for the dockets down on the second floor, filling in for Meagan, filling in for Vickie, doing the traffic dockets, doing the DUI dockets, doing the domestic dockets and having a strong familiarity with those works and I would be willing to bet my numbers that I was probably the primary substitute for at least my first two or three years. In fact, my first jury trial for Wyandotte County was taking in an appellant—was taking an appeal from Municipal Court and trying it in the District Court.

Some time ago, some of you may be aware, I became the Codes Prosecutor, so I ran the regular Wednesday morning codes docket and dealing with those issues primarily. Obviously, housing issues, code violations for not cutting your grass, dealing with unsafe housing and what have you and helping craft those ordinances as well as working on the administrative program that's currently in place.

I really think one of the things that I really bring to the table as Municipal Judge is that I've done defense work and I've done prosecution work and I've already spent some time in the role of judge. I think the most important thing is that I really think that I have a track record that I can point to where I don't just come in and sit down and just do my job. When I took over—I look for opportunities for improvements and to make changes. When I took over the codes court docket after a couple of months of coming in on a typical Wednesday morning where you know we have a 2-hour docket, we have a line of citizens, we've got a line of code officers, they come up they open up in front of the judge, the code officer opens up his book and starts pulling out photographs. The citizen starts arguing about them, it took forever, it was long, it was noisy.

Ms. Cobbins said you have one-minute sir.

Mr. Haga said while working with Judge Brajkovic, after consulting with her, I made a decision to take my code officers out of the courtroom. Instead of bringing everyone in on Wednesday morning I would meet with the code officers on Tuesday afternoon to go over their cases, find out the status of the different cases so I could talk about them with the citizens when they came in, explain to them whether the case needed to be closed, keep it open, what problems needed to be addressed and what that lead to, quite frankly, was a much quieter, faster docket and certainly less contentious as well as scurrying up 10 to 15 code officers every Wednesday morning. They go out and look at properties instead of coming in and sitting in court for two hours.

I guess what I'm trying to say is I bring a diversity of viewpoint to the job, but also, I have a track record of looking for ways I can make a positive change and if I can find those opportunities, I will do that. Thank you.

Kenneth Moore, Chief Legal Counsel, said Mayor and Commissioners, like last time there will be a ballot with three names. They are in alphabetical order and we ask that you rank the three candidates in your order of preference and then we will see what the results of that is. If one candidate gets six or more votes, then there is no need of having further ballots.

Mr. Bach said we did not have one candidate that had the majority of the votes, so in doing this we went through and tabulated out who the two top place candidates would be based on the lowest

score between 1 through 5 and those two candidates turn out to be Ryan Haga and Meaghan Shultz. Now you will go to your second ballot and you will vote between them as to who you would pick as first. I mean you can vote for two, but it's pretty apparent. You're voting between just these two, so Karen Wittman is eliminated by the first ballot. Now instead of taking the person that may have five, which both of these had two five first place votes, so this could be interesting, but you're to go to it from a standpoint of vote for your first-place candidate and that's all we need on the sheet of paper is who you are voting first between Meaghan Shultz and Ryan Haga.

Mr. Bach said the votes are in. We have five first place votes for Meaghan Shultz and five first place votes for Ryan Haga. Do you want to have discussion about this? You're kind of at a point now—I mean you can keep voting.

Commissioner Markley said I'll just make a comment just as the Committee Chair. The one thing that I would say that distinguished these two candidates just in terms of how things played out as a committee, we actually interviewed Meaghan for the Administrator's job. We interviewed her for Moe Ryan's position and she didn't make the top three because she didn't have a judges background, but we actually interviewed her initially to potentially be the boss so then obviously when we moved on to the second round she was sort of obviously in the running from that perspective. Ryan, we did not interview the first time around, but obviously he came out of the top three this time. I think they're both great candidates. I feel like maybe it's kind of awkward, but I feel like I should mention that Ryan—I'm not helping because I'm saying good things about both of them, but Ryan spent some time in the hospital between both rounds of interviews, so he came basically straight from the hospital to interview with us so he's obviously incredibly dedicated both times. Again, I don't know if that was helpful because I just said great things about both of them. Just giving some lay of the land.

Commissioner Townsend asked is it possible to delay the vote or what would be the repercussion so that you have the elect. Is it imperative that we make a decision tonight? **Commissioner Murguia** asked could we wait for Walters? **Mr. Moore** said there is no requirement that you make the decision tonight. The timing of tonight was that it would allow time for the judge to be onboard before Judge Ryan left and that's at the end of March. **Mr. Bach** said we do have a

Commission meeting next week on the 7th and at this time, to our knowledge, you are all scheduled to be here. **Commissioner Townsend** said I would surely like to see us do that if it's not going to be a detriment by not making a decision tonight. That way you do have the input from eleven. We just had a wealth of talent, but to give each of these candidates the full benefit of you know, fair as it can be, that's what I would personally like to see happen.

Mayor Alvey said my concern would be, and I understand that, that if Commissioner Walters is back, then he would at least need to have viewed the interview before we would decide to vote again and whether there would be opportunity for us to have maybe just one question with each of the candidates. I don't know.

Mr. Bach said I'm going to say this. One week is not going to be detrimental to the operation of the court. I mean all of our operations suffer through shortages that go much more than that, so I'm sure that Judge Brajkovic can figure that out and we can manage as we go through that. If we're short, we'll have a Pro Tem for a longer period of time. That's a very manageable scenario on one week.

The other issues of coming in, I mean you have the option, it's not 6:00, you could bring the two candidates in individually and ask them another question if you want to or something like that, that could weigh that or wait for next week and we can visit with Commissioner Walters as he comes in and try to make sure he has the—I mean we will have it on YouTube since we put it out there. He can watch the recording from that perspective and if you want to during the meeting next week we are full up in a Special Session at this point, so we have a few things going on at 7:00, but we could still have the candidates come up and you could ask them questions during the meeting if you wanted to do that as well.

Commissioner Kane said well Haga just got out of the hospital and Jim isn't here. In my world normally, what you do is you have them come back in, but I think we cool off for a week, have them come in, give them five minutes of their spill and then we vote. That would then be fair to everybody. **Mayor Alvey** said I agree. Okay, so that's what we will do.

Mr. Bach said okay. We will work with you Mayor on the logistics of how we can do that between either the Special Session or the 7:00 which is probably going to be where we're at. **Mayor Alvey** said fine, that's good.

Commissioner Markley said while we have this moment of silence, I would just like to thank my committee because this was very time-consuming, and I do appreciate all of you making time in your schedules to do all the interviews and come up with questions and everything else that you did.

**MAYOR ALVEY ADJOURNED
THE MEETING AT 5:55 p.m.**

dt

Bridgette D. Cobbins
Unified Government Clerk



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Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: March 7, 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

1. 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.

2. COMMUNICATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

<u>Warrant #</u>	<u>Reissue?</u>	<u>Date Issued</u>	<u>AMOUNT</u> <u>T</u>	<u>FUND / ACD</u>	<u>Vendor Name</u>	<u>Reason for void</u> <u>(dropdown)</u>
854045	YES	3/8/2019	\$ 52.28	560/4900305269	STIMETZ, NICHOLAS	Wrong amount
852746	YES	2/15/2019	\$825.18	791/9815001557 1	INLANTA MORTGAGE, INC.	Wrong vendor

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION, DATED MARCH 5, 2019:

Section I - Appointment

Name	Department/Division	Eff. Date	Job Title
Wendy Hefton	Appraiser	3/7/19	Appraiser

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Moises Avila-Solis	PW/WPC	2/21/19	Construction Worker I	Plant Maint Worker
Joshua D Jakes	PW/WPC	2/21/19	Construction Worker I	Plant Maint Worker

Section IV - Leaves of Absence

Name	Department/Division	Lv. Beg	Lv. Ends	Leave/Pay
Cialan C Marshall	Sheriff/Detention	2/21/19	unknown	admin leave without pay
Jennifer M Ybarra	Sheriff/Detention	2/21/19	unknown	admin leave without pay

Section VIII - Other Request

Name	Department/Division	Action Requested and Explanation
Hunegnaw Zeleke	Health	ACD code change effective 3/7/19

Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION, DATED MARCH 7, 2019:

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Adrian D Goodlow	Sheriff/Detention	2/26/19	Deputy Operations	Deputy Operations
Richard W Ledgerwood	Parks/Rec	2/7/19	Supervisor	Superintendent
Travis A Lynch	PW/Street	3/7/19	Equipment Operator I	General Laborer

Section III - Separation

Name	Department/Division	Eff. Date	Job Title
Makiah M Sanchez	Police/Comm	2/21/19	Public Safety Dispatcher

Section IV - Leaves of Absence

Name	Department/Division	Lv. Beg	Lv. Ends	Leave/Pay
Daniel R Everhart	Sheriff/Detention	2/11/19	3/10/19	unpaid
Justin M Folsom	Health	2/26/19	3/25/19	unpaid

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Tommy Burroughs	Commission	ACD code change effective 1/1/19
Deasiray Bush	Finance/Budget	ACD code change effective 1/1/19
Katherine Carttar	Econ Development	ACD code change effective 1/1/19
Brett Deichler	311 Operations	ACD code change effective 1/1/19
Scott Fee	NRC	ACD code change effective 1/1/19
Francis Givens	Legal	ACD code change effective 2/7/19
Ronald Green	Payroll	ACD code change effective 1/1/19
Deborah Headrick	Payroll	ACD code change effective 1/1/19
David Lumjel	Sheriff/Detention	ACD code change effective 1/1/19
Casey Meyer	Legal	ACD code change effective 1/1/19
Janelle Smith	Payroll	ACD code change effective 1/1/19
Tanya Smith	Payroll	ACD code change effective 1/1/19
Vacant	Procurement	ACD code change to PIN 3539 effective 1/1/19
Vacant	Sheriff	ACD code change to PIN 6469 effective 1/1/19
Vacant	Sheriff	ACD code change to PIN 6492 effective 1/1/19
Vacant	Sheriff	ACD code change to PIN 6493 effective 1/1/19
Vacant	Sheriff	ACD code change to PIN 6502 effective 1/1/19
Vacant	Sheriff	ACD code change to PIN 6546 effective 1/1/19
Vacant	Sheriff	ACD code change to PIN 6565 effective 1/1/19
Vacant	Sheriff	ACD code change to PIN 6587 effective 1/1/19

Action: Received and filed. Copy previously forwarded to Payroll.

5. CLAIMS FOR DAMAGES:

Brandon T. Webb, 7330 Farrow Ave., alleging damage to vehicle caused by hitting a pothole on I-70 West past the 57th St. exit.

Earline Valentine, 7362 Lathrop Ave., alleging physical injuries from slipping on an icy sidewalk across the street from the Residence Inn.

Khalila Hicks, 4711 Yecker Ave., alleging damage to vehicle caused by hitting a pothole on 43rd St. and Parallel Pkwy.

Samuel W. DeLeon, 4710 Steele Rd., alleging damage to property and fence caused by a vehicle during a police chase.

Willie L. Roby Jr., 7607 Everett, alleging damage to vehicle caused by hitting a pothole on Kansas Ave. under the 18 St. Expressway.

Action: Received and filed. Copies previously forwarded to Legal.

6. TRAVEL REQUESTS:

Rodney Ashley, Police/Operations, travel to Los Angeles, CA, April 28 – May 3, 2019, to attend the National PAL 75th Annual Conference, Employee Training & Travel.

Emerick Cross, County Administrator's Office, travel to Las Vegas, NV, July 12 – 16, 2019, to attend the National Association of Counties, Employee Training & Travel.

Danica Baird, David Thaxton and Sara Toms, Sherriff's Office, travel to Manhattan, KS, March 25 – 29, 2019, to attend the Peer Support & Critical Incident Debrief Training, Employee Training & Travel.

Joseph Grasela, Police Department/Chief's Office/Internal Affairs, travel to Kansas City, MO, November 29, 2018 to February 18, 2019, to attend the Dale Carnegie Course, Employee Training & Travel.

Katie Yarsulik, Police/Operations, travel to North Kansas City, MO, March 19, 2019, for 12 weeks, to attend the Dale Carnegie Training, Employee Training & Travel.

Vincent Kingston, TFO-FBI-JTTF, travel to Columbia, MO, March 1, 2019, to assist with investigation, N/A.

Stephen Mansaw and Danon Vaughn, KCKPD/Criminal Investigation Div., travel to Salina, KS, March 18 – 21, 2019, to attend Homicide Investigation Training, Employee Training & Travel.

Michael Simmons, Investigations, travel to Daytona Beach, FL, April 21 - 26, 2019, to attend the Conducting Proper Investigation's Conference, Employee Training & Travel.

Matt Tomasic and Michael York, Police Dept., travel to Los Angeles, CA, April 29 – May 2, 2019, to attend the National PAL 75th Annual Conference, Employee Training & Travel.

Pamela Waldeck and Terry Zeigler, Police/Chief's Office, travel to New York, NY, April 1 – 3, 2019, to attend the PERF-NYPD Symposium on Law Enforcement Suicide, Employee Training & Travel.

Action: Received and filed. Copy previously forwarded to Legal.

7. CERTIFICATE OF INSURANCE:

Custom Limousine, Inc.

Action: Referred to License.

8. BUSINESS BONDS:

Electrical Contractor's Bonds

Allen Strausbaugh DBA Allen's Electric
Tann Electric, Inc. (4)
Trailblazer Electric, LLC

Mechanical Contractor's Bond

Vaughan Mechanical, Inc.

Mechanical/HVAC Contractor's Bonds

Associated Mechanical, Inc.
CM Mose & Sons
Nelson Thiongo DBA Nesh Heating & Cooling
T C Heating & Cooling, Inc.

Plumber's Bonds

Anthony Ficara Quick Relief Plumbing
Vaughan Mechanical, Inc.
United Plumbing & Service Co, Inc.

Action: Referred to License.

9. CONTINUATION CERTIFICATES:

Electrical Contractor's Bonds

Eric Wilson DBA Wilson Construction & Electrical
Fred Roberts II, Inc. DBA Suburban Electric
Mike Hagen Electric, Inc.

Plumber's Bond

Barsco Mechanical, LLC
DMC Service, Inc.
TD Plumbing, LLC

Miscellaneous Bonds

Midwest Electrical Service, Inc.
Nelson Thiongo DBA Nesh Heating & Cooling

Action: Referred to License.

10. REINSTATEMENT NOTICES:

Electrical Contractor's Bond
The Ceiling Fan Man Electrical Service, LLC

Plumber's Bond
Diamond Plumbing, LLC

Sign Hanger's Bonds
Reaching Solutions
Tri-City Sign Company

Action: Referred to License.

11. APPLICATION FOR PRECIOUS METAL DEALER'S LICENSE:

Gold Rush/Paul Boyd DBA Gold Rush, 1804 Minnesota Ave.

Action: Referred to License.

12. APPLICATION FOR PAWN BROKER'S LICENSE:

American Collateral Lenders, Inc. DBA Sols Jewelry Pawn, 721 State Ave.

Action: Referred to License.

13. APPLICATIONS FOR PRIVATE SECURITY BUSINESS:

Homeland Security Protective Service, Inc./Greg Glass DBA Homeland Security Protective Service, Inc., 1638 N. Corrington Ave, KCMO

Rockwell Security, LLC/Incorp Services DBA Rockwell Security, LLC, 11201 W. 59th Ter., Shawnee, KS

Action: Referred to License.

14. CANCELLATION NOTICES:

Electrical Contractor's Bonds
Electric Service Specialist, Inc.
Ms. Consulting, LLC

HVAC Bonds
Absolute Comfort Technologies, Inc.

Kansas Motor Vehicle Bond
ECS Geothermal, Inc.

Miscellaneous Bond
Am/Pm Plumbing, Inc.
ECS Geothermal, Inc.
Haas Electric, LLC
Metalcraft, Inc.
Mid-America Sign, LLC

Action: Referred to License.



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Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: March 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. PUBLIC NOTICE:

Alandon Tow, 6224 Kansas Avenue, held a public auto auction on March 5, 2019 at 10:00 a.m.

Action: Received and filed.

2. COMMUNICATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

Warrant #	Issue Date	Amount	Fund	Reason	Vendor	Reissue Date
852426	2/8/2019	\$125.00	266	Name change Becerrg to Herrera, Sarah	R5828	
853551	2/21/2019	\$150.00	110	Lost Warrant	Gragg, Clark K.	3/15/2019
853551	2/21/2019	\$124.08	110	Lost Warrant	Gragg, Clark K.	3/15/2019
852534	2/15/2019	\$968.05	160	Duplicate Payment pd Vndr 15529 11/30/18	First Call Restoration Inc.	

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION, DATED MARCH 12, 2019:

Section I - Appointments

Name	Eff. Date	Job Title
Michael B Farley	3/7/19	Planner
Estralita Justice	3/7/19	Lead Fiscal Support Asst

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Tyler F Eickhoff	Sheriff/Detention	3/4/19	Deputy Construction	Deputy
Paul M Grado	PW/WPC	3/7/19	Worker III Program	Plant Operator II Program
Sheria L Howard	Human Services	3/7/19	Coordinator	Coordinator

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Gerald L Beck	PW/Street	3/20/19	Operations Superintendent
Charles A Brockman	Econ Development	3/8/19	Mgt Analyst
Genaro Cruz	Parks/Rec	10/31/18	Seasonal Laborer
Lawrence J Eker	Emer Mgt	3/6/19	Program Coordinator
Elizabeth A Hernandez	Election	9/1/17	Election Tech

Gayle R Jackson	Finance/Treasury	3/20/19	Fiscal Supt Supervisor
Betsy L Pike	PW/WPC	4/2/19	Eng Specialist
Jesus M Soto	Sheriff/Detention	3/4/19	Deputy
Ronnell J Wills	DA's Office	3/4/19	Admin Supt Spec

Section IV - Leaves of Absence

Name	Department/Division	Lv. Beg	Lv. Ends	Leave/Pay
Erin E Davis	Finance/Treasury	3/23/19	3/31/19	unpaid
Broderick T Henderson	PW/Parking	2/21/19	3/21/19	unpaid
Krista C Owens	Police	2/15/19	3/15/19	unpaid

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Abigial M Eccher	Technology	Dept Division Change to CKO-Innovation and ACD change effective 3/7/19
Jud D Knapp	Technology	Dept Division Change to CKO-Innovation and ACD change effective 3/7/19
Meghan M Peterson	Finance/Treasury	Out of class pay from oc code 0204 to 0218 effective 3/26/19
Vacant	Technology	Dept Division Change to CKO-Innovation and ACD change effective 3/7/19
Vacant	Police	ACD code change effective 3/7/19

Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION, DATED MARCH 14, 2019:

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Carl L Campbell	PW/Parking	3/7/19	School Crossing Guard	School Crossing Guard
Justin L Grenovich	Finance/Treasury	3/7/19	Appraiser	Fiscal Supt Assistant

Section III - Separation

Name	Department/Division	Eff. Date	Job Title
Alyssa G Carodine	Health	3/8/19	Prog Coordinator

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Stephen C Dyer	Sheriff/Detention	4/26/19	Deputy
William C Green	Sheriff/Detention	4/26/19	Deputy
Nicholle D Smith	Sheriff/Juvenile	4/4/19	Juv Care Worker I
Thomas L Williams Jr	Sheriff/Detention	4/26/19	Deputy

Section VII - Reclassifications

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Vacant	Legal	3/21/19	Attorney	Prosecutor
Vacant	Sheriff/Court Security	11/30/18	Manager	Security Officer, Armed

Section VIII - Other Request

Name	Department/Division	Action Requested and Explanation
Leeann Shelton	Police	ACD code change effective 2/28/19

Action: Received and filed. Copy previously forwarded to Payroll.

5. NOTICE OF HEARINGS:

Unified Government of Wyandotte County vs. Dawna Dixon, Case No. 17PT3COA220.

Straightway Nondeno/Tammy Liggins vs. Brian Vazquez, Case No. 2018-PT-000003-COA585.

Unified Government vs. Straightway Nondeno/Tammy Liggins, Case No. 2018-PT-000003-COA585.

Action: Received and filed. Copies previously forwarded to Legal.

6. TRAVEL REQUESTS:

Chad Adcox, William Feden and Eugene H. Vigil, Fire/Training, travel to Emporia, KS, May 12 – 14, 2019, to attend FDSOA Training, Employee Training & Travel.

Dustin Bryant, Fire Department, travel to Godfrey, IL, March 11 – 12, 2019, to attend the line of duty death funeral, Employee Training/Travel.

Elizabeth Groenweghe and Hunegnaw Zeleke, Health Department, travel to Chapel Hill, NC, March 10 – 12, 2019, to attend Data Boot Camp: Best Practices for Collecting, Identifying, Interpreting and Visualizing Determinants of Health, AITT Training Grant/PHS.

Adriana Hernandez, District Attorney's Office, travel to Dallas, TX, April 7 – 11, 2019, to attend the Crimes Against Women Conference, County Grant Fund.

Emma Lee and Dave Wimberly, Human Resources, travel to Lake of the Ozarks, MO, April 10 – 12, 2019, to attend It's Raining Risk: How to Meet the Challenges, Employee Training & Travel.

Brett McCoy, David Sundermen, John M. Young, and, Fire Department, travel to Alton, IL, March 11 – 12, 2019, to attend the line of duty death funeral, Employee Training/Travel.

Janice Scott, Public Works/Streets, travel to Garden City, KS, April 10 – 12, 2019, to attend the 2019 AAKC Spring Conference, Employee Training & Travel.

Chad Shore, SOU, travel to Lonoke, AR, April 7 – 13, 2019, to attend DARC, Employee Training & Travel.

Meaghan Shultz, Municipal Court, travel to Dallas, TX, April 7 – 11, 2019, to attend the Conference on Crimes Against Women, VAWA Grant Fund/Prosecutor.

Action: Approved by Administrator's Office and received and filed.

7. APPLICATIONS FOR CMB LICENSE (PKG):

Aldi, Inc./Rick Rehorn DBA Aldi #84, 4805 State Ave.
La Bendicion 2, Inc./Sara Rodriguez-Valerio DBA La Bendicion 2 Inc., 2711 S. 47th St.
Kansas CVS Pharmacy, LLC/Cesar Batrez DBA CVS/Pharmacy #8584, 950 Minnesota Ave.
Kansas CVS Pharmacy, LLC/Cesar Batrez DBA CVS/Pharmacy #8603, 3750 State Ave.
Kansas CVS Pharmacy, LLC/Cesar Batrez DBA CVS/Pharmacy #8919, 4300 Rainbow Blvd.
Kansas CVS Pharmacy, LLC/Cesar Batrez DBA CVS/Pharmacy #8608, 4645 Shawnee Dr.
Kansas CVS Pharmacy, LLC/Cesar Batrez DBA CVS/Pharmacy #8600, 8101 State Ave.
Gary L. Wilson DBA Wilson's Pizza & Grill, 1801 Quindaro Blvd.

Action: Referred to License.

8. APPLICATION FOR CMB LICENSE (OP):

Wingstop Beverages III, Inc./Kimberly Groves DBA Wingstop #955, 151 S. 18th St., Suite H.

Action: Referred to License.

9. APPLICATIONS FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Daniel Houtchens/Cheryl Saunders DBA Mrs. Ace LLC/The Bar, 6720 ½ Kaw Dr.
Yard House Kansas City, LLC/Ada Yang DBA Yard House #8314, 1863 Village West Pkwy.

Action: Referred to License.

10. APPLICATION FOR CATERER/DRINKING ESTABLISHMENT/HOTEL:

Michael R. Johnson DBA 7th Street Event Center, 735 Minnesota Ave.

Action: Referred to License.

11. APPLICATION FOR PRIVATE SECURITY BUSINESS:

Whelan Security Co., Inc./James Schwartz DBA Whelan Security Co., 6700 Antioch Rd. #140, Merriam, KS

Action: Referred to License.

12. APPLICATION FOR MASSAGE THERAPY BUSINESS LICENSE:

Debra Singer-Hanson DBA Blue River Massage, 1225 N. 78th St. #G

Action: Referred to License.

13. CERTIFICATES OF INSURANCE:

Advanced Electrical, LLC DBA Summit Electric/Darin Martin
Homeland Security Protective Service, Inc.
Urban Tree Specialists, LLC

Action: Referred to License.

14. BUSINESS BONDS:

Electrical Contractor's Bonds:

Earl Bagg
BIG Electric, Inc.
Blue Atoms Energy, LLC
DME Electric, LLC
KC Wireman, Inc.
Lyric Enterprises Ltd DBA L&M Electric
Macario Arenas DBA Marcus Electric
J. W. McDowell Electric, LLC
Shogren Electric Service, LLC

Mechanical Contractor's Bond:

MMC Contractors National, Inc.

Plumber's Bonds:

Around Your House, LLC
Diamond Plumbing, LLC
Full Nelson Plumbing, Inc.
Kuzila, Inc.
MMC Contractors National, Inc.
Mr. Plumber, LLC
Donald Scarpelli DBA Roto-Rooter Services Company – Branch #506

Septic Tank & Cess Pool Installer & Cleaner's Bond:

Environmental Specialists, Inc.

Action: Referred to License.

15. CONTINUATION CERTIFICATES:

Electrical Contractor's Bond:

Creek Electric, Inc./C Perry Overstake, Jr.

HVAC Bond:

Universal Service Agency, LLC

Miscellaneous Bond:

CLR Heating & Cooling, LLC

Plumber's Bond:

Cecil Chappell, Jr. DBA CMC Plumbing

Action: Referred to License.

16. CANCELLATION NOTICES:

Electrical Contractor's Bond:

Greg Crumb

Master Mechanical Contractor's Bond:

Donnelly Heating & Cooling, LLC

Miscellaneous Bond:

River City Heating & Cooling, Inc.

Plumber's Bond:

Just Plumbing KCMO, LLC

Action: Referred to License.

17. RESCIND CANCELLATION NOTICES:

HVAC Contractor's Bond:

Absolute Comfort Technologies, Inc.

Mechanical Contractor's Bond:

Joe Elliott

Plumber's Bond:

Bobby Burkeen DBA Knee Deep Plumbing

Action: Referred to License.

18. RIDERS TO BONDS:

Electrical Contractor's Bond:

Charles Newhouse DBA True North Management Services, LLC

Plumber's Bond:

Allen S. Evans DBA Home Town Handyman

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: March 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:

Audit report for Water District No. 1 of Johnson County, December 31, 2018.

Action: Received and filed.

2. REPORT:

Financial Report for the Self-Supporting Municipal District/Downtown Improvement District (SSMID), for the month of February 2019.

Action: Received and filed.

3. COMMUNICATION:

Stephanie Moore, Economic Development, advising the Clerk and UG Board of Commissioners of a public hearing on April 11, 2019, to consider adoption of a redevelopment project plan for Project Area 1 in the Downtown Grocery Redevelopment District.

Action: Received and filed. Copy previously forwarded to the Commission Office.

4. 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>
854505	3/8/2019	\$ 150.00	110-65100035599	duplicate no reissue	C1174

<u>Warrant #</u>	<u>Issue Date</u>	<u>Amount</u>	<u>Fund</u>	<u>Reason</u>	<u>Vendor</u>	<u>Reissue Date</u>
855553	3/22/2019	\$ 252.72	110	Wrong Amount	Washington Jr, James W	3/22/2019
855500	3/22/2019	\$ 274.08	110	Name Spelling Incorrect	Magdalen, Cruz	3/22/2019
855556	3/22/2019	\$ 305.53	110	Wrong Amount	Watson, Mary A	3/22/2019
853579	2/22/2019	\$ 150.00	6510003559	Lost Warrant	Nicholson, Jewell	3/22/2019
	2/22/2019	\$ 124.08	110-65100195599	Lost Warrant	Nicholson, Jewell	3/22/2019
850527	1/4/2019	\$ 3,480.10	110	wrong address	Spartan Tool	3/22/2019
			160	wrong address		

Action: Received and filed.

5. PERSONNEL ACTION COMMUNICATION, DATED MARCH 19, 2019:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Jerry L Davis	PW/Parking	3/21/19	School Crossing Guard
Anjelicka M Dorsey	Health	3/21/19	Public Health Nurse
Gwendolyn C Jones	Finance/Treasury	3/21/19	Fiscal Supt Assistant
Jessica A Rubio	Finance/Treasury	3/21/19	Fiscal Supt Assistant

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Steven A.E. Haulmark	Police	3/21/19	Police Major	Asst Police Chief
Jannetta Y McDonnell	Finance/Treasury	3/7/19	Fiscal Supt Assistant	Fiscal Supt Assistant
Raymond P Nunez	Police	3/21/19	Police Captain	Police Major
Stephen M Smith	Police	3/21/19	Detective	Police Captain
Pamela E Waldeck	Police	3/21/19	Asst Police Chief	Deputy Chief

Section IV - Leave of Absence

Name	Department/Division	Lv. Beg	Lv. Ends	Leave/Pay
Ian K Scott	Parks/Rec	3/8/19	4/8/19	unpaid

Section VII - Reclassifications

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Vacant	Sheriff/Courthouse Security	3/12/19	Security Officer	Security Officer, Armed
Vacant	Sheriff/Courthouse Security	3/12/19	Security Officer	Security Officer, Armed
Vacant	Sheriff/Courthouse Security	3/12/19	Security Officer	Security Officer, Armed
Vacant	Sheriff/Courthouse Security	3/12/19	Security Officer	Security Officer, Armed
Vacant	Sheriff/Courthouse Security	3/12/19	Security Officer	Security Officer, Armed
Vacant	Sheriff/Courthouse Security	3/12/19	Security Officer	Security Officer, Armed
Vacant	Sheriff/Courthouse Security	3/12/19	Security Officer	Security Officer, Armed
Vacant	Sheriff/Courthouse Security	3/12/19	Security Officer	Security Officer, Armed

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Kenneth Denney	Police	ACD code change effective 3/21/19
Edgar Estrada	Police	ACD code change effective 3/21/19
Jared Johnston	Police	ACD code change effective 3/21/19
Declan Lowney	Police	ACD code change effective 3/21/19
Christina McCool	Police/Comm	ACD code change effective 3/21/19
Kristina McCullough	Police/Comm	ACD code change effective 3/21/19
Kyle McCullough	Police	ACD code change effective 3/21/19
Mark Palmerin	Police	ACD code change effective 3/21/19

Amanda Rank	Police/Comm	ACD code change effective 3/21/19
Michaela Ruffin	Police/Comm	ACD code change effective 3/21/19
Daniel Vance	Police	ACD code change effective 3/21/19

Action: Received and filed. Copy previously forwarded to Payroll.

6. PERSONNEL ACTION COMMUNICATION, DATED MARCH 21, 2019:

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Adam L Bechelmayer	Fire	3/26/19	Sr Firefighter/MICT
Joshua Blair	Fire	3/26/19	Sr Firefighter/MICT
Shaun M Carr	B&L	1/18/19	Building Engineer
Christopher D Carroll	Fire	3/26/19	Sr Firefighter/MICT
Nicholas M Carvan	Fire	3/26/19	Sr Firefighter/MICT
Craig A. Dreyer	Fire	3/26/19	Sr Firefighter/MICT
Dustin A Hornor	Fire	3/26/19	Sr Firefighter/MICT
Kevin M McGinnis	Fire	3/26/19	Sr Firefighter/MICT
Randy E Neher	Fire	3/26/19	Sr Firefighter/MICT
Christopher M Omland	Fire	3/26/19	Sr Firefighter
Phillip D Osner	Fire	3/26/19	Sr Firefighter/MICT
Jose L Rodriguez	Fire	3/26/19	Sr Firefighter
Rance T Sharp	Fire	3/26/19	Sr Firefighter/MICT
Cody W Smith	Fire	3/26/19	Sr Firefighter/MICT

Action: Received and filed. Copy previously forwarded to Payroll.

7. CLAIMS FOR DAMAGES:

Sharon Davis, 4905 Waverly, alleging damage to pavement rock flower bed due to snowplow activity during the wintertime.

Paula Fairbairn, 8501 Dehn Ln., alleging damage to tire due to pothole.

Antionette Tillman, 5240 Webster Ave., alleging damage to tire due to pothole.

Kenneth M. Barr, 1021 Lafayette Ave., alleging damage to vehicle due to salt and sand from the city trucks.

Symone Shanise Turner, 4115 Lawrence Court, alleging vehicle was auctioned off due to city worker not sending a notification letter.

Action: Received and filed. Copies previously forwarded to Legal.

8. SUMMONS:

State Farm Fire and Casualty Company vs. Kansas City Board of Public Utilities and The Unified Government of Wyandotte County/Kansas City, KS, Case No. 2019-CV-000198.

Action: Received and filed. Copy previously forwarded to Legal.

9. TRAVEL REQUESTS:

Jake Dent, Police Department/SOU, travel to Barnard, KS, April 8 – 12, 2019, to attend the KCMTOA Advanced Sniper Training, Employee Training & Travel.

Nathan Doleshal, VCTF/Intel, travel to Southlake, TX, April 1 – 4, 2019, to attend the Cellular Tech/Cellhawk Product Training, Employee Training & Travel.

Kelly Langton, Delaney Pieper, Noel Poe, Sherry Thorpe and Jamie VanHouten, Community Corrections, travel to National Harbor, MD, July 14 – 16, 2019, to attend the NADCP Conference, N/A.

Brent Smith, Fire Department, travel to Lincoln, NE, March 19 – 20, 2019, to attend the Lincoln, NE, Assessment Center Conference, Employee Training & Travel.

Action: Approved by Administrator's Office and received and filed.

10. APPLICATION FOR CMB LICENSE (PKG):

The Big Q Inc./Mark Quick DBA Quick Big Q, 2117 S. 34th

Action: Referred to License.

11. APPLICATION FOR MASSAGE THERAPIST'S LICENSE:

Marco Gonzalez D/B/with Chateau Avalon, 701 Village West Pkwy.

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 19642

Full Commission Meeting Date: 3/28/19

Committee:

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

Publication Required: Yes 4/4/2019

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
3/12/2019	Kathleen VonAchen, Debbie Jonscher, Alyse Villarreal	x5186, x5847, x5273	kvonachen@wycokck.org, djonscher@wycokck.org, avillarreal@wycokck.org	Finance

Item Description:

An ordinance terminating the NFM/Cabela's Transportation Development District and ceasing the collection of a 0.1% TDD Sales Tax; submitted by Kathleen VonAchen, Chief Finance Officer

Action Requested:

Approve

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Termination Ordinance - NFM TDD

(Published in *The Wyandotte Echo* on April __, 2019)

ORDINANCE NO. O-__-19

AN ORDINANCE TERMINATING A TRANSPORTATION DEVELOPMENT DISTRICT IN THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) created a transportation development district (the “TDD”) and imposed a sales tax within the TDD of 0.1% (the “TDD Sales Tax”) pursuant to the Transportation Development District Act, K.S.A. 12-17,140 *et seq.* (the “Act”) and Ordinance No. O-69-05 passed by the governing body of the Unified Government on September 15, 2005 (the “Ordinance”); and

WHEREAS, the transportation projects to be funded within the TDD by the TDD Sales Tax have been completed; and

WHEREAS, the governing body of the Unified Government hereby finds and determines it to be advisable to terminate the TDD and the TDD Sales Tax, all in accordance with the provisions of the Act.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

SECTION 1. Termination of TDD and TDD Sales Tax. The governing body of the Unified Government hereby finds and determines that it is advisable to terminate the TDD and the TDD Sales Tax effective at 11:59:59 p.m. on June 30, 2019, in accordance with the provisions of the Act. The legal description of the property contained in the TDD that is being terminated is set forth on **Exhibit A** attached hereto and incorporated herein. A map generally outlining the boundaries of the Transportation District to be terminated is attached as **Exhibit B** hereto and incorporated herein.

SECTION 2. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body and publication as provided by Kansas law in the official Unified Government newspaper.

PASSED by the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas this 28th day of March, 2019.

Mayor/CEO

(Seal)

Unified Government Clerk

EXHIBIT A

LEGAL DESCRIPTION OF TRANSPORTATION DEVELOPMENT DISTRICT

The following property located in Wyandotte County, Kansas City, Kansas:

NFM Site:

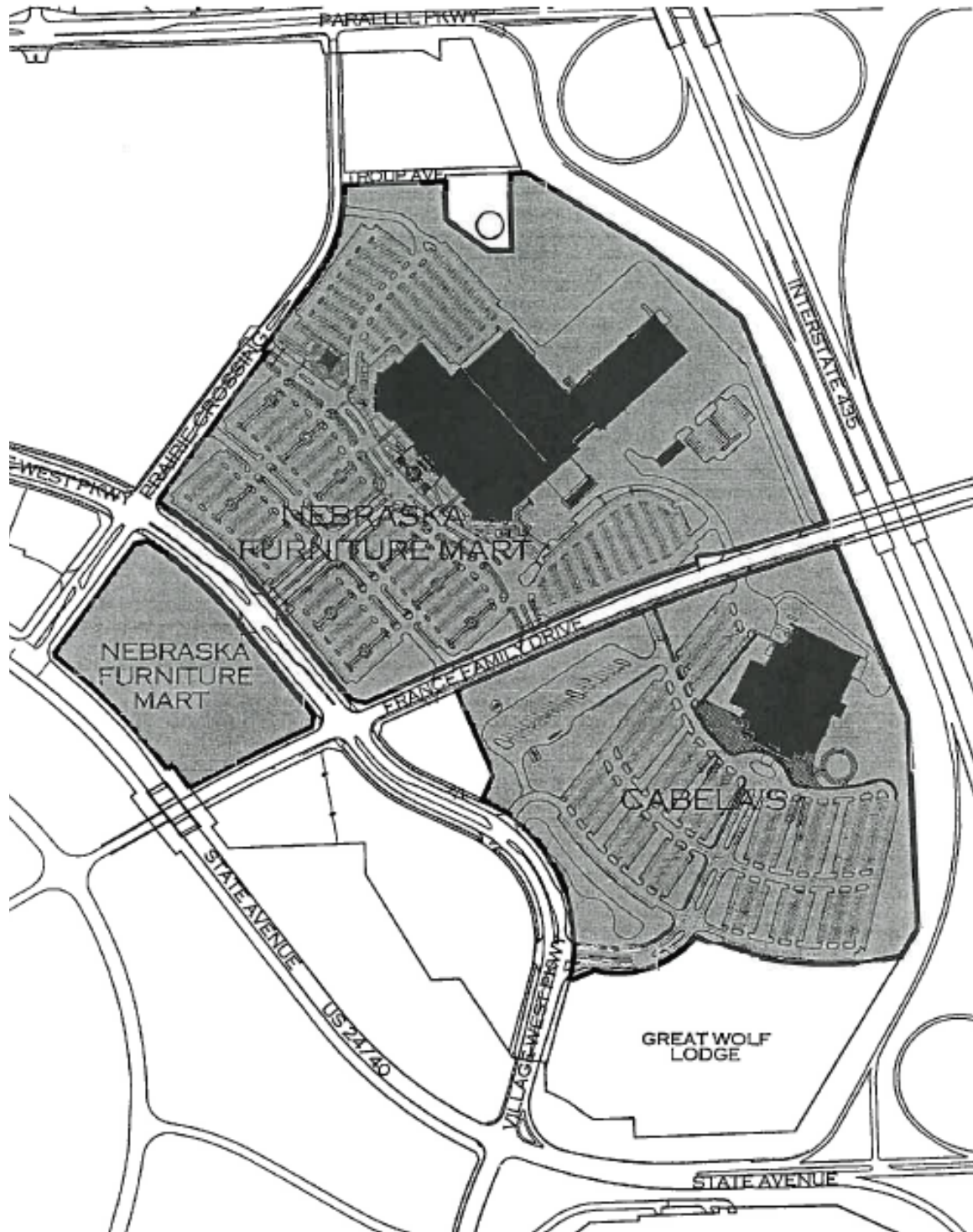
Lots 1 and 2, Block A, Tourism District.

Cabela's Site:

Lot 1, Block B, Tourism District.

EXHIBIT B

TRANSPORTATION DEVELOPMENT DISTRICT MAP





Staff Request for Commission Action

Tracking No. 19597

Full Commission Meeting Date: 3/28/19

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 3/4/19

(If none, please explain):

Publication Required: No

<u>Date:</u> 3/22/2019	<u>Contact Name:</u> Chris Slaughter	<u>Contact Phone:</u> x8977	<u>Contact Email:</u> CSlaughter@wycokck.org	<u>Department/Division:</u> Land Bank
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Item Description:

The Land Bank Manager respectfully requests that the Neighborhood & Community Development Committee review the proposed packets and forward them to the Land Bank Board of Trustees for final consideration.

Item (1) - Applications (2)

Item (2) - Transfers from Land Bank (1)

Item (3) - Tax Sale Transfers (186)

Action Requested:

The Land Bank Manager respectfully requests that the Neighborhood & Community Development Committee approve the above requests and forward them to the Land Bank Board of Trustees for final approval.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Memo to WCLB BOT TS342, Applications, Transfer from LB



Wyandotte County Land Bank

Economic Development Department

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5730
Fax: (913) 573-5745
Email: cslaughter@wycokck.org

MEMORANDUM

TO: Wyandotte County Land Bank Board of Trustees

FROM: Chris Slaughter, Land Bank Manager

DATE: March 28, 2019

SUBJECT: Non-Sale/Non-Redeemed Property – Tax Sale 342

Per Policy change, approved on **August 17, 2017** by Board of Trustees, all incoming property will be presented at Standing Committee for approval and forwarded to Land Bank Board of Trustees for final approval.

Attached are the properties that did receive a bid and were deemed no-sales or were not redeemed by a winning bidder, to the County, by the deadline established at the end **of Tax Sale 342 (December 13, 2018)**.

Each property has the following listed:

- Parcel number
- Site address
- Property indicator
 - V – vacant
 - I – improvement

COA	Parcel	Approximate Address	Zipcode	Code
11	009583	525 N 84th St	66112	V
17	018613	6753 Speaker Rd	66111	V
42	047742	5121 Washington Ave	66102	V
71	063566	3232 Everett Ave	66102	V
76	064039	3414 Oakland Ave	66102	V
78	064050	1519 N 36th St	66102	V
79	064065	1531 N 34th St	66102	V
94	067334	1214 Gilmore Ave	66102	V
96	067525	312 S Valley St	66102	V
102	068938	2231 Garfield Ave	66104	V
109	070207	14 S Mill St	66101	V
119	071948	617 S 11th St	66105	V
130	072531	1128 Pennsylvania Ave	66105	V
132	073152	831 S 10th St	66105	V
143	075807	1708 N 30th St	66102	V
148	077500	1422 N 31st St	66102	V
152	056656	332 N 34th St	66102	V
153	056993	216 N 30th St	66102	V
154	068947	2202 Garfield Ave	66104	V
164	080281	915 Freeman Ave	66101	V
165	080282	917 Freeman Ave	66101	V
166	080302	926 Oakland Ave	66101	V
167	080303	924 Oakland Ave	66101	V
168	080305	920 Oakland Ave	66101	V
169	080318	913 Oakland Ave	66101	V
170	080343	940 Everett Ave	66101	V
171	080347	932 Everett Ave	66101	V
172	080348	930 Everett Ave	66101	V
173	080443	1035 Armstrong Ave	66102	V
174	080453	809 N 11th St	66102	V
178	080727	1323 Washington Ave	66102	V
181	081171	1016 Freeman Ave	66102	V
182	081230	1052 New Jersey Ave	66102	V
186	081879	831 Oakland Ave	66101	V
187	081995	817 Everett Ave	66101	V
189	090154	1131 Sandusky Ave	66102	V
190	090396	837 Barnett Ave	66101	V
194	090678	1302 N 13th St	66102	V
204	094655	2111 Springfield Blvd	66101	V
206	080309	908 Oakland Ave	66101	I
211	098041	1908 N 11th St	66104	V
212	098539	2023 N 16th St	66104	V
213	098540	2017 N 16th St	66104	V
214	098541	2013 N 16th St	66104	V
216	098553	2004 N 16th St	66104	V
229	101648	2937 Stewart Ave	66104	V

237	104002	3101 Haskell Ave	66104	V
243	106642	3039 N 12th St	66104	V
250	110018	2014 N 3rd St	66101	V
256	111409	2107 N Tremont St	66101	V
259	111238	712 Parallel Ave	66101	V
264	111565	720 Parallel Ave	66101	V
267	115373	2965 N 17th St	66104	V
272	098764	1716 New Jersey Ave	66102	V
273	115979	1725 Greeley Ave	66104	V
274	115983	1741 Greeley Ave	66104	V
275	115986	1712 Greeley Ave	66104	I
276	115987	1716 Greeley Ave	66104	V
278	116402	1955 N 17th St	66104	V
279	116403	1953 N 17th St	66104	V
280	116410	1942 N 17th St	66104	V
283	116562	2912 N 27th St	66104	V
293	094610	2201 N 3rd St	66101	V
299	119516	730 R Northrup Ave	66101	C/I
301	068264	1256 Argentine Blvd	66105	V
302	094611	2205 N 3rd St	66101	V
303	109254	526 Parallel Ave	66101	V
306	119946	841 Tenny Ave	66101	V
309	120800	727 Central Ave	66101	V
314	120965	709 Reynolds Ave	66101	V
317	121082	650 Simpson Ave	66101	V
320	121530	68 S 7th Tfwy	66101	V
337	127802	914 Argentine Blvd	66105	V
339	130210	2700 S 15th Ln	66103	V
340	130501	2811 Glenrose Ln	66106	V
341	130502	2817 Glenrose Ln	66106	V
342	130503	2823 Glenrose Ln	66106	V
343	130504	2829 Glenrose Ln	66106	V
345	132131	2611 N Allis St	66101	V
346	132197	2720 N 7th St	66101	V
361	080132	1126 Everett Ave	66102	V
362	139865	113 S Cherokee St	66103	V
366	143022	1118 Ruby Ave	66103	V
367	143023	1114 Ruby Ave	66103	V
370	143184	1616 S 15th St	66103	V
378	154052	2065 Darby Ave	66101	V
379	154055	2071 Darby Ave	66101	V
397	157285	1210 Waverly Ave	66104	V
398	157588	1337 Rowland Ave	66104	V
404	158425	1802 Cleveland Ave	66104	V
405	158721	1740 Yecker Ave	66104	V
406	158428	1824 Cleveland Ave	66104	V
407	159954	1939 Stewart Ave	66104	V

408	162001	3094 N 22nd St	66104	V
409	162474	3052 N 21st St	66104	V
410	162475	3050 N 21st St	66104	V
411	162476	3048 N 21st St	66104	V
412	163021	2726 N 20th St	66104	V
420	004024	6226 Garfield Cv	66104	V
425	056722	231 N 35th St	66102	V
433	111001	1918 Springfield Blvd	66101	V
437	132044	632 Georgia Ave	66101	V
439	157751	1338 Waverly Ave	66104	V
443	164225	3414 N 30th St	66104	V
451	071330	337 S Boeke St	66101	V
452	073670	725 S 8th St	66105	V
453	140670	1960 N 6th St	66101	V
455	165024	3005 Delavan Ave	66104	V
461	170557	1111 S 39th St	66106	V
469	172820	3018 N 43rd St	66104	V
476	068839	1963 Garfield Ave	66104	V
482	072352	1238 Osage Ave	66105	V
483	072353	1242 Osage Ave	66105	V
484	072354	1244 Osage Ave	66105	V
485	081185	1046 Freeman Ave	66102	V
487	124635	3115 N 23rd St	66104	V
488	139730	748 Seminary St	66103	V
491	063618	3012 Washington Ave	66102	V
496	196009	1934 N 30th St	66104	V
500	100502	2715 N 31st St	66104	V
507	209631	1237 Wood Ave	66104	V
517	290304	10377 Parkview Ave	66109	V
524	098555	1954 N 16th St	66104	V
525	910829	1428 N 31st St	66102	V
530	914409	4501 Everett Ave	66102	V
533	917823	2508 N 51st St	66104	V
541	131814	2618 N 8th St	66101	V
544	927820	7411 Barnes Dr	66109	V
547	929105	158 N 74th St	66111	V
551	938324	9335 Georgia Ave	66109	V
555	072221	1273 Kansas Ave	66105	V
556	072222	1269 Kansas Ave	66105	V
558	072752	939 Miami Ave	66105	V
560	119038	800 Splitlog Ave	66101	V
579	064047	3405 Oakland Ave	66102	V
594	068879	2226 Wood Ave	66104	I
600	081898	822 Everett Ave	66101	V
605	115917	1515 Haskell Ave	66104	V
622	047403	1510 N 49th St	66102	V
623	178727	4957 Welborn Ln	66104	V

630	049903	1766 S 49th Pl	66106	V
631	052601	5205 Custer Ave	66106	V
635	080652	925 Ann Ave	66101	V
636	090215	1023 Sandusky Ave	66102	V
637	090395	833 Barnett Ave	66101	V
641	095148	648 Garfield Ave	66101	V
642	098618	1706 Richmond Ave	66104	V
646	115217	3037 N 16th St	66104	V
647	080254	1057 Everett Ave	66102	V
651	114531	2900 N 12th St	66104	V
652	115240	1336 Roswell Ave	66104	V
654	129325	2445 S 12th Ter	66103	V
655	129370	2452 S 12th Ter	66103	V
656	140338	2002 N Hallock St	66101	V
658	149300	2716 Hutton Rd	66109	V
663	159802	2400 Greeley Ave	66104	V
664	161803	2278 Russell Ave	66104	V
668	081152	932 Freeman Ave	66101	V
669	098437	2029 N 14th St	66104	V
670	099263	3063 N 31st St	66104	V
673	110212	330 Garfield Ave	66101	I
674	156786	1030 Lafayette Ave	66104	V
675	067097	1210 Pacific Ave	66102	V
704	066001	2553 Everett Ave	66102	V
705	080207	1031 Oakland Ave	66102	V
708	081191	1061 New Jersey Ave	66102	V
710	114519	3011 N 13th St	66104	V
713	094547	2096 N Water St	66101	V
714	094600	209 Greeley Ave	66101	V
715	098957	1912 N 13th St	66104	V
717	098949	1832 N 13th St	66104	V
718	106631	3030 R N Bethany St	66104	V
719	106633	3024 R N Bethany St	66104	V
720	115552	3001 Hiawatha St	66104	V
721	124629	3125 N 23rd St	66104	V
722	124630	3129 N 23rd St	66104	V
723	124631	3133 N 23rd St	66104	V
724	126373	2110 S Boeke St	66103	V
725	127203	1511 S Ferree St	66103	V
726	131305	2906 H Sherman St	66101	V
727	132104	2718 N Allis St	66101	V
731	157420	1053 Rowland Ave	66104	V
732	158757	1810 Yecker Ave	66104	V
733	158767	1823 Yecker Ave	66104	V
736	163809	3430 N 32nd Ter	66104	V
744	916913	4802 Parkview Ave	66104	I

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WYANDOTTE COUNTY LAND BANK - APPLICATIONS

APPLICANT	APPLICANT ADDRESS	LAND BANK ADDRESS	PROPOSED USE	STANDING COMMITTEE RECOMMENDATION
Saol Franco Meza	1225 Ann Ave	1227 Ann Ave	YARD EXTENSION	APPROVED
Saol Franco Meza	1225 Ann Ave	1233 Ann Ave	PROPERTY ACQUISITION	APPROVED
LAND BANK ADVISORY BOARD RECOMMENDATION	The Land Bank Advisory Board recommends forwarding the application(s), to the Land Bank Board of Trustees, for final approval.			

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Application to Purchase a Vacant Land Bank Property as Yard Extension

Use this application if the following is correct:

- You are the Owner of Record of an adjacent occupied structure that shares a property line with an undeveloped Land Bank lot and wish to acquire the lot to expand your property.

Separate applications are available to purchase property for new construction or the rehab of an existing residential or commercial structure. WCLB property that is determined to be developable may not qualify for the Yard Extension program.

Program Requirements and Policies:

- All properties for sale are listed on the WCLB website. Not all land bank properties are available for sale— if a property is on the "Hold" listing, it may not currently be for sale.
- An application is required for all purchases of property. Applications are not considered until all required information is provided. If an application is incomplete, it may be rejected or other completed applications will be given priority.
- Applications will automatically be rejected if the applicant is currently tax delinquent or has any outstanding code violations on any property owned in Wyandotte County.
- WCLB reserves the absolute right to accept or reject any and all applications and offers for purchase. In cases of multiple applications, the WCLB will give precedence to applications from adjacent, occupied homeowners.
- Splitting a Land Bank lot for two adjacent owners – In a case where two property owners of record apply for a lot, the WCLB may split the parcel between the two owners.
- All transfers include deed restrictions and/or a reversionary clause allowing the WCLB to regain ownership and possession of the property if the buyer fails to meet the restrictions placed on the property.
- The Wyandotte County Land Bank Board of Trustees (LBBOT) must approve all application(s) in order for the WCLB to transfer property.
- Closings are held at the WCLB offices. The WCLB will only accept cashier's checks or money orders made payable to the **Wyandotte County Land Bank**.
- All property is sold "as-is". The buyer agrees to accept the property in its "as is" condition, without any warranties or representations by the WCLB. The buyer agrees to hold harmless and release the WCLB and the Unified Government of Wyandotte/KCK (UG) for all conditions known or unknown to the property.
- The buyer agrees to indemnify, protect, hold harmless, defend, and release the WCLB and UG from any claims, losses, damages, costs, or expenses including, without limitation, all reasonable attorneys' fees asserted against, incurred, or suffered by the WCLB resulting from any contract breaches, personal injuries, or property damages occurring in, on, about, or related to the property resulting from any causes, except resulting from the acts or omissions of the WCLB or the WCLB agents, employees, or contractors. Nothing in this article restricts the WCLB rights and remedies available at law or in equity.

Signature (Required)

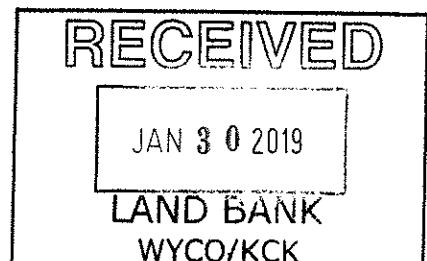
I have read and understand the information provided above and contained in this application.

Saol Franco Meza Date 01/30/19

Sign here

Saol Franco Meza

Print Name



#11

Application to Purchase a Vacant Land Bank Property as Yard Extension

Land Bank Property You Wish to Purchase: 1227 Ann Ave

Parcel ID Number: 080945

Applicant Information (Please Print)

Name: Saul Franco Meza

Company/Organization: _____

Mailing Address: 1225 Ann Ave KCKS66102

Phone Number(s): _____

E-mail(s): _____

Address of the adjacent structure you own: Same

Do you live in the adjacent structure above? Yes ☒ No ☐

Please Respond to the Following Questions:

1. Are you currently delinquent on property taxes for any property owned in Wyandotte County?
Please explain a "yes" answer on a separate attachment.
Yes _____ No ☒
2. Do you currently have a notice from the Code Enforcement Department indicating that you are in violation of City Code? Please explain a "yes" answer on a separate attachment.
Yes _____ No ☒

Note: As a part of the review of this application, WCLB staff will review records from other UG Offices, such as Code Enforcement, Treasury and other available records. Failure to honestly answer these questions may result in the rejection of the application.

Signature (Required)

I hereby authorize the Wyandotte County Land Bank to obtain information necessary to verify the information supplied in this application. All the information that I have provided is accurate to the best of my knowledge, and will remain confidential.

Saul Franco Meza Date 01/30/19

Sign here

Saul Franco Meza

Print Name



Application for Land Bank Property Acquisition



Use this application if:

You are purchasing an undeveloped Land Bank property that is not adjacent to any property that you own.

Separate applications are available to purchase property for yard extension, new construction or the rehab of an existing residential or commercial structure. WCLB property that is determined to be developable may not qualify for this program.

Program Requirements and Policies:

- All properties for sale are listed on the WCLB website. Not all land bank properties are available for sale— if a property is on the "Hold" listing, it may not currently be for sale.
- An application is required for all purchases of property. Applications are not considered until all required information is provided. If an application is incomplete, it may be rejected, or other completed applications will be given priority.
- Applications will automatically be rejected if the applicant is currently tax delinquent or has any outstanding code violations on any property owned in Wyandotte County.
- WCLB reserves the absolute right to accept or reject any and all applications and offers for purchase. In cases of multiple applications, the WCLB will give precedence to applications from adjacent, occupied homeowners
- All transfers include deed restrictions and/or a reversionary clause allowing the WCLB to regain ownership and possession of the property if the buyer fails to meet the following restrictions placed on the property.
 - Property owner must not obtain any code violations
 - Property owner must pay property taxes within the allotted time frame
 - Property owner must not sell the property for a period of 36 months
- The Wyandotte County Land Bank Board of Trustees (LBBOT) must approve all application(s) in order for the WCLB to transfer property.
- Closings are held at the WCLB offices. The WCLB will only accept cashier's checks or money orders made payable to the **Wyandotte County Land Bank**.
- All property is sold "as-is". The buyer agrees to accept the property in its "as is" condition, without any warranties or representations by the WCLB. The buyer agrees to hold harmless and release the WCLB and the Unified Government of Wyandotte/KCK (UG) for all conditions known or unknown to the property.
- The WCLB will discuss the asking price for each property upon the receipt of a completed application.
- The buyer agrees to indemnify, protect, hold harmless, defend, and release the WCLB and UG from any claims, losses, damages, costs, or expenses including, without limitation, all reasonable attorneys' fees asserted against, incurred, or suffered by the WCLB resulting from any contract breaches, personal injuries, or property damages occurring in, on, about, or related to the property resulting from any causes, except resulting from the acts or omissions of the WCLB or the WCLB agents, employees, or contractors. Nothing in this article restricts the WCLB rights and remedies available at law or in equity.

Signature (Required)

I have read and understand the information provided above and contained in this application.

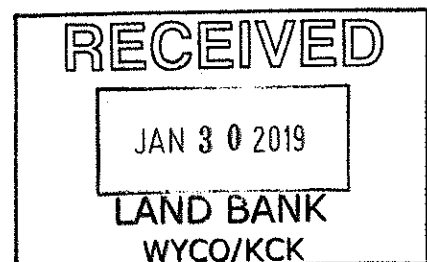
Saul Franco Meza

Date 01/30/19

Sign here

Saul Franco Meza.

Please return to:
Wyandotte County Land Bank
701 N 7th St, Suite 421
Kansas City, KS 66101



#12



Application for Land Bank Property Acquisition



Print Name

Land Bank Property You Wish to Purchase: 1233 Ann Ave

Parcel ID Number: 080946

Intended Usage of Property: more for children
To play will eventually
Fence

Applicant Information (Please Print)

Name: Saul Franco Meza

Company/Organization: _____

Mailing Address: 1225 Ann ave Kelcs 66102

Phone Number(s): _____

E-mail(s): _____

Please Respond to the Following Questions:

1. Are you currently delinquent on property taxes for any property owned in Wyandotte County?
Please explain a "yes" answer on a separate attachment.
Yes ___ No ☒
2. Do you currently have a notice from the Code Enforcement Department indicating that you are in violation of City Code? Please explain a "yes" answer on a separate attachment.
Yes ___ No ☒

Note: As a part of the review of this application, WCLB staff will review records from other UG Offices, such as Code Enforcement, Treasury and other available records. Failure to honestly answer these questions may result in the rejection of the application.

Signature (Required)

I hereby authorize the Wyandotte County Land Bank to obtain information necessary to verify the information supplied in this application. All the information that I have provided is accurate to the best of my knowledge and will remain confidential.

Saul Franco Meza Date 01/30/19

Sign here

Saul Franco Meza

Print Name

Please return to:
Wyandotte County Land Bank
701 N 7th St, Suite 421
Kansas City, KS 66101

TRANSFERS FROM LAND BANK

Recipient	Property Address	Parcel	Comments	Standing Committee Recommendation
ROSEDALE DEVELOPMENT ASSOCIATION (RDA)	748 SEMINARY ST	139730	RDA Property was in Tax Sale 342 (Dec 2018) and transferred into the Land Bank. RDA would like to take on ownership of the property in order to allow the neighbors to continue the community garden and preserve an important community gathering place and healthy food access point.	APPROVED

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