

**APRIL 25, 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 KEN NETTLING, FAITH LUTHERAN
CHURCH**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, APRIL 25, 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' AGENDA**
- XVI. PUBLIC ANNOUNCEMENTS**
- XVII. ADJOURN**

SERGEANT-AT-ARMS: CAPTAIN RONALD SCHUMAKER

PLANNING AGENDA

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. **#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 #: 19698

2. **#3184 - PETER AND LISA LORD WITH WAREHOUSE 647, LLC**

Synopsis: Change of Zone from M-2 General Industrial District to CP-3 Planned Commercial District for a residential unit over a commercial business at 647 Southwest Boulevard, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 19699

3. **#3185 - BRANDON BECKER WITH BCB HOLDINGS**

Synopsis: Change of Zone from A-G Agriculture District to R-1 Single Family District for a single-family residential development at 3316 North 131st Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 19700

4. **#3186 - KURT WINTERS WITH UG WATER POLLUTION CONTROL**

Synopsis: Change of Zone from A-G Agriculture District to MP-3 Planned Heavy Industrial District for a wastewater treatment plant at 9407 Main Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 19701

B. SPECIAL USE PERMIT APPLICATIONS

1. **#SP-2019-16 - JEFFREY E. HOLLINSHE**

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 #: 19703

2. **#SP-2019-19 - DANA AND PATTI MEIER**

Synopsis: Renewal of a Special Use Permit (#SP-2018-36 – expired 4/5/2019) for an AIRBNB at 3910 Springfield, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 19694

3. **#SP-2019-26 - MICHAEL GEKAS**

Synopsis: Special Use Permit for an AIRBNB at 2716 North 119th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 2 YEARS**)

Tracking #: 19704

4. **#SP-2019-27 - RICH ECKERT WITH BETTIS ASPHALT & CONSTRUCTION, INC.**

Synopsis: Special Use Permit for a temporary asphalt plant at 1625 South 86th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 100 DAYS**)

Tracking #: 19705

5. **#SP-2019-28 - JEFFREY STEINBERG WITH APEX CDL INSTITUTE**

Synopsis: Renewal of a Special Use Permit (#SP-2016-81 – expired 10/27/2018) for a commercial driver's license training facility and job placement program for graduating students at 6801 State Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 5 YEARS**)

Tracking #: 19695

6. **#SP-2019-32 - KEITH ORR**

Synopsis: Renewal of a Special Use Permit (#SP-2016-90 – expired 12/1/2018) to keep two (2) horses at 1715 South 94th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR DENIAL**)

Tracking #: 19707

7. **#SP-2019-33 - ANCHALEE CHANTARMONGKOL WITH AVC PROPERTIES INC.**

Synopsis: Special Use Permit for a short-term rental at 2310 West 41st Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 1 YEAR**)

Tracking #: 19708

8. **#SP-2019-34 - JESSICA ZIEG WITH RZ PROPERTIES, LLC**

Synopsis: Renewal of a Special Use Permit (#SP-2018-33 – expires 4/26/2019) for an AIRBNB at 625 Northrup Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 2 YEARS**)

Tracking #: 19696

9. **#SP-2019-37 - YOLA VAN LAANEN**

Synopsis: Renewal of a Special Use Permit (#SP-2018-26 – expired 4/5/2019) for an

AIRBNB at 4440 Cambridge Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
Tracking #: 19697

C. VACATION APPLICATION

1. **#U/E-2019-2 - ANDREA WEISHAUBT WITH ATLAS SURVEYORS**

Synopsis: Vacation of a utility easement at 5443 North 101st Terrace, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 19709

D. PLAN REVIEW APPLICATION

1. **#PR-2019-6 - PETTEY HARDIN WITH TW MACON, LLC**

Synopsis: Preliminary and Final Plan Review for Tidal Wave Car Wash at 10760 Parallel Parkway, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 19710

E. MASTER PLAN AMENDMENT

1. **#MP-2019-3 - KURT WINTERS WITH UG WATER POLLUTION CONTROL**

Synopsis: Master Plan Amendment from Regional Commercial (City-Wide Master Plan) to Utilities (City-Wide Master Plan) at 9407 Main Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 19702

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

1. **AN ORDINANCE** rezoning property at 9731 and 9745 Leavenworth Road (#3178) from A-G Agriculture District to R-1 Single Family District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 19711

2. **AN ORDINANCE** rezoning property at 1620 South 45th Street (#3172) from M-2 General Industrial District to MP-3 Planned Heavy Industrial District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 19712

3. **AN ORDINANCE** rezoning property at 732 North 57th Street (#3182) from R-1 Single Family District to A-G Agriculture District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL**)
Tracking #: 19713
4. **AN ORDINANCE** regarding vending machines, and exterior sales and modifying the regulations thereof; amending Sections 27-340 and 27-612(6) to Chapter 27, Article VIII, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL**)
Tracking #: 19714
5. **AN ORDINANCE** rezoning property at 500 North 86th Street (#3176) from R-1 Single Family District to A-G Agriculture District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL**)
Tracking #: 19725

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

A. SPECIAL USE PERMIT APPLICATIONS

1. **#SP-2019-30 - ANGELA TURNER WITH SIMMONS SECURITY & PROTECTION SERVICES**
Synopsis: Special Use Permit for office space for a private security guard company at 428 North 5th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 1 YEAR - 6/1 VOTE**)
Tracking #: 19706
2. **#SP-2018-54 - R. SCOTT BEELER**
Synopsis: Revocation of Special Use Permit for the Temporary Use of Land for storage of motor vehicles, including cars, SUVs, pick-up trucks and semi-truck trailers at 9700 Leavenworth Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL OF REVOCATION**)
Tracking #: 19715

TAX STATUS REPORT

BOARD OF COMMISSIONERS AGENDA FOR APRIL 25, 2019

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

COZ #3183: 2014 - \$26,806.74

COZ #3185: 2018 - \$4,634.92

#SP-2019-19: 2018 - \$1,062.97

#SP-2019-26: 2018 - \$1,443.85
#SP-2019-27: 2018 - \$2,880.08
#SP-2019-32: 1713 S. 94th St., 2018 - \$226.83;
1715 S. 94th St., 2014 - \$1,329.55, 2015 - \$27.10, 2018 - \$674.55
#SP-2019-33: 2018 - \$1,246.09
#SP-2019-37: 2018 - \$1,409.95
#U/E-2019-2: 2018 – \$486.17
#PR-2019-6: 2018 - \$6,075.86
#SP-2019-30: 2018 - \$483.02
#SP-2019-54: 2018 - \$151,858.03

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. **PLAT: BOULEVARD LOFTS**

Synopsis: Plat of Boulevard Lofts located at North 8th Street and Washington Blvd., being developed by Boulevard Lofts, LP, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Tracking #: 19733

2. **PLAT: PIPER LANDING FOURTH PLAT**

Synopsis: Plat of Piper Landing Fourth Plat located at North 112th Street and Yecker Avenue, being developed by Piper Landing, Inc., submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Tracking #: 19734

3. **MINUTES**

Synopsis: Minutes from regular sessions of March 7 and 28, 2019; and special sessions of March 28 and April 11, 2019.

Tracking #: MINUTES

4. **WEEKLY BUSINESS MATERIAL**

Synopsis: Weekly business material dated April 11 and 18, 2019.

Tracking #: WEEKLY BUSINESS MATERIAL

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

1. **RESOLUTION: KC LEVEE BETTERMENT PROJECT**

Synopsis: A resolution whereby any general obligation bonds and/or temporary notes issued for the KC Levee Betterment Project may be used to reimburse expenditures, submitted by Kathleen VonAchen, Chief Financial Officer.

Tracking #: 19722

2. **RESOLUTION: OPERATION GREEN LIGHT TRAFFIC CONTROL SYSTEM**

Synopsis: A resolution entering into a cooperative agreement with Mid-America Regional Council (MARC) and other metropolitan municipalities to fund the Operation Green Light Traffic Control System, submitted by Lideana Laboy, Traffic Engineer.

Tracking #: 19735

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' AGENDA

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: April 8, 2019
Re: Change of Zone Petition #3183

GENERAL INFORMATION

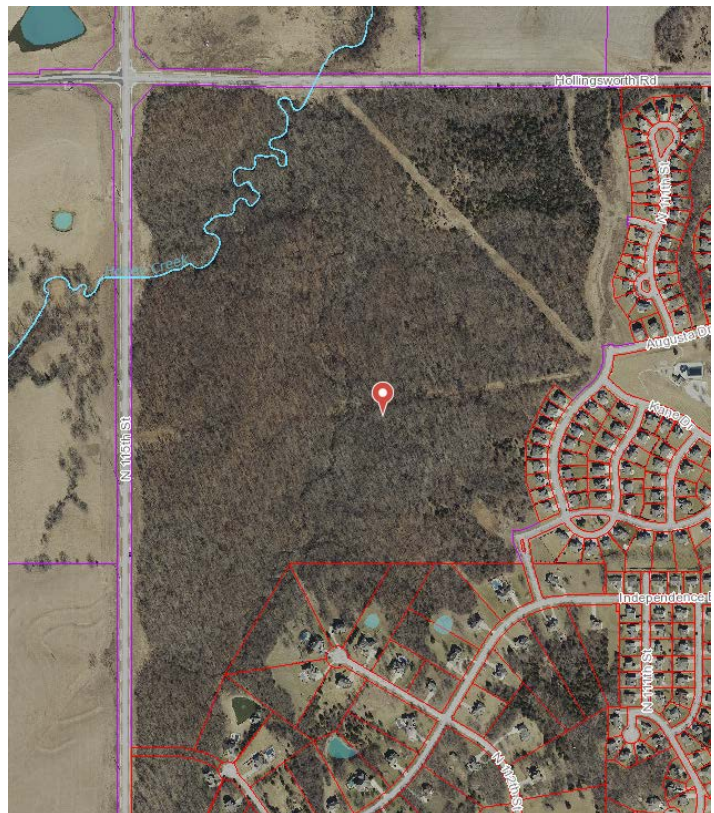
Applicant:
Matt Schlicht, P.E., P.L.S.

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,
March 19, 2019, April 2, 2019 and April 17, 2019

Public Hearings: March 11, 2019, March 28, 2019, April 8, 2019 and April 25, 2019

Public Opposition: There were 2 people present at the March 11, 2019 City Planning Commission meeting. No one appeared in opposition at the April 8, 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.

At the March 28, 2019 Board of Commissioners meeting this application was referred back to the City Planning Commission for further discussion/commitment to the recommended stipulations by the City Planning Commission.

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 uphold its previous recommendation and recommends **APPROVAL** of Change of Zone Application #3183, subject to:

Urban Planning and Land Use Comments:

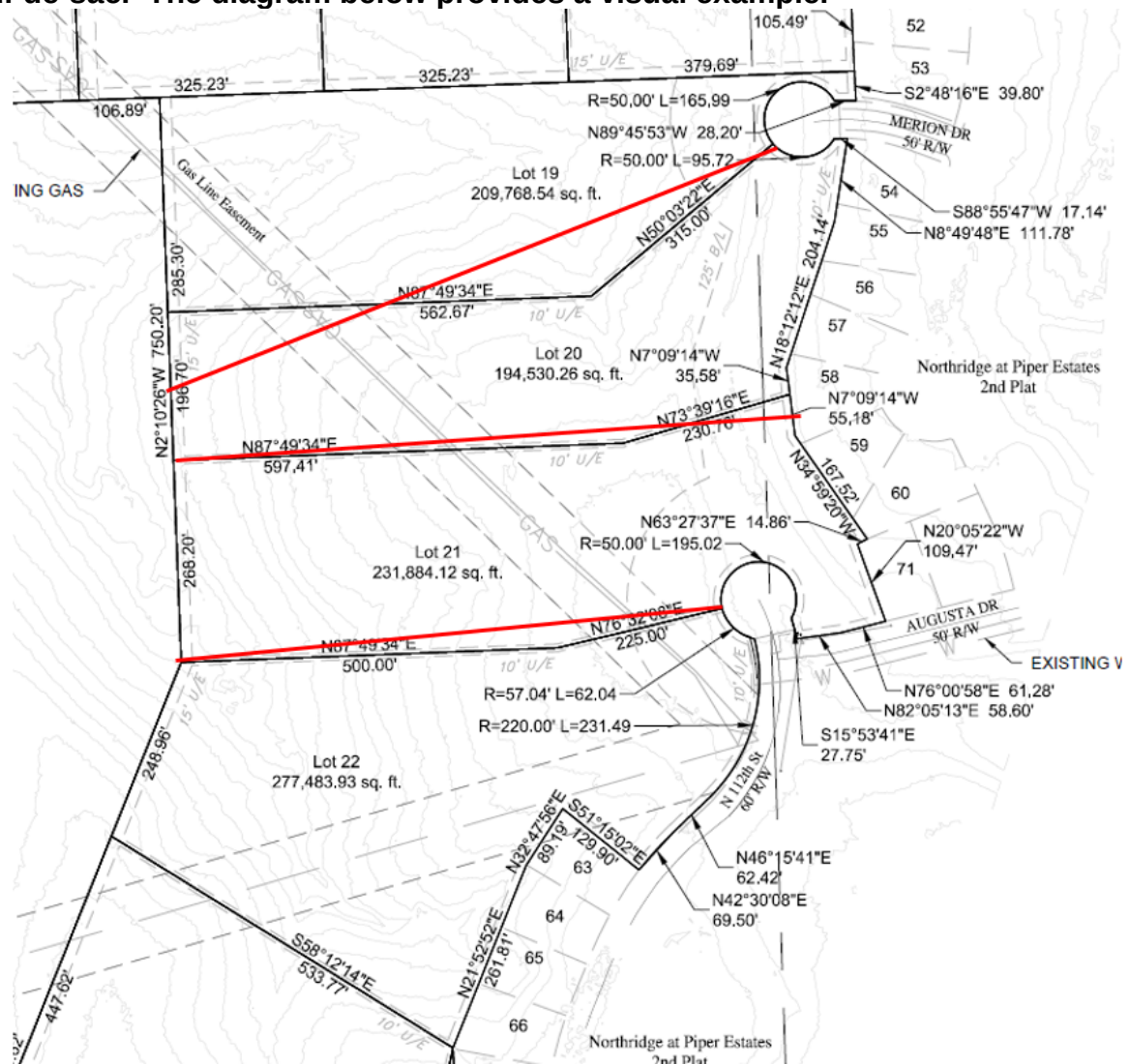
- 1. Please describe why it is necessary to have lots that have less than 300 feet of frontage and less than 5 acres on 115th Street as required by the code.**

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 tow 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 trial 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 thoroughout 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:
 - 1) 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. The name of the subdivision shall be Woodridge Estates.
- 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 will be removed and be incorporated in the existing subdivision.
- 7. Work with Public Works for signage on the cul-de-sac.
- 8. The lots on the east side of the subdivision will be served by gravity sewers without a grinder pump.

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
April 8, 2019 City Planning Commission Minutes
Photos
Conservation District Comments
Fire Department Comments
GeoSpatial Services Comments
Neighborhood Meeting Minutes

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	Referred Back
	April 8, 2019	April 25, 2019
	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:

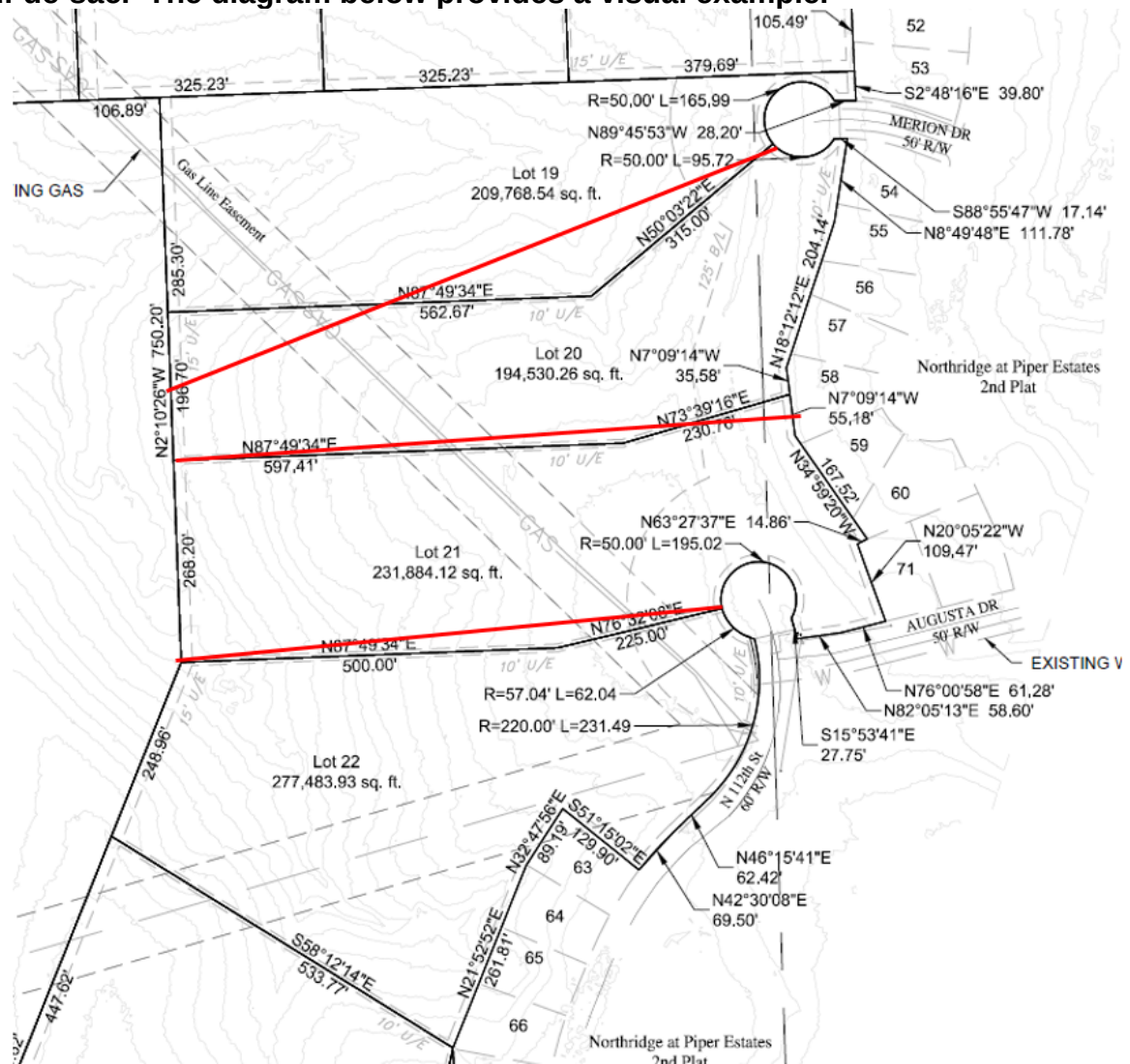
1. Please describe why it is necessary to have lots that have less than 300 feet of frontage and less than 5 acres on 115th Street as required by the code.

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 tow 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 trial 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 thoroughout 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:
 - 1) 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 NORTHDIDGE 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

April 8, 2019 City Planning Commission Minutes:

Hearing Starts 10:10:

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.

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 April 8, 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, March 19, 2019 and April 2, 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 the Planning Commission heard this application last month and sent it forward to the Board of Commissioners with a recommendation for approval with stipulations. The Board of Commissioners referred the application back to the City Planning Commission for rehearing.

Planning Director Richardson stated that this application was returned to the Planning Commission to discuss some items very important to the neighbors including the name of the subdivision. The Commissioners felt that Lot 25 should be removed from the subdivision. The final item was whether or not the lots could be on sewers. In working with his Planning Engineer today there are some lots that can have sewers by gravity and others cannot. The staff recommends that the lots have gravity sewers that can but not the others.

Present in Support:

- ❖ Matt Schlicht, applicant, Engineering Solutions, 50 Southeast 30th Street, Lee's Summit, MO 64082

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts 15:03: Planning Director Richardson stated that

There are seven stipulations in the staff report and he would like to make revisions to the following:

#4 – The name of the subdivision will be changed to Woodridge Estates.

#6 – Lot 25 will be removed and incorporated into the subdivision.

#8 - The lots on the east side of the subdivision will be served by gravity sewers without a grinder pump.

Motion and Vote Starts 15:45:

On motion by Ms. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to **UPHOLD ITS PREVIOUS RECOMMENDATION OF APPROVAL of Change of Zone Application #3183 subject to the amended stipulations:**

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

Motion to recommend APPROVAL Passed: 7 to 0

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.

[illegible]

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

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.
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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:

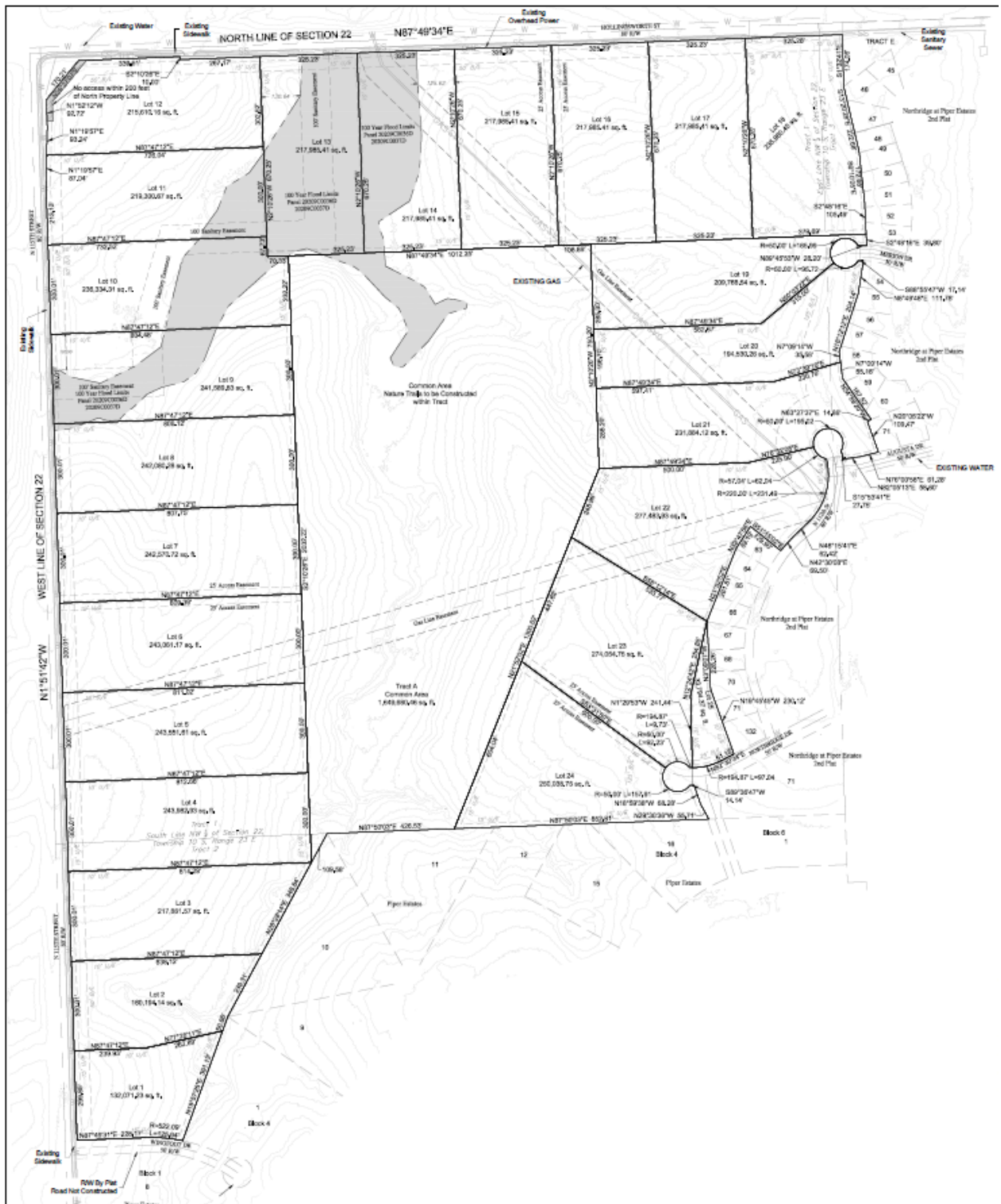
- A) Items that require plan revision or additional documentation before engineering can recommend approval:
- 1) None.
- B) Items that are conditions of approval (stipulations):
- 1) Final development plans and a final plat will have to be approved by UG staff and Planning Commission prior to construction 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. The name of the subdivision shall be Woodridge Estates.
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 will be removed and be incorporated in the existing subdivision.
7. Work with Public Works for signage on the cul-de-sac.
8. The lots on the east side of the subdivision will be served by gravity sewers without a grinder pump.





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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.

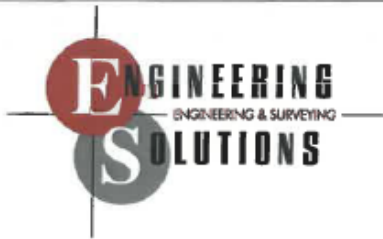
#5 When will the construction begin?

-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: April 25, 2019
Re: Change of Zone Petition #3184

GENERAL INFORMATION

Applicant:

Peter H. and Lisa D Lord

Status of Applicant:

Representatives
Warehouse 647 LLC
647 Southwest Boulevard
Kansas City, KS 66103

Requested Actions:

Approval of a change of zone
from M-2 General Industrial
District to CP-3 Planned
Commercial District

Date of Application:

January 25, 2019

Purpose:

To redevelop the existing
building in a residential unit
above a commercial space.

Property Location:

647 Southwest Boulevard



Existing Zoning: M-2 General Industrial District

Surrounding Zoning:	North:	M-2 General Industrial District
	South:	M-2 General Industrial District
	East:	R-1(B) Single Family District
	West:	M-2 General Industrial District

Existing Uses:	North:	Automotive Business
	South:	Industrial Business
	East:	Single Family Residences
	West:	Retail Business

Total Tract Size: 0.21 acre

Master Plan Designation: The Rosedale Master Plan designates this property as Creative and Industrial Mixed Use

Major Street Plan: The City-Wide Master Plan designates Southwest Boulevard as a Class B thoroughfare.

Advertisement: The Wyandotte Echo – March 14, 2019
Letters to Property Owners - March 13, 2019 and April 17, 2019

Public Hearings: April 8, 2019 and April 25, 2019

Public Opposition: No one appeared in opposition at the April 8, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicants are requesting a change of zone from M-2 General Industrial District to CP-3 Planned Commercial District to have a residential unit over a commercial business.

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

FACTORS TO BE CONSIDERED

1. Neighborhood character.

Southwest Boulevard has a mix of uses including industrial, commercial, and residential.

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 uses. There are no heavy industrial businesses nearby that would pose a compatibility issue.

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 would not detrimentally affect nearby property.

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

The most recent business at this location was a printing business that closed in 2013.

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 housing units and commercial space and will not 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.*

The proposed use would not increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems. The proposed use includes off street parking for the residential units.

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

The Rosedale Master Plan designates this property as the creative and industrial mixed-use district and states that it is intended to promote a mix of low and medium intensity manufacturing uses alongside creative and artistic industries with potential for multi-family housing or live/work units. The proposed use fits the description of a live/work unit.

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

This is not foreseen to be an issue.

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

a. *Water service*

Existing

b. Sanitary sewer service

Existing

c. Storm water control

Existing

d. Police

Police service is provided by South Patrol, District 332

e. Fire

Fire service is provided by District #2

f. Transit

KCATA routes 11 and 107 provide transit service at the Intersection of 7th Street/Rainbow Boulevard and Southwest Boulevard

g. Schools

Kansas City, Kansas USD 500

h. Streets

See item #6 above

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

Redeveloping this property will provide additional revenue for 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.

Redeveloping this property will be a gain to the public health, safety, and welfare.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 21, 2019. The minutes are attached below. According to the applicant, the attending neighbors were fully supportive of the zoning change and had few questions.

KEY ISSUES

Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application #3184, subject to:

Urban Planning and Land Use Comments:

1. Parking

- a. The apartment requires 2 off-street parking spaces, and the commercial space requires 4 parking spaces per 1,000 square feet. Please indicate the area of the commercial space and how the building will accommodate the off-street parking for the commercial space. A zoning variance for off-street parking may be required if the building cannot accommodate the number of off-street parking spaces required in the commercial zoning district.

Applicant Response: Commercial space will be no more than 2,700 square feet, requiring 11 parking spaces. A parking plan has been provided, which details how all required parking spots will fit within the enclosed first floor garage space. The commercial space has been defined in the plan as well. Parking for the residential area will be on the second floor, via a ramp entrance on South Hill Street. The parking plan is attached below.

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 #3184 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 8, 2019 City Planning Commission Minutes
Floor Plans
Parking Plan
Neighborhood Meeting Minutes
Notice of Neighborhood Meeting

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	April 8, 2019	April 25, 2019
Rezoning	Approval	

STAFF CONTACT: Mike Farley
mfarley@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #3184 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 #3184, 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.

April 8, 2019 City Planning Commission Minutes:

Hearing Starts 17:35:

CHANGE OF ZONE APPLICATION #3184 – PETER AND LISA LORD WITH WAREHOUSE 647, LLC. – SYNOPSIS: Change of Zone from M-2 General Industrial District to CP-3 Planned Commercial District for a residential unit over a commercial business at 647 Southwest Boulevard. *Detailed Outline of Requested Action:* The applicants are requesting a change of zone from M-2 General Industrial District to CP-3 Planned Commercial District to have a residential unit over a commercial business.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 8, 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 March 14, 2019;
7. The Notices to property owners dated March 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:

- ❖ Pete and Lisa Lord, applicants, 6620 Hedge Lane, Shawnee, Kansas

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts 19:40: Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts 19:50:

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to **RECOMMEND APPROVAL of Change of Zone Application #3184:**

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

Neal

Not Present

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

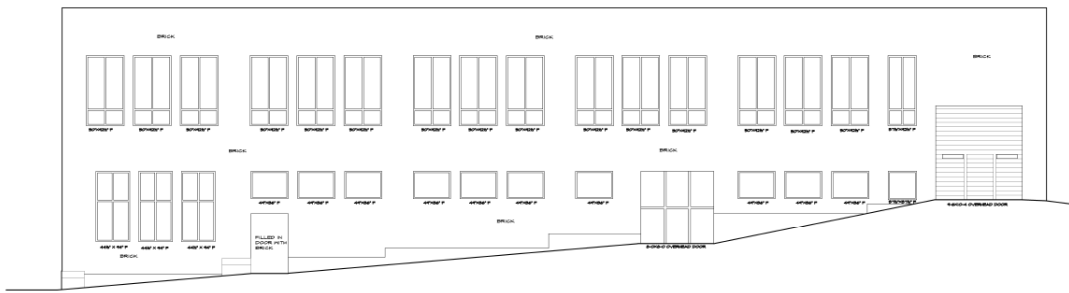
1. Parking

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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



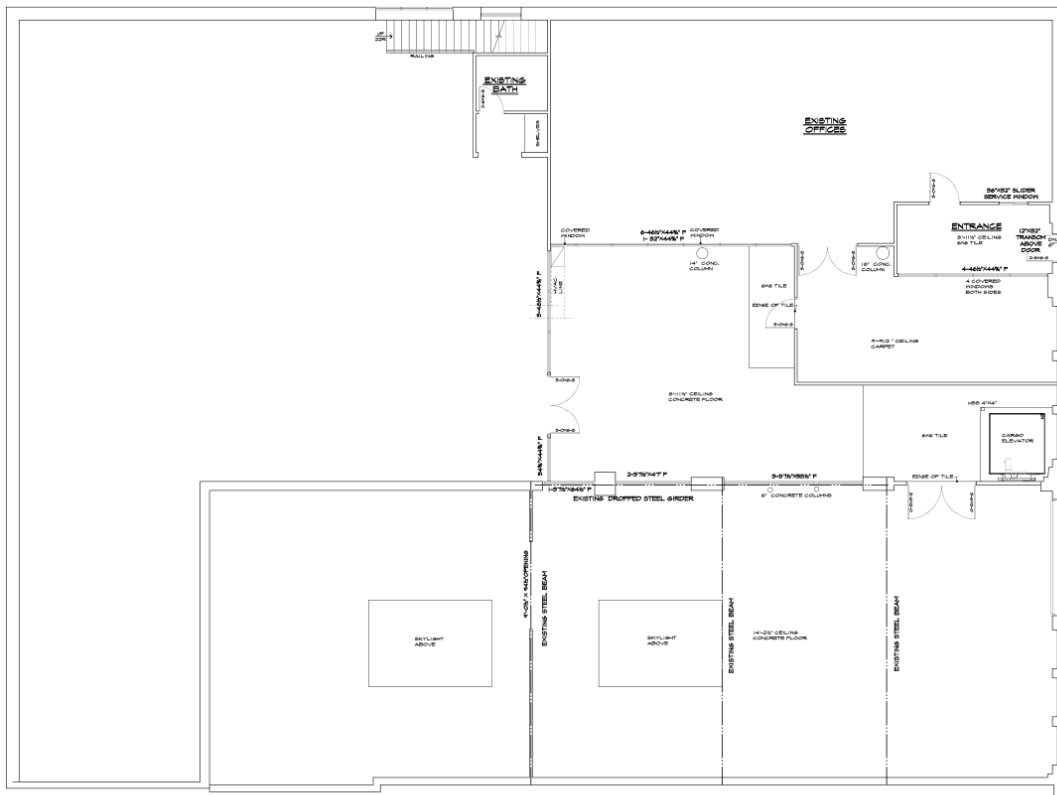
SOUTHWEST ELEVATION

PRELIMINARY DRAWING ONLY-NOT FOR CONSTRUCTION

KANSAS CITY, KS

647 SW BOULEVARD KANSAS CITY, KS.
EXISTING ELEVATION

BICKFORD-COMPANY
ARCHITECTS
1000 WEST 100TH STREET
OVERLAND PARK, KS 66204
TEL: 913.461.4400
WWW.BICKFORD-CO.COM



PRELIMINARY DRAWING ONLY-NOT FOR CONSTRUCTION

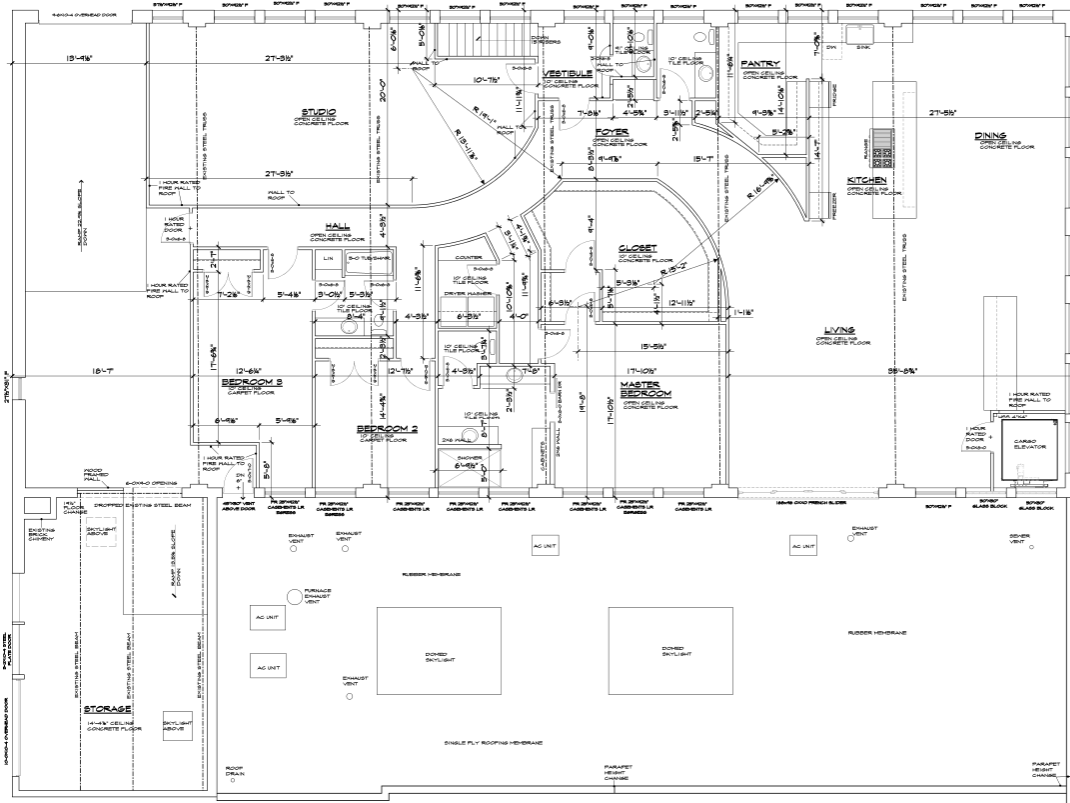
KANSAS CITY, KS

647 SW BOULEVARD KANSAS CITY, KS.
EXISTING FIRST FLOOR PLAN

BICKFORD-COMPANY
ARCHITECTS
1000 WEST 100TH STREET
OVERLAND PARK, KS 66204
TEL: 913.461.4400
WWW.BICKFORD-CO.COM



PRELIMINARY DRAWING ONLY-NOT FOR CONSTRUCTION



KANSAS CITY, KS.

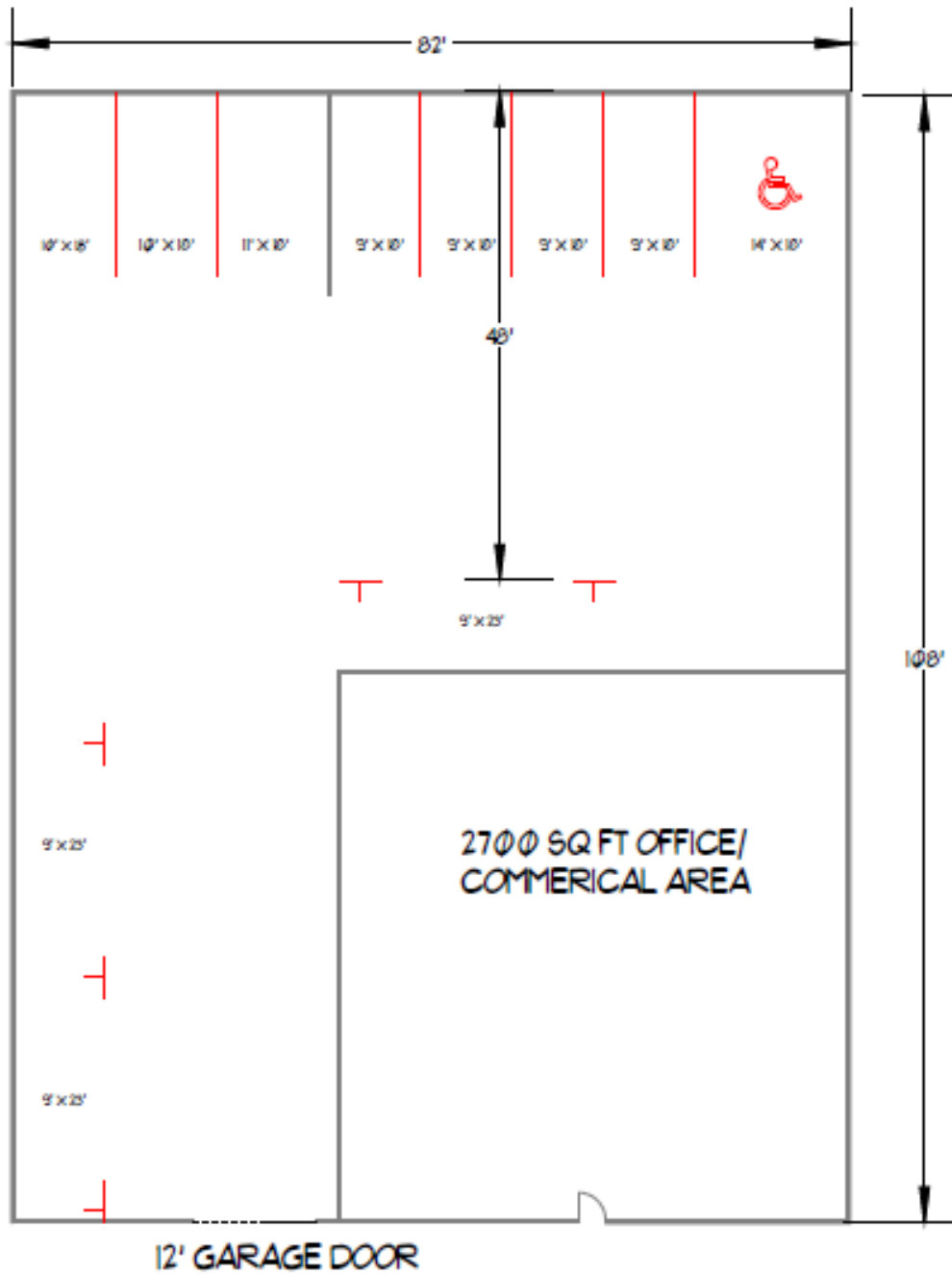
647 SW BOULEVARD KANSAS CITY, KS.
FOYER PLAN
04-6803

BICKFORD-COMPANY
ARCHITECTS
1800 WEST 107TH STREET
OVERLAND PARK, KS 66110
TEL: 913.881.1100
WWW.BICKFORD.COM

647 SW BOULEVARD KANSAS CITY, KS.
SECOND FLOOR PLAN
05-6803

BICKFORD-COMPANY
ARCHITECTS
1800 WEST 107TH STREET
OVERLAND PARK, KS 66110
TEL: 913.881.1100
WWW.BICKFORD.COM

647 SOUTHWEST BLVD PARKING PLAN



AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now Peter H. Lord, of lawful age, sound mind and upon his oath states as follows:

1. That I am the petitioner for Petition #COZ.3184
2. That I conducted a neighborhood meeting on March 21, 2019.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners and list of owners I mailed to provided by the Urban Planning and Land Use Department.

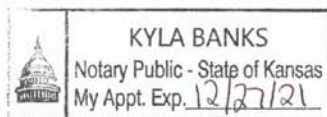
Further affiant saith not.



Peter H. Lord

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 22 day of March, 2019.

My commission expires 21 of Dec., 2021.





Notary Public

Application Number COZ.3184

Date and Location: March 21, 2019, 647 Southwest Blvd., Kansas City KS 66103

Meeting Called to order at 5:30pm

Names of people in attendance:

Pete Cashen

Joe Cashen

Ian & Eveline Barnes

Presentation by Pete Lord – Summary of the reason we are requesting to change zoning from M2 to CP3 with plans of second floor apartment.

Questions and Answers:

Q: What does the city think? (Pete Cashen)

A: All indications were that what we were proposing for the residential/commercial is consistent with what the plans for the SW Blvd and Rosedale area are. (Pete Lord)

Q: How many residential units? (Pete Cashen)

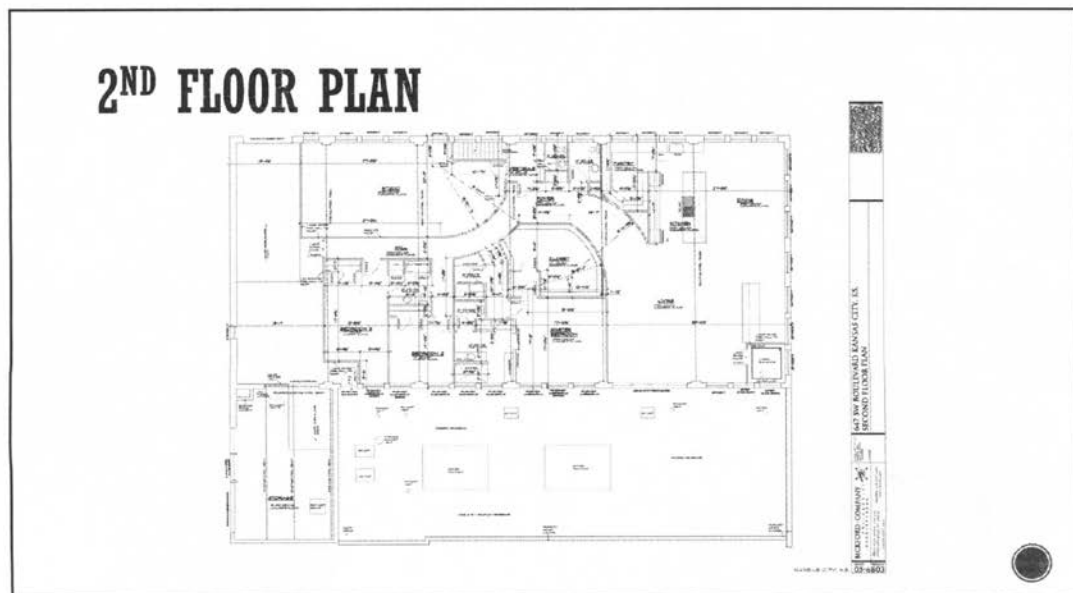
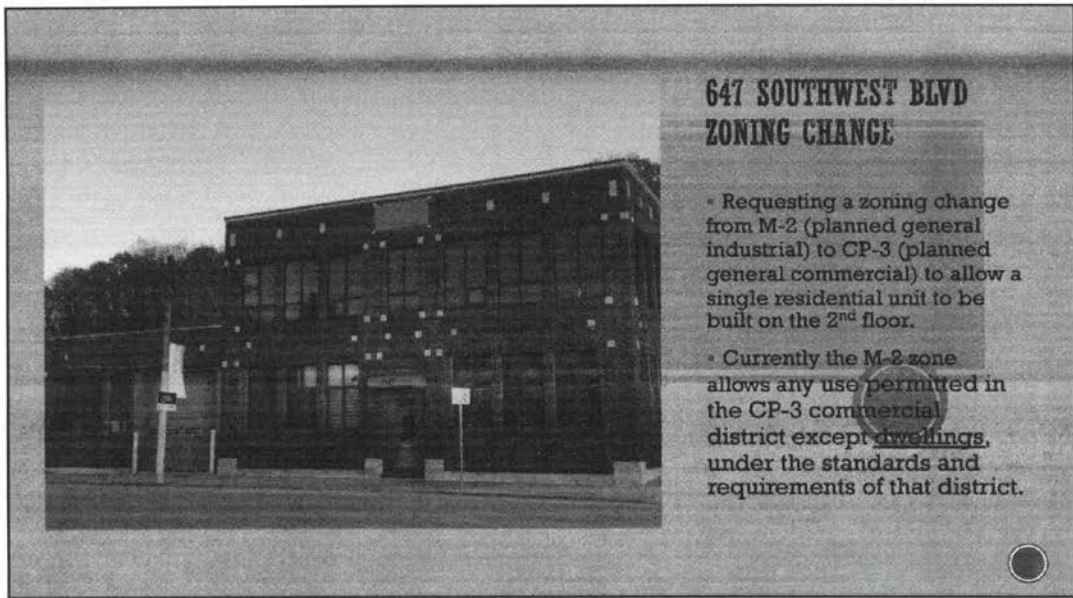
A: Just 1 apartment for the 2 of us and our daughter that is heading off to college this fall. (Lisa Lord)

All other questions were regarding where we were from, where we lived before, general neighborly conversation.

All attendees were strongly in favor of our proposed plans. Ian and Eveline were looking forward to having new neighbors.

Meeting adjourned at 6:00pm following a tour of the 2nd floor.

Minutes taken by Lisa Lord



Neighborhood Meeting Letters sent to:

Janet L. Parker, CSC/APC
Department of Urban Planning & Land
Administrative Assistant
701 North 7th Street, Suite 423
Kansas City KS 66101

Dennis J. Cloughley
5816 Lackman Rd.
Shawnee KS 66217

Commissioner Ann Brandau Murguia
701 North 7th Street, 9th Floor
Kansas City KS 66101

EP-Crossroads LLC
2727 Southwest Blvd.
Kansas City MO 64108

Commissioner Tom Burroughs
701 North 7th Street, 9th Floor
Kansas City KS 66101

Daniel Hedman
645 Nebraska Ave.
Kansas City KS 66101

Eve May
Hilltop Neighborhood Association
3058 West 40th Ave.
Kansas City KS 66103

Petro & Sarahi Hernandez Gomez
710 Seminary St.
Kansas City KS 66103

Lyle & Patricia Akins
628 Seminary St.
Kansas City KS 66103

Curtis Jay
5750 Knox St.
Merriam KS 66203

Ash Grove Cement Co.
PO Box 25900
Shawnee Mission KS 66225

Kenneth & Carla Schubert
648 Seminary St.
Kansas City KS 66103

Eveline & Ian Barnes
708 Seminary St.
Kansas City KS 66103

Breeden Acquisitions Co. LLC
9706 Melrose St.
Overland Park KS 66214

Cashen Brothers LLC
701 Southwest Blvd.
Kansas City KS 66103

City of Kansas City KS
701 North 7th Street, Ste 421
Kansas City KS 66101

March 8, 2019

Janet L. Parker, CSC/APC
Department of Urban Planning & Land
Administrative Assistant
701 North 7th Street, Suite 423
Kansas City KS 66101

SUBJECT: Neighborhood Meeting

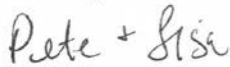
We have filed an application with the Department of Urban Planning and Land Use #COZ.3184. The purpose of this change of zoning from M-2 to CP-3 is for a one residential unit to be built on the 2nd floor at the following address: 647 Southwest Blvd., Kansas City KS 66103.

We are having a neighborhood meeting on March 21, 2019 at 5:30pm at the following address: 647 Southwest Blvd. Kansas City KS 66103.

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

We look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact us at the address/phone number listed below.

Sincerely,



Pete & Lisa Lord
647 Southwest Blvd.
Kansas City KS 66103
petelord41@gmail.com
816-842-4955

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: April 25, 2019

Re: **Change of Zone Petition #3185**

GENERAL INFORMATION

Applicant:
Brandon Becker

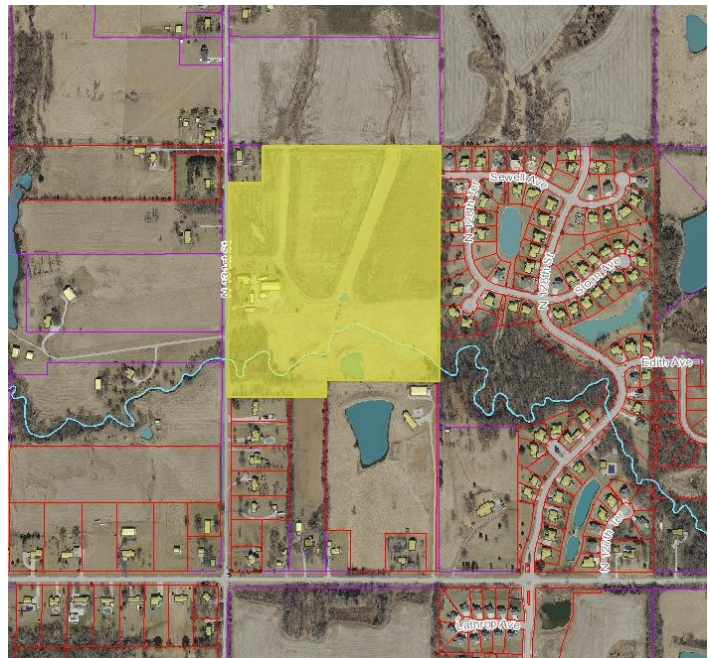
Status of Applicant:
Representative
Mark Breuer with Schlager &
Associates
14920 West 107th Street
Lenexa, KS 66215

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

Date of Application:
February 22, 2019

Purpose:
To rezone and plat the property to
build sixty-six (66) single family homes

Property Location: 3316 North 131st Street



Commission Districts: Commissioner At Large: Melissa Bynum
District Commissioner: Mike Kane

Existing Zoning: A-G Agriculture District (WYCO)

Surrounding Zoning:

North:	A-G Agriculture District (WYCO)
South:	A-G Agriculture and R Rural Residential Districts (WYCO)
East:	R-1 Single Family District
West:	A-G Agriculture, R Residential (WYCO), R-1 Single Family and R-1 Large Lot Single Family (WYCO) Districts

Existing Uses:

North:	Farmed, agricultural land
South:	Single family homes
East:	Single family homes
West:	Large lot single family homes

Total Tract Size: 32.34 acres

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

Major Street Plan: The Major Street Plan classifies 131st Street as a Class B Thoroughfare (and a Major Arterial within the Prairie Delaware Piper Master Plan)

Advertisement: The Wyandotte Echo – Change of Zone - March 14, 2019
Letters to Property Owners – Change of Zone – March 13, 2019 and April 17, 2019

Public Hearings: April 8, 2019 and April 25, 2019

Public Opposition: No one appeared in opposition at the April 8, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Brandon Becker with BCB Holdings, LLC wants to rezone the property from A-G Agriculture District (WYCO) to R-1 Single Family District and preliminary plat sixty-six (66) residential lots to build sixty-six (66) single family homes on 32.34 acres at 3316 North 131st Street.

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 relatively rural in nature with large lot single family homes along 131st Street and a single-family subdivision, Whispering Pines abutting the proposed development to the east.

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 above. The proposed use is compatible with them provided the development complies with the subdivision code and Master Plan.

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. This development will connect to Whispering Pines Phase 3 via Sewell Avenue.

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

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 is reasonably necessary for the convenience of the public for those that want to reside in the subdivision and 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 increase traffic along 131st Street, but to what detriment remains undetermined. A Traffic Impact Study is currently being reviewed by the Public Works Department. Comments may be forthcoming from them.

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

With revisions, the proposed use can conform to the Master Plan.

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

The proposed use will not cause environmental harm.

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

a. *Water service*

Available

b. *Sanitary sewer service*

Available

c. *Storm water control*

To be designed to meet City Code

d. *Police*

Police service is provided by West Patrol, District #224

e. *Fire*

Fire service is provided by Fire Station #8

f. *Transit*

Kansas City ATA does not provide transit service near this property

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 will have a minimal economic impact on the community.

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

With revisions, the proposed is capable of meeting applicable ordinance and other 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. If this application is denied, the applicant will need to modify his change of zone petition and re-apply in one (1) year.

13. Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.

Development will be of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.

14. Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

Streets will be designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

15. Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

Lots, parcels and streets will be 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.

Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation will be protected and enhanced.

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.

Amenities are being provided within the development, although extending the sidewalk and trail network will enhance not only the neighborhood, but the surrounding community linking it to the new grade school.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 18, 2019. According to the applicant, those that attended the meeting expressed concern about traffic along 131st Street and Sewell Avenue into Whispering Pines neighborhood and stormwater drainage upstream and downstream from the project site.

KEY ISSUES

Street Width
Trail Network Connection
Subdivision Code
Prairie Delaware Piper Master Plan

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application #3185, subject to:

Urban Planning and Land Use Comments:

1. Is parking going to be available one side of the street or both, as the street must be wide enough to accommodate passenger vehicles and EMS vehicles?

Applicant Response: A standard 28' wide street section is being proposed.

Staff Response: One side will be signed "no parking" per the Fire Department.

2. The proposed turnaround for Lot 6 is not adequate for EMS vehicles. The platted right-of-way is 50 feet. The pavement width back of curb to back of curb is 40 feet.

A temporary cul-de-sac must be added in between Lots 6 and 12. A restriction shall be added stating: Lots 6 and 12 are not buildable nor will building permits be issued until the street is extended to connect to another phase or development.

Applicant Response: Please see revised turnaround, which meets IFC requirements. The developer would prefer not to construct a cul-de-sac that would limit lot sales on two lots. The revised configuration meets code requirements and would only restrict sale on one lot.

Staff Response: Per the Kansas City Kansas Fire Department:

- Revise the turning radii from 25' to 28'.
- Post the turn around and the portion of the street directly opposition "No Parking Fire Lane".

- The remainder of the subdivision based on the street width is still parking on one side only.
3. Sec. 27-454. Lot width: Not less than 65 feet measured at the building line.

Applicant Response: Understood. All lots comply with the minimum lot width of 65' at the building line.

4. Per the Prairie Delaware Piper Master Plan: Within Area 1 Lot Width, the requirement for lots in the subdivision is as follows:
- 80 – 100% 70 feet
 - 0 – 20% 50 feet

Lots 50, 51, and 52 do not meet this requirement as their widths are below 50 feet at the property line.

Applicant Response: Per the previous comment – the City Code measure lot width at the building line, not the property line. Lots 50, 51, and 52 meet the lot width requirement at the building line, which has been adjusted with this submittal.

5. Sec. 27-314 Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all trees that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be no less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted right-of-way abutting the property line. Walks shall be installed in pedestrian easements as may be required by the Planning Commission.

Applicant Response: Provided as requested.

6. The picnic shelter shall match the architectural style as the single-family homes within the subdivision. Please provide elevations of the shelter.

Applicant Response: Understood. The shelter is anticipated to be post-frame construction with a pitched gable roof and composite shingles. Elevations have not been completed at this time but will be provided at the final plan stage.

7. Per the Prairie Delaware Piper Master Plan: All major arterial roadways should include sidewalks and crosswalks in order to encourage pedestrian use. Areas where bicycle/pedestrian trails cross major arterials should have special design treatment to warn both user groups of the forthcoming intersection.

Applicant Response: Understood.

8. While an 8' public trail is depicted on the plat, as discussed during the pre-application meeting the trail would and should extend to the existing trail in the Whispering Pines subdivision to the east and Leavenworth Road to the south via the 13' right-of-way, easement or utility corridor (see in attachments).

Applicant Response: Please provide clarification on this requirement. The developer does not have the easement to connect to a public City trail to the private Whispering Pines trail. From conversations in the neighborhood meeting, the residents of Whispering Pines do not wish to grant an easement for connection. Additionally, any connection would require tree clearing and grading which is not desired by the Whispering Pines residents.

The connection to Leavenworth Road will also likely require additional easement that would need to be obtained by the UG. This connection will also require a crossing of Piper Creek, which is a substantial development. We also have concerns with the trail crossing at Leavenworth Road. This appears to be a mid-block crossing. Has planning staff coordinated this crossing location with the School District? This crossing location will likely require staffing, in addition to the existing crossing at 128th and Leavenworth Road.

Staff Response: Two of the Pedestrian Transportation Strategies within the Prairie Delaware Piper Master Plan is to connect key pedestrian corridors to schools, parks, recreation uses and activity centers and create pedestrian corridors that connect neighborhoods. Connecting to the Whispering Pines trail meets the strategy set forth in the Master Plan.

As part of the Leavenworth Road improvements, sidewalks will be installed both sides of the street, which the pedestrian trail can connect to and lead to the intersection and crosswalk at 131st and Leavenworth Road.

The School District is aware of the possible mid-block crossing as it was discussed during their plan review for the grade school. Not providing a pedestrian trail that extends beyond the boundary of the subdivision to connect to an existing trail (Whispering Pines neighborhood) or the future sidewalk on Leavenworth Road is a disservice to the future residents of the subdivision.

The trail must also be built to the property line so it could be connected in the future.

9. Per the Prairie Delaware Piper Master Plan – Pedestrian Transportation Strategies include, but are not limited to:
 - a. Connect key pedestrian corridors to schools, parks, recreational uses and activity centers (public facilities, commercial areas, etc.).
 - b. Fill in gaps in the network where some sidewalks exist.
 - c. Create pedestrian corridors that connect neighborhoods.

- d. Improve streets having sidewalks on one side to two sides.
- e. Utilize utility corridors when possible.

It is imperative to establish a link from this subdivision to Leavenworth Road and the new grade school at the southeast corner of 131st and Leavenworth Road. Families will purchase homes in the development and safe option for them to bike and walk to school is essential.

Applicant Response: Please see response to comment 8 above. Additionally, we respectfully ask the Planning Department to prioritize the trail connects requested with this project. The connection to the West to 131st Street has no existing connection along 131st Street or to the west. An easement could be dedicated here for a future trail, but this is a substantial cost burden to the project to construct this now.

The connection to Whispering Pines does not appear favorable with those residents. It is unclear how this development could construct this trail on private property.

While we agree it is important for students to have safe routes to school, the mid-block location on Leavenworth Road may not be the best option. Please see response to comment 8 above.

Staff Response: Prairie trails as noted above.

10. The 8' pedestrian recreational easement in Tract 2 shall extend west to connect to 131st Street when that portion of the development is subdivided.

Applicant Response: Understood.

11. The minimum residential unit size is 1,600 square feet.

Applicant Response: Understood.

12. Traffic calming must be added to subdivision to discourage cut-through traffic. Discuss with staff.

Applicant Response: The configuration of the street layout intentionally prevents a direct connection to Sewell Avenue. Drivers will have to navigate at least one intersection to get through the development. It is our opinion that the current configuration does not require additional traffic calming to discourage cut-through traffic.

Staff Response: During the final platting process and coordination of the public improvement plans, approved traffic calming measures by Public Works Department shall be depicted on the plans on Sewell Avenue between Piper Creek Estates and Whispering Pines.

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) Please coordinate with UG Public Works and Water Pollution Control regarding the final alignment for the proposed public sewer main extension running south of Lots 51, 52, 53 and 54. If the proposed sanitary sewer alignment is passing through the named lots, sanitary sewer easements in accordance with UG standards and criteria shall be required.
 - 2) The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents in accordance with County Surveyor comments.
 - 3) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

Staff Conclusion:

The applicant has worked with staff to resolve the majority of the questions and comments related to the proposed development. There remain three issues that staff must resolve with the developer and their representatives. Subject to approval, staff stipulates the following:

- (1) The turnaround on Lot 6 may be modified by KCKFD to ensure it complies with the IFC and their regulations.
- (2) The developer has two choices regarding the pedestrian trail connection:
 - (a) Connect the internal pedestrian trail to the future sidewalk on Leavenworth Road using the existing right-of-way or utility easement between 12824 and 12924 Leavenworth Road and build trail to the property line allowing a future connection to Whispering Pines, or
 - (b) Connect the internal Piper Creek Estates pedestrian trail to the existing Whispering Pines neighborhood pedestrian trail.
 - (c) Provide color elevations of the clubhouse during when the final plat application is submitted.

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 #3185, subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 8, 2019 City Planning Commission Minutes
Applicant Response Letter
Neighborhood Meeting Minutes
Aerial Photograph
Preliminary Plat
KCKFD Comments
GeoSpatial Services Department Comments

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	April 8, 2019	April 25, 2019
Rezoning	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #3185 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 #3185 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.

April 8, 2019 City Planning Commission Minutes:

Hearing Starts 20:25:

CHANGE OF ZONE APPLICATION #3185 – BRANDON BECKER WITH BCB

HOLDINGS – SYNOPSIS: Change of Zone from A-G Agriculture District to R-1 Single Family District for a single-family residential development at 3316 North 131st Street.

PIPER CREEK ESTATES – SYNOPSIS: Preliminary Plat for sixty-six (66) single-family lots at 3316 North 131st Street

Detailed Outline of Requested Action: The applicant, Brandon Becker with BCB Holdings, LLC wants to rezone the property from A-G Agriculture District (WYCO) to R-1 Single Family District and preliminary plat sixty-six (66) residential lots to build sixty-six (66) single family homes on 32.34 acres at 3316 North 131st Street.

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 April 8, 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 March 14, 2019 for the change of zone application;
7. The Notices to property owners dated March 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:

- ❖ Mark Breuer, Schlagel and Associates, 14920 West 107th Street, Lenexa, KS 66215

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts 25:50: Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts 26:10:

On motion by Mr. Miller, seconded by Ms. Huey, the Planning Commission voted as follows to **RECOMMEND APPROVAL of Change of Zone Application #3185:**

Carson	Chairman
Ernst	Aye

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

Motion to recommend APPROVAL Passed: 7 to 0
Subject to:

Urban Planning and Land Use Comments:

1. Is parking going to be available one side of the street or both, as the street must be wide enough to accommodate passenger vehicles and EMS vehicles?

Applicant Response: A standard 28' wide street section is being proposed.

Staff Response: One side will be signed “no parking” per the Fire Department.

2. The proposed turnaround for Lot 6 is not adequate for EMS vehicles. The platted right-of-way is 50 feet. The pavement width back of curb to back of curb is 40 feet.

A temporary cul-de-sac must be added in between Lots 6 and 12. A restriction shall be added stating: Lots 6 and 12 are not buildable nor will building permits be issued until the street is extended to connect to another phase or development.

Applicant Response: Please see revised turnaround, which meets IFC requirements. The developer would prefer not to construct a cul-de-sac that would limit lot sales on two lots. The revised configuration meets code requirements and would only restrict sale on one lot.

Staff Response: Per the Kansas City Kansas Fire Department:

- Revise the turning radii from 25' to 28'.
- Post the turn around and the portion of the street directly opposition “No Parking Fire Lane”.
- The remainder of the subdivision based on the street width is still parking on one side only.

3. Sec. 27-454. Lot width: Not less than 65 feet measured at the building line.

Applicant Response: Understood. All lots comply with the minimum lot width of 65' at the building line.

4. Per the Prairie Delaware Piper Master Plan: Within Area 1 Lot Width, the requirement for lots in the subdivision is as follows:
 - 80 – 100% 70 feet
 - 0 – 20% 50 feet

Lots 50, 51, and 52 do not meet this requirement as their widths are below 50 feet at the property line.

Applicant Response: Per the previous comment – the City Code measure lot width at the building line, not the property line. Lots 50, 51, and 52 meet the lot width requirement at the building line, which has been adjusted with this submittal.

5. Sec. 27-314 Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all trees that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be no less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted right-of-way abutting the property line. Walks shall be installed in pedestrian easements as may be required by the Planning Commission.

Applicant Response: Provided as requested.

6. The picnic shelter shall match the architectural style as the single-family homes within the subdivision. Please provide elevations of the shelter.

Applicant Response: Understood. The shelter is anticipated to be post-frame construction with a pitched gable roof and composite shingles. Elevations have not been completed at this time but will be provided at the final plan stage.

7. Per the Prairie Delaware Piper Master Plan: All major arterial roadways should include sidewalks and crosswalks in order to encourage pedestrian use. Areas where bicycle/pedestrian trails cross major arterials should have special design treatment to warn both user groups of the forthcoming intersection.

Applicant Response: Understood.

8. While an 8' public trail is depicted on the plat, as discussed during the pre-application meeting the trail would and should extend to the existing trail in the Whispering Pines subdivision to the east and Leavenworth Road to the south via the 13' right-of-way, easement or utility corridor (see in attachments).

Applicant Response: Please provide clarification on this requirement. The developer does not have the easement to connect to a public City trail to

the private Whispering Pines trail. From conversations in the neighborhood meeting, the residents of Whispering Pines do not wish to grant an easement for connection. Additionally, any connection would require tree clearing and grading which is not desired by the Whispering Pines residents.

The connection to Leavenworth Road will also likely require additional easement that would need to be obtained by the UG. This connection will also require a crossing of Piper Creek, which is a substantial development. We also have concerns with the trail crossing at Leavenworth Road. This appears to be a mid-block crossing. Has planning staff coordinated this crossing location with the School District? This crossing location will likely require staffing, in addition to the existing crossing at 128th and Leavenworth Road.

Staff Response: Two of the Pedestrian Transportation Strategies within the Prairie Delaware Piper Master Plan is to connect key pedestrian corridors to schools, parks, recreation uses and activity centers and create pedestrian corridors that connect neighborhoods. Connecting to the Whispering Pines trail meets the strategy set forth in the Master Plan.

As part of the Leavenworth Road improvements, sidewalks will be installed both sides of the street, which the pedestrian trail can connect to and lead to the intersection and crosswalk at 131st and Leavenworth Road.

The School District is aware of the possible mid-block crossing as it was discussed during their plan review for the grade school. Not providing a pedestrian trail that extends beyond the boundary of the subdivision to connect to an existing trail (Whispering Pines neighborhood) or the future sidewalk on Leavenworth Road is a disservice to the future residents of the subdivision.

The trail must also be built to the property line so it could be connected in the future.

9. Per the Prairie Delaware Piper Master Plan – Pedestrian Transportation Strategies include, but are not limited to:
- a. Connect key pedestrian corridors to schools, parks, recreational uses and activity centers (public facilities, commercial areas, etc.).
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 - c. Create pedestrian corridors that connect neighborhoods.
 - d. Improve streets having sidewalks on one side to two sides.
 - e. Utilize utility corridors when possible.

It is imperative to establish a link from this subdivision to Leavenworth Road and the new grade school at the southeast corner of 131st and Leavenworth Road. Families will purchase homes in the development and safe option for them to bike and walk to school is essential.

Applicant Response: Please see response to comment 8 above. Additionally, we respectfully ask the Planning Department to prioritize the trail connects requested with this project. The connection to the West to 131st Street has no existing connection along 131st Street or to the west. An easement could be dedicated here for a future trail, but this is a substantial cost burden to the project to construct this now.

The connection to Whispering Pines does not appear favorable with those residents. It is unclear how this development could construct this trail on private property.

While we agree it is important for students to have safe routes to school, the mid-block location on Leavenworth Road may not be the best option. Please see response to comment 8 above.

Staff Response: Prairie trails as noted above.

- 10. The 8' pedestrian recreational easement in Tract 2 shall extend west to connect to 131st Street when that portion of the development is subdivided.**

Applicant Response: Understood.

- 11. The minimum residential unit size is 1,600 square feet.**

Applicant Response: Understood.

- 12. Traffic calming must be added to subdivision to discourage cut-through traffic. Discuss with staff.**

Applicant Response: The configuration of the street layout intentionally prevents a direct connection to Sewell Avenue. Drivers will have to navigate at least one intersection to get through the development. It is our opinion that the current configuration does not require additional traffic calming to discourage cut-through traffic.

Staff Response: During the final platting process and coordination of the public improvement plans, approved traffic calming measures by Public Works Department shall be depicted on the plans on Sewell Avenue between Piper Creek Estates and Whispering Pines.

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) Please coordinate with UG Public Works and Water Pollution Control regarding the final alignment for the proposed public sewer main extension running south of Lots 51, 52, 53 and 54. If the proposed sanitary sewer**

- alignment is passing through the named lots, sanitary sewer easements in accordance with UG standards and criteria shall be required.
- 2) The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents in accordance with County Surveyor comments.
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- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

Staff Conclusion:

The applicant has worked with staff to resolve the majority of the questions and comments related to the proposed development. There remain three issues that staff must resolve with the developer and their representatives. Subject to approval, staff stipulates the following:

- (1) The turnaround on Lot 6 may be modified by KCKFD to ensure it complies with the IFC and their regulations.
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 - (a) Connect the internal pedestrian trail to the future sidewalk on Leavenworth Road using the existing right-of-way or utility easement between 12824 and 12924 Leavenworth Road and build trail to the property line allowing a future connection to Whispering Pines, or
 - (b) Connect the internal Piper Creek Estates pedestrian trail to the existing Whispering Pines neighborhood pedestrian trail.
 - (c) Provide color elevations of the clubhouse during when the final plat application is submitted.

On motion by Mr. Miller, seconded by Ms. Huey, the Planning Commission voted as follows to **APPROVE Piper Creek Estates:**

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

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



SCHLAGEL & ASSOCIATES, P.A.

Engineers • Planners • Surveyors • Landscape Architects

March 25, 2019

Unified Government of Wyandotte County and
Kansas City, Kansas
Urban Planning and Land Use
701 North 7th Street, Room 423
Kansas City, KS 66101

**RE: PIPER CREEK ESTATES
CHANGE OF ZONE PETITION #3185 PRELIMINARY PLAT
RESPONSE TO STAFF COMMENTS AND SUGGESTIONS**

Urban Planning and Land Use Comments:

1. Is parking going to be available one side of the street or both, as the street must be wide enough to accommodate passenger vehicles and EMS vehicles?

Response: A standard 28' wide street section is being proposed.

2. The proposed turnaround for Lot 6 is not adequate for EMS vehicles. The platted right of way is 50 feet. The pavement width back of curb to back of curb is 40 feet.

Response: Please see revised turnaround, which meets IFC requirements.

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Response: Understood. All lots comply with a minimum lot width of 65' at the building line.

4. Per the Prairie Delaware Piper Master Plan: Within Area 1 Lot Width, the requirement for lots in the subdivision is as follows:

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Response: Provided as requested.

6. The picnic shelter shall match the architectural style as the single-family homes within the subdivision. Please provide elevations of the shelter.

Response: Understood. The shelter is anticipated to be post-frame construction with a pitched gable roof and composite shingles. Elevations have not been completed at this time, but will be provided at the final plan stage.

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Response: Understood.

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Response: Please provide clarification on this requirement. The developer does not have the easement to connect a public City trail to the private Whispering Pines trail. From conversations in the neighborhood meeting, the residents of Whispering Pines do not wish to grant an easement for connection. Additionally, any connection would require tree clearing and grading which is not desired by the Whispering Pines residents.

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 - Create pedestrian corridors that connect neighborhoods.
 - Improve streets having sidewalks on one side to two sides.
 - Utilize utility corridors when possible.

Response: Please see response to 8.) above. Additionally, We respectfully ask the Planning Department prioritize the trail connections requested with this project. The connection to the West to 131st street has no existing connection along 131st or to the west. An easement could be dedicate here for a future trail, but this is a substantial cost burden to the project to construct this now.

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It is imperative to establish a link from this subdivision to Leavenworth Road and the new grade school at the southeast corner of 131st and Leavenworth Road. Families will purchase homes in the development and safe option for them to bike and walk to school is essential.

10. Sidewalk and Trails MP for Leavenworth Road include pic from GIS.

Response: While we agree it is important for students to have safe routes to school, the mid-block location on Leavenworth Road may not be the best option. Please see response to 8.) above.

11. The 8' pedestrian recreational easement in Tract 2 shall extend west to connect to 131st Street when that portion of the development is subdivided.

Response: Understood.

12. The minimum residential unit size is 1,600 square feet.

Response: Understood.

13. Traffic calming must be added to subdivision to discourage cut through traffic. Discuss with Staff.

Response: The configuration of the street layout intentionally prevents a direct connection to Sewell Ave. Drivers will have to navigate at least one intersection to get through the development. It is our opinion that the current configuration does not require additional traffic calming to discourage cut through traffic.

Public Works Comments:

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

- 1) 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.

Response: Understood

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

Response: Understood

- 3) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Response: Understood

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

1) None

Response: 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

Response: None

If you have additional comments or questions, please do not hesitate to contact me. Thank you.

Sincerely,

SCHLAGEL & ASSOCIATES, P.A.



Mark A. Breuer, PE
Principal / Engineering Manager
Direct 913-322-7154
mab@schlagelassociates.com

MAB/mdr
Enclosures

c: BCB Holdings, LLC

MEETING MINUTES

Application Number: 19401-00007

Date and Location: Monday, March 18, 2019 at Whispering Pines Recreation Center 3221 N. 128th Street, Kansas City, Kansas 66109

Meeting called to order at: 6:30 pm

Names of people in attendance: See the attached sign in sheet

Introductions:

Brandon Becker introduced himself and Mark Breuer with Schlagel & Associates, and provided a brief introduction of the project before opening up to questions

Presentation by: Brandon Becker and Mark Breuer

Questions and answers;

1. KELLY FOUNTAIN:
(a) What is the impact on traffic on 131st Street?
RESPONSE: Mr. Breuer stated that a traffic study has been prepared by Priority Engineers, who study the area for the new elementary school. The study summarized that the impact of this development would be minimal.

(b) Are Sidewalks required?
RESPONSE: Yes, on one side of the street.

(c) Does the large open greenbelt remain?
RESPONSE: Yes.
2. PAULA VANBRUNDT:
Voiced concerns over traffic. She owns the property in the northwest corner of the site and is concerned about having lots backing up to her property. Would like some sort of screen wall or landscaping.
3. DON VANBRUNDT:
Stated that he has lived on his property for 30-years, and has concerns about runoff upstream of the development and how it will be handled through the property.
RESPONSE: Stormwater will be routed through the property in an enclosed piping system.
4. JERRY CUNNINGHAM:
Stated that he lives downstream of the property and has stormwater concerns.
RESPONSE: Detention is being provided onsite to limit discharge to existing rates.

MEETING MINUTES

5. JOYCE CUNNINGHAM: :
Stated that she lives downstream of the property and has stormwater concerns. RESPONSE: Detention is being provided onsite to limit discharge to existing rates.
6. STEVE WOLF:
(a) What is the anticipated price range?
RESPONSE: No builders have been selected, but anticipate between \$350,000 to \$550,000.

(b) Who prepared the traffic study:
RESPONSE: Priority Engineers, the same firm that prepared the report for the elementary school.

(c) What street improvements will be made to 131st during construction.
RESPONSE: None. The traffic analysis did not warrant any improvement to 131st. Fees associated with building permits typically include some construction traffic impact fee.
7. DICK WETSCHENSKY:
Concerns about construction traffic.
8. JACKIE LYNN:
(a) Voiced concerns about connection to Sewell Avenue and traffic during and after construction. Would prefer construction traffic not use the Sewell connection to Whispering Pines.
RESPONSE: The layout of the development has been designed to reduce through street connections, to aide in reducing cut-through traffic.

(b) Would like to see traffic calming device/speed tables considered.
RESPONSE: Planning comments currently have requested some form of traffic calming be considered. This coordination is ongoing.

(c) What are the phase lines?
RESPONSE: They have not been exactly determined at this time – but development will likely occur in two phases.

(d) What are the homes values?
RESPONSE: Have not been determined yet. The developer would like to develop architectural standards similar to Whispering Pines, and have requested a copy of them. These will help in setting prices.

MEETING MINUTES

9. PHYLLIS RUTLER:
(a) Will this project connect to Whispering Pines?
RESPONSE: Yes
- (b) Where is the access to 131st?
RESPONSE: The location was identified on the large plot of the plat.
- (c) When will the lots be for sale?
RESPONSE: The sewers won't be available to connect to until Fall of 2020, so likely around that same time.
10. CHRIS MCCORD:
Do you anticipate development of the farm house?
RESPONSE: Not at this time.
11. MIKE COMPTON:
Do lot lines match Whispering Pines?
RESPONSE: Yes –they have been adjusted to match.
12. CHRIS LOGSTON:
How do you plan to connect to Whispering Pines private trail?
RESPONSE: This has been a comment of the County to connect to the Whispering Pines trail. Coordination is ongoing. We are unsure at this time if this is possible.
13. TONY WAGNER:
(a) How big is the retention pond?
RESPONSE: 0.95 acres.
- (b) Is there a pool planned?
RESPONSE: No.
- (c) Has concerns on cut-through traffic.
12. JEFF GEHL:
What are the Sewell Street connection construction limits?
RESPONSE: They will be limited to the right-of-way. The intent would be to leave as much of the existing vegetation as possible next to the lots.

Meeting adjourned at: 7:40pm (approx.)

Minutes taken by: Mark Breuer

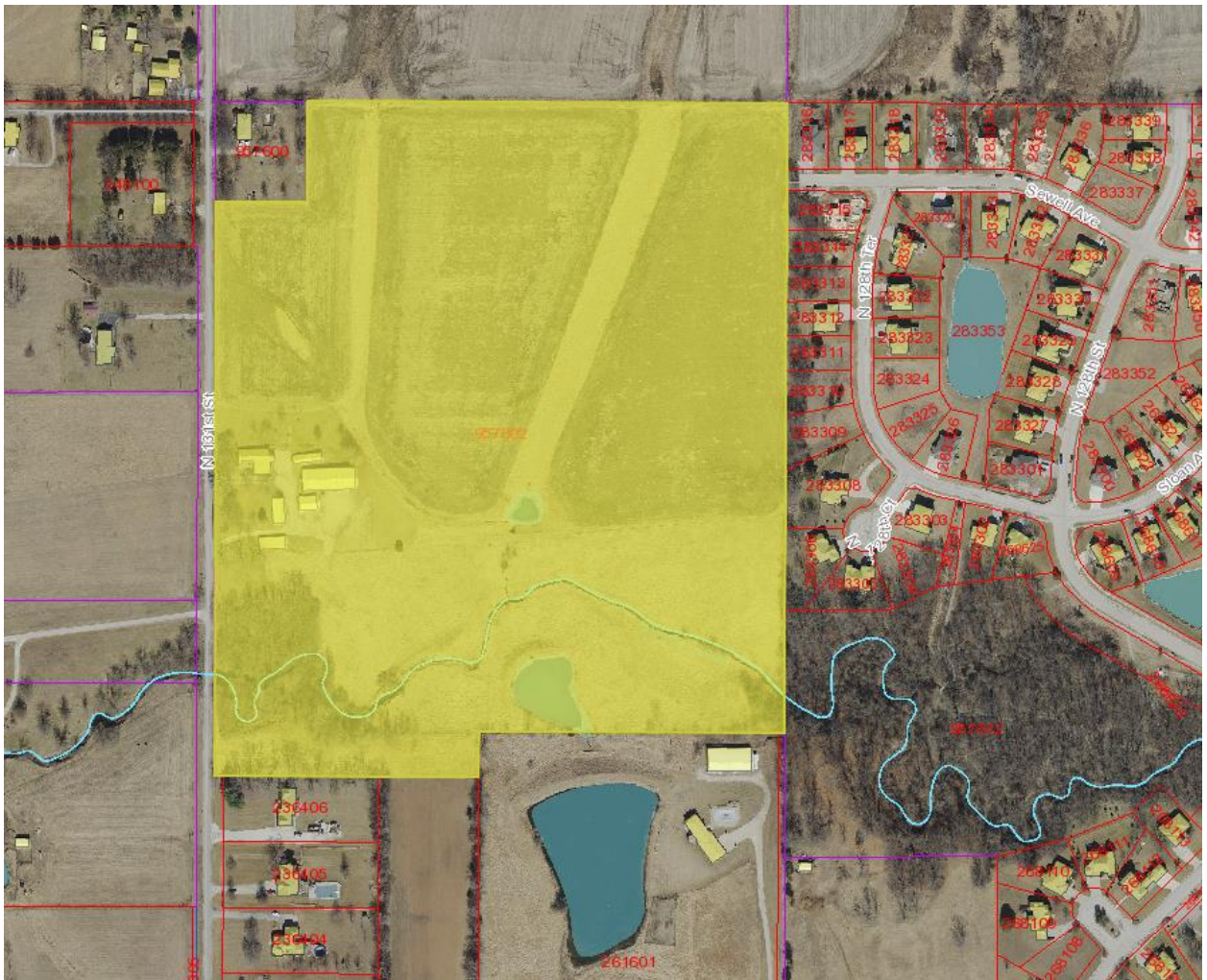


Figure 1. Aerial photograph of 3316 North 131st Street as indicated by the yellow box (provided by UG Maps).



Figure 2. Proposed trail connection to Leavenworth Road (provided by Arc Map).





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: 3316 N. 131st St.
Development Name: Piper Creek Estates Description: Prelim plat-66 single family lots
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

Based on EDR 02.22.2019- PDP Gen Layout Rev1

*Provide code compliant truck turnaround on street passing between Lot 6 and Lot 12 (approx 130th St.). Truck turnaround as proposed is not code compliant per Sec. D103.4, 2012 IFC

*Based on the road width of 26' (28' B/B indicated minus curbs) no on street parking is allowed. Signs for "NO Parking- Fire Lane" per Sec. D103.6.1 must be posted on both sides of streets. For street widths 26' to 32' parking would be allowed on ONE side per Sec. D103.6.2, 2012 IFC.

*Provide location of code compliant Fire Hydrants for review per Sec.507.5.1(Ex.1), 2012 IFC.

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'

3/6/19

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: March 8, 2019
RE: **PIPER CREEK ESTATES**

We have researched the official county records for the above plat as submitted to Urban Planning and Land Use by:
Schlagel & Associates, PA

And we have determined the following:

Takes part of CIC-TAS Parcel:
957602

Owner-of-Record:
BCB Holdings, LLC

Jurat Signature:
Brandon Becker – BCB Holdings, LLC

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

Please note the following comments.

1) Title

All mentions of "City of Piper" and "Piper, KS" needs to be changed to "Kansas City, KS."

2) Preliminary

The plat is preliminary.



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: April 25, 2019

Re: **Change of Zone Petition #3186 and Master Plan Amendment #MP-2019-3**

GENERAL INFORMATION

Applicant:
Kurt Winters

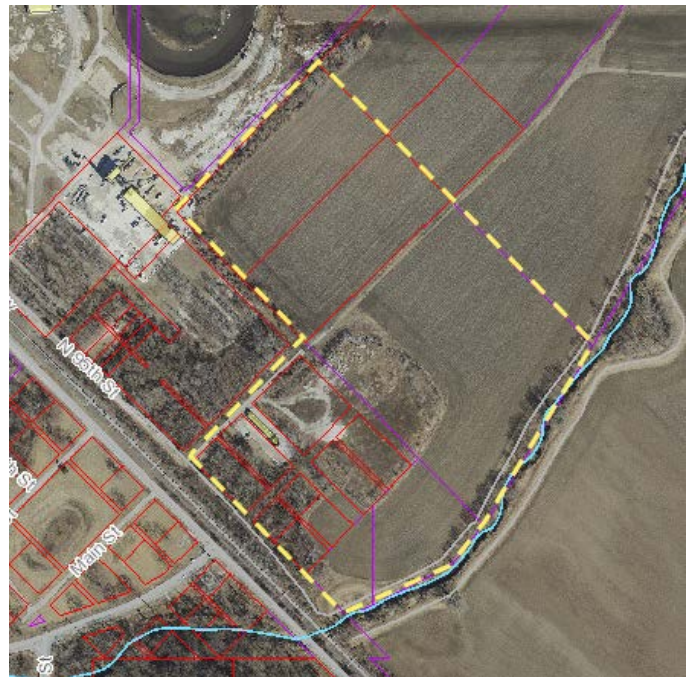
Status of Applicant:
Representative
UG Water Pollution Control
Department
50 Market Street
Kansas City, KS 66118

Requested Actions:
Change of Zone from
A-G Agriculture District to MP-3
Planned Heavy Industrial District.

Master Plan Amendment from
Regional Commercial (City-Wide
Master Plan) to Utilities (City-Wide
Master Plan)

Date of Application:
February 25, 2019

Purpose: For a wastewater treatment plant



Property Location: 9407 Main Street

Commission Districts:

1. Commissioner at Large: Melissa Bynum
2. District Commissioner: Mike Kane

Existing Zoning: AG Agriculture District and M-3 Heavy Industrial District

Surrounding Zoning:	North:	M-3 Heavy Industrial District
	South:	A-G Agriculture District and CP-2 Planned General Business District
	East:	A-G Agriculture District and M-3 Heavy Industrial District
	West:	R-1 Single Family District and M-3 Heavy Industrial District

Existing Uses:	North:	Dirt Race Track, Undeveloped Land
	South:	Undeveloped Land
	East:	Undeveloped Land
	West:	Deed- Restricted Open Space

Total Tract Size: 44.06 acres

Master Plan Designation: The City-Wide Master Plan designates this area as Regional Commercial.

Major Street Plan: The Major Street Plan designates Wolcott Drive as a boulevard/parkway, North 96th Street as a local street, and Main Street as a local street.

Advertisement: The Wyandotte Echo – Change of Zone - March 14, 2019
Letters to Property Owners – Change of Zone – March 13, 2019
and April 17, 2019; Master Plan – March 13, 2019 and April 17, 2019

Public Hearings: April 8, 2019 and April 25, 2019

Public Opposition: No one appeared in opposition at the April 8, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Kurt Winters with Unified Government Water Pollution Control Department has requested a Master Plan Amendment from Regional Commercial (City-Wide Master Plan) to Utilities (City-Wide Master Plan), a Change of Zone from A-G Agriculture District to MP-3 Planned Heavy Industrial District, and Wolcott WWTP Preliminary Plat for three (3) lots (1 industrial and 2 open space) for a wastewater treatment plant located at 9407 Main Street.

FACTORS TO BE CONSIDERED

1. Neighborhood character

A large portion of the surrounding area was part of a Hazard Mitigation Grant Program buy-out for flood-prone properties. Several of the surrounding parcels are now deed-restricted to remain as open space. This area is located within a floodplain and has remained undeveloped since the buy-out.

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

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

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

Removal of restrictions would not detrimentally affect nearby property. The surrounding properties directly adjacent on three sides are zoned as M-3 Industrial District. Although there are some R-1 zoned properties adjacent, they are deed-restricted as open space and therefore cannot be built on.

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

Portions of this property that were part of the HMGP buyout were purchased and deeded as open space in 1993. Other parcels have remained undeveloped, with the exception of a small wastewater treatment site.

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

The proposed use is reasonably necessary to keep up with the demand level of waste water needing treated. A facility of this nature could have impacts on the marketability and use of visual nearby property, however due to the circumstances of this site related to floodplain and open space requirements it would not be a significant impact.

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.

Roads, driveways and parking areas will need to be installed and/or improved to meet UG codes.

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

A petition has been filed for a Master Plan Amendment from Regional Commercial (City-Wide Master Plan) to Utilities (City-Wide Master Plan) #MP-2019-3.

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

More information is needed.

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 West Patrol, District #223

e. Fire

Fire service is provided by Fire District #4

f. Transit

Kansas City ATA does not provide transit service in this area

g. Schools

Piper USD 203

h. Streets

See item #6 above

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

The capability to handle an increased amount of wastewater could have a positive impact on the community by supporting more development to occur.

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 gain to the public health, safety and welfare would overcome any hardship imposed on individual landowners, although it is not anticipated that this would cause a hardship on 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.

A floodplain development permit must be obtained prior to the start of construction. Development must meet the requirements of Sec. 27-552 Provisions for flood hazard reduction.

14. Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

Streets will be 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 probably future land and building uses.

15. Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

Buildings, lots, blocks, parcels and streets will be 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.

Special consideration will need to be taken to accommodate construction in the floodplain. Additional state level approvals may be required for any work done along Connor Creek.

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.

Not applicable.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 21, 2019. Affidavit, sign-in sheet and meeting minutes are attached.

KEY ISSUES

Floodplain
HMGP Buyout Properties

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Master Plan Amendment #MP-2019-3.

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application #3186, subject to:

Urban Planning and Land Use Comments:

- 1. Provide an explanation regarding environmental impact of this facility and how potential negative effects will be mitigated.**

Applicant Response: This location for the WWTP expansion was identified as the least degrading alternative as part of the Anti-degradation Review Study. The Study was reviewed and approved by KDHE. Further, this expansion will be adjacent to the existing WWTP facility. The plant will be protected from the 100-yr flood.

Staff Response: The area must be removed from the 100-year floodplain by a letter of map revision approved by FEMA.

- 2. Provide elevation drawings for the Headworks building and Solids Process building.**

Applicant Response: Elevation drawings for the Headworks building and Solids Processing buildings can be found on sheet 30A201.

NOTE: Our CMAR Services construction manager has brought up an opportunity to get double use out of the proposed maintenance building and would provide cost savings on the structure for the UG. With the alternative, the proposed structure would be detached from the administration building and initially used as the construction office. The alternative location is now called out on the site plan and the architectural elevations of the structure are attached to this document.

3. Provide elevation drawings or representative photos showing the proposed design for sludge buffer tanks, solids process tanks, WAS day tank, TWAS day tank, and influent pump station.

Applicant Response: Elevation drawings for the WAS and TWAS day tanks (90A201) and influent pump station (20A201) have been added to the plans. The elevation drawing for the solids process tanks can be found on sheet 30A201.

4. Explain the function and use of Headworks Building, Solids Process Building and UV Disinfection Building. How many employees will work in each building? Additional parking may be required.

Applicant Response:

- o **Headworks Building:**
 - Unoccupied space primarily intended for equipment access.
 - Will house influent screening equipment for debris removal from influent flow stream
 - Will house grit removal equipment to remove inorganic particles of a particular size and larger from the influent flow stream
 - Will house screening/grit disposal dumpsters for disposal of waste
 - Typically 1 to 2 workers at a time under normal operations.
- o **Solids Process Building:**
 - Unoccupied space primarily intended for equipment access.
 - Will house tertiary filtration equipment for removal of particulate solids generally 10 micron and larger from the plant effluent prior to disinfection
 - Will house sludge thickening equipment and associated pumping/ polymer facilities to thicken waste activated sludge from ~.5% to 4% solids concentration
 - Typically 1 to 2 workers at a time under normal operations.
- o **UV Disinfection Building**
 - Unoccupied space primarily intended for equipment access.
 - Will house effluent disinfection that consist UV lamps designed to meet effluent E.coli requirements prior to discharge to outfall.

- Will house non-potable water pumping equipment to serve plant needs.
 - Typically 1 to 2 workers at a time under normal operations.
5. Staff assumes buildings in future phases will be the same in style and architectural design as in phase 1. A preliminary plan may be required for additional phases if design differs. Additional parking may be required as additional phases develop.

Applicant Response: Understood.

6. Provide a 5' utility easement along all property lines abutting other property. Provide a 10' utility easement along all property lines abutting an alley or street.

Applicant Response: The utility easements have been added to the plans and are called out on the Preliminary Site Plan/ Play (C04) and the Preliminary Utility Plan (C06).

7. Lots 18 through 22, Block 2 of Connor City Plat are deeded to remain as perpetual open space as part of the HMGP buyout.

Applicant Response: The Folsom Property (9620 Elm KCK) is Block 8 (southwest of Wolcott Rd) not Block 2 (within the Plat site). See attached reference information. It appears the deed transferred from the Folsom's to UG incorrectly. A deed correction is underway.

Staff Comment: Prior to approval for final plan review the deed correction must be completed and accepted by FEMA.

8. The East 2 feet of Lot 26f and all of Lots 27, 28, 29, and 30, Block 3, of Connor City plat are deeded to remain as perpetual open space as part of the HMGP buyout.

Applicant Response: Understood, these lots will remain as open space.

9. 9401 Oak Street has been deeded to remain as perpetual open space as part of the HMGP buyout.

Applicant Response: Understood, this lot will remain as open space

10. This site is located within a floodplain. A floodplain development permit shall be required prior to construction.

- a. Elevation certificates for new structures, to include buildings and tanks shall be required at the time of review, based on proposed plans and again after finished construction, based on as-built elevations. Elevation Certificates must be sealed by a Kansas licensed land surveyor or engineer.

- b. New construction and attendant utility and sanitary facilities shall have the lowest floor, including basement, elevated a minimum of 18 inches above the base flood elevation or be dry floodproofed to a minimum of 18 inches above base flood elevation.
- c. When fill is used, the top layer shall be above the BFE and in accordance with adopted building code standards. Fill shall not adversely affect the flow or surface drainage from or onto neighboring properties.

Applicant Response: Understood

11. Will there be any storage or processing of hazardous materials?

- a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal, or plant life is prohibited.

Applicant Response: All chemicals will be stored above the 500-year flood elevation within secondary containments.

12. Must comply with Sec. 27-548 through 27-572, provisions for flood hazard reduction.

Applicants Response: Understood, the lead designer on the project will be performing a no-rise analysis.

13. Address attached comments from Geospatial Services Department.

Applicant Response: The comments are addressed in the Geospatial Services Department section of this document.

Staff Response: The site is accessible from Wolcott Drive via 95th Street and Main Street. 95th Street and Main Street are currently gravel and will be widened and constructed as collector streets. An interior road system will provide access to proposed buildings.

14. Submit a traffic impact letter.

Applicant Response: The Traffic Impact Letter was included in the initial submittal.

15. Show what street/road improvements will be done with this property.

Applicant Response: Proposed public road improvements of 95th and Main Streets in the area of the project were included in the initial submittal, comments received on those road plans are addressed within this document.

16. Address attached comments from Conservation District.

Applicant Response: The comments are addressed in the Conservation District section of this document.

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) With the fuel tank capacity of the proposed generator being 1500 gallons, coordination with the Kansas Department of Health and Environment and the Office of the State Fire Marshal shall be required for any permits and approvals, as applicable. Provide staff with copies of applicable permits and/or approvals which shall be required prior final approvals.
 - 2) The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents in accordance with County Surveyor comments.
 - 3) 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 make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #MP-2019-3 and #3186 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 8, 2019 City Planning Commission Minutes
Neighborhood Meeting Minutes, Sign-in and Affidavit
Response to Comments
Geospatial Services Comment Letter
Updated Conservation District Comments and Report
Preliminary Site Plan

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	April 8, 2019	April 25, 2019
Master Plan	Approval	
Amendment	Approval	
Public Hearing	April 8, 2019	April 25, 2019
Rezoning	Approval	

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition #**MP-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. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**MP-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.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition #**3186** 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 #**3186** 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.

April 8, 2019 City Planning Commission Minutes:

Hearing Starts 27:35:

CHANGE OF ZONE APPLICATION #3186 – KURT WINTERS WITH UG WATER POLLUTION CONTROL – SYNOPSIS: Change of Zone from A-G Agriculture District to MP-3 Planned Heavy Industrial District for a wastewater treatment plant at 9407 Main Street.

MASTER PLAN AMENDMENT #MP-2019-3 – KURT WINTERS WITH UG WATER POLLUTION CONTROL DEPARTMENT – SYNOPSIS: Master Plan Amendment from Regional Commercial (City-Wide Master Plan) to Utilities (City-Wide Master Plan) at 9407 Main Street

WOLCOTT WWTP – SYNOPSIS: Preliminary Plat for three (3) lots (1 industrial and 2 open space) at 9407 Main Street

Detailed Outline of Requested Action: The applicant, Kurt Winters with Unified Government Water Pollution Control Department has requested a Master Plan Amendment from Regional Commercial (City-Wide Master Plan) to Utilities (City-Wide Master Plan), a Change of Zone from A-G Agriculture District to MP-3 Planned Heavy Industrial District, and Wolcott WWTP Preliminary Plat for three (3) lots (1 industrial and 2 open space) for a wastewater treatment plant located at 9407 Main Street.

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 April 8, 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 March 14, 2019 for the Change of Zone application and Master Plan Amendment;
7. The Notices to property owners dated March 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:

- ❖ Phil Gibbs, Jr., Continental Consulting Engineers, 11006 Parallel Parkway, Suite 1, Kansas City, Kansas 66109
- ❖ Kurt Winters, applicant

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts 32:52: Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts 33:13:

On motion by Ms. Pauley, seconded by Mr. Miller, the Planning Commission voted as follows to **RECOMMEND APPROVAL of Master Plan Amendment #MP-2019-3:**

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

Motion to recommend APPROVAL Passed: 7 to 0

On motion by Ms. Huey, seconded by Mr. Miller, the Planning Commission voted as follows to **RECOMMEND APPROVAL of Change of Zone Application #3186:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Provide an explanation regarding environmental impact of this facility and how potential negative effects will be mitigated.

Applicant Response: This location for the WWTP expansion was identified as the least degrading alternative as part of the Anti-degradation Review Study. The Study was reviewed and approved by KDHE. Further, this expansion will be adjacent to the existing WWTP facility. The plant will be protected from the 100-yr flood.

Staff Response: The area must be removed from the 100-year floodplain by a letter of map revision approved by FEMA.

2. Provide elevation drawings for the Headworks building and Solids Process building.

Applicant Response: Elevation drawings for the Headworks building and Solids Processing buildings can be found on sheet 30A201.

NOTE: Our CMAR Services construction manager has brought up an opportunity to get double use out of the proposed maintenance building and would provide cost savings on the structure for the UG. With the alternative, the proposed structure would be detached from the administration building and initially used as the construction office. The alternative location is now called out on the site plan and the architectural elevations of the structure are attached to this document.

3. Provide elevation drawings or representative photos showing the proposed design for sludge buffer tanks, solids process tanks, WAS day tank, TWAS day tank, and influent pump station.

Applicant Response: Elevation drawings for the WAS and TWAS day tanks (90A201) and influent pump station (20A201) have been added to the plans. The elevation drawing for the solids process tanks can be found on sheet 30A201.

4. Explain the function and use of Headworks Building, Solids Process Building and UV Disinfection Building. How many employees will work in each building? Additional parking may be required.

Applicant Response:

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 - Unoccupied space primarily intended for equipment access.
 - Will house effluent disinfection that consist UV lamps designed to meet effluent E.coli requirements prior to discharge to outfall.
 - Will house non-potable water pumping equipment to serve plant needs.
 - Typically 1 to 2 workers at a time under normal operations.
5. Staff assumes buildings in future phases will be the same in style and architectural design as in phase 1. A preliminary plan may be required for additional phases if design differs. Additional parking may be required as additional phases develop.

Applicant Response: Understood.

6. Provide a 5' utility easement along all property lines abutting other property. Provide a 10' utility easement along all property lines abutting an alley or street.

Applicant Response: The utility easements have been added to the plans and are called out on the Preliminary Site Plan/ Play (C04) and the Preliminary Utility Plan (C06).

7. Lots 18 through 22, Block 2 of Connor City Plat are deeded to remain as perpetual open space as part of the HMGP buyout.

Applicant Response: The Folsom Property (9620 Elm KCK) is Block 8 (southwest of Wolcott Rd) not Block 2 (within the Plat site). See attached reference information. It appears the deed transferred from the Folsom's to UG incorrectly. A deed correction is underway.

Staff Comment: Prior to approval for final plan review the deed correction must be completed and accepted by FEMA.

8. The East 2 feet of Lot 26f and all of Lots 27, 28, 29, and 30, Block 3, of Connor City plat are deeded to remain as perpetual open space as part of the HMGP buyout.

Applicant Response: Understood, these lots will remain as open space.

9. 9401 Oak Street has been deeded to remain as perpetual open space as part of the HMGP buyout.

Applicant Response: Understood, this lot will remain as open space

10. This site is located within a floodplain. A floodplain development permit shall be required prior to construction.

- a. Elevation certificates for new structures, to include buildings and tanks shall be required at the time of review, based on proposed plans and again after finished construction, based on as-built elevations. Elevation Certificates must be sealed by a Kansas licensed land surveyor or engineer.
- b. New construction and attendant utility and sanitary facilities shall have the lowest floor, including basement, elevated a minimum of 18 inches above the base flood elevation or be dry floodproofed to a minimum of 18 inches above base flood elevation.
- c. When fill is used, the top layer shall be above the BFE and in accordance with adopted building code standards. Fill shall not adversely affect the flow or surface drainage from or onto neighboring properties.

Applicant Response: Understood

11. Will there be any storage or processing of hazardous materials?

- a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal, or plant life is prohibited.

Applicant Response: All chemicals will be stored above the 500-year flood elevation within secondary containments.

12. Must comply with Sec. 27-548 through 27-572, provisions for flood hazard reduction.

Applicants Response: Understood, the lead designer on the project will be performing a no-rise analysis.

13. Address attached comments from Geospatial Services Department.

Applicant Response: The comments are addressed in the Geospatial Services Department section of this document.

Staff Response: The site is accessible from Wolcott Drive via 95th Street and Main Street. 95th Street and Main Street are currently gravel and will be widened and constructed as collector streets. An interior road system will provide access to proposed buildings.

14. Submit a traffic impact letter.

Applicant Response: The Traffic Impact Letter was included in the initial submittal.

15. Show what street/road improvements will be done with this property.

Applicant Response: Proposed public road improvements of 95th and Main Streets in the area of the project were included in the initial submittal, comments received on those road plans are addressed within this document.

16. Address attached comments from Conservation District.

Applicant Response: The comments are addressed in the Conservation District section of this document.

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) With the fuel tank capacity of the proposed generator being 1500 gallons, coordination with the Kansas Department of Health and Environment and the Office of the State Fire Marshal shall be required for any permits and approvals, as applicable. Provide staff with copies of applicable permits and/or approvals which shall be required prior final approvals.**
 - 2) The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents in accordance with County Surveyor comments.**
 - 3) 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**

On motion by Ms. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to **APPROVE Wolcott WWTP Preliminary Plat:**

Carson	Chairman
Ernst	Aye
Huey	Aye

Jones	Aye
Miller	Aye
Pauley	Aye
Reasons	Aye
Serda	Aye
Cho	Not Present
Connelly	Not Present
Neal	Not Present

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

Wolcott WWTP Expansion Neighborhood Meeting
#MP-2019-3, Change of Zone Petition #3186
March 21, 2019
11006 Parallel Parkway Kansas City, Kansas 66109
Country Club Bank, Downstairs Conference Room

Meeting called to order at: 6:00 P.M.

Names of people in attendance:

Design Team:

Philip Gibbs, Jr. – Continental Consulting Engineers
Andrew Talkin – Continental Consulting Engineers
Brandon Coleman – HDR
Kurt Winters – UG Water Pollution Control
Trenton Fogelsong – UG Water Pollution Control

Jim Knetter – 11624 Hollingsworth Road, Kansas City, Kansas 66109
David Knetter – 13301 Hollingsworth Road, Kansas City, Kansas 66109
Ron Nelson – 5445 N. 97th Street, Kansas City, Kansas 66109
Beverly Nelson – 5445 N. 97th Street, Kansas City, Kansas 66109

Summary:

General information was presented about the site, site access, treatment plant buildings and plant operations. The purpose of the meeting was for rezoning of a portion of the property from AG to M-3 (Heavy Industrial) zoning.

Questions and Answers:

Beverly Nelson: What will the odor be like?

Brandon: Most of the more odorous processes such as screening/grit removal are enclosed and can be addressed through odor control as needed.

Jim and Dave Knetter: We were promised an easement along the southern and western portions of the detention basin parcel, what can we do to get access to our land?

Phil: A 40' access easement will be added on the northern edge of this lot to allow you access to your land.

Jim Knetter: Will the detention pond be built simultaneously with the first phase of construction and when will this begin?

Phil: Referencing the phasing plan, the extents of the detention basin for phases 1 and 2 will take up about half of the parcel currently being farmed by the Knetters. The extents of the Phase 1 basin will be staked to enable the Knetters to continue to farm this land until future expansion is required. Future expansion (Phase 3) is not expected for at least 8-10 years.

Beverly Nelson: When will the treatment plant expand?

Brandon: Approximately a decade until Phase 2 expansion but is ultimately based upon the community's population growth within the drainage basin.

Ron Nelson: How many truck trips a day should be expected, and what route will they use to get to/from the site?

Kurt: One to two trips per day, they would use K-5 to access the highway, I435.

Beverly Nelson: How much activity will be going on at the site, and how many employees will be working on site?

Brandon: This wastewater treatment plant will be able to be monitored and controlled remotely.

Kurt: We expect one or two employees at the site part time, two to three hours a day. If something were to break down, a maintenance crew may be there for four hours or whatever is necessary to fix the issue.

Beverly Nelson: What exactly will be released into Connor Creek?

Brandon: Just the treated effluent will be released. The biosolids will be hauled off site for disposal.

Beverly Nelson: What noise is created from the plant during operation and during construction?

Brandon: The loudest part of the plant is typically the aeration process, specifically the blowers that compress air and distribute it into the treatment process. These blowers will be located in weather/sound enclosures to meet a specified a decibel level near the machine. The sound levels will decrease as you get further away from the machine. During construction, normal construction equipment sounds, and likely a drum grinder that will be used to crush and process the random fill for use as engineered fill. The site will then be surcharged with additional soil height and left sitting for approximately 90 days with monitoring for settlement prior to construction of foundations.

Beverly Nelson: What happens to the existing WWTP during times of high water/flood?

Kurt: The plant goes out of service and the wastewater bypasses all treatment.

David Knetter: Will the proposed agricultural access road be raised from its existing elevation?

Andrew: The access road will be raised three to four feet alongside the raised building pad for Phases 1 and 2. The access road will be raised all the way to the North property line for ultimate build out.

Jim Knetter: Will the detention basin discharge ultimately end up in the drainage path that cuts across the field to the North?

Andrew: When the detention basin does discharge, it will ultimately flow along the outer edge of the basin and end up in the flow path through you are referring too. That being said, the detention basin is not expected to discharge during a single storm event.

Beverly Nelson: Will the proposed site be raised above the 93' flood elevation?

Phil: Yes, the 93' flood got up to an elevation of approximately 769.00, the outer edge of the site will be raised to at least 769.00, which is also above the 500-yr flood elevation.

Beverly Nelson: Who is paying for the proposed expansion?

Kurt Winters: It is not paid for by taxes, the expansion will be paid for with wastewater fees which are collected from citizens that are connected to the public sanitary sewer system. Those that are on septic do not pay the wastewater fee.

Meeting adjourned at: 7:00 P.M.

A handwritten signature in black ink, appearing to read "Andrew Talkin", with a long horizontal flourish extending to the right.

Minutes taken by: Andrew Talkin

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Kurt D Winters, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # 3186.
2. That I conducted a neighborhood meeting on March 21, 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.

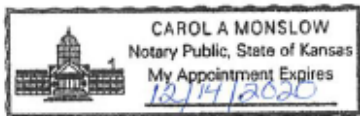
Further affiant saith not.

Kurt D Winters
Affiant

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

My commission expires 14th of December 2020

Carol A Monslow
Notary Public





9000 State Line Road
Leawood, Kansas 66206

11006 Parallel Parkway, Suite 1
Kansas City, Kansas 66109

Tel: (913) 642-8642
Fax: (913) 642-8941

March 22, 2019

Tony Sabljak, CFM
Development Review Coordinator
Department of Urban Planning and Land Use
Neighborhood Resource Center
Unified Government of Wyandotte County / Kansas City, Kansas
4953 State Avenue
Kansas City, Kansas 66102

RE: Review Comment Responses
Re-submittal of Change of Zone #3186
Wolcott WWTP Expansion

Mr. Sabljak,

Attached please find the responses in bold for the review comments for the above referenced project.

Urban Planning and Land Use

- 1) *Provide an explanation regarding environmental impact of this facility and how potential negative effects will be mitigated. This location for the WWTP expansion was identified as the least degrading alternative as part of the Anti-degradation Review Study. The Study was reviewed and approved by KDHE. Further, this expansion will be adjacent to the existing WWTP facility. The plant will be protected from the 100-yr flood.*
- 2) *Provide elevation drawings for the Headworks building and Solids Process building. Elevation drawings for the Headworks and Solids Processing buildings can be found on sheet 30A201.*

NOTE: Our CMAR Services construction manager has brought up an opportunity to get double use out of the proposed maintenance building and would provide cost savings on the structure for the UG. With the alternative, the proposed structure would be detached from the administration building and initially used as the construction office. The alternative location is now called out on the site plan and the architectural elevations of the structure are attached to this document.

- 3) *Provide elevation drawings or representative photos showing the proposed design for sludge buffer tanks, solids process tanks, WAS day tank, TWAS day tank, and influent pump station. Elevation drawings for the WAS and TWAS day tanks (90A201) and influent pump station (20A201) have been added to the plans. The elevation drawing for the solids process tanks can be found on sheet 30A201.*
- 4) *Explain the function and use of Headworks Building, Solids Process Building and UV Disinfection Building. How many employees will work in each building? Additional parking may be required.*

- **Headworks Building:**
 - Unoccupied space primarily intended for equipment access.
 - Will house influent screening equipment for debris removal from influent flow stream
 - Will house grit removal equipment to remove inorganic particles of a particular size and larger from the influent flow stream
 - Will house screening / grit disposal dumpsters for disposal of waste
 - Typically 1 to 2 workers at a time under normal operations.
 - **Solids Process Building:**
 - Unoccupied space primarily intended for equipment access.
 - Will house tertiary filtration equipment for removal of particulate solids generally 10 micron and larger from the plant effluent prior to disinfection
 - Will house sludge thickening equipment and associated pumping / polymer facilities to thicken waste activated sludge from ~.5% to 4% solids concentration
 - Typically 1 to 2 workers at a time under normal operations.
 - **UV Disinfection Building**
 - Unoccupied space primarily intended for equipment access.
 - Will house effluent disinfection that consist UV lamps designed to meet effluent E.Coli requirements prior to discharge to outfall.
 - Will house non-potable water pumping equipment to serve plant needs.
 - Typically 1 to 2 workers at a time under normal operations.
- 5) *Staff assumes building in future phases will be the same in style and architectural design as in phase 1. A preliminary plan may be required for additional phases if design differs. Additional parking may be required as additional phase develop. Understood.*
- 6) *Provide a 5' utility easement along all property lines abutting other property. Provide a 10' utility easement along all property lines abutting an alley or street. The utility easements have been added to the plans and are called out on the Preliminary Site Plan/Plat (C04) and the Preliminary Utility Plan (C06).*
- 7) *Lots 18 through 22, Block 2 of Connor City Plat are deeded to remain as Perpetual open space as part of the HMGP buyout. 7. The Folsom Property (9620 Elm KCK) is Block 8 (southwest of Wolcott Rd) not Block 2 (within the Plant site). See attached reference information. It appears the deed transferred from the Folsom's to UG incorrectly. A deed correction is underway.*
- 8) *The East 2 feet of Lot 26f and all of lots 26, 28, 29, and 30, Block 3, of Connor City plat are deeded to remain as perpetual open space as part of the HMGP buyout. Understood, these lots will remain as open space.*
- 9) *9401 Oak Street has been deeded to remain as perpetual open space as part of the HMGP buyout. Understood, this lot will remain open space.*
- 10) *This site is located within a floodplain. A floodplain development permit shall be required prior to construction.*
- a. *Elevation certificates for new structures, to include buildings and tanks shall be required at the time of review, based on proposed plans and again after finished construction, based on as-built elevations. Elevation certificates must be sealed by a Kansas licensed land surveyor or engineer. Understood.*

- b. New construction and attendant utility and sanitary facilities shall have the lowest floor, including basement elevated a minimum of 18 inches above the base flood elevation or be dry flood proofed a minimum of 18 inches above base flood elevation. **Understood.**
 - c. When fill is used, the top layer shall be above the BFE and in accordance with adopted building code standards. Fill shall not adversely affect the flow or surface drainage from or onto neighboring properties. **Understood.**
- 11) Will there be any storage or processing of hazardous materials?
- a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal, or plant life is prohibited. All chemicals will be stored above the 500-year flood elevation within secondary containments.
- 12) Must comply with Sec. 27-548 through 27-572, provisions for flood hazard reduction.
Understood, the lead designer on the project will be performing a no-rise analysis.
- 13) Address attached comments from Geospatial Services Department. The comments are addressed in the Geospatial Services Department section of this document.
- 14) Submit a traffic impact letter. The Traffic Impact Letter was included in the initial submittal.
- 15) Show what street/road improvements will be done with this property. Proposed public road improvements of 95th and Main Streets in the area of the project were included in the initial submittal, comments received on those road plans are addressed within this document.
- 16) Address attached comments from Conservation District. The comments are addressed in the Conservation District section of this document.

Public Works:

- 1) Items that required plan revision or additional documentation before engineering can recommend approval:
- 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. **Understood, these comments are addressed within this document.**
 - b. The County Surveyor makes separate technical review of the plat documents and submits comments direction to the prepared of the plat. Provide revised plat documents in accordance with County Surveyor comments. **Understood, these comments are addressed within this document.**
 - c. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition. **Understood.**
- 2) Items that are conditions of approval (stipulations):
- a. None.
- 3) Comments that are not critical to engineering recommendations for this specific submittal, but may be helpful in preparing future documents:
- a. None.

GeoSpatial Services

- 1) *Legal Description*
The legal description has two errors. "Block 30" should be "Block 3" and "distance of 07.04" should be "distance of 707.04". This has been corrected on sheets C02 and C03.

- 2) *Taxes*
Per KSA 19-1207 any current taxes and assessments must be paid along with any unlevied taxes for the current year. Unpaid 2015 to 2018 taxes and/or assessments on Parcel 937500. Unpaid 2018 taxes and/or assessments on Parcel 181237. For exact payoff amount the tax payer should contract the Unified Government Treasurer. These taxes must be satisfied prior to recording. Parcel 181237 is under the ownership of the "City of Kansas City, Kansas". The owner/developer is aware of the situation. Parcel 937500 was incorrectly shown as being owned by Sherman Wiehe and corrected to being owned by the Unified Government. This was confirmed in an email received from Robert Ringle on February 27, 2019.
- 3) *Right-of-way*
Right-of-way dedications to Main Street should be part of plat. The proposed right-of-way dedications will be part of a separate document and are not being dedicated from this property. The call outs on sheet C04 have been updated to reflect this.
- 4) *Tax Units*
The current parcels to be platted are in two different tax units. Proposed lots may need to follow these boundaries. We would like to keep the lots as we have them called out due to the layout of the site. Would you like us to show the taxing unit boundaries on the final plat? Further discussion may be necessary.
- 5) *Preliminary*
The plat is preliminary. Understood.

Wyandotte County Conservation District

- 1) *The erosion control plans should control any runoff concerns. Wind erosion may be a concern with the material that will be part of the process. Understood.*
- 2) *The top soil in the area needs to be stock piled and spread overall the area where seeding will be done. The stock pile needs to be protected with mulch and seeding until spreading can occur. Understood.*
- 3) *The wet detention area will need to include a good variety of wetland vegetation planted to protect this area. Understood.*
- 4) *The Best Management Practices in this report can asset in any erosion control problems that might arise. Understood, the BMPs listed in the report will be utilized during construction.*
- 5) *If there are other plans for the area, we need to be informed. There are currently no other plans in the area to our knowledge.*

Plat Review by County Surveyor

- 1) *Provide a project site Benchmark. Horizontal and Vertical control information has been added to Sheet C03 and appears on Sheet 0CS.*
- 2) *Please show all utilities adjacent to the plat boundary. The existing utilities have been labeled on Sheets C02 and C03. They also appear on Sheet C06.*
- 3) *In the 6th line of the description you call out block 30, I believe that should be block 3. This has been corrected.*
- 4) *In the 13th line of the description you call out 07.04 feet, when it should read 707.04 feet. This has been corrected.*

- 5) *In lines 20 and 22 of the description you call out Wyandotte street, I believe you need to be consistent with calling out 95th street (platted as Wyandotte street). Unless there is something I am missing. This has been corrected.*
- 6) *Please provide a Point of Beginning on the plat. The Point of Beginning has been labeled on Sheets C02 and C03.*

General Engineering Review

- 1) Include land disturbance area on the cover sheet for phases 1 & 2. The land disturbance area for Phases 1 and 2 was added to the cover sheet.
- 2) *Indicate the finished floor elevation for the administrative building that matches the first floor elevation i.e. EL. 0.00* The finished floor elevation for the administration building was updated on sheet 110A201 to match the site plan, Elevation = 769.50.
- 3) *Provide details of the proposed fence i.e. 6' or 8' fence?* The proposed fence is now called out on the site plan as a 72" chain link fence with barbed wire. The fence will be black vinyl coated and include a galvanized extension arm with three strands of barbed wire similar to the existing Wolcott WWTP fence except the extension arm will be faced towards the inside of the site rather than outside.



Example.

- 4) *The plans show a proposed generator. Please provide more information i.e. if natural gas or diesel generator, size, and model of generator, fuel tank capacity and whether "hotspot analysis" in accordance with Appendix B, MARC BMP manual is required, and all other applicable information.* The proposed generator is a Cummins 750kW diesel powered generator (Model: DQFAA). The fuel tank capacity of the generator is 1500 gallons, sized for 24 hours runtime at full load. An enclosure will also be provided. The specification sheets for both the generator and the enclosure are attached to this document. Based on the specifications outlined in the attached documents, a "Hotspot analysis" will not be required. The analysis by the designer found the following codes to be more stringent requirements than those outlined in Appendix B of the BMP manual:
 - a. EPA 40 CFR Part 60 Subpart IIII - Standards of Performance for Stationary Compression Ignition Internal Combustion Engines
 - b. NFPA 1 - Uniform Fire Code
 - c. NFPA 37 - Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines
 - d. NFPA 70 - National Electrical Code
 - e. NFPA 110 - Standard for Emergency and Standby Power Systems
 - f. UL 2200 - Standard for Stationary Engine Generator Assemblies

- 5) *Will the access gate include Knox-box that allows emergency access? The access gate to the facility will include Knox-Box for emergency access.*
- 6) *Coordinate with Kim Portillo (913-573-5755) regarding Federal, State and / or Local floodplain permits and requirements. Understood. We will coordinate with Kim Portillo regarding Federal, State, and Local floodplain permits and requirements.*
- 7) *Add a note that the contractor shall obtain all permits, including but not limited to Unified Government, Public Works Department, Right-of-Way, Hauling, Land Disturbance Permits, etc. In this regard, indicate where unusable material e.g. concrete debris on site shall be taken. A similar note was added to the cover sheet stating that, "Contractor shall obtain all permits, including but not limited to the Unified Government, Public Works Department, Right of Way, Hauling, Land Disturbance, etc." Site Grading Note 15 on sheets G01 and G02 now states that, "All debris, and any unusable material shall be hauled, by contractor, to an approved offsite disposal area."*
- 8) *Provide a timeline and the process of how the transfer of treatment facility from the exiting treatment plant to the proposed wastewater treatment plant will occur. Further discussion with staff may be required. The timeline and the process for which service will be transferred from the existing treatment plant to the proposed treatment plant is an ongoing discussion. We are working closely with UG Water Pollution Control staff on sequencing, which will consist of construction of the new plant, completion of testing and a demonstration period, seeding of the new plant with biomass, and transferring influent flow to the new plant. The current schedule anticipates the new plant commission period will begin June 2021. However, this schedule may change based on KDHE review and approval of the final plans of the project.*
- 9) *See pdf mark-up for additional comments. The vehicle access area is addressed in the Stormwater Quality Review, Comment 2. The sediment forebay is now called out on the site plan. The existing sanitary sewer effluent is now called out to be abandoned in place on both the site plan, C04 and utility plan, C06. The proposed gas line type is now fixed.*
- 10) *The County Surveyor makes separate technical review of the Plat, survey documents and/or exhibit and submits comment directly to the prepared of the plat and/or survey documents. Provide revised survey documents in accordance with County Surveyor Comments. The preliminary plat review comments were received and addressed as part of this document, see Plat Review by County Surveyor.*
- 11) *Final development plans/plat will have to be approved before going to planning commission with approval to obtain permits. 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. Only preliminary drawings and studies are required at this time. Understood.*

Erosion Control Review

- 1) *Final development plans/plat will have to be approved before going to planning commission with approval to obtain permits. 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. Only preliminary drawings and studies are required at this time. Understood.*

Storm Drainage Review

- 1) *Final development plans/plat will have to be approved before going to planning commission with approval to obtain permits. 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. Only preliminary drawings and studies are required at this time. Understood.*

Sanitary Sewer Review

- 1) *Final development plans/plat will have to be approved before going to planning commission with approval to obtain permits. 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. Only preliminary drawings and studies are required at this time. Understood.*

Stormwater Quality Review

- 1) *In accordance with the MARC BMP Manual, a sediment forebay shall be incorporated in the design for the Extended Wet Detention Basin. The proposed sediment forebay has been labeled on the site plan.*
- 2) *The stormwater facility i.e. EWDB shall be accessible by vehicle for maintenance and inspection purposes. Please verify or revise to provide an area that is accessible to an inspection vehicle between the proposed fence and the rim of the EWDB. The proposed fence line will be moved off the top of berm to the outside. The northeast side of the berm will be widened from 8' to 12' to allow for vehicle access on top. With this change, the entire length of the southeast and northeast sides of the basin will be vehicle accessible. There are now two BMP access swing gates called out on the site plan.*
- 3) *An Operation and Maintenance Manual for the proposed Extended Wet Detention Basin shall be required. This document should be formatted to be provided to the owner and include the site address, owners contact information, description of BMPs on site, relevant plan sheets, operation and maintenance information, inspection calendar, inspection log, sample inspection form, etc. Understood. An Operation and Maintenance Manual for the proposed Extended Wet Detention Basin will be created and turned in with final development plans.*
- 4) *Final development plans/plat will have to be approved before going to planning commission with approval to obtain permits. 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. Only preliminary drawings and studies are required at this time. Understood.*

Public Street Review

- 1) *Indicate locations for road signage in accordance with MUTCD e.g. curve ahead. A stop sign and no outlet sign were added at the entrance of 95th street. A turn sign with a 10 mph advisory speed sign was added before the bend and chevrons have been added around the bend. These signs are called out on the plans in accordance with MUTCD.*
- 2) *Final development plans/plat will have to be approved before going to planning commission with approval to obtain permits. 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. Understood.*



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: March 11, 2019
RE: WOLCOTT WWTP

We have researched the official county records for the above plat as submitted to Urban Planning and Land Use by:
Continental Consulting Engineers, Inc.

And we have determined the following:

Takes all of CIC-TAS Parcels:

181234 to 181239, 181254, 181256, 181257, 181306, 181307, 937500,
937501 & 937506

Owners-of-Record:

Unified Government & Wyandotte County Land Bank

Jurat Signature:

None

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

Please note the following comments.

1) Legal Description

The legal description has two errors. "Block 30" should be "Block 3" and "distance of 07.04" should be "distance of 707.04."

2) Taxes

Per KSA 19-1207 any current taxes and assessments must be paid along with any unlevied taxes for the current year. Unpaid 2015 to 2018 taxes and/or assessments on Parcel 937500. Unpaid 2018 taxes and/or assessments on Parcel 181237. For exact payoff amount the tax payer should contact the Unified Government Treasurer. These taxes must be satisfied prior to recording.

3) Right-of-way

Right-of-way dedications to Main Street should be part of plat.

4) Tax Units

The current parcels to be platted are in two different tax units. Proposed lots may need to follow these boundaries.

5) Preliminary

The plat is preliminary.



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

March 20, 2019

RE: Wolcott WWTP Expansion Erosion Control Plan

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the plans for: Wolcott WWTP Expansion Erosion Control Plan.

In review of the information we received from Andrew Talkin on the Erosion Control Plan for the site, we have the following comments on the expansion plans:

- The Erosion Control Plans should control any runoff concerns. Wind erosion may be a concern with the material that will be part of the construct process.
- The top soil in the area needs to be stock piled and spread over the areas where seeding will be done. The stock pile needs to be protected with mulch and seeding until spreading can occur.
- The wet detention area will need to include a good variety of wetland vegetation planted to protect this area.
- The Best Management practices in this report can assist in any erosion control problems that might arise.
- If there are other plans for the area, we need to be informed.

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.

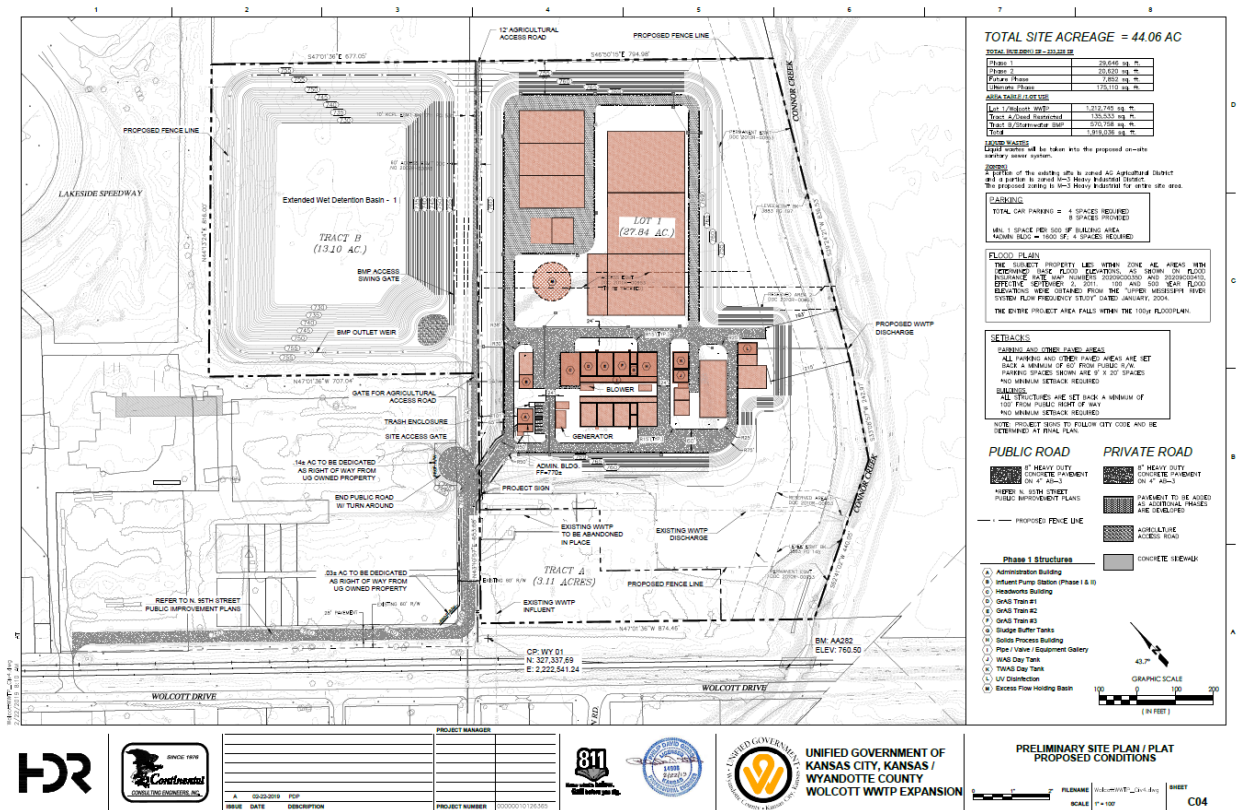
Technical assistance is available from our office. Limitation maps, detail soils reports and a conservation plan can also be requested for this site from our office.

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





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: April 25, 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, March 19, 2019,
April 2, 2019 and April 17, 2019

Public Hearings: March 11, 2019, March 28, 2019, April 8, 2019 and April 25, 2019

Public Opposition: No one appeared in opposition at the March 11, 2019 City Planning Commission meeting. There were two people in opposition at the March 28, 2019 Board of Commissioners meetings. No one appeared in opposition at the April 8, 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.

The Board of Commissioners returned this application to the City Planning Commission at their March 28, 2019 meeting for the applicant to meet with the Pastor of the church regarding their concerns. That meeting took place and a letter is attached from the church stating that they do not have any opposition.

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 uphold its previous recommendation and recommends **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
April 8, 2019 City Planning Commission Minutes
Aerial Photograph
Applicant Response Letter
Neighborhood Meeting Minutes
Letter from Strangers Rest Baptist Church

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	March 11, 2019	March 28, 2019
Special Use	Approval	Referred Back
	April 8, 2019	April 25, 2019
	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 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

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

April 8, 2019 City Planning Commission Minutes:

Hearing Starts 35:07:

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 April 8, 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, March 19, 2019 and April 2, 2019, and
8. The letter submitted this evening from Stranger's Rest Baptist Church in favor of this application (read into the record by Recording Secretary Parker.)

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Commissioner Jones recused herself from this application at 7:05 p.m.

Planning Director Richardson stated that this application was returned by the Board of Commissioners so the applicant and church could get together which they have done. Nothing has changed on this application so the Commission can probably go straight to motion unless someone has comments to make.

Present in Support:

- ❖ Jeff Holinshed, applicant, 1972 North Thompson Street, Kansas City, Kansas 66101

Present in Opposition:

- ❖ No one appeared

Motion and Vote Starts at 37:48:

On motion by Mr. Miller, seconded by Mr. Reason, the Planning Commission voted as follows to **UPHOLD THE PREVIOUS RECOMMENDATION OF APPROVAL of Special Use Permit Application #SP-2019-16:**

Carson	Chairman
Ernst	Aye
Huey	Aye

Jones	Not Present
Miller	Aye
Pauley	Aye
Reasons	Aye
Serda	Aye
Cho	Not Present
Connelly	Not Present
Neal	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.

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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:**
 - 2) None**

Planning Commissioner Jones returned to the Commission.

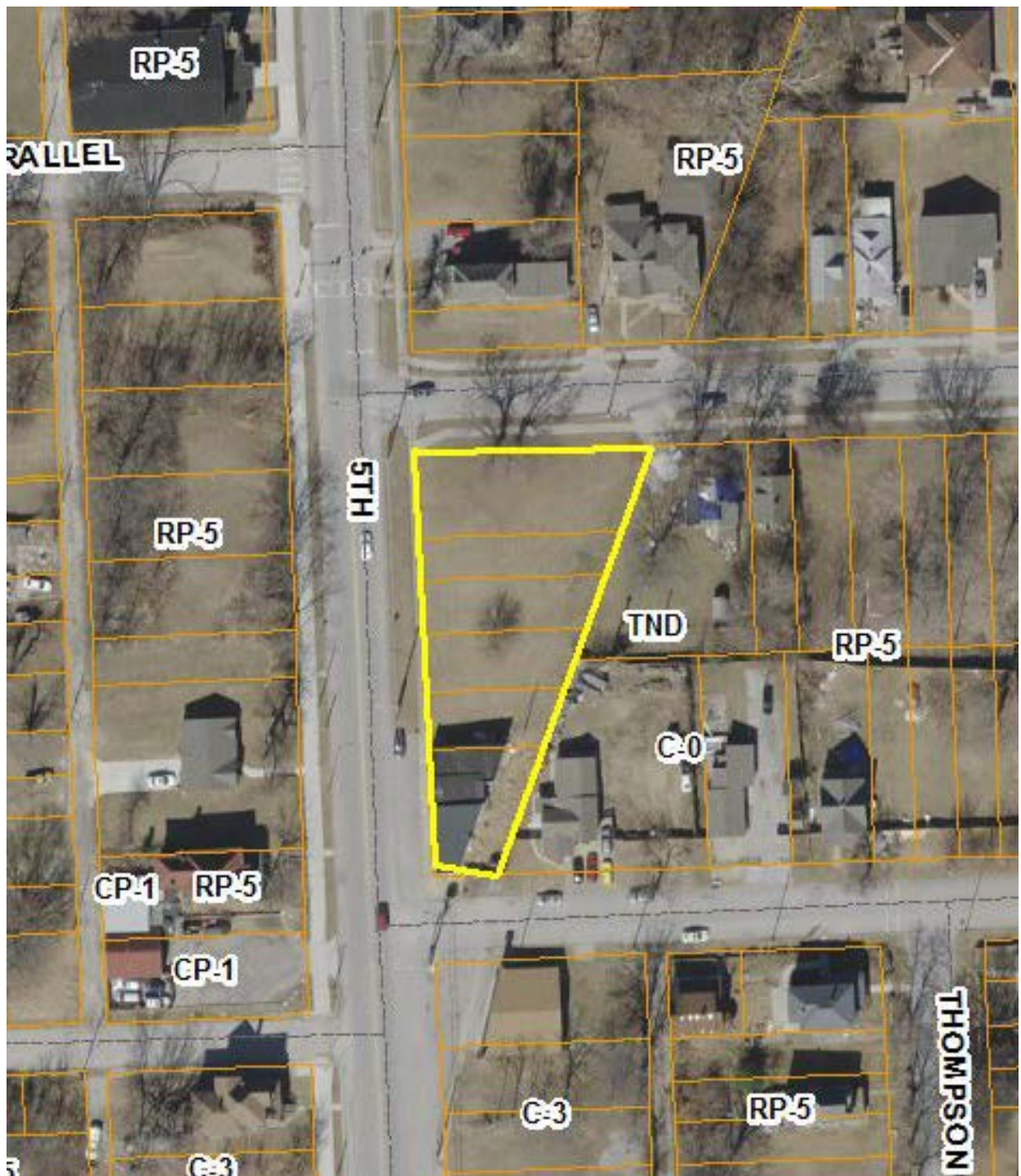


Figure 1. Aerial photograph of 2003 1/2 - 2015 North 5th Street (provided by ArcMap).

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

STRANGERS REST BAPTIST CHURCH

2052 North Fifth Street
Kansas City, Kansas 66101
Telephone (913) 371-7237 Fax: 913-371-0347

Rev. Jimmie L. Banks. Pastor

April 7, 2019

To: Urban Planning and Land Use Commission

Subject: Special Permit Request for 2003-2005 North 5th Street

Representatives of the Strangers Rest Baptist Church and the owner of the referenced property, Mr. Jeffrey Hollinshed met on Thursday April 4, 2019 at his establishment. The parties were able to resolve all concerns. Consequently, there is no opposition from the church to the use of the property for this stated purpose.

Rev. Jimmie L. Banks, Pastor

Bro. Willie Garth, Chairman, Trustees

Bro. Harding Harris, Chairman Deacons

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: April 25, 2019

Re: **Petition #SP-2019-19**

GENERAL INFORMATION

Applicant:
Dana and Patti Meier

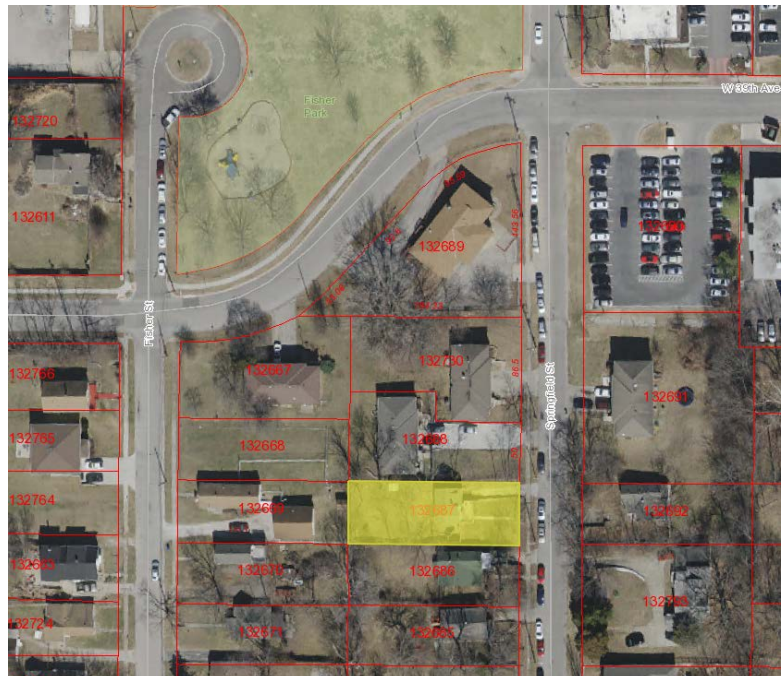
Status of Applicant:
Owners
629 West 39th Terrace
Kansas City, MO 64111

Requested Action:
Approve a Special Use Permit
(Renewal)

Date of Application:
January 25, 2019

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

Property Location:
3910 Springfield Street



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

Existing Zoning: RP-5 Planned Apartment District

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

Existing Uses: **North:** Single family homes
South: Single family homes
East: Duplexes
West: Single family homes

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, March 6, 2019 and April 17, 2019

Public Hearings: April 8, 2019 and April 25, 2019

Public Opposition: No one appeared in opposition at the April 8, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicants, Dana and Patti Meier are applying to continue to use a single-family home, located at 3910 Springfield Street 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 manage the operation.

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

While not continuously occupied, the applicant received a business license in May 2018.

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 foreseen to be an issue.

PREVIOUS ACTIONS

#SP-2018-38 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 March 18, 2019. According to the applicant, no one attended 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-2019-19, subject to:

Urban Planning and Land Use Comments:

1. A synopsis from March 2018 approval:
 - a. The applicants purchased the property in September 2017, began their short-term rental operations in spring 2018. The entire house is

- being rented to a total of five (5) guests, under one name and a business license was obtained in May 2018.
2. The applicant has stated that there have not been any incidents or complaint from the neighbors regarding their short-term rental.
 3. Has anything changed in your operation since your approval last year?

Applicant Response: No.

4. 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 two (2) years because there have been no issues brought to staff regarding their initial special use permit.

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-2019-19 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 8, 2019 City Planning Commission Minutes
Applicant Letter
Neighborhood Meeting Minutes
Zoning Map
Aerial Photograph
Floor Plan
Photographs provided by the applicant

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	April 8, 2019	April 25, 2019
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2019-19 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-2019-19, 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.

April 8, 2019 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2019-19 – DANA AND PATTI MEIER – SYNOPSIS: Renewal of a Special Use Permit (#SP-2018-36 – expired 4/5/2019) for an AIRBNB at 3910 Springfield. **Detailed Outline of Requested Action:** The applicants, Dana and Patti Meier are applying to continue to use a single-family home, located at 3910 Springfield Street as a short-term rental space, rented through sites such as AIRBNB and VRBO. This home is not the applicant's primary 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 April 8, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notice in The Echo for the special use permits; and
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone comes forward and asks that an item be removed from the Consent Agenda."

Chairman Carson asked if anyone wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

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

Carson	Chairman
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Aye
Pauley	Aye
Reasons	Aye
Serda	Aye
Cho	Not Present
Connelly	Not Present
Neal	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. The applicants purchased the property in September 2017, began their short-term rental operations in spring 2018. The entire house is being rented to a total of five (5) guests, under one name and a business license was obtained in May 2018.
2. The applicant has stated that there have not been any incidents or complaint from the neighbors regarding their short-term rental.
3. Has anything changed in your operation since your approval last year?

Applicant Response: No.

4. 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 two (2) years because there have been no issues brought to staff regarding their initial special use permit.

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:
None

Dana & Patti Meier
629 W 39th Ter
Kansas City, MO 64111

Special Use Permit for Property at:
3910 Springfield Street
Kansas City, KS 66103

Legal Description:

Block 7, Lot 5 & 6
Rosedale Park, A sub-division in Wyandotte County
Kansas City, KS 66103

Current Operation:

Since we purchased the above property in September of 2017 and began renting the property via Short Term Rental (STR) and a special use permit in the Spring of 2018.

We rent to home to qualified applicants in groups of 5 or less at a time listed under one name.

The house is cleaned and owner inspected between rental uses.

The inside and outside of the house is and will continue to be maintained and repaired as required.

During 2018, we did not once have neighbor complaints about our STRs.

We keep the grass mowed, trees trimmed and sidewalks swept, trimmed and edged and clear of snow and salted.

We have put in handrails, installed lighting on the steps and around the house.

We have removed a non-functioning "fountain/stream" in the back yard.

We have added weather stripping to house and removed trees and honeysuckle bushes between our property and the apartment complex to our north.

We have plans for a bathroom update in the coming year, 2019.

Time Frame:

We have rented to home to well qualified (and vetted) applicants for 2 days to 2 months at a time.

Notes:

Currently zoned as RP-5

Commissioner District: 3

District 3 Commissioner: Ann Brandau-Murguia

Name and Contact Information

SAMPLE MINUTES:

Application Number SP-2019-19

Date and Location: 3/18/2019 - 3910 Springfield Street KC, KS 66103

Meeting called to order at: 7pm

Names of people in attendance: I, Dana Meier, the home owner was there

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: 8:05pm

Minutes taken by: DANA MEIER

I arrived at the house at 6:30pm

I left the house at 8:30pm

I left the front door open w/ lights on the entire time

... lights outside the front door and lights inside the house.

Sadly, no one showed up for the meeting. Meaning I spend approx. \$50 in postage for no reason.

We did receive a phone call from a neighbor behind our house saying she supported the STR concept and if we needed support at our city hall meeting we should call her and she would be there to support us.

Dana Meier

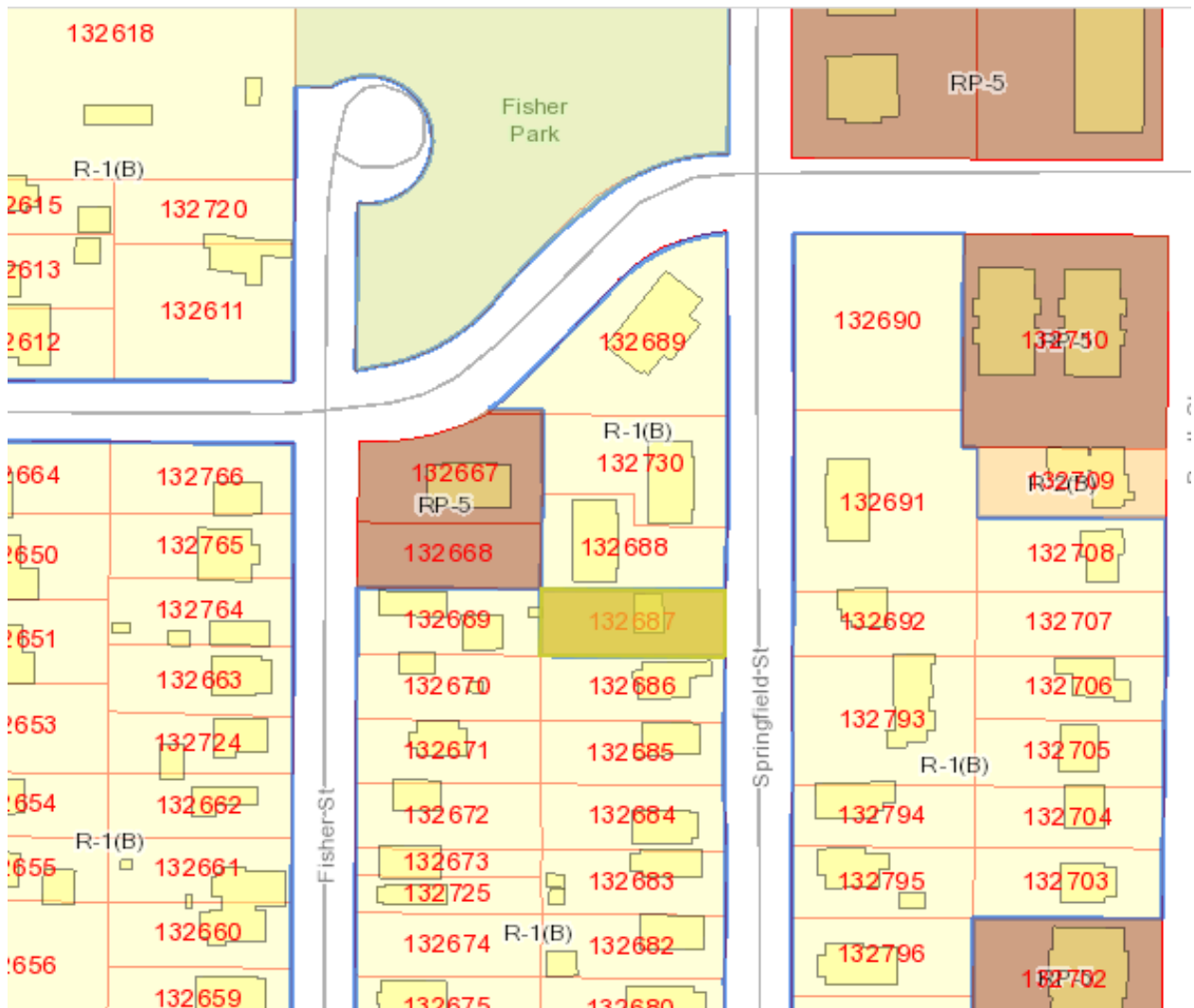


Figure 1. Zoning Map of 3910 Springfield Street as indicated by the shaded box (provided by UG Maps).



Figure 2. Aerial photograph of 3910 Springfield Street, as indicated by the shaded box (provided by UG Maps).



Figure 3. Photograph of front yard of 3910 Springfield Street (provided by the applicant).



Figure 4. Photograph of rear yard of 3910 Springfield Street (provided by the applicant).



Figure 5. Photograph of the front yard of 3910 Springfield Street (provided by the applicant).



Figure 6. Photograph of the kitchen at 3910 Springfield Street (provided by the applicant).



Figure 7. Photograph of the living room at 3910 Springfield Street (provided by the applicant).



Figure 8. Photographs of the kitchen and bathroom at 3910 Springfield Street (provided by the applicant).



Figure 9. Photographs of two bedrooms at 3910 Springfield Street (provided at 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: April 25, 2019
Re: Petition #SP-2019-26

GENERAL INFORMATION

Applicant:
Michael Gekas

Status of Applicant:
Owner
2624 North 119th Street
Kansas City, KS 66109

Requested Action:
Approval of special use permit

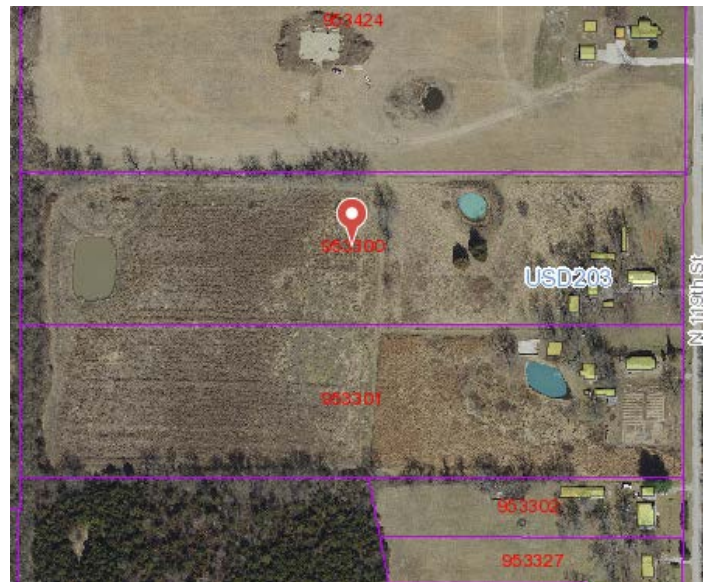
Date of Application:
January 28, 2019

Purpose:
To allow short-term rentals/AIRBNB

Property Location:
2716 North 119th Street

Commission Districts:
1. Commissioner At Large: Melissa Bynum
2. District Commissioner: Mike Kane

Existing Zoning: R (WYCO) Rural Residence District



Existing Surrounding Zoning: **North:** AG (WYCO) Agriculture District
South: R (WYCO) Rural Residence District
East: R (WYCO) Rural Residence District
West: AG (WYCO) Agriculture District

Existing Uses: **North:** Single Family Home and Farming
South: Single Family Homes
East: Single Family Homes
West: Single Family Home and Farming

Total Tract Size: 8.87 acres

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

Major Street Plan: The Major Street Plan designates North 119th Street as a Boulevard/Parkway

Advertisement: The Wyandotte Echo – March 14, 2019
Letters to Property Owner – March 13, 2019 and April 17, 2019

Public Hearings: April 8, 2019 and April 25, 2019

Public Opposition: No one appeared in opposition at the April 8, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Michael Gekas, has submitted an application for a special use permit to operate a short-term rental property at 2716 North 119th Street. The applicant lives next door to the rental property.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is rural in nature, comprised of large lot single family homes and farming operations.

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. It is expected that the proposed use would be compatible.

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

Taking into consideration the size of the lot and distance between homes, it is not expected that removal of the restrictions would detrimentally affect nearby property.

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

The property is not vacant.

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

Special use permits are not addressed in the Master Plan.

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

It is not expected that the proposed use will result in an increase in 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 is not reasonably 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 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 an issue.

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

This is not an issue.

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

This is not an issue.

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

The relative gain to the public health, safety, and welfare is minimal. If denied, the applicant could apply for a rental license for longer term rental.

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

This is not an issue.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 24, 2019. There was no one in attendance.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-26, subject to:

Urban Planning and Land Use Comments:

1. Approval for two (2) years.
2. Who is responsible for issues that may arise while guests are present? How will you make yourself available to address guest and/or neighbor concerns in a timely manner?

Applicants Response: My wife and I live next door and make ourselves available for our guests. We live next door and give both our neighbors and guests multiple forms of communication including face-to-face and our mobile phone numbers.

3. Describe how you 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.

Applicants Response: The house just completed a remodel and final building inspection last year.

- i. Working smoke detectors in each bedroom plus each level of the unit/house.
Yes
- ii. GFCI outlets are required in bathrooms.
Yes
- iii. Double keyed locks are not allowed.
Not Present
- iv. Copper cannot be used for gas supply lines.
Not Present
- v. Windows must be operable, not blocked or boarded.
All windows are operable
- vi. Handrails are required at sets of 4 or more stairs/risers.
Present
- vii. Hot water tank and furnace must be vented properly and operational.
Yes
- viii. Electric panel and circuits must be safe.
Yes

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-2019-26 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 8, 2019 City Planning Commission Minutes
Aerial Image
Floorplan
Photos
Response to Staff Questions
Neighborhood Meeting Sign-in, Affidavit and Minutes

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 8, 2019	April 25, 2019
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-26** 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-2019-26**, 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.

April 8, 2019 City Planning Commission Minutes:

Hearing Starts 38:44:

SPECIAL USE PERMIT APPLICATION #SP-2019-26 – MICHAEL GEKAS –

SYNOPSIS: Special Use Permit for an AIRBNB at 2716 North 119th Street. ***Detailed Outline of Requested Action:*** The applicant, Michael Gekas, has submitted an application for a special use permit to operate a short-term rental property at 2716 North 119th Street. The applicant lives next door to the rental property.

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 April 8, 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 March 14, 2019; and
7. The Notices to property owners dated March 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:

- ❖ Michael Gekas, applicant, 2624 North 119th Street, Kansas City, Kansas

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts 40:49: Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts 41:00:

On motion by Ms. Jones, seconded by Dr. Serda, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2019-26:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Approval for two (2) years.
2. Who is responsible for issues that may arise while guests are present?
How will you make yourself available to address guest and/or neighbor concerns in a timely manner?

Applicants Response: My wife and I live next door and make ourselves available for our guests. We live next door and give both our neighbors and guests multiple forms of communication including face-to-face and our mobile phone numbers.

3. Describe how you 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.

Applicants Response: The house just completed a remodel and final building inspection last year.

- i. Working smoke detectors in each bedroom plus each level of the unit/house.
Yes
- ii. GFCI outlets are required in bathrooms.
Yes
- iii. Double keyed locks are not allowed.
Not Present
- iv. Copper cannot be used for gas supply lines.
Not Present
- v. Windows must be operable, not blocked or boarded.
All windows are operable
- vi. Handrails are required at sets of 4 or more stairs/risers.
Present
- vii. Hot water tank and furnace must be vented properly and operational.
Yes
- viii. Electric panel and circuits must be safe.
Yes

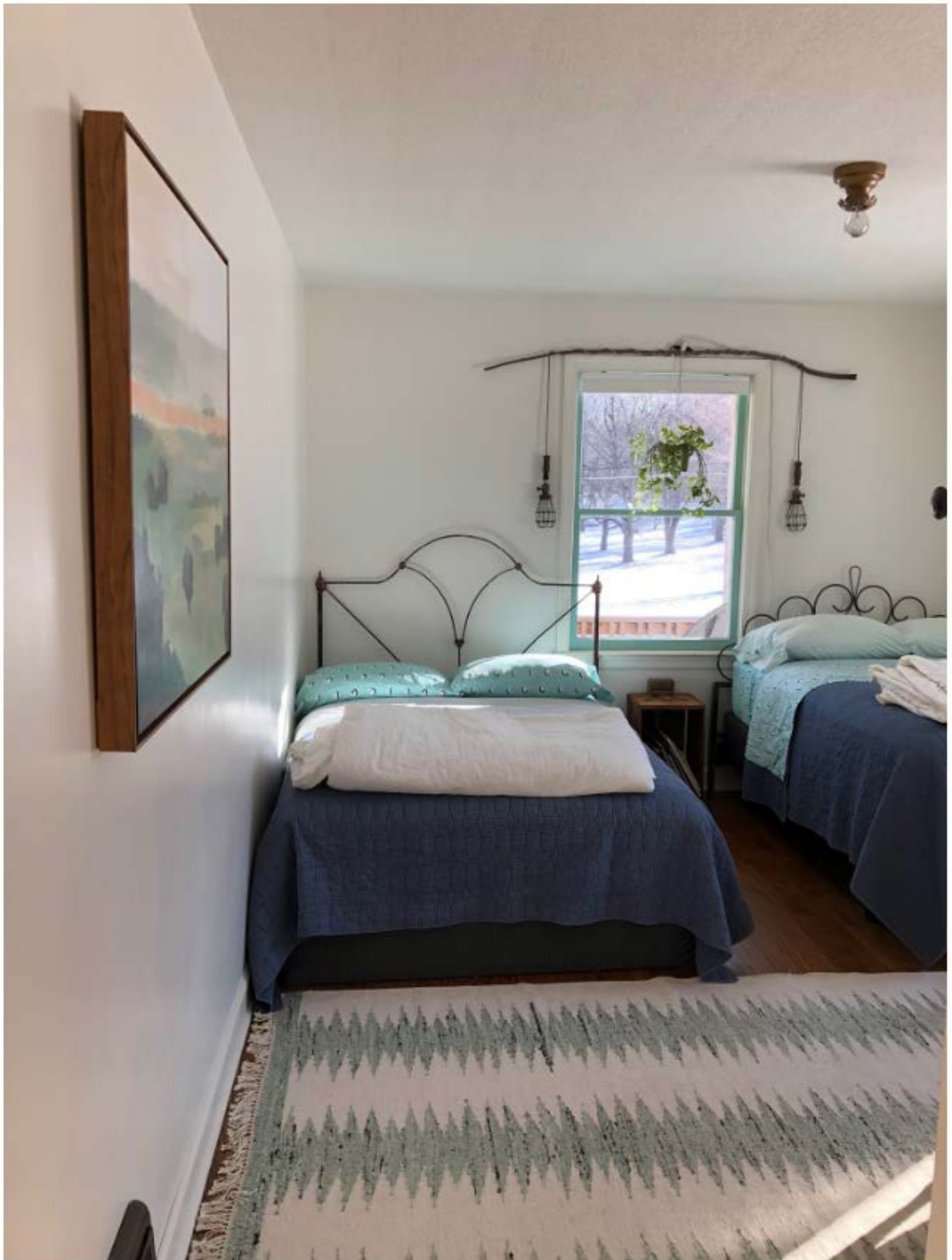
Public Works Comments:

- 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















AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # SP-2019-26.
2. That I conducted a neighborhood meeting on March 24, 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 25th day of March, 200th 2019.

My commission expires 1st of June, 2020.

[Signature]
Notary Public



KELLY S. HEINLEN
My Commission Expires
June 1, 2020
Clay County
Commission #12363233

Meeting Sign-In Sheet

Meeting: SP-2019-26

Date: 3.24.19

[illegible]

Application number: #SP-2019-26

Date and Location: 3/24/19, 3:00 pm, 2716 North 119th Street

Meeting called to order at: 3:00pm

Names of people in attendance: Michael Gekas, Andrea Gekas

There were no attendees other than the property owners.

Meeting adjourned at: 3:30pm

Minutes taken by: Michael Gekas



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: April 25, 2019
Re: Petition #SP-2019-27

GENERAL INFORMATION

Applicant:
Rich Eckert

Status of Applicant:
Bettis Asphalt & Construction, Inc.
1800 NW Nickell Road
Topeka, KS 66618

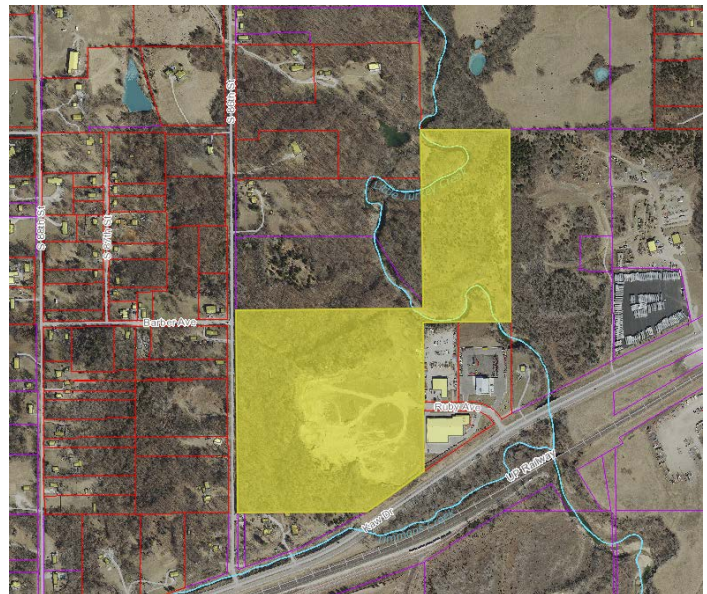
Requested Action:
Approve Special Use Permit
(Temporary Use of Land)

Date of Application:
February 4, 2019

Purpose:
To operate a temporary asphalt plant

Property Location:
1625 South 86th Street

Commission Districts:
Commissioner At Large: Tom Burroughs
District Commissioner: Brian McKiernan



Existing Zoning: MP-1 Planned Light Industrial and Industrial Park and A-G Agriculture Districts

Existing Surrounding Zoning: **North:** A-G Agriculture District
South: A-G Agriculture District
East: MP-2 Planned General Industrial and A-G Agriculture Districts
West: A-G Agriculture and R-1 Single Family Districts

Existing Uses: **North:** Single family homes
South: Single family home
East: Industrial fabricating businesses
West: Single family homes

Total Tract Size: 61.15 acres

Master Plan Designation: The K-32 Tri-City Multimodal Redevelopment Plan designates this property as Industrial

Major Street Plan: The Major Street Plan classifies 86th Street as a Class C Thoroughfare

Advertisement: The Wyandotte Echo – March 14, 2019
Letters to Property Owner – March 13, 2019 and April 17, 2019

Public Hearings: April 8, 2019 and April 25, 2019

Public Opposition: No one appeared in opposition at the April 8, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Rich Eckert with Bettis Asphalt & Construction, Inc. wants to operate a temporary asphalt plant for the K-32 mill and overlay project that the Kansas Department of Transportation (KDOT) has approved on 9 acres at 1625 South 86th Street.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is a mixture of large lot agriculture and single-family zoned lots to the north, south and west. There are three industrial businesses, east on Ruby Avenue that are part of the West Hills Industrial Park.

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, albeit temporary is not 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 could affect nearby property as the odor, dust and aesthetics that are normally associated with a temporary asphalt plant could be problematic for adjacent property owners.

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

The property has been vacant as zoned since 2001.

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

Special use permits are not addressed in the Master Plan.

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

The proposed use will increase traffic to the site, more than what is currently occurring on Ruby Avenue, however without knowing the daily truck trips, staff does not know if Ruby Avenue can handle the capacity.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public; and due to the short-term nature of the operation, the proposed use should not permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

The noise, vibration, dust and odor will be of such duration that it may be create problems for nearby property.

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

The applicant stated the asphalt plant will comply with KDHE Air Quality Standards. If properly managed, the short-term temporary asphalt plant will not pollute the air, land or water.

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

There is currently a dirt removal project on the site, so the property is currently in a state of flux. The area where the temporary asphalt plant is proposed is currently in the middle of the dirt removal site.

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 no relative gain to the public health, safety and welfare as compared to the hardship imposed on the landowner. If this application is denied, the applicant must find an alternative location that is better suited for the use.

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

- #SP-2013-53 for dirt removal was approved for five (5) years.
- #SP-2019-20, a renewal of #SP-2013-53 was recommended for approval by the City Planning Commission for five (5) years on March 11, 2019.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 21, 2019. According to the applicant, those that attended expressed concern about noise, odors, length of time the plant would be operational and wildlife in the area.

KEY ISSUES

Hours of Operation
Noise and Odor

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-27, subject to:

Urban Planning and Land Use Comments:

1. Staff has significant concerns about the nature of this use with the residential properties in the vicinity and the relative benign industrial business west of the site in the West Hills Industrial Park. A temporary asphalt plant is better suited to be in M-3 Heavy Industrial District with direct street access to a Class A or B Thoroughfare and not adjacent to residential dwellings.
2. This site is currently operating a dirt removal site and is in the renewal process of their special use permit to continue such operation. How do you intend on operating a temporary asphalt plant in conjunction with a dirt removal operation?

Applicant Response: The owner and applicant have a contract that will allow the dirt removal site to co-exist.

3. What are the proposed hours and days for operation, again being sensitive to the issues typically associated with surrounding property owners?

Applicant Response: KDOT will set the hours of operation of the project. We would ask for flexibility for the operational hours.

4. How many daily truck trips are anticipated to and from the site?

Applicant Response: There will be an average of 20 truck trips per day.

5. What is the operational plan to ensure that noise, dust and odor will not be problems for adjacent property owners?

Applicant Response: Dust will be contained by setting the plant on an aggregate base and daily water truck trips. Odor will not be a factor due to the bagging technology. Noise will be screened by the dirt walls and heavily forested buffers. The back-up beeping warnings can be turned off at the plant site.

6. While Ruby Avenue is classified as a local street, Kaw Drive is a Class A Thoroughfare, what is the proposed hauling route?

Applicant Response: Kaw Drive is literally the road we are milling and overlaying. No other roads will be utilized by our trucks.

7. The initial letter indicates that the mill and overlay project will take approximately three (3) months, but equipment and material storage extend beyond the term of the project. How long will you store these items post project completion?

Applicant Response: We do not intend to store our plant on the site much longer after the project is finished. It will be needed in other areas. We are

constantly bidding KDOT jobs. Once a month they have a bid opening. We just (March award) won a sizable job around Yates Center, Kansas. Also, we will be taking one of our portables (we have four) to Spring Hill, Kansas where we have a new site that has a conditional use permit that we have not opened up yet. This plant we are proposing for Wyandotte County will go to either of those sites when we are done with K-32 (Kaw Drive). This plan was on the KTA East Terminal site for a year. No one even noticed. That is how quiet they are. So, at this point, we do not plan on storing it at the site.

8. Why would the City want to approve this use in such proximity to single family homes?

Applicant Response: The City should approve this as a site this close to the project as it actually minimizes the disruption. If our trucks have to drive in from a longer distance, safety becomes a factor as well.

9. Submit an agreement to remedy, repair, or clean up any damage to adjacent property owners, or streets or utilities occasioned by the washing of earthen material, sand or asphalt millings upon adjacent properties. A bond is likely to be required.

Applicant Response: We will agree to submit an agreement to remedy, repair, or clean up any damage to the adjacent property owners or streets or utilities we directly cause. However, there is no washing of any materials on site. We will be glad to provide a bond or proof of insurance.

Public Works Comments:

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

Staff Conclusion:

The applicant has provided a clear explanation of their operation and the timeline in which their temporary asphalt plant will not exceed the typical length request for most special use permit.

This request is rather unique in that the temporary asphalt plant's proximity to the job site. The applicant's proposed site is within 600 feet of K-32 Highway (Kaw Drive) which will undergo a mill and overlay. According to the applicant, the plant will be operational for about three (3) months, which is almost shorter than their special use permit process.

The applicant will remove their equipment after the job is completed to their permanent asphalt plant in Spring Hill, Kansas or another job site near Yates Center, Kansas.

Subject to approval, staff stipulates the following:

- (1) The special use permit shall be valid for 100 days after the April 25, 2019 Board of Commissioners meeting after such time the plant will be dismantled and removed from the site.
- (2) Adhere and comply with all local, State and Federal guidelines and regulations.
- (3) Obtain a hauling permit for the earthen material to be brought to L.G Everist located at 8440 Gibbs Road.

STAFF COMMENTS AND SUGGESTIONS

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-2019-27 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 8, 2019 City Planning Commission Minutes
Applicant's Project Description
Applicant Response Letter
Neighborhood Meeting Minutes
Aerial Photograph
Photograph of Temporary Asphalt Plant

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 8, 2019	April 25, 2019
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-27** 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-2019-27**, 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.

April 8, 2019 City Planning Commission Minutes:

Hearing Starts 41:35:

SPECIAL USE PERMIT APPLICATION #SP-2019-27 – RICH ECKERT WITH BETTIS ASPHALT AND CONSTRUCTION, INC. – SYNOPSIS: Special Use Permit for a temporary asphalt plant at 1625 South 86th Street. ***Detailed Outline of Requested Action:*** The applicant, Rich Eckert with Bettis Asphalt & Construction, Inc. wants to operate a temporary asphalt plant for the K-32 mill and overlay project that the Kansas Department of Transportation (KDOT) has approved on 9 acres at 1625 South 86th Street.

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 April 8, 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 March 14, 2019; and
7. The Notices to property owners dated March 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:

- ❖ Rich Eckert, Bettis Asphalt and Construction, Inc. applicant, 1800 Northwest Nickell Road, Topeka, KS 66118

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts 48:12: Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report. The recommended timeframe is 100 days.

Motion and Vote Starts 48:30:

On motion by Dr. Serda, seconded by Ms. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2019-27:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Staff has significant concerns about the nature of this use with the residential properties in the vicinity and the relative benign industrial business west of the site in the West Hills Industrial Park. A temporary asphalt plant is better suited to be in M-3 Heavy Industrial District with direct street access to a Class A or B Thoroughfare and not adjacent to residential dwellings.
2. This site is currently operating a dirt removal site and is in the renewal process of their special use permit to continue such operation. How do you intend on operating a temporary asphalt plant in conjunction with a dirt removal operation?

Applicant Response: The owner and applicant have a contract that will allow the dirt removal site to co-exist.

3. What are the proposed hours and days for operation, again being sensitive to the issues typically associated with surrounding property owners?

Applicant Response: KDOT will set the hours of operation of the project. We would ask for flexibility for the operational hours.

4. How many daily truck trips are anticipated to and from the site?

Applicant Response: There will be an average of 20 truck trips per day.

5. What is the operational plan to ensure that noise, dust and odor will not be problems for adjacent property owners?

Applicant Response: Dust will be contained by setting the plant on an aggregate base and daily water truck trips. Odor will not be a factor due to the bagging technology. Noise will be screened by the dirt walls and heavily forested buffers. The back-up beeping warnings can be turned off at the plant site.

6. While Ruby Avenue is classified as a local street, Kaw Drive is a Class A Thoroughfare, what is the proposed hauling route?

Applicant Response: Kaw Drive is literally the road we are milling and overlaying. No other roads will be utilized by our trucks.

7. The initial letter indicates that the mill and overlay project will take approximately three (3) months, but equipment and material storage extend beyond the term of the project. How long will you store these items post project completion?

Applicant Response: We do not intend to store our plant on the site much longer after the project is finished. It will be needed in other areas. We are constantly bidding KDOT jobs. Once a month they have a bid opening. We just (March award) won a sizable job around Yates Center, Kansas. Also, we will be taking one of our portables (we have four) to Spring Hill, Kansas where we have a new site that has a conditional use permit that we have not opened up yet. This plant we are proposing for Wyandotte County will go to either of those sites when we are done with K-32 (Kaw Drive). This plan was on the KTA East Terminal site for a year. No one even noticed. That is how quiet they are. So, at this point, we do not plant on storing it at the site.

8. Why would the City want to approve this use in such proximity to single family homes?

Applicant Response: The City should approve this as a site this close to the project as it actually minimizes the disruption. If our trucks have to drive in from a longer distance, safety becomes a factor as well.

9. Submit an agreement to remedy, repair, or clean up any damage to adjacent property owners, or streets or utilities occasioned by the washing of earthen material, sand or asphalt millings upon adjacent properties. A bond is likely to be required.

Applicant Response: We will agree to submit an agreement to remedy, repair, or clean up any damage to the adjacent property owners or streets or utilities we directly cause. However, there is no washing of any materials on site. We will be glad to provide a bond or proof of insurance.

Public Works Comments:

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

Staff Conclusion:

The applicant has provided a clear explanation of their operation and the timeline in which their temporary asphalt plant will not exceed the typical length request for most special use permit.

This request is rather unique in that the temporary asphalt plant's proximity to the job site. The applicant's proposed site is within 600 feet of K-32 Highway (Kaw Drive) which will undergo a mill and overlay. According to the applicant, the plant will be operational for about three (3) months, which is almost shorter than their special use permit process.

The applicant will remove their equipment after the job is completed to their permanent asphalt plant in Spring Hill, Kansas or another job site near Yates Center, Kansas.

Subject to approval, staff stipulates the following:

- (1) The special use permit shall be valid for 100 days after the April 25, 2019 Board of Commissioners meeting after such time the plant will be dismantled and removed from the site.
- (2) Adhere and comply with all local, State and Federal guidelines and regulations.
- (3) Obtain a hauling permit for the earthen material to be brought to L.G Everist located at 8440 Gibbs Road.

State why, in your opinion, the requested action is justified.

KDOT has approved the mill and overlay of K-32 from approximately K-7 to the Turner Diagonal which is approximately 9.2 miles in length. A project this size necessitates an on-site portable asphalt plant to limit inconveniences to the traveling public, minimize wear and tear on the public right of way, and limit environmental concerns. The proposed site is owned by an industrial park with heavy industrial concerns to the south and east. The site is dug down into the ground as it is presently selling soil to contractors. The elevation will make it impossible for anyone to see, smell or even know the plant will be there. The landowner has leased to Bettis Asphalt 4 -5 acres of the parcel's 58 acres.

Asphalt Cement (AC) Oil will be stored on-site in closed storage tanks. AC Oil is not considered a hazardous material, but is regulated by the DOT because it will be heated to an elevated temperature (above 300 degrees) at the time of application. AC Oil is considered a solid and will not discharge off-site if spilled on the ground. Its ultimate application, of course, is meant to be placed on the ground where vehicles, pedestrians and others will use it as transport. Stockpiles will consist of rock, sand, asphalt millings, and recycled asphalt shingles. Stockpiles will be 500 – 1000 tons. Typically, around 12-15' tall and 50' wide at the base.

This is a modern portable asphalt plant and bears no likeness to asphalt plants from yesteryear that were dirty and smoky. The biggest output is steam. Odors and airborne dust produced by the operations will comply with all Air Quality Standards and Regulations of the Kansas Department of Health and Environment (KDHE). All dust and odor control measures are in place, as specified. Dust and odor control measures have been utilized in the development of the portable asphalt operations. A bag house is installed on the asphalt plant that has 99.97% efficiency rating. All dust and odor control measures are in compliance with rules and regulations of the Environmental Protection Agency (EPA) and approved by the KDHE. Again, due to nature of the geography, it is doubtful nearby entities will even know it is there.

This project will be done in less than three months. The plant itself will operate approximately only thirty workdays. At the conclusion of the project, the plant may be dismantled and stored on site until its next move is known.

Noise from on-site operations shall be in compliance with Occupational Safety & Health Administration (OSHA) regulations. Noise exposure to employees will be regulated under the OSHA. We plan to mute the loader's audible warning alarm that feeds the asphalt plant.

Any municipal solid waste generated from employees will be containerized and disposed of properly at an accredited Subtitle "D" Landfill.

Portable restrooms will be on-site and managed by a third party.

All employees will be trained on safety to ensure compliance with all applicable regulations. Regular safety inspections will be conducted by the Environmental, Health, and Safety Manager.

All trucks will tarp loads and have locking tailgates. Any material spilled on the roadway will be cleaned up immediately. Project and plant foreman will monitor the roads on a daily basis.



BETTIS ASPHALT

March 25, 2019

Byron Toy, AICP
701 North 7th St. Room 423
Kansas City, Kansas 66101

Re: Petition #SP-2019-27, Applicants response to draft staff comments

Dear Mr. Toy,

I would like to take this opportunity to reply to the draft comments to our application. Before I would like to point out that in the comments it states that south of this parcel the zoning is Agricultural. However, directly south of the subject tract is K-32 highway and the LG Everist tract which is zoned MP-3 which allows "metal smelting, refining of petroleum products, concrete and asphalt mixing plants." (M-3 Heavy industrial District/MP-3 Planned Heavy Industrial District #11).

While we asked for 9 acres of the 61 acre site, we have reduced our footprint to 5 acres through negotiation with the Owner.

Factors To Be Considered:

1. The character of the neighborhood.

The land south of this site is K-32 highway and the LG Everist tract which is zoned MP-3 which allows "metal smelting, refining of petroleum products, concrete and asphalt mixing plants." (M-3 Heavy industrial District/MP-3 Planned Heavy Industrial District #11). The Owner has the entire tract for sale and plans industrial/warehouse uses in the future.

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

Again, the uses south of the property are compatible with the use as well as the industrial uses to the east. That constitutes half of the four directions.

BETTIS ASPHALT & CONSTRUCTION, INC. | PO BOX 1694, TOPEKA, KS 66601
PHONE: (785) 235-8444 FAX: (785) 232-0078 EMAIL: BETTIS@BETTISASPHALT.COM WEB: WWW.BETTISASPHALT.COM



BETTIS ASPHALT

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

There will be no odor as the limits of the site plan as modern bagging asphalt technology captures 99.97% of all particulate emission. The only emission is water vapor. The only components of asphalt are sand, rock aggregates, and asphaltic concrete oil. There is no pollution from these items as 100% of the materials are used in making asphalt. Of note, all these materials, in the form of asphalt, are paved onto the ground on which people will walk, bike and drive on. There are no other materials used in asphalt. Water trucks will be on-site to control dust at all times. An aggregate base will be put down before the plant is rolled in at the site. This aggregate base will mostly eliminate any dust. The actual mill and overlay of the K-32 site will be a much bigger issue than the temporary asphalt site.

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

No comment.

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

While special permits are, indeed, not addressed in the Master Plan, this site and the surrounding sites are labeled as community development and employee revitalization.

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.

K-32 is a KDOT road and KDOT has approved the intersection of Ruby Ave and K-32 for this project. On average, there will be about 20 truck trips per day. Much of the traffic will not occur during business hours. This site has the decided advantage of being within the K-32 project parameters. As such, the miles driven and truck trips will actually be *lower* than other sites being contemplated.

7. Whether the proposed use is reasonable 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.

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BETTIS ASPHALT

The proposed use the improvement of K-32 for the use of Wyandotte County residents. The site is directly on K-32 to minimize traffic and concerns. If the site was 5 or 10 miles away, traffic would be considerably worse. However, this question seems more appropriate for a permanent use. This project will be completed in sixty days with the plant running about 25 days. If planning staff would be amendable, Applicant would be willing to agree to a permit that only allow for ninety days of operation with the plant only running for 35 days (to allow for weather delay or other unforeseen issues). At the neighborhood meeting, the greatest concern seemed to be the permanence of the plant. We could easily resolve this by limiting the time of the permit. Please see the next question for further information about this issue.

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 geography of the site will greatly help with these issues. The owner operates the site as Steve's Dirt and as such has dug into the ground. The temporary plant would be surrounded by 8 to 12 feet of dirt that has not yet been dug out, a practical wall. Additionally, to the sides that have residences, the distance is screened by incredibly thick forest of trees. Applicant believes that no dust or odor will ever reach the neighborhood. Additionally, the actual noise on K-32 will be louder than the plant itself. Again, the two types of screening will dramatically reduce the sound of any plant operation.

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

Bettis Asphalt takes its environmental concerns very seriously. The bagging technology Bettis uses is the most modern in existence. It contains over 99.97% of all emissions which means there is no odor or pollution. The components of asphalt, sand, rock aggregate, and AC oil are full utilized in the mix and none if it will be left behind. There is no water on site. There is nothing to leach into the ground. Again, the final mix is placed on the ground for people to walk, bike and drive on.

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

No.

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BETTIS ASPHALT

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

The plant has to be located somewhere near the project. It is undisputed that the closer the temporary plant is located to the project, the better it will be for the public in general. The best site for this is anywhere south of K-32. The applicant had the perfect site located. However, despite the applicant's contention otherwise, all of this land is not useable for the Applicant due to floodplain issues. There is an overall gain to the public by having the temporary so close to the project. There literally is no better site since all land south of K-32 has been excluded. These question seems to be one better suited for a long term permanent use. Again, this project is scheduled to be over in less than 60 days with the plant in operation less than half of that.

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

No.

Other concerns in the draft will be addressed as such. The Owner and Applicant have a contract that will allow the dirt removal site to co-exist. KDOT will set the hours of operation of the project. We would ask for flexibility for the operational hours. There will be an average of 20 truck trips a day. Dust will be contained by setting the plant on an aggregate base and daily water truck trips. Odor will not be a factor due to the bagging technology. Noise will be screened by the dirt walls and heavily forested buffers. The back-up beeping warnings can be turned off at the plant site. Kaw Drive is literally the road we are milling and overlaying. No other roads will be utilized by our trucks. We do not intend to store our plant on the site much longer after the project is finished. It will be needed in other areas. We have used plants closer to residences than this. Our quarry company has blasted within 800 feet of residences without damage. The city should approve this as a site this close to the project as it actually minimizes the disruption. If our trucks have to drive in from a longer distance, safety becomes a factor as well.

We will agree to submit an agreement to remedy, repair or clean up any damage to the adjacent property owners or streets or utilities we directly cause. However, there is no washing of any materials on site. We will be glad to provide a bond and proof of insurance.

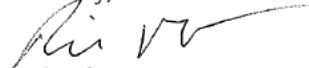
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**BETTIS
ASPHALT**

Thank you for this opportunity to respond to your concerns. Please feel free to contact me at any time concerning this issue.

Sincerely,


Rich Eckert

BETTIS ASPHALT & CONSTRUCTION, INC. | PO BOX 1694, TOPEKA, KS 66601
PHONE: (785) 235-8444 FAX: (785) 232-0078 EMAIL: BETTIS@BETTISASPHALT.COM WEB: WWW.BETTISASPHALT.COM

MINUTES

Application Number SP-2019-27

Date and Location: 03/21/2019 Painted Hills Clubhouse, 7101 Parallel Parkway, KCK, 66112.

Meeting called to order at 3 PM.

Names of people in attendance:

Rich Eckert
Cole Andersen
Robert O'Hare
Terry Hamilton
Carol Downing
Steve Buche
Clarence and Barbara Hamilton
Welbon Monroe
Betty Monroe
Steve Short (Owner of subject property)

Questions and Answers:

Mr. O'Hare had several answers concerning smell, dust, and air pollution. Our answer referred to our bagging technology that captures all airborne emissions. Additionally, we talked about how we build our base to minimize dust and how we will utilize an on-site water truck. Additionally we explained the geology of the site. The owner has dug down why utilizing his property as a dirt for sale site. We will place the plant down where dirt has been removed so there will be natural berms. We are also referenced the thick foliage between the site and any neighbors. The lighting we would use would be low profile and pointed straight down. Again the geography would assist in minimizing this aspect.

Steve Buche asked how we would perform the job and if we would use the neighborhood side roads. We replied that the site is perfect since it is located on K-32. This minimized truck traffic and we would not be using side roads. We explained haul routes.

Several people asked why we are not south of K-32 where more industrial uses are located. We explained the floodplain issues.

Several people mentioned K-32 needed the work.

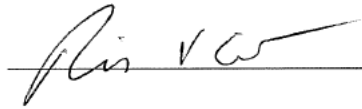
Several people asked are we planning on keeping the asphalt plant at this location forever. Mr. Buche commented that temporary uses had a habit of becoming permanent uses. We explained that the plant would be moving off-site pretty quickly after the K-32 project was over as it would be needed elsewhere. This topic was discussed extensively. We mentioned we had a site in Spring Hill, KS it could be moved to. (After this meeting was had, we won a KDOT project near Yates Center that would take precedence over Spring Hill).

The final topic concerned wild life in the area. There is a fear we would disrupt the wildlife permanently. We explained we would only need about 60 days to finish the project and the plant

would only run about 25 of those days. We talked about the abundant wildlife, including bald eagles on the Kansas River, that are constantly roaming near our two permanent sites.

The meeting was concluded about 430 PM as no new parties had showed up after 330 PM and everyone had left.

Minutes taken by Rich Eckert.

A handwritten signature in dark ink, appearing to read "Rich Eckert", is written over a horizontal line.

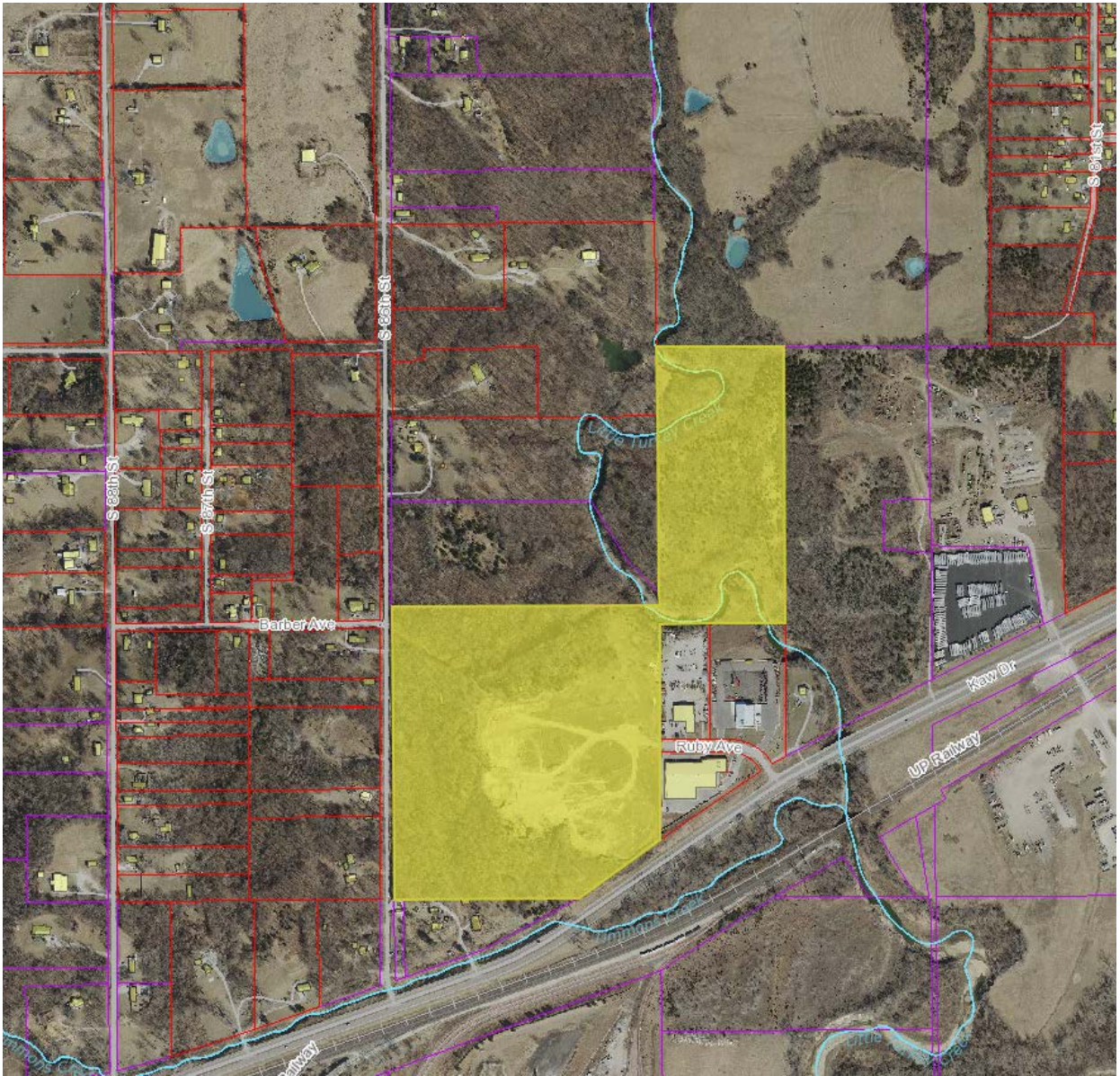


Figure 1. Aerial photograph of 1625 South 86th Street as indicated by the yellow box (provided by UG Maps).

K32 KDOT Asphalt Plant Site



 BETTIS ASPHALT P.O. Box 1694 Topeka, Kansas 66601 (785) 235-8444	<table><tr><td>Location:</td><td>Proposed Asphalt Plant Site</td></tr><tr><td>Project:</td><td>K32 Highway</td></tr></table>	Location:	Proposed Asphalt Plant Site	Project:	K32 Highway
Location:	Proposed Asphalt Plant Site				
Project:	K32 Highway				



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: April 25, 2019
Re: Petition #SP-2019-28

GENERAL INFORMATION

Applicant:
Jeffrey Steinberg

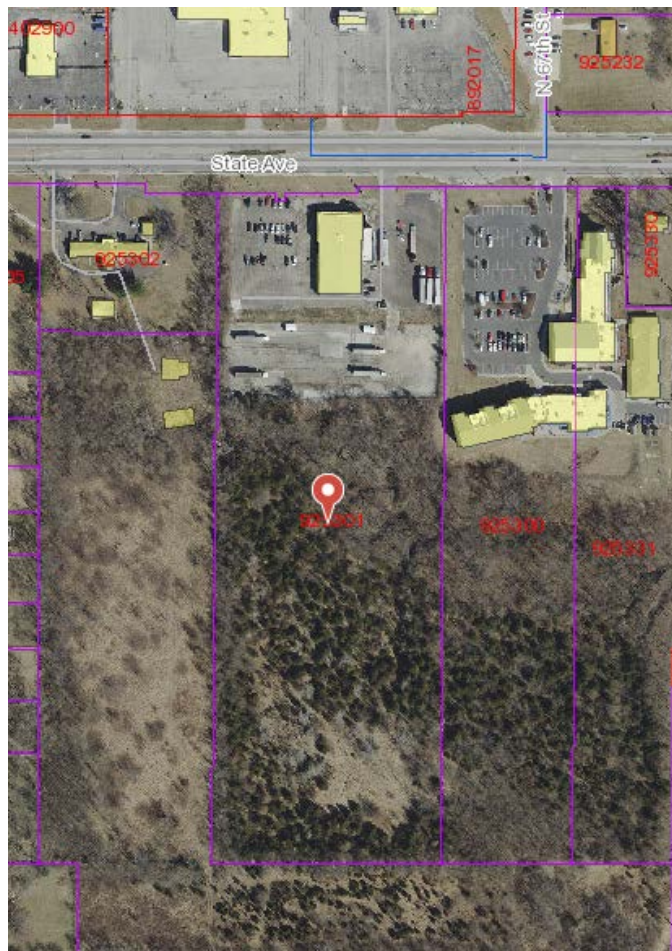
Status of Applicant:
Apex CDL Institute
6801 State Avenue
Kansas City, KS

Requested Action:
Renewal of special use permit to
operate commercial driver's license
training facility

Date of Application:
February 4, 2019

Purpose:
To continue to operate commercial
driver training facility

Property Location:
6801 State Avenue



Commission Districts:

1. Commissioner At Large: Melissa Bynum
2. District Commissioner: Jane W. Philbrook

Existing Zoning; CP-2 Planned General Business (northern portion of property), R-1 Single Family (southern portion of property)

Existing Surrounding Zoning:

North:	CP-2 Planned General Business District
South:	RP-M Planned Mobile Home Park District
East:	R-1 Single Family District
West:	CP-2 Planned General Business and R-1 Single Family Districts

Existing Uses:

North:	KCKCC Technical Education Center
South:	Undeveloped land, farmland
East:	Salvation Army Harbor Light Village
West:	Motel, undeveloped land

Total Tract Size: 12.33 acres

Master Plan Designation: The City-Wide Master Plan designates this property as Mixed Use.

Major Street Plan: The Major Street Plan designates State Avenue as a Class A Thoroughfare.

Advertisement: The Wyandotte Echo – March 14, 2019
Letters to Property Owner – March 13, 2019 and April 17, 2019

Public Hearings: April 8, 2019 and April 25, 2019

Public Opposition: No one appeared in opposition at the April 8, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jeffery Steinberg is requesting a renewal of a Special Use Permit (#SP-2016-81) to continue to operate a commercial driver's license training facility and a job placement program for graduating students at the former Raceway Auto Group car lot at 6801 State Avenue.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The character of the neighborhood is comprised of commercial type uses along State Avenue. There is a motel to the west and the Salvation Army Harbor Light Village (including its residential facility) to the east. KCKCC has a technical center where students work on automobiles and EMS training across the street.

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

The zoning and uses of the properties nearby are set out above. If the applicant continues to run his business within the normal house that most businesses along State Avenue currently operate, especially the KCKCC Technical Education Center, the training facility could be compatible.

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

The proposed use is permitted in M-2 General Industrial and M-3 Heavy Industrial Districts. The removal of the restrictions could affect nearby property if the training facility operates during the weekend or at such intensity during normal business hours, residences may be disturbed outside the 200' notification buffer.

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

The 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 but as this is a listed industrial use, it would not conform.

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 may not result in increasing the amount of vehicular traffic because individuals at the facility are employees and trainees.

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 is not reasonably necessary for the convenience and welfare of the public particularly because the public at-large will not benefit from the facility. However, further skills training increases job opportunities for community

members. The proposed use will not permanently injure the appropriate use, visual quality, or marketability of adjoining property. The property is well-maintained and likely has a positive impact on marketability of the surrounding 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.

Large trucks create a significant amount of noise and may be an issue when maneuvering in the rear of property. However, there are no residences within 200 feet of the proposed use.

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. If this application is denied, the applicant will have to find another property to operate the training facility.

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 or cause undue concentrations of population.

PREVIOUS ACTIONS

The application was previously approved in 2015, #SP-2015-25, for one year to operate a commercial driver's license training facility at this location. The Special Use Permit was renewed in 2016, #SP-2016-81, for two years.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on **March 21, 2019**. According to the applicant no one was in attendance.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-28, subject to:

Urban Planning and Land Use Comments:

1. Have you complied with the following stipulations from the previous Special Use Permit renewal?
 - a. A wall of evergreens on the eastern edge of the rear parking lot shall be maintained
Applicant Response: The trees and shrubbery on that boundary have been maintained.
 - b. The hours of operation for training (truck maneuvering) shall be standard business hours Monday through Friday
Applicant Response: Those are still our normal business hours.
2. You previously operated seven (7) trucks and trailers, four (4) of which were used for backing training. Has this number changed since you began operations? Do you wish to expand your fleet?
Applicant Response: Those are still the same amount of trucks we use today.
3. Do you still maintain a maximum class size of eight (8) trainees?
Applicant Response: Yes
4. Have you had any interactions with nearby property owners or businesses that have had concerns about the noise and use of the property?
Applicant Response: No, we have not had any interactions with nearby property owners.
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-2019-28** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 8, 2019 City Planning Commission Minutes
Aerial Map
Zoning Map

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	April 8, 2019	April 25, 2019
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-28** 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-2019-28**, 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.

April 8, 2019 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2019-28 – JEFFREY STEINBERG WITH APEX CDL INSTITUTE – SYNOPSIS: Renewal of a Special Use Permit (#SP-2016-81 – expired 10/27/2018) for a commercial driver's license training facility and job placement program for graduating students at 6801 State Avenue. **Detailed Outline of Requested Action:** The applicant, Jeffery Steinberg is requesting a renewal of a Special Use Permit (#SP-2016-81) to continue to operate a commercial driver's license training facility and a job placement program for graduating students at the former Raceway Auto Group car lot at 6801 State Avenue.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items?" (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 April 8, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notice in The Echo for the special use permits; and
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone comes forward and asks that an item be removed from the Consent Agenda."

Chairman Carson asked if anyone wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

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

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

Motion to APPROVE Passed: 7 to 0

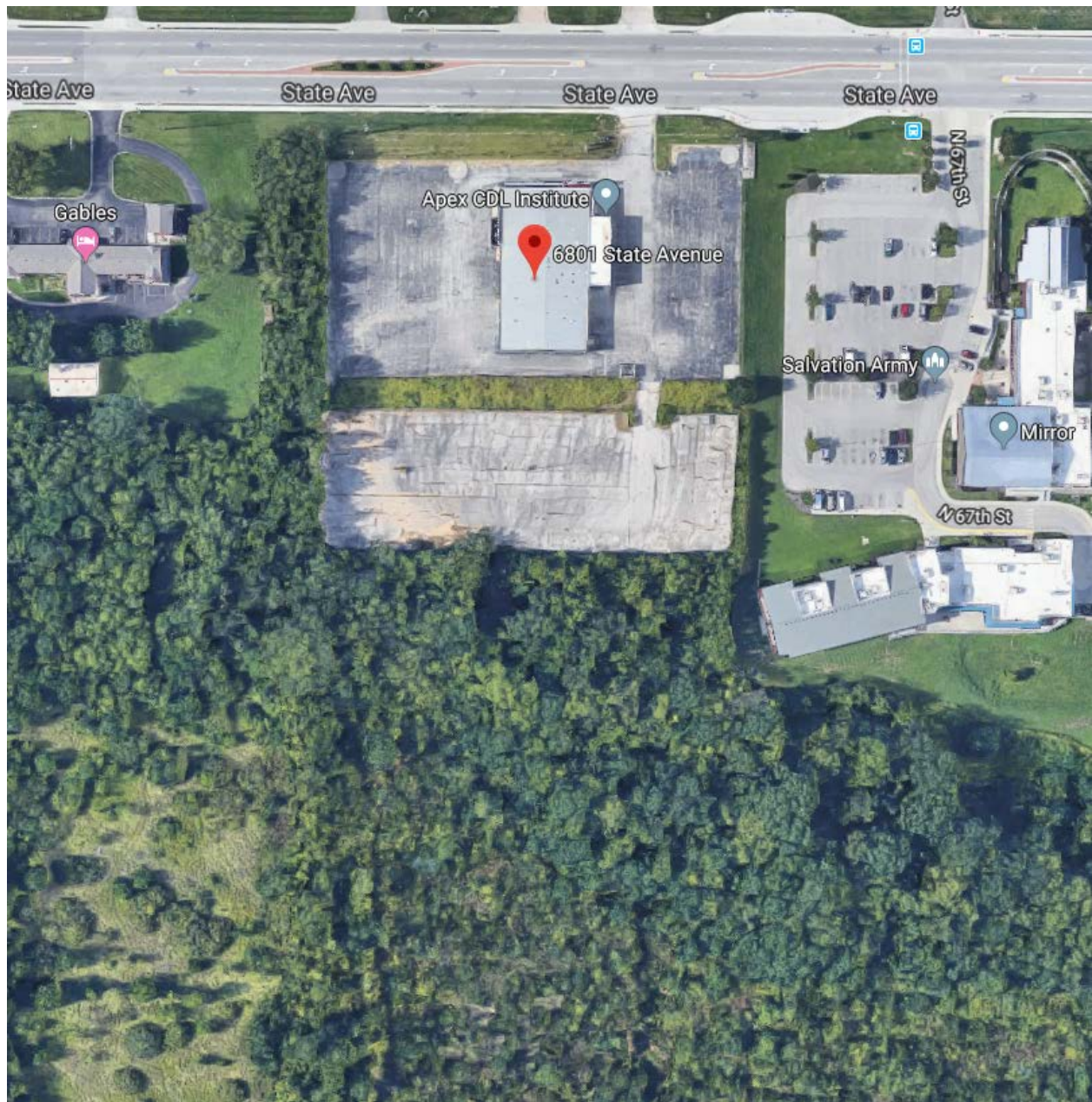
Subject to:

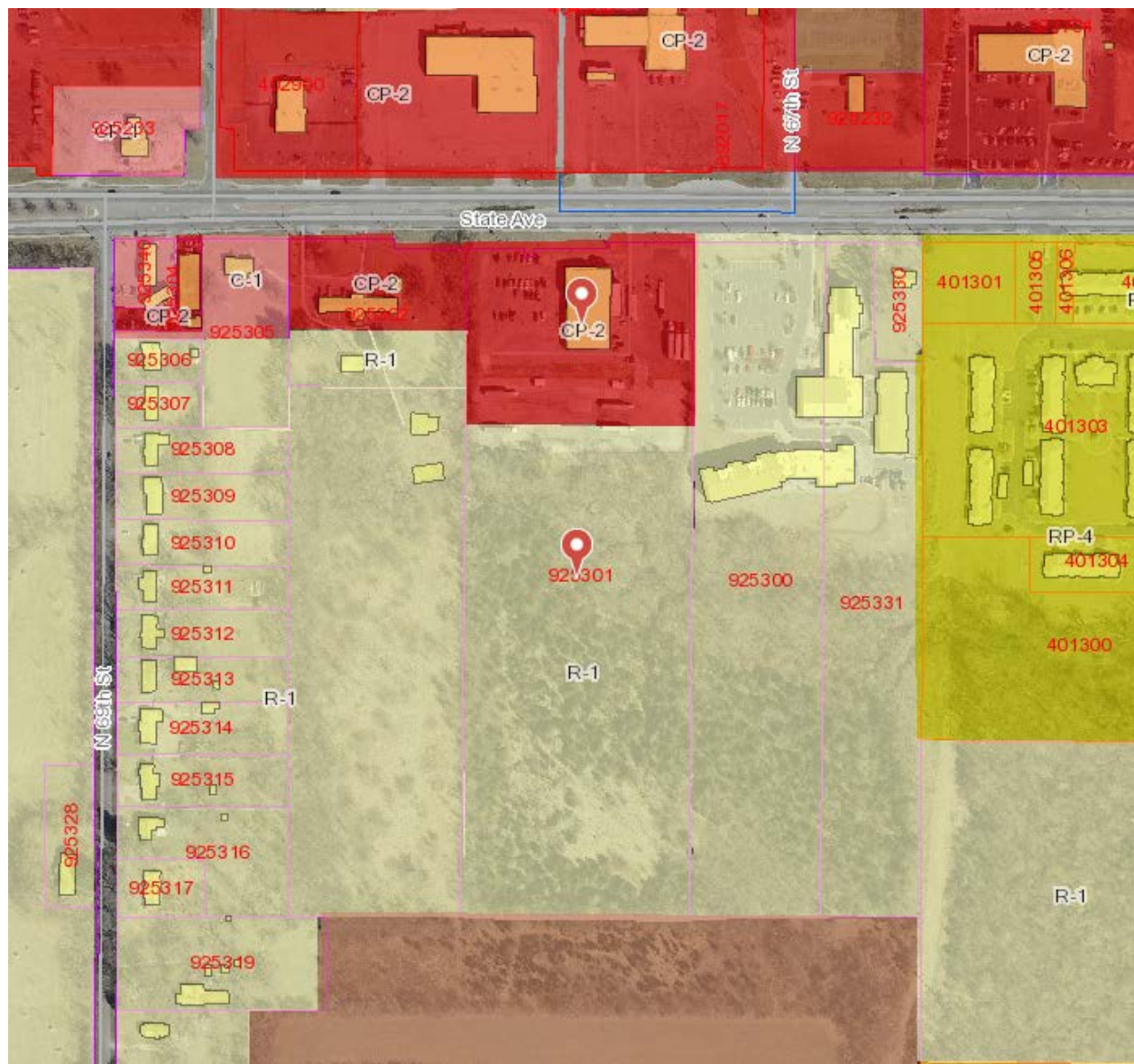
Urban Planning and Land Use Comments:

1. Have you complied with the following stipulations from the previous Special Use Permit renewal?
 - a. A wall of evergreens on the eastern edge of the rear parking lot shall be maintained
Applicant Response: The trees and shrubbery on that boundary have been maintained.
 - b. The hours of operation for training (truck maneuvering) shall be standard business hours Monday through Friday
Applicant Response: Those are still our normal business hours.
2. You previously operated seven (7) trucks and trailers, four (4) of which were used for backing training. Has this number changed since you began operations? Do you wish to expand your fleet?
Applicant Response: Those are still the same amount of trucks we use today.
3. Do you still maintain a maximum class size of eight (8) trainees?
Applicant Response: Yes
4. Have you had any interactions with nearby property owners or businesses that have had concerns about the noise and use of the property?
Applicant Response: No, we have not had any interactions with nearby property owners.
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







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: April 25, 2019
Re: Petition #SP-2019-32

GENERAL INFORMATION

Applicant:
Keith Orr

Status of Applicant:
Property Owner
1715 South 94th Street
Kansas City, KS 66111

Requested Action:
Special Use Permit Renewal

Date of Application:
February 19, 2019

Purpose:
To keep three (3) horses on the property

Property Location:
1715 and 1713 South 94th Street

Commission Districts:
1. Commissioner At Large: Melissa Bynum
2. District Commissioner: Angela Markley

Existing Zoning: R-1 Single Family District



Existing Surrounding Zoning: **North:** R-1 Single Family District
South: R-1 Single Family District
East: None (Interstate 435)
West: None (City of Edwardsville)

Existing Uses: **North:** Single family home
South: Single family home
East: Interstate 435
West: City of Edwardsville

Total Tract Size: 3.5 acres

Master Plan Designation: The City-Wide Master Plan designates these properties as Rural Density Residential.

Major Street Plan: The Major Street Plan designates South 94th Street as a local road.

Advertisement: The Wyandotte Echo – March 14, 2019
Letters to Property Owner – March 13, 2019 and April 18, 2019

Public Hearings: April 8, 2019 and April 25, 2019

Public Opposition: A neighbor, Melody Day, has been against this application since it began in 2014. She wrote letters in both 2014 and 2016 that stated Mr. Orr petitioned to have too many horses for his acreage and that he does not take care of his horses. No one appeared at the April 8, 2019 City Planning Commission meeting. However, after the Planning Commission recommended denial of the application Mr. Orr informed a staff member verbally that the horses will be removed by May 15, 2019.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Keith Orr is seeking to renew his Special Use Permit in order to continue to keep his three horses on 3.5 acres at 1713 – 1715 South 94th Street. He was previously approved for two (2) horses in lieu of the three (3) horses he requested.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is comprised of single family homes. There are two large lot single family homes abutting the property.

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

The zoning and uses of nearby properties are set out above. The proposed use is not necessarily compatible with the residential nature of the properties.

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

The removal of restrictions should not have a detrimental effect on nearby property.

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

1715 South 94th Street is not vacant. As of 2016, 1713 South 94th Street was vacant but the property owner expressed plans to renovate the house so his daughter could move in.

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

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

The area for the horses has the potential to create dust for near-by property if not properly maintained either by landscaping or laying hay.

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

If the applicant does not regularly dispose of waste and maintain the area, the air or land will be polluted. This is especially the case for adjacent property owners.

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

The proposed use should not damage 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 landowners is minimal. If this application is denied, the applicant will need to find an alternate location to board his horses.

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

The proposed use should not result in overcrowding of land, if and only if there are no more than two (2) horses.

PREVIOUS ACTIONS

On June 26, 2014, the Board of Commissioners approved #SP-2014-23 for two (2) years, granting Mr. Orr a Special Use Permit for two (2) horses at 1713 and 1715 South 94th Street so long as he removed the third animal, a foal, as soon as it was finished nursing.

On November 14, 2016, the Board of Commissioners approved #SP-2016-90, renewing Mr. Orr's Special Use Permit for two (2) years, so long as he complied with the stipulation to only keep two (2) horses on his property.

NEIGHBORHOOD MEETING

A neighborhood meeting was held on March 24th. A copy of the meeting minutes and affidavit are attached to this report.

KEY ISSUES

In 2014, the Special Use Permit was passed for two years with a stipulation that Mr. Orr must remove three (3) of his five (5) horses off his property. Even though he sold three of the five horses, one of the remaining two horses had a foal as of June 9, 2014. The new stipulation was that Mr. Orr must remove the foal once it is finished nursing so that he would comply with only having two (2) horses on the property. The Urban Planning and Land Use department received a letter from his neighbor on August 22, 2014 saying there were three full grown horses on the property.

In 2016, the Special Use Permit renewal was requested for three (3) horses. It passed for an additional two years with the stipulation continuing to be upheld in that only two (2) horses are permitted to be boarded on the property.

The current Special Use Permit renewal again requests three (3) horses, suggesting that Mr. Orr has not complied with stipulations for the past two Special Use Permit approvals.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **DENIAL** of Special Use Permit Application #SP-2019-32 **based on non-compliance of the original stipulations of approval.**

STAFF COMMENTS AND SUGGESTIONS

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

Urban Planning and Land Use Comments:

1. Please demonstrate how you have complied with the following stipulations from the previous Special Use Permit renewal in 2016:
 - a. Mr. Orr must plant grass seed to ensure that when the horses are in the pasture, the grazing areas are rotated to safeguard that soil erosion does not occur as mentioned by the Conservation District in their report. A plan provided by Mr. Orr will specify when the planting will occur.
 - b. Staff believes that keeping three horses on the property is not sustainable and will be very taxing on the land. Staff agrees with the Conservation District's report that keeping three horses is too much. Staff requests that their 2014 stipulation continued to be upheld that only two (2) horses are permitted to be boarded on the property.
2. How do you dispose of waste?
 - a. How often?
 - b. Where is it disposed?
3. Who is living at 1713 South 94th Street?
4. How do you bring feed and hay onto the property?
 - a. How often?
 - b. Is it picked up or delivered?
5. Both the pictures of the horses and comments from your neighbor give staff reason to be concerned over the health of the horses.
 - a. How often are they fed?
 - b. When is the last time they have received veterinary care?
6. How are you providing shelter for the horses?
7. The pictures you provided show an excess of trash in the horses' area. Please describe how you plan to clear the area in order to make it a suitable living space for the animals.

Public Works Comments:

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

- 1) None.

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

1) None.

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

1) None

Staff Conclusion:

The applicant did not respond to staff's comments in the report. Staff has concerns about the condition of the horses based on the applicant's photographs and the trash and debris that is within the grazing area. The applicant has not followed the recommendations from 2016 Conservation District report and to date the District's comments have not changed.

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-2019-32 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 8, 2019 City Planning Commission Minutes

Aerial map

Zoning map

Conservation District Report

Current property photos

Neighborhood meeting minutes

Neighborhood meeting affidavit

Letters from neighbor, 2014 and 2016

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	April 8, 2019	April 25, 2019
Special Use	Denial	

STAFF CONTACT:

Hannah Kroll

hkroll@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition #SP-2019-32 , 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-2019-32 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. _____.

April 8, 2019 City Planning Commission Minutes:

Hearing Starts 1:11:27:

SPECIAL USE PERMIT APPLICATION #SP-2019-32 – KEITH ORR – SYNOPSIS:

Renewal of a Special Use Permit (#SP-2016-90 – expired 12/1/2018) to keep two (2) horses at 1715 South 94th Street. Detailed Outline of Requested Action: The applicant, Keith Orr is seeking to renew his Special Use Permit in order to continue to keep his three horses on 3.5 acres at 1713 – 1715 South 94th Street. He was previously approved for two (2) horses in lieu of the three (3) horses he requested.

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 April 8, 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 March 14, 2019; and
7. The Notices to property owners dated March 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:

- ❖ Keith Orr, applicant, 1715 South 94th Street, Kansas City, Kansas 66111

Present in Opposition:

- ❖ No one appeared

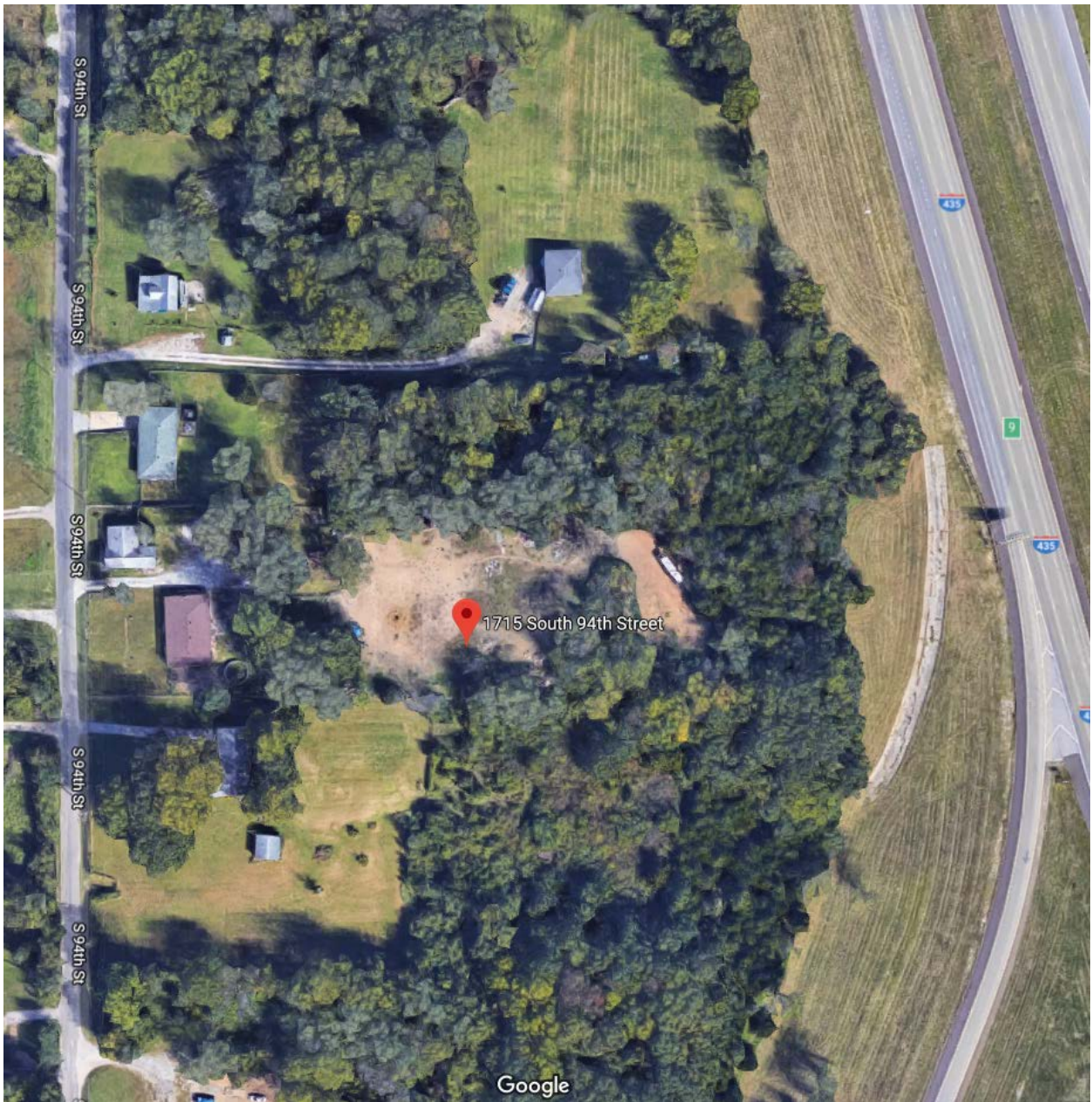
Staff Recommendation starts 1:24:28: Planning Director Richardson stated that the discussion so far summarizes the staff's concerns. The staff recommends denial. He stated that if this application is denied, everything would need to be removed and he would be given a little bit of time to do that. Horses can be moved rather quickly. He could not reapply for another special use permit for one year.

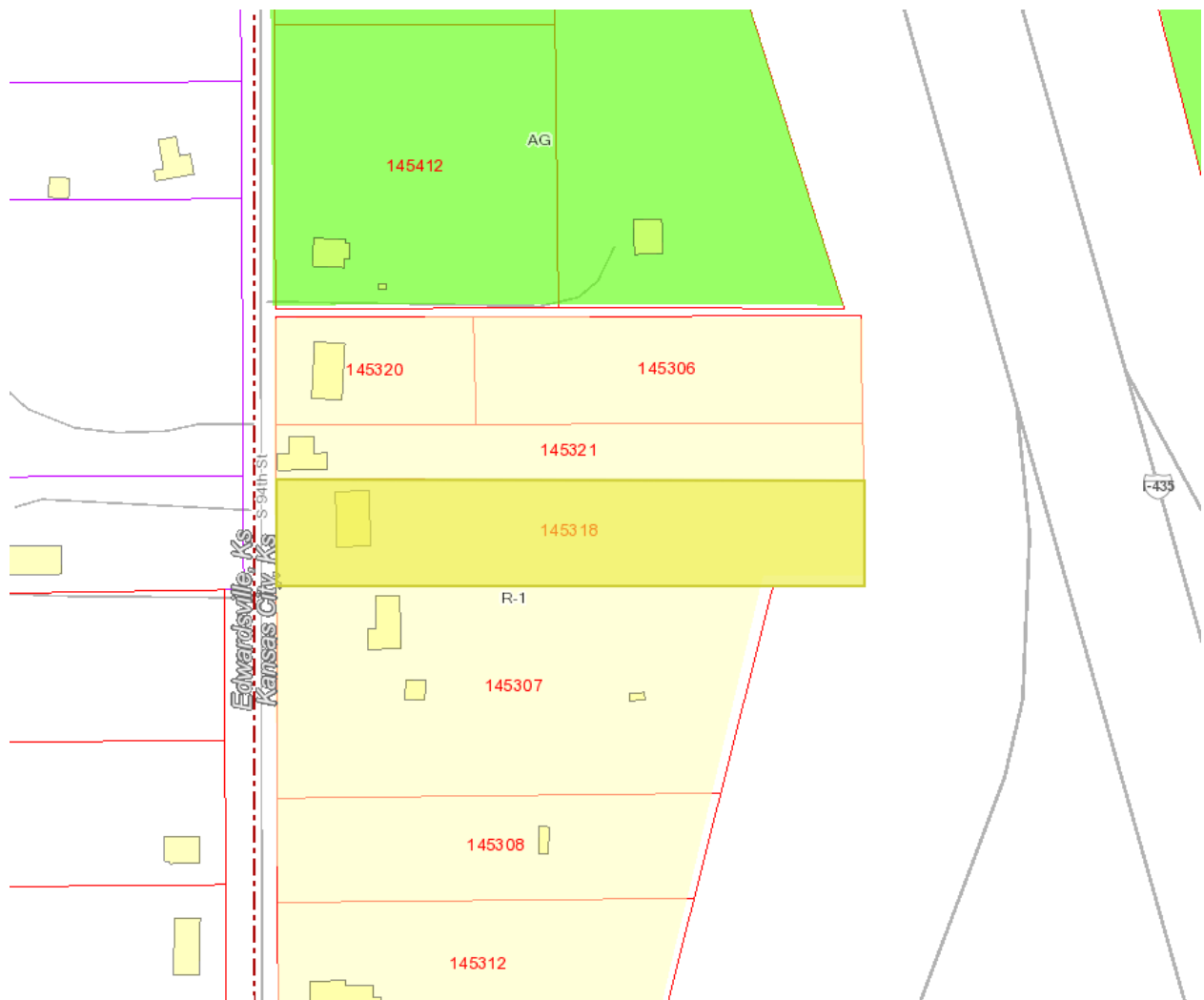
Motion and Vote Starts 1:25:50:

On motion by Dr. Serda, seconded by Mr. Reasons, the Planning Commission voted as follows to **recommend DENIAL of Special Use Permit Application #SP-2019-32 based on non-compliance of the original stipulations of approval:**

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

Motion to recommend DENIAL Passed: 7 to 0







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

March 12, 2019

RE: SP-2019-32 Keith Orr 2 horses 1713 and 1715 South 94th 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-2019-32 Keith Orr 2 horses 1713 and 1715 South 94th 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 were two major soil types identified in the area: Ladoga silt loam 3 to 8 percent slopes and Welda silt loam, 8 to 15 percent slopes.
- The area needs to be managed to protect it from damage due to horse paths and other wear and tear on the seeding. The area has a lot of tree cover which reduces grass production. Trees need to be removed and thinned to provide better grass growth. There is a need to provide additional feed stock for horses during the winter period when produce is not occurring.
- The horses need to be fenced out of the drainage way. A buffer strip needs to be maintained along the drainage way to filter out waste. Animal waste can contaminate the water and cause health issues downstream beside it can pollute the water. A good stand of vegetation needs to be established and maintained to help reduce runoff.
- Waste disposal can be a problem. Proper disposal of waste needs to be addressed. A disposal plan is needed.
- The site doesn't appear to be over burdened by two horses.
- These soils can be damaged if they are over grazed. Soil erosion can reduce the productivity potential of the soil as a consequence of over grazing. A soil

test needs to be taken to determine if there is a fertility need. Good plant growth helps protect soil from erosion. Good ground cover also provides for healthy animals preventing leg and hoof injuries.

- Animals should not be allowed to roam freely in the spring or other times when soil is very wet. Animals compact the soil and destroy the vegetation when the soil is wet. A sacrifice lot is needed to protect the other areas.

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





SAMPLE MINUTES:

Application Number SP-2019-32

Date and Location: 1713 S 94

3/24/19

Meeting called to order at: 3 PM

Names of people in attendance:

Introductions: KEITH ORR

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: 6 PM

Minutes taken by: [Signature]

NO QUESTIONS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)

) SS:

COUNTY OF Wyandotte)

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

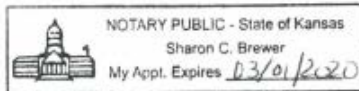
1. That I am the petitioner for Petition # SP-2019-32
2. That I conducted a neighborhood meeting on 3-24-19.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Keith Orr
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26 day of March, 2019.

My commission expires 03 of 01, 2020



Sharon C Brewer
Notary Public

To: Mr. Rob Richardson - Director of Planning

From: Ms. Melody Day

Date: August 22, 2014

Ref: Follow-up

Dear Mr. Richardson,

This is a follow up regarding June 9th, 2014, meeting when the board instructed Mr. Orr, to get rid of the Colt when she was old enough. Mr. Richardson, when he petitioned for two horses and was granted on April 14, 14. The colt was already there.

The letter I received regarding the meeting on June 26th, 2014, stated Mr. Orr, was only allowed two horses. To date he has three full grown horses and the colt is still there Sir, I spent nearly twenty-five years in law enforcement. A lot of those years I serve in this county.

I am a pretty good judge of character and Mr. Orr, will do whatever he wants to. In conclusion he has 2.91 acre which is allowed two. Since, he is in contempt so really he shouldn't have any animals at all. I am not sure if you received the photo I sent you. I hope this matter is resolved permanently.

Sincerely,

Melody Day

Parker, Janet

From: Richardson, Rob
Sent: Friday, November 11, 2016 9:27 PM
To: Parker, Janet
Subject: Fwd: Permit SP-16402-00069

Pls copy for pc

Sent via the Samsung Galaxy S6 active, an AT&T 4G LTE smartphone

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

From: juicychocolategirl <juicychocolategirl@yahoo.com>
Date: 11/11/16 7:31 PM (GMT-06:00)
To: "Richardson, Rob" <RRichardson@wycokck.org>
Subject: Permit SP-16402-00069

Mr. Richardson,

My name is Melody Day , and two years ago, Mr.Orr, petitioned to have too many horses for his acreage. You might remember that I fought against it and I am still against it. He doesn't have the acreage, he doesn't take care of the two he has, and he obviously doesn't know how to take care of horses. Since they have gone a month without food. Bottom line he is not going to use my space for his horses. I am not coming up there to go through the same mess as two years ago. Also, animal control had been called to his resident about the horses. I appreciate that there is a denial of request. Thank you for addressing this matter. Melody Day

Sent from my T-Mobile 4G LTE Device



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

October 19, 2014

RE: SP-2016-90 Keith Orr 3 horses 1713 and 1715 South 94th 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-2016-90 Keith Orr 3 horses 1713 and 1715 South 94th 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 were two major soil types identified in the area: Ladoga silt loam 3 to 8 percent slopes and Welda silt loam, 8 to 15 percent slopes.
- Three horses on this small of an area is hard on the land. We would not recommend approval of this Special Use Permit for three horses. The area has a lot of tree cover which reduces grass production. Trees need to be removed and thinned to provide better grass growth. There is a need to provide additional feed stock if three horses are to be housed on this property.
- The horses need to be fenced out of the drainage way. A buffer strip needs to be maintained along the drainage way to filter out waste. Animal waste can contaminate the water and cause health issues downstream beside it can pollute the water. A good stand of vegetation needs to be established and maintained to help reduce runoff.
- Waste disposal is a problem. Proper disposal of waste needs to be addressed. A disposal plan is needed.
- These soils can be damaged if they are over grazed. Soil erosion can reduce the productivity potential of the soil as a consequence of over grazing. A soil test needs to be taken to determine if there is a fertility need. Good plant

growth helps protect soil from erosion. Good ground cover also provides for healthy animals preventing leg and hoof injuries.

- Animals should not be allowed to roam freely in the spring or other times when soil is very wet. Animals compact the soil and destroy the vegetation when the soil is wet. A sacrifice lot is needed to protect the other areas.

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



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: April 25, 2019
Re: Petition #SP-2019-33

GENERAL INFORMATION

Applicant:
Anchalee Chantaramongkol/AVC
Properties, INC

Status of Applicant:
Applicant
7109 Harrison Street
Kansas City, MO 64131

Requested Action:
Approval of a special use permit

Date of Application:
February 22, 2019

Purpose:
To operate a short-term rental.

Property Location:
2310 West 41st Avenue

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



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

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

Existing Uses: **North:** Single family homes
South: Single family homes
East: Single family homes
West: Single family homes

Total Tract Size: .13 acre

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

Major Street Plan: The Major Street Plan classifies 25th Street as a local street.

Advertisement: The Wyandotte Echo – March 14, 2019
Letters to Property Owner – March 13, 2019 and April 18, 2019

Public Hearings: April 8, 2019 and April 25, 2019

Public Opposition: No one appeared in opposition at the April 8, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Anchalee Chantaramongkol, has requested a special use permit to allow short-term rentals at 2310 West 41st Avenue. The applicant does not live at the property.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This is a residential neighborhood comprised of small, single-family lots. that has seen recent growth with the expansion of KU Medical Center and redevelopment of nearby Rainbow Boulevard.

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

The zoning and uses are laid out above.

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

Removal of the restrictions will not detrimentally affect nearby property.

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

The property has been vacant for approximately 7 months.

- 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 result in an increase in 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 proposed use is not reasonably necessary for the convenience and welfare of the public however will not permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

This is not an issue.

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

This is not an issue.

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

This is not an issue.

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

The relative gain to the public health, safety, and welfare would be minimal.

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

This is not an issue.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 21, 2019. Minutes from the meeting are attached.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-33, subject to:

Urban Planning and Land Use Comments:

1. Does the property owner or manager live on-site or nearby?

Applicant Response: The property manager or Airbnb host (Anchalee Chantaramongkol) lives in Waldo, KCMO, 15 minutes driving away from the property.

2. How often does the property owner/manager visit the site?

Applicant Response: 2-3 times a week

3. Who is responsible for issues that may arise while guests are present? How will you make yourself available to address guest and/or neighbor concerns in a timely fashion?

Applicant Response: The property manager or Airbnb host (Anchalee Chantaramongkol) will be responsible for issues that may arise from guests, I will be available 24/7 via a cell phone or text messaging. I always respond to my message within a few minutes and can arrive at the property within 15-20 minutes if weather conditions allow.

4. If approved, approval is for one (1) year.

5. See answers to additional questions in the stipulations.

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-2019-33 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 8, 2019 City Planning Commission Minutes
Aerial view
Floor plan
Photos
Response to Staff Questions
Neighborhood Meeting Affidavit, Minutes and Sign-In

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 8, 2019	April 25, 2019
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2019-33 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-2019-33**, 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.

April 8, 2019 City Planning Commission Minutes:

Hearing Starts 1:27:07:

SPECIAL USE PERMIT APPLICATION #SP-2019-33 – ANCHALEE

CHANTARAMONGKOL WITH AVC PROPERTIES INC. – SYNOPSIS: Special Use

Permit for a short-term rental at 2310 West 41st Avenue. ***Detailed Outline of***

Requested Action: The applicant, Anchalee Chantaramongkol, has requested a special use permit to allow short-term rentals at 2310 West 41st Avenue. The applicant does not live at the property.

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 April 8, 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 March 14, 2019; and
7. The Notices to property owners dated March 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:

- ❖ Anchalee Chantaramongkol, applicant, AVC Properties Inc., applicant, 7109 Harrison Street, Kansas City, Missouri 64131

Present in Opposition:

❖ No one appeared

Staff Recommendation starts 1:35:49: Planning Director Richardson stated that one page of the neighborhood meeting minutes was left out of the staff report but it will be included in the Board of Commissioners' report. The applicant discusses that she has been operating these (at other locations) since 2017. She has said that she is available 24/7 and can get to the property in 15 minutes. The staff recommends approval for one (1) year subject to the stipulations in the staff report.

Motion and Vote Starts 1:36:56:

On motion by Ms. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2019-33:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Does the property owner or manager live on-site or nearby?

Applicant Response: The property manager or Airbnb host (Anchalee Chantaramongkol) lives in Waldo, KCMO, 15 minutes driving away from the property.

2. How often does the property owner/manager visit the site?

Applicant Response: 2-3 times a week

3. Who is responsible for issues that may arise while guests are present?
How will you make yourself available to address guest and/or neighbor concerns in a timely fashion?

Applicant Response: The property manager or Airbnb host (Anchalee Chantaramongkol) will be responsible for issues that may arise from guests, I will be available 24/7 via a cell phone or text messaging. I

always respond to my message within a few minutes and can arrive at the property within 15-20 minutes if weather conditions allow.

4. If approved, approval is for one (1) year.
5. See answers to additional questions in the stipulations.

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

Wyandotte County, KS



GeoSpatial Services
 710 N 7th St, Suite 200 | Kansas City, KS 66101
 Ph: 913-573-2441 | gss@wyandotteks.org
 www.wyandotteks.org/gss



Legend

- Points of Interest
- Lakes
- Rivers
- Streams
- Parks
- Platted Parcel
- Unplatted Parcel
- ROW Parcel
- Municipal Boundaries
- Railroads

Locator Map



Notes

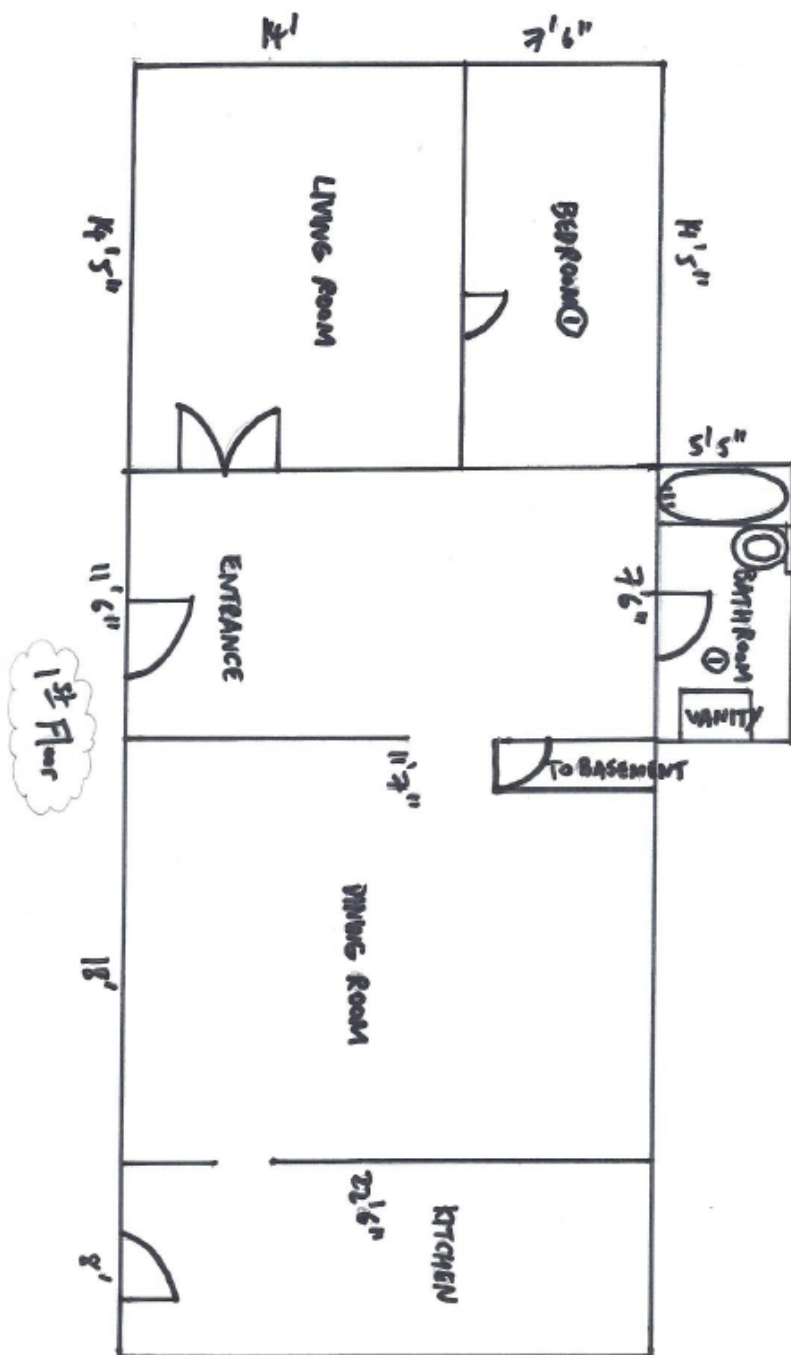
Map Print Date: 2/7/2019 1:09 PM

DISCLAIMER OF WARRANTY AND ACCURACY: Unified Government of Wyandotte Co./Kansas City, KS (UG) makes no representations or warranties about this map or its content, including, without limitation, accuracy, completeness, or fitness for any purpose. Users of this map document do so at their own risk. UG will not be liable to any such user for any loss or damage whatsoever.

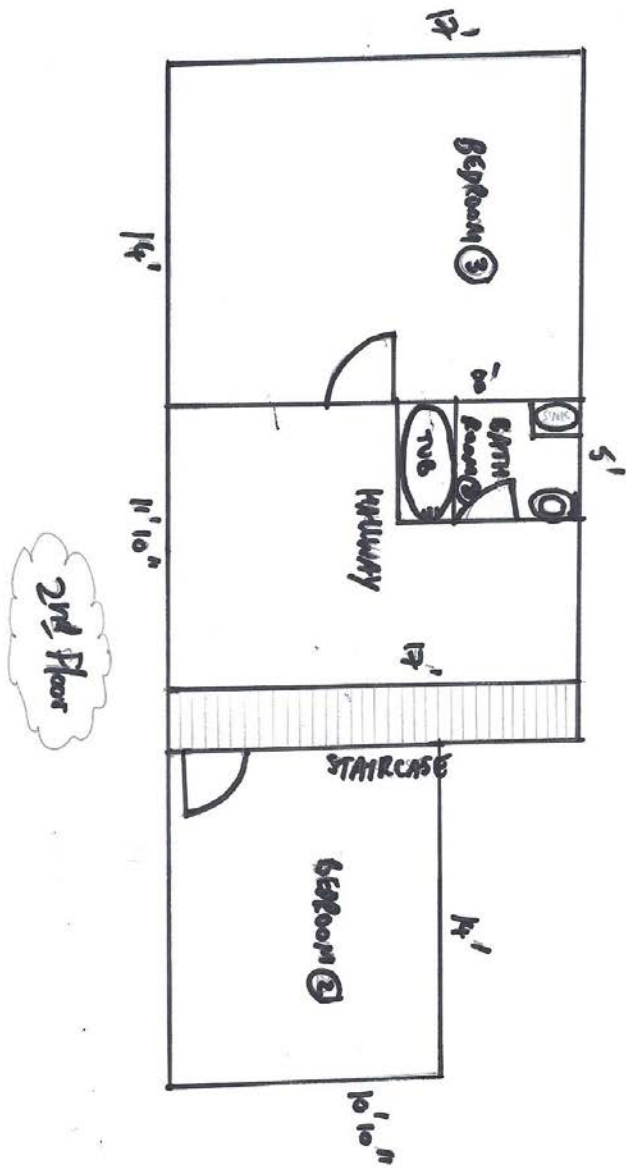


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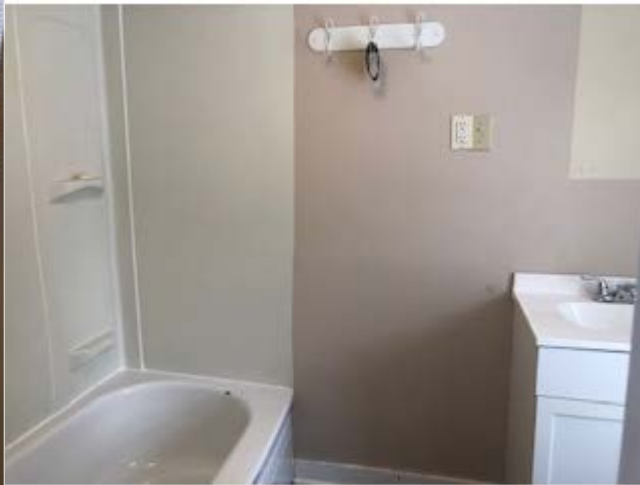
0 39 78
 Feet



1/2



2/2







Written response to questions:

1. How you will communicate with the neighbors.

- When the letters are sent to invite neighbors to neighbor meeting, the contacts (mailing address, email address and phone number of the applicant) will be provided to neighbors and explaining the purpose of the meeting and property utilization. Neighbors are encouraged to reach out and contact me any time for emergency 24/7 should they have any issues or concerns, even they cannot make it to that meeting.

2. How you will pay appropriate lodging taxes

- Using AirBNB and it will withhold or collect the taxes for me

3. How many room are rented

- The entire house (3 beds 2 baths)

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

- 8 people (2 in each bedroom (queen sized bed), 1 in the living room (on a couch) and 1 in the hall/sitting area on the 2nd floor (on a couch)) Assuming 7th and 8th guests are children coming with the family.

5. Maximum number of vehicles & where will they park

- 2 vehicles, one in the garage and the other one parks on 41st Avenue or Booth

6. How often are guests in the residence

- 1- 3 nights mostly in each visit. We may have 3-5 different groups of guests each month, maximum stay will not exceed 28 days from each visit

7. Do you have a rental license from the United Government?

- I do not but the property owner has it

8. Provide a detailed description of the area(s) rented for AirBNB

- We plan to rent an entire home to our short term rentals guests from out of town who come to visit Kansas City, KU Med center and Westport areas. The guests will have a full access to 3 bedrooms, 2 bathrooms, living room, dining room, kitchen (an electrical stove, and refrigerator are provided) and backyard. An electronic front door lock with a one-time custom code (unique for each group of guests) will be provided and available only during their stay. After the guests check out, our professional cleaning crew will clean the entire home within the same day to ensure that doors and windows are locked down, stove is turned off and there are no damages to the furniture or the property. The purpose of the short term rentals is to provide a clean, peaceful and safe space for a family to explore what Kansas City has to offer with affordable budget and to support our local business owners in town.

9. Describe how you will maintain a safe environment including:

- Working smoke detectors in each bedroom plus each level of the unit/house

- Currently exist and equipped with battery, will be tested monthly and battery will be replaced as needed.
- GFCI outlets are required in bathrooms
 - Currently exist and are fully functional, will be tested monthly
- Double keyed locks are not allowed
 - Do not exist, NIL, N/A
- Copper cannot be used for gas supply lines
 - Do not exist, NIL, N/A
- Windows must be operable, not blocked or boarded
 - Met. NIL, N/A, will be checked on regular basis
- Handrails are required at sets of 4 or more stairs/risers
 - Met
- Hot water tank and furnace must be vented properly and operational
 - Met
- Electric panel and circuits must be safe
 - Met

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri }
COUNTY OF Jackson } SS:

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

1. That I am the petitioner for Petition # SP-2019-33
2. That I conducted a neighborhood meeting on March 21st, 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.

Anchalee Chantaramongkol
Affiant

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

My commission expires 25 of April, 2019

Robert L. Preston Jr.
Notary Public

Robert L. Preston Jr
Notary Public-Notary Seal
State of Missouri-Jackson County
Commission # 15786075
My Commission Expires Apr 29, 2019

Minutes of Meeting:

Application Number: #SP-19402-00024 (Ref: SP-2019-33)

Date and Location: March 21st, 2019 Rosedale Development Association,
1403 Southwest Boulevard, Kansas City, KS 66103

Meeting called to order at: 6:00 p.m.

Names of people in attendance:

1. Anchalee Chantaramongkol (Property Manager/STR Host)
2. Erin Stryka/RDA
3. Wilma Trial/Long term rental landlord

Introductions:

Presentation by applicant: Meeting started a little earlier at 5:45 p.m. because Erin had to attend RDA meeting at 6:00 p.m.

Anchalee introduced herself and explained the characteristics of this property, how this property is planned to be utilized, operated, and benefit guests or promote Kansas City attractions, local business owners and impact the neighborhood.

- The short-term rental that we are applying to authorize is a house located at 2310 W. 41st Avenue KCKS. The property consists of 3 bedrooms, 2 bathroom, a living area, a sitting area with a kitchen (Airbnb listing # TBD). It accommodates a maximum of 8 guests at a time. We will be operating the space as a nonowner-occupied short-term rental. We love sharing our beautiful neighborhood with out of towners and appreciate the opportunity to recommend our guests to visit and support our local business owners and communities efficiently. Guests are allowed to park vehicles in the garage and on street if available.
- Address of Proposed Short-Term Rental: 2310 W. 41st Avenue KCKS

Questions and answers (include the following):

- Erin asked Anchalee how many properties Anchalee have for short term rentals. Anchalee replied that she is currently

operating 7 listings, starting the first one in her home in Kansas City, MO and all of them are in KCMO. This is her first listing in KCKS. She started operating this STR business in July 2017 and had hosted more than 620 trips or approximately 1,800 local and international guests to date from around the world. Erin also commented that she has seen a growing numbers of STR in the neighborhood and commented that local residents might prefer to have a long term neighbors who are residing in the area. Anchalee also commented that surrounding blocks of this property mostly contained more longterm tenants than the property owners themselves, based on her observation of the mailing list.

- Wilma mentioned that she was curious about several things and has heard about a negative issue from another STR property near her own home and asked how to prevent that from happening. Anchalee explained that from her own experience, as a host she only had 1 trip from first time guests on AirBNB (She usually give an equal opportunity to everyone to make a reservation on her listings) who were dishonest and had invited people over and made noises. It was beyond her control. Her house rules do not allow party, smoking (outside only) or pets on the property and quiet time is after 10 p.m. Anchalee herself screens all guests who request a reservation and tries her best by evaluating the numbers of guests, purposes of their trips, etc. Only guests who have positive reviews from other hosts can book her listings instantly. Should an incident occurs, her number was given to the neighbors and she can be reached 24/7 and drive to the property in 20 minutes. In addition, AirBNB customer service number is open 24 hours a day to assist and has always been very helpful resource to communicate with her guests in order to resolve any issues that may arise.

Meeting adjourned at: 7:00 p.m. Erin left early due to another meeting schedule.

Minutes taken by: Anchalee Chantaramongkol

Neighborhood Meeting
2310 W. 41st Ave, KCKS

3/21/19 6:00pm

SIGN IN SHEET

	<u>First Name</u>	<u>Last Name</u>	<u>Address</u>
1.	Anchalee	Chantaramongkol	7109 Harrison St. KCMO 64131
2.	Erin	Stryker	1403 SW Blvd 66205
3	Wilma	TRIAL	2412 W 47 TERR WESTWOOD KS



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: April 25, 2019
Re: Petition #SP-2019- 34

GENERAL INFORMATION

Applicant:
Jessica Zieg

Status of Applicant:
Representative
RZ Properties
3025 North 51st Street
Kansas City, KS

Requested Action:
Approval of Special Use Permit

Date of Application:
February 22, 2019

Purpose:
Renewal of previous Special Use
Permit to operate AIRBNB

Property Location:
625 Northrup Avenue

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



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

Existing Uses: **North:** Single Family House
South: Single Family Homes
East: Single Family Homes
West: Single Family Homes

Total Tract Size: 0.10 acre

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

Major Street Plan: The City-Wide Master Plan designates Northrup Avenue as a local street.

Advertisement: The Wyandotte Echo – March 14, 2019
Letters to Property Owner – March 13, 2019 and April 17, 2019

Public Hearings: April 8, 2019 and April 25, 2019

Public Opposition: No one appeared in opposition at the April 8, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant is looking to renew their special use permit (#SP-2018-33) in hopes of continuing operations of their short-term rental/AIRBNB.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This property is within the Strawberry Hill neighborhood. The area is predominantly single-family residences.

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 will be suitable with the surrounding residences as long as it is operated in a professional manor. Short-term rentals, such as AIRBNB or VRBO, can

sometimes lead to excessive noise, parking issues and other commercial activities within residential dominant areas.

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 should not detrimentally affect nearby property as long as the short-term rental is operated and monitored properly.

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 could result in an increasing amount of vehicular traffic to the property, but this shouldn't be to the point that 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 a short-term housing situation for the public that may reside within, or outside, of the city limits. This use should 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.*

This should not be an issue.

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

This should not be an issue.

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.

The relative gain or loss to the public health, safety, and welfare is likely to be minimal. If the owner is denied this renewal, they would not be able to operate their short-term rental but will still be able to operate this property as a single-family residence.

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

This should not be an issue.

PREVIOUS ACTIONS

Approval of #SP-2018-33

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 22, 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-2019-34, subject to:

Urban Planning and Land Use Comments:

1. Please comment on all, if any, issues you've come across with complying to the following stipulations:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house
 - b. GFCI outlets are required in bathrooms
 - c. Double keyed locks are not allowed
 - d. Copper cannot be used for gas supply lines
 - e. Windows must be operable, not blocked or boarded
 - f. Handrails are required at sets of 4 or more stairs/risers
 - g. Hot water tank and furnace must be vented properly and operational
 - h. Electric panel and circuits must be safe.
 - i. Host will obtain a business license with the city.

Applicant Response: We are in compliance with all items listed above.

2. Has anything changed with your short-term rental operation since your approval last year?

Applicant Response: No changes to the short-term rental since last year's application/approval

3. Have you received any complaints from neighbors or had any incidents occur with renters since your approval last year?

Applicant Response: No complaints from neighbors. No one attended the meeting. I did personally reach out to three neighbors all of which were in support of our short term rental

4. Approval 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

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-2019-34 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 8, 2019 City Planning Commission Minutes
Aerial Image (Google Map)
Zoning Image
Letter
AIRBNB reviews
Pictures of rental
Neighborhood Meeting Minutes
Neighborhood Meeting Affidavit

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 8, 2019	April 25, 2019
Special Use	Approval	

STAFF CONTACT: **Alex Hufft**
 AHufft@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-34** 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-2019-34**, 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.

April 8, 2019 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2019-34 – JESSICA ZIEG/RZ PROPERTIES, LLC – SYNOPSIS: Renewal of a Special Use Permit (#SP-2018-33 – expires 4/26/2019) for an AIRBNB at 625 Northrup Avenue. **Detailed Outline of Requested Action:** The applicant is looking to renew their special use permit (#SP-2018-33) in hopes of continuing operations of their short-term rental/AIRBNB.

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 April 8, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notice in The Echo for the special use permits; and
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone comes forward and asks that an item be removed from the Consent Agenda."

Chairman Carson asked if anyone wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

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

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

Urban Planning and Land Use Comments:

1. Please comment on all, if any, issues you've come across with complying to the following stipulations:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house
 - b. GFCI outlets are required in bathrooms
 - c. Double keyed locks are not allowed
 - d. Copper cannot be used for gas supply lines
 - e. Windows must be operable, not blocked or boarded
 - f. Handrails are required at sets of 4 or more stairs/risers
 - g. Hot water tank and furnace must be vented properly and operational
 - h. Electric panel and circuits must be safe.
 - i. Host will obtain a business license with the city.

Applicant Response: We are in compliance with all items listed above.

2. Has anything changed with your short-term rental operation since your approval last year?

Applicant Response: No changes to the short-term rental since last year's application/approval

- 3. Have you received any complaints from neighbors or had any incidents occur with renters since your approval last year?**

Applicant Response: No complaints from neighbors. No one attended the meeting. I did personally reach out to three neighbors all of which were in support of our short term rental

- 4. Approval for two (2) years.**

Public Works Comments:

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

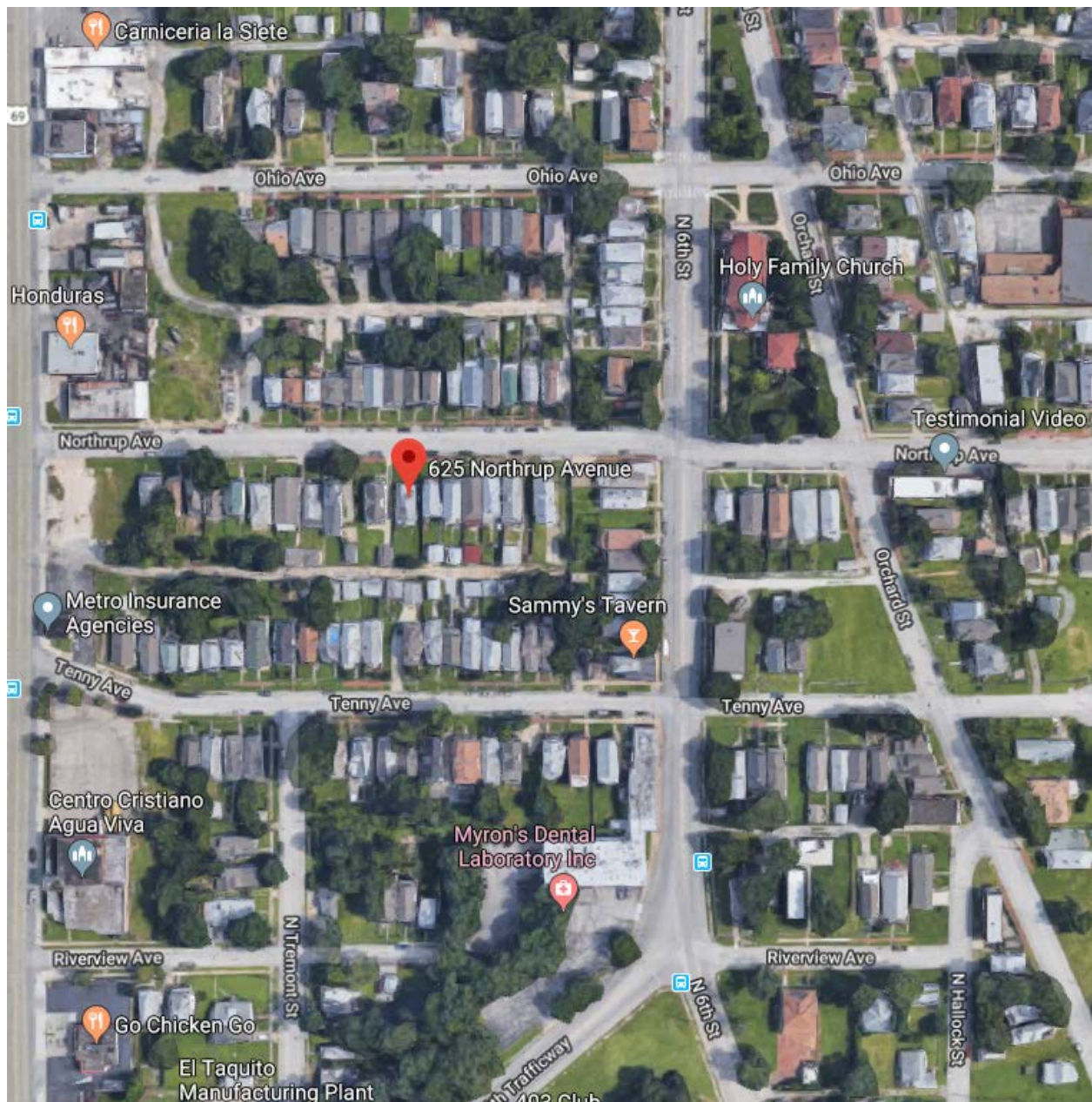
1) None.

- 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





2/22/19 - Renewal for SUP : 625 Northrup Ave, KCKS

We are applying to renew our current SUP at 625 Northrup for Short Term Rentals. We have been operating since November 2016 with no complaints from neighbors or negative reviews. We manage the short term rental ourselves, doing all of the cleaning, maintenance, communication with guests. We know most of the immediate neighbors and are in good standing with them.

We are applying for a two year SUP at this time.

Thank you,

Handwritten signatures of Jessica Zieg and David Rhodes. The signature for Jessica Zieg is on the left, and the signature for David Rhodes is on the right.

Jessica Zieg & David Rhodes
RZ Properties

295 Reviews ★ ★ ★ ★ ★

🔍 Search reviews

Accuracy ★ ★ ★ ★ ★

Location ★ ★ ★ ★ ★

Communication ★ ★ ★ ★ ★

Check-in ★ ★ ★ ★ ★

Cleanliness ★ ★ ★ ★ ★

Value ★ ★ ★ ★ ★



Scarlett

February 2019

We highly recommend this Airbnb. The bed is comfortable. The couch can be slept on too and it is also comfortable. The place is clean and fresh. The bathroom is very modern. There was water and a couple of healthy sodas in the fridge and treats in the drawer. We went to the symphony which was only minutes away. Thank you Jessica and David.



Sam

February 2019

Amazing in every way!!!



Angie

February 2019

Jessica's place offers a chance to take a breath, take in a tight knit, historic neighborhood and experience amazing barbecue and coffee (around the corner).







Meeting conducted on 3/22/19 at 3:00pm
at 510 N. 6th St, KC KS 66101

I stayed from 2:55PM - 3:25PM and
no one came for the meeting.

No attendees.

x Jessica Zieg
Jessica Zieg

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) ss:

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

1. That I am the petitioner for Petition # SP-2019-34.
2. That I conducted a neighborhood meeting on 3/22/19.
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.

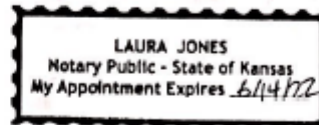
Further affiant saith not.

Jessica Zieg
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of March, 2000. 2019

My commission expires 14th of June, 2000. 2022

[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: April 25, 2019
Re: Petition #SP-2019-37

GENERAL INFORMATION

Applicant:

Yola Van Laanen

Status of Applicant:

Owner
4440 Cambridge Street
Kansas City, KS 66103

Requested Action:

Approval to renew Special Use Permit

Date of Application:

February 22, 2019

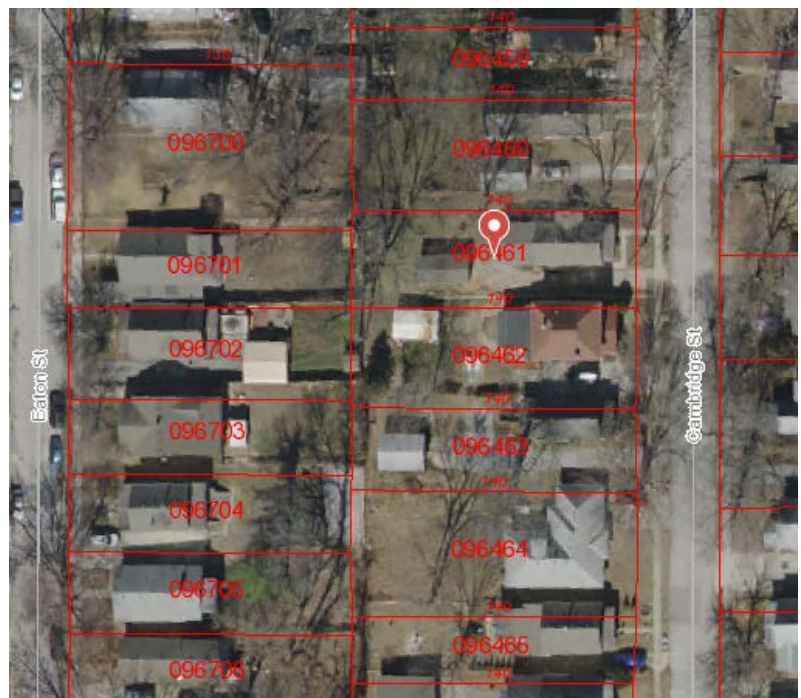
Purpose:

To renew Special Use Permit to continue operating Short-Term Rental/AIRBNB

Property Location:

4440 Cambridge Street

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



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

Existing Uses: **North:** Single Family Residences
South: Single Family Residences
East: Single Family Residences
West: Single Family Residences

Total Tract Size: 0.15 acre

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

Major Street Plan: The City-Wide Master Plan designates Cambridge Street as a local street

Advertisement: The Wyandotte Echo – March 14, 2019
Letters to Property Owner – March 13, 2019 and April 17, 2019

Public Hearings: April 8, 2019 and April 25, 2019

Public Opposition: No one appeared in opposition at the April 8, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Yola Van Laanen, is looking to renew their special use permit (#SP-2018-26) for their short-term rental property at 4440 Cambridge St.

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 commercial properties nearby.

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 will be suitable with the surrounding residences as long as it is operated in a professional manner. Short-term rentals, such as AIRBNB or VRBO, can sometimes lead to excessive noise, parking issues and other commercial activities within residential dominant areas.

- 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 as long as the rental property is properly maintained and monitored.

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

The 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 should not increase vehicular traffic where it would exceed 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 a short-term housing situation for the public that may reside within, or outside, of the city limits. This use should 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.***

This should not be an issue

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

This should not be an issue

- 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.***

The relative gain or loss to the public health, safety, and welfare is likely to be minimal. If the owner is denied this renewal, they would not be able to operate their short-term rental but will still be able to operate this property as a single-family residence.

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

This should not be an issue

PREVIOUS ACTIONS

Approval of #SP-2018-26

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 24, 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-2019-37, subject to:

Urban Planning and Land Use Comments:

1. Please comment on all, if any, issues you've come across with complying to the following stipulations:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house
 - b. GFCI outlets are required in bathrooms
 - c. Double keyed locks are not allowed
 - d. Copper cannot be used for gas supply lines
 - e. Windows must be operable, not blocked or boarded
 - f. Handrails are required at sets of 4 or more stairs/risers
 - g. Hot water tank and furnace must be vented properly and operational
 - h. Electric panel and circuits must be safe.
 - i. Host will obtain a business license with the city.

Applicant Response: We have not had any issues complying with the items listed.

2. Has anything changed with your short-term rental operation since your approval last year?

Applicant Response: We have not had any changes regarding the short-term rental since last year.

3. Have you received any complaints from neighbors or had any incidents occur with renters since your approval last year?

Applicant Response: We have not had any complaints from anyone regarding the short-term rental.

4. Approval 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

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-2019-37 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 8, 2019 City Planning Commission Minutes
Aerial Image (Google Maps)
Zoning Image
Pictures of property
Letter to Property Owners
Neighborhood Meeting Minutes
Neighborhood Meeting Affidavit

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 8, 2019	April 25, 2019
Special Use	Approval	

STAFF CONTACT: **Alex Hufft**
 AHufft@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-37** 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-2019-37**, 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.

April 8, 2019 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2019-37 – YOLA VAN LAANEN – SYNOPSIS: Renewal of a Special Use Permit (#SP-2018-26 – expired 4/5/2019) for an AIRBNB at 4440 Cambridge Street. **Detailed Outline of Requested Action:** The applicant, Yola Van Laanen, is looking to renew their special use permit (#SP-2018-26) for their short-term rental property at 4440 Cambridge Street.

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 April 8, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notice in The Echo for the special use permits; and
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone comes forward and asks that an item be removed from the Consent Agenda."

Chairman Carson asked if anyone wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

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

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

Motion to APPROVE Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Please comment on all, if any, issues you've come across with complying to the following stipulations:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house
 - b. GFCI outlets are required in bathrooms
 - c. Double keyed locks are not allowed
 - d. Copper cannot be used for gas supply lines
 - e. Windows must be operable, not blocked or boarded
 - f. Handrails are required at sets of 4 or more stairs/risers
 - g. Hot water tank and furnace must be vented properly and operational
 - h. Electric panel and circuits must be safe.
 - i. Host will obtain a business license with the city.

Applicant Response: We have not had any issues complying with the items listed.

2. Has anything changed with your short-term rental operation since your approval last year?

Applicant Response: We have not had any changes regarding the short-term rental since last year.

3. Have you received any complaints from neighbors or had any incidents occur with renters since your approval last year?

Applicant Response: We have not had any complaints from anyone regarding the short-term rental.

4. Approval for two (2) years.

Public Works Comments:

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

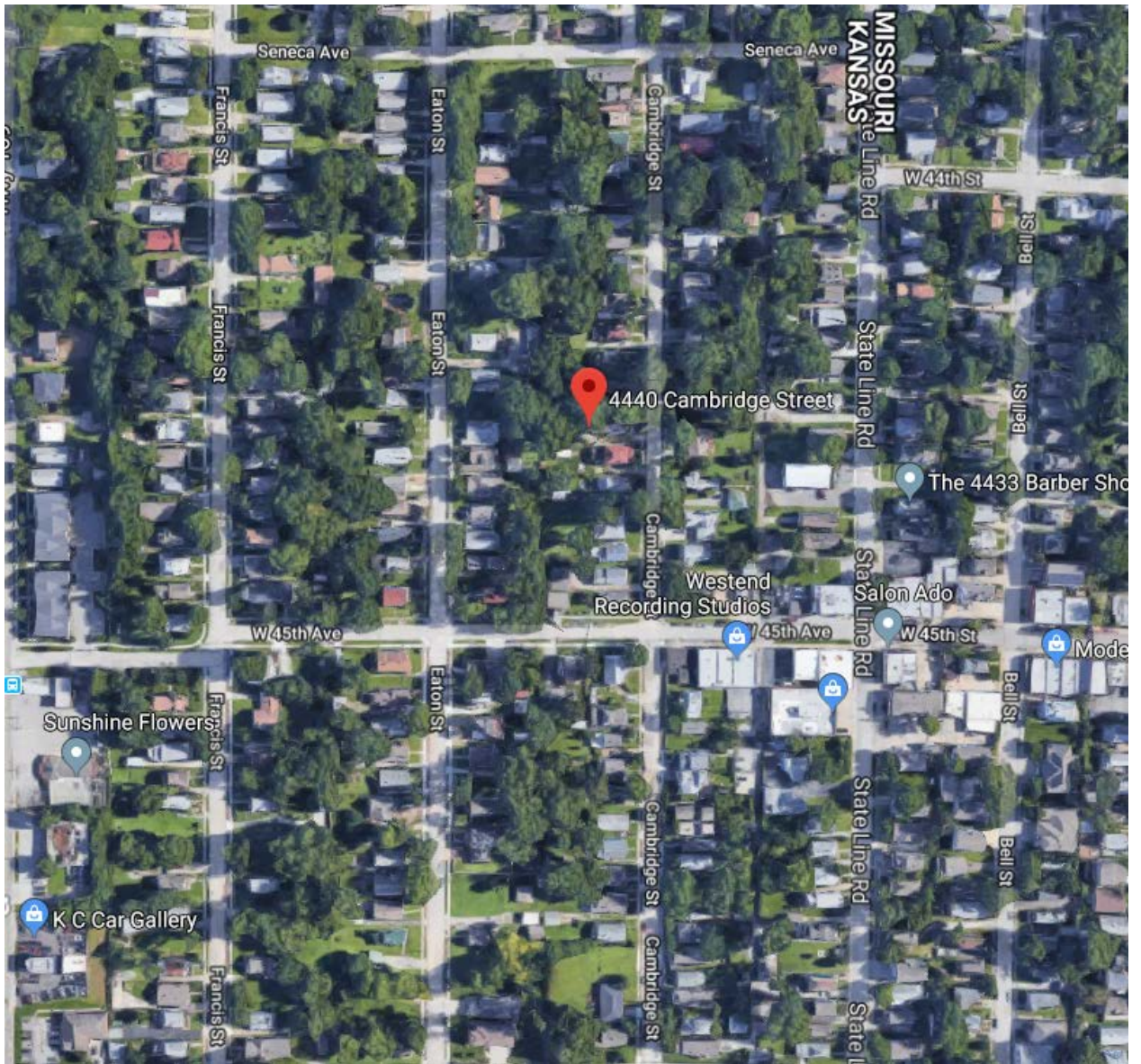
- 1) None.

- 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





4440 Cambridge St. KCKS 66103



4440 Cambridge St. KCKS 66103



4440 Cambridge St. KCKS 66103



4440 Cambridge St. KCKS 66103



3/8/2019

Subject: Neighborhood meeting

Dear Neighbors,

I have filed a renewal application with the Department of Urban Planning and Land Use #2019-37. The purpose of the special use permit is for a short term rental at 4440 Cambridge St. I have been hosting guests (including guests of neighbors) since July 2017.

I am hosting another neighborhood meeting on March 24 at 6pm at 4440 Cambridge St. to answer and questions and concerns you may have. You may also reach me anytime at 847-722-0477.

I look forward to seeing you at the neighborhood meeting.

Sincerely,

Yola Van Laanen

Yola cell: 847-722-0477

yolashum@gmail.com

Minutes

Application no : 2019-37

March 24 , 4440 Cambridge St.

Meeting called to order at : 6pm

Questions + comments :

There were zero attendees at my neighborhood
meeting so no minutes or sign in can be provided.
yola

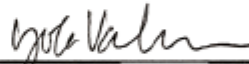
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF ~~Kansas~~ CA)
COUNTY OF ~~Shawnee~~ SAN MATEO) SS:

Comes now Yola Van Lannen, of lawful age, sound mind and upon his/
her oath states as follows:

1. That I am the petitioner for Petition # 2019-37
2. That I conducted a neighborhood meeting on March 24 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 _____ day of
_____, 200_.

My commission expires _____ of _____, 200_.

Notary Public

see attached

CALIFORNIA JURAT WITH AFFIANT STATEMENT

GOVERNMENT CODE § 8202

- ☒ See Attached Document (Notary to cross out lines 1-6 below)
☐ See Statement Below (Lines 1-6 to be completed only by document signer[s], not Notary)

~~_____

 _____~~

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Mateo

Subscribed and sworn to (or affirmed) before me

on this 27th day of March, 2019
 by Yola Van Laanen
 Date Month Year

(1) Yola Van Laanen

(and (2) _____
 Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature [Signature]
 Signature of Notary Public



Place Notary Seal and/or Stamp Above

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

© 2017 National Notary Association

M1304-08 (09/17)



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: April 25, 2019
Re: Vacation Petition #U/E-2019-2

GENERAL INFORMATION

Applicant:
Andrea Weishaubt/Atlas Surveyors

Status of Applicant:
Representative
2300 Hutton Road Suite 108
Kansas City, KS 66109

Requested Action:
Approve vacation of utility
easement.

Date of Application:
February 15, 2019

Purpose:
To vacate a utility easement

Property Location:
5443 North 101st Terrace

Commission Districts:
1. Commissioner At Large: Melissa Bynum
2. District Commissioner: Mike Kane



Existing Zoning: R-1 Single Family District

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

Existing Uses: **North:** Vacant lot
South: Vacant lot
East: Single Family Home
West: Vacant lot

Neighborhood Characteristics: The neighborhood is comprised of single-family homes, with some lots that have not been built on yet.

Total Tract Size: .02 acre

Master Plan Designation: The Prairie Delaware Piper Master Plan designates this property as low density residential.

Major Street Plan: The Major Street Plan designates North 101st Terrace as a local street.

Advertisement: Wyandotte Echo – March 14, 2019
Letters to Property Owners – March 13, 2019 and April 18, 2019

Public Hearings: April 8, 2019 and April 25, 2019

Public Opposition: No one appeared in opposition at the April 8, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Andrea Weishaubt of Atlas Surveyors has requested a utility easement vacation on lots 62 and 63 of Estates at Connor Creek, Second Plat.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709 and K.S.A. 12-504 to 12-506 and 12-512b.

FACTORS TO BE CONSIDERED

- 1. Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.***

Development can be used safely without danger to health or peril from fire, flood, erosion, excessive noise or other adversity.

2. *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 provided by the West Patrol, District #223

e. *Fire*

Fire service provided by Fire District #4

f. *Transit*

Kansas City ATA does not provide service near this property

g. *Schools*

Piper USD 203

3. *Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.*

Streets are existing and have been designed to provide a safe, convenient and functional system for vehicular traffic and having such width and structural quality as to accommodate prospective traffic as determined by existing and probably future land uses.

4. *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.*

Building, 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.

5. ***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 area is already developed and has been designed with regard to the natural features of the land.

6. ***Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.***

This is not applicable

7. ***Vacation will not create utility conflicts.***

The vacation will not create any utility conflicts.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Utility Easement Vacation Application #U/E-2019-2, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department following the Unified Government Board of Commissioners meeting.
2. What is the reason for vacating the easement?

Applicants Response: The reason for the easement vacation is our client wants to build their house on both Lots 62 & 63

3. Are there plans to combine lot 62 and lot 63? Please provide an explanation and timeline of planned future development.

Applicants Response: Our plan is to have a plot plan completed once the easement is vacated.

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 Vacation Petition #U/E-2019-2 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 8, 2019 City Planning Commission Minutes
Vacation Exhibit

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 8, 2019	April 25, 2019
Vacation	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #U/E-2019-2 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 #U/E-2019-2, as they are 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.

April 8, 2019 City Planning Commission Minutes:

Hearing Starts 2:21:17:

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-2 – ANDREA WEISHAUBT WITH ATLAS SURVEYORS – SYNOPSIS: Vacation of a utility easement at 5443 North 101st Terrace. **Detailed Outline of Requested Action:** The applicant, Andrea Weishaubt of Atlas Surveyors has requested a utility easement vacation on lots 62 and 63 of Estates at Connor Creek, Second Plat.

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 April 8, 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 publication in The Echo dated March 14, 2019
7. The Notices to property owners dated March 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:

- ❖ Andrea Weishaubt, applicant, Atlas Surveyors, 2300 Hutton Road, Suite 108, Kansas City, Kansas 66109

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts 2:23:14: Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts 2:23:21:

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to **recommend APPROVAL of Vacation Application #U/E-2019-2:**

Carson	Chairman
Ernst	Aye

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

Motion to recommend APPROVAL Passed: 7 to 0
Subject to:

Urban Planning and Land Use Comments:

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

2. What is the reason for vacating the easement?

Applicants Response: The reason for the easement vacation is our client wants to build their house on both Lots 62 & 63

3. Are there plans to combine lot 62 and lot 63? Please provide an explanation and timeline of planned future development.

Applicants Response: Our plan is to have a plot plan completed once the easement is vacated.

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

LOTS 62 & 63
ESTATES OF CONNOR CREEK, SECOND PLAT





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: April 25, 2019
Re: Petition #PR-2019-6

GENERAL INFORMATION

Applicant:
Pettey Hardin

Status of Applicant:
Representative
Jay O'Dell with BHC Rhodes
7101 College Boulevard, Suite 400
Overland Park, KS 66210

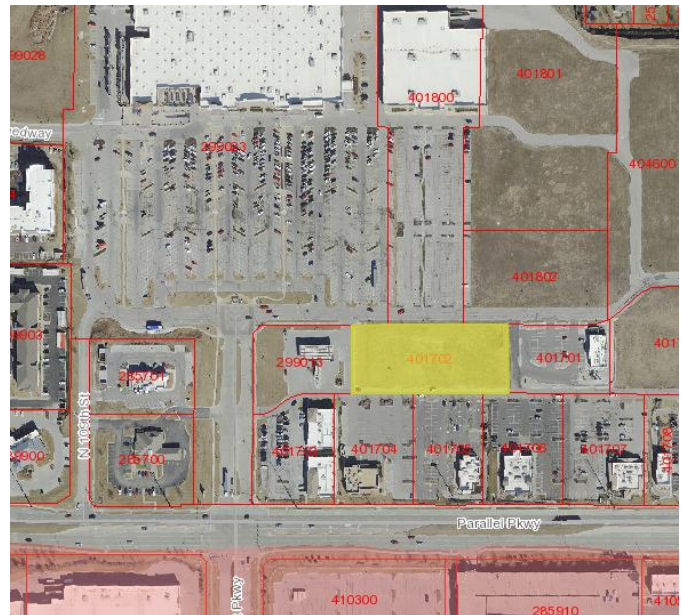
Requested Action:
Approve Preliminary and Final Plan
Review

Date of Application:
January 31, 2019

Purpose:
To build an automated tunnel car wash

Property Location:
10760 Parallel Parkway

Commission Districts: Commissioner At Large: Melissa Bynum
District Commissioner: Mike Kane



Existing Zoning: CP-2 Planned General Business District

Surrounding Zoning:

North:	CP-2 Planned General Business District
South:	CP-2 Planned General Business District
East:	CP-2 Planned General Business District
West:	CP-2 Planned General Business District

Existing Uses:

North:	Retail building (Walmart)
South:	Restaurant (Chick-Fil-A)
East:	Restaurant (Burger King)
West:	Gas Station (Sam's Club)

Total Tract Size: 1.03 acres

Master Plan Designation: The Prairie Delaware Piper Master Plan designates this property as Planned Commercial District.

Major Street Plan: The Major Street Plan classifies Parallel Parkway as a Class A Thoroughfare

Advertisement: Property Owner Letters – March 13, 2019 and April 18, 2019
Wyandotte Echo – Not Required

Public Hearings: April 8, 2019 and April 25, 2019

Public Opposition: No one appeared in opposition at the April 8, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Pettey Hardin with TW Macon, LLC wants to construct a 3,475 square foot express tunnel car wash at 10760 Parallel Parkway which is located within Plaza at the Speedway.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765

FACTORS TO BE CONSIDERED

1. Neighborhood character.

Plaza at the Speedway is a commercial shopping center comprised of big-box retailers and restaurant out parcels within the development.

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 proposed use will increase the amount of traffic through the area that may affect the road capacity between Sam's Club gas station and the proposed site.

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

The proposed use conforms to the Master Plan.

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*

To be designed to meet City Code

d. *Police*

Police service is provided by the West Patrol, District #223

e. *Fire*

Fire service is provided by Station #8

f. *Transit*

Kansas City ATA provides a transit stop near Walmart, Route #116

g. *Schools*

Piper USD 203

5. *The capability of the proposed use to meet applicable ordinance and other requirements.*

With revisions, the proposed use is capable of meeting applicable ordinances and other requirements.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 20, 2019. According to the applicant, no one attended the meeting.

KEY ISSUES

Traffic Circulation

Compliance with the Plaza at the Speedway Design Criteria

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Plan Review Application #PR-2019-6, subject to:

Urban Planning and Land Use Comments:

General Planning:

1. A 4' sidewalk shall be constructed on the north side of Lot 45 to connect the internal sidewalk within Plaza at the Speedway.

Applicant Response: A sidewalk is now shown on the east side of the site connecting to the north lot's future sidewalk.

Building Architecture and Design:

1. Per the Plaza at the Speedway Design Criteria, sloped roofing within the center is Monier Life Tile – Porto Cima (see the approved Building Materials List). The only standing seam that is used within the development are for canopies over the entrance into buildings. Most of the buildings have flat roofs with tall parapets to screen rooftop mechanical equipment.

All roof slopes and configurations are subject to Landlord approval. No standing seam metal or asphalt shingles will be allowed.

Applicant Response: The sloping metal roof has been approved by the Landlord/Seller. Please see attached documentation regarding approval. There is no roof mounted mechanical equipment on this project.

Staff Response: While the Landlord/Seller approved the preliminary design, they cannot waive the requirement that no standing seam metal or asphalt are prohibited as the primary roofing material. The Landlord helped create the Plaza at the Speedway Design Manual, so unless the design criteria are going to be amended by submitting a new manual requiring its own plan review, the roofing material that will be used shall be tile or slate similar to Red Lobster or vacant building south of the proposed development.

2. All downspouts will be internalized. Overflow drains shall be at grade and not at the roof line.

Applicant Response: An exterior gutter will be present in locations where only necessary. Any downspouts will not be visible on exterior of building but will be piped through back of gutter and down interior face of exterior wall. No overflow scuppers are present. See detail 9 / A6.1.

3. The steel vacuum canopy columns shall be wrapped in masonry that matches the building.

Applicant Response: Exterior columns to be covered with masonry to match the building. Please see attached revised exterior elevations sheet A2.1. Please note the architectural elevations were previously noted incorrectly based on direction facing. Such has been corrected. Sheet A2.0 has color exterior perspective views.

4. The painted steel columns along the east and west elevations shall be wrapped in masonry.

Applicant Response: Columns at vac canopy to be covered with masonry to match the building. Please see revised vac canopy elevations sheet AB.2.

5. The overhead doors shall be painted to match the building.

Applicant Response: Overhead doors to be painted to match building veneer colors.

Landscaping and Screening:

1. Parking lot islands shall be landscaped with 2" caliper shade trees.
2. All shrubs shall be at least 5 gallons when planted.

Applicant Response: Shrubs are now shown as five (5) gallon container size.

3. All landscaping shall be irrigated.

Applicant Response: A note has been added in the Landscape Plan for the contractor to provide irrigation design for engineer's review.

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

Applicant Response: There is no rooftop mechanical equipment.

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

Applicant Response: This is understood.

6. The BPU transformer pad depicted on the civil sheets shall be completely screened on three sides with 6-foot Junipers setback 3 feet from the pad. Additionally, the transformer doors shall face east, interior to the site towards the building.

The transformer may need to be relocated on site, as the island where the transformer currently sits is not conducive to meeting the screening requirements.

Applicant Response: The transformer has been moved to the west side of the building to allow space for screening. Screening as commented has been added.

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

Applicant Response: This is understood.

8. Per the Design Criteria, all trash enclosures and service areas shall be appropriately screened to reasonably hide them entirely from public view. All trash enclosure and service areas shall utilize the appropriate and approved masonry materials to match shopping center standards. All gates shall be metal/steel construction. All trash enclosure shall meet the City codes and planning criteria and approvals.

Applicant Response: This is understood.

Signage:

1. A sign package has been submitted; however they are general for various municipalities. All proposed signage shall comply with the sign code.

Applicant Response: A site-specific sign package can be sent as soon as possible.

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 a copy of the easement recorded with the Wyandotte County Register of Deeds for the 24" sanitary sewer easement as indicated on the Public Sanitary Main Extension Plans sealed on March 25, 2019 received on March 25, 2019. The copy of the recorded easements with book and page number shall be required prior to final engineering approval and construction permit acquisition.
 - 2) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

Staff Conclusion:

The applicant has responded to staff's questions and comments; however, the remaining issue is the proposed roofing material, which is standing seam. The Plaza at the Speedway Design Criteria does not permit standing seam as the primary roofing material. The material palette lists tile and other alternatives that have been used to mimic a cedar shake or asphalt shingle but meets the intent of the design manual.

Subject to approval, staff stipulates that following:

- 1) Approval of the aforementioned stipulations and comments.
- 2) The roofing material shall be either tile, which is listed as an approved exterior building material or a similar alternative like concrete, slate, clay or stone that meets the intent of the Plaza the Speedway Design Criteria Manual.

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-2019-6 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 8, 2019 City Planning Commission Minutes
Applicant Response Letter
E-mail from Landlord/Seller
Neighborhood Meeting Minutes
Plaza at the Speedway General Design Criteria
Plaza at the Speedway Building Materials List
Site Plan
Utility Plan
Landscape Plan
Floor Plan
Building Elevations

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	April 8, 2019	April 25, 2019
Preliminary and Final Plan	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**PR-2019-6** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**PR-2019-6**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

April 8, 2019 City Planning Commission Minutes:

Hearing Starts 2:23:56:

PLAN REVIEW APPLICATION #PR-2019-6 – PETTEY HARDIN WITH TW MACON, LLC – SYNOPSIS: Preliminary and Final Plan Review for Tidal Wave Car Wash at 10760 Parallel Parkway. **Detailed Outline of Requested Action:** The applicant, Pettey Hardin with TW Macon, LLC wants to construct a 3,475 square foot express tunnel car wash at 10760 Parallel Parkway which is located within Plaza at the Speedway.

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 April 8, 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 March 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:

- ❖ Jay O'Dell, BHC Rhodes, 7101 College Boulevard, Suite 400, Overland Park, Kansas 66210
- ❖ Pettey Hardin, applicant, TW Macon, LLC, 124 Thompson Street, Thomaston, GA 30286

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts 2:29:40: Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts 2:30:54:

On motion by Ms. Huey, seconded by Ms. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Plan Review Application #PR-2019-6:**

Carson	Chairman
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Aye
Pauley	Aye
Reasons	Aye
Serda	Aye

Cho Not Present

Connelly Not Present

Neal Not Present

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

General Planning:

1. A 4' sidewalk shall be constructed on the north side of Lot 45 to connect the internal sidewalk within Plaza at the Speedway.

Applicant Response: A sidewalk is now shown on the east side of the site connecting to the north lot's future sidewalk.

Building Architecture and Design:

1. Per the Plaza at the Speedway Design Criteria, sloped roofing within the center is Monier Life Tile – Porto Cima (see the approved Building Materials List). The only standing seam that is used within the development are for canopies over the entrance into buildings. Most of the buildings have flat roofs with tall parapets to screen rooftop mechanical equipment.

All roof slopes and configurations are subject to Landlord approval. No standing seam metal or asphalt shingles will be allowed.

Applicant Response: The sloping metal roof has been approved by the Landlord/Seller. Please see attached documentation regarding approval. There is no roof mounted mechanical equipment on this project.

Staff Response: While the Landlord/Seller approved the preliminary design, they cannot waive the requirement that no standing seam metal or asphalt are prohibited as the primary roofing material. The Landlord helped create the Plaza at the Speedway Design Manual, so unless the design criteria are going to be amended by submitting a new manual requiring its own plan review, the roofing material that will be used shall be tile or slate similar to Red Lobster or vacant building south of the proposed development.

2. All downspouts will be internalized. Overflow drains shall be at grade and not at the roof line.

Applicant Response: An exterior gutter will be present in locations where only necessary. Any downspouts will not be visible on exterior of building but will be piped through back of gutter and down interior face of exterior wall. No overflow scuppers are present. See detail 9 / A6.1.

3. The steel vacuum canopy columns shall be wrapped in masonry that matches the building.

Applicant Response: Exterior columns to be covered with masonry to match the building. Please see attached revised exterior elevations sheet A2.1. Please note the architectural elevations were previously noted incorrectly based on direction facing. Such has been corrected. Sheet A2.0 has color exterior perspective views.

4. The painted steel columns along the east and west elevations shall be wrapped in masonry.

Applicant Response: Columns at vac canopy to be covered with masonry to match the building. Please see revised vac canopy elevations sheet AB.2.

5. The overhead doors shall be painted to match the building.

Applicant Response: Overhead doors to be painted to match building veneer colors.

Landscaping and Screening:

1. Parking lot islands shall be landscaped with 2" caliper shade trees.
2. All shrubs shall be at least 5 gallons when planted.

Applicant Response: Shrubs are now shown as five (5) gallon container size.

3. All landscaping shall be irrigated.

Applicant Response: A note has been added in the Landscape Plan for the contractor to provide irrigation design for engineer's review.

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

Applicant Response: There is no rooftop mechanical equipment.

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

Applicant Response: This is understood.

6. The BPU transformer pad depicted on the civil sheets shall be completely screened on three sides with 6-foot Junipers setback 3 feet from the pad. Additionally, the transformer doors shall face east, interior to the site towards the building.

The transformer may need to be relocated on site, as the island where the transformer currently sits is not conducive to meeting the screening requirements.

Applicant Response: The transformer has been moved to the west side of the building to allow space for screening. Screening as commented has been added.

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

Applicant Response: This is understood.

8. Per the Design Criteria, all trash enclosures and service areas shall be appropriately screened to reasonably hide them entirely from public view. All trash enclosure and service areas shall utilize the appropriate and approved masonry materials to match shopping center standards. All gates shall be metal/steel construction. All trash enclosure shall meet the City codes and planning criteria and approvals.

Applicant Response: This is understood.

Signage:

1. A sign package has been submitted; however they are general for various municipalities. All proposed signage shall comply with the sign code.

Applicant Response: A site-specific sign package can be sent as soon as possible.

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 a copy of the easement recorded with the Wyandotte County Register of Deeds for the 24" sanitary sewer easement as indicated on the Public Sanitary Main Extension Plans sealed on March 25, 2019 received on March 25, 2019. The copy of the recorded easements with book and page number shall be required prior to final engineering approval and construction permit acquisition.
 - 2) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

Staff Conclusion:

The applicant has responded to staff's questions and comments; however, the remaining issue is the proposed roofing material, which is standing seam. The Plaza at the Speedway Design Criteria does not permit standing seam as the primary roofing material. The material palette lists tile and other alternatives that have been used to mimic a cedar shake or asphalt shingle but meets the intent of the design manual.

Subject to approval, staff stipulates that following:

- 1) Approval of the aforementioned stipulations and comments.
- 2) The roofing material shall be either tile, which is listed as an approved exterior building material or a similar alternative like concrete, slate, clay or stone that meets the intent of the Plaza the Speedway Design Criteria Manual.

Planning comments

Received by Byron Toy on 03/18/2019

General Planning:

- 1) A 4' sidewalk shall be constructed on the north side of Lot 45 to connect the internal sidewalk within Plaza at the Speedway.
A sidewalk is now shown on the east side of the site connecting to the north lot's future sidewalk

Landscaping and Screening:

- 1) Parking lot islands shall be landscaped with 2" caliper shade trees.
- 2) All shrubs shall be at least 5 gallons when planted.
Shrubs are now shown as 5 gallon container size.
- 3) All landscaping shall be irrigated.
A note has been added in the Landscape Plan for the contractor to provide irrigation design for engineer's review.
- 5) All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building.
This is understood.
- 6) The BPU transformer pad depicted on the civil sheets shall be completely screened on three sides with 6-foot Junipers setback 3 feet from the pad. Additionally, the transformer doors shall face east, interior to the site towards the building.
 - a. The transformer may need to be relocated on site, as the island where the transformer currently sits is not conducive to meeting the screening requirements.
The transformer has been moved to the west side of the building to allow space for screening. Screening as commented has been added.
- 7) All lighting, whether mounted on the wall or installed in the parking lot shall have 90-degree cutoff fixtures. Light fixtures mounted on the wall shall be decorative, including those above egress doors.
This is understood.
- 8) Per the Design Criteria, all trash enclosures and service areas shall be appropriately screened to reasonably hide them entirely from public view. All trash enclosure and service areas shall utilize the appropriate and approved masonry materials to match shopping center standards. All gates shall be metal/steel construction. All trash enclosure shall meet the City codes and planning criteria and approvals.
This is understood.

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Civil Engineering • Surveying • Utilities

Signage:

- 1) A sign package has been submitted, however they are general for various municipalities.
All proposed signage shall comply with the sign code.
[A site-specific sign package can be sent as soon as possible.](#)

Public Works Comments:

- A. Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) 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.
[Responses to Mr. Ntonjira's comments have been added above.](#)
 - 2) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
[This is understood.](#)
- 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

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Civil Engineering • Surveying • Utilities

M. TODD ALBRITTON

ARCHITECT



202 E. Main Street
Thomaston, GA 30286
mtoddalbrittonarchitect@gmail.com
770-550-3275

Letter

March 27, 2019

To: Planning Department
Wyandotte County/Kansas City, KS

Project Speedway Tidal Wave Auto Spa

Plan Review Comment Replies:

Attn: Mr. Byron Toy, AICP, Principal Planner

As per plan review comments received in reference to Building Architecture and Design, please see the following responses.

1. Sloping Metal Roof: The sloping metal roof has been approved by the Landlord/Seller. Please see attached documentation regarding approval. There is no roof mounted mechanical equipment on this project.
2. An exterior gutter will be present in locations where only necessary. Any downspouts will not be visible on exterior of building but will be piped thru back of gutter and down interior face of exterior wall. No overflow scuppers are present. See detail 9/A6.1.
3. Exterior columns to be covered with masonry to match the building. Please see attached revised exterior elevations Sheet A2.1. Please note the architectural elevations were previously noted incorrectly based on direction facing. Such has been corrected. Sheet A2.0 has color exterior perspective views.
4. Columns at vac canopy to be covered with masonry to match the building. Please see revised vac canopy elevations Sheet AB.2.
5. Overhead doors to be painted to match building veneer colors.

We appreciate your time and efforts. Please let us know if you require any additional information.

Sincerely,

Todd Albritton, Architect

Thomas Wells

From: Rick Weiser <rweiser@blockandco.com>
Sent: Tuesday, March 12, 2019 5:12 PM
To: Thomas Wells
Cc: Rob Epstein; David Block; Alex Block; pettey@tidalwaveautospa.com; Jay Odell
Subject: Re: Plaza Speedway

The Replat is Administratively Approved. We submitted it as a Replat and have been requested to resubmit it as Administrative Land Division. That has been completed and we are still awaiting the response from Byron Toy in planning.

1. The County Surveyor has signed off on it, but Planning Staff must sign off on it before the Plat can be filed.
2. We should have a response on Monday.
3. **We approve the Preliminary Design submittal.**
With the sanitary line at the east end of the property as an extension from the Tidal Wave Sanitary line. We also approve the water line being moved as Far East as possible on the north half of the lot so that it will not restrict the build area for future undetermined development.

Sent from my iPhone

On Mar 12, 2019, at 12:36 PM, Thomas Wells <twells@kdsllc.net> wrote:

Rick,

1. Did Olsson receive approval from the Planning Commission in KCK last night on the lot split?
2. Can you send me a copy of what was approved, or what is being processed for approval on the Lot Split plan.
3. Still looking for approval or any comments to the Buyer's Preliminary Design Phase Submittal that was made on Feb. 1st. As we are expecting comments from KCK next week, we need to know where we stand with the Seller on this approval before we can start any revisions for the City (don't want to make changes more than once). Please provide a date when we can receive approval or any comments from Seller.

Thanks!

Best regards;
Thomas A. Wells
<[image001.png](#)>
O 770-271-5646
F 770-271-5680
C 404-358-1176
twells@kdsllc.net
www.kdsllc.net

From: Thomas Wells <twells@kdsllc.net>
Sent: Tuesday, March 5, 2019 5:36 PM
To: 'Rick Weiser' <rweiser@blockandco.com>
Cc: 'Rob Epstein' <repstein@blockandco.com>; David Block (dblock@blockandco.com)

Tidal Wave Neighborhood Meeting Minutes:

Application Number: PR-2019-6

Date and Location: 03/20/2019 – Country Inn & Suites by T-Bones

Meeting called to order at: 6:00 PM

Names of people in attendance: Kurt Yoder (civil engineer)

Introductions:

No presentation or introductions needed to be made since no one showed up. Material available to look at were the civil site plan, grading plan, landscape plan, and architectural elevations.

Questions and answers (include the following):

➤ none

Meeting adjourned at: 6:40 pm

Minutes taken by: Kurt Yoder

General Design Criteria

This criteria is intended to establish design standards to encourage buildings to become a unique, yet consistent part of the overall shopping center.

These criteria are a basic "set of tools" that the Tenant is required to work with and expand upon. Criteria are written to encourage some freedom of individual expression and to provide a common point of departure for all Tenants while adhering to shopping center guidelines.

Building Facades

The building facades should be designed to give an innovative design concept. Tenants are encouraged to take full advantage architecturally of the shopping center design standards.

National or regional tenants who have a typical or recognizable building design are expected to review the design of The Plaza at the Speedway and this criteria and adjust their design to ensure compatibility and compliance with these criteria and the shopping center.

- Masonry or Stone Veneer Systems as the primary building material and in all areas subject to abuse – EIFS or stucco veneer system as accent trim and detail above pedestrian levels.
- Exposed pitch roofs and Tower's – roofing tiles shall be concrete tile to match center standard.
- Final Exterior Building Design shall be as designed by or subject to approval of the Landlord's Coordinating Architect and City Planning approval.
- See Acceptable Materials Page.

Roofs

The roof materials and roofline compositions shall be consistent or compatible with the shopping center design and provide an integral part of the individual building design. The following are acceptable roof materials:

- Typical bituminous roof with exterior wall screening parapet.
- Exposed pitch roofs shall be Landlord approved concrete tile.

All roof slopes and configurations are subject to Landlord approval. No standing seam metal or asphalt shingles will be allowed.

Roof Drainage

All roof drainage shall be exposed to public view by internal insulated roof drains; exposed down spouts are not permitted.

Roof Ladders

All access to Roof shall be by internal roof ladders visible to the public.

Storefront Signage

Signage shall be as indicated in Tenant Sign Criteria.

Trash Enclosures

All trash enclosures and service areas shall be appropriately screened to reasonably hide them entirely from public view. All trash enclosures and service areas shall utilize the appropriate and approved masonry materials to match shopping center standards. All gates shall be metal/steel construction. All trash enclosures shall meet the City codes and planning criteria and approvals.

Screening

The following items shall be either located out of direct public view or adequately screened by a screen wall utilizing the appropriately approved masonry materials and/or by and approved landscaping buffer:

- Gas meters and any associated piping.
- Electric meters and any associated conduits.
- Transformers.
- Trash compactors.
- Any ground installed equipment.
- Trash dumpsters, service areas and recycling bins and grease interceptors.

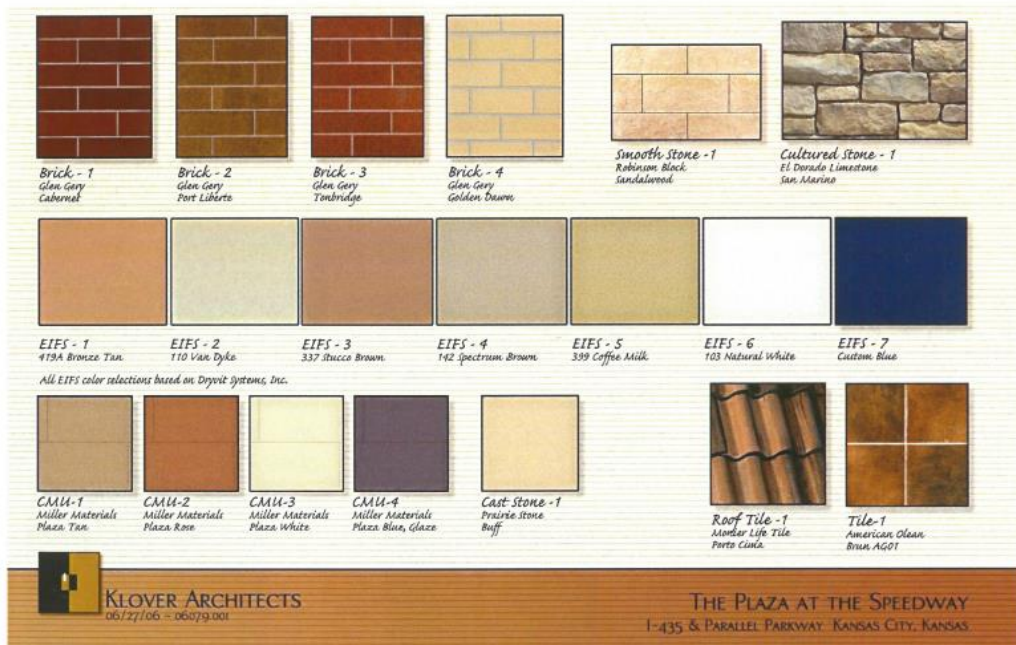
All roof-mounted equipment shall be adequately and completely screened from any property adjacent public right of ways and/or pedestrians views by means of exterior building walls or Landlord approved equipment screening. All rooftop screening shall be integrally designed into the building by use of roof parapets and walls. Painting of equipment is not allowed.

section 3

THE PLAZA AT THE SPEEDWAY SMALL RETAIL SHOPS AND INTERIOR DESIGN

3.1

Building Materials List

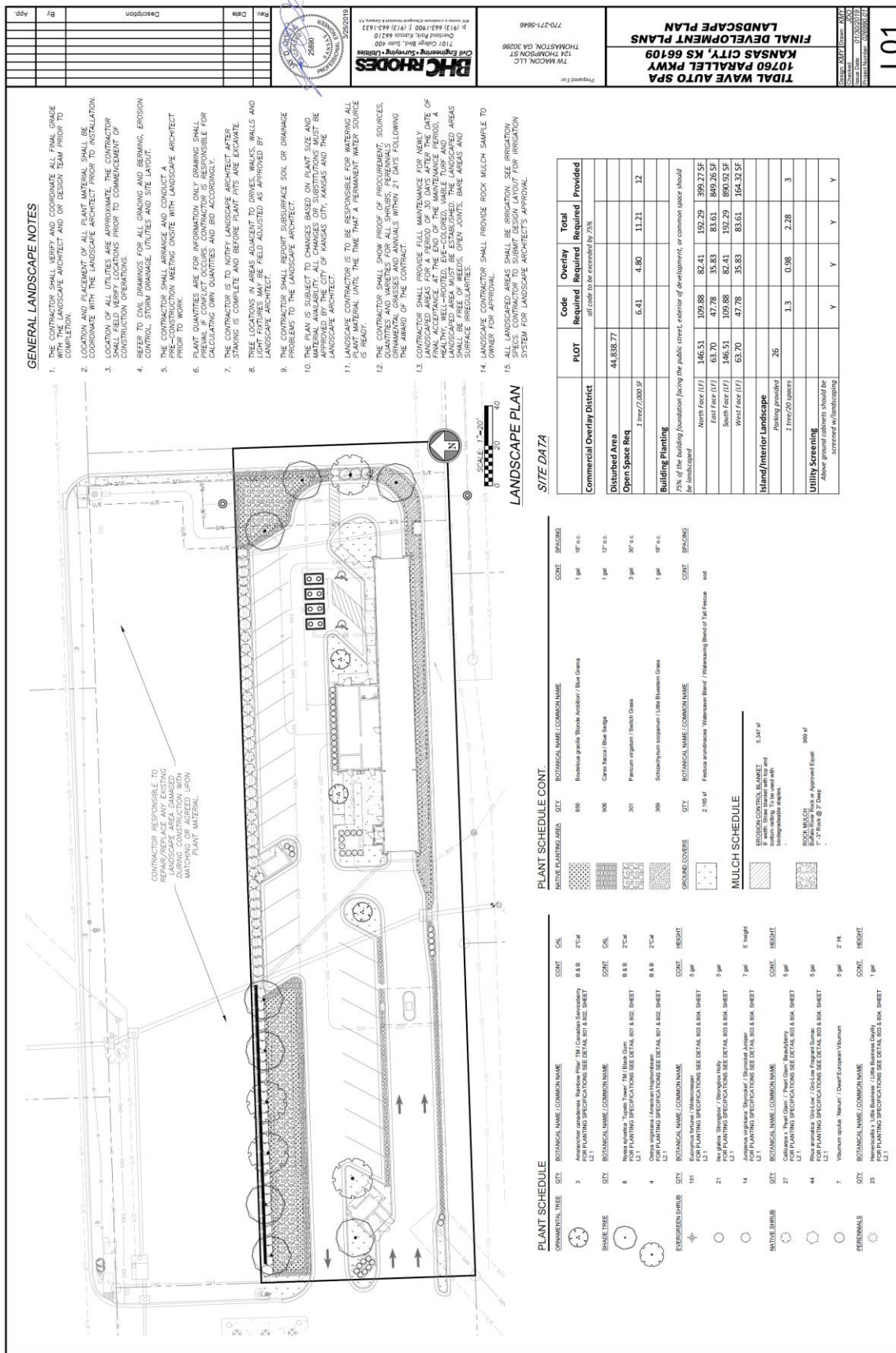


section 3

THE PLAZA AT THE SPEEDWAY SMALL RETAIL SHOPS AND INTERIOR DESIGN

3.2







[illegible]

1 North Elevation
NOT TO SCALE

2 South Elevation
NOT TO SCALE

3 East Elevation
NOT TO SCALE

M. TODD ALBRITTON ARCHITECT 202 EAST MAIN STREET TULSA, OK 74106 Tel: 918.596.4325 mta@albrittonarchitect@gmail.com	THESE DRAWINGS AND SPECIFICATIONS ARE INSTRUMENTS OF SERVICE PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THEY COMPLY WITH ALL CITY, STATE AND FEDERAL REQUIREMENTS AND I AM NOT PROVIDING CONTRACT ADMINISTRATION SERVICES. I AM NOT PROVIDING CONTRACT ADMINISTRATION SERVICES. I AM NOT PROVIDING CONTRACT ADMINISTRATION SERVICES.	NEW TIDAL WAVE AUTO SPA 10760 Parallel Parkway Kansas City, 66109	OWNER TIDAL WAVE AUTO SPA EAST 10760 PARALLEL STREET TULSA, OK 74106 30208	<table> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </table>																																																																																																					<table> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </table>																																																																																																															<table> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </table>																																																																																																					<table> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </table>																																																																																																					Color Exterior Views PROJECT DATE: 10/2019 PROJECT NUMBER: # DRAWN BY: mta	A2.0

NOT RELEASED FOR CONSTRUCTION



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: April 25, 2019

Re: **Change of Zone Petition #3186 and Master Plan Amendment #MP-2019-3**

GENERAL INFORMATION

Applicant:
Kurt Winters

Status of Applicant:
Representative
UG Water Pollution Control
Department
50 Market Street
Kansas City, KS 66118

Requested Actions:
Change of Zone from
A-G Agriculture District to MP-3
Planned Heavy Industrial District.

Master Plan Amendment from
Regional Commercial (City-Wide
Master Plan) to Utilities (City-Wide
Master Plan)

Date of Application:
February 25, 2019

Purpose: For a wastewater treatment plant



Property Location: 9407 Main Street

Commission Districts:

1. Commissioner at Large: Melissa Bynum
2. District Commissioner: Mike Kane

Existing Zoning: AG Agriculture District and M-3 Heavy Industrial District

Surrounding Zoning:	North:	M-3 Heavy Industrial District
	South:	A-G Agriculture District and CP-2 Planned General Business District
	East:	A-G Agriculture District and M-3 Heavy Industrial District
	West:	R-1 Single Family District and M-3 Heavy Industrial District

Existing Uses:	North:	Dirt Race Track, Undeveloped Land
	South:	Undeveloped Land
	East:	Undeveloped Land
	West:	Deed- Restricted Open Space

Total Tract Size: 44.06 acres

Master Plan Designation: The City-Wide Master Plan designates this area as Regional Commercial.

Major Street Plan: The Major Street Plan designates Wolcott Drive as a boulevard/parkway, North 96th Street as a local street, and Main Street as a local street.

Advertisement: The Wyandotte Echo – Change of Zone - March 14, 2019
Letters to Property Owners – Change of Zone – March 13, 2019
and April 17, 2019; Master Plan – March 13, 2019 and April 17, 2019

Public Hearings: April 8, 2019 and April 25, 2019

Public Opposition: No one appeared in opposition at the April 8, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Kurt Winters with Unified Government Water Pollution Control Department has requested a Master Plan Amendment from Regional Commercial (City-Wide Master Plan) to Utilities (City-Wide Master Plan), a Change of Zone from A-G Agriculture District to MP-3 Planned Heavy Industrial District, and Wolcott WWTP Preliminary Plat for three (3) lots (1 industrial and 2 open space) for a wastewater treatment plant located at 9407 Main Street.

FACTORS TO BE CONSIDERED

1. Neighborhood character

A large portion of the surrounding area was part of a Hazard Mitigation Grant Program buy-out for flood-prone properties. Several of the surrounding parcels are now deed-restricted to remain as open space. This area is located within a floodplain and has remained undeveloped since the buy-out.

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

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

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

Removal of restrictions would not detrimentally affect nearby property. The surrounding properties directly adjacent on three sides are zoned as M-3 Industrial District. Although there are some R-1 zoned properties adjacent, they are deed-restricted as open space and therefore cannot be built on.

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

Portions of this property that were part of the HMGP buyout were purchased and deeded as open space in 1993. Other parcels have remained undeveloped, with the exception of a small wastewater treatment site.

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

The proposed use is reasonably necessary to keep up with the demand level of waste water needing treated. A facility of this nature could have impacts on the marketability and use of visual nearby property, however due to the circumstances of this site related to floodplain and open space requirements it would not be a significant impact.

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.

Roads, driveways and parking areas will need to be installed and/or improved to meet UG codes.

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

A petition has been filed for a Master Plan Amendment from Regional Commercial (City-Wide Master Plan) to Utilities (City-Wide Master Plan) #MP-2019-3.

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

More information is needed.

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 West Patrol, District #223

e. *Fire*

Fire service is provided by Fire District #4

f. *Transit*

Kansas City ATA does not provide transit service in this area

g. *Schools*

Piper USD 203

h. *Streets*

See item #6 above

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

The capability to handle an increased amount of wastewater could have a positive impact on the community by supporting more development to occur.

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 gain to the public health, safety and welfare would overcome any hardship imposed on individual landowners, although it is not anticipated that this would cause a hardship on 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.*

A floodplain development permit must be obtained prior to the start of construction. Development must meet the requirements of Sec. 27-552 Provisions for flood hazard reduction.

14. *Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.*

Streets will be 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 probably future land and building uses.

15. *Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.*

Buildings, lots, blocks, parcels and streets will be 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.*

Special consideration will need to be taken to accommodate construction in the floodplain. Additional state level approvals may be required for any work done along Connor Creek.

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.

Not applicable.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 21, 2019. Affidavit, sign-in sheet and meeting minutes are attached.

KEY ISSUES

Floodplain
HMGP Buyout Properties

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Master Plan Amendment #MP-2019-3.

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application #3186, subject to:

Urban Planning and Land Use Comments:

1. **Provide an explanation regarding environmental impact of this facility and how potential negative effects will be mitigated.**

Applicant Response: This location for the WWTP expansion was identified as the least degrading alternative as part of the Anti-degradation Review Study. The Study was reviewed and approved by KDHE. Further, this expansion will be adjacent to the existing WWTP facility. The plant will be protected from the 100-yr flood.

Staff Response: The area must be removed from the 100-year floodplain by a letter of map revision approved by FEMA.

2. **Provide elevation drawings for the Headworks building and Solids Process building.**

Applicant Response: Elevation drawings for the Headworks building and Solids Processing buildings can be found on sheet 30A201.

NOTE: Our CMAR Services construction manager has brought up an opportunity to get double use out of the proposed maintenance building and would provide cost savings on the structure for the UG. With the alternative, the proposed structure would be detached from the administration building and initially used as the construction office. The alternative location is now called out on the site plan and the architectural elevations of the structure are attached to this document.

3. Provide elevation drawings or representative photos showing the proposed design for sludge buffer tanks, solids process tanks, WAS day tank, TWAS day tank, and influent pump station.

Applicant Response: Elevation drawings for the WAS and TWAS day tanks (90A201) and influent pump station (20A201) have been added to the plans. The elevation drawing for the solids process tanks can be found on sheet 30A201.

4. Explain the function and use of Headworks Building, Solids Process Building and UV Disinfection Building. How many employees will work in each building? Additional parking may be required.

Applicant Response:

- o **Headworks Building:**
 - Unoccupied space primarily intended for equipment access.
 - Will house influent screening equipment for debris removal from influent flow stream
 - Will house grit removal equipment to remove inorganic particles of a particular size and larger from the influent flow stream
 - Will house screening/grit disposal dumpsters for disposal of waste
 - Typically 1 to 2 workers at a time under normal operations.
- o **Solids Process Building:**
 - Unoccupied space primarily intended for equipment access.
 - Will house tertiary filtration equipment for removal of particulate solids generally 10 micron and larger from the plant effluent prior to disinfection
 - Will house sludge thickening equipment and associated pumping/ polymer facilities to thicken waste activated sludge from ~.5% to 4% solids concentration
 - Typically 1 to 2 workers at a time under normal operations.
- o **UV Disinfection Building**
 - Unoccupied space primarily intended for equipment access.
 - Will house effluent disinfection that consist UV lamps designed to meet effluent E.coli requirements prior to discharge to outfall.

- Will house non-potable water pumping equipment to serve plant needs.
 - Typically 1 to 2 workers at a time under normal operations.
5. Staff assumes buildings in future phases will be the same in style and architectural design as in phase 1. A preliminary plan may be required for additional phases if design differs. Additional parking may be required as additional phases develop.

Applicant Response: Understood.

6. Provide a 5' utility easement along all property lines abutting other property. Provide a 10' utility easement along all property lines abutting an alley or street.

Applicant Response: The utility easements have been added to the plans and are called out on the Preliminary Site Plan/ Play (C04) and the Preliminary Utility Plan (C06).

7. Lots 18 through 22, Block 2 of Connor City Plat are deeded to remain as perpetual open space as part of the HMGP buyout.

Applicant Response: The Folsom Property (9620 Elm KCK) is Block 8 (southwest of Wolcott Rd) not Block 2 (within the Plat site). See attached reference information. It appears the deed transferred from the Folsom's to UG incorrectly. A deed correction is underway.

Staff Comment: Prior to approval for final plan review the deed correction must be completed and accepted by FEMA.

8. The East 2 feet of Lot 26f and all of Lots 27, 28, 29, and 30, Block 3, of Connor City plat are deeded to remain as perpetual open space as part of the HMGP buyout.

Applicant Response: Understood, these lots will remain as open space.

9. 9401 Oak Street has been deeded to remain as perpetual open space as part of the HMGP buyout.

Applicant Response: Understood, this lot will remain as open space

10. This site is located within a floodplain. A floodplain development permit shall be required prior to construction.

- a. Elevation certificates for new structures, to include buildings and tanks shall be required at the time of review, based on proposed plans and again after finished construction, based on as-built elevations. Elevation Certificates must be sealed by a Kansas licensed land surveyor or engineer.

- b. New construction and attendant utility and sanitary facilities shall have the lowest floor, including basement, elevated a minimum of 18 inches above the base flood elevation or be dry floodproofed to a minimum of 18 inches above base flood elevation.
- c. When fill is used, the top layer shall be above the BFE and in accordance with adopted building code standards. Fill shall not adversely affect the flow or surface drainage from or onto neighboring properties.

Applicant Response: Understood

11. Will there be any storage or processing of hazardous materials?
- a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal, or plant life is prohibited.

Applicant Response: All chemicals will be stored above the 500-year flood elevation within secondary containments.

12. Must comply with Sec. 27-548 through 27-572, provisions for flood hazard reduction.

Applicants Response: Understood, the lead designer on the project will be performing a no-rise analysis.

13. Address attached comments from Geospatial Services Department.

Applicant Response: The comments are addressed in the Geospatial Services Department section of this document.

Staff Response: The site is accessible from Wolcott Drive via 95th Street and Main Street. 95th Street and Main Street are currently gravel and will be widened and constructed as collector streets. An interior road system will provide access to proposed buildings.

14. Submit a traffic impact letter.

Applicant Response: The Traffic Impact Letter was included in the initial submittal.

15. Show what street/road improvements will be done with this property.

Applicant Response: Proposed public road improvements of 95th and Main Streets in the area of the project were included in the initial submittal, comments received on those road plans are addressed within this document.

16. Address attached comments from Conservation District.

Applicant Response: The comments are addressed in the Conservation District section of this document.

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) With the fuel tank capacity of the proposed generator being 1500 gallons, coordination with the Kansas Department of Health and Environment and the Office of the State Fire Marshal shall be required for any permits and approvals, as applicable. Provide staff with copies of applicable permits and/or approvals which shall be required prior final approvals.
 - 2) The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents in accordance with County Surveyor comments.
 - 3) 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 make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #MP-2019-3 and #3186 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 8, 2019 City Planning Commission Minutes
Neighborhood Meeting Minutes, Sign-in and Affidavit
Response to Comments
Geospatial Services Comment Letter
Updated Conservation District Comments and Report
Preliminary Site Plan

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	April 8, 2019	April 25, 2019
Master Plan	Approval	
Amendment	Approval	
Public Hearing	April 8, 2019	April 25, 2019
Rezoning	Approval	

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition #**MP-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. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**MP-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.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition #**3186** 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 #**3186** 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.

April 8, 2019 City Planning Commission Minutes:

Hearing Starts 27:35:

CHANGE OF ZONE APPLICATION #3186 – KURT WINTERS WITH UG WATER POLLUTION CONTROL – SYNOPSIS: Change of Zone from A-G Agriculture District to MP-3 Planned Heavy Industrial District for a wastewater treatment plant at 9407 Main Street.

MASTER PLAN AMENDMENT #MP-2019-3 – KURT WINTERS WITH UG WATER POLLUTION CONTROL DEPARTMENT – SYNOPSIS: Master Plan Amendment from Regional Commercial (City-Wide Master Plan) to Utilities (City-Wide Master Plan) at 9407 Main Street

WOLCOTT WWTP – SYNOPSIS: Preliminary Plat for three (3) lots (1 industrial and 2 open space) at 9407 Main Street

Detailed Outline of Requested Action: The applicant, Kurt Winters with Unified Government Water Pollution Control Department has requested a Master Plan Amendment from Regional Commercial (City-Wide Master Plan) to Utilities (City-Wide Master Plan), a Change of Zone from A-G Agriculture District to MP-3 Planned Heavy Industrial District, and Wolcott WWTP Preliminary Plat for three (3) lots (1 industrial and 2 open space) for a wastewater treatment plant located at 9407 Main Street.

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 April 8, 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 March 14, 2019 for the Change of Zone application and Master Plan Amendment;
7. The Notices to property owners dated March 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:

- ❖ Phil Gibbs, Jr., Continental Consulting Engineers, 11006 Parallel Parkway, Suite 1, Kansas City, Kansas 66109
- ❖ Kurt Winters, applicant

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts 32:52: Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts 33:13:

On motion by Ms. Pauley, seconded by Mr. Miller, the Planning Commission voted as follows to **RECOMMEND APPROVAL of Master Plan Amendment #MP-2019-3:**

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

Motion to recommend APPROVAL Passed: 7 to 0

On motion by Ms. Huey, seconded by Mr. Miller, the Planning Commission voted as follows to **RECOMMEND APPROVAL of Change of Zone Application #3186:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Provide an explanation regarding environmental impact of this facility and how potential negative effects will be mitigated.

Applicant Response: This location for the WWTP expansion was identified as the least degrading alternative as part of the Anti-degradation Review Study. The Study was reviewed and approved by KDHE. Further, this expansion will be adjacent to the existing WWTP facility. The plant will be protected from the 100-yr flood.

Staff Response: The area must be removed from the 100-year floodplain by a letter of map revision approved by FEMA.

2. Provide elevation drawings for the Headworks building and Solids Process building.

Applicant Response: Elevation drawings for the Headworks building and Solids Processing buildings can be found on sheet 30A201.

NOTE: Our CMAR Services construction manager has brought up an opportunity to get double use out of the proposed maintenance building and would provide cost savings on the structure for the UG. With the alternative, the proposed structure would be detached from the administration building and initially used as the construction office. The alternative location is now called out on the site plan and the architectural elevations of the structure are attached to this document.

3. Provide elevation drawings or representative photos showing the proposed design for sludge buffer tanks, solids process tanks, WAS day tank, TWAS day tank, and influent pump station.

Applicant Response: Elevation drawings for the WAS and TWAS day tanks (90A201) and influent pump station (20A201) have been added to the plans. The elevation drawing for the solids process tanks can be found on sheet 30A201.

4. Explain the function and use of Headworks Building, Solids Process Building and UV Disinfection Building. How many employees will work in each building? Additional parking may be required.

Applicant Response:

- o **Headworks Building:**
 - Unoccupied space primarily intended for equipment access.
 - Will house influent screening equipment for debris removal from influent flow stream
 - Will house grit removal equipment to remove inorganic particles of a particular size and larger from the influent flow stream

- Will house screening/grit disposal dumpsters for disposal of waste
- Typically 1 to 2 workers at a time under normal operations.
- **Solids Process Building:**
 - Unoccupied space primarily intended for equipment access.
 - Will house tertiary filtration equipment for removal of particulate solids generally 10 micron and larger from the plant effluent prior to disinfection
 - Will house sludge thickening equipment and associated pumping/ polymer facilities to thicken waste activated sludge from ~.5% to 4% solids concentration
 - Typically 1 to 2 workers at a time under normal operations.
- **UV Disinfection Building**
 - Unoccupied space primarily intended for equipment access.
 - Will house effluent disinfection that consist UV lamps designed to meet effluent E.coli requirements prior to discharge to outfall.
 - Will house non-potable water pumping equipment to serve plant needs.
 - Typically 1 to 2 workers at a time under normal operations.
- 5. Staff assumes buildings in future phases will be the same in style and architectural design as in phase 1. A preliminary plan may be required for additional phases if design differs. Additional parking may be required as additional phases develop.

Applicant Response: Understood.

- 6. Provide a 5' utility easement along all property lines abutting other property. Provide a 10' utility easement along all property lines abutting an alley or street.

Applicant Response: The utility easements have been added to the plans and are called out on the Preliminary Site Plan/ Play (C04) and the Preliminary Utility Plan (C06).

- 7. Lots 18 through 22, Block 2 of Connor City Plat are deeded to remain as perpetual open space as part of the HMGP buyout.

Applicant Response: The Folsom Property (9620 Elm KCK) is Block 8 (southwest of Wolcott Rd) not Block 2 (within the Plat site). See attached reference information. It appears the deed transferred from the Folsom's to UG incorrectly. A deed correction is underway.

Staff Comment: Prior to approval for final plan review the deed correction must be completed and accepted by FEMA.

8. The East 2 feet of Lot 26f and all of Lots 27, 28, 29, and 30, Block 3, of Connor City plat are deeded to remain as perpetual open space as part of the HMGP buyout.

Applicant Response: Understood, these lots will remain as open space.

9. 9401 Oak Street has been deeded to remain as perpetual open space as part of the HMGP buyout.

Applicant Response: Understood, this lot will remain as open space

10. This site is located within a floodplain. A floodplain development permit shall be required prior to construction.

- a. Elevation certificates for new structures, to include buildings and tanks shall be required at the time of review, based on proposed plans and again after finished construction, based on as-built elevations. Elevation Certificates must be sealed by a Kansas licensed land surveyor or engineer.
- b. New construction and attendant utility and sanitary facilities shall have the lowest floor, including basement, elevated a minimum of 18 inches above the base flood elevation or be dry floodproofed to a minimum of 18 inches above base flood elevation.
- c. When fill is used, the top layer shall be above the BFE and in accordance with adopted building code standards. Fill shall not adversely affect the flow or surface drainage from or onto neighboring properties.

Applicant Response: Understood

11. Will there be any storage or processing of hazardous materials?

- a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal, or plant life is prohibited.

Applicant Response: All chemicals will be stored above the 500-year flood elevation within secondary containments.

12. Must comply with Sec. 27-548 through 27-572, provisions for flood hazard reduction.

Applicants Response: Understood, the lead designer on the project will be performing a no-rise analysis.

13. Address attached comments from Geospatial Services Department.

Applicant Response: The comments are addressed in the Geospatial Services Department section of this document.

Staff Response: The site is accessible from Wolcott Drive via 95th Street and Main Street. 95th Street and Main Street are currently gravel and will be widened and constructed as collector streets. An interior road system will provide access to proposed buildings.

14. Submit a traffic impact letter.

Applicant Response: The Traffic Impact Letter was included in the initial submittal.

15. Show what street/road improvements will be done with this property.

Applicant Response: Proposed public road improvements of 95th and Main Streets in the area of the project were included in the initial submittal, comments received on those road plans are addressed within this document.

16. Address attached comments from Conservation District.

Applicant Response: The comments are addressed in the Conservation District section of this document.

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) With the fuel tank capacity of the proposed generator being 1500 gallons, coordination with the Kansas Department of Health and Environment and the Office of the State Fire Marshal shall be required for any permits and approvals, as applicable. Provide staff with copies of applicable permits and/or approvals which shall be required prior final approvals.**
 - 2) The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents in accordance with County Surveyor comments.**
 - 3) 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**

On motion by Ms. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to **APPROVE Wolcott WWTP Preliminary Plat:**

Carson	Chairman
Ernst	Aye
Huey	Aye

Jones	Aye
Miller	Aye
Pauley	Aye
Reasons	Aye
Serda	Aye
Cho	Not Present
Connelly	Not Present
Neal	Not Present

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

Wolcott WWTP Expansion Neighborhood Meeting
#MP-2019-3, Change of Zone Petition #3186
March 21, 2019
11006 Parallel Parkway Kansas City, Kansas 66109
Country Club Bank, Downstairs Conference Room

Meeting called to order at: 6:00 P.M.

Names of people in attendance:

Design Team:

Philip Gibbs, Jr. – Continental Consulting Engineers
Andrew Talkin – Continental Consulting Engineers
Brandon Coleman – HDR
Kurt Winters – UG Water Pollution Control
Trenton Fogelsong – UG Water Pollution Control

Jim Knetter – 11624 Hollingsworth Road, Kansas City, Kansas 66109
David Knetter – 13301 Hollingsworth Road, Kansas City, Kansas 66109
Ron Nelson – 5445 N. 97th Street, Kansas City, Kansas 66109
Beverly Nelson – 5445 N. 97th Street, Kansas City, Kansas 66109

Summary:

General information was presented about the site, site access, treatment plant buildings and plant operations. The purpose of the meeting was for rezoning of a portion of the property from AG to M-3 (Heavy Industrial) zoning.

Questions and Answers:

Beverly Nelson: What will the odor be like?

Brandon: Most of the more odorous processes such as screening/grit removal are enclosed and can be addressed through odor control as needed.

Jim and Dave Knetter: We were promised an easement along the southern and western portions of the detention basin parcel, what can we do to get access to our land?

Phil: A 40' access easement will be added on the northern edge of this lot to allow you access to your land.

Jim Knetter: Will the detention pond be built simultaneously with the first phase of construction and when will this begin?

Phil: Referencing the phasing plan, the extents of the detention basin for phases 1 and 2 will take up about half of the parcel currently being farmed by the Knetters. The extents of the Phase 1 basin will be staked to enable the Knetters to continue to farm this land until future expansion is required. Future expansion (Phase 3) is not expected for at least 8-10 years.

Beverly Nelson: When will the treatment plant expand?

Brandon: Approximately a decade until Phase 2 expansion but is ultimately based upon the community's population growth within the drainage basin.

Ron Nelson: How many truck trips a day should be expected, and what route will they use to get to/from the site?

Kurt: One to two trips per day, they would use K-5 to access the highway, I435.

Beverly Nelson: How much activity will be going on at the site, and how many employees will be working on site?

Brandon: This wastewater treatment plant will be able to be monitored and controlled remotely.

Kurt: We expect one or two employees at the site part time, two to three hours a day. If something were to break down, a maintenance crew may be there for four hours or whatever is necessary to fix the issue.

Beverly Nelson: What exactly will be released into Connor Creek?

Brandon: Just the treated effluent will be released. The biosolids will be hauled off site for disposal.

Beverly Nelson: What noise is created from the plant during operation and during construction?

Brandon: The loudest part of the plant is typically the aeration process, specifically the blowers that compress air and distribute it into the treatment process. These blowers will be located in weather/sound enclosures to meet a specified a decibel level near the machine. The sound levels will decrease as you get further away from the machine. During construction, normal construction equipment sounds, and likely a drum grinder that will be used to crush and process the random fill for use as engineered fill. The site will then be surcharged with additional soil height and left sitting for approximately 90 days with monitoring for settlement prior to construction of foundations.

Beverly Nelson: What happens to the existing WWTP during times of high water/flood?

Kurt: The plant goes out of service and the wastewater bypasses all treatment.

David Knetter: Will the proposed agricultural access road be raised from its existing elevation?

Andrew: The access road will be raised three to four feet alongside the raised building pad for Phases 1 and 2. The access road will be raised all the way to the North property line for ultimate build out.

Jim Knetter: Will the detention basin discharge ultimately end up in the drainage path that cuts across the field to the North?

Andrew: When the detention basin does discharge, it will ultimately flow along the outer edge of the basin and end up in the flow path through you are referring too. That being said, the detention basin is not expected to discharge during a single storm event.

Beverly Nelson: Will the proposed site be raised above the 93' flood elevation?

Phil: Yes, the 93' flood got up to an elevation of approximately 769.00, the outer edge of the site will be raised to at least 769.00, which is also above the 500-yr flood elevation.

Beverly Nelson: Who is paying for the proposed expansion?

Kurt Winters: It is not paid for by taxes, the expansion will be paid for with wastewater fees which are collected from citizens that are connected to the public sanitary sewer system. Those that are on septic do not pay the wastewater fee.

Meeting adjourned at: 7:00 P.M.

A handwritten signature in black ink, appearing to read "Andrew Talkin", with a long horizontal flourish extending to the right.

Minutes taken by: Andrew Talkin

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Kurt D Winters, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # 3186.
2. That I conducted a neighborhood meeting on March 21, 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.

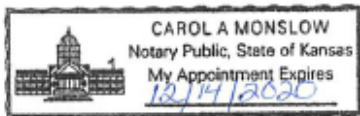
Further affiant saith not.

Kurt D Winters
Affiant

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

My commission expires 14th of December 2020

Carol A Monslow
Notary Public





9000 State Line Road
Leawood, Kansas 66206

11006 Parallel Parkway, Suite 1
Kansas City, Kansas 66109

Tel: (913) 642-8642
Fax: (913) 642-8941

March 22, 2019

Tony Sabljak, CFM
Development Review Coordinator
Department of Urban Planning and Land Use
Neighborhood Resource Center
Unified Government of Wyandotte County / Kansas City, Kansas
4953 State Avenue
Kansas City, Kansas 66102

RE: Review Comment Responses
Re-submittal of Change of Zone #3186
Wolcott WWTP Expansion

Mr. Sabljak,

Attached please find the responses in bold for the review comments for the above referenced project.

Urban Planning and Land Use

- 1) *Provide an explanation regarding environmental impact of this facility and how potential negative effects will be mitigated. This location for the WWTP expansion was identified as the least degrading alternative as part of the Anti-degradation Review Study. The Study was reviewed and approved by KDHE. Further, this expansion will be adjacent to the existing WWTP facility. The plant will be protected from the 100-yr flood.*
- 2) *Provide elevation drawings for the Headworks building and Solids Process building. Elevation drawings for the Headworks and Solids Processing buildings can be found on sheet 30A201.*

NOTE: Our CMAR Services construction manager has brought up an opportunity to get double use out of the proposed maintenance building and would provide cost savings on the structure for the UG. With the alternative, the proposed structure would be detached from the administration building and initially used as the construction office. The alternative location is now called out on the site plan and the architectural elevations of the structure are attached to this document.

- 3) *Provide elevation drawings or representative photos showing the proposed design for sludge buffer tanks, solids process tanks, WAS day tank, TWAS day tank, and influent pump station. Elevation drawings for the WAS and TWAS day tanks (90A201) and influent pump station (20A201) have been added to the plans. The elevation drawing for the solids process tanks can be found on sheet 30A201.*
- 4) *Explain the function and use of Headworks Building, Solids Process Building and UV Disinfection Building. How many employees will work in each building? Additional parking may be required.*

- **Headworks Building:**
 - Unoccupied space primarily intended for equipment access.
 - Will house influent screening equipment for debris removal from influent flow stream
 - Will house grit removal equipment to remove inorganic particles of a particular size and larger from the influent flow stream
 - Will house screening / grit disposal dumpsters for disposal of waste
 - Typically 1 to 2 workers at a time under normal operations.
 - **Solids Process Building:**
 - Unoccupied space primarily intended for equipment access.
 - Will house tertiary filtration equipment for removal of particulate solids generally 10 micron and larger from the plant effluent prior to disinfection
 - Will house sludge thickening equipment and associated pumping / polymer facilities to thicken waste activated sludge from ~.5% to 4% solids concentration
 - Typically 1 to 2 workers at a time under normal operations.
 - **UV Disinfection Building**
 - Unoccupied space primarily intended for equipment access.
 - Will house effluent disinfection that consist UV lamps designed to meet effluent E.Coli requirements prior to discharge to outfall.
 - Will house non-potable water pumping equipment to serve plant needs.
 - Typically 1 to 2 workers at a time under normal operations.
- 5) *Staff assumes building in future phases will be the same in style and architectural design as in phase 1. A preliminary plan may be required for additional phases if design differs. Additional parking may be required as additional phase develop. Understood.*
 - 6) *Provide a 5' utility easement along all property lines abutting other property. Provide a 10' utility easement along all property lines abutting an alley or street. The utility easements have been added to the plans and are called out on the Preliminary Site Plan/Plat (C04) and the Preliminary Utility Plan (C06).*
 - 7) *Lots 18 through 22, Block 2 of Connor City Plat are deeded to remain as Perpetual open space as part of the HMGP buyout. 7. The Folsom Property (9620 Elm KCK) is Block 8 (southwest of Wolcott Rd) not Block 2 (within the Plant site). See attached reference information. It appears the deed transferred from the Folsom's to UG incorrectly. A deed correction is underway.*
 - 8) *The East 2 feet of Lot 26f and all of lots 26, 28, 29, and 30, Block 3, of Connor City plat are deeded to remain as perpetual open space as part of the HMGP buyout. Understood, these lots will remain as open space.*
 - 9) *9401 Oak Street has been deeded to remain as perpetual open space as part of the HMGP buyout. Understood, this lot will remain open space.*
 - 10) *This site is located within a floodplain. A floodplain development permit shall be required prior to construction.*
 - a. *Elevation certificates for new structures, to include buildings and tanks shall be required at the time of review, based on proposed plans and again after finished construction, based on as-built elevations. Elevation certificates must be sealed by a Kansas licensed land surveyor or engineer. Understood.*

- b. New construction and attendant utility and sanitary facilities shall have the lowest floor, including basement elevated a minimum of 18 inches above the base flood elevation or be dry flood proofed a minimum of 18 inches above base flood elevation. **Understood.**
 - c. When fill is used, the top layer shall be above the BFE and in accordance with adopted building code standards. Fill shall not adversely affect the flow or surface drainage from or onto neighboring properties. **Understood.**
- 11) Will there be any storage or processing of hazardous materials?
- a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal, or plant life is prohibited. All chemicals will be stored above the 500-year flood elevation within secondary containments.
- 12) Must comply with Sec. 27-548 through 27-572, provisions for flood hazard reduction.
Understood, the lead designer on the project will be performing a no-rise analysis.
- 13) Address attached comments from Geospatial Services Department. The comments are addressed in the Geospatial Services Department section of this document.
- 14) Submit a traffic impact letter. The Traffic Impact Letter was included in the initial submittal.
- 15) Show what street/road improvements will be done with this property. Proposed public road improvements of 95th and Main Streets in the area of the project were included in the initial submittal, comments received on those road plans are addressed within this document.
- 16) Address attached comments from Conservation District. The comments are addressed in the Conservation District section of this document.

Public Works:

- 1) Items that required plan revision or additional documentation before engineering can recommend approval:
- 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. **Understood, these comments are addressed within this document.**
 - b. The County Surveyor makes separate technical review of the plat documents and submits comments direction to the prepared of the plat. Provide revised plat documents in accordance with County Surveyor comments. **Understood, these comments are addressed within this document.**
 - c. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition. **Understood.**
- 2) Items that are conditions of approval (stipulations):
- a. None.
- 3) Comments that are not critical to engineering recommendations for this specific submittal, but may be helpful in preparing future documents:
- a. None.

GeoSpatial Services

- 1) *Legal Description*
The legal description has two errors. "Block 30" should be "Block 3" and "distance of 07.04" should be "distance of 707.04". This has been corrected on sheets C02 and C03.

- 2) *Taxes*
Per KSA 19-1207 any current taxes and assessments must be paid along with any unlevied taxes for the current year. Unpaid 2015 to 2018 taxes and/or assessments on Parcel 937500. Unpaid 2018 taxes and/or assessments on Parcel 181237. For exact payoff amount the tax payer should contract the Unified Government Treasurer. These taxes must be satisfied prior to recording. Parcel 181237 is under the ownership of the "City of Kansas City, Kansas". The owner/developer is aware of the situation. Parcel 937500 was incorrectly shown as being owned by Sherman Wiehe and corrected to being owned by the Unified Government. This was confirmed in an email received from Robert Ringle on February 27, 2019.
- 3) *Right-of-way*
Right-of-way dedications to Main Street should be part of plat. The proposed right-of-way dedications will be part of a separate document and are not being dedicated from this property. The call outs on sheet C04 have been updated to reflect this.
- 4) *Tax Units*
The current parcels to be platted are in two different tax units. Proposed lots may need to follow these boundaries. We would like to keep the lots as we have them called out due to the layout of the site. Would you like us to show the taxing unit boundaries on the final plat? Further discussion may be necessary.
- 5) *Preliminary*
The plat is preliminary. Understood.

Wyandotte County Conservation District

- 1) *The erosion control plans should control any runoff concerns. Wind erosion may be a concern with the material that will be part of the process. Understood.*
- 2) *The top soil in the area needs to be stock piled and spread overall the area where seeding will be done. The stock pile needs to be protected with mulch and seeding until spreading can occur. Understood.*
- 3) *The wet detention area will need to include a good variety of wetland vegetation planted to protect this area. Understood.*
- 4) *The Best Management Practices in this report can asset in any erosion control problems that might arise. Understood, the BMPs listed in the report will be utilized during construction.*
- 5) *If there are other plans for the area, we need to be informed. There are currently no other plans in the area to our knowledge.*

Plat Review by County Surveyor

- 1) *Provide a project site Benchmark. Horizontal and Vertical control information has been added to Sheet C03 and appears on Sheet 0CS.*
- 2) *Please show all utilities adjacent to the plat boundary. The existing utilities have been labeled on Sheets C02 and C03. They also appear on Sheet C06.*
- 3) *In the 6th line of the description you call out block 30, I believe that should be block 3. This has been corrected.*
- 4) *In the 13th line of the description you call out 07.04 feet, when it should read 707.04 feet. This has been corrected.*

- 5) *In lines 20 and 22 of the description you call out Wyandotte street, I believe you need to be consistent with calling out 95th street (platted as Wyandotte street). Unless there is something I am missing. This has been corrected.*
- 6) *Please provide a Point of Beginning on the plat. The Point of Beginning has been labeled on Sheets C02 and C03.*

General Engineering Review

- 1) Include land disturbance area on the cover sheet for phases 1 & 2. The land disturbance area for Phases 1 and 2 was added to the cover sheet.
- 2) *Indicate the finished floor elevation for the administrative building that matches the first floor elevation i.e. EL. 0.00* The finished floor elevation for the administration building was updated on sheet 110A201 to match the site plan, Elevation = 769.50.
- 3) *Provide details of the proposed fence i.e. 6' or 8' fence?* The proposed fence is now called out on the site plan as a 72" chain link fence with barbed wire. The fence will be black vinyl coated and include a galvanized extension arm with three strands of barbed wire similar to the existing Wolcott WWTP fence except the extension arm will be faced towards the inside of the site rather than outside.



Example.

- 4) *The plans show a proposed generator. Please provide more information i.e. if natural gas or diesel generator, size, and model of generator, fuel tank capacity and whether "hotspot analysis" in accordance with Appendix B, MARC BMP manual is required, and all other applicable information.* The proposed generator is a Cummins 750kW diesel powered generator (Model: DQFAA). The fuel tank capacity of the generator is 1500 gallons, sized for 24 hours runtime at full load. An enclosure will also be provided. The specification sheets for both the generator and the enclosure are attached to this document. Based on the specifications outlined in the attached documents, a "Hotspot analysis" will not be required. The analysis by the designer found the following codes to be more stringent requirements than those outlined in Appendix B of the BMP manual:
 - a. EPA 40 CFR Part 60 Subpart IIII - Standards of Performance for Stationary Compression Ignition Internal Combustion Engines
 - b. NFPA 1 - Uniform Fire Code
 - c. NFPA 37 - Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines
 - d. NFPA 70 - National Electrical Code
 - e. NFPA 110 - Standard for Emergency and Standby Power Systems
 - f. UL 2200 - Standard for Stationary Engine Generator Assemblies

- 5) Will the access gate include Knox-box that allows emergency access? The access gate to the facility will include Knox-Box for emergency access.
- 6) Coordinate with Kim Portillo (913-573-5755) regarding Federal, State and / or Local floodplain permits and requirements. Understood. We will coordinate with Kim Portillo regarding Federal, State, and Local floodplain permits and requirements.
- 7) Add a note that the contractor shall obtain all permits, including but not limited to Unified Government, Public Works Department, Right-of-Way, Hauling, Land Disturbance Permits, etc. In this regard, indicate where unusable material e.g. concrete debris on site shall be taken. A similar note was added to the cover sheet stating that, "Contractor shall obtain all permits, including but not limited to the Unified Government, Public Works Department, Right of Way, Hauling, Land Disturbance, etc." Site Grading Note 15 on sheets G01 and G02 now states that, "All debris, and any unusable material shall be hauled, by contractor, to an approved offsite disposal area."
- 8) Provide a timeline and the process of how the transfer of treatment facility from the exiting treatment plant to the proposed wastewater treatment plant will occur. Further discussion with staff may be required. The timeline and the process for which service will be transferred from the existing treatment plant to the proposed treatment plant is an ongoing discussion. We are working closely with UG Water Pollution Control staff on sequencing, which will consist of construction of the new plant, completion of testing and a demonstration period, seeding of the new plant with biomass, and transferring influent flow to the new plant. The current schedule anticipates the new plant commission period will begin June 2021. However, this schedule may change based on KDHE review and approval of the final plans of the project.
- 9) See pdf mark-up for additional comments. The vehicle access area is addressed in the Stormwater Quality Review, Comment 2. The sediment forebay is now called out on the site plan. The existing sanitary sewer effluent is now called out to be abandoned in place on both the site plan, C04 and utility plan, C06. The proposed gas line type is now fixed.
- 10) The County Surveyor makes separate technical review of the Plat, survey documents and/or exhibit and submits comment directly to the prepared of the plat and/or survey documents. Provide revised survey documents in accordance with County Surveyor Comments. The preliminary plat review comments were received and addressed as part of this document, see Plat Review by County Surveyor.
- 11) Final development plans/plat will have to be approved before going to planning commission with approval to obtain permits. 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. Only preliminary drawings and studies are required at this time. Understood.

Erosion Control Review

- 1) Final development plans/plat will have to be approved before going to planning commission with approval to obtain permits. 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. Only preliminary drawings and studies are required at this time. Understood.

Storm Drainage Review

- 1) *Final development plans/plat will have to be approved before going to planning commission with approval to obtain permits. 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. Only preliminary drawings and studies are required at this time. Understood.*

Sanitary Sewer Review

- 1) *Final development plans/plat will have to be approved before going to planning commission with approval to obtain permits. 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. Only preliminary drawings and studies are required at this time. Understood.*

Stormwater Quality Review

- 1) *In accordance with the MARC BMP Manual, a sediment forebay shall be incorporated in the design for the Extended Wet Detention Basin. The proposed sediment forebay has been labeled on the site plan.*
- 2) *The stormwater facility i.e. EWDB shall be accessible by vehicle for maintenance and inspection purposes. Please verify or revise to provide an area that is accessible to an inspection vehicle between the proposed fence and the rim of the EWDB. The proposed fence line will be moved off the top of berm to the outside. The northeast side of the berm will be widened from 8' to 12' to allow for vehicle access on top. With this change, the entire length of the southeast and northeast sides of the basin will be vehicle accessible. There are now two BMP access swing gates called out on the site plan.*
- 3) *An Operation and Maintenance Manual for the proposed Extended Wet Detention Basin shall be required. This document should be formatted to be provided to the owner and include the site address, owners contact information, description of BMPs on site, relevant plan sheets, operation and maintenance information, inspection calendar, inspection log, sample inspection form, etc. Understood. An Operation and Maintenance Manual for the proposed Extended Wet Detention Basin will be created and turned in with final development plans.*
- 4) *Final development plans/plat will have to be approved before going to planning commission with approval to obtain permits. 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. Only preliminary drawings and studies are required at this time. Understood.*

Public Street Review

- 1) *Indicate locations for road signage in accordance with MUTCD e.g. curve ahead. A stop sign and no outlet sign were added at the entrance of 95th street. A turn sign with a 10 mph advisory speed sign was added before the bend and chevrons have been added around the bend. These signs are called out on the plans in accordance with MUTCD.*
- 2) *Final development plans/plat will have to be approved before going to planning commission with approval to obtain permits. 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. Understood.*



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: March 11, 2019
RE: WOLCOTT WWTP

We have researched the official county records for the above plat as submitted to Urban Planning and Land Use by:
Continental Consulting Engineers, Inc.

And we have determined the following:

Takes all of CIC-TAS Parcels:

181234 to 181239, 181254, 181256, 181257, 181306, 181307, 937500,
937501 & 937506

Owners-of-Record:

Unified Government & Wyandotte County Land Bank

Jurat Signature:

None

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

Please note the following comments.

1) Legal Description

The legal description has two errors. "Block 30" should be "Block 3" and "distance of 07.04" should be "distance of 707.04."

2) Taxes

Per KSA 19-1207 any current taxes and assessments must be paid along with any unlevied taxes for the current year. Unpaid 2015 to 2018 taxes and/or assessments on Parcel 937500. Unpaid 2018 taxes and/or assessments on Parcel 181237. For exact payoff amount the tax payer should contact the Unified Government Treasurer. These taxes must be satisfied prior to recording.

3) Right-of-way

Right-of-way dedications to Main Street should be part of plat.

4) Tax Units

The current parcels to be platted are in two different tax units. Proposed lots may need to follow these boundaries.

5) Preliminary

The plat is preliminary.



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

March 20, 2019

RE: Wolcott WWTP Expansion Erosion Control Plan

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the plans for: Wolcott WWTP Expansion Erosion Control Plan.

In review of the information we received from Andrew Talkin on the Erosion Control Plan for the site, we have the following comments on the expansion plans:

- The Erosion Control Plans should control any runoff concerns. Wind erosion may be a concern with the material that will be part of the construct process.
- The top soil in the area needs to be stock piled and spread over the areas where seeding will be done. The stock pile needs to be protected with mulch and seeding until spreading can occur.
- The wet detention area will need to include a good variety of wetland vegetation planted to protect this area.
- The Best Management practices in this report can assist in any erosion control problems that might arise.
- If there are other plans for the area, we need to be informed.

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.

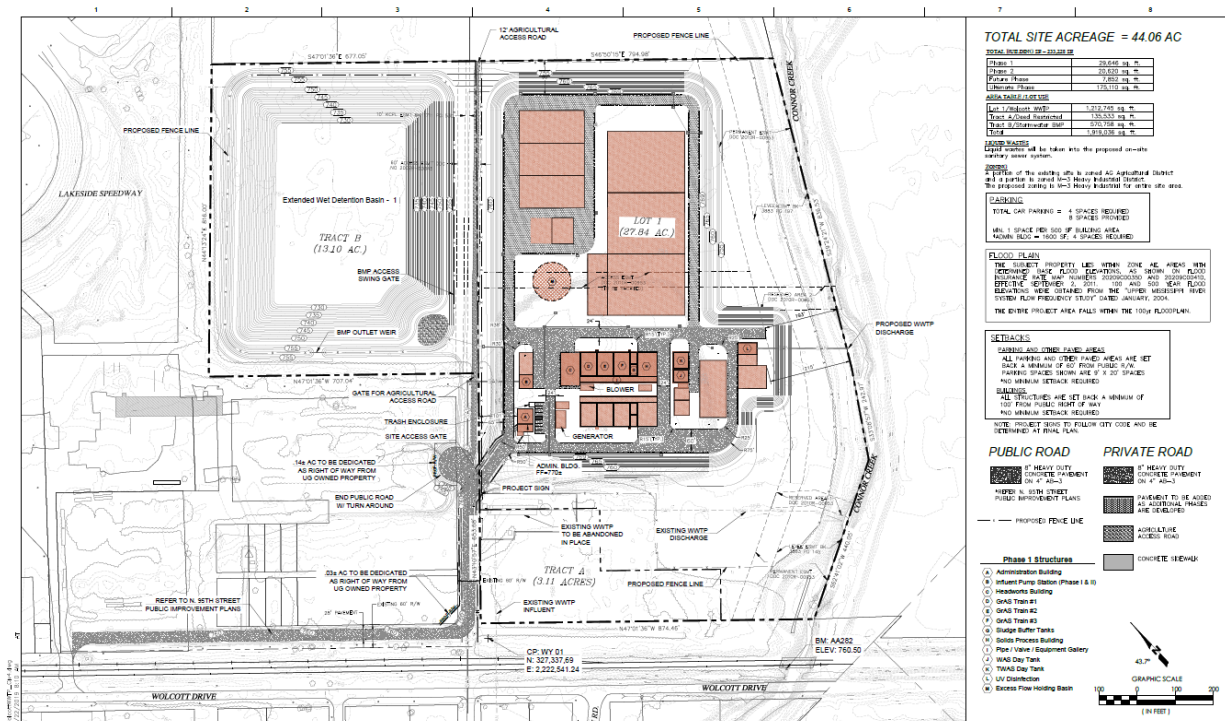
Technical assistance is available from our office. Limitation maps, detail soils reports and a conservation plan can also be requested for this site from our office.

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



UNIFIED GOVERNMENT OF KANSAS CITY, KANSAS / WYANDOTTE COUNTY

WOLCOTT WWTP EXPANSION

PRELIMINARY SITE PLAN / PLAT

PROPOSED CONDITIONS

C04

(First published _____)

#3178

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 9731 and 9745 Leavenworth Road in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture District to R-1 Single Family District.

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 December 11, 2018, by the owners of property to have the zoning of said property changed from its present zoning of A-G Agriculture District to R-1 Single Family 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:

TRACT 1: (Written by William A. Booe, LS 1046, 11-21-2018)

A tract of land located in a portion of the West Half of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter (W/2 NE/4 NW/4 NW/4) of Section 36, Township 10 South, Range 23 East of the 6th P.M., Wyandotte County, Kansas, being more particularly described as follows: Commencing at the Northeast corner of the NW/4 of the NW/4 of Section 36; thence S 88°00'26" W, along the North line of the NW/4 of the NW/4, a distance of 331.48 feet to the Northeast corner W/2 NE/4 NW/4 NW/4 for the Point of Beginning; thence continuing S 88°00'26" W, along said North line, a distance of 127.00 feet; thence S 02°06'36" E, a distance of 660.15 feet to the South line of the W/2 NE/4 NW/4 NW/4; thence N 87°59'11" E, along said South line, a distance of 127.00 feet to the Southeast corner thereof; thence N 02°06'36" W, along the East line of the W/2 NE/4 NW/4 NW/4, a distance of 660.11 feet to the point of beginning. Containing 1.925 acres, including those portions used for public road right-of-way purposes.

TRACT 2: (Written by William A. Booe, LS 1046, 11-21-2018)

A tract of land located in a portion of the West Half of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter (W/2 NE/4 NW/4 NW/4) of Section 36, Township 10 South, Range 23 East of the 6th P.M., Wyandotte County, Kansas, being more particularly described as follows: Commencing at the Northeast corner of the NW/4 of the NW/4 of Section 36; thence S 88°00'26" W, along the North line of the NW/4 of the NW/4, a distance of 458.47 feet to the Point of Beginning; thence S 02°06'33" E, a distance of 660.15 feet to the South line of the W/2 NE/4 NW/4 NW/4; thence S 87°59'11" W, along said South line, a distance of 204.03 feet to the Southwest corner thereof; thence N 02°08'56" W, along the West line of the W/2 NE/4 NW/4 NW/4, a distance of 660.23 feet to the Northwest corner of the W/2 NE/4 NW/4 NW/4; thence N 88°00'26" E, along the North line of the W/2 NE/4 NW/4 NW/4, a distance of 204.48 feet to the point of beginning. Containing 3.096 acres, including those portions used for public road right-of-way purposes,

be changed from its present zoning of A-G Agriculture District to R-1 Single Family District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for R-1 Single Family District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2019.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(First published _____)

#3172

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 1620 South 45th Street in Kansas City, Kansas, by changing the same from its present zoning of M-2 General Industrial District to MP-3 Planned Heavy Industrial District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on October 26, 2018, by the owners of property to have the zoning of said property changed from its present zoning of M-2 General Industrial District to MP-3 Planned Heavy Industrial District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

All that part of a tract of land as described in Document No. 1010299, recorded in Book 3148 at page 350, being more particularly described as follows: The East $\frac{1}{2}$ of the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 35, Township 11 south, range 25 East of the 6th Principal Meridian, in Kansas City, Wyandotte County, Kansas, except the North 640 feet thereof. Also except the North 40 feet of the East 136.12 feet thereof. Also except that part of the East being used for road purposes. Contains 202,719.99 square feet = 4.65 acres. Located at approximately 1620 South 45th Street, Kansas City, Kansas,

be changed from its present zoning of M-2 General Industrial District to MP-3 Planned Heavy Industrial District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-470, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Urban Planning and Land Use Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for MP-3 Planned Heavy Industrial District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2019.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(First published _____)

#3182

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 732 North 57th Street in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture 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 January 25, 2019, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to A-G Agriculture 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:

BEGINNING 55 FEET WEST OF THE NORTHEAST CORNER OF THE
SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF
SECTION 11, TOWNSHIP 11 SOUTH, RANGE 24 EAST OF THE 6TH
PRINCIPAL MERIDIAN, KANSAS CITY, WYANDOTTE COUNTY,
KANSAS, THENCE SOUTH 297 FEET, THENCE WEST 1271.73 FEET,
THENCE NORTH 297 FEET, THENCE EAST 1271.36 FEET TO THE
POINT OF BEGINNING. CONTAINS 8.67 ACRES MORE OR LESS,
Located at approximately 732 North 57th Street, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family District to A-G
Agriculture District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for A-G Agriculture District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2019.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE regarding vending machines, and exterior sales and modifying the regulations thereof; amending Sections **27-340 and 27-612(6)** to Chapter 27, Article VIII, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/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, **27-340, 27-612(6)** 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.

Exterior sales means the sale of goods outdoors on private property that is zoned for commercial retail. Examples include ice chests, propane, firewood, and other that are similar.

Vending machine means a machine, stand, or dispenser that distributes, dispenses, or sells a physical product or good directly to a consumer using an automated payment system. Examples include but are not limited to soda machines, candy machines, video rental vending machines, snack machines, newspaper machines, and others that are similar. This definition does not include ATMs, gas pumps, air dispensers, or payphones.

Sec. 27-612(6). – Exterior sales and vending on private property provided that:

- (a) Commercial uses with a business license (occupation tax receipt) before December 31, 2008.
 1. The exterior sales or vending area machines does not block an interior sidewalk.
 2. The exterior sales or vending machines do not block any exterior windows.
 3. The exterior sales or vending machines must be at least five feet away from all public doors.
 4. Exterior sales area and vending machines are is only permitted on private property unless it complies with the street vending ordinance.
 5. The exterior sales or vending area machines must leave adequate space for vending customers and those using the sidewalk.
 6. Video rental vending machines are not allowed in exterior locations except under the following circumstances:
 - a. The site does not have a drive-thru window or drive-up service.

- b. At least 15 percent of the facility traffic is generated by pedestrians walking from the surrounding neighborhood.
 - c. The machine is located so as to not interfere with vehicular traffic; and
 - d. There is sufficient stacking area for pedestrians to wait on a sidewalk.
 - e. The area where the device is placed is monitored by a security camera.
7. Any ~~outdoor~~ exterior sales area must remain neatly organized and free of litter.
 8. Any ~~outdoor~~ exterior sales or vending area must be flush with the facade of the building.
 9. No more than ~~two~~ one ~~outdoor~~ exterior sales display or vending areas machine is permitted per property except as follows:
 - a. If the exterior sales displays and vending machines are located on a side of the building not facing a road or street then the number of allowed exterior sales displays or vending machines shall be increased to three.
 - b. If the exterior sales display and vending machines are screened by side walls, decorative fencing, shrubs, and other landscaping as approved by the Urban Planning Department then the number of allowed exterior sales displays and vending machines shall be increased to three.
 - c. For every 200 feet that the façade on which the exterior sales display or vending machine is located is set back from the nearest road or street right of way then the number of allowable exterior sales displays or vending machines shall be increased by one.
 10. No additional signage that would require a permit is allowed.
 11. The area allowed for ~~outdoor~~ exterior sales or vending may not exceed ~~64~~ 24 square feet.
 12. No more than one propane exchange locker may be allowed per property, unless:
 - a. The site for the propane exchange lockers are located at least 200 feet from the nearest street; and
 - b. The propane exchange lockers are at least 20 feet away from the nearest public door; and
 - c. The retailer offering the propane exchange service on its premises also sells gas grills of the type that typically use propane as a fuel.
 13. No signage is allowed beyond the surface of the ~~device~~ vending machine.
- (b) ~~These facilities~~ Exterior sales and vending machines are not permitted in the official commercial overlay zone area west of 94th Street or on new projects in planned districts, with the exceptions:
1. Products that cannot be sold indoors for safety and regulatory reasons (ex. propane exchange lockers).
 2. If the facility is a grocery store over 15,000 square feet.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS, THIS 25th DAY OF APRIL, 2019.

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

(First published _____)

#3176

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 500 North 86th Street in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on November 29, 2018, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to A-G Agriculture 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:

Beginning 248.00 feet West of the Northeast corner of the Southeast 1/4 of Section 7, Township 11, Range 24, in Wyandotte County, Kansas; thence West 909.10 feet; thence South 681 1/2 feet; thence Southeasterly to a point 825 feet South of the Northeast corner of said Southeast 1/4; thence North 475 feet; thence West 210 feet; thence North 175 feet; thence West 38.90 feet; thence North 175 feet to the point of beginning, subject to any part thereof in streets, roads or public rights of way; Less and except Beginning at the Northeast corner of the Southeast 1/4 of said Section 7; thence South 545.0 feet, along the East line of the Southeast 1/4 of said Section 7; thence South 89°56'57" West 25 feet to the West right-of-way line of 86th Street and the "true point of beginning" of the tract herein described; thence South 30.00 feet; thence South 89 degrees 56 minutes 57 seconds" West 132.00 feet; thence North 80.00 feet; thence South 89 degrees 56 minutes 57 seconds " East 132.00 feet to the "true point of beginning"; less the East 12.00 feet of the above described tract for additional right-of-way required by the City of Kansas City, Kansas and less that part platted as Lot 1, Mary Kay Acres, a subdivision in the City of Kansas City, Wyandotte County, Kansas.

be changed from its present zoning of R-1 Single Family District to A-G Agriculture District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for A-G Agriculture District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2019.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK



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: April 25, 2019
Re: Petition #SP-2019-30

GENERAL INFORMATION

Applicant:
Angela Turner

Status of Applicant:
Owner
Simmons Security & Protection
Services, Inc.
726 Minnesota Avenue
Kansas City, KS 66101

Requested Action:
Approval of Special Use Permit

Date of Application:
February 15, 2019

Purpose:
To have an office space for a private
security guard company

Property Location:
428 North 5th Street



Commission Districts: Commissioner At-Large: Tom Burroughs
District Commissioner: Brian McKiernan

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

Existing Surrounding Zoning: **North:** C-3 Commercial 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:** Commercial building
South: Single family homes
East: Single family homes
West: Single family homes

Total Tract Size: .07 acre

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

Major Street Plan: The City-Wide Master Plan classifies 5th Street as a Class B Thoroughfare

Advertisement: The Wyandotte Echo – March 14, 2019
Letters to Property Owner – March 13, 2019 and April 18, 2019

Public Hearings: April 8, 2019 and April 25, 2019

Public Opposition: The Strawberry Hill Neighborhood Association has contacted staff in opposition. There were two persons present in opposition at the April 8, 2019 City Planning Commission meeting and a letter is attached from the neighborhood association.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Angela Turner with Simmons Security & Protection Services wants to have a small office for her private security guard company on the first floor of an existing top-bottom duplex located at 428 North 5th Street.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The character of the neighborhood is predominately comprised of residential dwellings, mainly single-family, although there are commercial businesses along 5th Street.

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, a small office is reasonably 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

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 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 proposed use is not 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.

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.*

Due to the size of the office, noise that may occur from this property will not be of such intensity as not to create problems for nearby 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 applicable.

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.

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 or cause undue concentrations of population.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 21, 2019. According to the applicant, opposition was expressed by the President of the Strawberry Hill Neighborhood Association regarding operating a business office in a residence.

KEY ISSUES

Hours of Operation
On-Site Advertising

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 1 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-30, subject to:

Urban Planning and Land Use Comments:

1. The applicant indicated that only one person would generally be in the office when it is open, but what is the maximum number of employees that could be in the office?

Applicant Response: Employees and/or potential employees only come to the administrative office for interviews and/or orientation. Employees report directly to their assigned post location/job site, and do not come to the office daily and/or a regular basis. Employees receive training and daily assignments at the post location/job site. Typically, there would be a maximum of three (3) employees in the office at one time.

- 2. What are the hours of operation for the office?**

Applicant Response: Our office is not open to the public. Interviews, meetings, and/or orientation is made by appointment only. We generally make appointments during the hours of 8:00 AM and 5:00 PM, Monday through Friday.

- 3. Where will the employee park, as this is a highly trafficked single-family neighborhood where on-street parking is scarce? Parking in the rear of the property is for the upstairs residence.**

Applicant Response: There is space for two (2) vehicles at the rear of the property. We have previously and will continue to designate one spaces for the downstairs unit and one space for the upstairs unit. The operations manager, who is in the office on a regular basis, will plan to typically park at the rear of the property.

- 4. Will the proposed sign be displayed in the window or on the front door?**

Applicant Response: The proposed vinyl decal sign, if allowed, will be displayed on the front door of the downstairs unit.

Staff Response: A maximum of 25% of the window area may be covered by a sign.

- 5. How will you be advertising your business?**

Applicant Response: Other than the vinyl decal, there will be no other signs or flyers advertising our business on the property. Our company posts information about our services and general safety tips on social media. Our business does not currently use any paid advertising methods, and typically responds to Requests for Proposal (RFP) to obtain new clients. We provide a business service and do not sell products or services to the general public.

Public Works Comments:

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

1) None

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

1) None

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

1) None

Staff Conclusion:

The applicant has answered staff's questions and comments. While this is a business office will operate in a residence, the office will not be highly trafficked by employees. The applicant maintains on keeping a parking space for the dwelling unit. The business will be open during normal business hours, typically when residents are at work themselves, from 8:00 AM to 5:00 PM, Monday through Friday.

Subject to approval, staff stipulates the following:

- (1) This special use permit shall be valid for one (1) year trial period.
- (2) Hours of operation shall be Monday through Friday from 8:00 AM to 5:00 PM.
- (3) The parking space required for the operations manager shall be in the rear of the building, off the alley along with the second designated parking stall for the second dwelling unit.
- (4) Signage shall comply with the sign code.

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-2019-30 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 8, 2019 City Planning Commission Minutes
Applicant Response Letter
Neighborhood Meeting Minutes
Site Photograph
Proposed Sign
Letters of Support
Letter of Opposition

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	April 8, 2019	April 25, 2019
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-30** 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-2019-30**, 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.

April 8, 2019 City Planning Commission Minutes:

Hearing Starts 49:08:

SPECIAL USE PERMIT APPLICATION #SP-2019-30 – ANGELA TURNER WITH SIMMONS SECURITY AND PROTECTION SERVICES – SYNOPSIS: Special Use Permit for office space for a private security guard company at 428 North 5th Street.
Detailed Outline of Requested Action: The applicant, Angela Turner with Simmons Security & Protection Services wants to have a small office for her private security guard company on the first floor of an existing top-bottom duplex located at 428 North 5th Street.

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 April 8, 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 March 14, 2019; and
7. The Notices to property owners dated March 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:

- ❖ Angela Turner, applicant, 4810 North 110th Street, Kansas City, Kansas, Simmons Security & Protection Services, Inc., 726 Minnesota Avenue, Kansas City, Kansas 66101 (Letters of support from Tim Ryan and Bill Hutton were submitted.)
- ❖ Wil Anderson, Vice President of BHC Rhodes, 710 State Avenue, Kansas City, Kansas and Member of Downtown Shareholders
- ❖ Abraham Santana, 1664 Oak Lane, Kansas City, Kansas
- ❖ Tim Ryan, 539 Armstrong, Kansas City, Kansas 66101

Present in Opposition:

- ❖ Cheryl Sostarich, 502 North 5th Street, Kansas City, Kansas 66101
- ❖ Justine Underwood-Jones, President of Strawberry Hill Neighborhood Association, 431 Ann Avenue, Kansas City, Kansas 66101

Staff Recommendation starts 1:04:45: Planning Director Richardson stated that the Unified Government is getting ready to start on a Central Area Master Plan which will incorporate Strawberry Hill. This would be a good topic for that planning process but in the meantime he thinks that a one-year trial period would be appropriate here. The staff recommends approval for one (1) year special use permit and then look at the Central Area Plan. With regard to the precedent, that will not be known until after the first year trial period.

The Planning Commission addressed questions to the staff regarding the trial period and the Central Area Master Plan.

Motion and Vote Starts 1:10:38:

On motion by Mr. Miller, seconded by Mr. Reasons, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2019-30:**

Carson	Chairman
Ernst	No
Huey	Aye
Jones	Aye
Miller	Aye
Pauley	Aye
Reasons	Aye
Serda	Aye
Cho	Not Present

Connelly Not Present
Neal Not Present
Motion to recommend APPROVAL Passed: 6 to 1
Subject to:

Urban Planning and Land Use Comments:

1. The applicant indicated that only one person would generally be in the office when it is open, but what is the maximum number of employees that could be in the office?

Applicant Response: Employees and/or potential employees only come to the administrative office for interviews and/or orientation. Employees report directly to their assigned post location/job site, and do not come to the office daily and/or a regular basis. Employees receive training and daily assignments at the post location/job site. Typically, there would be a maximum of three (3) employees in the office at one time.

2. What are the hours of operation for the office?

Applicant Response: Our office is not open to the public. Interviews, meetings, and/or orientation is made by appointment only. We generally make appointments during the hours of 8:00 AM and 5:00 PM, Monday through Friday.

3. Where will the employee park, as this is a highly trafficked single-family neighborhood where on-street parking is scarce? Parking in the rear of the property is for the upstairs residence.

Applicant Response: There is space for two (2) vehicles at the rear of the property. We have previously and will continue to designate one spaces for the downstairs unit and one space for the upstairs unit. The operations manager, who is in the office on a regular basis, will plan to typically park at the rear of the property.

4. Will the proposed sign be displayed in the window or on the front door?

Applicant Response: The proposed vinyl decal sign, if allowed, will be displayed on the front door of the downstairs unit.

Staff Response: A maximum of 25% of the window area may be covered by a sign.

5. How will you be advertising your business?

Applicant Response: Other than the vinyl decal, there will be no other signs or flyers advertising our business on the property. Our company posts information about our services and general safety tips on social media. Our business does not currently use any paid advertising methods, and typically responds to Requests for Proposal (RFP) to obtain new clients.

We provide a business service and do not sell products or services to the general public.

Public Works Comments:

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

Staff Conclusion:

The applicant has answered staff's questions and comments. While this is a business office will operate in a residence, the office will not be highly trafficked by employees. The applicant maintains on keeping a parking space for the dwelling unit. The business will be open during normal business hours, typically when residents are at work themselves, from 8:00 AM to 5:00 PM, Monday through Friday.

Subject to approval, staff stipulates the following:

- (1) This special use permit shall be valid for one (1) year trial period.
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- (3) The parking space required for the operations manager shall be in the rear of the building, off the alley along with the second designated parking stall for the second dwelling unit.
- (4) Signage shall comply with the sign code.

Petition #SP-2019-30

Answers to Staff Comments and Suggestions
03/20/2019

1. The applicant indicated that only one person would generally be in the office when it is open, but what is the maximum number of employees that could be in the office?

Answer – Employees and/or potential employees only come to the administrative office for interviews and/or orientation.

Employees report directly to their assigned post location/job site, and do not come to the office daily and/or on a regular basis.

Employees receive training and daily assignments at the post location/job site.

Typically, there would be a maximum of three (3) employees in the office at one time.

2. What are the hours of operation for the office?

Answer – Our office is not open to the public.

Interviews, meetings, and/or orientation is made by appointment only.

We generally make appointments during the hours of 8:00 am and 5:00 pm, Monday thru Friday.

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Answer – There is space for two (2) vehicles at the rear of the property. We have previously, and will continue to designate one space for the downstairs unit and one space for the upstairs unit.

The Operations Manager, who is in the office on a regular basis, will plan to typically park at the rear of the property.

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Our business does not currently use any paid advertising methods, and typically responds to Requests For Proposals (RFP) to obtain new clients.

We provide a business to business service and do not sell products or services to the general public.

Special Use Permit Petition

#SP-2019-30

Calls Received/Individuals Talked to by Angela Turner

In Response to Meeting Notice Mailed on 03/08/19

As of 03/22/19

Date/Time	Caller/Individual Organization	Address Representing	Comments
03/14/19 5:59 pm	Sebastian Castro CMC Properties	416 N. 5 th Street (owner)	I am not able to come the Neighborhood Meeting, but you have my support and blessing. I think this would be a good fit for the neighborhood.
03/22/19 12:30 pm	Jason Jones	434 N. 5 th Street (owner)	I am in support of your business getting the Special Use Permit. I think we could work together on some issues.

Minutes for
Neighborhood Meeting for Special Use Permit Petition

#SP-2019-30

428 N. 5th Street Kansas City, KS 66101

Thursday, March 21, 2019 5:00 pm

Location: Kansas City, Kansas Public Library
625 Minnesota Ave. Kansas City, KS 66101 2nd Floor Auditorium

Meeting called to order at 5:00 pm

Introductions

1. Angela Turner, Simmons Security & Protection Services, Inc.
2. Abraham Santana, Simmons Security & Protection Services, Inc.
3. Shaya Lockett, Unified Government Economic Development
4. Cheryl Sostarich, Resident of 502 N. 5th Street
5. Peggi Englehart, Owners of 508 Elizabeth Ave.
6. Phil Englehart, Owners of 508 Elizabeth Ave.
7. Justine Underwood-Jones, Resident of 431 Ann Ave.

Presentation by Angela Turner

-The attached Power Point was presented.

Slide 1 – Introduces Angela Turner and explains that the purpose of Special Use Permit is to locate the office for our security guard company in Unit 1 of 428 N. 5th Street.

Slide 2 – The property was purchased Angela Turner and her husband in 1999. This slide shows a picture of the property when it was purchased and a picture of the property today.

Slide 3 – This slide includes a list of some of the major improvements made to the property since purchase in 1999. Angela Turner said, “We take pride in our property and strive to have a property that looks nice and brings value to the neighborhood.”

Slide 4 – This slide gave background information on the security guard company. Simmons Security has been in business since 2007 and have had a corporate office since 2009 at 726 Minnesota Ave. They are the contractor for the Clean & Safe Program through the Downtown Shareholders and provide clean and safety services in the SSMID.

The building where we the company is currently leasing space has sold and they would like to sustain their business in Wyandotte County and maintain a location in Downtown KCK. The average leased space along Minnesota Avenue and in Downtown KCK is between \$12.00 and \$15.00 per square foot. It is more than the company can afford to spend as a small business. As a result, they decided to apply for a Special Use Permit to accommodate their needs and sustain their business in Downtown KCK.

Slide 5 – Shows the specific proposed use of the downstairs unit of 428 N. 5th Street. It was stressed that the company is not open to the public and do not sell any products or services to the general public. The administrative offices would primarily be used by 1 employee, Angela Turner.

Slide 6 – The perceived impact on the neighborhood is listed in this slide.

Slide 7 – This slide includes Angela’s contact information and asks for questions.

Questions and Answers:

Who asked the Question	Question	Who answered the Question	Answer
Peggi Englehart	What does SSMID stand for?	Angela Turner	SSMID is the Self Supporting Municipal Improvement District that covers the areas approximately from 3 rd Street to 12 th Street, Armstrong Avenue to the south side of Washington Blvd. The property owners pay an additional tax to support the Improvement District programs.
Cheryl Sostarich	If you are granted the Special Use Permit and you leave the property, what will happen?	Angela Turner	If the Special Use Permit is granted, it is for Simmons Security business office only. I am the owner of the property and do not plan to allow any other business to operate in my property. If Simmons Security were to leave the property, than the unit would return to a residential leased unit. I cannot say what would occur if I were to sell the property, that would be between the new owners and the UG.
Justine Underwood-Jones	When did you convert the property from a single family house to a duplex?	Angela Turner	When I purchased the property in 1999, it was already an up and down duplex. The individual that was residing in the downstairs unit, when we purchased the property, told us she had been living there for more than 40 years. I do not know when, or if, the property was ever convert from a single family house to a duplex.
Cheryl Sostarich	How many properties do you own in Downtown KCK?	Angela Turner	My husband and I only own 1 property in Downtown KCK, 428 N. 5 th Street.
Justine Underwood-Jones	Why couldn't you operate your business out of your home in western Wyandotte County?	Angela Turner	The primary reason we prefer to have office space in Downtown KCK is so that we can conduct interviews for potential employees and remain close to our clients, including the Downtown Shareholders. Having an office space that is on a bus line, allows potential employees a greater opportunity to apply for a job. We love being a part of the development and improvements in Downtown and feel that is the best fit for our business.

Justine Underwood-Jones	Why did you list these items (pointing slide 3) as improvements, they are code violations and you had to make them to avoid getting in trouble?	Angela Turner	I have never received a code violation complaint for my property at 428 N. 5th Street. The improvements were made because we take pride in our property and wanted to add amenities for our residents. -The siding was not a required improvement, but one we did to improve the look and facade of the property. -Installing the solid wood doors and storm doors were completed for enhanced safety and as an amenity for our resident. -The new kitchen sinks/counter tops and showers were installed to improve the value of the property and add an amenity for our residents. None of the listed improvements were done as a response to a code violation. We maintain our property and hold ourselves to high standards, and feel our property is in great condition and adds value to the neighborhood.
Justine Underwood-Jones	Do you think their property is one of the best in the neighborhood?	Cheryl Sostarich	"No comment."
Peggi Englehart	Is there somewhere that offers shared office space?	Angela Turner	Not that I am aware of in KCK. I have found shared office spaces in the Crossroads and Downtown KCMO. However, my husband and I were born and raised in Wyandotte County, and we started our business because we felt that Wyandotte County deserved, and were missing, high quality security guard services. We would prefer to remain in Wyandotte County.

Jutine Underwood-Jones	Is there a reason why the meeting was held from 5:00 pm to 6:00pm? It feels as though you were being malicious and scheduling the meeting so that residents who work could not attend.	Angela Turner	I followed the guidelines in the Special Use Permit application when scheduling the meeting. I was hoping that I scheduled the meeting at a convenient time where residents could stop by after work. I also included my contact information in the meeting notice letter and offered to meet with anyone who could not make this meeting.
Peggi Englehart	Is there a space for 10 space sharing in KCK?	Shaya Lockett	Not in KCK at this time. People are looking for this type of options, but we need investors to help make it happen. We hope to offer this type of space sharing option in the future.

Meeting adjourned at 5:32pm.

Angela Turner and Abraham Santana remained in the meeting room until 5:45 pm in case anyone else arrived after the meeting had been adjourned.

Minutes taken by Abraham Santana.

Power Point Slides from Presentation by Angela Turner

Slide 1



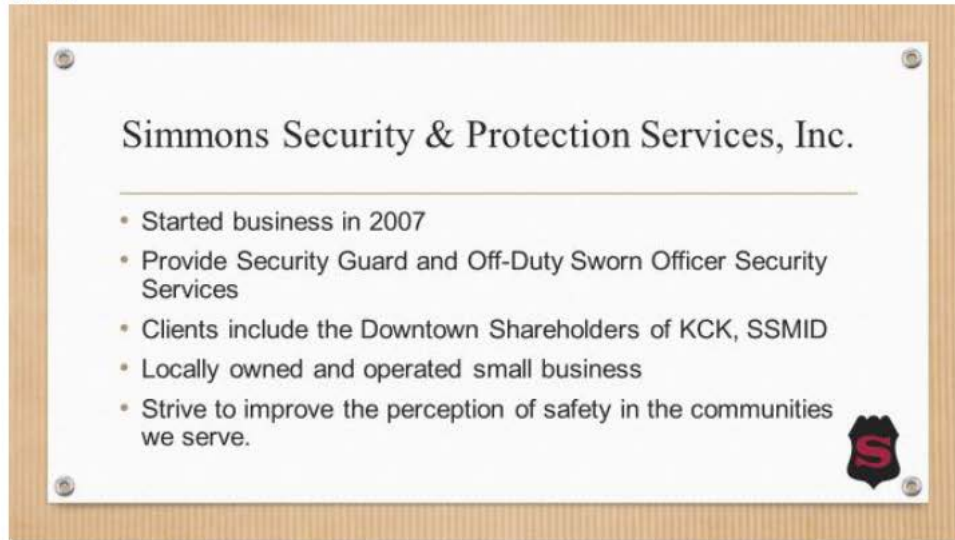
Slide 2



Slide 3



Slide 4

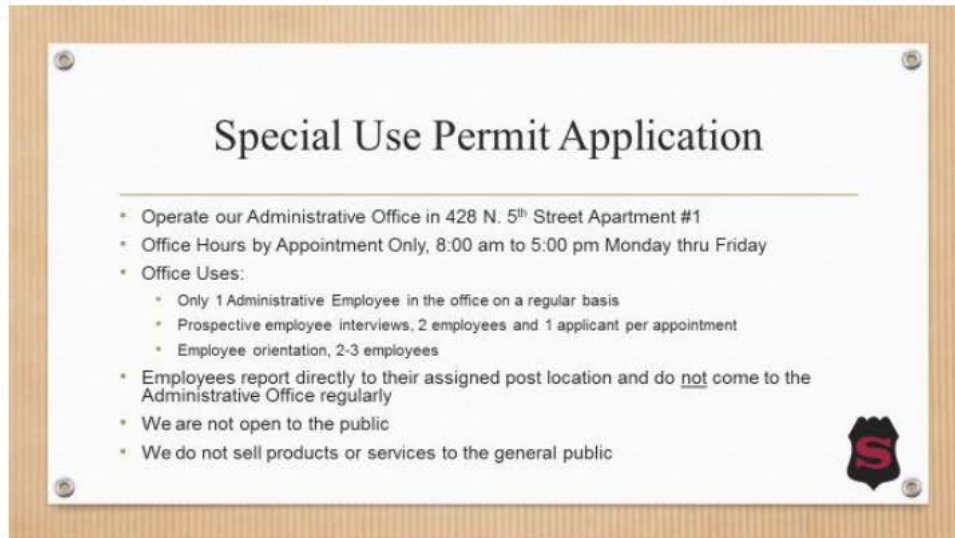


Simmons Security & Protection Services, Inc.

- Started business in 2007
- Provide Security Guard and Off-Duty Sworn Officer Security Services
- Clients include the Downtown Shareholders of KCK, SSMID
- Locally owned and operated small business
- Strive to improve the perception of safety in the communities we serve.



Slide 5



Special Use Permit Application

- Operate our Administrative Office in 428 N. 5th Street Apartment #1
- Office Hours by Appointment Only, 8:00 am to 5:00 pm Monday thru Friday
- Office Uses:
 - Only 1 Administrative Employee in the office on a regular basis
 - Prospective employee interviews, 2 employees and 1 applicant per appointment
 - Employee orientation, 2-3 employees
- Employees report directly to their assigned post location and do not come to the Administrative Office regularly
- We are not open to the public
- We do not sell products or services to the general public



Slide 6

Impact on the Neighborhood

- We love KCK and enjoy being a part of Downtown
- Safety and security is our priority
- Extra set of eyes and ears for the Police
- Primarily park in the rear of the property
- No additional noise or vehicular traffic
- Continue to make improvements to the property



Slide 7

Questions?

Contact Information:
Angela Turner
Cell – 816-507-9363
Office – 913-621-8668
Email – aturner@simmons-security.com





Front



South Side



North Side



Back

Interior First Floor Apartment #1



Special Use Permit - Sign Plan

- The plan will be to install the vinyl decal sign on the glass of the screen door.
- The logo image is 16 ½ inches in diameter.
- The business phone number and website will be listed below the logo in 1 inch letters.



- Below is a picture of our current office.
- The proposed sign will be of similar design and material.



From: **Jason Norbury** <director@downtownkck.org>

Date: Mon, Mar 11, 2019 at 10:46 AM

Subject: SP-2019-30

To: Parker, Janet <jparker@wycokck.org>, Rob Richardson <RRichardson@wycokck.org>

This is my letter in support of the granting of the SUP for Simmons Security, captioned above. Simmons Security is an outstanding community partner for Downtown Kansas City Kansas, and has always accounted for the community impact of their location and service. Allowing them to utilize the space at 428 N. 5th St. for an office will give them space close enough to Downtown to provide needed supervision for the SSMID Ambassador program.

The nature of their business requires little in the way of meeting traffic, so the impact on neighbors will be minimal, and oriented during business hours when most residents will be away from their homes. Additionally, the mixed-use nature of 5th Street naturally lends itself to an office use, the property being situated next to a commercial property. This low-intensity use will be a fine buffer between the commercial use on one corner and other residential uses.

In short, Simmons Security is ideally situated to be a low-impact and neighbor-friendly use at 428 N. 5th St., and their Special Use Permit should be recommended for approval.

Sincerely,

Jason Norbury
Executive Director, Downtown Shareholders of KCK
726 Armstrong, Suite 201
Kansas City, KS 66101

--



Jason Norbury, Executive Director
Office: 913-371-0705
726 Armstrong, Ste 201
Kansas City, KS, 66101
www.downtownkck.org



2 South 14th Street
Kansas City, KS 66102
Office: 913.342.7580 Fax: 913.342.7581
www.chwckck.org

Dear Ms. Turner,

Thank you for taking time to speak to me about your application for a special use permit at 428 N 5th Street. As I mentioned, we currently own a house across the street from this address. Because of the very low intensity of your proposed use, the adjacent commercial properties and existing use mix on 5th street, and the very low parking requirements your business has, we see no reason to oppose your application. We also very much value the services you are currently providing to our downtown partners and the SSMID, and want to be sure that your business can stay close to the KCK downtown area.

Have a wonderful day and please forward our support onto the UG Planning Department.

Best,

Megan Painter
CHWC Real Estate Project Manager
913-205-6463
mpainter@chwckck.org



Dear Board of Commissioners of Kansas City Kansas

Angela Turner of Simmons Security has been a part of the Strawberry Community for longer than I think most people realize. Her and her husband John have supported, believed in and been a part of the continuing renewal for the Strawberry Hill Community but also the Kansas City Kansas Downtown. Recently Angela has been met with opposition to occupy a property she and her husband already own as a rental property. Simmons Security is asking to operate the small 1- person office out of the basement of :

428 N 5th st

Kansas City KS 66101

I am writing in support of Simmons Security occupying the proposed office space. There is no doubt in my mind or in my professional opinion that Angela and Simmons Security will be a great addition to the Strawberry Hill neighborhood. As we are aware the 5th street corridor is already zoned for mixed used as there are residential and commercial occupants. This operation would be a perfect fit for the mixed use zoning dynamic as well as an extra set of vigilant eyes on the neighborhood.

As a past president of the Strawberry Neighborhood Association, the current Chairperson for the SSMID and current board member for the DTS, I can only see a benefit from Simmons Security using the basement of the proposed property as an office.

Sincerely,

Tim Ryan

539 Armstrong Ave

Kansas City KS 66101

Tim.ryan539@gmail.com



Strawberry Hill Neighborhood Association, Inc.
P.O. Box 171117, Kansas City, KS 66117
913.802.4758 | SHNASecretary@gmail.com
www.strawberryhillkck.org



26 March 2019

To the Department of Urban Planning and Land Use:

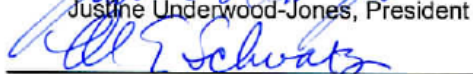
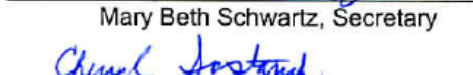
We are writing to inform the department that Tuesday, the 26th of March 2019, the board of the Strawberry Hill Neighborhood Association met and discussed petition #SP-19402-00021 / #SP-2019-30, Angela Turner/Simmons Security & Protection Services, to discuss the proposed special use permit to allow the use of a residential unit as office space for the applicant's company.

The board voted unanimously to oppose the applicant's petition for the special use and has asked that the department recommend denial to the Board of Zoning Appeals. We will be forwarding the same appeal to the Board of Commissioners and to other relevant parties.

Factors considered in our decision to oppose this petition include feedback from neighbors impacted by the proposed change who expressed a desire for a resident neighbor rather than an office, as well as precedent that will be set for other businesses priced out of office space in the community's environs owing to rising rent costs. We do not wish to sacrifice affordable housing to nearby companies in the wake of ensuing gentrification in our community, however responsible the company's owner is and however quiet a neighbor they would be.

It is likely that this board will assume a similar posture for future non-resident property owners wishing to operate commercial space from residential property in the Strawberry Hill area, owing to the same concerns for preserving housing on mixed use or residential streets and avenues in our community.

Kindest regards,


Justine Underwood-Jones, President

Mary Beth Schwartz, Secretary

Cheryl Sostarich, Board Member
(Neighboring N. 5th St. Resident)


Francie Sachse, Treasurer

Curtis Roderick, Board Member

Erin Guthrie, Board Member



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: April 25, 2019
Re: Petition #SP-2018-54 – Revocation Hearing

GENERAL INFORMATION

Applicant:
R. Scott Beeler

Status of Applicant:
Representative
Lathrop Gage LLP
10851 Mastin Boulevard
Suite 1000
Overland Park, KS 66210

Requested Action:
Due to concerns expressed by citizens and verification of those concerns, Staff is requesting the Board of Commissioners Revoke the Special Use Permit for the Temporary Use of Land for industrial purposes

Date of Original Application:
April 2, 2018

Purpose:
To park motor vehicles, SUV's, pick-up trucks, and semi-truck trailers in the parking lot



Property Location: 9700 Leavenworth Road

Commission Districts: Commissioner At-Large: Melissa Bynum
District Commissioner: Mike Kane

Existing Zoning: A-G Agriculture District

Existing Surrounding Zoning: **North:** A-G Agriculture District
South: CP-2 Planned General Business and A-G Agriculture Districts
East: R-1 Single Family and CP-2 Planned General Business Districts
West: A-G Agriculture and R-1 Single Family Districts

Existing Uses: **North:** Single family residences on large lots
South: Vacant commercial land north of Leavenworth Road and single-family residences on large lots
East: Event Center and Wyandotte County Lake Park
West: Single family residences

Total Tract Size: 56.27 acres

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

Major Street Plan: Leavenworth Road and 99th Street are classified as Class A and B Thoroughfares, respectively.

Advertisement: The Wyandotte Echo – April 4, 2019
Letters to Property Owner – April 2, 2019

Public Hearings: April 25, 2019

Public Opposition: Staff has received numerous complaints concerning the application including:

1. Violation of the hours of operation proposed by the applicant and adopted by the Board of Commissioners
2. Failing to use trucks to transport all vehicles
3. Driving improperly licensed vehicle on City Streets
4. Destruction of private property by driving a truck thru the yard of a citizen that complained about the operation
5. Trucks using 99th Street

ORIGINAL PROPOSAL

Detailed Outline of Requested Action: The representative, R. Scott Beeler on behalf of the property owner, Ruffin Woodlands, LLC wants to store motor vehicles, SUV's, pick-up trucks and semi-trailer and/or vehicles to help companies in the area that need the space on a temporary basis on 56.27 acres at 9700 Leavenworth Road.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The area is dominated by the vacant Woodlands facility. Other prominent features include the surrounding large lot residential development and Wyandotte County Lake Park. While the neighborhood once had a large commercial operation, the industrial nature of the storage lot has impacted the neighborhood negatively. Neighbors should not be impacted by having to make sure an applicant complies with the stipulations imposed by the Board of Commissioners.

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

The zoning and their uses are set out above. The facility currently exists, though the previous use ceased many years ago. While the site has a large parking lot, the industrial nature of keeping trailers and other vehicles is not compatible with the adjoining neighborhoods that trucks are required to pass on the way to the parking lot.

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 has impacted nearby properties.

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

The property is not vacant, although the buildings on the property are not currently in use it is being used to store vehicles.

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

Special use permits are not addressed in the Master Plan; however, this type of use is routinely located in industrial areas.

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 increasing the amount of vehicular traffic because the site should be vacant. This site was not designed for the proposed amount of truck traffic.

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 necessary. The use likely has impacted the marketability of nearby residences in a negative way.

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 noise that is normally associated with the keeping of vehicles and trailers has caused problems for nearby property because the hours of operation have been violated.

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 landowners is minimal. If this permit is revoked, the vehicles will need to find an industrial zoned property to operate the desired use.

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

- #SP-2018-8 was withdrawn by the applicant at the Board of Commissioners meeting on January 25, 2018 to keep semi-truck trailers on the property.
- #SP-2016-32 was approved by the City Planning Commission on April 11, 2016
- SP-2018-54 was approved with stipulations on May 31, 2018.

KEY ISSUES

1. Compliance with stipulations 2, 3, 4, and 5
2. Failing to indicate that they would also drive cars to the site as well as using transport trucks.

ADOPTED STIPULATIONS

1. **Appropriate directed lighting**
2. **No use of jack brakes**
3. **Vehicles will only use Leavenworth Road**
4. **Vehicles will not use 99th Street**
5. **Withdrawal of the UPS truck/tractor-trailer storage**
Modified by the applicant at the Board of Commissioner's meeting to include the hours of operation. Those hours are 7:30 AM to 7:30 PM
6. **This special use permit is for passenger cars and pick-ups**
7. **A 30-day minimum stay for a vehicle**
8. **Maximum number of trucks per day is 60 (17 trucks per hour maximum)**
9. **Approval is for two (2) years**

STAFF COMMENTS AND SUGGESTIONS

1. After staff contacted the applicant, violations related to stipulations 2, 3, and 4 have been corrected.
2. Because the Board of Commissioners limited the number of trucks per day, the applicant simply subverted the intent of traffic limitations and hours of operation by driving cars to the site instead. This delivery method was not mentioned, requested or approved by the Planning Commission or Board of Commissioners.
3. The City had to divert police from other duties to monitor cars being driven to and from the Woodlands on City streets with improper licensing and/or display of licensing in violation of this permit. One vehicle was eventually cited. None were impounded. It has been observed that the users watch for the police presence and stop activity while they are present. Police were in the area frequently to monitor as late as April 10 and possibly beyond.
4. While action may be taken based on testimony and information contained herein, staff has asked the impacted citizens to appear with their pictures and videos.
5. Mr. Beeler has not contacted staff since March 29, 2019.

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 **REVOCATION OF SPECIAL USE PERMIT #SP-2018-54.**

ATTACHMENTS

NEW ATTCHMENTS: (note personal emails and phone numbers omitted)

1. Emails between Scott Beeler and Rob Richardson on March 29, 2019
2. Image of the damage to private property (relates to attachments 3 and 4)
3. Emails Scott Beeler, Rob Richardson and others March 13 and 14, 2019
4. Emails Scott Beeler and Rob Richardson March 13, 2019
5. Emails Scott Beeler and Rob Richardson and others March 11, 2019
6. Emails Scott Beeler and Rob Richardson March 13, 2019
7. Emails Scott Beeler and Rob Richardson February 25 and 27, 2019
8. Emails Scott Beeler, Rob Richardson and others February 21 and 22, 2019
9. Emails Scott Beeler, Rob Richardson and others November 30, 2018
10. Emails Scott Beeler, Rob Richardson and others November 16, 2018

ORIGINAL ATTACHMENTS:

May 14, 2018 City Planning Commission Minutes
KCKFD Comment Letter
Applicant Narrative
Applicant Response Letter
Neighborhood Meeting Minutes
Aerial Photographs
Site Photographs

REVIEW OF INFORMATION AND SCHEDULE

Action	Board of Commissioners
Public Hearing	April 25, 2019

STAFF CONTACT: **Robin H. Richardson, AICP**
 rrichardson@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **REVOKE SPECIAL USE PERMIT #SP-2018-54** as it failed to comply with the requirements of the City code and stipulations imposed as conditions of the special use permit and not being in the interest of the public health, safety and welfare. The following are additional reasons beyond those stated in the staff report that the permit should be denied:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **ALLOW** Petition #SP-2018-54, to continue as it can be in compliance with the City Ordinances and will promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned if it complies with the previously imposed stipulations and the following additional requirements:

1. _____;
2. _____; And
3. _____.

NEW ATTACHMENTS

Attachment #1

Emails between Scott Beeler and Rob Richardson March 29, 2019

Scott,

Thank you for your continued work on this effort. While I have serious issues with this SUP, I appreciate your continued efforts on the matter. I am especially appreciative that the damage done to a neighbors yard was promptly repaired.

I want to bring three points to your attention. First, I have discovered after listening to the hearing again that you modified stipulation number 5 to include the hours you proposed and that was adopted as a stipulation to the SUP. So the hours are included in the SUP stipulations.

Those hours were also stipulated in your application, your presentation to the neighbors and your letter responding to the draft staff report of 4/24/2018. You might see where I would think to use colorful descriptions like “gaming the system” concerning how our citizens and system are being used. Your comments have been down playing the hours of operation for some time now. Telling us you would do one thing, then not doing that but saying you will in the future just to be a good guy does not sit well with me. I actually consider your statements/commitments to the citizens as important as the stipulations although they may not carry the weight of the law. That aside, it is good your contracts will soon match the requirement and your promises to the citizens of Kansas City, Kansas. It will be incumbent upon you to make sure those provisions are followed!

Secondly, there is nowhere in your application or documentation you provided that would note the additional cars being driven to the facility, in fact the only discussions were delivery by semi-truck that would not use Jake brakes. You had ample opportunities to indicate that cars would also be driven separately to the facility so that the issue could be resolved under the open discussions of a public forum. One poignant moment to have done that would have been when we discussed the potential need for a traffic study. The autos being driven separately are not a part of your approved SUP. The only transportation method approved in the SUP is by truck transport. Separate vehicle trips must cease immediately.

Finally, you note in your email that the operation has an exemplary record. We actually expect 100 percent compliance with the provisions of special use permits. Renewals of SUP's that do

not are regularly denied by the Board of Commissioners. This is even more true in cases where the tranquility of a neighborhood is concerned. Having been requested to do so by members of the Board of Commissioners, the revocation hearing, it is scheduled for April 25th at 7 PM in the Commission Chambers of City Hall. Notices will be sent according to our ordinance shortly.

As always, I am always willing to continue the conversation in hopes of identifying solutions to the issues we face with this application.

Thank you,



Robin H. Richardson, AICP
Director of Planning

From: Beeler, Scott (LG) <rsbeeler@lathropgage.com>
Sent: Friday, March 29, 2019 11:49 AM
To: Richardson, Rob <RRichardson@wycokck.org>
Subject: RE: Woodlands

Rob:

I have continued to work on this matter since receiving your email below.

In particular, I have been in negotiation with the parties who contract for the storage of the vehicles. Their contract was negotiated and executed in reliance upon the understanding that the time restriction which the Woodlands would impose on ingress/egress of the storage vehicles was limited to semi-truck/hauler traffic. That contract specifically includes that reference.

As you and I have discussed, the SUP does not contain the time limitation, yet we (the Woodlands) have kept the letter and spirit of our agreement by having the no truck ingress/egress restriction. This operation has now been in effect for months and if we consider 60 trucks per day, as was discussed at the SUP hearing, that equates to 5400 trucks over 3 months. Of those trips – there have been only a handful of occasions (mostly early on in the operation) where trucks have come outside of the allotted time periods. In other words, the Woodlands' overall compliance has been stellar. And for those few instances where trucks were reported at unauthorized times, immediate remedial action was taken and contacts made to the carriers.

All of the above shows that the Woodlands continues to operate in compliance with the SUP. Even so, we have gone back to the contracted parties and advised that we want the contract modified to restrict ingress/egress of **all** storage vehicles, whether trucked in, driven in or otherwise, to the hours of 7:30 a.m. and 7:30 p.m. I am pleased to report that they have agreed to make the modification and we are working to get that amendment executed. There will still be security related traffic but the contract provision will state no storage vehicles to be brought in or removed before or after hours.

You and I previously communicated about a neighbor's complaints that storage vehicles were being illegally driven on public streets without proper licensure. I had the Woodlands staff call authorities and confirm that as long as the vehicles had the proper transit paperwork, they could be legally moved/driven. I had understood that the neighbor (and perhaps your office) also confirmed the same. As such, I was somewhat surprised to learn this week that KCK police organized the "stop" of a large group of individually driven storage vehicles, all as they left the facility. I was pleased to learn that all of the vehicles were carrying the proper paperwork and that no traffic citations were given.

The other night Woodlands staff got a text message from the neighbor south of the main drive at 1:45 AM to complain about a vehicle at the end of the drive with lights shining in his window. Staff alerted the security guards and ultimately police, all who verified that there was no storage vehicle driven or trucked in or out near that time frame. It turned out it was a vehicle from the public that had pulled into the drive and then turned around and remained there for a time for unknown reasons. Again, the point is that all complaints are acted upon and the accused Woodlands operation is sometimes not related to the complaint.

I hope the good faith and contract change referenced above will negate any formal proceeding as referenced in your email below. I would appreciate your confirmation of same. Thanks and have a great weekend.

R. Scott Beeler
Partner

Attachment #2



Attachment #3

Scott,

The Commissioners have asked that this be set for revocation.

Rob

From: Beeler, Scott (LG) <rsbeeler@lathropgage.com>

Sent: Thursday, March 14, 2019 5:07 PM

To: Richardson, Rob <RRichardson@wycokck.org>

Subject: Re: Woodlands

Rob:

Can we please refrain from commentary like “gaming the system” and the like? First, you have known me a long time and should know I do not operate that way; and second, I wholly fail to see why my asking if there are photos or video that I can confront the vehicle owners and transport company with should reflect anything negative about the intent of the woodlands. In fact, I would hope that our request shows we are acting in good faith and trying to do everything we can to stay within the bounds of the special use permit. If the transporter of the vehicles says they are not doing something alleged, our having proof of the allegation is extremely helpful in our efforts to curb the conduct. I previously mentioned that there have also been times when certain things were alleged that were later proven to be untrue. That is why the photos and video are good for the both of us. I certainly see the tire tracks in the photo you attached. I have a little trouble orienting direction in the photo so I plan to go out to the track tomorrow to see the site for myself. If the mud tracks go from or to the woodlands property, as your email suggests, I will most certainly take the matter to the transport company. your email exchange with Commissioner Bynum and copied to other commissioners seems to suggest that we not have a meeting. That is your prerogative but I want to be very clear on the record that I have now asked for the meeting three times.

I am interested to see any and all photos or videos that have been submitted to you by the public so that I can better assess if the parties with whom the woodlands have contracted are violating the terms of the contract. Aside from the one picture today, I have seen nothing. As I have said each prior time, I certainly respect that you are receiving complaints but I think it only fair that the party holding the permit have the opportunity to see and understand the support behind the complaints. Please advise if a meeting will occur. Thank you.

Sent from my iPhone

R. Scott Beeler

Partner

On Mar 14, 2019, at 4:33 PM, Richardson, Rob <RRichardson@wycokck.org> wrote:

Scott, guess where the mud leads... You really need to get these folks under control.

Rob

From: Melton, Lynn <lmelton@wycokck.org>
Sent: Thursday, March 14, 2019 4:29 PM
To: Richardson, Rob <RRichardson@wycokck.org>
Cc: Bynum, Melissa <mbynum@wycokck.org>; Kane, Mike <mkane@wycokck.org>
Subject: RE: Woodlands

This is the yard that was torn up last night and posted on social media—this is the picture I took this morning. Nela Bruner's front year-

<image001.png>

From: Richardson, Rob <RRichardson@wycokck.org>
Sent: Wednesday, March 13, 2019 10:40 PM
To: Bynum, Melissa <mbynum@wycokck.org>; Melton, Lynn <lmelton@wycokck.org>
Cc: Kane, Mike <mkane@wycokck.org>
Subject: Re: Woodlands

I think they are way beyond what was approved of the neighbors are correct and have the evidence they claim.. It appears they are gaming the system. The hearing will accomplish the same thing and more than a meeting - even if the permit is not revoked. Once Scott said we needed evidence it was a signal to me with game had changed.

Rob

Get [Outlook for Android](#)

From: Bynum, Melissa
Sent: Wednesday, March 13, 2019 7:57:09 PM
To: Melton, Lynn; Richardson, Rob
Cc: Kane, Mike
Subject: Re: Woodlands

Yes, I saw and commented we are working on several issues now with the Woodlands. I didn't necessarily need a meeting with the attorney, but will do whatever you 2 agree to do.

Melissa

Sent from my Sprint Samsung Galaxy S8.

----- Original message -----
From: "Melton, Lynn" <lmelton@wycokck.org>
Date: 3/13/19 7:43 PM (GMT-06:00)
To: "Richardson, Rob" <RRichardson@wycokck.org>
Cc: "Kane, Mike" <mkane@wycokck.org>
Subject: Fwd: Woodlands

This was on Neighborhood Facebook tonight.

Sent from my iPhone

Begin forwarded message:

Attachment #4

Rob

From: Melton, Lynn <lmelton@wycokck.org>
Sent: Thursday, March 14, 2019 4:29 PM
To: Richardson, Rob <RRichardson@wycokck.org>
Cc: Bynum, Melissa <mbynum@wycokck.org>; Kane, Mike <mkane@wycokck.org>
Subject: RE: Woodlands

This is the yard that was torn up last night and posted on social media—this is the picture I took this morning. Nela Bruner's front yard-



Lynn Melton

Assistant to the Mayor | Mayor David Alvey
Unified Government of Wyandotte/Kansas City, Kansas
701 North 7th Street, Suite 926 | Kansas City, Kansas 66101
Office: 913-573-5010 | Direct: 913-573-5438 | Mobile: 913-201-3290

From: Richardson, Rob <RRichardson@wycokck.org>
Sent: Wednesday, March 13, 2019 10:40 PM
To: Bynum, Melissa <mbynum@wycokck.org>; Melton, Lynn <lmelton@wycokck.org>
Cc: Kane, Mike <mkane@wycokck.org>
Subject: Re: Woodlands

I think they are way beyond what was approved of the neighbors are correct and have the evidence they claim.. It appears they are gaming the system. The hearing will accomplish the same thing and more than a meeting - even if the permit is not revoked. Once Scott said we needed evidence it was a signal to me with game had changed.

Rob

Get [Outlook for Android](#)

From: Bynum, Melissa
Sent: Wednesday, March 13, 2019 7:57:09 PM
To: Melton, Lynn; Richardson, Rob
Cc: Kane, Mike
Subject: Re: Woodlands

Yes, I saw and commented we are working on several issues now with the Woodlands. I didn't necessarily need a meeting with the attorney, but will do whatever you 2 agree to do.

Melissa

Sent from my Sprint Samsung Galaxy S8.

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

From: "Melton, Lynn" <lmelton@wycokck.org>
Date: 3/13/19 7:43 PM (GMT-06:00)
To: "Richardson, Rob" <RRichardson@wycokck.org>
Cc: "Kane, Mike" <mkane@wycokck.org>
Subject: Fwd: Woodlands

This was on Neighborhood Facebook tonight.

Sent from my iPhone

Begin forwarded message:

From: Lynn < >

Date: March 13, 2019 at 7:31:16 PM CDT

To: "Melton, Lynn" <lmelton@wycokck.org>

Subject: Woodlands



Sent from my iPhone

Attachment # 5

Scott,

Please see the email below I just sent to the Commissioners. The operation is clearly out of control and ignoring the stipulations of the SUP. I have recommended a revocation hearing and while totally unnecessary, we will have photo and video evidence of the continued violations.

Thank you,



Robin H. Richardson, AICP
Director of Planning

From: Richardson, Rob

Sent: Wednesday, March 13, 2019 11:38 AM

To: Kane, Mike <mkane@wycokck.org>; Bynum, Melissa <mbynum@wycokck.org>; Melton, Lynn <lmelton@wycokck.org>

Cc: Sieben, Melissa <msieben@wycokck.org>

Subject: FW: Woodlands

Commissioners and Lynn,

Here are the stips. As part of the approval Mr. Beeler agreed to limit operations from 7:30 to 7:30 as his stipulation #5. One of their employees told the neighbor they had 24 hour operations.

They are also bringing in fleets of cars being driven without license plates not on transports to avoid our stips. This was not part of the approval. She is sending me the videos and her notes. I think you should request we bring this in for a revocation hearing. I have asked the neighbor to provide her notes and video evidence.

1. Appropriate directed lighting
2. No use of jack brakes
3. Vehicles will only use Leavenworth Road
4. Vehicles will not use 99th Street
5. Withdrawal of the UPS truck/tractor-trailer storage
6. This special use permit is for passenger cars and pick-ups
7. A 30-day minimum stay for a vehicle
8. Maximum number of trucks per day is 60 (17 trucks per hour maximum)
9. Approval is for two years

At 2:27:30 in the PC minutes Mr. Beeler agreed to limit operation from 7:30 AM to 7:30 PM he listed it as his stipulation # 5. Not sure how that did not translate, but I think they will abide by that if we mention it to them. Your text came in at 7:43 so they were close. I will email Mr. Beeler.

Thank you,



Robin H. Richardson, AICP
Director of Planning

Attachment #6

I have made your request know to the Commissioners. Does your client have video or log book entries to contradict the neighbors?

Rob

From: Beeler, Scott (LG) <rsbeeler@lathropgage.com>
Sent: Monday, March 11, 2019 1:59 PM
To: Richardson, Rob <RRichardson@wycokck.org>
Subject: RE: Woodlands/truck traffic

What is troubling to me is the continued reference to “truck” and “rig” traffic (both of which I relate to semi-truck/car carriers). That “truck traffic” is referenced in both of Commissioner Bynum’s emails below. It is my understanding that the few instances semi-truck entrances/exits that had occurred after the agreed hours have long ago ceased. We immediately took action on that issue upon your letting me know about the complaint being raised. I think the record is clear that we have acted in good faith to address any and all complaints in an “immediate” manner.

I am wondering if it would make sense to schedule a meeting at City hall to discuss the issues and maybe be able to get the “he saids/she saids” out of the equation. We could meet with you and your staff and could invite Commissioner Bynum and the two neighbors she mentioned, as well as Ms. Torres. If you would rather, we could just come in to meet with you and your staff (and Commissioner Bynum if she would like) and then go from there. I want to be sure she knows we are responding appropriately and in a timely manner. I am open to any meeting suggestion.

Rob: What I don’t think would be fair or equitable is to commence a revocation proceeding that is based on a “because we say so” kind of report. Unless I am mistaken, no one has offered up any time and date stamped photos or video of the alleged infractions – correct? As I have said previously, I respect the opinions of all of the neighbors when I say this, but the fact is that for several of the complaints you have sent along to me, we immediately spent time, money and man-power to investigate, only to find that what was alleged to have occurred in the complaint was factually incorrect. My client most certainly agreed to curtail the truck traffic to the agreed hours. We have reaffirmed that agreement in our prior correspondence. We also know that on a very few occasions the auto manufacturers breached their agreement with us by having several semi-

trucks access the site after hours. Once again, we immediately contacted them and put a stop to that upon learning it had happened. Again, I suggest we get together and get all the cards out and get the facts figured out. Please let me know if a meeting to discuss these operations would be helpful. thanks

R. Scott Beeler
Partner

From: Richardson, Rob [<mailto:RRichardson@wycokck.org>]
Sent: Monday, March 11, 2019 1:27 PM
To: Beeler, Scott <rsbeeler@lathropgage.com>
Subject: FW: Woodlands/truck traffic

Scott,

I now have two Commissioners and the Mayor's office involved. One email is included below. I will forward the other. It seems like there is more going on here than what we are aware of. You committed to times of activity. If they won't adhere to that, then it will likely get scheduled for revocation.

Rob

From: Bynum, Melissa <mbynum@wycokck.org>
Sent: Monday, March 11, 2019 1:17 PM
To: Richardson, Rob <RRichardson@wycokck.org>; Talkin, Greg <gtalkin@wycokck.org>
Cc: Cross, Emerick <ecross@wycokck.org>
Subject: Re: Woodlands/truck traffic

I have an update, as Ms. Joy Gardener called me again, and I was able to answer. She's in her 70s, lives directly across the street from the Woodlands entrance, at 9625 Leavenworth Road.

The truck/van/ rig traffic is constant and often begins at 7:30 am and continues far past her bedtime.

She states it runs 24/7 basically, and so the noise is regular, and the headlights into her bedroom are a nightly occurrence.

She does communicate with Jayme LaRocca, as she knows him from working at the Woodlands when it was open.

She believes he told her there is no limit to the times/days the truck traffic can occur, but I was under the impression there was.

She said she was out of town providing hospice to a family member when the extension meeting was held, so not able to speak against, and they were granted a 1.5 year extension at that time.

Her number is below, and I told her we would definitely be checking the agreement in place and getting back to her.

Thanks!
Melissa Bynum

Sent from my Sprint Samsung Galaxy S8.

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

From: "Bynum, Melissa" <mbynum@wycokck.org>

Date: 3/11/19 12:01 PM (GMT-06:00)

To: "Richardson, Rob" <RRichardson@wycokck.org>, "Talkin, Greg" <gtalkin@wycokck.org>

Cc: "Cross, Emerick" <ecross@wycokck.org>

Subject: Woodlands/truck traffic

Hello

I'm wondering if someone is able to contact a lady named Joy, not sure of last name
913-579-4898

And also Joe Vaught

ATTACHMENT #7

Scott,

Please see below.

Rob

From: laurie torrez

Sent: Monday, February 25, 2019 5:41 PM

To: Richardson, Rob <RRichardson@wycokck.org>

Cc: Toy, Byron <btoy@wycokck.org>

Subject: Woodlands/SUP

I contacted the Kansas Highway Patrol regarding the vehicles on the road without license plates. This is an accepted practice, but with stipulations included in the movement of these vehicles on the road. I hope and pray someone has insurance on these vehicles.

I understand the semi parked over night at the 99th street entrance. Hopefully this was a once in a lifetime emergency.

ATTACHMENT #8

Thanks Scott!

Sent via the Samsung Galaxy S7 active, an AT&T 4G LTE smartphone

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

From: "Beeler, Scott (LG)" <rsbeeler@lathropgage.com>

Date: 2/22/19 4:28 PM (GMT-06:00)

To: "Richardson, Rob" <RRichardson@wycokck.org>

Subject: RE: Woodlands Special Use Permit

Rob:

Thank you for your email on Tuesday and the one today. I have been making calls to follow-up with regard to the allegations in the emails which Mr. Toy has received from Ms. Torrez. Based on the information I have gathered, I believe that the Woodlands remains in conformance. As I read the emails – Ms. Torrez raises 3 issues:

- **Allegation of semi-truck vehicle transports using the 99th street entrance as a “staging area” and for overnight parking.**
- **Allegation that the vehicles which are part of the “in transit” storage are required to have license plates like any individual’s vehicle would.**
- **Allegation that cars and trucks which are individually driven in or out of the facility (as opposed to transported in or out via semi-truck) are held to a 7:30 am to 7:30 pm period of operation.**

I will address her points in order:

- **The 99th street entrance is NOT being used as an overnight staging area. I have learned that on Feb 14, a truck operator (unrelated to any Woodlands business or activity) had a mechanical failure on his way home from a trucking route from Western Ks. He moved the cones blocking the 99th entrance and pulled his truck and trailer in that entrance to get the vehicle off of the roadway. I have attached an email from that truck operator directly below. The truck was spotted overnight by security and the card of the Woodlands property manager was placed on the vehicle with a request for explanation and notification. The operator of the vehicle sent the email below explaining that he had encountered an emergency due to mechanical failure and placed the truck there to avoid safety issues on 99th. He was able to move the truck the next morning. His contact information is in the email should anyone wish to further verify that this incident was unrelated to the Woodlands or the SUP.**

Mr. LaRocca, this email is a follow-up to our phone conversation. Please feel free to share with whomever you deem necessary.

I live/own my house at 3300 N 99th, across from the Woodlands. I was driving back from western Kansas and had mechanical problems with my company tractor/trailer. Instead of blocking 99th street and creating a safety hazard, I moved the cones and backed into the west entrance of the Woodlands and parked it there temporarily overnight. This is definitely not the norm and only did this because of an emergency situation. As you know, I moved the truck/trailer the following morning and found your business card on the door and called you. I did not have your number prior and therefore you had no knowledge of the details until I explained this morning. I appreciate your understanding.

Again, if anyone at the City or the neighbors question this situation, please have them contact me directly and/or share this email.

Respectfully,

Jeff Miles, Vice President

www.linkedin.com/in/TrackSweeper

Key Equipment & Supply Company

6716 Berger Ave

Kansas City, Kansas 66111

Fax: 913-788-4093

www.keyequipment.com

- **License plate concerns.** As we indicated throughout the SUP process, the vehicles stored at the Woodlands are on their way to other destinations. They are effectively “in-transit” but are stored here on a temporary basis. As such, they have not been sold to end users. It is the end users who will obtain the license plates described in Ms. Torrez’s email. I defer to your law enforcement division or to the state division of Motor vehicles but, I believe the vehicles would have temporary paperwork describing the transitory nature of their status. In any event, those papers, licenses, permits or plates are not part of our SUP.
-
- **Semi-truck hours of operation.** The SUP itself contains no reference to hours of operation. That said, we have always agreed to limit the semi-truck/trailer portion of the traffic to 7:30 a.m. to 7:30 p.m. That agreement was borne out of a

desire to avoid very early morning or late evening braking and engine noise from the operating semi's. The vehicles described by Ms. Torrez are ordinary cars, pickup trucks and small vans. They are driven in or out with no more noise than any neighbor driving down the street after a dinner out.

To the extent that any issues regarding the vehicle storage operation have arisen, the Woodlands has immediately undertaken to self-police and resolve the issues. In this case, the Woodlands immediately investigated and determined that a disabled truck was unrelated to the storage of vehicles at the Woodlands and the truck was removed the next morning. The other two issues are not problems with or potential violations of the SUP.

Please allow me to reiterate that we respect the concerns of all residents of the neighborhood and appreciate the vigilance of neighbors like Ms. Torrez and we will continue to make every good faith attempt to be in conformance with the SUP requirements.

**Please let me know if you have any other questions or concerns.
Thank you.**

R. Scott Beeler
Partner

From: Richardson, Rob [<mailto:RRichardson@wycokck.org>]
Sent: Friday, February 22, 2019 11:39 AM
To: Beeler, Scott <rsbeeler@lathropgage.com>
Subject: FW: Woodlands Special Use Permit

Scott,

Please see below. It appears the operation is out of conformance. It needs to get back into conformance by the end of the month or I will initiate the formal revocation process.

Thank you,



Robin H. Richardson, AICP
Director of Planning

From: Flanders, Zachary <zflanders@wycokck.org>
Sent: Friday, February 22, 2019 8:22 AM
To: Richardson, Rob <RRichardson@wycokck.org>
Subject: FW: Woodlands Special Use Permit

FYI, Byron and I have received several emails about woodlands SUP from the person below.
How would you like us to respond?

From: laurie torrez <>
Sent: Thursday, February 21, 2019 5:46 PM
To: Toy, Byron <btoy@wycokck.org>
Cc: Flanders, Zachary <zflanders@wycokck.org>
Subject: Woodlands Special Use Permit

Mr. Toy,

I am very disappointed you have not responded to my e-mails. Did you not receive my two e-mails?

Has the Woodlands been granted the right to park tractor trailers over night and/or use the entrance on 99th street as a staging area for overnight parking?

Are the Woodlands operation hours from 7:30 am to 7:30 pm as stated in the SUP you sent me or have they since been granted 24/7 operation?

Is it legal for the Woodlands to drive 24 vehicles with no license plates on any public street or are they expected to be licensed like any other vehicle on the road?

I would appreciate an answer or explanation on the above listed questions.

Thank you,

Laurie Torrez

ATTACHMENT #9

Thanks Again!

Rob

From: Beeler, Scott (LG) <rsbeeler@lathropgage.com>
Sent: Friday, November 30, 2018 2:38 PM
To: Richardson, Rob <RRichardson@wycokck.org>
Subject: RE: Woodlands Race Track complaint

Rob – here is one more email. Please note that I had Jayme LaRocca advise the car carrier dispatch of later morning and earlier evening hours than are actually allowed in hopes of further curtailing any “accidental” truck traffic outside of the stipulated hours. The email also documents the additional reminders sent regarding prohibition of 99th access and use of Jake brakes.

Scott,

Sorry, please see corrections to the conversation I had with the person in charge of dispatching:

Hours of operations for **brokered/spot buy carriers** has been restricted to 8:30am to 6:00pm at The Woodlands. I requested that all **brokered/spot buy carriers** notify their drivers/dispatchers of new time restrictions as well as remind their personnel that there is only one entrance (do not use 99th street entrance) and no “Jake brake/compression braking” on or around Leavenworth road.

Jayme LaRocca
Ruffin Woodlands, LLC
Kansas City, Kansas

R. Scott Beeler
Partner

From: Richardson, Rob [<mailto:RRichardson@wycokck.org>]
Sent: Friday, November 30, 2018 2:24 PM
To: Beeler, Scott <rsbeeler@lathropgage.com>
Subject: Re: Woodlands Race Track complaint

Thanks Scott!

Sent via the Samsung Galaxy S7 active, an AT&T 4G LTE smartphone

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

From: "Beeler, Scott (LG)" <rsbeeler@lathropgage.com>
Date: 11/30/18 12:53 PM (GMT-06:00)
To: "Richardson, Rob" <RRichardson@wycokck.org>
Subject: RE: Woodlands Race Track complaint

Hello Rob – Please know we have communicated in the strongest of terms to the vehicle transport companies as to the requirements regarding delivery and removal of vehicles. In almost every case, the truck trips in or out have followed the instructions to the letter. On a couple of occasions when a transport truck has shown up too early or late or has attempted to use the 99th street entrance, they were turned away. Please see the three emails attached below which were sent to me from the property manager

noting the same. I am also aware of the one incident (Nov 14) (see the last email attached below) where car carriers did access the site after allowed hours and that instance was immediately addressed. Hopefully those show our good faith in adhering to the stipulations.

As you can see, I have asked to be advised anytime there is a potential problem or issue regarding the vehicle delivery/storage/ or removal. Also – while I certainly respect any neighbor's concern or complaint, I must also state that the commentary regarding this being a continuing occurrence is simply not so. As the emails attached reflect – our guards on site 24/7 are reporting directly to Mr. LaRocca anytime there is a potential truck violation suspected. Again, the number of those incidents has been minimal. We are well aware that any is too many but I also would hope we can keep this in perspective and note that we are fully respecting the stipulations. I will look into the idea regarding the jersey barrier concept but at the same time, I am not sure that a single attempt (and an unsuccessful one at that) to access from 99th warrants concrete barriers. Still, I will check.

Scott,

I wanted to let you know a semi-truck came in the 99th street driveway this afternoon. The driver knew to use the Leavenworth Road entrance, but he said the snow didn't look at bad at this gate. Excuse doesn't make sense. He's aware never to use this gate again and I'll notify Ford as well. I'll let you know if I hear any complaints.

With the weather we've had, there's been very little activity out here.

Thank you.

Jayme LaRocca
Ruffin Woodlands, LLC
Kansas City, Kansas

Scott,

An empty semi-trailer arrived at 6:00am this morning to pick up Ford vehicles. The guard didn't let them in, but the damage was done once they turned into our driveway off of Leavenworth Road. Please let me know your thoughts on how best to deal with this.

Thank you.

Jayme LaRocca
Ruffin Woodlands, LLC
Kansas City, Kansas

R. Scott Beeler
Partner

From: Jayme LaRocca [<mailto:jlارocca@woodlandskc.com>]
Sent: Friday, November 16, 2018 11:54 AM
To: Beeler, Scott <rsbeeler@lathropgage.com>
Subject: Re: Woodlands Parking

Scott,

It is true. I addressed it already with the people we are contracted with for Ford to use our lots. He assured me they will pass along to the transportation companies the hours.

From: Richardson, Rob [<mailto:RRichardson@wycokck.org>]
Sent: Friday, November 30, 2018 11:40 AM
To: Beeler, Scott <rsbeeler@lathropgage.com>
Subject: FW: Woodlands Race Track complaint

Scott,

Can you have them simply jersey barrier the 99th street entrance? They need to follow all of the commitments otherwise, the renewal hearing won't go well.

Rob

From: Hufft, Alex <ahufft@wycokck.org>
Sent: Friday, November 30, 2018 10:54 AM
To: Richardson, Rob <RRichardson@wycokck.org>
Cc: Faust, Jason <jfaust@wycokck.org>
Subject: Woodlands Race Track complaint

Rob,

I just had a woman by the name of Laurie Torres call to complain about the woodlands race track.

She has been seeing the trucks coming and going through the 99th street entrance instead of the Leavenworth road entrance.

She says the most recent one she witnessed was a truck trailer entering the lot this past Wednesday at 5:44 p.m. but this has been a continuing occurrence prior.

She also states there is a 15'x3' sign that has "no trespassing" spray painted on it and is being hung by a rope in front of the home that is on the property.

She lives in the area at 9828 Donahoo Rd and can be contacted at (913) 927-5615 if you want more details.

Thanks,
Alex



Alex Hufft

Intern | Department of Urban Planning and Land Use

ATTACHMENT #10

Thanks!

From: Beeler, Scott (LG) <rsbeeler@lathropgage.com>
Sent: Friday, November 16, 2018 11:14 AM
To: Richardson, Rob <RRichardson@wycokck.org>
Subject: RE: Woodlands Parking

I will absolutely look into it right away.

R. Scott Beeler
Partner

From: Richardson, Rob [<mailto:RRichardson@wycokck.org>]
Sent: Friday, November 16, 2018 11:04 AM
To: Beeler, Scott <rsbeeler@lathropgage.com>
Cc: Cross, Emerick <ecross@wycokck.org>; Sieben, Melissa <msieben@wycokck.org>
Subject: Woodlands Parking

Hi Scott,

I received a complaint via a UG Commissioner about car deliveries at the Woodlands after 7:30 PM on Wednesday of this week. Would you mind to remind the tenant of the hours you agreed to at Planning Commission. You stated the hours would be 7:30 AM to 7:30 PM on May 14, 2018.

Thanks for your help! As you know it is critical for SUP applicants to keep their promises.

Thank you,



Robin H. Richardson, AICP
Director of Planning

ORIGINAL ATTACHMENTS:

May 14, 2018 City Planning Commission Minutes:

Hearing Starts at 2:14:45:

SPECIAL USE PERMIT APPLICATION #SP-2018-54 – R. SCOTT BEELER WITH LATHROP GAGE LLP FOR RUFFIN WOODLANDS LLC - SYNOPSIS: Special Use

Permit for the Temporary Use of Land for storage of motor vehicles, including cars, SUVs, pick-up trucks and semi-truck trailers at 9700 Leavenworth Road. Detailed Outline of Requested Action: The representative, R. Scott Beeler on behalf of the property owner, Ruffin Woodlands, LLC wants to store motor vehicles, SUV's, pick-up trucks and semi-trailer and/or vehicles to help companies in the area that need the space on a temporary basis on 56.27 acres at 9700 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 May 14, 2018;
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 April 19, 2018; and
7. The Notices to property owners dated April 17, 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:

- ❖ R. Scott Beeler, Lathrop Gage, attorney representing Ruffin Woodlands LLC, 10851 Mastin Boulevard, Suite 1000, Overland Park, Kansas 66210
(NOTE: They withdrew the truck trailers portion of the application.)

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts at 2:31:25: Director Richardson stated that the staff recommends approval subject to:

1. Appropriate directed lighting
2. No use of Jake brakes
3. Vehicles will only use Leavenworth Road
4. Vehicles will not use 99th Street
5. Withdrawal of the UPS truck/tractor-trailer storage
6. This special use permit is for passenger cars and pick-ups
7. A 30-day minimum stay for a vehicle
8. Maximum number of trucks per day is 60 (17 trucks per hour maximum)
9. Approval is for two (2) years

A question was asked by the Commission concerning the upkeep of the properties in that area and Director Richardson stated there are multiple ownerships and the ones up front belong to the Unified Government and will be included in the new mowing program this summer. If anyone see any issues, let him know and he will contact the Parks and Recreation Department.

Motion and Vote starts at 2:34:28:

On motion by Dr. Serda, seconded by Mr. Carson, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2018-54 with the comments in the staff report:**

Carson	Aye
Childress	Aye
Ernst	Aye
Miller	Aye
Mose	Aye
Reasons	Aye
Serda	Aye
Huey	Chairman
Connelly	Not Present
Jones	Not Present
Pauley	Not Present

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

- 1. Appropriate directed lighting**
- 2. No use of jack brakes**
- 3. Vehicles will only use Leavenworth Road**
- 4. Vehicles will not use 99th Street**
- 5. Withdrawal of the UPS truck/tractor-trailer storage**
- 6. This special use permit is for passenger cars and pick-ups**
- 7. A 30-day minimum stay for a vehicle**
- 8. Maximum number of trucks per day is 60 (17 trucks per hour maximum)**
- 9. Approval is for two (2) years**



Kevin Shirley
Fire Chief

KANSAS CITY KANSAS FIRE DEPARTMENT
Division of Fire Prevention

John Droppelmann, Fire Marshal
Fire Headquarters Building
815 North 6th Street
Kansas City, Kansas 66101



Phone: 573-5550
Fax: 551-0490

PLANNING COMMISSION AGENDA REMARKS

April 16, 2018

Mrs. Janet Parker,

In reference to the BOZA and CPC agenda items for the May 14, 2018, City Planning Commission Agenda the Kansas City, Kansas, Fire Marshal's office has only one comment for the items submitted:

- **#SP-2018-54 R. SCOTT BEELER FOR RUFFIN WOODLANDS, LLC**
Special Use Permit for the Temporary Use of Land for storage of motor vehicles.

COMMENT: The Fire Department request that the storage of vehicles is not such that access to any row of vehicles is not restrictive to the point whereas suppression efforts would be limited. The Fire Department would like to see a proposed parking plans showing drive lane dimensions, parking areas, and turn radii.

Respectfully,

John Droppelmann
Fire Marshal
Kansas City Kansas Fire Department
Office: 913-573-5938
Fax: 913-551-0490
Email: jdroppelmann@kckfd.org

The Woodlands property has the infrastructure already in place to accommodate this SUP use. The property is accessed by a currently designated multi-lane arterial street (Leavenworth Road) and the existing ingress/egress to the property is also multi-lane. It has been determined that available improved surface parking for storage of cars and trucks is at a minimum. Significant local employers such as Ford, UPS and railroads transporting vehicles, are in immediate need of temporary vehicle storage areas. The currently not operating Woodlands property, given its existing hard surface parking areas, existing storm drainage system, arterial street access and close proximity to I-435 is an ideal fit for the current need in the community.



R. SCOTT BEELER
PARTNER
DIRECT: 913.451.5158

MAIN: 913.451.5100
FAX: 913.451.0875
RSBEELER@LATHROPGAGE.COM
LATHROPGAGE.COM

BUILDING 82, SUITE 1000
10851 MASTIN BOULEVARD
OVERLAND PARK, KANSAS 66210-1669

April 24, 2018

Rob Richardson, Director of Planning and Development (richardson@wycokck.org)
Byron Toy, Principal Planner (btoy@wycokck.org)
Kim Ingham, Chief Engineer (kingham@wycokck.org)
Martin Ntonjira, Project Engineer (mntonjira@wycokck.org)
Janet Parker, CSC/ APC, Administrative Assistant (jparker@wycokck.org)
Kim Portillo, DRC Coordinator (kportillo@wycokck.org)
John Doppelmann, Fire Marshall (jdoppelmann@kckfd.org)
Unified Government of Wyandotte County
701 N. 7th Street
Kansas City, KS 66101

Re: Special Use Permit for The Woodlands, Petition Number SP-2018-54

Good Afternoon,

This letter is to address Planning, Engineering and Fire Department comments with regard to the above-referenced Special Use Application.

The proposed staff report contains various comments and suggestions on Page 5 of the draft document.

With respect to the Urban Planning and Land Use comments, the Applicant responds as follows:

1. To the extent there is any required business licensing associated with the use of this property as intended in the application, such licensing will be obtained.
2. The November 27, 2017 application was for the storage of truck trailers on the subject property. Further, the prior proposal planned for access to the site through The Woodlands entry road off of 99th Street. The prior application contained no operational time limitations.

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The current application proposes a two-year Special Use Permit to allow temporary storage of motor vehicles, including, cars, pick-up trucks and truck trailers. A principal difference is that applicant anticipates the vast majority of stored vehicles will be of a passenger car or pick-up truck variety. Applicant does still anticipate truck trailers, but believes that number will not exceed 500 at a time. The Woodlands existing finished parking lots can accommodate some 10,000 vehicles. The Applicant does not anticipate more than 4,000 passenger cars and/or pick-up trucks at one time.

The Applicant is prepared to stipulate that all access to The Woodlands property for the proposed storage use shall be from the multi-lane thoroughfare, Leavenworth Road. The access point from Leavenworth Road north to The Woodlands parking lots is also multi-lane and easily accommodates this use.

The Applicant is willing to stipulate to an access availability for ingress and egress for the storage purpose of a 7:30 a.m. to 7:30 p.m.

Further, Applicant is willing to stipulate to a condition that they are to instruct those with whom they contract for vehicle storage that any delivery vehicles be prohibited from using what are commonly referred to as "jake brakes" over the course of delivery from I-435 to the facility.

3. The comments from KCKFD regarding aisle spacing and turn radius information are discussed hereafter in response to similar comments from Public Works and Engineering.

4. The Applicant currently is in negotiation with UPS and Ford Motor and has been in touch with General Motors with regard to temporary storage of vehicles.

There have been other inquiries from similar businesses in the area but at this date, no other contracts are in direct discussion.

5. The application for this Special Use Permit is for two years.

6. The Applicant does not believe that allowing for temporary storage of operating motor vehicles in transit to a final location, constitutes what is intended by the term "industrial storage." The Woodlands property is nearly 400 acres and the parking lots are only a small fraction of that amount (approximately one-eighth). The parking lots are set back from any perimeter property line by hundreds of feet. In almost all cases, the parking lots themselves are barely visible from any public thoroughfare. Given the close proximity to I-435 and the multi-lane thoroughfare of Leavenworth Road, this well-defined and set back property is ideal for this short term usage.

With respect to the **Public Works** comments, the Applicant responds as follows:

A. The improved entryways and parking lots at The Woodlands are currently in existence. As such, there is no plan revision, architectural or additional documentation anticipated.

B. The Applicant is willing to make the stipulations noted in response to Urban Planning and Land Use comments above.

C. Not Applicable.

With respect to the **Engineering** comments, the Applicant responds as follows:

1. No additional construction is planned or necessary for the proposed Special Use Permit. As such, there are no additional architectural and/or engineering plans anticipated.

2. No additional construction is planned or necessary for the proposed Special Use Permit. As such, there are no additional architectural and/or engineering plans anticipated.

3. No additional construction is planned or necessary for the proposed Special Use Permit. As such, there are no additional architectural and/or engineering plans anticipated.

4. No additional construction is planned or necessary for the proposed Special Use Permit. As such, there are no additional architectural and/or engineering plans anticipated.

5. The parking lots are all hard finished surface parking lots which comply with UG requirements. To the extent Applicant finds that any intermittent maintenance or repair is required to conduct this use, that maintenance and/or repair will be conducted, as needed. There is no large area resurfacing anticipated or required to perform this temporary use.

6. This information was provided in response to Urban Planning and Land Use comments above.

7. Applicant confirms that only operable vehicles/trailers will be stored on-site.

8. The contracts contemplated by the Applicant with companies requesting temporary storage do not require specific line markings for individual parking spots. The intention is to park the vehicles in a uniform fashion allowing for necessary ingress and egress through access lanes within the parking lot and via the Leavenworth Road main

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entry. Applicant is aware of the inquiry of the KCKFD and is willing to work on-site with KCKFD representatives to accommodate fire suppression and good practice access.

9. The current anticipation is for the provision of 24/7 security on-site. It is anticipated that security personnel will likely locate at or near the main entry off of Leavenworth Road and then a schedule of periodic patrol will also be implemented. There is no new security building construction anticipated. Applicant anticipates the use of portable toilets as with any temporary use site, along with cleaning and emptying on a standard schedule.

10. No additional construction is planned or necessary for the proposed Special Use Permit. As such, there are no additional architectural and/or engineering plans anticipated.

11. No additional construction is planned or necessary for the proposed Special Use Permit. As such, there are no additional architectural and/or engineering plans anticipated.

12. No additional construction is planned or necessary for the proposed Special Use Permit. As such, there are no additional architectural and/or engineering plans anticipated.

13. No additional construction is planned or necessary for the proposed Special Use Permit. As such, there are no additional architectural and/or engineering plans anticipated.

With respect to the Erosion Control comments, the Applicant responds as follows:

Please see Paragraphs 1 through 11. No additional construction is planned.

April 24, 2018
Page 6

Applicant General Comment:

There were several references to an aerial view of the subject property within the various comments received by the Applicant. A aerial view and an outline of the subject parking lots was included with the Application from September/2017 and is incorporated again herein. Further, aeriels showing and highlighting the parking lot and entry way are attached hereto.

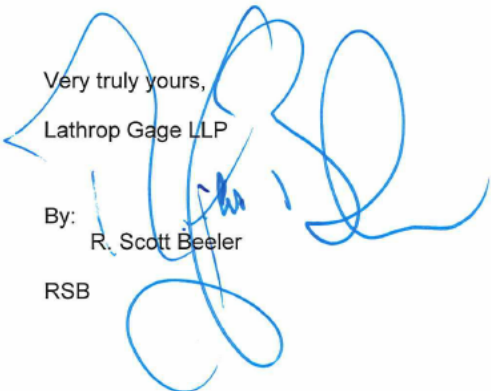
It is our hope and belief that this response letter answers any questions or concerns raised by any of the departments noted above. To the extent you have further questions or concerns, please feel free to contact me. We are proceeding with our Neighborhood Meeting this Friday, April 27, 2018 at 2 p.m. and will submit our summary report from that meeting at its conclusion.

We look forward to a favorable recommendation from staff on this application.

Thank you for your attention.

Very truly yours,

Lathrop Gage LLP

By: 
R. Scott Beeler

RSB

29426231v2

MINUTES

Neighborhood Meeting

SP-2018-54

April 27, 2018 | 2:00PM | Comfort Suites, 3000 N. 103rd Terr., Kansas City, KS 66109

Meeting Called: R. Scott Beeler (Lathrop Gage) & Ruffin Woodlands, LLC

Type of Meeting: Explain the Special Use Permit proposal and answer questions or concerns

Facilitator: R. Scott Beeler

Note Taker: Jayme LaRocca (Ruffin Woodlands, LLC)

Attendees: (See attached Sign-In Sheet)

David Stinebaugh, Jean Langkop, Pat Brune, Karen Lamber, Greg Lamber, Joe Vaught, Deborah Sprague, Mr. & Mrs. Hene, Roberta Laird

Mr. Beeler introduced himself and informed the attendees he represented Ruffin Woodlands, LLC, Owner of the Woodlands, on an application for a Special Use Permit (SUP) to store vehicles/trailers on the roughly 56 acres of available asphalt parking. He gave a general description of the SUP application, explained the process and gave the date, May 14, 2018, for the Planning Commission public hearing. He noted the previous SUP to store vehicles/trailers at the Woodlands was withdrawn by Ruffin Woodlands, LLC prior to presentation at the Board of Commissioner's Meeting on January 25, 2018.

Mr. Beeler explained the need by companies in the area to store vehicles/trailers due to issues with railcar and other transportation problems.

Mr. Beeler informed the attendees the main use plan continues to be to open the Woodlands as a racing, gaming and entertainment facility, but there has been resistance by legislators in Topeka to make that happen. Right now, slot machines at state-owned and operated casinos are taxed 22% while slot machines at racetracks are taxed 40%, for the same voter approved machines. That differential has meant the Woodlands has remained shuttered due to an inability to profitably compete. In this interim, while focusing on legislative change to level the competitive playing field, the Woodlands has the space, for local companies who need it, to temporarily store vehicles/trailers on the property.

Mr. Beeler explained that the current application was modified from the prior application to address the previous concerns of neighbors and staff. The previous SUP proposed the use of the 99th Street gate. This SUP proposes utilization of the Leavenworth Road entrance only, which was

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built to handle vehicle and truck traffic. There will be 24/7 Security at the main gate along with periodic patrols through the parking lot areas. Companies that contract with Ruffin Woodlands, LLC to store vehicles will be instructed that the use of "Jake Brakes" is prohibited from I-435 to the entrance of the Woodlands. The hours of operation, meaning delivery or removal of the vehicles to be stored, will be limited to 7:30am to 7:30pm, essentially a "daylight" timeframe. Vehicles/trailers will be parked in lanes sufficient so the Fire Department can get in or out efficiently. The Woodlands will work with the Fire Department to make sure they are comfortable with the placement. Mr. Beeler explained that they anticipate approximately 3,000-4,000 vehicles cars/pick-up truck(s) to be parked at the Woodlands and approximately 500-750 trailers. He noted the Woodlands parking lots are set back far enough from the main roads that you can barely see vehicles/trailers on the property. He also noted that having security on the Woodlands property is a benefit to the neighborhood.

Question: How many semis will be going down Leavenworth Road at any given time?

Response: Leavenworth Road is a four-lane thoroughfare and is built to handle large volumes of passenger and truck traffic.

Question: Neighbor Joe Vaught noted he owns three homes near the Leavenworth Road entrance. He is concerned about the noise from the brakes. Even if you eliminate the "Jake Brakes", all semis have air brakes that make noise. His fear is if the Woodlands does not get legislative help, the property would be turned into an industrial park. He continued that this SUP doesn't benefit the neighbors and there is no tax benefit.

Response: Mr. Beeler explained Leavenworth Road is designed to handle thousands of vehicles per day. He also explained that if there is no legislative help, the property could be redeveloped by either the current owner or possibly by some other owner. At present, the current owner's goal is to reinvigorate the Woodlands racing, gaming and entertainment facility. No other redevelopment, industrial or other is currently contemplated. But the Woodlands is well located and a prime KCK location for redevelopment in the event it cannot be profitably operated as presently contemplated.

Question: Attendee states concern that if the Woodlands gets a SUP for two years, they will continue to get it extended. Attendee also noted they complained about the portable lights and it wasn't corrected.

Response: Mr. Beeler responded that this is a very temporary situation. Mr. LaRocca noted that the complaints about the lights last time were addressed and apologized if they were not turned correctly. While permit extensions are possible under the regulations, any such extension would be reviewed by staff for appropriateness. Issuance of a two year permit is not a pre-validation of applications for extensions.

Question: Attendee said they thought this issue to get a SUP was over with. Why are we addressing this again?

Response: Mr. Beeler explained the Woodlands withdrew their prior application at the Board of Commissioner's Meeting in order to review and make changes to address the prior voiced concerns.

Question: Attendee asked who will enforce if the companies violate the stipulations?

Response: Mr. Beeler explained that any complaints would go through the UG. That is how the process works. He noted that the applicant could be fined or even that the SUP could be pulled for continued violations.

Question: Attendee stated they disagreed that the area is safer with having the vehicles/trailers watched with 24/7 Security on site.

Response: No response required.

Question: Attendee said they never got the opportunity to complain in the past, the vehicles and trailers just showed up on the Woodlands property.

Response: Mr. Beeler acknowledged there had been vehicle storage under prior ownership and even some storage under current ownership, but the intent of the current owner is to follow appropriate regulation and protocol and have an SUP reviewed and issued.

Question: Attendee asked how we would know what number of vehicles/trailers are on the Woodlands property.

Response: Mr. Beeler explained the Woodlands would restrict the number of vehicles/trailers on the property to the numbers permitted by the SUP.

Question: Attendee asked if there were any plans to upgrade the property and the lights.

Response: Mr. Beeler explained that the SUP vehicle storage use was to be temporary. There are no plans to make significant improvements to the property for this use.

Question: Joe Vaught asked questions about the current gaming bill.

Response: Mr. Beeler explained the initial pari-mutuel bill and the current gaming bill.

Question: Attendee asked why the owner doesn't just redevelop the property now.

Response: Mr. Beeler explained how the owner is committed to reopening the Woodlands as a racing, gaming and entertainment destination. There could well be redevelopment in the future if the current plan remains economically unfeasible.

Question: Joe Vaught explained he is worried that if the Woodlands doesn't get legislative help, the property would be turned into an industrial park.

Response: Mr. Beeler responded that the Woodlands property consists of nearly 400 acres. During the time since acquisition of the property, a number of potential suitors and developers have approached the owner with redevelopment ideas. To date, those inquiries have been tabled pending hope and optimism for the Woodlands project.

Question: Attendee explained she has lived in the area for 45 years. Why would people complain about lights at the Woodlands? It's not any different than at the ball fields. She would like to see the Woodlands come back. She noted it would be good to have activity to keep the thieves away from the area. The security at the Woodlands would be a benefit. She's afraid the property would be turned into low income housing.

Response: No response required.

Question: Neighbor David Stinebaugh expressed concerns about vehicle delivery drivers going down 99th Street.

Response: Mr. Beeler explained that the SUP will specify that only Leavenworth Road will be utilized. If any of the drivers use 99th Street, they will be reprimanded.

Question: Attendee asked how many trailers can fit on 56 acres.

Response: Mr. Beeler explained that the number that would "fit" has not been calculated, except to say that a "total" number would be far more than the number anticipated for this application.

Question: Attendee asked what racing was anticipated.

Response: Mr. Beeler responded and advised that the Woodlands contemplates live horse racing and simulcast of other forms of racing.

Question: Attendee stated he will keep voting "No" to have the Woodlands get a SUP due to concerns over payment for the roads being damaged by the semi traffic.

Response: No response required.

Question: Neighbor Joe Vaught stated he doesn't believe that it's better to have vehicles/trailers with Security at the Woodlands. He sees a lot of theft at other lots with vehicles/trailers.

Response: No response required.

Question: Attendee stated it seems illegal to have a monopoly on state-owned casinos. She asked how the State of Kansas can allow that.

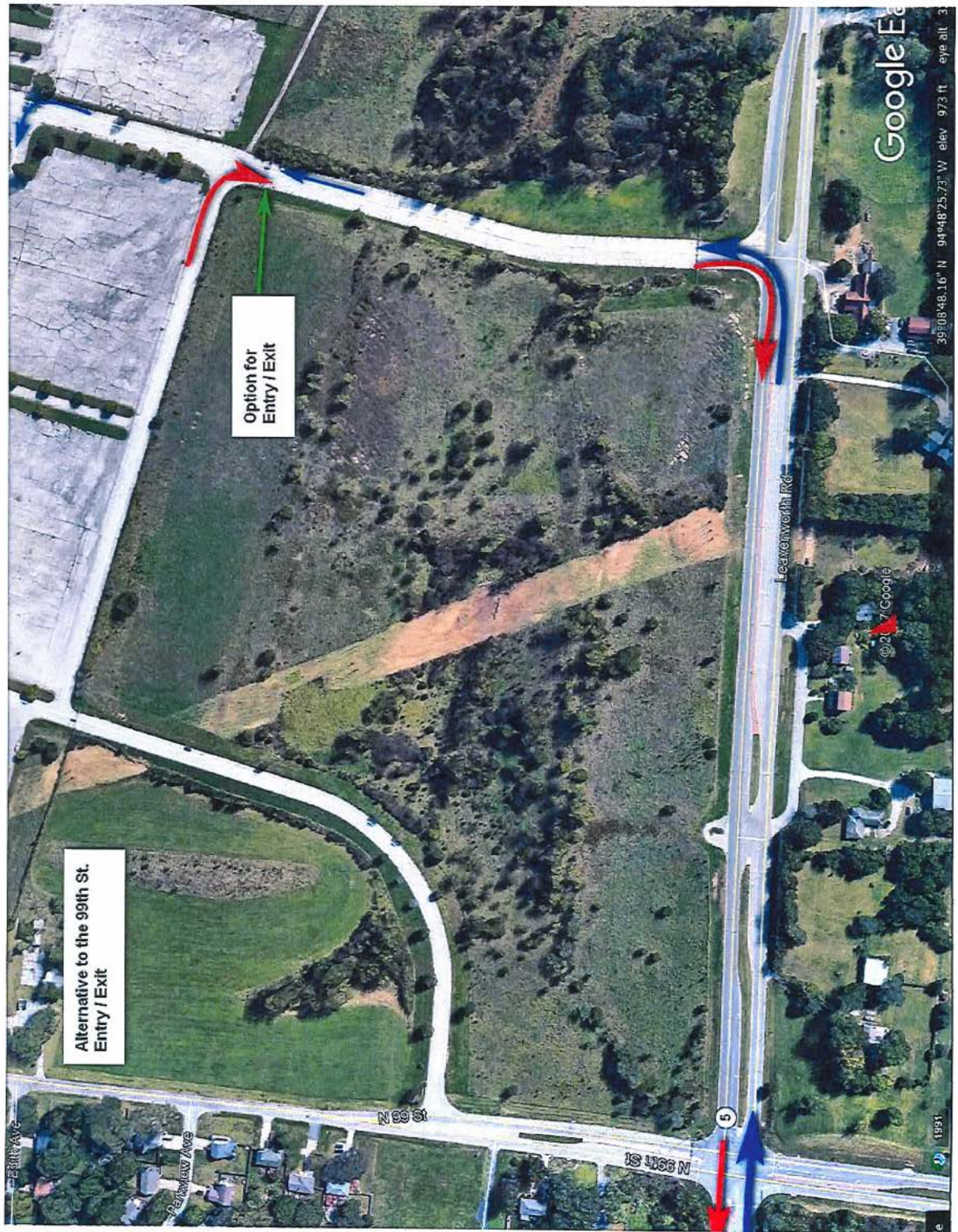
Response: No response required.

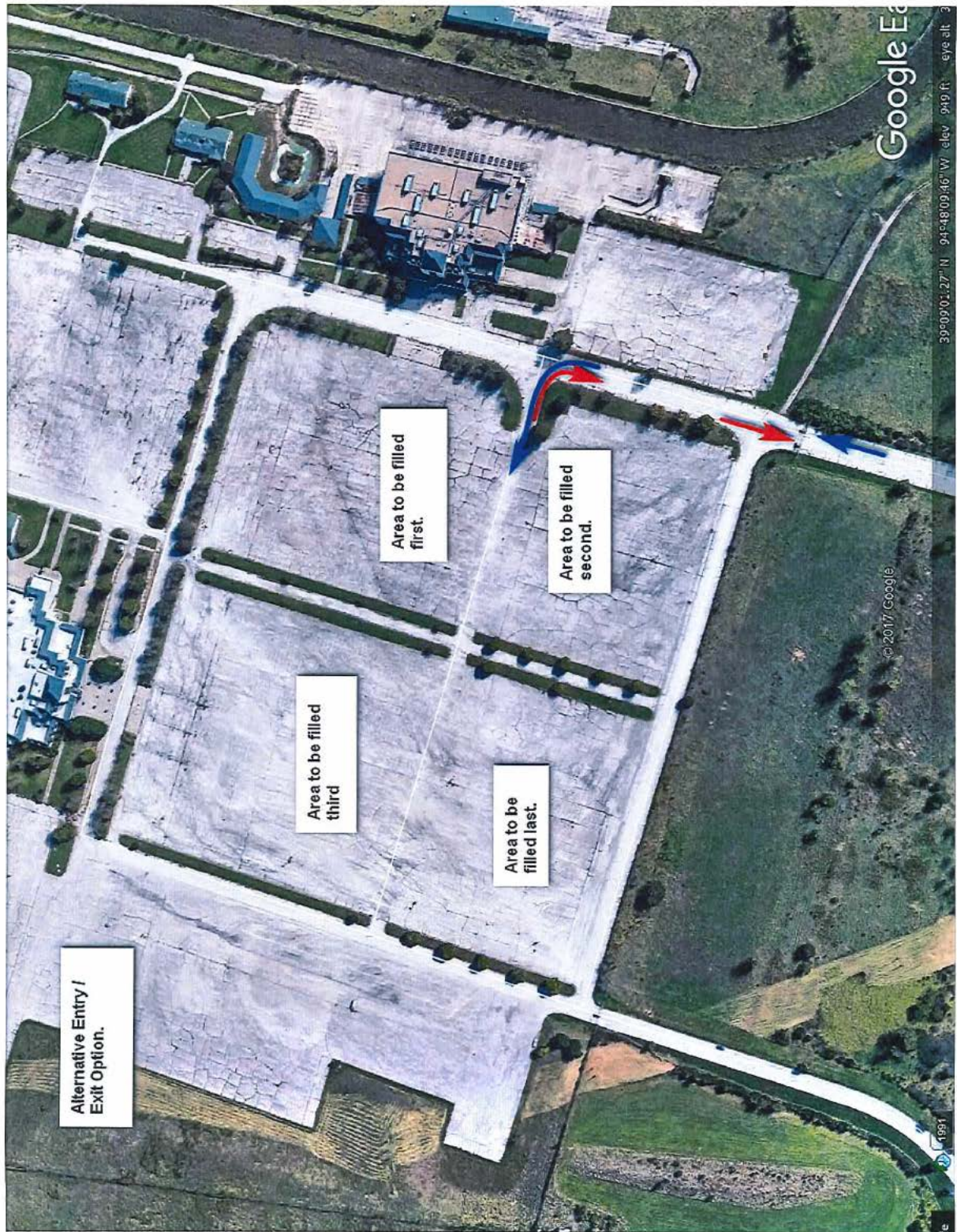
Conclusion:

Mr. Beeler concluded the meeting by stating that if anyone here knows of any neighbor who couldn't make this meeting for any reason, and they have additional questions, to please contact him or Jayme LaRocca. Business cards were made available.

The meeting concluded at 3:15pm.

[illegible]





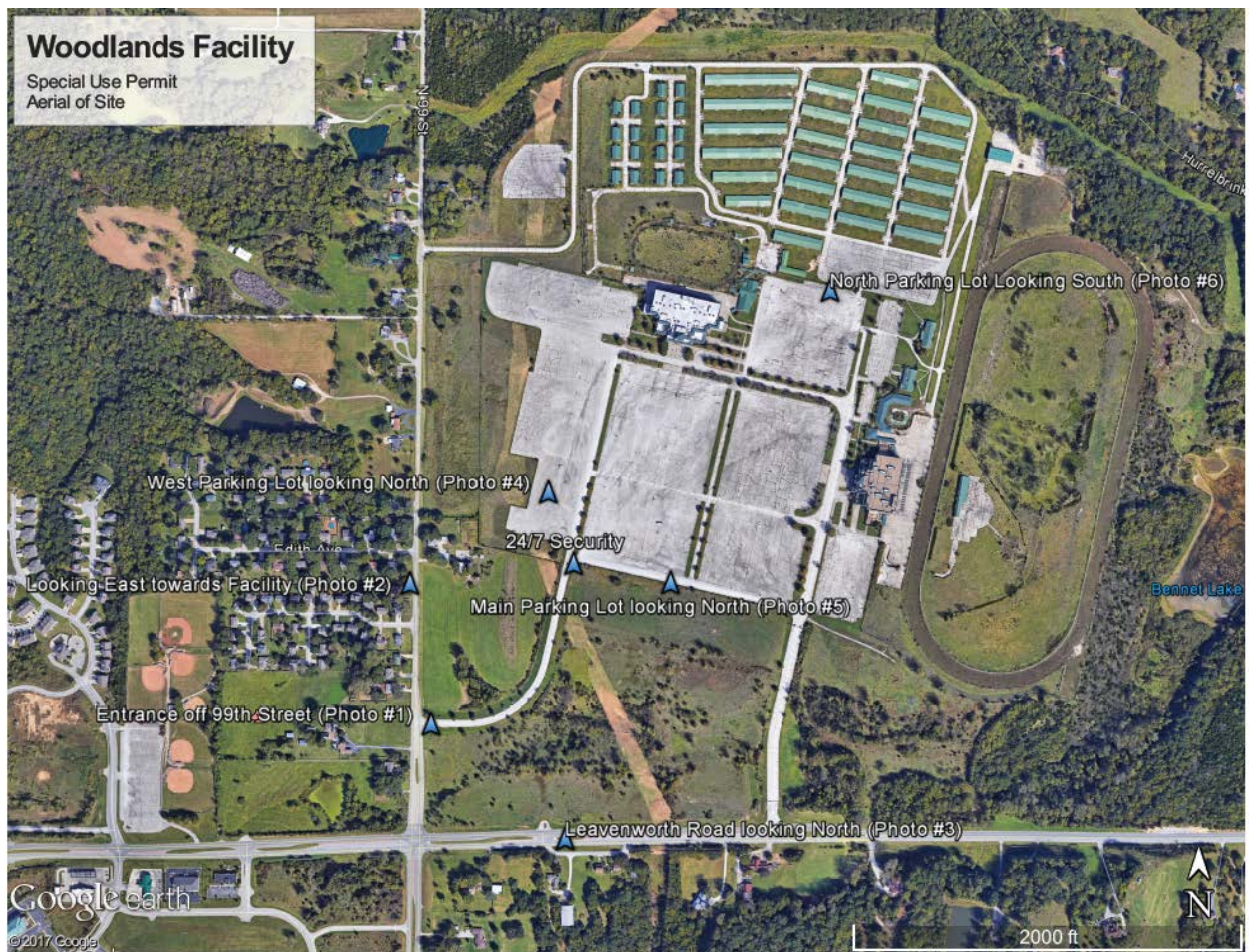


Figure 1. Aerial photograph of 9700 Leavenworth Road (provided by the applicant).



#1) Main entrance to Woodlands Site from 99th Street.



#2) Looking East from 99th Street towards Woodlands site.



#3) Looking North from Leavenworth Road towards Woodlands site.



#4) Looking North from South end of West Parking Lot.



#5) Looking North from South end of Main Parking Lot South of Dog Track Building.



#6) Looking South from North End of Parking Lot East of Dog Track Building.

19733



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

April 3, 2019

Mrs. Bridgette D. Cobbins
Unified Government Clerk
East Building

Re: Subdivision Plat Approval BOULEVARD LOFTS

Dear Mrs. Cobbins:

Please be advised that the Engineering Division has reviewed the attached plat of BOULEVARD LOFTS located at North 8th Street and Washington Blvd being developed by Boulevard Lofts, LP.

At this time, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, PS., CPM
County Surveyor

Troy Shaw, P.E.
County Engineer

Attachments

19734



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

April 9th, 2019

Mrs. Bridgette D. Cobbins
Unified Government Clerk
East Building

Re: Subdivision Plat Approval PIPER LANDING FOURTH PLAT

Dear Mrs. Cobbins:

Please be advised that the Engineering Division has reviewed the attached plat of PIPER LANDING FOURTH PLAT located at 112th street and Yecker Avenue, being developed by Piper Landing, Inc.

At this time, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, PS., CPM
County Surveyor

Troy Shaw, P.E.
County Engineer

Attachments

PIPER LANDING FOURTH PLAT
A TRACT OF
LAND IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 10 SOUTH
EAST OF THE 6TH PRINCIPAL MERIDIAN, KANSAS CITY, WANDOLITE CO.

[illegible][illegible][illegible]

ADJUDICANT
STATE OF ARIZONA
COUNT OF JUDSON
VS
BYRON VERNARD, Member

This copy of "PAPER LAUNCHING PLANT" has been submitted to and approved by the Riverside County Board of Supervisors.
 Dated this _____ day of _____, 20____.

I, JAMES W. PERRY,
 County Clerk - State of Kansas
 My Exp. - 10/01/2025
 2025 OCT 1

Approved by: David Anthony Padilla
 My Appointment expires October 28, 2020

The deduction shown herein, if any, are accepted this _____ day of _____, 20____.

By: James H. Thompson
James H. Thompson
 Vice President

By: John H. Thompson
John H. Thompson
 Vice President

Recommended by: _____
The State County Engineer

Reviewed by: _____
County Engineer

Approved for payment by the Mendocino County/Kness City, Kness Engineer, DDA # _____, dated April _____, 2019.

The money has been deposited for City pursuant to FSA 58-2003, 58-2006, and 58-2011. For contract only and in compliance with Public Works Law No other warranties are warranted.

Reviewed by _____ Date _____
County Surrogate Date 4-9-19

FILED
APR 11 1919
CLARK COUNTY, NC
CLARK SURVEY

I hereby certify that _____
has been duly elected _____,
and has taken the oath of office.

Signed _____
Secretary

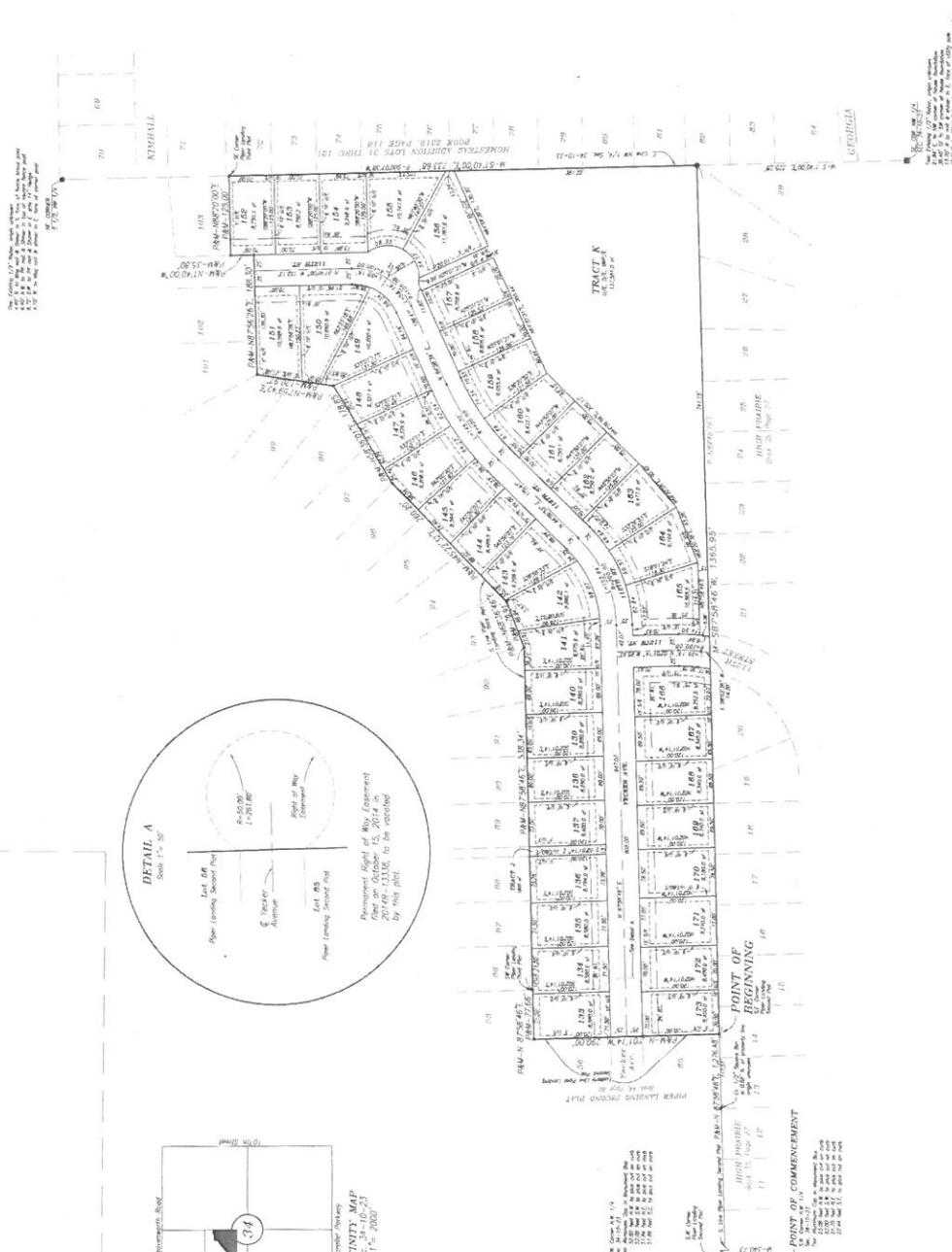
Dated _____

I hereby certify that to the best of my knowledge and belief this filed correctly portrays the results of
 survey performed under my direct supervision in August, 2016.
 Jennifer R. Finkbeiner, PG #14
 October 10, 2018
 2018101014
 Page 1 of 2

Scale 1": 100 50 0

SCALE IN	PIPER LANDING
	Section 34, Township 10

PRUITT and DOOLE
7912 Elm Ave.
Regoan, MO 64138
816-439-4239



Section Editor: *John C. Cullen*, *College of Business, University of North Carolina at Charlotte, 9301 University Heights, Charlotte, NC 28223, USA*

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

REGULAR SESSION
THURSDAY, MARCH 7, 2019

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, March 7, 2019, with eleven 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; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. 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; Wilba Miller, Director of Community Development; Reginald Lindsey, Budget Manager; Crystal Sprague, Municipal Court Administrator; Judge Maurice Ryan; Judge Brandelyn Nichols-Brajkovic; Rance Quinn, Police Major; Chief Ziegler; and Captain Ronald Schumaker, Sergeant-at-Arms.

Mayor Alvey said before we begin, I must announce that anyone who is interested in addressing the Commission on the Public Hearing Agenda regarding the Proposed 2020 Unified Government Budget and the 2019 Community Development One-Year Action Plan may sign up at either of the tables located by the chamber doors. If you want to speak specifically about the Proposed 2020 Unified Government Budget or the 2019 Community Development One-Year Action Plan, you may sign up at either of the tables located by the chamber doors. If you have not yet signed up on your way in and wish to address the Commission on that item, please go to one of those tables and sign up. We will limit your comments to those items only. When the item is up for discussion, the Clerk will call the names in order according to the signup sheets. She will announce who's on deck, which means you will be next to the podium. When you come to the podium, located by the railing up front, please state your name and city of residency for the record. You will be given up

to three minutes to state your comments. The Clerk will announce when you have one-minute remaining to allow you time to conclude your comments.

Mayor Alvey called the meeting to order.

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

INVOCATION was given by Sister Therese Bangert, Our Lady and Saint Rose Catholic Church.

Mayor Alvey asked the Clerk if there are any revisions to tonight's agenda. **Bridgette Cobbins, UG Clerk**, said yes. A blue sheet has been distributed. We have a new item under Section X. Administrator's Agenda. It's a resolution regarding Amendment 1 for the Armourdale CID Levee Project.

MAYOR'S AGENDA

Item No. 1 – 19629...PRESENTATION: POLICE DEPARTMENT AWARDS

Synopsis: Presentation of Police Department awards, submitted by Terry Zeigler, Police Chief.

Terry Zeigler, Police Chief, said thank you for allowing us to present our service awards at tonight's meeting and highlight some of the awesome work being done by members of our Police Department. I'm going to ask Major Quinn to come up and MC the event tonight.

Rance Quinn, Police Major, said thank you, Commission, for allowing me to also recognize the great work that our men and women are doing on a daily basis in our community. I'd also like to thank their family and friends who have come tonight to recognize the great work that they're doing as well as our community members.

We have two categories that we're going to recognize tonight. The first category is the Distinguish Service Award. If I can have Sergeant Wade Smith and Officer John Stimach step forward please. We're also recognizing Officer Calvin Fortune. Unfortunately, he could not be with us tonight.

The Distinguished Service Award is given to any member who performs an act worthy of merit in a commendable manner such as saving a life of another person but where no actual danger existed for the officer, is eligible for the Exemplary Service for Distinguished Service.

On December 13, 2018, 0811 hours pm, Wade Smith, along with Officer John Stimach and Calvin Fortune, were dispatched to a disturbance in the 7900 Block of Leavenworth Rd. While in route, they were advised that the disturbing male had exited the residence and hung himself in a large tree. On arrival, they searched the area and found the male lying on the ground with a large ligature mark on his neck. He appeared to be blue in color and not breathing. Officer Stimach began CPR, at the direction of Sergeant Smith, while Officer Fortune held the male's head to prevent further injury. CPR was continued until Sergeant Smith felt a pulse. EMS arrived and transported the male to the hospital. On January 4, 2019, the male was released from the hospital with no detectable injuries.

The second category we're going to recognize tonight is the Valor Award. If I can have Officer Robert Cheatum step to the front please. In this award we're also recognizing Officer James Bush, who is not able to attend tonight. The Valor Award is for department members who distinguish themselves by conspicuous bravery, heroism or other outstanding action and were aware of great personal danger prior to the performance of the act, are eligible for the Exemplary Service Award for Valor.

On July 31, 2018, about 2252 hours, officers arrived on an armed disturbance and learned that an armed suspect had shot at the victim at least twice during the incident. The officers obtained a description of the suspect and began checking the area. A short time later, the suspect was being seen by Officer Cheatum and began to flee the officers. The officers gave chase and cornered the suspect. The suspect raised a 9mm handgun and pointed it at the officers, who gave loud verbal commands and fired at the suspect defending themselves. The suspect was struck in the arm and leg and taken into custody.

Chief Zeigler said thank you again, Mayor and Commissioners for allowing us to present tonight and thank you for the community members that showed up also.

Mayor Alvey said on behalf of the Commission and on behalf of the citizens of Kansas City, Kansas, I want to thank all of you for your daily risk of your lives. You are out there taking the hits so that we don't have to. Thank you so much.

Action: Awards presented.

Item No. 2 – 19620...PRESENTATION: ANNUAL STATE OF THE COURT ADDRESS

Synopsis: Presentation of the Annual State of the Court Address, presented by Administrative Judge Maurice Ryan, Judge Brandelyn Nichols-Brajkovic, and Court Administrator Crystal Sprague.

Maurice Ryan, Municipal Court Judge, said since our last reports to you, a couple of things have taken place. I'm going to talk mainly about what has occurred externally, and I'll have our Court Administrator Crystal Sprague talk about what has occurred internally.

In 2016, the Department of Justice sent out a dear colleague letter. That letter has been the touchstone of what all the courts in Kansas and throughout the United States have striven to do. The letter directed us as follows: courts must not incarcerate a person for nonpayment of fines and fees without first conducting an indigency of determination and establishing that the failure to pay was willful. Courts must consider alternatives to incarceration for indigent defendants unable to pay fines and fees. Courts must not use arrest warrants or license suspensions as a means of coercing the payment of court debt when individuals have not been afforded constitutional adequate procedural protections. Courts must not employ bail or bond practices that cause indigent defendants to remain incarcerated solely because they cannot afford to pay for their release.

The Kansas Supreme Court in 2017 appointed an ADHOC committee to examine bonding practices, fines and fees in municipal court. That committee included 16 municipal judges. I was honored to be one of those judges. After a year of studying, surveying, and reviewing best practices throughout the United States, in September 2018, we presented to the Kansas Supreme Court our report which we're going to be presenting to the Kansas Municipal Judges meeting in April of this year.

I'm trying to report that even before this report started, our court was at the forefront of these procedures. We went to a cash bond or to a no bond hold—not a no bond hold, but a no arrest hold for most initial arrestees. As a result, we don't get clogged up with a bunch of people that get arrested for a crime and have to post a bond before they get out of jail. Police issue a citation; they get out. The only people that are jailed are people that are DUI, domestic violence, and people that have failed to appear in our court. We have also been at the forefront of conducting ability to pay hearings. Crystal Sprague will talk a little bit more about that.

Crystal Sprague, Court Administrator, said Mayor, Commissioners, and Mr. Bach, thank you for allowing us the opportunity to present the State of the Court tonight. Before we begin, let me assure you that we are not attempting to set a record here on how many times we can get Municipal Court mentioned on a Commission Agenda, but none the less, here we are. I would like to mention how grateful I am that you find this topic particularly important because in many cases, this could be one of the few instances in which a citizen comes into our building or interacts with the court system at all. Each of you have gotten a full report of the State of the Court, which will be available to citizens starting tomorrow.

I want to tell you a little bit about our court. Our court receives citations or has jurisdictions over cases that are submitted by the Kansas City, Kansas Police Department, including: Animal Services, Codes, Parking Control, the Sheriff's Office, KU Police Department, the Fire Marshal and even KCK Community College, KCK School District and even the Railroad Police.

Our team, which some of them have joined us tonight, include 21 staffers. They include: Probation Officers, two Judges and 14 Clerks. That team handles over 42,000 cases filed each year. With some 1,000 defendants coming to court on any given week, filling out 21 court dockets on any given week, and handling 2,150 cases on any given week. Those can be formal activities, or about 35% are coming in just to make payments. A lot of traffic, and we know that that traffic comes in. Our other responsibilities include tow hearings, collecting restitution for victims, and being a collection site for the State of Kansas reinstatement fees.

Wonderful progress has been made since there are 2016, 2018 strategic management plan was presented, but we absolutely have no room to rest. Our management plan is not static. It evolves and changes everyday to meet the best needs of our customers and our citizens. With the

recent appointment of Judge Brajkovic, we will look at our strategic plan, start the evolution of a new strategic management plan and, hopefully, present those findings out to you shortly.

We do not anticipate; however, that our impact areas will change. Those impact areas are modeled after the DOJ. The DOJ has said very clearly that they feel there's a crisis in the criminal and Civil Justice System in the predominant areas of access to justice. Promoting accessibility, insuring fairness, and increasing efficiency in our court. We want to be the leader in this state to do that.

Some more specifics about our court. Like I said, we file about 42,000 cases per year. We're the top three in the state. Our Municipal Court accounts for almost 9.5% of all the cases filed in the state of Kansas. We are only behind Wichita, which files about 12.8% of all those cases. We are first in the state; however, in the number of cases filed that are crimes against persons and people. We make up a large percentage of our docket based on misdemeanor crimes against persons and people. We are twice that of Wichita's percentage and four times Overland Park's percentage. This is particularly important because we are a misdemeanor court in addition to a traffic court.

Our sister court in Johnson County, which is similar to our size, files 90% traffic violations. We file only 72% traffic violations and a high majority of our violations are misdemeanor offenses. These bare a greater burden on our court. It's relevant not only to the community and the citizen accused, but to the victims of those crimes. We take those cases very seriously, and they do require extra resources and an understanding of the impact that it has. While our ranking in the state focuses on person and property crimes, we cannot forget that DUI and driving while suspended cases can be misdemeanors as well.

So in the court climate, post Ferguson, in this environment, they leave no doubt—the Department of Justice leaves no doubt that fines and fees collected by a city municipality should not be a build in a reliance on those fines and fees, that fines are enacted as a sanction and a sanction alone, but the focus of the court should be on changing the behavior of the citizen to improve public safety, not to impose crippling debt on citizens and jail them for that debt.

The DOJ continues to enforce this and our court follows suit. We align our core beliefs on the DOJ's recommendations. This is evident through Judge Ryan's participation in the Supreme Court Committee on Fines and Fees. With that said, it is still vitally important that we review

trends as well as collections, spot areas of improvement and benchmark our activities in comparison to other courts.

A little information about what we collect. About \$85 is collected per charge issued. This is in comparison to our closer court just across the county line where they collect about \$119 per charge. There are three influences here, one being the ticket prices are higher in that court, as well as fewer parking tickets. We have roughly 27% of our filing is parking tickets, versus less than a thousand in that court. The third area is, like I said before, they file 90% traffic; we're at 72% traffic offenses.

With all these differences, with all the differences in the amount of collection that we have per ticket, our revenue is roughly the same as that court. Our cost drivers for operation continue to be public defenders as well as interpretation. It's important to note that 17% of what we collect is pass through money. It goes other places. It goes to the state, it goes to victims in the form of restitution, and it goes to the Department of Motor Vehicles.

Our average caseload per judge, these fine folks sitting behind me, is 15,000 cases per year, per file; and our average caseload per clerk is roughly 10,000 cases per clerk. This gives you a little closer look at the percentages and all the types of fines and fees that we collect.

I would be remis if I didn't talk about Municipal Court's impact on the jail. We pay very close attention to defendants that are booked into the jail for failure to appear in court. Any inmate that is booked on our charges alone, meaning they don't have any District Court cases or any other holds.

Comparatively to 2014, we had two thousand fewer bookings in 2018 than we did in 2014. This is momentous for us. While the average length of stay for all inmates held under our jurisdiction is 2.9 days, 4,300 of those booking spent less than two days in the facility. The average length there was 1.7. 39 days is the average length of stay for 143 of those defendants that were booked more than 10 days, and 7 inmates were held for 10 days or more. It is important that I bring up here that those 7 inmates were probation revocations; and they had multiple charges for domestic violence, assault, theft and DUI. We feel like we are getting closer to having the right people in custody and focusing on our traffic cases internally and holding our misdemeanants and our repeat offenders where they should be to protect our community.

Speaking about changes in security, we also participated in the Sheriff's review of transport conducted by the US Marshal and the court has adopted many of the recommendations within our

control that the Marshal recommended. Perhaps the biggest and most impactful improvement that we have seen is in our daily security came in the form of the Kansas City, Kansas Police Department establishing a security booth with a uniformed police officer on-site. This had a massive impact to our safety, our perception of safety, our ability to respond to critical incidents. What I have noticed most, is it has had an incredible impact on the outreach to our community being able to interact with a law enforcement officer in a positive way and have a positive interaction with that law enforcement officer. For that, we are very grateful.

I have to talk about parking a little bit, since it's 27% of our caseload. We focused on a four-part plan to clean our parking backlog, to seek compliance from our defendants to change internally and to measure that change. An example of a measurement of that change would come straight out of our Strategic Management Plan in 2016. We set an output goal to reduce open parking citations by 35%. We exceeded that goal by reducing open parking citations to 41.6%.

Most importantly, though; however, has been the change that we have made internally to notify defendants of parking citations and filings within our court. That's evident by the slide there on your right showing that in 2016, we had 30% of our parking cases were resolved within the year that they were filed versus 2018, we had 35% of our caseload resolved in the year that they were filed.

Our cleaning included a cleaning of almost 72,000 records; 35,000 of those were cleaned one by one from the staff sitting behind me here.

Looking back, at those important factors of promoting accessibility. This all begins with us. You'll hear me say that about four more times. This all begins with us. It's not about the defendant and what the defendant is doing, but how we are handling ourselves internally.

Technology is wonderful, but it has to be complimented by data. Whether it be NextRequest for an open record, municourt.net to produce information about cases, or docket boards that are going to be later installed within the month to improve customer service once defendants arrive at the court, they're only as good as the information that we put in. It started with us with data fidelity. It was taking that information and making sure it was in a usable form, because good goals are set with reliable data, and the data has to be right to make decisions on that data.

Judge Ryan participated in the purchase of a database in 2013. That was a great tool for us, but we had to use it. We have advanced considerable effort into using that tool to take us from

something that looks like this, which you will find in many courts across the land—a standard traffic citation with notes on the back that is virtually unusable as far as data analytics go, and has converted us into this. This allows us to use this data not only for an individual whether it be the DA's office seeking information about criminal history, the Police Department seeking information about hotspots for traffic accidents, or a citizen looking to get a nursing license needs a good clean record of their interaction with our Municipal Court, or if we're trying to pull data analytics so that we can look at a grander scale. The fidelity of our information and the ease of access to that information is critical.

The work of our team, what we have done, has allowed us to be able to get to that information. It's very powerful in the fact that it allows us to get aggregate data to make better decisions.

Ensuring fairness and delivering fair and just outcomes for all parties. Judge Ryan spoke a little bit about our ability to pay determinations. We have formalized and tested a process that allows for a more robust information exchange to the bench about whether or not defendants can pay the financial burden of their traffic ticket. In no doubt, short-order, you will hear us come back to you with more information about what that ability to pay docket looks like, and how we are protecting our citizens from undue financial burden as well as confirming the 8th Amendment.

The Commission approved a reduction in the late fees, which was a huge advancement toward addressing the DOJ impact area. With Legal Department's assistance, we've moved the diversion check-ins out of the courtroom, which has made the diversion process easy to understand for the citizen.

The last area of impact is increasing efficiency; delivering fair and just outcomes effectively without waste or duplication. Again, that starts with us. We have to look at our processes, map our processes, decide whether or not we are doing the right actions at the right time, and eliminate unnecessary steps that are may be outdated.

An example of a process improvement is a change in our daily reconciliation that was very useful several years ago but we continue to do it, even though we have the data to support a change in which we spent almost half of an FTE every day processing receipts that ended up in the shredder without any usable resource to them. We've been able to eliminate that with the help of the Accounting Department and the Treasury and got back half an FTE so that we can improve in other areas.

Then we compliment those process mappings and change by being able to introduce good supportive technology. The mywyco app, powered by PayIt, will definitely be a way that we then step into the future as Municipal Court to be able to utilize a technology with good data to give our citizens access to information.

I'd like to very quickly show you an example of this, if I can make it work. Within the next month-and-a-half, we will be jumping on to the PayIt solution. The PayIt solution will allow citizens to make partial payments online. Currently, we have an online payment mechanism. It's not super intuitive and it is not accessible by a phone, which is not great customer service. This will be the screen that defendants view now or that citizens view now with 311 requests, property tax, as well as to renew their vehicle. Municipal Court will be added, and a defendant will be able to sit at home right after they get a ticket, or shortly after they get a ticket, and be able to access information on their case.

It's a very conversational mechanism that allows for the defendant to say, okay, what information are you looking for. Type in a case number or a name and be able to access their entire court record. For the purposes of today, I've picked a parking ticket to demonstrate. The Municipal Court website will be linked. It'll find that parking ticket and be able to allow the customer or the defendant to look at that ticket. There's some smart technology built-in that will say to the defendant, hey, you might have a ticket you could be suspended on, or maybe you're on a diversion on this case. Would you like to pay this case first? It will allow you to then pay that ticket, find another ticket, or remove that ticket. One of the most powerful mechanisms here is it always has that defendant's next pay date that is populated so that they can keep track of that and record of all their receipts.

With that, I want to tell you that the things that we have accomplished in Municipal Court could not be completed without the help of many of our UG partners: Building & Logistics, Purchasing, and HR. You can name all of them. We would not be able to do what we have done in the past year without them. Of course, the folks that I work with, the most strong and resilient group of people that are here to support us tonight are dedicated to personal and professional growth and remember that leadership begins with us.

Change takes a willingness to take risks. I'm pleased to serve under two judges that are willing to take those risks and focus on the thing that I believe in which is processing people, not

processing tickets. At this time, I'd like to invite both judges up so they can answer any questions or add anything to tonight's presentation.

Brandelyn Nichols-Brajkovic, Municipal Court Judge, said I just have one quick thing I would like to add to kind of talk about the efficiency and our staff, just to kind of give you some concept of what it takes to do with people. The two comparable parts that we're talking about, of course, are the Cities of Wichita and the City of Overland Park.

The City of Wichita has 115 employees. They have 5 judges. They have 8 prosecutors. They have 10 probation officers. Of course, we have 2 judges, 2 prosecutors, 2 probation officers. I can't remember the other, clearly not 115 staff. The City of Overland Park has two judges. They have 3.5 prosecutors. They have 6 probation officers. Why that's important is because they have 6 probation officers for 32,000 traffic cases. They are doing a much lower level.

I just want to take some time, especially as I'm coming aboard as the Administrative Judge, to really make sure that you are hearing how awesome our staff is and how much efficiency they are giving our taxpayers with everything that they do every day.

Mayor Alvey said I would ask that your staff who are here to please stand to be recognized so we can thank them. (Staff stood up.) Don't be bashful.

Judge Ryan said as many of you know, I'm a short-timer. I've got two weeks to go. I've been here since December of 1983. I've enjoyed every single minute of it. Thank you.

Mayor Alvey presented a plaque which read: "on out to serve with fairness, honesty and integrity." Certainly, that has been the experience of so many people who have come to the Kansas City, Kansas Municipal Court. That is so important. The experience that people have with our staff, with our judges, even our prosecuting attorneys, says so much about our city, who we inspire to be. I would like to present this to Judge Ryan for 35 years of service. "In great appreciation for your many years of dedicated service to the citizens and to the Unified Government."

Item No. 3 – 19632...APPOINTMENT/RESOLUTION: MUNICIPAL COURT JUDGE SELECTION

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

Mayor Alvey said next we have the selection process and appointment of a new Municipal Court Judge.

Doug Bach, County Administrator, asked Mr. Cross to bring in our first candidate tonight. What we have told them is that they'll be expected to give about a 5-minute presentation. After that, they will go out and we will move through the balloting process.

Mr. Bach said our first candidate tonight is Meaghan Shultz.

Meaghan Schultz said I was privileged to be able to present last week, but here we go again. It's a pleasure to be back. I have worked at the Unified Government since 2005, a little over 13 years now. Prior to working for the Unified Government, right out of law school I worked at a law firm, did entity formation and tax stuff. I enjoyed the work intellectually, but it didn't fuel my passion and I wanted to find something else that spoke to me. I've been able to find that here. I feel a real passion for Municipal Court. It has been a wonderful experience so far being a prosecutor. I am very familiar with the software that she was talking about. I'm familiar with all the personnel, the dockets, and the process.

There's a difference between working in Municipal Court every day and coming down and working as a sub. In the past, we did not have access for the subs to have logins for the software. If someone subbed a few years ago, they would be unfamiliar with the software and that's something that has become so essential for us. It is used at every single docket. When Mr. Haga left in June, I had the pleasure of taking over the codes docket. It was something that I had never done before, and I have really enjoyed this process.

I met with Greg Talkin to speak about where codes were at; where they were looking to go. As of April, we have instituted that we are going to go to two dockets per month. We have requested that they provide us an inspector to be there as a resource. We have found that a lot of the people that we end up dealing with on the codes dockets needs connection to resources. He is

attempting to be able to provide us with that someone who can be there to hook them up with resources.

I first applied for Municipal Court Judge back when Judge Brajkovic had originally been appointed as a Municipal Court Judge. I have been extremely passionate about growing my career, and that's why I applied this time. I support the goals of the court. When the Ferguson report came out, I know a lot of the courts in St. Louis panicked. Our court didn't panic because we didn't have to. We were already moving in the correct direction. I would love to continue to be a part in this new way of moving us forward into the future.

The judicial ethical requirements are not the same as the requirements for a prosecutor, but they are very similar. The focus is to be on justice, not on winning, and that's what I have focused on during my career here. There have been times when there has been a case that I thought if I take this to trial I could win; but it wasn't right to take it to trial because of some sort of issue with the case, and so I didn't. When it's right to dismiss a case, I dismiss it.

When I'm able to offer someone an alternative to incarceration, I do. I believe people that are allowed to do house arrest as opposed to jail maintain a deeper connection to the community. It saves taxpayers' money, and I believe that it increases efficiency for all of us. We also tried to offer alternatives to fines: community service, other probation requirements such as sticking with the program; sticking with mental health treatment. I just really feel that we have made such great strides, and I believe that I would be an asset as a Municipal Court Judge. I thank you for your time.

Ryan Haga said thank you, Commissioners and Mayor. I really appreciate the opportunity to speak to you this evening about why I believe I should be the next Municipal Court Judge for Kansas City, Kansas. I think I bring two primary benefits to the job. The first is my diversity of experience up to this point.

Basically, in 2005 I graduated Law School. After two or three years of working and doing firm work, my wife and I moved to Kansas City, Kansas in 2008. Shortly after, I started up a solo practice here in Kansas City, Kansas. As a matter of fact, I officed just a few blocks away from here on Armstrong Street. While I was a solo practitioner here in Kansas City, I took criminal appointments from Wyandotte County District Court, in which case, I dealt with issues such as

theft, assault, drugs, drug possession, and domestic violence. I also served the community by doing bankruptcy and divorce work in the community as well.

Finally, during that same period of time, I was a regular judge pro tem here in the Municipal Court where, again, I ran dockets for the traffic dockets, the DUI dockets, domestic violence dockets, and presided over trials.

In 2012, I became a Municipal Attorney here at the Unified Government and had that job for approximately 6.5 - 7 years. When I first started here, I primarily did civil litigation. Some of my other primary duties were acting as a substitute prosecutor on the second floor. I acted as prosecutor for the traffic dockets the DUI, the domestic docket, and prosecuted trials.

In 2016, I became the co-prosecutor for the county as well, which basically entailed I had a weekly Wednesday morning docket where I prosecuted violations of property maintenance violations, unfit housing, and zoning violations. On top of that, I was also part of the initial SOAR team that was put together in January 2016.

Basically, as I stand before you today, I have had the role of defense attorney. I've had the role of a judge to a limited extent and as prosecutor. Now I'll be able to bring those points of views and those experiences to the bench and to my decision-making whenever I become the municipal judge.

The other primary benefit you get from appointing me is that I have a track record for identifying and initiating positive change. I believe I spoke about this last time which is, you know, after I took over the codes docket in 2016, after running that docket for just a couple months, I saw how inefficient it was.

After consulting with Judge Brajkovic, I took the code officers out of the Wednesday morning docket. Basically, up to that point what we had was on a typical docket day, which would typically run about two hours, we would have the citizen defendant, the code officer, myself, and the judge all coming up to the bench at the same time to go over the case. It led to a lot of cross talking, and frankly, it was just very inefficient. I often found that I felt like I was frankly doing very little. I want to take the code officers out of the courtroom unless, of course, there is a trial day, which in that case you need them for evidence, to present evidence or what have you.

I took one person out of the conversation, allowing just the citizen, myself, and Judge Brajkovic to converse about it, about any particular case. What I did was I met with the code officers the day before, was briefed on all the cases that were coming up the next day, was able to

convey that information to both the court and to the citizen. Long story short, what this really did was allow the docket to go much faster with frankly one less party to deal with, as well as opening up the code officers to go out and do their job by doing inspections and writing citations, instead of spending two hours every Wednesday morning in court.

Having said that, I believe that's really all I had to say, except that as a Municipal Judge, I will be an accessible, positive representative of the Unified Government, and I humbly request your vote tonight. Thank you.

Mayor Alvey said at this time I'd ask the Commissioners to mark their ballot indicating their choice for Municipal Court Judge. Upon completion, the Clerk will collect the ballots and tally them up.

Mayor Alvey said we have a majority of at least six for Meaghan Shultz.

Action: **RESOLUTION NO. R-9-19**, "A resolution appointing Meaghan Shultz as the Municipal Court Judge for the remainder of Judge Brandy Nichols-Brajkovic's 4-year term, October 1, 2016, through September 30, 2020." **Commissioner Markley made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken on the motion and there were ten "Ayes," Murguia, Johnson, Kane, Markley, Walters, Bynum, Philbrook, Burroughs, Townsend, McKiernan.

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. No items were set-aside.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve the Consent Agenda.** Roll call was taken on the motion

and there were ten “Ayes,” Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

Item No. 1 – 19578...RESOLUTION: LOMBARDY DRIVE SEWER IMPROVEMENT PROJECT

Synopsis: A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be acquired for the Lombardy Drive Sewer Improvement Project – CMIP 6213, submitted by James Bain, Assistant Counsel. On February 25, 2019, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-10-19**, “A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the construction, maintenance, operation, use and repair of the Lombardy Drive Sewer Improvements Project (CMIP 6213). **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken on the motion and there were ten “Ayes,” Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

Item No. 2 – 19583...RESOLUTION: INTERLOCAL AGREEMENT WITH KANSAS CITY, KANSAS PUBLIC SCHOOLS

Synopsis: A resolution approving an agreement with the KCK Public Schools for the sharing of student information in the OK Program, which is designed to provide mentorship and foster community relationships through cooperation between the KCK Police Department and KCK Public Schools, submitted by Susan Alig, Assistant Counsel. On February 25, 2019, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-11-19**, “A resolution approving an agreement with the KCK Public Schools for the sharing of student information as needed for the furtherance of the OK Program, which is designed to foster mentorship and

community relationships between youth and the KCK Police Department.” **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to adopt the resolution.** Roll call was taken on the motion and there were ten “Ayes,” Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

Item No. 3 – 19585...ORDINANCE: MAXIMUM SPEED LIMITS

Synopsis: An ordinance amending Section 35-281, Chapter 35 – Traffic of the Code of Ordinances to designate 25 mph as the maximum speed for residence district and 20 mph in any park, submitted by Jeff Fisher, Executive Director of Public Works. On February 25, 2019, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **ORDINANCE NO. O-13-19**, “A resolution relating to Chapter 35 Traffic, amending Section 35-281 maximum speed limits, and repealing Section 35-281 of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

Item No. 4 – 19584...RESOLUTION: AGREEMENT WITH FIRE DISTRICT 1 OF LEAVENWORTH COUNTY FOR AUTOMATIC AID

Synopsis: A resolution authorizing an agreement with Fire District 1 of Leavenworth County, KS, to provide automatic fire and EMS services in times of emergencies, natural disasters, and man-made catastrophes, pursuant to K.S.A. 12-111, submitted by Katie Devlin, Assistant Counsel. On February 25, 2019, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-12-19**, “A resolution authorizing an agreement with Fire

District 1 of Leavenworth County, KS, to provide automatic fire and EMS services in times of emergencies, natural disasters, and man-made catastrophes, pursuant to K.S.A. 12-111.” **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to adopt the resolution.** Roll call was taken on the motion and there were ten “Ayes,” Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

Item No. 5 - 19588... ORDINANCE: FIRE PREVENTION AND PROTECTION

Synopsis: An ordinance amending Section 15-92 relating to temporary retail establishments selling fireworks, submitted by John Droppelmann, Fire Marshal. On February 25, 2019, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **ORDINANCE NO. O-14-19**, “An ordinance relating to Chapter 15 – Fire Prevention and Protection, Article IV Fireworks amending Section 15-92 of the code of Ordinance.” **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

Item No. 6 – 19586...ORDINANCE: OPEN BURN PROHIBITION

Synopsis: An ordinance allowing the Fire Marshal to enforce violations of the prohibition on open burning, submitted by Daniel Kuhn, Assistant Council. On February 25, 2019, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Action: **ORDINANCE NO. O-15-19**, “An ordinance relating to Chapter 3, amending Section 3–17 regarding open burning.” **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

Item No. 7 – 19587...ORDINANCE: AMENDMENT TO 2018 INTERNATIONAL FIRE CODE

Synopsis: An ordinance amendment incorporating the language of the 2018 International Fire Code regarding recordkeeping for fire alarm systems and fire suppression systems, submitted by Daniel Kuhn, Assistant Counsel. On February 25, 2019, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Action: **ORDINANCE NO. O-16-19**, “An ordinance relating to Chapter 15, amending Section 15-54 regarding amendments to the 2012 International Fire Code.” **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

Item No. 8 - MINUTES

Synopsis: Minutes from special session of February 14, 2019.

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

Item No. 9 - WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated February 21 and 28, 2019.

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

PUBLIC HEARING AGENDA

Mayor Alvey said next is our first public hearing to receive citizen comments on the proposed 2020 Unified Government Budget and the 2019 Community Development One-Year Action Plan.

Item No. 1 – 19630... PUBLIC HEARING: 2020 PROPOSED UG BUDGET AND COMMUNITY DEVELOPMENT 2019 ONE-YEAR ACTION PLAN

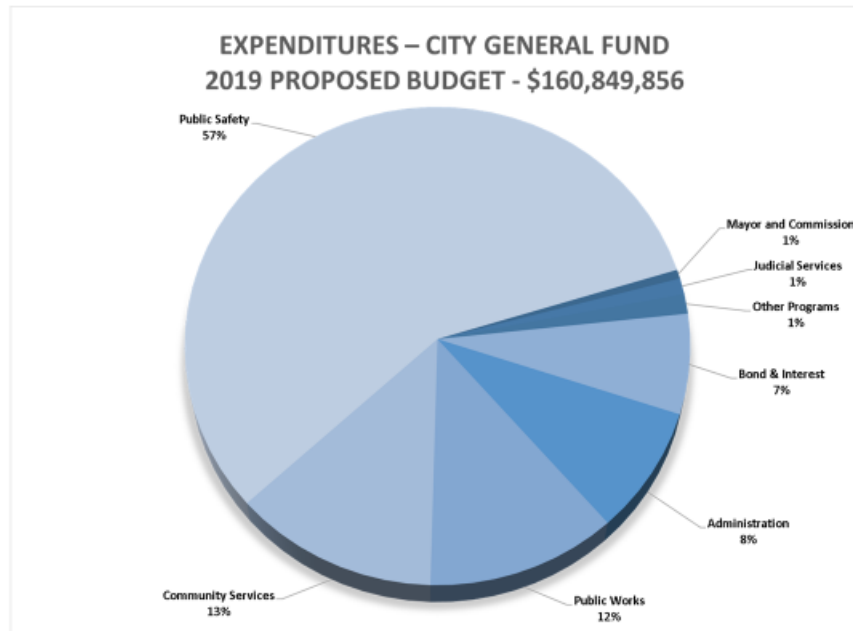
Synopsis: Conduct the first public hearing to receive citizen comments on:

- UG 2019 Proposed Operating and Capital budget
- Community Development 2019 One-Year Action Plan

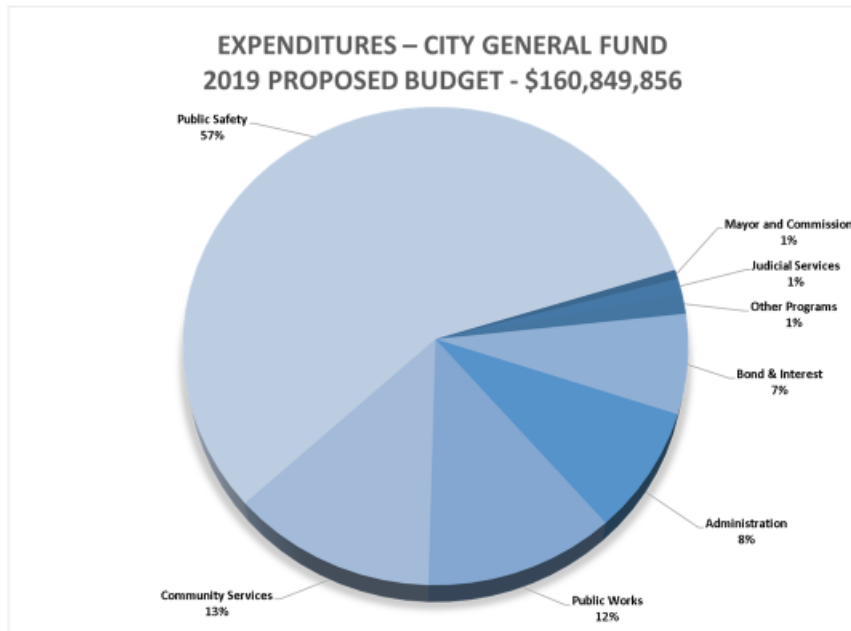
Doug Bach, County Administrator, said tonight, as we've done for the past several years, we've brought this before the public early in the year before we get into a lot of the really details of our budget, to take input as to how we're spending our money, from previous years to look forward to 2020; and make recommendations or ideas to where people think we should direct our money for the year 2020.

At this time, I'm going to ask our budget—then, also, we go through our Community Development Block Grant Action Plan and look at that for our coming year. We get public input from that as well as to how we are directing our dollars that are put into that program.

Tonight, we have our Budget Manager and our Director of Community Development both here to present.



Reginald Lindsey, Budget Manager, said last year we were approved a \$376 million budget. Of that \$376 million, the largest fund in there is the City General Fund. It's \$160M budget. Then, there's the County General Fund, which is a \$63M budget. Then we have the Consolidated Parks, which is a \$6.6M budget. Then we also have Debt Service, which is made up of \$34M for the City and \$5M for the County. Also, we have a Special Revenue Funds which make up Special Parks, also dedicated sales tax, Special Street and Highway, and a few other funds. Then we have our Enterprise Fund, which are our proprietary funds and that is water pollution and also our EMS Fund and also Sunflower Hills.



To kind of drill down into the City General Fund, its \$160M budget. The largest functional area there is Public Safety and then also another large one is Community Services, which is 13% of the pie. That includes departments such as: Transit, NRC and Urban Planning.

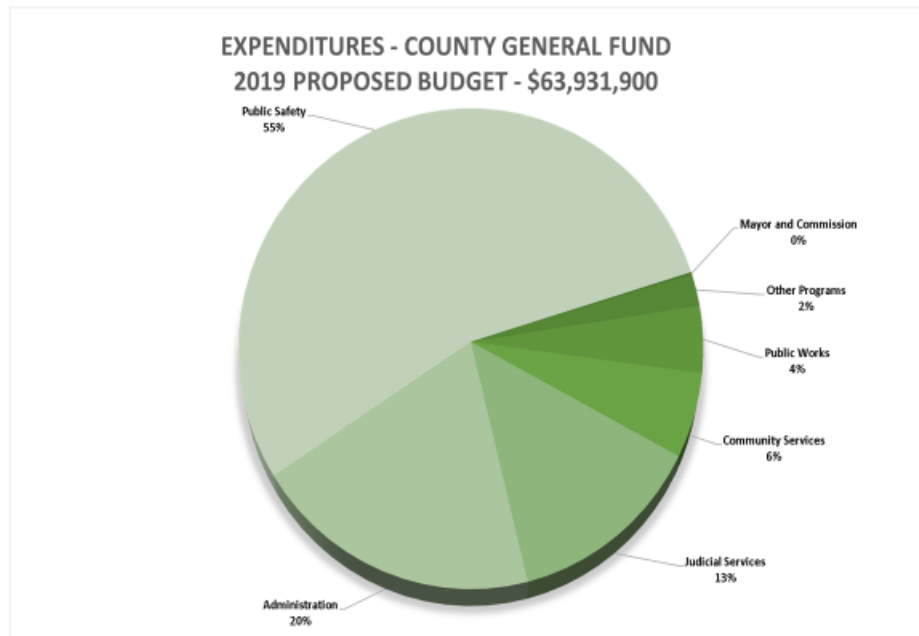
Unified Government of Wyandotte County/Kansas City, Kansas
 2018 Amended – 2019 Budget

Expenditure by Fund & Mill Levies

	2018 AMENDED BUDGET	CERTIFIED MILL LEVY, 2018 BUDGET	2019 PROPOSED BUDGET	PROPOSED MILL LEVY, 2019 BUDGET	CHANGE IN MILL LEVY RATE FROM 2018
Tax Levy Funds					
General Fund - City	156,283,991	23.167	160,849,856	21.167	-2.000



Last year, commissioners drop the mill for the City General Fund by 2. We had 23 mills for 2018 and it was dropped to 21 mills for 2019.



Now I'm going to drill down into the County General Fund. It's a \$63M budget. The largest portion there or functional area is Public Safety at 55%. Another large area there is General Government, which is the departments that help run the Unified Government such as: Finance, Accounting, Legal, those types of departments. Then we have Community Services and also Judicial Services.

2020



Citizen & Community Stakeholder Budget Input Form

Prepared by the Budget Office

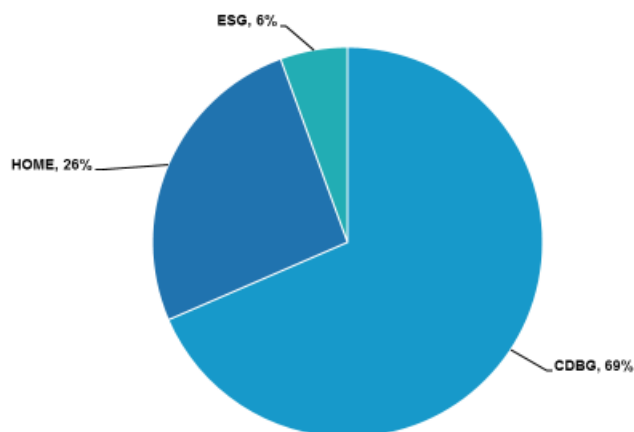
PLEASE RETURN TO:
Unified Government Budget Office Reginald Lindsey 701 N. 7th Street, Suite 510 Kansas City, KS 66101 (913) 573-5271 Or by email to: ugbudget@wycokck.org
APPLICATIONS ARE DUE by Noon April 5, 2019

Form available online @ www.wycokck.org



For citizens who can't join us tonight, there is a form on our website where you can go out and download and fill out and mail back to the Budget Office. The due date for that is April 5th.

2018 CDBG SOURCES OF SUPPORT \$3,265,758

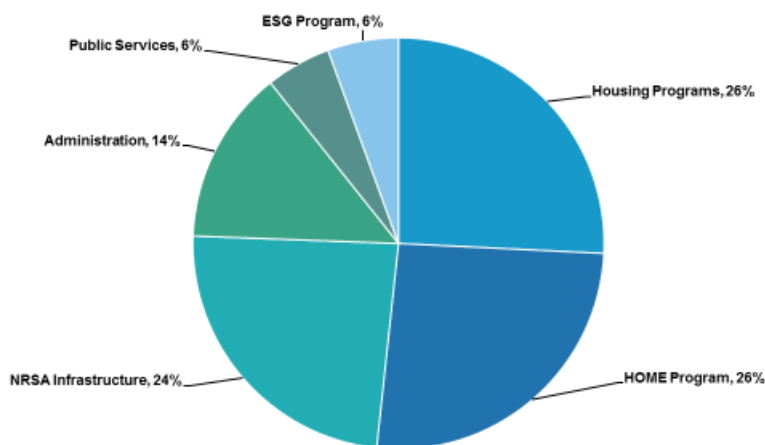


March 7, 2019

Wilba Miller, Community Development Director, said the Unified Government receives an annual allocation of formula entitlement funds from the US Department of Housing and Urban Development for the following programs: the Community Development Block Grant, otherwise known as the CDBG; The Home Investment Partnership Program, or HOME; and the Emergency Solutions Grant, which is ESG. HUD provides these resources for the purpose of meeting the needs for low and moderate-income citizens. In order to receive these funds, we are required to submit an annual action plan with a budget. This years, fiscal year is the third year of our current 2017-2021 5-year plan. We are waiting for our annual allocation notification from HUD and do not know if there will be a reduction or an increase at this time. We anticipate no notification in April.

HUD has notified all grantees to conduct our regular participation process to develop draft plans, according to normal timetables and procedures. The grantees are also asked to put together a contingency provision that will explain how we will address the actual allocation. Our contingency is that any change of allocation will be addressed by distributing the difference, or subtracting the difference, between activities in each grant program while ensuring that any administration or other activity caps are not exceeded.

2018 CDBG APPROVED EXPENDITURES \$3,265,758



The estimated 2019 Fiscal Year allocations are based on last years. As you can see the pie chart, the sources of support last year reflect \$2.237M for CDBG, \$846,000 for HOME and \$181,000 for Emergency/ESG, for a total of \$3.2M. As you can see, the approved expenditures for CDBG include Public Services, Administration, the Neighborhood Revitalization Strategy Area Infrastructure, and Housing Programs. Our HOME Program activities include down payment assistance and construction and rehab of affordable housing. Lastly, our ESG Program includes homeless prevention, essential services, rapid rehousing, and homeless management information systems.

This evening, we are fulfilling the HUD requirement to hold a public hearing to obtain comments from citizens and other stakeholders prior to developing the budget and the draft annual action plan. We are seeking to assure that the citizens participate and understand that the proposed plan will address Housing and Community Development needs, the development of proposed activities and a review of program performance. This draft plan will be published in June to meet the 30-day citizen comment period.

A second public hearing is scheduled to be held, along with the Unified Government Budget, on July 25th at 5 p.m. The adoption of the Unified Government Revised 2019 and Proposed 2020 Budget and the 2019 Annual Action Plan are scheduled to take place at the Board of Commission meeting to be held on July 25th at 7 p.m.

The final action plan must be submitted to HUD no later than August 15th, because according to Federal regulations, failure to meet this would automatically result in loss of the funds.

Mr. Bach said I'll just note, as it was pointed out during the presentation that we do have a form that's out there for members of the public to fill in. That is one that they can pull down online. We have advertised that through our social media. It's also out there in our newsletter and made available for members of the public to submit until, April 5th. Until April 5th that document can be submitted.

Mayor Alvey said we'll open the public hearing. Before we take public comments, I'd ask Ms. Cobbins to read the statement governing this public hearing.

Bridgette Cobbins, UG Clerk, read the statement.

Murrel Bland, 8311 Garfield Ave., Executive Director of *Business West*, said as in past years, I would urge the Commission to hold the line on property taxes as you work on your 2020 Budget. Property taxes are a major concern for residential and commercial taxpayers. I realize that taxes are the price we pay for a civilized society. I also realize the taxes are the power to destroy. Thank you for your consideration.

Jason Norbury, Executive Director of Downtown Shareholders, KCK, said we serve as the administrator for the Self-Supporting Municipal Improvement District, and that's the manner in which I am here to speak this evening. First, I wanted to say begin by thanking the Commission for last year generously voting to increase the voluntary contribution to the SSMID. It allowed us to do a number of things, continue what we're doing, and give an additional two-mill break in the property tax rate in the SSMID itself. I think our property owners have been very grateful that they got sort of a double break in this last year, as well.

For 2020, we would like to request a small increase that mirrors the increase in the General Fund Budget. I used last year's model, and so we're asking for a 2% increase in the voluntary contribution from \$125,000 to \$127,500. We feel that sort of mirrors the growth of the city. If the General Budget comes in at a number lower than that, we'd be willing to adjust our ask to do the same. We don't want to take a larger piece necessarily, just sort of keep pace as that moves forward towards the original commitment that the UG and the Commission made of a \$150,000 to support the work of the SSMID.

Heather Hoffman, 12903 E. 54th, Kansas City, MO., Executive Director of the Greater Kansas City Coalition to end homelessness, said we are the oversight agency for around \$13.5M of HUD funding that funnels to homeless service providers in both Wyandotte County and Jackson County.

We have around just under \$2M that funnels directly to homeless service providers in Wyandotte. These agencies are: Kim Wilson Housing, Salvation Army, Metropolitan Lutheran Ministries, and Hillcrest. These are agencies that we, at the Greater Kansas City Coalition to End Homelessness, work with those named agencies on a daily basis to provide monitoring, training,

compliance and education so that those agencies are meeting all of their compliance regulations, as set by HUD, where they are receiving that funding.

Our agency is in place to, like I said, provide that oversight. Additionally, we have a lot of different regulations, as you can imagine, that HUD has us put in place. We, every single year, do what we call a point in time count. Last year in 2018, we showed that Wyandotte was only representing 3% of the overall homeless count in both Wyandotte and Jackson County. Our staff immediately recognized that this was a gross underrepresentation of those who are experiencing homelessness in Wyandotte. We spent the following year meeting individually, having separate meetings for a point in time council to meet specifically in Wyandotte, meet with the police officers, meet with the schools there, create some volunteer support.

This year in January 2019, our point in time count now shows that we have representation of 21% of our overall homeless count. 21% of those are now recognizing that they are in Wyandotte.

Additionally, we, in 2017, Kansas City Kansas School District noted that they have 1,400 homeless students. I can tell you we have only 15 beds right now in Wyandotte County for unaccompanied youth. Our agency is designed to help address these exact issues. We have the backing of HUD. We've got nationwide best practices to address these and other issues, chronic homelessness, veteran homelessness, we just need Wyandotte to help us by providing \$75,000 in general budget fund dollars. We need these dollars to help us provide for match for our programs, and we need those dollars to help us be creative and bold and respond quickly to the trends that we're seeing in homelessness in the community.

Justine Underwood Jones, 431 Ann Ave., President of the Strawberry Hill Neighborhood Association, said I'm here tonight to ask the UG to consider setting aside dedicated funding for the improvement of St. John's Park and Huron Park in Strawberry Hill. One-third of the residence of Strawberry Hill are under the age of 18. I have heard a lot of talk from the UG and from partner organizations about how important it is for us to attract young families to Strawberry Hill. In order to do this, we need to be providing family-friendly amenities.

We actually have a number of young families in Strawberry Hill. When I talk to these parents, they haven't met each other. I say have you met so and so? She lives one block behind you. She has a child the same age as your child. These parents haven't met each other because

there's no dedicated gathering spaces for these young families, for their children to meet each other and play with each other, for parents to meet each other, for a sense of community to develop.

A park behind the library at Huron Park, where there's a perfect open gathering space, up terrace, under shady mature trees, would be a perfect fit for parents to bring their children to the library, and then to play at a park. It would benefit Turtle Hill, Strugglers Hill, Douglas-Sumner, and Riverview; all of the surrounding communities to have a central, large park with a large play structure.

The same can be said about St. Johns Park. We have a great dog park there now. The critters are contained. There is an area further into the community that is safe. It's away from intersections and has a magnificent view. It would be a place that would attract people coming over, even from maybe Kansas City, Missouri, to let the kids play and admire the view. We have natural parks for it. The Strawberry Hill Neighborhood Association is committed to providing \$7,500, that we raised through our Pub Crawl last year and whatever is raised from the Pub Crawl this year to make a park happen.

Melissa Mundt-Sieben applied for money through the Rotary Club, but last year that wasn't approved. We're prepared to apply for the Casino Grant, but we can't do it on grants alone. If we provide even \$15,000, the prep work for a play structure is insurmountable for the community alone. We need the UG to help us. Please dedicate funding for parks in Strawberry Hill.

Marcia Rupp, 2816 N. 46th St., said I want to talk about the Woodlands tonight, and maybe I can help her. This is not about, I need money—we need money from you.

There was a guy here, his lawyer that represented him. When I was at the legislative meeting, I heard people say that he didn't fill enough of the property with what he was going to do. That was wrong. He was going to bring in a western entertainment, dancing, music. I believe that we can get more out of this guy. I'm not only asking you; I'm begging you to bring this guy back in either in a special session, a standing committee, whatever.

It's just too bad that we make deals with people, that our after site is not as good as our foresight or vice versa. You put limitations and restrictions on certain things. Then all of a sudden something happens and you know you made a mistake because there could be more revenue.

I'm really asking you to see what else because we need winter entertainment in Wyandotte County. Think about it. We have none.

My husband and I, years ago, to tell you how old I am now, but we used to go to the River Key. The River Key had miniature golf inside. They had bumper cars, they had a half of a basketball goal where you could go in and play horse, shoot hoops, things like that that kids could do, grown-ups can do. Bumper cars are great for taking out your frustration.

Anyway, we have no winter entertainment. We have summer, but not winter. This would be a way that maybe he could fill that space and give us something. Also, I believe he was going to bring in \$60 million and it wouldn't cost us a penny. I believe Commissioner Johnson said are we still talking about this. I think that maybe if we bring this guy back in and I think Commissioner Kane brought that up too that we can see what else and how much more revenue we can bring in, to maybe help this lady out about revenue.

Mayor Alvey said I'd like to thank each of you for coming out tonight to make comments during our public hearing process.

Action: Public hearing was held.

STANDING COMMITTEES' AGENDA

Mayor Alvey said next, we have three items under the Standing Committee Agenda. These items were presented to the Economic Development Finance Standing Committee this past Monday and they received a unanimous vote of approval to be fast-tracked to tonight's meeting.

Item No. 1 – 19623...RESOLUTIONS: KAW RIVER BANK TURKEY CREEK STABILIZATION (STORM WATER) PROJECT FUNDING

Synopsis: Recommend approval of the following resolutions related to the Kaw River Bank Turkey Creek Stabilization (Storm Water) Project, submitted by Debbie Jonscher, Deputy Chief Financial Officer.

- a. A resolution amending the 2018-2023 CMIP; amending prior authorization of certain public improvements related to the Kaw River Bank Stabilization at Turkey Creek project (CMIP 963-5056); and expressing the intent to issue general obligation bonds and/or temporary notes to finance all or a portion of the costs of such improvements.
- b. A resolution authorizing the sale of Series 2019-II General Obligation Temporary Notes to fund \$7.5 million of project costs for the Kaw River Bank Turkey Creek Stabilization Storm Water

Project. Prior GO Series 2019-I Temporary Notes authorized \$2.5 million towards this project. Proposed resolution increases temporary notes proceeds to \$10 million for this project to address total project costs.

Commissioner Burroughs said the Committee discussed in great length the need to ensure that the Kaw River Bank Turkey Creek was addressed. The bonds that will be issued will stand to be reimbursed, a total of \$10 million. It's an emergency situation. We were concerned that if we went ahead and bonded it right away, it would put us in the negative negotiating position. We understand we do have partners at the table, so we went ahead and moved out favorably unanimously.

Action: **RESOLUTION NO. R-13-19**, “A resolution amending the 2018-2023 CMIP; amending prior authorization of certain public improvements related to the Kaw River Bank Stabilization at Turkey Creek Project (CMIP 963-5056); and authorizing the issuance of general obligation bonds and/or temporary notes to finance all or a portion of the costs of such improvements.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken on the motion and there were ten “Ayes,” Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

Action: **RESOLUTION NO. R-14-19**, “A resolution authorizing the offering for sale of municipal temporary notes of the Unified Government of Wyandotte County/Kansas City, Kansas in the approximate amount of \$10M for the Kaw River Bank Stabilization at Turkey Creek Project (CMIP 5056). **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken on the motion and there were ten “Ayes,” Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

Item No. 2 – 19613...ORDINANCE: MIDTOWN TIF REFINANCING

March 7, 2019

Synopsis: Adopt a Home Rule Ordinance authorizing general obligation economic development bonds to fund land acquisition and demolition of Indian Springs site and authorizing refunding a portion and/or all of prior Series 2010-B, 2011-C and 2013-B bonds for interest savings, submitted by Kathleen VonAchen, Chief Financial Officer, and Debbie Jonscher, Deputy Chief Financial Officer. This item was scheduled to appear before the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, on March 4, 2019. It was requested, and approved by the Mayor, to fast track this item to the March 7, 2019 full commission meeting.

Commissioner Burroughs said, again, there was much discussion in reference to the Indian Springs future plan. This is why I have to commend staff in the new bond issue will lower our interest rate, as well as put them as tax free Go Bond. I'm really pleased to say that the committee chose to move forward unanimously.

Action: **ORDINANCE NO. O-17-19**, “A ordinance rule of the Unified Government of Wyandotte County/Kansas City, Kansas, authorizing the issuance of general obligation bonds of the Unified Government to provide funds for the acquisition of property, relocation of businesses, demolition of buildings, site preparation, public infrastructure improvements, the redevelopment of the former site of the Indian Springs Mall (the “Project”). **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve the ordinance.** Roll call was taken on the motion and were ten “Ayes,” Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

Item No. 3 – 19594...RESOLUTION: SET PUBLIC HEARING DATE FOR DOWNTOWN GROCERY REDEVELOPMENT DISTRICT - PROJECT AREA 1

Synopsis: A resolution setting a public hearing date of April 11, 2019, to consider adoption of a redevelopment project plan for Project Area 1 in the Downtown Grocery Redevelopment District, submitted by Katherine Carttar, Director of Economic Development. This item was scheduled to appear before the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, on March 4, 2019. It was requested, and approved by the Mayor, to fast track this item to the March 7, 2019 full commission meeting.

Commissioner Boroughs said there's been plenty of discussion in reference to the grocery store. We're ready to have the public involved in this. We're really excited about the grocery store, staff made a great presentation. We're ready for the public to have their input.

Action: **RESOLUTION NO. R-15-19**, "A resolution calling and providing for notice of a public hearing to be held April 11, 2019 concerning the consideration of adopting a redevelopment project plan for project area 1 in the Downtown Grocery Redevelopment District." **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to adopt the resolution.** Roll call was taken on the motion and there were ten "Ayes," Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ADMINISTRATOR'S AGENDA

Item No. 1 – 19640...RESOLUTION: AMENDMENT 1 - ARMOURDALE CID LEVEE PROJECT

Synopsis: A resolution approving Amendment 1 to the Design Agreement between the Department of the Army, the UG, and the Kaw Valley Drainage District for the Armourdale and Central Industrial District Levee Unit Improvement Project, submitted by Melissa Sieben, Assistant County Administrator.

Doug Bach, County Administrator, this is in reference to the Armourdale CID Levee project. In fact, I will turn this over to Assistant Administrator Sieben, who has been working on this project to provide a short summary of what we're doing.

Melissa Sieben, Assistant County Administrator, said before you tonight, you have development agreement which is essentially the engineering design for the Armourdale and CID portion of the Kansas River Levee System. A portion of this Levee runs on the Missouri side but the bulk of it is on the Kansas City, Kansas side.

We are committing a significant amount of funds to this design, the agreement that is before you, and would like to actually have our names on it. Prior to January this was moved forward with Kaw Valley Drainage District and the City of Kansas City, Missouri being the only signatures.

Since Kaw Valley is ultimately responsible for the actual burns and Levee under seepage. However, many of the pumps are the Unified Governments. That's what we're requesting tonight is to be added as a signature.

Action: **RESOLUTION NO. R-16-19**, "A resolution approving Amendment 1 to the Design Agreement between the Department of the Army, the UG, and the Kaw Valley Drainage District for the Armourdale and Central Industrial District Levee Unit Improvement Project." **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to adopt the resolution.** Roll call was taken on the motion and there were ten "Ayes," Murguia, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

COMMISSIONERS' AGENDA

No items

LAND BANK BOARD OF TRUSTEES' AGENDA

No items

PUBLIC ANNOUNCEMENTS

No items

**MAYOR ALVEY
ADJOURNED THE MEETING AT 8:15 P.M.
March 7, 2019**

Bridgette D. Cobbins
Unified Government Clerk

mb

March 7, 2019

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

**PLANNING & ZONING AND
REGULAR SESSION
MARCH 28, 2019**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, March 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; Walters, Commissioner Seventh District, Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. Markley, Commissioner Sixth District was absent. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Assistant County Administrator; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Debbie Jonscher, Deputy Chief Financial Officer; Robin Richardson, Director of Planning; Byron Toy and Zach Flanders, Planners; Janet Parker, Administrative Assistant; Patrick Waters, Senior Attorney; Alan Howze, Knowledge Director; Dave Reno, Community Engagement Officer; and Captain Ronald Schumaker, Sergeant-at-Arms.

MAYOR ALVEY called the meeting to order.

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

INVOCATION was given by Commissioner Harold Johnson.

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

Mayor Alvey said tonight we have two distinct parts to our meeting. The Planning and Zoning portion will be handled first followed by the regular commission meeting. I'd ask the Clerk to read the statement, required by state law, governing the Planning and Zoning portion of our meeting, followed by the items on the Planning and Zoning Consent Agenda.

Ms. Cobbins, 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. **Commissioner Townsend** disclosed contact with proponents and opponents of #SP-2019-16. **Commissioner Philbrook** disclosed conversations about #3183, Change of Zone Application and concerns about #SP-2019-16. **Commissioner McKiernan** disclosed contact with opponents of A-4, #3183, and D-1. **Commissioner Bynum** disclosed conversation with taxpayers on #3183-Change of Zone. **Commissioner Kane** disclosed contact with proponents of Change of Zone #3183. **Commissioner Murguia** disclosed contact with opponents for D-1, the ordinance amendments. **Commissioner Walters** disclosed conversations with opponents on ordinance D-1. **Commissioner Burroughs** disclosed contact with proponents of D-1. **Mayor Alvey** said I have had contact with proponents and opponents of D-1.

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 and Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission. **Commissioner Kane** said I'd like to pull Change of Zone Petition #3183.

Pete Peterson, 748 Ann, said I would ask that D-1, consideration of the amendment concerning small box variety store ordinance be pulled set aside. **Dorothy Reed, 420 Walker Ave.**, said I'd like #SP-2019-16 to be set aside. **Willie Garth, 2220 N. 36th St.**, said same set aside. **Chester Owens, 1150 Washington Blvd.**, said I'd like #SP-2019-16 set aside.

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,” Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 19657...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, submitted by Robin Richardson, Director of Planning. 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 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:

1. Items that require plan revision or additional documentation before engineering can recommend approval: none.
2. Items that are conditions of approval (stipulations):
 - a. 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.
 - b. 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.
 - c. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by Unified Government prior to construction permit acquisition.
3. Comments that are not critical to engineering’s recommendations for this specific submittal but may be helpful in preparing future documents: none.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #3178, subject to stipulations.** Roll call was taken on the motion and there were nine “Ayes,” Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 2 – 19658...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, submitted by Robin Richardson, Director of Planning. 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 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).
 - a. Requirements for proposed structures within the SFHA:
 - i. Freeboard shall be designed to meet 18 inches above Base Flood Elevation or greater.
 - ii. 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: none

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #3180, subject to stipulations. Roll call was taken on the motion and there were nine "Ayes," Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 3 – 19660...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, submitted by Robin

Richardson, Director of Planning. 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, roadside 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 UG 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: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #3182 subject to stipulations. Roll call was taken on the motion and there were nine “Ayes,” Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 4 – 19661...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, submitted by Robin Richardson, Director of Planning. The applicant, 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 Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application #3183, subject to:

Urban Planning and Land Use Comments:

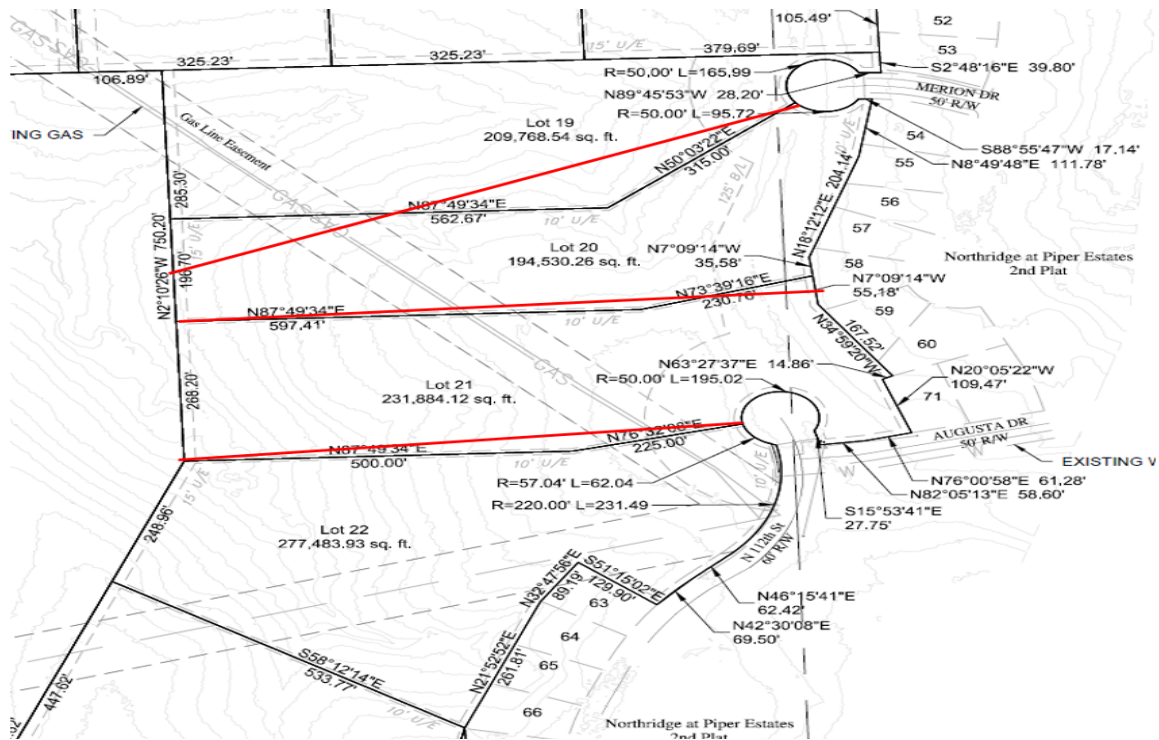
1. Please describe why it is necessary to have lots that have less than 300 feet of frontage and less than 5 acres on 115th Street as required by the code.

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. 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 lot 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&Rs 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:

- Items that require plan revision or additional documentation before engineering can recommend approval: none.
- Items that are conditions of approval (stipulations):
 - 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.
 - 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.
 - Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- 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:

- 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.

Robin Richardson, Director of Planning, said this is a re-zoning request to go from RP-1 to R-1 for a large lot subdivision containing five acre lots. As you know, the Planning Commission approves the plat itself, so the primary plat has been approved, but this is the zoning that will allow that to happen. It comes before you unanimously from the Planning Commission. We're aware of some issues remaining with the neighborhood.

Mayor Alvey said I'll ask the applicant to come forward to present his application.

Matt Schlicht, Engineering Solutions, 50 South East 30th Street, Lee's Summit, Missouri, said so yes, were just talking about the rezoning portion of this. This is just the remaining ground of what was the Northridge Estates preliminary plat that had been brought forward to the city some time ago. I think the preliminary plat, because no action was taken, the north plat had become void. The Developer went through some iterations looking at continuing it with a small lot subdivision similar to what Northridge Estates looks like today. What they decided to do is come back and rezone it to R-1 to allow for some larger lots.

So, we primarily put in there 25 lots, but I think at the Planning Commission, we actually reduced it by one lot to add a—on the west side or 115th Street side, we had two three-acre lots. We've been asked to remove those and make them all five acres. Then on the east side, we had one point where they're asking us to have an access point. I think there are actually 24 lots, with 23 of them being five acres and larger, and then one lot being about a half-acre size that abuts directly to the existing Northridge Subdivision.

Mayor Alvey opened the public hearing and asked is there anyone present would like to speak in favor of this item. If so, please step up to the podium at this time.

Mayor Alvey said seeing none, is there anyone present in opposition would like to speak on this item. If so, now is your time come to the podium and state your name your address and give us your comments.

Dana Bye, 10708 Augusta Drive said I'm here on behalf of the Homeowner's Association Northridge of Piper Estates. We were here for the Planning Commission meeting. Part of the recommendations included that the subdivision was not going to include the name Northridge. Promptly after that meeting, the developer's attorney sent us a letter that said they basically have no intention of not using the name. So, we want to know if that's something that the city is going to continue to support or if we are going to have to engage legal counsel again to fight the developer.

Mr. Richardson said the stipulation of zoning—Mr. Schlicht, at the Planning Commission meeting, said they would change the name and that's the stipulation that's been included. They have agreed to that. When it comes to the final plat being recorded, it won't have the name Northridge as part of the plat. **Ms. Bye** said and I understand that. I think that saying that, he's saying that is not going to happen. Every time this is on an agenda, if you Google it, it's coming up and it's coming up in association with us. The application says continuation of a residential development. It is not a continuation of our neighborhood. Every time this comes up—the final plat might not say Northridge, but all of this other stuff is. If he's still planning on marketing it as that and if he's going to put a monument up that says that, we're going to have an issue.

Mr. Richardson said the next agenda that it's on for the final plat approval will not have Northridge associated with it. They won't put up a Northridge. They can't put up a Northridge monument. They'll have to put up a monument with their name on it. We'll have an easement in one of the yards for them to do that, or two of the yards maybe.

Bill Hurrelbrink said I just moved in on Saturday to **4316 North 112th Street**. I'm sure you can't recall from your packet right- a-way, but it's Lot #68 on the Northridge plat, which butts right up to the lot that the engineer mentioned that is the half-acre lot. My primary concern with this is moving forward, this development was pitched as a 3 to 5-acre estate lot development where you put a nice big house and you have your big estate to sit on. That's great. I'm all about that, and I think that's great for the community.

My concern is that it just seems like this half-acre lot is just shoehorned in. It just so happens to be behind my house and three of my neighbors' houses. I just don't think that it fits in with the character in which the development was presented. I don't think it fits into the development period. I think it would be best used, as I stated during the Planning and Zoning meeting, to be absorbed into one of the other plots.

Also, another concern that we have had, and have had minor discussions with a couple of real estate agents around, was that our understanding was this development was going to be all on septic. My understanding is that anything under an acre can't be on septic, that it has to be tied into the sewer lines. We wanted to make sure that if this does go forward as plotted, that was followed. That's just our main concern.

I just don't think that this lot, Lot 25, on the development map, looks like a piece of pizza. It's just like squeezed right in there just right up next to my house and three my neighbors' houses. It just doesn't look like it fits the rest of the development. I just want to make sure that we're not setting precedence now by saying it's okay to do it now, so while we develop the rest of the western part of our city, that it's okay to do it then too. Let's just not set additional precedence now that we can try to avoid in the future.

Matt Watkins, 4023 North 111th Street, said I'm a new resident of Clearview at Piper Estates, which is the first generation—second generation of Piper Estates. We, in Clearview, have lot sizes that are anywhere from about a third of an acre up to an acre and a half. We join in with the original Piper Estates neighborhood that has 3 to 5-acre lots, that have any number of stipulations on them for building, from construction materials, to facade materials, to the way the driveway enters into the house, so you have side facing driveways.

I would be in favor of this proposal if we could initiate or have some confirmation that the covenants and restrictions for this neighborhood would be similar to the character of the surrounding neighborhoods which it adjoins into, which includes tying into the sewer system for the ones that are available to tie into. There are five lots that join into the existing Northridge neighborhood that could tie into the sewer system. I think that that would be—it would behoove us not to require them to tie into the sewer system. That's allowing them to get away with not contributing to the infrastructure that's there for all of us to take advantage of, but yet, they don't

have to. I think that's an important thing. It helps defray the cost for the rest of us as well because the sewer system is already there, and they should tie into it.

Number two. The covenants and restrictions would have driveway construction material. I'd hate to see down 115th Street that we have a bunch of gravel driveways. That would be, I think, that'd be disappointing. I worked about 5 years ago—I worked by the right-a-way for 115th Street. That project was a \$4M project that we worried about streetscape, we worried about grading, we worried about other things that I think would be detrimentally harmed to the surrounding neighborhoods if we don't think about retaining walls, driveway, grading. Several of these lots, I would say over half of them were going to require hundreds of thousands of dollars in retaining walls. If we let them put gravel driveways on there, what are we really doing in that sense?

I'm also concerned that now that it's a large acre lot, if they want to put their house 400 feet back, who's to say that they don't go to BPU and say hey, I need four power poles that's going to get planted on my property and all the rest of us have to have underground power all the way back to our house. I think that's an important thing. I would be in favor, if we could stipulate several of these things: tying into the sewer for five of those folks; square footage requirements that are similar to Piper and Clearview Estates; driveway construction, retaining wall construction, and grading requirements that are similar to what we had to do in Clearview Estates as well as power.

Mayor Alvey said thank you. Anyone else would like to speak in opposition? If there are no further comments or questions from the public, I'll close the public hearing. Would the petitioner like to make any closing comments?

Matt Schlicht said I think to the last person's comments, I think we've already stated the CC&R's that we presented will be similar to what the adjacent areas are. I don't know exactly what Clearview's are. We've looked at Northridge Estates. I think we're similar in size and character and style of that one so, I think we're within that range.

With the five lots on sanitary sewer, the half-acre lot or the smaller lot, like Lot 25 will connect to the sewer system. All the rest will be septic as allowed by state regulations, as that would be allowed.

The gravel driveways, I may defer to Rob on that, but I believe that's a requirement of R-1 that anyone have to have a concrete driveway on that side of it, is your city ordinance so, I think we're fine with that. I don't think there's anything outside of it.

I'm not sure what the grading and retaining wall side of it is. These people are going to be building relatively nice houses in there that are going to require whatever it is to make it worthwhile.

The power underground, I'm not 100% certain how that gets handled with BPU. It's going to be, I think, up to them of where that power goes.

Mr. Richardson said we actually have an ordinance that requires any plat that's done after 1973 to have underground power. **Mr. Schlicht** said yep, so we're fine. Like I said, we follow the rules. With Mr. Hurrelbrink's side of it, I think we talked about that Lot 25 that kind of goes on the west side of what is Northridge Estates. We talked about that and Rob had made some good comments, that maybe we'll go in and kind of square that up and make it not such a long, rectangular pie-shaped lot. In our opinion, what we stated at that meeting was just the idea that—and it was just a transition, we had half-acre lots or less in Northridge Estates, it made sense before we got to our large 5-acre lots, we have that one that would sit in there that would kind of be the transition. That's kind of why we asked that to be corrected. It will connect to sanitary sewers, so we're fine with that.

Dana and I have spoken many times about that name. You know it is part of the stipulated comments from Planning Commission and we'll stay with that. I do understand that she did receive a letter from the developer's attorney stating that they believe that that's more of a legal discussion and outside the city's purview, as far as what the naming of the subdivision is. I still standby, we'll figure out something that makes sense. I think the attorney was just writing a letter that Northridge has trademarked the name. I think we're just trying to get an understanding exactly what that means. We'll continue to work through that. I do agree with Rob that that's a stipulation of the Planning Commission's recommendation, and we'll stay with that. We're fine with that.

Mr. Richardson asked so you're stating that the developer will not pursue the name Northridge. **Mr. Schlicht** said I think, yea. I mean, I think the conversation is ...**Mr. Richardson** said that's yes or no, really. **Mr. Schlicht** said I cannot speak for the developers that they will not pursue. We understand that's a statement that you guys have put that as a stipulation. His attorney

has responded saying that they don't believe they can trademark it. I'm telling you that we'll continue to work for a name that works with everybody when it comes to that final plat. We completely understand if I come back and present to you Northridge, we're going to have a problem. I understand. I just can't tell you that the developer absolutely will not come back with something that has Northridge in it or something within that range.

Commissioner Kane said I hope all of you read the concerns in the back from, well first of all, I got a letter saying I'm within 200 and some odd feet. I need to ask Legal if it is okay if I talk. It doesn't affect my property. I'm just within 200 feet of it. **Ken Moore, Chief Legal Counsel**, said, Commissioner, you received that letter because statutorily within 200 ft., you're possibly of interest in this action. Everyone within 200 feet received such as letter. The ethic's code prohibits you from voting if you're affected by the results. But affected is more than just, it has to be some direct affect and not something that's indirect or inconsequential. I think the language that they actually use is, you have to have some kind of direct and not just a hypothetical affect. In this case, or secondary is what I was looking for. In this case, any affect you would have would be secondary and; therefore, you would not be precluded or disqualified for that.

Commissioner Kane said if you read the letter that the HOA wrote, it talks about I cut the grass in the neighborhood. I didn't cut the grass until he took the properties over because he wouldn't cut them. One day I decided to call up Higman and say hey, a constituent asked a question. I didn't know that he'd already talked to Ms. Bye about it. He starts cussing me out like a dog telling me that he didn't care about the community; he's there to build houses and we weren't going to stop him.

Well, what happened was, Ms. Dana Bye talked to him and he was pissed. Right? When, I call him and I ask him questions and he starts yelling at me and he did say, "I don't care what you guys say because you can't make me do it." There were multiple places where the city had to go out and cut his grass. You know why I know that? It's the lot next door to mine. I cut that grass the entire time with the prior owners. He came in there. Him and I got in an argument so they dumped stuff on that lot so I could no longer cut the grass. Then we had to send the city out there to cut the grass.

This guy is not willing to work with the association. You just heard this gentleman here representing him, we'll work it out. Well, we can work it out. It's not going to be named that. It'll be named something else. This is the exact same process that Higman has had all along that I'm going to get up here, I'm going to tell you what I want, and you're going to live with it. That's not the type of people we want in this community. The builders before, they lost it but they kept everything up. When you assume responsibility, when you buy into an area and you only build another 30 or 40 homes and then you want to make money off that name, that's wrong.

It's also, that's why I think it's important that we narrow down what's going on behind Mr. Hurrelbrink's house; that we narrow down, that we may need to probably eliminate that whole little spot back there and give him the rest of what he wants so there won't be any further issues. We need to make sure that the name is whatever name it is other than ours. If you let this guy do this now, he's going to come back on another project and say you let me do it before. I don't think that's fair to the community. I think we need something in writing, Rob, that says we want to eliminate that particular spot there, we want to make sure they can't use the name, and they live up to all the other responsibilities that all the other home associations have to live up around that area. That's a motion. Commissioner Bynum seconded.

Mayor Alvey said so let's be clear what the motion was.

Action: **Commissioner Kane made a motion, seconded by Commissioner Bynum, to send Special Use Permit Application #SP-2019-13 back to the Planning Commission to get further clarification, and we ask them to withdraw that section behind Hurrelbrink's house. In addition, receipt of recommendations from the Wyandotte County Conservation District.**

Mayor Alvey said we have a motion and a second.

Commissioner Philbrook said I was noticing also when I was reading through here. This ground is very rolling and there's a lot of trees and stuff going on this property, and there's water pathway through there. I noticed in here from the report from the Wyandotte County Conservation District, that they made a special note that, we would not recommend any action until we had a chance to

review the erosion control plan. You guys have heard me talk about this stuff before. Why do we ask for reports if we don't pay attention to them? I ask that we have that before we make any decisions as well.

Mr. Richardson said, Mayor, can I ask for clarification. You want us to look at all the issues that the folks raised tonight including what Commissioner Kane requested as well? **Commissioner Philbrook** said and Commissioner Philbrooks'. **Commissioner Kane** said we want it documented; they can't take name. We want it documented that we want that part removed and then he gets the rest of the stuff. Add in there maybe perhaps better communication between all. I've never not called this guy and not had an argument with him. When somebody starts yelling at you on the phone and say you guys at the city can't make me do something—I'm like, the grass on my lot was taller than I am, or next door. Like I said, we had to have the city cut it because he put trash on it. In fact, they dumped, in the middle of winter, they dumped concrete with chemicals in it, which is what they do during the winter. I called him up and they were fined the next day because he said that he didn't care what I thought. That's documented and George Sooter was the one who went out there and did that after that. Jeff Fuel was there as a witness. He's already proved that he didn't care. They're dumping concrete with chemicals, the wintertime chemicals, and he made it very clear to me, there was nothing I could do about it. They were out there two days later picking it up. You're dumping the chemical. How many kids is in the area? We don't know what the chemicals will do. It actually burns you. We don't know what all they're going do, yet he says, I don't care. George Sooter was working for us at the time.

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

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 19651...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, submitted by Robin Richardson, Director of Planning. The existing business installs automotive aftermarket leather interiors and sunroofs. 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: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve renewal of Special Use Permit Application #SP-2019-13, subject to stipulations. Roll call was taken on the motion and there were nine “Ayes,” Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 2 – 19652...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, submitted by Robin Richardson, Director of Planning. The drinking establishment's name is Sammy's Tavern. 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: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve renewal of Special Use Permit Application #SP-2019-14, subject to stipulations. Roll call was taken on the motion and there were nine “Ayes,”

Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 3 – 19653...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, submitted by Robin Richardson, Director of Planning. The 14-spot parking lot was built in 2017 and previously approved as leased parking for Taco Republic restaurant, located at 500 County Line Road. 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 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 years while the other developments are completed.
2. If approved, the stipulations would be as follows:
 - a. Additional parking must be available in two years' time.
 - b. 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.
 - c. The interim parking configuration must be approved by staff and striped per code.
3. 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 year to comply, or the special use permit will be void. Otherwise, the approval will be for two additional years.
4. Potholes must be repaired and lot restriped.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve renewal of Special Use Permit Application #SP-2019-15, subject to stipulations. Roll call was taken on the motion and there were nine "Ayes," Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 4 – 19663...SPECIAL USE PERMIT APPLICATION #SP-2019-16 – JEFFREY HOLLINSHEID

Synopsis: Special use permit for live entertainment in conjunction with coffee shop (retail sales and barbershop) at 2005 North 5th Street, submitted by Robin Richardson, Director of Planning. The applicant 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 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 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: none.

Jeffrey Hollinshed, 1960 N. Thompson, said I'm here in favor of the live entertainment permit for my coffee shop at 2005 N. 5th St. The building has been in my family since '49. I've taken it over. On and off I've had different tenants. In one section I decided to open up a business myself. My business ended up being a coffee shop. I named it after my Grandfather with a jazz theme, John Johnson's Jazz.

I incorporated jazz to subtle the coffee shop atmosphere. The coffee shop only has 18 seats; very intimate. I put my heart and soul in it. It's a place where people in a local community can walk to, have good conversation, and have no fear of any crazy violence. That's what I want to do for the community.

Mayor Alvey opened the public hearing and asked is there anyone present who would like to speak in favor of the application.

Chester Owens, 1150 Washington Blvd., said I'm appearing here this evening speaking in favor of this business. I live in this area just a little over a mile from this establishment. I have patronized it many times since it opened in December. Grandfather, who was the owner that Mr. Hollinshed spoke of, was my barber when I had hair and also was one of my heroes. He influenced a number of people who were growing up in this area.

As Mr. Hollinshed stated, this building was purchased by the Dickens family in 1949. They've maintained some type of business there for years and years. I think it's commendable that Mr. Hollinshed has returned to this community after serving over 20 years in the military, and he lives in the area which is the old family home.

The establishment not only provides good food, coffee and other beverages, but provides a location where you can go, meet old friends, have good conversation, listen to good music, and listen to the spoken word by local talent. The atmosphere of this establishment is great, and it makes you want to return for more. This is a positive asset for this area. We need all of the positive assets we can get in this area. Thank you for your consideration.

Carolyn Wyatt said I live right up the street from the Jazz. Actually, I've lived there all my life because I grew up in the area. It's good music. Mostly senior citizens going there; somewhere to

go in the evening, listen to music, talk to friends. I think it's well worth the community because that's what you want to do. You want to bring the community back to life.

Jeffrey also redid his house he lives in. It's really beautiful; a big house. He put a lot of time in that house and it's really nice. The same for the business. It's really nice and it's comfortable. It's not loud. No loud music. It's nice, comfortable music. I think it's good for the community because it's a nice, old building. I knew his grandfather. My mom died a couple of years ago. She was 102. We lived in the area. It's just the business on 5th that everybody knows about; the Dickens. I'm in favor of this business.

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

Dorothy Reed, 420 Walker Ave., said I'm in the Zion Estates housing addition, which is just a few blocks from this establishment. I also belong to the Strangers Rest Baptist Church located at 2052 N. 5th St. I would like to express concern because of what's going on in this establishment, especially on Sundays. Strangers Rest also has activities throughout the week and during the day, which we don't want there to be any disruption or conflict or disturbances coming from that facility that would interfere with our church activities. We want our neighborhood, our church, and everything to remain in a good, safe, family environment. We don't want anything that might bring crime, negativity, or degradation.

Another member of the church is going to express some of the concerns that we have about the establishment.

Willie Garth, 2220 N. 36th St., said I grew up in this neighborhood also. As a concern, I want to express some of the church's concerns which is alcohol will be served here, I do believe if I understand that. The concerns are: how it will be served or distributed and will minors be present during this distribution and serving? Also, the concern of the activities whether they'll be outside activities, the hours of the operation, and then congregating outside even after hours. These are some of the concerns.

We have activities, as she stated, all during the week. On Tuesdays, our minister council meets. I noticed they didn't show that they were opened on Tuesday, but we still have a lot of other activities going on all during the week. We have concerns, as Dorothy stated, that it stays a

family-friendly environment. We do have plans ourselves to motivate certain community centers and activities in that area.

I just hope that the committee will take these concerns from the church in consideration in awarding this.

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

Mr. Hollinshed said I will reiterate that it is a community coffee shop. I'm going into it to be a community coffee shop. I've talked with Dr. Mosier out at KCKCC to get some of his older students that plays jazz. I've talked with Ms. Cindy Lane with USD 500. She's got email traffic so that I can get the high school students and I can get a mentorship with jazz.

There will not be no alcohol served if there are minors inside. The only time I've had minors inside is in the evenings they come in, they eat, but liquor is not even displayed in the coffee shop. All the alcohol is down below in the lazy susan.

I understand their concerns. I tried to reach out and talk with Pastor Banks—it came to my attention that he had concerns—on a Thursday night. That Friday morning I called. The phone rang. The cafeteria lady answered, and I asked to speak to Pastor Banks. She said call back and get on his voice mail, press 201. I did that Friday morning. I didn't get any returned calls. I know his business hours on the weekend is Sunday. I waited until Monday and did the same thing. I didn't hear anything from him. I just said maybe he understood, or somebody had talked to him.

Their concerns I will address. I've got my business hours on Thursday nights are 5:00-10:00, Friday nights 5:00-10:00, Saturdays 8:00 am to 10:00 pm, Sundays 8:00 am to 2:00 pm. The reason why my hours are that way is because my other 40 hours go to the UG during the week. My intent was to try to see how I can give some type of way to the community and not work myself in the ground.

Commissioner Townsend said we have two long-standing entities that we're talking about tonight. Just so we're clear, Mr. Hollinshed's entity is already existing and doing business during the hours and the days and times he just stated. It seems the issue here is whether or not there's

going to be a real positive influence that he desires with the addition of this live music. That's what I'm hearing is the concern expressed by members of the church.

You said if there are any minors present, you will not be serving alcohol. **Mr. Hollinshed** said no. **Commissioner Townsend** asked what are the times, particularly on Sunday, that you anticipate having live music. **Mr. Hollinshed** said I haven't even scheduled any because I don't even know if I can do it yet. I've pulled two permits, because to have live entertainment now, I have to pull a permit from Business License. Every time I had live entertainment, I pulled a permit for \$25 from Business License to allow myself to do that. To go more than the allowable times that Business License, the terms they give you, it's cheaper for me to go for a live entertainment permit.

Commissioner Townsend said what I'm asking is, you have hours here that allows you to have your business opened from 8:00 am to 2:00 pm on Sundays. What do you anticipate? What is your desire or your plan with regard to having live music during that period of time or any other time? Let's start with Sunday. **Mr. Hollinshed** said my plan was, if I can get the students from the college or students from the high school, my intent was to have them there either on Saturday or Sunday mornings only. I didn't want no kids late night.

Commissioner Townsend asked for what time. That's what I'm saying. **Mr. Hollinshed** said 8:00 to 12:00, 8:00 to 2:00. **Commissioner Townsend** said so you anticipate that you could have live entertainment as early as 8:00 am on a Sunday morning. **Mr. Hollinshed** said yes, ma'am, but I don't think nobody's going to get up at 8:00 for that; no way. **Commissioner Townsend** said that's what we're trying to find out. If you don't think anybody is going to get up for that...**Mr. Hollinshed** said I haven't attempted to schedule it. I would say if I was going to attempt to schedule it, 10:00 to 2:00, 10:00 to 1:00, that window—that's what I'm saying. It's new to me. It's not like I'm going to have a big band going. I would say if you want hours, I would say 10:00 to 1:00. **Commissioner Townsend** said okay. That's on Sunday.

What about the other days? What is your plan? I know you haven't pulled a permit, but I'm sure you would go out there with something in mind. What is your plan for Saturdays? **Mr. Hollinshed** said Saturday morning...**Commissioner Townsend** asked what time. **Mr. Hollinshed** said I would say 10:00 to 2:00. **Commissioner Townsend** said 10:00 to 2:00. **Mr. Hollinshed** said yes, ma'am.

Commissioner Townsend asked what's your thought now about the times for Thursdays and Fridays when you're opened from 5:00 to 10:00. **Mr. Hollinshed** said I would say from 5:00 to 9:00. No matter what, I am closing at 10:00. I have to have a life too. I can't be up there at 1:00 and then try to go to work at the UG at 8:00. 10:00 is my bedtime.

Commissioner Townsend said I don't think anybody has issues with your hours, it's what you're bringing here. You're proposing live music. You're within a very short distance of a long-standing church and across the street you have residences. That's why I'm asking these questions. We're not proposing that it be later, but since you have a wide birth of hours...**Mr. Hollinshed** said when I say I won't be able to try to schedule anytime between 8:00 to 10:00, I still would have to get with the musicians and get their schedules to fit me in to where they are too. Of course, I'm not going to have nobody there at 8:00 playing jazz at 8:00 in the morning.

If they can make it there at 10:00—I think over at the Phoenix Breakfast Lounge, they have jazz brunch from 10:00 to 2:00. **Commissioner Townsend** asked are you talking about the Phoenix in Kansas City, MO. **Mr. Hollinshed** said yes. **Commissioner Townsend** said that's a very different environment over there. **Mr. Hollinshed** said I understand and I'm nowhere near that. I'm way smaller than that. **Commissioner Townsend** said not just that, but I'm saying the surrounding environment too. I didn't see any churches. **Mr. Hollinshed** said I understand that. I was trying to get the example of the brunch hours.

Commissioner Townsend asked what types of music you are playing now. You're playing jazz...**Mr. Hollinshed** said jazz. Yes, ma'am. **Commissioner Townsend** asked by what method. **Mr. Hollinshed** said iPad.

Commissioner Townsend said it's a very nice establishment, very intimate. With space for 18, I'm hoping you're successful. What is your capacity? If you bring more people in, I have concerns you might outgrow where you are capacity wise. **Mr. Hollinshed** said my intent was just to start with 18, what I have.

Commissioner Townsend said I would like to see you and the church talk. Somehow, there's been not the opportunity to do that. I would very much like to see this go back to allow you and the church to talk some more about this, and for you to give thought about the windows of times that you would seek to have musicians there so that it's not on one Saturday, maybe some people do get up at 8:00. I don't know that that would be conducive for the neighborhood and not really respective of what the church has brought up.

Action: **Commissioner Townsend made a motion, seconded by Commissioner Bynum, to send Special Use Permit Application #SP-2019-16 back to the Planning Commission to give the applicant and the church an opportunity to talk more in detail; and for the applicant to consider more specific time windows so when he goes to the musicians, he can say he's got this block; he's got 10:00 to 2:00 on Sunday or 11:00 to 2:00 on Sunday.**

(Prior to Commissioner Bynum's second to the motion:)

Commissioner Bynum said I want to make sure if we were to send the request for live music back to our Planning Commission so we can clarify those issues, I'm not looking to impede what you're doing right now. If you're playing jazz on an iPad and you're operating, then you can do that right now. You can keep doing that while we sort out your live music issue. Am I correct? **Mr. Richardson** said you're just hitting play on a jazz channel and letting jazz play. You don't have a DJ? **Mr. Hollinshed** said nothing like that. **Mr. Richardson** said you're just playing jazz. As long as that's all they're doing, that's fine.

Commissioner Bynum said if that does not stop you from what's currently happening, I would ask you to respond to that. **Mr. Hollinshed** said currently, my cousin, he's a flautist, he comes in and plays. Without having a permit or continue to buy it from the Business License, because I can only buy four for the whole year. **Commissioner Bynum** said without it. **Mr. Hollinshed** said yes, ma'am. **Commissioner Bynum** said so we might stop that for a moment. **Mr. Hollinshed** said yes, ma'am. Live jazz is a draw of most of my customers. My food sales go up. I have to have food sales. I've got to have income. **Commissioner Bynum** said I appreciate that. I want you to be able to stay open, keep doing what you're currently doing, and let's sort out the times. Let's go ahead and get some clarity around the times. We're going to have to do that by sending this back to the Planning Commission, which delays this all a little bit, but it doesn't stop it.

Commissioner Townsend said thank you, Commissioner. My comments refer only to what was brought here and that was Mr. Hollinshed's request for live music, which shouldn't be there anyway. I would encourage everyone in this room and everyone viewing to go and patronize Mr. Hollinshed's facility. You have the food, the coffee, and you have the jazz setting now. We

are only here because you brought this request for live music. Thank you, Commissioner Bynum, for that second.

Commissioner Johnson said, Mr. Hollinshed, I have one question with regard to the times that you brought in the flautist. Were there any problems? Did anybody have any problems with the flautist, inside and outside? **Mr. Hollinshed** said no, sir. Actually, I checked the police record. There haven't been any calls down at that building for several years. The only call they had was from me for an abandoned vehicle in front of the building. **Commissioner Johnson** said so there are no complaints that you've heard of about somebody playing the flute. **Mr. Hollinshed** said no, sir.

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

ITEM NO. 5 – 19664...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, submitted by Robin Richardson, Director of Planning. 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 years.
2. Per Building Inspection Department – Anthony Hutchingson, Chief Building Inspector: 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 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 with 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: 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 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 years.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-18 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,”

Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 6 – 19654...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, submitted by Robin Richardson, Director of Planning. The dirt removal at Westhills Industrial Park is in hopes of building a 20,000 sq. ft. facility. 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 timeframe 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 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 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 years.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-20 for five years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 7 – 19665...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, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #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 8:30-10 pm. It usually draws a crowd of 25-30 participants. Open Mic Comedy will take place on Thursday nights from 8 pm-10 pm and draws a crowd of about 30-40 participants and viewers total. After Comedy will be Karaoke from 10 pm-1 am on Thursdays. The karaoke crowd usually whittles down to 15-25 people. Songbird Sunday is from 8-9:30 pm 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 five 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 years.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-21 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 8 – 19666...SPECIAL USE PERMIT APPLICATION #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 Richardson, Director of Planning. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2019-22, for two years provided the applicant builds a pitched roof on the storage container by August 31, 2019.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-22 for two years, subject to the stipulation. Roll call was taken on the motion and there were nine “Ayes,”

Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 9 – 19655...SPECIAL USE PERMIT APPLICATION #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 Richardson, Director of Planning. 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 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: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-23 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 10 – 19656...SPECIAL USE PERMIT APPLICATION #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 Richardson, Director of Planning. This is the applicant’s primary residence, and the applicant lists both

bedrooms (two-bedroom residence). 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: One or two bedrooms are being rented to a total of five guests and a business license was obtained in June 2018. While the applicant resides in the home, Ms. Glidewell received approval for one 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:
 - 1) Working smoke detectors in each bedroom plus each level of the unit/house.
 - 2) GFCI outlets are required in bathrooms.
 - 3) Double keyed locks are not allowed.
 - 4) Copper cannot be used for gas supply lines.
 - 5) Windows must be operable, not blocked or boarded.
 - 6) Handrails are required at sets of 4 or more stairs/risers.
 - 7) Hot water tank and furnace must be vented properly and operational.
 - 8) 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 year.

Public Works Comments: 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 people.
4. Approval is for two years.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-25 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,”

Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

PLAN REVIEW APPLICATION

ITEM NO. 1 – 19667...PLAN REVIEW APPLICATION #PR-2019-4 - MAJID AMIRAHMADI

Synopsis: Preliminary plan review for a grocery store at 501 Minnesota Avenue, submitted by Robin Richardson, Director of Planning. 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 spaces 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 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: 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: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Plan Review Application #PR-2019-4, subject to the stipulations.

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

ORDINANCE AMENDMENT

ITEM NO. 1 – 19612...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. This item was tabled from the February 28, 2019 full commission meeting.

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.

The Planning Commission voted 9 to 0 to recommend approval of this ordinance amendment.

Rob Richardson, Director of Planning, said Patrick Waters did a presentation early this evening at the study session. This ordinance comes before you from the Planning Commission recommended for approval. I don’t know if there are any other pertinent facts that you want me to cover given the study session. **Mayor Alvey** said no, thank you. I think we’ve heard what we needed to hear and had a great discussion.

Mayor Alvey opened the public hearing and asked is there anyone present who would like to speak in favor of the application. No one stepped forward.

Mayor Alvey asked if anyone was present in opposition.

Peter Peterson, 748 Ann, said I'm not going to go into a long presentation concerning this. I would simply like you to do what you've done already a couple of times tonight is send this back to the Planning Commission. Here's the main reason why. The Planning Commission did not have the information that you all have had when you voted on this in February. Here's the really quick chronology of this.

In December, I wrote a letter to the Mayor, Doug, and Ken concerning what everybody believed was an ordinance that was still on the books. In effect, I had an 11-page legal opinion from another law firm that thought it was unconstitutional. It turns out that ordinance, as we all know now, was repealed inadvertently.

On February 4th, I learned that a new proposed ordinance was going to be in front of the Planning Commission on February 11th. I sent the same 11-page letter of opinion of the attorneys to every Planning Commission member who probably had a tough time trying to digest that opinion within the week's time. Certainly, they did not have the second opinion that was given by the law firm.

I appeared at the February 11th Planning Commission meeting; however, I sent the proposed ordinance, which I just received on February 8th, to the attorneys that were hired to write the opinion for a second opinion. It took them about a week to do that. They rendered their opinion on February 18th. Consequently, the Planning Commission did not have the benefit of that second opinion.

I would like—on February 28th, we were in front of you and you continued it until tonight. What I would like to do procedurally is to correct all that and let the Planning Commission have the benefit of the second opinion that they did not have on February 11th when they voted.

Mayor Alvey closed the public hearing.

Action: Commissioner Murguia made a motion, seconded by Commissioner Kane, to send the ordinance amendment back to Planning and Zoning for further review. Roll call was taken and there were eight “Ayes,” Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, McKiernan; and one “No,” Townsend.

MISCELLANEOUS - ORDINANCES (Final action on previously approved items)

ITEM NO. 1 – 18106...ORDINANCE

Synopsis: 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 Richardson, Director of Planning.

Action: **ORDINANCE NO. O-18-19**, “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.” **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,” Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 2 – 18483...ORDINANCE

Synopsis: 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 Richardson, Director of Planning.

Action: **ORDINANCE NO. O-19-19**, “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.” **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,” Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 3 – 18594...ORDINANCE

Synopsis: 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 Richardson, Director of Planning.

Action: **ORDINANCE NO. O-20-19**, “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.” **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,” Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

PLANNING AND ZONING NON-CONSENT AGENDA

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 19659...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, submitted by Robin Richardson, Director of Planning. The applicant wants to keep farm animals and have a garden. Supporting functions such as construction of a barn and equipment storage (tractor) are also proposed. 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 one 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, we'll 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:

1. Items that require plan revision or additional documentation before engineering can recommend approval:
 - a. 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.
 - b. Applicant should be aware any work on Pomeroy Creek shall require Army Corps 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.
2. Items that are conditions of approval (stipulations): none.
3. Comments that are not critical to engineering's recommendations for this specific submittal but may be helpful in preparing future documents: none.

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 Corps of Engineers.

Rob Richardson, Director of Planning, said the one negative vote was expressed because the applicant wasn't able to attend that meeting. We've asked that the applicant be here tonight so he can discuss his case with you.

Christopher Phillips, 3201 Pomeroy Dr., said sorry about missing that first one. I didn't know I was supposed to be here. I bought this piece of land. It's 10.6 acres. I actually purchased it just for me and my family to go out there and spend some time together. I plan on building a barn and getting a couple of animals and stuff just so me and my four boys can go out there and play in the woods pretty much.

Mayor Alvey opened the public hearing and asked is there anyone present who would like to speak in favor of the application. No one stepped forward.

Mayor Alvey asked if anyone present would like to speak in opposition. No one stepped forward.

Mayor Alvey closed the public hearing.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #3181, subject to the stipulations.

Commissioner Bynum said this is my neighborhood and my neighborhood group, while they asked me about it, nobody has any issues. I just wanted my fellow commissioners to know and understand that nobody in my immediate neighborhood has any issues with what you're trying to do.

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

SPECIAL USE PERMIT APPLICATION

ITEM NO. 1 – 19662...Special Use Permit Application #SP-2019-3 - BLAKELUND MORONEY WITH MORONEY MOTORS, LLC

Synopsis: Special use permit for automotive sales at 3131 Merriam Lane, submitted by Robin Richardson, Director of Planning. 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.

Rob Richardson, Director of Planning, said the applicant has had a difficult time providing information needed for the Planning Commission and staff to make a favorable recommendation. The staff's recommendation to the Planning Commission was actually to hold this over to give him one more chance to provide the adequate information so we could understand exactly what the application was and what potential other actions such as variances might be needed for the parking. Given the history of the case, the Planning Commission voted, as you noted, to deny the case.

Blakelund Moroney, 8424 Tomahawk Rd., Overland Park, KS, said as Rob stated, the recommendation discussed by his staff and I was to hold this over for more time for me to meet with the engineer or architect to get the proper plans, variances, and needed materials. There's miscommunication, a lot of it my fault, which is kind of why, I think, the Commission voted for denial. Since then, Rob and I have spoken again and he thinks having some more time to meet with engineering or architect would be sufficient. I forget if he said 60 or 90 days, but whatever is recommended should be sufficient for me getting in touch with the proper people.

Mayor Alvey opened the public hearing and asked is there anyone present who would like to speak in favor of the application. No one stepped forward.

Mayor Alvey asked if anyone present would like to speak in opposition. No one stepped forward.

Mr. Richardson said, Mayor, this might be a bit unusual, but I think he needs to have an engineer prepare plans before we go back to Planning Commission so I can tell the Planning Commission what it is that they would be voting on. I think it would be appropriate—do you think you can do it for the second week of May or second week of June? Let's refer this back to the June Planning Commission meeting.

Action: Commissioner Murguia made a motion, seconded by Kane, to refer Special Use Permit Application #SP-2019-3 back to the Planning Commission for reasons stated above for the June Planning Commission meeting. Roll call was taken and there were nine “Ayes,” Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

Commissioner McKiernan said you’re going to keep hearing this from me until I no longer see this on this agenda. We have a tax status report that comes at the end of every Planning Commission agenda. We are prevented by state statute from using non-payment of taxes as a deciding factor in any case that comes before us, and we did not tonight. I still find it just appalling that folks who come before the Planning Commission asking the Planning Commission to work on their behalf have not supported the work of that Planning Commission by not paying their taxes.

REGULAR AGENDA

MAYOR’S AGENDA

No items

REGULAR CONSENT AGENDA

Mayor Alvey asked does any member of the Commission or anyone in attendance tonight wish to set-aside any item on the Regular Consent Agenda. If an item is not set aside, all items on the Consent Agenda will be voted on by one vote. I have two items that I would like to pull just for informational purposes: Items #3 and #7.

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

ITEM NO. 1 – 19674...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.

Action: **ORDINANCE NO. O-16-19**, “An ordinance 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 as follows:

- Full Commission meeting August 1: rescheduled to August 15
- Full Commission meeting October 10: rescheduled to October 17
- Public Works & Safety and Administration & Human Services meetings July 29: rescheduled to July 22.”

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,” Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 2 – 19581...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.

Action: **RESOLUTION NO. R-17-19**, “A resolution authorizing an amendment to the Master Equipment Lease Purchase Agreement, dated October 17, 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.” **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,” Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 3 – 19599...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.

Doug Bach, County Administrator, said, Mayor, I have Greg Talkin, with our Neighborhood Resource Center, here this evening. While he's available, I'm going to let him do a quick highlight of what's going on with this. We would recommend it for approval.

Greg Talkin, Neighborhood Resource Center Director, said this amendment to our ordinance is kind of twofold. One, we've been struggling with trying to find a way to penalize those who continue to violate ordinances in our community. A lot of those continue to go on and they just don't heed to what we're trying to do to clean up our community.

The first part of this is instead of developing a definition of a habitual violator, we decided, because that would create an additional ordinance that requires additional hearings, additional legal action, and hearings and just complicates the system, we got to looking at that. We already had the administrative citation in play. We thought if we're up to three steps where we penalize them to a certain point—if somebody is going beyond three steps, we need to continue to raise that because at that point, they technically could be somebody who habitually keeps violating that ordinance over a period of time.

The first item of this is to add additional steps to continue to raise and elevate that as individuals in our community, including corporations and LLCs and people trying to hide behind contracts for deeds to raise that so we can penalize more in an effort to try to get the community cleaned up.

The second portion of this is that we also have had other departments within the Unified Government that has taken an interest in this and want to start using this. Once again, the big advantage of this and the biggest impact we've had is if we have an ownership of property under an LLC or a corporation, it's hard to hold those individuals accountable. You can serve the

company in Municipal Court, but if they don't appear, you really don't have anybody to issue a bench warrant for and holding them accountable is difficult.

In this process, there's still a due process. They can request a hearing if they feel like we're doing anything inappropriate. Ultimately, we can place the cost of this fine, this administrative fine, onto the property.

There are several benefits with it. Rehashing that, we're trying to increase the fine to try to handle the issues we have with habitual violators, and we're also trying to expand it to cover Chapter 315, 17, 27 and 32, which includes Air Pollution, Fire Prevention, Health and Sanitation, Planning & Zoning, and Streets & Sidewalks.

Commissioner McKiernan said we covered this in the standing committee, but I just want to make sure we cover this again here. Just to be clear, if anyone who receives a notice of violation from your department and honestly engages with your department, they will not be subject to this administrative process. Correct? **Mr. Talkin** said correct. If they are subject to it and they honestly engage after that, then there won't be assessed anymore after that as long as they continue to work with us.

Action: **ORDINANCE NO. O-21-19**, "An ordinance relating to Chapter 2, Article IX. Code Enforcement Administrative Penalty Process, amending Sections 2-651, 2-652 and 2-653." **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve the ordinance.**

Commissioner Murguia asked once we get to the point where the person who is in violation is going to court and they don't show up and a warrant is issued for them, do we actively act on that warrant. Do we arrest that person? **Mr. Talkin** said they don't actively go pursuing that person until it gets to—I don't know the level of having the amount of bench warrants out. If they get pulled over for a traffic stop or something along that line, it's usually initially set at like \$500. There's no active search for that person. It has to get up, I believe, don't quote me, but about \$3,000 before we would really actively pursue that person. Once again, if they're pulled over for a traffic stop or other misdemeanor violation or anything, then the officer would address that if there's an active bench warrant.

Commissioner Murguia said just really quickly, if you can't find them, the property remains in terrible shape, what happens. Do we just live with it, the community does? **Mr. Talkin** asked, Commissioner, are you saying with the use of administrative citation. **Commissioner Murguia** said, yes. With the use of administrative citation, if they don't show up for court, you've gone through all the processes, they're not cooperative, a warrant is issued for their arrest, the property remains in deplorable condition, is the community expected to continue to live with the condition of that property? **Mr. Talkin** said no, but it does take time.

Let me clarify. The administrative citation does not include Municipal Court. The administrative citation has its own hearing process. It's mainly administrative in nature. We have an independent hearing officer that hears the cases if somebody wants to appeal that penalty or our decision that it's a violation.

The thing that this does is if we can't get them into court, go through the Municipal Court process, then pretty much it sits there because we're not able to put any penalty on that individual or that corporation. Through this process, we can impose the fine if they don't work with us. We can continue to elevate that fine. Eventually, if they don't pay these fines or do anything with the property, then we will be able to foreclose upon that property and get control.

Commissioner Murguia asked how long is that process. **Mr. Talkin** said right now, it goes on the tax roll. We can, if the property is vacant, within a year we can foreclose upon it. We also can foreclose, and, Ken, I would ask you to correct me if I'm wrong, but since this is a fine and a special we're putting on, I believe we can foreclose within a year under certain conditions; otherwise, we rely on the three-year period of delinquency. **Commissioner Murguia** said delinquency for the fine, not property tax delinquency. **Mr. Talkin** said the fine eventually becomes a special which is added to the tax roll. **Commissioner Murguia** asked even if they pay their taxes. If they don't clean up the mess, what happens? Who cleans up the mess? **Mr. Talkin** said we would do an abatement. We'll clean up the mess. We'll also put that on as a special if they don't pay the bill when it's sent to them.

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

ITEM NO. 4 – 19592...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.

Action: **RESOLUTION NO. R-18-19**, “A resolution adopting a revised Debt Policy of the Unified Government.” **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,” Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 5 – 19634...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.

Action: **RESOLUTION NO. R-19-19**, “A resolution authorizing agreements with Miami, Jackson, Andrew, Leavenworth, and Butler counties for the temporary housing of Wyandotte County jail inmates as needed, pursuant to K.S.A. 12-2908.” **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,” Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 6 – 19637...RESOLUTION: COOPERATIVE JURISDICTIONAL AGREEMENT BETWEEN KCKPD AND BSPD

Synopsis: A resolution approving an agreement between the Kansas City, Kansas Police Department and the Bonner Spring Police Department 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.

Action: **RESOLUTION NO. R-20-19**, “A resolution approving an agreement between the Unified Government of Wyandotte County/Kansas City, Kansas Police Department and the City of Bonner Springs Police Department 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.” **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,” Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 7 – 19636...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.

Doug Bach, County Administrator, said we have an exciting new program that’s been brought forward by staff. It’s somewhat similar, I would say, to what you see out there on the highway programs. We made ours much more local. We have Dave Reno, with our Public Works Department, who does our public relations area for us now. I’ll let Dave go ahead and present this.

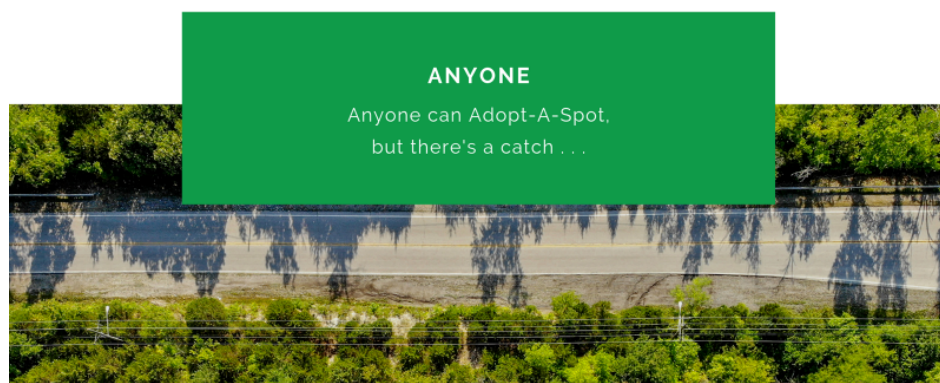
Dave Reno, Public Works, said I’m really here on behalf of a lot of staff and numerous departments working under the banner of SOAR. We’re going to talk about a program this evening that everybody has put a lot of thought and time and energy into. It’s a program that other cities have, but ours has a little bit of a twist. Of course, it’s Adopt-A-Spot WyCo.

WHAT'S ADOPTABLE?



Like other cities who do adopt a street program or adopt a park program, we thought why don't we do three different things. We went with parks, streets or portions of streets, and Land Bank properties. In total, we've got 34 parks that are adoptable, 15 portions of streets that are adoptable, and 66 spots that are adoptable.

WHO CAN ADOPT?



Who can adopt a spot is always a big question? Anybody can adopt a spot. Each program is really geared toward folks who are civic minded, have an interest in reducing litter or cleaning up their neighborhood by removing weeds and things like that from sidewalks. It's open to everybody, whether you're an individual or you're with a neighborhood association, a homeowners' association, and it's pretty easy to get involved.

HOW DOES IT WORK?



All you have to do is pick a spot. Then you have to fill out some paperwork because Legal told us we needed to have paperwork. After that, you get started.

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

Let's go over some of the important things. Anybody can be a sponsor. Sponsors have to choose an available location. We have selected, kind of pre-selected, a lot of locations; but if you or someone you know says, can this other location become available, I'm sure we can accommodate that. We just picked ones we thought people might be interested in. It is first come, first serve.

The one catch here is that no one under the age of 14, will, 14 and younger can work cleanups on portions of adoptable streets. We just thought it's probably not a good idea to have young folks out picking up trash on the side of State Avenue. For safety purposes, they're going to be limited to parks and Land Bank properties.

To keep your adopt-a-spot, you have to perform at least three cleanups during a two-year period. I think that's really easy to do. I don't think anybody is going to have a problem with that.

Now, in return for cleaning up Wyandotte County and being an awesome citizen, an awesome resident, an awesome business, Public Works is going to get you some safety equipment, trash bags. You don't have to pay for any of that. We're also going to take care of all those trash bags after you've finished with the cleanup so you don't have to worry about that. You also get a really cool adopt-a-spot sign with your organization on it.



Here's kind of a preview of what that sign looks like. It's a two-part sign. The first one is just the branding for Adopt-A-Spot. Once you complete your cleanups for whatever your location is, Huron Park adopted by and then your organization. As long as you continue to perform those cleanups, that sign belongs to you, as far as I'm concerned, as a thanks for taking part in the community and helping us clean everything up and make Wyandotte County even a better place to live, work, and play.

Commissioner Burroughs asked is there a criterion for denial of an organization to adopt a spot. **Mr. Reno** said no, there isn't. The only way we would take a spot away is if an organization failed to perform the required number of cleanups.

Commissioner McKiernan said I think this is a wonderful idea. I love this. What I'm about to say doesn't come with a sign or any special recognition. I just want to remind everybody, and this

kind of piggybacks on Mr. Talkin's presentation, we can all adopt a spot, and that's the spot where we are every day. If we all adopt those spots right off the bat, that automatically is going to make the city a lot cleaner. **Mayor Alvey** said I'm going to start with my desk.

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

ITEM NO. 8 - MINUTES

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

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

ITEM NO. 9 – WEEKLY BUSINESS MATERIAL

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

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

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES' AGENDA

No items

ADMINISTRATOR'S AGENDA

ITEM NO. 1 – 19642...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 Financial 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.

Doug Bach, County Administrator, said we have a TDD that was established many years ago around NFM and Cabela's. The TDD is paid off in advance. I will let Debbie Jonscher, with Finance, give the details on that. We're recommending to go ahead and close this TDD.

Debbie Jonscher, Deputy Chief Financial Officer, said just some information on the TDD. The Nebraska Furniture Mart/Cabela's TDD was established. The district was created in 2005 and it established a 0.1% sales tax for the district.

In 2006, we issued sales tax revenue bonds in the amount of about \$2.4M. The bonds were scheduled to mature in December 2027. They have paid off as of December 2018, nine years ahead of schedule.

We're asking for approval of the ordinance to terminate the district and the sales tax in 2019.

Action: **ORDINANCE NO. O-22-19**, "An ordinance terminating the Nebraska Furniture Mart/Cabela's Transportation Development District and the TDD sales tax of 0.1% at 11:59:59 pm on June 30, 2019." **Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were nine "Ayes," Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

COMMISSIONERS' AGENDA

No items

Mayor Alvey adjourned the meeting as the Board of Commissioners and reconvened as the Land Bank Board of Trustees.

March 28, 2019

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Mayor Alvey asked if any Commissioner or anyone in attendance tonight wish to set-side any item on the Land Bank Board of Trustees' Consent Agenda. If an item is not set-aside, all items will be voted on by one vote. No items were set-aside.

ITEM NO. 1 – 19597...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.

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

PUBLIC ANNOUNCEMENTS

No items

MAYOR ALVEY
ADJOURNED THE MEETING AT 8:16 P.M.
March 28, 2019

Bridgette D. Cobbins
Unified Government Clerk

de/cg

March 28, 2019

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

SPECIAL SESSION, THURSDAY, MARCH 28, 2019

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, March 28, 2019, with nine members present: Bynum, Commissioner At-Large First District (left meeting at 6:38); Burroughs, Commissioner At-Large Second District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District (left meeting at 6:30; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO presiding. Townsend, Commissioner First District; and Markley, Commissioner Sixth District; were absent. The following officials were also in attendance: Doug Bach, County Administrator; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Gordon Criswell, Assistant County Administrator; Alan Howze, Knowledge Director; Rob Richardson, Director of Planning; Patrick Waters, Senior Attorney; Maureen Mahoney, Chief of Staff in the Mayor's Office; and Officer Ron Sutton, Sergeant-at-Arms.

MAYOR ALVEY called the meeting to order.

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

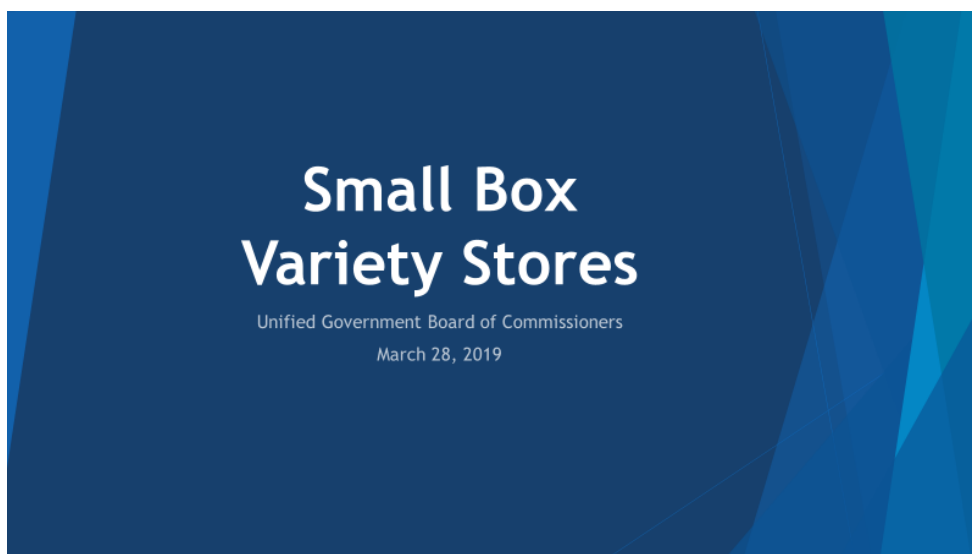
NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, March 28, 2019, at 5:00 p.m. in the 5th floor conference room of the Municipal Office Building, for a presentation on the small box variety stores followed by the 2020 Census.

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 as you said, we will have two presentations. The first is a presentation on the small box variety stores and the second presentation will be the progress on the complete count of the 2020 Census.

Doug Bach, County Administrator, said as noted, our first item is on the small box variety stores. This is an issue that came up in our community when we were looking at the number of smaller box variety stores that were coming into the community and was having some impact on the ability, or at least what we thought was the impact of the ability, of some grocery opportunities to come into the store where they could provide different types of fresh food varieties for our residents by them eating up part of the market with this. So, that's where we started looking at what are our options and evaluating this and looking at come comparables in other communities. Tonight, while we have moved forward on some actions tonight, we want to come back to you and show you some of the work we've done in looking at other areas and then talk about it. As this healthy initiative has been a prominent point for us, and looking at it for some time, that's why it's really a key factor to discuss.

I'm going to turn this over to Patrick Waters, from our Legal Department, who has done some research on this and he will present from here.



Special Session

1. How many small box variety stores are in the KC Metro Area?
2. Are any other metro cities regulating them?
3. What are other cities doing to incentivize healthy food option?
4. Discuss other issues pertaining to small box variety stores.

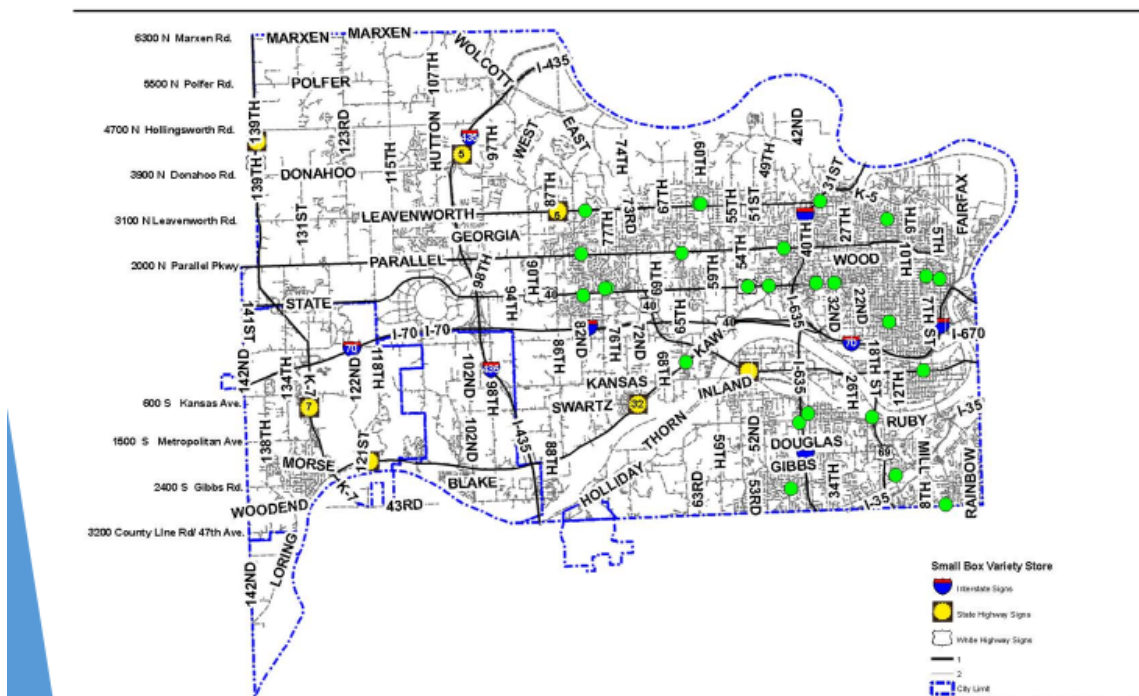
Patrick Waters, Senior Attorney, said last month the Commission requested a Special Session and the four reasons that were given was first wanting to know more information about how many of these stores were in the Kansas City metro area. Second, are any other metro cities regulating them and if so, how? Third, how are other cities doing to incentivize healthy food options? Fourth, to discuss other issue pertaining to these small box stores.

Approximate number of variety stores in KC Metro Area

KCK - 26	KCMO - 49
Overland Park - 10	Olathe - 3

Based on our research we've determined there are approximately 26 small box variety stores in KCK, about 49 KCMO, as a comparison Overland Park 10, and Olathe 3. I will tell you that this is only an estimate. I believe it probably undercounts the number. We did our best to look at

business licensing data and mapping data, but I don't represent that this is a complete count. We could have missed some.



Here is a map showing the locations that we have in Kansas City, Kansas that we were able to determine, stores that most likely fall under this definition. As you can see, mostly concentrated in central, northeast, and the south. We did not find any out in the Piper area.

Regulations In Other Cities

- ▶ **Roeland Park** - requires SUP for small box discount retailers. Minimum separation distance of 5,000 feet
- ▶ **Tulsa, Oklahoma** - established a Healthy Neighborhood Overlay District. Minimum separation requirements for small box discount stores is 1 mile.
 - ▶ Stores are exempt if they dedicate at least 500 square feet of space to fresh foods.
 - ▶ To encourage growth of full-service grocery stores, minimum parking ratios are reduced by 50%.

The question was asked about regulations in other cities. The only city in the Kansas City metro area that has a similar regulation is Roeland Park. They have a 5,000-foot separation requirement. Their reasoning was based more on the concern about the affect of property values rather than as a healthy food initiative. Those were the reasons they gave.

Outside of the KC metro area, you have Tulsa, Oklahoma. They established a Healthy Neighborhood Overlay District and within that district there is a separation requirement of one mile. However, there is a way that stores can exempt themselves, if they provide at least 500 sq. ft. of space to fresh foods. They also encourage full-service grocery stores by reducing their parking ratios to make it easier for them to open.

Regulations In Other Cities

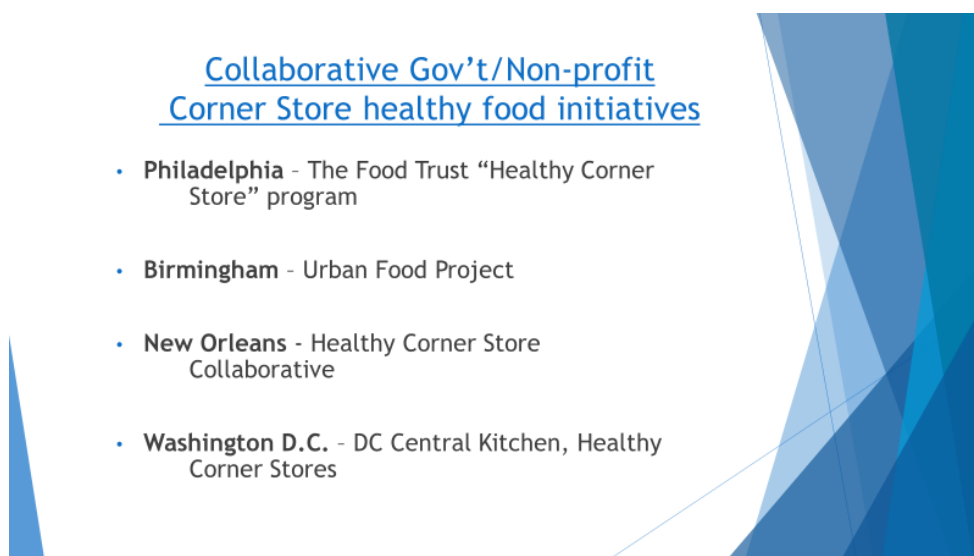
Mesquite, Texas - requires SUP for “variety stores”. Minimum separation requirement of 5,000 feet

New Orleans - minimum separation requirement of 1 mile in the conservation district, 2 miles everywhere else. Provides exemption if they dedicate at least 15% of shelf space to fresh or fresh frozen food.

In Mesquite, Texas they also have a 5,000 sq. ft. separation requirement and then in New Orleans there is a one-mile separation in what they deem a conservation district and two miles in the rest of the city. Similar to our ordinance, they have a way that stores can exempt themselves by dedicating at least 15% of their shelf space to fresh or fresh frozen food.



The question was asked what other cities are doing to incentivize healthy food options. A lot of these options came from the study that's shown on the left by the Public Health Law Center. It was done a few years ago. I will just go through a few of those.



A very popular initiative for corner stores is when the government, the non-profits, team up to provide grants to these small corner stores. What they typically do is, they provide grants that allow them to buy refrigeration and freezer units and other supplies that would make it easier for these small stores to provide the kind of fresh food that their residents are looking for. So, you have a lot of what they call Corner Store Projects around the country and these are just a few examples of those.

Healthy Food Initiatives

Allen County, KS

- ▶ Ranks 87th in county health. Large farms but only 1% of crops stay in the county.
- ▶ The Allen County Growing Rural Opportunities Works (GROW) program aims to increase access to affordable, nutritious and safe food.
- ▶ Active Facebook page that promotes farmer's markets, mobile food markets, and development of local food infrastructure.

Junction City, KS

- ▶ Amended zoning code to allow farmer's markets in residential zones to increase access to residents.

In Kansas, one example that was given was in Allen County, KS. They ranked pretty low on the county healthy index. They have a large number of farms but only about 1% of their crops actually stay in the county, most go to large commercial feedlots and other places.

They developed what's called the Allen County Grow Program which sought to increase access to affordable, nutritious and safe food. They promote a lot of local events, farmer's markets, and other types of events like that.

In Junction City they amended their zoning code to allow farmer's markets in their residential zones so it was easier for their residents to access those markets.

Healthy Food Initiatives

Douglas County, KS - Culinary Commons Food Kitchen

- ▶ This programs allows residents to rent out a commercial quality kitchen on the Douglas County Fairgrounds to prepare large meals for friends and family or test out recipe ideas for budding culinary entrepreneurs.

Maize, KS - Farm to School Program

- ▶ Students are taught cooking skills and learn about food production.

Kansas City Metro - KC Grocery Store Access Task Force

- ▶ Created the *Stimulating Supermarket Development in Bi-State Kansas City* report.

Douglas County has an interesting program where they allow people to rent out a commercial kitchen on their fairgrounds. This allows—it can be just be as simple as friends and families meeting up to cook a large meal or if people are entrepreneurs and want to open up their own food business, they can test out their recipes by using a commercial quality kitchen.

Maize County, the example was given about teaching students to learn cooking skills and teaching about food production.



In the metro area, we had a recent study by the Kanas City Grocery Task Force. Here is a copy of the cover and there is a link at the end of my PowerPoint.

Task Force Recommendations

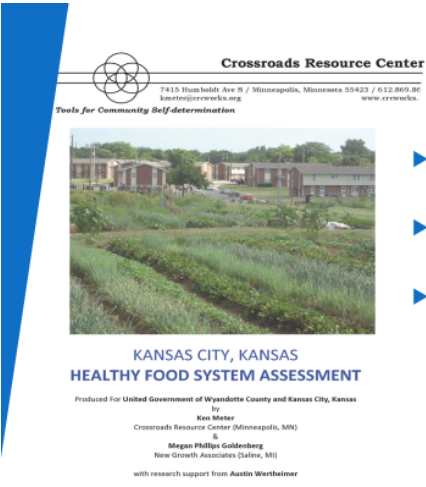
1. Centralize information related to financial incentives for grocery store development and renovations.
2. Partner with charitable foundations and the financial sector to invest in existing healthy food financing programs.
3. Develop safe, affordable and convenient transportation options to residents who do not live within walking distance of a grocery store.
4. Investigate new and emerging food delivery models.
5. Promote healthy food educational efforts.

Some of the recommendations were to centralize information regarding the financial incentives that are available to grocery store developers. Partnering with charitable foundations and the financial sector to invest in healthy food options. Working to make sure that residents have transportation options for those that don't have cars so they can actually get to the grocery store and get there in a decent amount of time because having perishable foods is very difficult when you're having to take a long bus ride and cold foods are melting. Investigating new and emerging food delivery models. I think the mobile food grocer would be an example of a new type of a new food delivery model, and then just generally promoting healthy food education.

UG Healthy Food Initiatives

- Modified zoning code to allow for mobile grocers in residential areas.
- Approved and provided space for several community gardens and giving groves.
- Provided public space for Farmer's Market at 6th and Barnett.
- H2O to Grow Program - installed water taps at community gardens.
- Building and investing in a new downtown grocery store.
- Identified a Northeast grocer as a key strategy in the Northeast Area Master plan and gave a small start up stipend through the Master Plan Process.
- Partnered with local organizations to commission the KCK Healthy Food Assessment Report (2017).

At the Unified Government, here are some of the initiatives that we've worked on in the last few years. We too have modified our zoning code to allow for mobile grocers in residential areas. We've allowed people to plant community gardens on Unified Government lots. We've provided space for the Farmer's Market downtown here. H2O to Grow Program which has installed water taps for community gardens and urban farms. Of course, building and investing in a new downtown grocery store. Through the Northeast Master Plan, we've identified that a northeast grocer is a key component in that Master Plan Process and provided a small start-up stipend through that process. Partnering with local organizations to commission the KCK Healthy Food Assessment a couple of years ago.



Recommendations

- ▶ Increase availability of healthy food choices in neighborhood stores.
- ▶ Avoid concentrations of unhealthy food retailers.
- ▶ Create public incentives and tax credits for healthy food.

Here's a picture of that, and again, the link is in the PowerPoint. Some of the recommendations they had that are relevant to the discussion tonight were increasing the availability of healthy food choices, avoiding concentrations of unhealthy food, and creating public incentives and tax credits for healthy food.

Unified Government Grocery Store Development Incentives

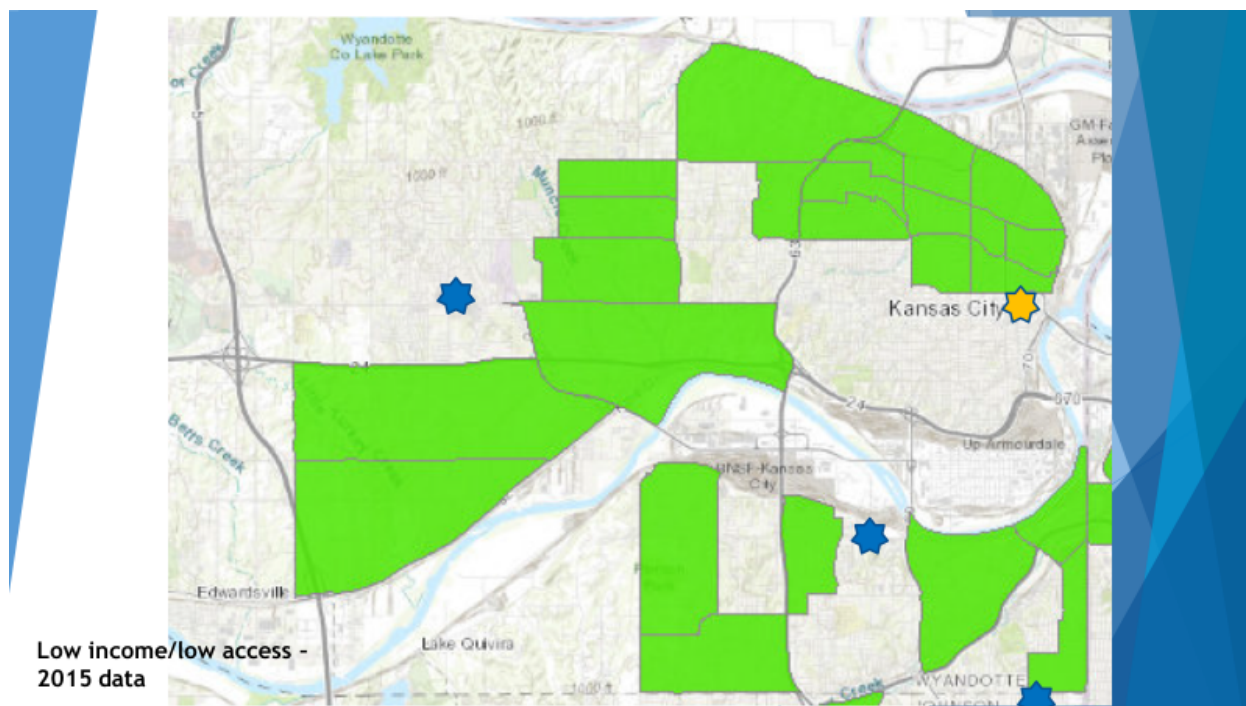
- ▶ Tax Increment Finance (TIF) Districts - Prescott Plaza Sunfresh, Metropolitan Avenue Walmart, Metropolitan Avenue Save-a-Lot, Plaza at the Speedway Walmart, The Merc (pending final approval).
- ▶ Community Improvement Districts (CID) - Metropolitan Avenue Save-a-Lot, Shawnee Plaza Sunfresh, Wyandotte Plaza Price Chopper
- ▶ Transportation Development Districts (TDD) - Happy Foods, Prescott Plaza Sunfresh, Plaza at the Speedway Walmart
- ▶ Neighborhood Revitalization Act (NRA) - Wyandotte Plaza Price Chopper

All of our traditional economic development tools are available to incentivize grocery store developments. Here's a list of some of the different economic development incentives that grocery stores have used. TIF Districts, CID's, Transportation Development Districts, and the NRA Program.

Low Income/Low Access Grocery Tracts

- KCK has a high number of census tracts that qualify as "Low income/low access tracts", commonly known as "food deserts".
- USDA definition - "A low-income tract with at least 500 people, or 33 percent of the population, living more than 1 mile from the nearest supermarket, supercenter, or large grocery store."

One of the big issues that we have in KCK is a high number of tracts that are known as food deserts. Technically, the government calls these low-income/low access tracts and they define that as a tract with at least 500 people or a third of the population living more than one mile from the nearest supermarket, supercenter, or large grocery store.



Here is a map of the tracts that the USDA has deemed to be low-income/ low access. This was as of 2015 and so we noted several grocery stores that either have developed since then or weren't counted in that study that would likely take off a couple of tracts. The yellow is The Merc which would probably, again, take at least one of those tracts out, but even if you take into account the stores that weren't in the 2015 study, you would still have a large number of census tracts that qualified as a food desert.

Rob Richardson, Director of Planning, said the other thing I would note on that is all of those stores use public financing and public incentives to build them. Perhaps not the one in Johnson County there at 47th & Mission, but it's the Walmart Neighborhood Market across from Joe's KC. The Walmart Neighborhood Market in Argentine, The Merc, and the Price Chopper that are represented on this map are all heavily incentivized.

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.”

Mr. Waters said that gets us back to the issue of how to regulate these variety stores. We had originally deemed them, previously deemed them Dollar Stores and this was the previous ordinance that we had. As we discussed last month we discovered that through a drafting error that this ordinance had been overridden by another ordinance and so we took about looking at whether or not we could make some changes to improve upon the ordinance.

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.

The proposed ordinance here, the main change from the last time is that we defined the variety store not just by what it is, but what it is not and we provide these stores a way to exempt themselves out of the regulation. Number one, by dedicating at least 15% of their shelf space to fresh or fresh frozen food. The reason number two is in there is because if there is a business that

has a variety of products, but they really only have a coke machine, a candy counter, they're obviously not really in the food business and we're not concerned about the impact that would have on providing—discouraging the growth of grocery stores in the area. Then, there hasn't been any studies that have indicated that pharmacies or gas stations discouraged the growth of grocery stores even though some of those sell a variety of products, we provided exemptions for those.

New Ordinance

- ▶ Allowed in C-2, C-3, M-1, M-2 and M-3 districts
- ▶ 10,000 foot separation requirement between stores

The variety stores would be allowed generally in commercial and industrial districts and, again, we've kept the 10,000-foot separation requirement, a little bit less than two miles.

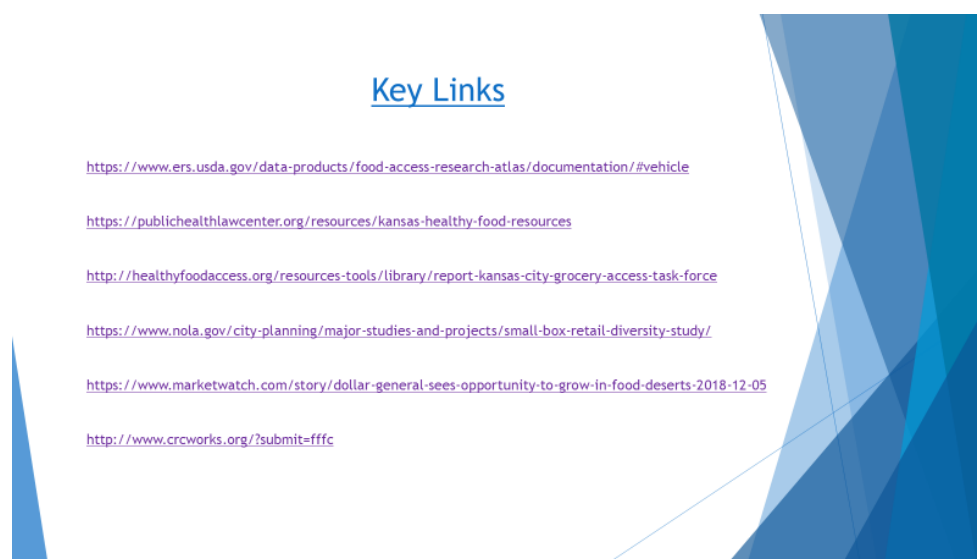
Variety Stores and Fresh Food are not incompatible

- ▶ Dollar General is already experimenting with expanded fresh food choices in some of their stores.
- ▶ However, currently only around 425 of its 15,227 stores carry produce. They plan to add produce to an additional 200 stores in 2019.
- ▶ *"So having those opportunities to put stores, for instance, with a produce selection in areas that are more food deserts...we find that we can drive a tremendous amount of traffic that way."*

—Todd Vasos, Dollar General CEO

The last thing I would say is that these variety stores and fresh food are not incompatible. Dollar General itself has indicated they are experimenting with an expanded concept in which they would bring more fresh food and produce into their stores; however, only about 425 of their 15,000 stores currently have those. Again, they're CEO has indicated that they find that providing fresh food and produce has been a positive for these stores and is a way to generate increased traffic. It's something that these types of stores can do and can do successfully. It's really just a question of which communities are going to see the benefits of these types of stores.

The proposed ordinance that we have would make sure that when new stores or remodeled stores are introduced into our community, if they wanted to be within 10,000 feet of an existing store, that they would introduce this new type of concept and have at least 15% fresh food.



I just have links to the different studies and sites that were mentioned.

Commissioner Philbrook said you mentioned the three big stores, but what about the two Sav-A-Lots and the Aldi's, they don't count as grocery stores? **Mr. Richardson** said when I was looking at those this afternoon and looking at that map, the Aldi at 48th & State was there when they did that and so I've been wondering myself why they didn't count the Aldi in that. **Commissioner Philbrook** said the Sav-A-Lot has been downtown at 29th for a while as well as something similar to that at 82nd & State.

Mr. Richardson said if you go back to the map Patrick, the Sav-A-Lot would probably—well, let's start with Aldi. That's the biggest green box there if you see where 635 & I-70 come

together. **Commissioner Philbrook** said I know, it's mine. **Mr. Richardson** said that district would—this would take out part of that district and it may be that that district is so big that you've got to have it within—if you have more than 500 people a mile away, so that district might be so big the Aldi didn't cover enough of it and it got included. It could be the same for the Sav-A-Lot because—the Sav-A-Lot is just northwest of the K in Kansas City and so if you draw a mile arc around that, it's going to take—it might take half of that next green box above Kansas, but it may not take in enough to eliminate that tract from having 500 people that meet the criteria of a food desert in that tract. I think that's why those are—I think those are probably counted, but that's why they aren't showing up as the tracts just had enough people for enough away that it still met their criteria.

Commissioner Philbrook said I had to ask that question because when people look at this and listen to this they're going what about these other stores because they frequent them a lot, you know, what is the deal. **Mr. Richardson** said I had that question as well and that's what I think happened with those because obviously Aldi and Sav-A-Lot have a tremendous selection of fresh food, vegetables, fruits, meats, and things in there. **Commissioner Philbrook** said they've both have up their game as far as quality and presentation and the places are clean.

Now, Sunset Plaza, there's like the Dollar General and a Family Dollar within, I don't know, a few hundred feet of each other and if one of them gets ready to remodel, whoever comes first, they're under the gun, is that it? **Mr. Walters** said no. I just mentioned remodeling in the sense that—Dollar General, to just take that for example, they've indicated that they're going to be remodeling 200 stores this year and to add the expanded fresh food concept. It is a concept they're looking at. The ordinances were only applied to new developments. **Mr. Richardson** said but if it was a new—if you went into an old strip mall and remodeled an old space to a new small box variety store, it would apply. **Commissioner Philbrook** asked it would or it wouldn't. **Mr. Richardson** said if it hadn't been a small box variety before and they remodeled that space into one, then it would apply. If it an existing small box variety store wanted to do their own remodeling, the ordinance wouldn't have any impact on that.

Commissioner Murguia said I want to talk about the same slide that Commissioner Philbrook wants to talk about. I'm not sure I quite understand. You have the Walmart in Argentine, for example, and then the Sav-A-Lot that sits right in the green area of 18th Street Expressway. Tell

me again, I didn't understand that. Why does that not address—**Mr. Waters** said I think that tract should be eliminated. We're putting those stars to indicate that—this study was not perfect and it didn't take into account some of the stores. **Mr. Richardson** said this is a 2015 study and those stores were just either coming on line right before or right after the study if I remember correctly. **Commissioner Murguia** said 2013. **Mr. Richardson** said I don't know why that wouldn't have been there. The big circle to the south and to the east, there may be enough people in there. Like that tract is bigger because the mile arc cuts off about a third of that and so there might be enough people in that tract that it still meets the definition. The tract to the west should not. If they counted that Walmart Neighborhood Market, it would not have been counted in that.

I think we really put this up here to show we're making improvements, but it's with incentivized stores where we think that parts of these other—when The Merc goes in, I think that the three tracts above it and the one to the west will then disappear because I think we will eliminate some of those from the food desert with that. There was already a Price Chopper where the new one went in, so that didn't really change that except by a few hundred feet and I just think the Neighborhood Market and the Sav-A-Lot to the south, the one tract was too big and I think there's an error on the other one. The way I look at it today that tract would go away. We just want to show you we're making progress with this slide and note that the study wasn't perfect, but we are making progress, but obviously, there's still work to do.

Commissioner Murguia said when you determine like accessibility in a food desert, I think you said earlier on in your presentation you look at walkability and bus transportation in order to get to and from. Well, not only the tract to the west of the market and the Sav-A-Lot that covers the east, what Argentine does have is a regular bus route that has been in place for a long time that runs right along Metropolitan. That was one of the factors that was considered when we chose that location. It was centrally located and there was a bus route and that bus route even extends up to the top area of this side of 635 because, as you can see, it's wide but that is where Douglas Heights is. All of those people in that green area on the west side of the star, until you get into Turner, have a bus route right in front of their main thoroughfare. **Mr. Richardson** said right, but they still have to get to the main thoroughfare. The study doesn't say that just because you have bus access to it, that it's okay. It says that when you have a food desert, one of the things you should do is improve the transportation there until you can get a store located there. The bus

service is great, it's a plus, but it doesn't necessarily eliminate the food desert. It's a way to help those people before you get the cure of a real grocery store there for them.

Commissioner Murguia said I will just leave it with this, obviously I spent a lot of time on both of these grocery stores personally and I would tell you as a person that lives in that neighborhood, I can walk from my house safely now from 25th St. on sidewalk to the Walmart, to the Sav-A-Lot, and I can walk to 12th St. and I can do that without any ice cream melting. I don't understand how that—**Mr. Richardson** said that's all within a mile of those stores and that's what the food desert says. If you're within a mile, you could do that walk. **Commissioner Murguia** said that's a mile—I know that because not only do I walk it, I bike it, so I can tell you that from 12th St. to 18th St. is not a mile. **Mr. Richardson** said no, but it goes beyond that. It's within that mile. I think that what's going on in Argentine is great and I think it solved the problem and the map just doesn't reflect what the real benefits are there yet, but you're right, we have solved the problem in most of those areas and the mile radius goes up to just pass the BPU Water facility that's east of 18th St. **Commissioner Murguia** said yes, that might be a different situation, but the whole lower tier doesn't only have bus access, they have main thoroughfare access and it's walkable, very walkable.

Mr. Richardson said we meant to show this as a good thing. I'm sorry it's not looking that way, but we do think the Argentine area—the food desert was solved there in that part of your district from the stores being built there. It was great.

Commissioner Kane said it shows where you guys only found 10 in Overland Park. I think my request was do all over Johnson County and look because there is a hell of a lot more than 10 and they're in Leawood, there everywhere. We can't kid ourselves about—they're not just here in Wyandotte County and they are utilized. My wife specifically goes to one out there on 78th St., Five Below, or whatever.

In our original ordinance we called out Dollar Store. Maybe we should have said small box, maybe we should have said something else, but if I'm Dollar General or any of these other people mentioned in this deal right here, do they have a lawsuit against us because we've already mentioned them? Crickets? **Mr. Waters** said I don't think so, but that's one thing we took into account. That was a concern that they voiced when they wrote to us and so we took that into account and said the language, we can make it broader, and it should be broader and so that's what

we did and made sure that we weren't calling out specific companies, we were calling out a store format and so that's what the new—**Commissioner Kane** said I'm not an academia, but you've got it right here brother. You've got Dollar Store, you've got Dollar General, you've got Dollar Tree, you've got 99 Cent Deals, Five Below, dime stores, and other five and dime stores. We have specifically called these people out and if I'm an owner of one of these, I'm going to be pretty upset. I know we want to correct it by saying the new ordinance is small box, but in reality, this is what we mean.

I have some serious concerns about what we did in the past and how do we correct the issue and is there a potential lawsuit if we vote on this? You know, we've got 1.5 hours and I sure would like to have somebody phone me up on whether we can get sued or not in the next 1.5 hours before we I go downstairs and vote on something. **Ken Moore, Chief Legal Counsel**, said, Commissioner, there's always a chance of a lawsuit, but there's always a chance of a lawsuit before. I think, quite frankly, this correction minimizes the chance of a lawsuit because now we are specifically taking away those name stores and making it a broad category of stores which could be much broader than just the names of the stores you mentioned. I think this probably reduces our chance of a lawsuit by adopting this ordinance.

Commissioner Kane said here's something else. We're getting this at 5:00 today. We have people watching us on TV right now and I guarantee you my phone is going to blow up before I go downstairs. It frustrates me a little bit that we get something like this, we don't really have time for it to soak in and we're going downstairs at 7:00 and vote and I like to hear from my constituents because it's them that we represent.

Mr. Bach said you guys tabled this for a month so we had to put it back on the agenda. I think part of the discussion was that we would have this Special Session, discuss it, you may wish to table it again. There's nothing that requires it to be heard tonight. We just had to put it on because you tabled it for 30 days. **Commissioner Kane** said that's a good answer. **Commissioner Philbrook** said that was my fault. **Commissioner Kane** said I want time for this to soak in. I mean this is a big deal and I know in some areas they don't want it and I know some areas do. I don't want to disappoint our constituents by running in half cocked or half on fire or half off fire and make a decision that's going to rattle the people because the people contact us and say we

either disapprove or approve and I'm pretty consistent with voting with my constituents and I want to continue to maintain that consistency.

Mayor Alvey said, Rob, when you look—actually go back to the map. I know there's some adjustments to be made to that map, but actually if The Merc is built, which we anticipate it will be, that will not change—it will not take that area out of the food desert because a food desert is an area that is not served by a supermarket or a store I think of at least 30,000 sq. ft. I mean the definition that they use to determine a food desert will not be resolved by The Merc. **Mr. Richardson** said I think—**Mayor Alvey** said, again, the definition of a food desert that is used nationally is that it has to be a supermarket or a large retail grocer I think of 30,000 sq. ft. or more. **Mr. Richardson** said I don't know about the 30,000 sq. ft., but if you look at the other areas that are out of the food desert, they have to be counting something less than that because I guess part of this area was out because the Price Chopper might have still been there at that point and time. I think for our purposes these three census tracts are going to be served by a full-service grocery store that has the foods and the quality of food that they want. They will have affordable foods, they're on the transit line. I think for our purposes we consider this winning for this area. **Mayor Alvey** said I would agree with that. I really do.

I just want to be clear that if you look at what the definition is normally accepted nationwide for a food desert, it is an area that's not served within one mile or accessible by transit, 30,000—we can use the magic of Google and check that, but I'm pretty sure that's the definition. I just want to say that. I believe it's an improvement, obviously, the pop-up, that they're trying to work the Co-op, they're trying to work on Quindaro and are all good moves. I'm much more concerned and interested in how we incentivize more grocers rather than try to prevent a viable business model, a successful business, from determining where their market is and where they ought to build. That's my concern. I'm just fundamentally opposed to try to control the market in that way. If we were talking about alcohol or cigarettes, that to me is a different matter. I think we're going to end up regulating Vape because you know the nicotine in there is 18 times more additive than nicotine in cigarettes and I know as soon as there's continuing movement towards legalization of marijuana, we're not going to be eliminating them from coming in.

I have some real concerns about this. I understand the concern that Dollar Stores based upon the small box variety stores, based upon the product they carry, can soak the margin out of

grocery stores. I worked in a Safeway Store when they were still around. When they were marking up spices 400% so they could sell flour below cost, you knew where their profit margins were, so I understand that. If they're in competition with one another, in competition with Walmart, we're not regulating convenience stores, we're not regulating the location of fast-food franchises, so it seems to me what is driving this is controlling the access to poor diet, then it's much bigger than small box variety stores.

Commissioner Bynum said, Mayor, the USDA definition online does not include the 30,000 sq. ft. definition; however, some other national entity may. That was the one I clicked on. A couple questions for Rob maybe. The new proposed ordinance on the variety stores, on the 15,000 sq. ft., you know on Minnesota Avenue you've got a number of what I might consider a store of this type that aren't a corporate owned chain. They're individually owned stores that I think probably come under the 15,000 sq. ft. I just wonder if we would be hurting some of our own local retailers with this proposed ordinance. I don't know that. I'm just curious. **Mr. Richardson** said it won't impact anybody that's already there. If you think about Chips & Coins, they have some fresh foods in there. Obviously, they have kind of a restaurant where they prepare fresh food and they want to expand and have more fresh foods, so I think they would probably be okay. Some of the other stores have a lot of variety goods, but not more than 2% of shelf space to food and so they would not be involved in this. I think really when folks come in and we have to get a better description of what their business is and help guide them through this to what they could do to meet the terms of the ordinance if we have new local people that want to do that.

One of the things when we were looking at the map it was hard to figure out from somebody's web page, without going in the store and looking around, would they meet this or not, meet that, because they are a small box variety store and it's kind of hard to tell from the pictures on the internet or the description of their store. I think with the exceptions here, we could guide folks to be able to work within that code and I think the real important thing here is the legislative intent about what you want to do and what your goal is with this. As we've expressed through the staff report, it would be to provide healthy food for small box variety stores, not calling out anybody, and giving everybody a chance to open a store of that size and meet the criteria that we have here so that most folks could fit into that.

Commissioner Bynum said the next slide talks about the districts a new ordinance would be allowed in, so that was not delineated in the original ordinance, is that correct and now it is? **Mr. Richardson** said Patrick indicates that it was, but those are the districts that they would be allowed in anyway within the ordinance.

Commissioner Bynum said I'm perfectly satisfied with a 30-day delay. I'm also willing—if the Commission is of the appetite now that we really don't want to regulate the stores with an ordinance, then it seems like we would be looking at a repeal of an existing ordinance. **Mr. Waters** said no, there's no ordinance—**Commissioner Bynum** said there's no ordinance to repeal.

Commissioner Johnson said when I look at these numbers on page 2, I guess it's slide 3 and look at the numbers; it appears to me that there are a higher number of these stores per square mile in Wyandotte County than there are in other parts of the city. Maybe Kansas City, MO it may or may not be true. I haven't had a chance to kind of look at that, but I'm just kind of looking at where the stores are situated in Wyandotte County and we have quite a bit of these stores, just like 12 on the east side, at least 12 on the east side of 635 and at least 12 on the west side of 635. For me personally, I don't have to ask my constituency about these types of stores. They've already told me. They told me we need a traditional grocery store and that should be your first priority Commissioner Johnson. When we look at these stores for me, and again, I liken these types of stores however you want to categorize them, in the same way that I look at check cashing stores or Payday Loan Stores because they target areas that are low-income and more times than not are primarily minority content in terms of the people that live in those communities. They essentially fill a gap that the traditional model has neglected and so for me, it's however we phrase, repeal or don't repeal, I'm sticking by the words I said I said the first time; I think we've got enough east of 635. I'm going to continue to say that because my constituency continues to say that.

These stores takeaway—it makes it harder, in my opinion, to bring in a traditional grocery store when we're not controlling the number of these small box variety stores. For me it's not either/or, it's both and, so as we continue to—and to struggle, to struggle to bring in a traditional grocery model into the urban core, particularly the northeast, I want to make sure we're doing all that we can to give the ones that might have an interest in coming in, I'm talking about traditional grocery stores, a fair chance by not oversaturating. It's already oversaturated as far as I'm

concerned. I certainly want to be very mindful about how we manage both of those types of stores as we struggle to try to bring in a more traditional model into the urban core. Now, I will say, I think as we look at the traditional grocery store model the smaller store in terms of, for me, less than 30,000 sq. ft. is probably what will work best in the urban core versus a 35,000 or 40,000 sq. ft. store. I think we need to be very strategic about how we do this because what my constituents wants is a traditional grocer in the northeast and they don't understand why in the world they can't get one. Well, you know, we know the numbers and we understand the figures and all the things that goes into these business decisions, but when I sit down and try to tell them that they're saying we still want a traditional grocer in the northeast.

Commissioner Philbrook said I looked at a pull-up on the internet. A couple of those locations where you talked about them having similar instructions and/or ordinances around Dollar Stores, I'm going to call them what we've been calling them, and it looked to me as if they picked certain areas only, not the whole city. They hammered out areas that they were trying to redevelop like the one in New Orleans where they were trying to redevelop an area, they were trying to build it back up, and so they wanted to limit the number of those type of small box stores so they could get local businesses and the things the people wanted in that area. In my mind I wonder is that really more what we're wanting to do is start in an area and see how that works, see if that really does anything and then expand. I'm just asking legally. **Mr. Waters** said that is a zoning tool. Like you gave an example, Tulsa, they created an Overlay District and this only applies within that Overlay District. I think it's probably the downtown area. That is an option under the zoning code to create a defined district wherein these perimeters would apply.

Commissioner Burroughs said you know we're trying to put an ordinance in place that I think stops people from investing in our community. We're not putting out what I would call a welcome mat. We're providing an obstacle and not creating an opportunity. If we're going to put some kind of ordinance in place that states a certain partner of ours has to meet certain criteria before they're even considered, we're sending the wrong message. We can be helpful in stating if you want to come here, we need to engage in neighborhood groups and see their demographic study kind of like the census tract that we just visited about. Competition drives a good market and we've got The Merc coming on line. I think this Commission is going to learn a tremendous

valuable lesson from the investment we're making in The Merc with a not-for-profit organization and part of the study talks about that. These variety box stores provide jobs, they provide goods to a blighted area in need of either a food desert, hardware, just access to goods all around and we have a list so long in areas of our community that have been void of those. We should be engaging our neighborhood groups that we've charged with bringing their voice forward. So, if a certain segment of the community doesn't want it, we hear their message, we tell the vendor you're not welcome there, but maybe another part of the community would welcome you. Not to engage a community—for us to just flat out put an ordinance against something, I think we're taking the bad road to do so.

I do need to understand. If we have a grocery store that we have two Dollar Stores within two miles and we put a grocery store right in the middle of them, are we then banning any other Dollar Stores, variety store, 99 Cent Stores, the old TG&Y, the old dime stores that we used to have in this community, are we banning them from being able to build within that two-mile radius even though we have a grocery store, a full-service grocery store? **Mr. Waters** said under the option we have here, yes. There is one thing that we did discuss was whether or not to provide an exemption if the new variety store was within a certain amount of feet from a full-service grocery store, that could be another exception to add if you felt like—as long as it was close to a full-service grocery store, that could be an exception to look at. Under the draft language now it is two-mile—or 10,000 ft. distance.

Commissioner Burroughs said basically what we're doing is defeating an opportunity. We're creating a public subsidy. This community has a history of giving incentives to big market organizations. We had a list of them earlier that we give tax abatement, CIDs, TDDs, and other things to the large organizations that want to come into our community and we're banning a smaller business prototype from coming into our community that will be building their own building, paying property tax, and providing jobs in our community probably to a local neighborhood organization or somebody. That model just doesn't sit well with me. **Mr. Richardson** said, Commissioner, they are eligible for NRAs. They could get the 10-year stairstep tax abatement on all those buildings because they are less than \$3M, but not all of them have, but a couple have. **Commissioner Burroughs** said understood. I would just say that it wouldn't be as large of an incentive for them to build. We don't make it competitive enough for our small stores.

We have these stores we could go in and say if you move that shelf out and bring in your McDonald prewrapped burgers or whatever you want to call them, breakfast biscuits, and put it on shelf, now you're serving fresh food. You can go into a convenience store, as long as they're selling tobacco and alcohol, it's okay to have these stores but somebody that doesn't want to sell tobacco or gasoline, we're putting a limit on what they can do with these variety stores. That's how I read this ordinance. If I'm wrong, please let me know, but it was just mentioned the convenience stores, some of them do the very same thing except they sell gas and tobacco. I would just like to see us have more discussion and look at how we can be more proactive in encouraging these businesses to maybe up their game and still meet the needs of the community when we're still struggling to bring in a grocery store. **Mr. Richardson** said I think what we looked at—there's been a proliferation of these stores, there's been many of them built in the last few years and a couple of our grocery stores were then not maintaining themselves very well. The Price Chopper at 47th & State was dirty. I wouldn't shop in there. I did when I first moved here for about three months and then I just couldn't go in there anymore because of the quality of the food, how dirty it was, and what it smelled like in there and I had to return food. I think if you think there might be a correlation there and you look at we're putting \$6M in The Merc. The money that we put into the projects in Argentine and at 78th & State and you look what the cost benefit difference is, if there is any relationship at all there, I think it is probably worth more discussion to see how much money we're having to spend to get fresh food in our community versus the benefit of the rest of this.

Mayor Alvey said I'm going to speak to that issue of a clean store and that simply comes down to the manager. The manager has to have pride in his or her own store to make sure the floors are swept, the trash is picked up, again, I know because I worked in a grocery store and that was one of the things I loved doing was going around cleaning up. **Mr. Richardson** said rancid chicken and rancid Ben & Jerry's Ice Cream are not just—**Mayor Alvey** said I think, Rob, you implied what the solution was. The reason you stopped going there is because it became dirty. If the owner had decided we really need to compete—I know people in my neighborhood would drive right past the Apple Market at 47th & Shawnee Dr. to drive to the Hen House. They got tired of it being dirty. Some of these folks would rather shop in their neighborhood then drive to Merriam to shop, but they did it because it was a clean store. If you're going to compete as a grocer, you

need to make a good appearance and I think the same thing goes for the Dollar Stores. I have been in some Dollar Stores which are very well kept, I've been in some that are dogs, but I could say the same thing about fast-food franchises or restaurants. There are certain places you go and you say this person really cares in pride, I'm going to come back. I keep coming back to—instead of trying to force them into becoming a grocer, incentivize them to do this. We need to come up with incentives for these groups to add the fresh produce piece. Maybe there's an economic incentive to have them do that rather than punish them out because they're not conforming to what we need.

Commissioner Murguia said I agree with a lot of your comments Mayor. I just had a question for Commissioner Johnson specifically because you're talking about your constituency and I know what that's like because in Wyandotte County your constituency and my constituency isn't necessarily like the constituency that's west of 635 or west of 435, so I hear what you're saying. I would be concerned if there were no plans on the table for a grocery store, a full-service grocery store in that area, in the northeast area. Don't you think with our plans, and I haven't heard anyone objecting to move forward with The Merc Grocery Store, don't you think the fair market will take over and those kinds of Dollar Stores are not going to want to locate where they have such competition in The Merc especially since you're familiar with your constituency and you know that's where they're going to shop. In fact, I would be more worried about the ones that are there going out of business as a result of The Merc coming in if the demand for a full-service grocery store is really there. The business community don't just say we're going to put a Dollar General here, they don't do that. They do a market study and usually they become familiar with the county and they know kind of what the county plans are. First of all, I would think that The Merc will take care of that problem all by itself if the demand truly is for full-service grocery store.

In regard to the Mayor's comments and I think a couple of others about the store being dirty, I was here when this issue initially came up which was years ago when the recession hit and the number of Dollar Stores, Dollar Trees, popped up all across the country; not exclusively to Wyandotte County. My concern at that time was not health related. I think Commissioner McKiernan has said over and over again that the number one factor for obesity and health issues is poverty, yet people like to blame a variety of retailers which is not the actual factual evidence. KU Medical Center has done a lot of research on that for me, so I am sure that these places are not causing health issues.

What needs to happen though is there needs to be more healthy choices. We're addressing that issue in the northeast. Why this issue initially came up is because as these stores, Dollar Stores, were being dropped in our neighborhoods, it was truly the maintenance of them. My concern at that time was not even so much the inside of the store, the customer gets to decide the quality of store you want to shop inside, but on the outside of the door things like dumpster doors were broken, trash was falling out, trash receptacles were not being emptied. I as Commissioner was able to reach out specifically to Dollar General and develop a relationship with them and they have changed their maintenance program substantially and are much more aware and much more conscious of the condition at least of the outside of their store. What started off as me being unhappy of the condition of the Dollar General in Argentine and the Dollar General off 635 in I would say Turner because it's on that side, they have drastically changed their mowing. Their mowing is better, their trash clean up is better, their trash collection is better, so I think we address that issue directly with the corporation.

The last thing I'll say is that's not—to me that goes to what my biggest concern in this county is, that's a code issue. That doesn't have anything to do with the kind of store that it is. I just want you to hear me. I'm on your side. I want to see your district, I am really, I want to see your district have access to healthy food. I've seen a massive change in my district. There was a drop in sales at Dollar General as a result of the Sav-A-Lot and the Walmart being built. I can't imagine Dollar General coming in and building another one or any Dollar place building another one because there's too much competition. The beautiful part is it's the competition our constituency wants, so I hope that's helpful.

Commissioner Kane said, Commissioner Johnson, I have ran into your constituents and they don't like them period and to be perfectly honest about it some of them aren't excited about The Merc. They really want something at 10th & Parallel or 18th & Parallel or somewhere where they feel it is on the north side and that issue has been an issue, I have been here 14 years, Nathan fought it and it's something that we need to get done. It's important to all of the community. It's very handy for me, I don't go to the grocery store, my wife does, but she runs out to Bonner to go to the grocery store because she doesn't like the one out there at 110th at Walmart. We want a grocery store out there, but we definitely need one in your area more than most.

Commissioner Johnson said I think what you're both saying I understand that. I just think we need to be very diligent and deliberate about how we control. I understand market forces being what they are and I like to believe, and I'm hoping desperately, that The Merc comes in and it provides that kind of infusion into the community. I don't think we should rest our laurels and hope that the market will take care of itself and will correct itself because we have decades of neglect. I just think we need to be very dutiful and mindful about how we legislate relative to this particular issue. I know how I feel about it, I know what my constituents say, I know what my convictions are. I just want to make sure that I'm saying that within the context of our discussion that we need to be very diligent and we need to be making sure that we're looking at both factors and how they affect each other. The more times, and nine times out of ten, the dollars though they might employ people, the profits that come from the small box variety stores don't often stay within the community itself. They go to wherever the headquarters are vs. a local grocer. Though it does provide jobs, I just want to be able to be that voice and I'm going to have to be that voice to make sure that we're being very dutiful and I can't find the right word that I'm looking for but deliberate about how we have it legislated.

Mayor Alvey said to that point, I think that's a valid point, that the profits go elsewhere, but I would say that unfortunately that is the trend for most of retail. If that was our primary concern to prevent that, we would not have incentivized Amazon.

Commissioner Philbrook said I agree with Commissioner Kane that we need to take a closer look over all of this. At this point I'm really not for an ordinance. I'm actually for a concerted conversation between all of us on how we really want a policy to look and how we want to follow through on it. What I mean by a policy, just like when we create a district to improve, how do we want that to look, what kind of restrictions do we want those different areas to have. As the Mayor was talking, it's all about what that community wants and that's what Murguia is talking about, the different areas, so we really need to include the neighborhood groups and take it in just like we did when we've worked on some other projects. We brought neighborhoods in more in the last five years, in my opinion, for them to have a say in how we move forward in our developments in this city than we have for a long time. We actually have listened versus having the meetings after we've decided what to do. I appreciate that we've had people come forward beforehand and so I

really do understand where Commissioner Johnson is coming from because it's very frustrating to watch year after year after year a bunch of mouth or talking, but nothing really happening and how do you put something into place to move it forward because it's not easy. That's just a suggestion that we try to come up with some policies and go that way.

Commissioner Murguia said I'll just throw out a suggestion that it sounds like people are in consensus to continue to look at this a little bit more before we really take major action countywide. Just an idea to think about in those discussions is we typically in the urban core have hold areas for different things. Sometimes we do that with our Land Bank. Maybe until we get that grocery store up and running we draft something for that area where we plan to invest a substantial amount of money to get healthy food to that area where that area is a hold area for certain types of development until that's up and running instead of trying to do a broad brush policy across the county. I don't know if that's possible or not, but it's just an idea to talk about later.

Mayor Alvey said I think that was specifically what New Orleans did. There was an Overlay District, historic district—or Tulsa did, the Overlay District. **Mr. Richardson** said I would say the one in New Orleans is very large. Their city is many times larger than ours and it's a fairly significant area. **Commissioner Murguia** said ours could be small. We can make it whatever size we want to make it.

Mayor Alvey said thank you. I thought that was a great discussion and we will be considering this at the full session.

Mr. Bach said just a reminder, it is on the Consent Agenda, so if you don't want to approve it like it is, it would need to be set-aside.

Mayor Alvey said let's take a five minute break and at five after or six after we will begin our presentation on the Census count.



Mayor Alvey convened the Commission and said we will now move on to our next presentation which is on the Complete Count Committee for Census 2020. As Mayor, Alan Organ reached out to us to help us get started and bring to mind that we need to do this and so we set that in motion. I want to thank Gordon Criswell for really taking the lead on this and I think we're making great progress on this so I think we will have a great discussion.

Gordon Criswell, Assistant County Administrator, said I would like to introduce Maureen Mahoney. She's a co-chair of your Complete Count Census Committee. As you said, we've been charged with working on the 2020 Census.

Complete Count Committee - Census 2020

CENSUS —→ U.S. CONSTITUTION

1. *Fair Representation*
2. *Fair Allocation of Federal Dollars*
3. *Information for Decision-Making*
 - *Community Surveys*
 - *Transportation*
 - *Population without Health Insurance*
 - *Every Survey Sample & Poll Based on the Census*

United States
**Census
2020**

Let me start out with just talking about why the census is so vitally important to our community. First of all, it's constitutionally required. Every 10 years the Constitution requires that we as Americans go out and count every household and we count every household for some of the bullets you see there for fair representation, fair allocation of federal dollars and there are a lot of federal dollars to be allocated. One of the key reasons I think for the census is decision-making. We all know that data drives everything and community surveys, transportation plans, population without health insurance and every survey or poll is based on recent data from the US Census. In addition to being constitutionally required, it gives people at the local level information that they need for good business decisions and good decisions generally about the health of their communities.

Complete Count Committee - Census 2020

Purpose: The Complete Count Committee is charged with *developing* and *implementing* a 2020 Census outreach, promotion, recruitment and enumeration assistance *plan of action*.

Goals:

1. *Increasing the Census response rate;*
2. *Motivating the community to self-respond;*
3. *Educating the public about the importance of the Census to the local community;*
4. *Informing the community about the Census activities and timelines;*
5. *Involving the community in activities to build awareness.*

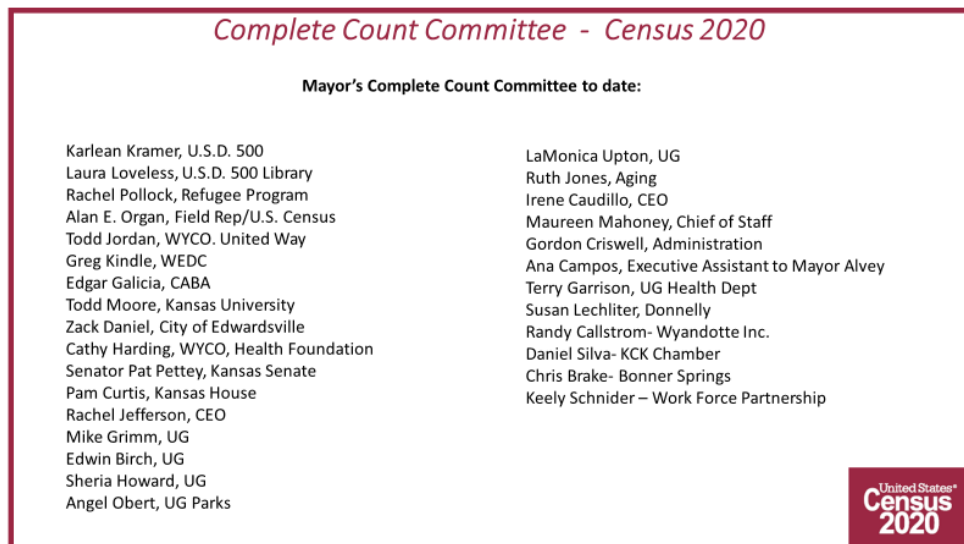




The purpose of the Complete Count Committee is to really develop and implement a game plan that we can literally take to the streets with the goal of increasing our census rate, the goal of motivating our community to be educated and understanding about the census, to inform the community about the activities and our timelines and we have some activities planned in the future for doing just that and to build community awareness.

Maureen Mahoney, Chief of Staff in the Mayor's Office, said one thing I want to add is that starting in March 2019 one can go online for any jobs. There are a number of jobs that are part-time positions for census takers and office positions, so please get the word out to anyone that you know in your districts or your community. One has to apply online and then the job offers will be made in June. This is your window to do that. **Mr. Criswell** said additionally the census would

require that if you apply for a job, particularly in Wyandotte County, that you actually be a resident of our community. It's that job specific. We have positions, as Maureen said, where we are looking for people who live in our community to apply for these jobs and, as Maureen said, you can go online and do that.



Mr. Criswell said I talked a little bit there about the purpose of the Complete Count Committee. This is the most accurate list of stakeholders or members of our Planning Committee. If you just kind of peruse the list, we see that we have literally individuals on our planning team from all areas of our community including business, human services, health care, the philanthropic committee; that's just how important making sure that everyone in our community gets counted. That list is still growing by the way, but these are the folks who give direction to Maureen and I on how we can actually accomplish the goal of making sure that all of the households in our community get counted.

Complete Count Committee - Census 2020

What are the main reasons a Census complete count is so important to Wyandotte County?

REPRESENTATION →  A complete count ensures equal state and federal representation to make sure your voice is heard.

FUNDING

- Federal dollars for various programs are allocated based on Census population counts

$$\text{Program Allocation Formula} \times \text{Population} = \text{Federal Funding to states/local govt.}$$
- \$52,000 lost for every household not counted (10-year period)



As I said, we want to make sure that every household is counted because of representation. This basically relates to our congressional—our representatives. Actually, I was reading an article this afternoon where the state of Illinois lost two congressional seats because of census undercounting and so we certainly don't want that to happen in our state. Having a good count assures we have equal state and federal representation so that our voices can be heard.

The other reason for the count is federal dollars. I was reading another article today that nationally there is about \$900B in federal funding that is available and it's all based on the census count. We know that for every household that's not counted, it represents about \$52K per household over a 10-year period, so when you do that math, that's quite a big chunk of money that we potentially lose when we don't make sure that every household in our community is counted in April.

Complete Count Committee - Census 2020

Recommended Sub-Committees:

- Health Care
- Business
- Community based organizations
- Education
- Faith-based organizations
- Bonner Springs/Edwardsville







MARC facilitating metro-wide
Complete Count Committee meetings



Ms. Mahoney said we are part of the greater Kansas City area. MARC has pulled together a Complete Count Committee also so one of the items of information that they provided is looking at all of our different communities and the affect of a 1% undercount in your population for Wyandotte County based on 2010, if we undercounted by 1%, we would have lost \$4,740,000. We get annually probably \$15M in, so this is real money for us which is why we need to make sure everyone gets counted.

Mr. Criswell said in order for us to do that, you saw that big list of all the people on that committee, we've divided our planning efforts into these sort of six sort of big buckets, if you will, trying to make sure we capture everyone in the community. For each one of these sub-committees there is an individual who will essentially chair that particular sub-committee and their task will be to develop a plan, bring it back to the larger Planning Committee and tell us what it's going to require to implement that plan because they really know the subject matter experts. If you're in health care and you are familiar with the safety net clinics, you know what kind of information you need to put together to talk with people who are using the safety net clinics. We will have someone who will co-chair that sub-committee, for example, because they really are the subject matter experts. They can then bring in other people to help them because the bigger committee we can't get out and touch everyone, so we really do have to have these sub-committees with subject matter experts really helping us when we get what I call boots on the ground.

These are our six committees so far. We think we've covered pretty much the entire county, so these people will be formulating plans to do that.

March 28, 2019

Complete Count Committee - Census 2020

Federal Government funding supports various program, such as.....

Education



- Funding to all school districts in Wyandotte County & KCKCC
- Title 1 grants (to low-income districts)
- School lunch & breakfast program
- K – 12 Special Education
- Infant-Toddler, Head Start & Spec. Ed. Preschool Service

United States[®]
Census 2020

For example, we think a lot about education and these bullets just sort of demonstrate the impact of making sure everyone is counted for funding for all of our school districts and the Kansas City Kansas Community College, K-12 education. All of these bullets there are activities in education that are impacted by census and the funding allocations that come from the census count. That's just in education.

Complete Count Committee - Census 2020

Federal Government funding supports various program, such as.....

Housing, Neighborhoods, Community Development



- CDBG funding
- Meals on Wheels
- Senior Services

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Census 2020

We talk a lot about neighborhoods, housing, and community development. We have seen a gradual reduction in our CDBG funding over the years. The census will help booster that increase in funding. We have a growing senior population in our community that depends on funding for our Meals on Wheels for example. I can recall during this winter we made sure that our seniors had

what I call their senior emergency packs because the Meals on Wheels people, because of the weather, they were not able to get out. It's not just studies and surveys. The census impacts lives of real people literally every day.

Complete Count Committee - Census 2020

Federal Government funding supports various program, such as.....



Health & Wellness

- Various County Health Dept. programs
- Supplemental Nutrition Assistance (SNAP)
- Medicare



Another example is Health & Wellness. There are numerous programs in our County Health Department that are directly impacted by the census and the formula dollars that come through the Kansas Department of Health & Environment and down to our local health departments. We spend a lot of time trying to convince the expansion of Medicaid and Medicare because we know that if we can keep people out of nursing homes, it's going to cost that family and cost our state a lot less. The census helps with the allocation of those dollars as well.

Complete Count Committee - Census 2020

Federal Government funding supports various program, such as.....

Economic Development, Transportation, Employment

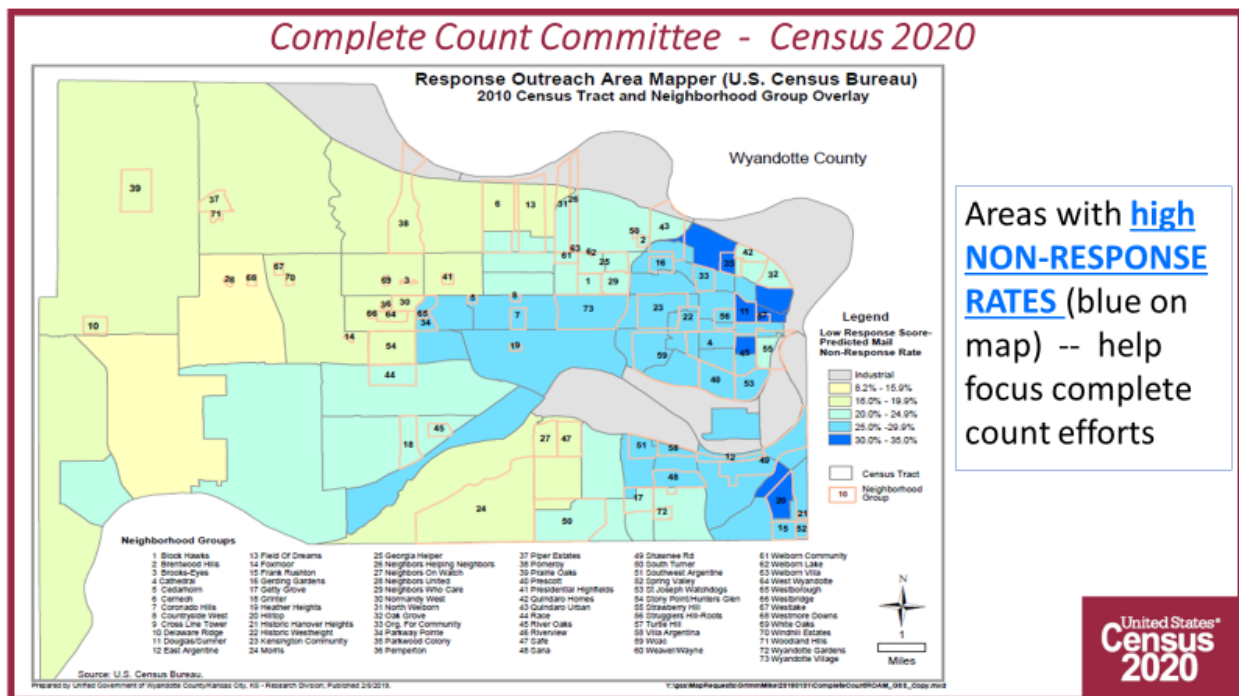


- Businesses make decisions where to locate based on Census data
- Workforce Partnership
- Street/highway funding

United States
Census
2020

Economic Development; I will note that our Business Sub-Committee is chaired by our Chamber of Commerce President, Mr. Silva. We know that the Chamber has a sub-group itself that's working on getting the census word out, getting people educated about participating and completing the census. Economic Development uses census data to help businesses determine where to locate, where to expand, what sorts of training that employers need to provide to employees. All of that kind of information is generated by what we learn from our census data.

Complete Count Committee - Census 2020



March 28, 2019

This is probably the most telling map. When I first got this assignment, I said to myself—first I went to Mike Grimm who is our research guru and I said, Mike, can you do an overlay for me of our neighborhood groups and overlay the census tracts that were undercounted because I think when we get ready to do our ground game, getting into the neighborhoods and having them understand the importance of the census, is a good place for us to get started. The heavy blue areas and the numbers, the numbers represent our neighborhood groups and the heavy blue areas represent the areas where in the last census 10 years ago, there was a significant undercount of households. Strategy wise that's one of the places where we will start to do our ground work, working with those neighborhood groups to help them get into those neighborhoods where we already know from the last census there was a big undercount. That's a pretty telling graphic in my opinion.

Complete Count Committee - Census 2020

Challenges for the 2020 Census Count

- Citizenship Question
- Hard-to-Count Populations
 - Homeless
 - Language Barrier
 - Living in Shelters
- Awareness
- Access to Technology
 - No Access to Internet; older adults
- Distrust in Government / Data Misused



EVERYONE WILL RECEIVE A PAPER SURVEY



The census will have some challenges. You've all heard about the citizenship question. It's in the courts now. I believe the middle of April there will be oral arguments at the Supreme Court level regarding the citizenship question and we are hopeful that the court will have made a decision well before April 1 of 2020.

Ms. Mahoney said the Supreme Court has fast-tracked this, so a Federal District Court Judge made a decision that the Supreme Court took it directly instead of making it work through the circuit, so as Gordon pointed out, they're going to have oral arguments in April and they hope to have a decision by the end of June because we need to know this. It's a very interesting thing when one looks at the Constitution, there is no mention anywhere of saying we're counting

citizens, we are counting people. For the first time, this has been raised by the Department of Commerce, so we will wait to see what happens.

Dr. Organ is in the audience. He has pointed out that you don't have to answer that question. You can answer all the others because it's really about finding out whether someone is in that household or not. We are pushing forward regardless depending on what the Supreme Court does, but we just need to know one way or the other in terms of our strategy.

Mr. Criswell said that's a challenge that's sort of out of our hands, but we do have some other challenges; our homeless population, the many languages that we have in our community having to figure out how to craft the consistent languages, consistent messages in our community with the 70 some odd different languages and dialects that we have will certainly be a challenge for us. Folks living in shelter, just generally getting the awareness out. Access to technology I think will be a biggie as well particularly with some of our older adults who are not as technology up to speed will have some challenges as well. We've had some ideas from the schools about how we might tackle that when we start our ground game. The other big challenge will just be distrust of government, what do we do with the data; we have to make sure that the data we collect and the people who are collecting the data and the people that are explaining why the census is important, that we make sure we do a good job of explaining to those individuals that we will not do anything inappropriate with the data that we collect.

Ms. Mahoney said some of the challenges, as Gordon has mentioned, are people that we would automatically think of, people with limited English, Immigrant families. Interestingly, the number of people who've had a child or children in the last 10 years, young children get undercounted because people don't think of adding them. People who rent, people who are persons of color are traditionally undercounted. In terms of the distrust in government, they have actually done these surveys and it says 54% of us distrust the federal government all or some of time and our local government doesn't fair too much better, but a little, 46% of all of us trust our local government—distrust our local government all or some of the time.

There is this worry about all of a sudden—this is the first year they're asking people to do their surveys online, so you do have this whole group of people that may have limited access to technology. You also have our senior citizens who are the ones who religiously fill out their surveys and we want to make sure we're all going to be able to work with them because while the Census Bureau would love people to do this online, everyone will receive a paper survey.

Everyone with a US legal postal address will get a paper survey, so you have a chance to do it online, they will work with our senior citizens, you can actually call in and give your data if you need to or you can fill out the paper and send it back in.

Complete Count Committee - Census 2020

Complete Count Committee Ground Game/Next Steps:

The sub-committees will be responsible for development and implementation of all plans to initiate and coordinate the outreach efforts of the complete count committee.




Mr. Criswell said sort of back to the next steps and this is what I have been referring to our ground game. This will be the real work of the sub-committees to come up with an implementation strategy that will help us get the word out into the communities. Let me go to the next slide because it's really important.

Complete Count Committee - Census 2020

Funding for committee efforts:

- Wyandotte Health Foundation
 - *received grant money to support the implementation plans of the sub-committees*
- Consultant to assist Complete Count Committee & sub-committees with development & implementation of complete count efforts
- Greater Kansas City foundations additional funding opportunities




We've been fortunate to get a grant from the Wyandotte Health Foundation to support the work of our Complete Count Committee and we will consult with someone to help each of the sub-committee's development their plan of action. They are the subject matter experts in their particular area. What we want to make sure occurs is that there is consistent messaging across the sub-committees so people don't get confused. The consultant that we will be able to acquire through the Wyandotte Health Foundation will be able to help our Planning Committee with that effort. I just learned yesterday that the Kansas League of Municipalities has also received a grant from the Kansas Health Foundation to help cities and counties with the census efforts as well. As soon as I know the criteria that will be necessary, we will be making application to the Kansas League of Municipalities for some funds to do some of the operational ground game things we need to do; giveaways, posters, this sort of thing; PSA's perhaps. The Greater Kansas City Foundations are also pitching in, if you will, because we realize that across the region, like Maureen said, this is really, really important to our region. That's why MARC has created this committee on the census to work with all the municipalities to make sure that we do everything possible to get into every household and get them counted.

Complete Count Committee - Census 2020

April 1, 2020 -- CENSUS DAY

- *Mid-March 2020 → Invitation to self-respond
(internet, telephone, paper)*
- *May thru July 2020 → In-person visit for
households not responding*

\$15 Million in Federal Funding to Wyandotte County at Risk!

HELP US GET THE WORD OUT!



Last on my slide is, and I would like leave this up, April 1 is Census Day. Come April 1 people will receive their census, their document, and hopefully they will be motivated to fill it out. I think one of the things we have to do is make sure as a committee that we time our educational efforts in the field far enough out that people remember April 1, but not so far out that people forget about it because we're inundated now with information. I'm marketing people are going to have to help

us figure out how we do that. We don't want to get out too far ahead of the messaging because people will just become desensitized and that's the last thing we want.

Mr. Mayor, that's where your committee is to date. We're working on developing our plans for the ground game and we will continue to update you as you deem necessary.

Mayor Alvey said thank you Gordon. Thank you, Maureen. Also, I would like to recognize Dr. Organ. If you would please stand. We appreciate your work in bringing this and continually helping us move through this process so we can get to a complete count.

Alan Organ, Field Rep/U.S. Census, said the end game for me is that I'm going to retire in this area at some point and I want to make sure there is enough money to support me as a senior citizen. Whatever it takes, whatever you need, I'm here. I have Michael Canzone who is our media specialist with me also who will be able to help with the PIO's to go ahead and drop things down on the website, put something on cable TV, or put something in the newspaper to make sure that everybody understands how important this census is. This is the 24th census and probably the most complicated one. **Mayor Alvey** said interesting.

Commissioner Kane said, Gordon, I'm glad you said the list is growing because I think we need somebody from the Turner School District and the Piper School District as well. **Mr. Criswell** said okay.

Commissioner Bynum said I just wanted to give a commercial, a quick commercial. Business West is actually hosting a quarterly meeting May 1 at 8:00 a.m. at the Country Club Bank Community Room, 110th & Parallel and Dr. Organ is our speaker to specifically talk about the census.

Mayor Alvey said, Gordon, I would ask that because all of us have opportunities to go out to the community neighborhood groups and so forth, if you could give us just a bullet point one-sheet that we would use as talking points that would actually enable those who may be able to reach out to some of these groups that are less likely to get counted and how they would access to help to be able to reach out to them. **Mr. Criswell** said we can do that.

Commissioner Burroughs asked will the committee be bringing forward a budget. **Mr. Criswell** said once we have some idea of what we need to ask for, yes sir, we will be. **Commissioner Burroughs** said one other question. The \$15M, where does that figure come from? **Ms. Mahoney** said that's a figure that our CFO has told us approximately how much comes into the UG. I got that from Kathleen VonAchen. I can't break that down for you, but I will happy to get that for you.

Doug Bach, County Administrator, said that is just one when we look at the amount of federal funding that we get over the timeframe and a lot of times so criterion are based out on population, so I think that's where she derived that number.

Commissioner Burroughs said so really the reason I asked about the budget is the return on investment, that figure is probably from the prior census and the funding that has come with that and we have been continually undercounted in our community for decades. As you stated, this is going to be a more complicated census, but a quite challenging census, but if we want a higher return on investment, that's why I was asking about a budget. I want to make sure you have the resources necessary to help us get an accurate count because I believe that is a very underestimated figure. **Ms. Mahoney** said right now all the funding that's happening is coming from our non-profit partners, so right now the UG hasn't put any money in, but we will let you know.

Commissioner Philbrook said I think something else is underutilized as of yet, but we can definitely put them into action, is the Greater Coalition to End Homelessness. They just finished a point and time estimation on homelessness in the area and so they have started working very diligently in Wyandotte County to create more partners and I know they're working on that. We need to draw them in to help create an avenue and get people comfortable, our homeless population comfortable, with giving us the information so we can count them as well.

Ms. Mahoney said Dr. Organ can maybe speak more to that. They have a very sophisticated plan to how to reach our homeless population and our transient population. **Dr. Organ** said we're going to do what's called Service-Based Enumerations where they go for shelter, where they go for their food. There will be three days in March of 2020 when some of us will be going out with

counters following them where they go. The only ones that will actually know that we're doing this will be the police so the census workers don't get arrested.

Ms. Mahoney said the other thing is if you are going out to your neighborhood groups and telling them about the census, no one can access this data. No one can get to it other than the Census Bureau. One of the things we also want to caution people is that the Census will never send anything to you electronically. If you get something asking your social security number or any of that, that would not be coming from the Census, so somebody would be scamming you and we need to make sure that our law enforcement is aware of that as well.

Commissioner Murguia asked how are students counted? **Dr. Organ** said it depends where they are. If there is a dormitory and there's over 1,000 students, it will be a group quarters activity. We don't actually need their relationship to everybody else that's in the building. We just need body count because that's what Article 1, Section 2 of the Constitution asks for. For KCK we will work with the Administration and Director of Student Life to make sure students are aware of this and where do they live in apartments around the college. Part of the problem with college students is April 1, 2020 is right around the time of finals and those students don't really care about a census. They're going to leave, but if they live in this area for six months and a day, they are counted as residents of Kansas City, Kansas. **Commissioner Murguia** said I'm concerned about that, but I'm more concerned about this very dark blue mark right in front of the University of Kansas Medical Center and Hospital. I know that is student housing in there, so I'm very concerned about those students getting counted because they are living their nine months out of the year in those apartments for sure, if not longer, if not full-time. **Dr. Organ** said we have one member of the sub-committee who is already from KU and will be working with them and I'm working with some of the other folks at KU, since I'm a graduate from the Medical Center, to go ahead and make sure that those students are counted.

Commissioner Murguia said when I look at the areas that are blue that seem to be the most concerning, there wasn't anyone on the list that I saw, and maybe I overlooked them, from south of the river other than the person from KU. **Mr. Criswell** said we do have someone from your area that is on the committee. She chairs our Education Sub-Committee, Karlene Kramer, so she's

in your area, she is also in the school district, so she is coordinating the Education Sub-Committee. Karlene's role is going to be you know what educators, you know what their schedules are, you know when you can get with them. Her task will be work with the schools to see what's the best way to get the information out to students, to parents. One of the examples she had was maybe we set up a booth at football games. **Commissioner Murguia** said no, I get what you're saying about the education outreach. I mean just resident representation south of the river. I'm not seeing any of that. **Mr. Criswell** said well, that's something I need to work on. **Mayor Alvey** said other than Senator Pettey. **Mr. Criswell** said that's true. **Dr. Organ** said two of those census tracts that are just west of the river, nobody lives there, that's why they're very dark blue. That's where Exide, CertainTeed, all the manufacturing plants along the Fairfax Trafficway are, but they show up when you look what's called ROAM. It's an app that will show you what the low response score was for the last census. **Commissioner Murguia** said District 3 though isn't industrial. It's Argentine, Turner and Rosedale. **Dr. Organ** said okay.

Mayor Alvey said thank you. We appreciate your efforts.

MAYOR ALVEY ADJOURNED
THE MEETING AT 6:40 p.m.

dt

Bridgette D. Cobbins
 Unified Government Clerk

March 28, 2019

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

SPECIAL SESSION, THURSDAY, April 11, 2019

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, April 11, 2019, with ten members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; Murguia, Commissioner Third District (arrived at 5:05 p.m.); Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO presiding. McKiernan, Commissioner Second District; was absent. The following officials were also in attendance: Doug Bach, County Administrator; Angie Lawson, Deputy Chief Counsel; Carol Godsil, Deputy Unified Government Clerk; Gordon Criswell, Assistant County Administrator; Alan Howze, Knowledge Director; Jeremy Rogers, Director of Parks & Recreation; Tim Nick, Operation & Maintenance Superintendent in Buildings & Logistics; Emerick Cross, Commission Liaison; Matt Zayas, Intern in County Administrator's Office; Lynn Melton, Assistant to the Mayor; and Officer Doleshal, Sergeant-at-Arms.

MAYOR ALVEY called the meeting to order.

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

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, April 11, 2019, at 5:00 p.m. in the 5th floor conference room of the Municipal Office Building, for a presentation on the Inclusive Play Project.

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.



Wyandotte County Parks and Recreation Inclusive Playground

PROJECTED COMPLETION: SUMMER/FALL 2019

Doug Bach, County Administrator, said tonight we're here to hopefully advance where we are with the Inclusive Playground Project. This is a project that's been in the works for a number of years. As the Commission approved some money and direction to go forward with this, it put staff on an objective to move forward then to go out and find other sources of revenue to add to this project. We've been able to get to that point today that we are ready to advance it and, of course, through that process was going through and evaluating sites for where we would put this. That is really the big question that we're bringing to you tonight with our recommendations.

I'm going to turn this over to Jeremy Rogers, Director of Parks & Recreation, and have him talk about the inclusive playground and then what our researchers told us.

Inclusive Playground

- What is a Universally Inclusive Playground?
 - A playground specifically designed to remove physical and social barriers so ALL children, with and without disabilities and/or critical illnesses, can play side by side with their peers and families.
 - Play is a critical part of the social, emotional, cognitive and physical development of every child. Unfortunately, the vast majority of playgrounds deny children with disabilities and critical illnesses the opportunity for exercise, entertainment and social interactions which other children enjoy.
- 17% of Wyandotte County citizens claim some form of disability. The national average according to the NRPA is 13%

Jeremy Rogers, Director of Parks & Recreation, said as Doug mentioned, I'm here to talk about the Inclusive Play Project that I've been working on. Most people ask what is an inclusive playground. An Inclusive Playground is specifically designed to remove physical and social barriers so all children with or without disabilities can play side by side. So, that's the fancy term. The basic term is that a child with a disability or in a wheelchair, for example, would never have to leave his wheelchair.

An ADA Playground says that a child in a wheelchair can wheel him or herself to that piece of playground, remove themselves from their wheelchair via transfer station and then navigate throughout the play system. Inclusive Play says that child never has to leave his/her wheelchair.

There have been several studies, university studies done on play and how it affects the brain and how it stimulates different aspects of growth and whatnot. Play is very critical to social, emotional and cognitive development in every child. That's very important that we provide those opportunities for all citizens.

The reason this is important, 17% of Wyandotte Countians claim some form of disability. That's according to the last census data. The national average is 13%. We're 4% above the national average on persons that claim disability, so it's very important that we provide those play

opportunities, not only for our citizens, but those individuals that are coming into our county to play.

Unlimited Play



I'm going to play this video that kind of talks about Inclusive Play and what it means to different individuals. (The video was shown). Obviously, play means different things to different people.

Jake's Playground, Wentzville, MO



Last spring the city of Wentzville, MO, which is in the St. Louis area, opened a playground of this nature and I travelled for the grand opening. I took some pictures of kind of what it looks like so you can see this isn't your average playground. This is not something you can open a catalog up and you can buy. I'm a baseball guy. I love baseball. The St. Louis Cardinals donated quite a bit of money to funding this, so it was built like a baseball stadium, which I thought was really cool.

April 11, 2019

Jake's Playground, Wentzville, MO



The different play pieces throughout, the stairs over there, the baseball bats and then the bases going up and then, of course, the slide right there I thought was really cool.

Obviously, you have to have some physical abilities, but I did see a child in a wheelchair that was able to use—they had to remove themselves from the wheelchair and their parents pushed them through and, of course, I had to give it a try myself.

Jake's Playground, Wentzville, MO



This particular playground, as you saw in one of the pictures, had the zip line that shaped on a football field, so it's like you're going into the goal post scoring a touchdown. Concession stand, within that concession stand area, there were several play pieces, interactive play pieces that individuals could use.

What's Recommended

- Specifications
 - 1-2 acres
 - About half the size of Huron Park
 - 50-60 parking spots
 - Access to water for water feature
 - Slight slopes in topography
 - Tiled surface
 - Fencing around entire playground
 - Access to restrooms

Obviously, this is not your average playground as I mentioned. Some of the specifications of what's recommended for a playground of this nature, one to two acres, that's about half the size of Huron Park which is right across the street here by the casino; 50 to 60 parking spots. This playground will bring in individuals from all over. People will drive in for this, so we need a place for them to park. Access to water, persons that can't control their body temperature needs water to play in, so like some kind of splash pad or fountain. Something like that. Something to help cool these individuals. Because of the ramps that are needed for wheelchairs, you have to have a slight slope in typography, that helps reduce construction costs.

The surfacing of these—I don't know if you guys noticed in the video, but it's a tiled—it's kind of like a—there's a supporting place surface that's spongy, but they also have tiles that connect together so that when they first started building these playgrounds, they were all poured in place. The bottom of the slide, those poured in place areas would get tore up and you had to replace the entire area. Now if something like that happens, you remove a tile, put a new tile in and that fixes the problem.

Fencing around the entire playground is very important. Persons with autism don't understand boundaries, so it's very important that we don't have kids running off or adults running off to where they don't need to be. It's very important to keep them enclosed or keep them within the play space.

Of course, access to restrooms is always nice when you have that many people in one area, you need some form of restroom.

Wyandotte County's Inclusive Playground

- Pricing
 - Total project estimate = \$500,000
 - Includes design and build of inclusive play pieces as well as water feature
 - Total funds committed to date = \$410,000
- Master Plan
 - Pierson Park
 - Wyandotte County Lake Park
 - Wyandotte County Park



I want to bring this project to Wyandotte County as I've spoken with many of you before. The total price of this project would be around \$500,000. That includes the design, the build of both the inclusive play as well as a water feature. So far to date, we've raised \$410,000 which is pretty good, but we're not there yet, so we still have a ways to go.

When we did the Master Plan it did talk about Inclusive Playground being a part of Wyandotte County and the three parks that they mentioned were Pierson Park, Wyandotte County Park, and Wyandotte County Lake Park.

Pierson Park

PROS:

- Already has a spray park
- Close to the lake
- Close proximity to County's largest percent of population of persons with disabilities (17%)

CONS:

- Park roads need repaired
- Flooding
- Vandalism
- Needs more parking (30)



Pierson Park; this is if you can see here, this is 51st St., that's 55th St., obviously, there's the lake. There is the skate park, there's the splash pad. This playground would go somewhere over there. That's the dam right there. It's a steep slope, so it would go on the other side of the splash pad which is a pro for this. That would reduce cost because it already has a splash pad in place. It's close to the lake which draws an enormous amount of people. We have quite a few fishermen there, we have people that come just for that lake feature. It's also close proximity to the county's largest percent of persons with disabilities, so I think that's a neat feature for this park according to the demographics.

Some cons; the roads throughout the park probably will need to be replaced sometime in the near future, especially if we're bringing in quite a few more people to this park, we would want to look at doing that, so that would be an added feature.

Because that splash pad is built at the bottom of the dam in a little drainage area, that does flood, so there would be—sometimes we have to close down the splash pad because of drainage there is an issue.

Vandalism; obviously vandalism does not discriminate. We get vandalism throughout the entire city, but we do have a high amount of vandalism at Pierson Park.

It needs more parking. Parking space right there and right there, combined about 30 parking spots. Okay, so that's Pierson Park.

April 11, 2019

Wyandotte County Lake Park

PROS

- Ample parking
- Access to waterlines
- Open space with room to grow

CONS:

- Would require construction of new bridge by old tennis courts
- Disrupt the natural look of the lake
- Already have a large scale playground at the lake
- Lake is already considered an attraction



Next, Wyandotte County Lake Park. The place that this would go is right there. Here's the park offices, this is the entrance to Leavenworth Road, and right there is the old tennis courts/basketball courts. I've heard that there is varying of what was there at one time, but it would go in this area right here which is pretty big. There's ample parking. We have parking for the playground there, there's a trail, there's a shelter there, so plenty of parking. Access to waterlines. As you guys know in our CMIP we're redoing the waterlines there. This one was just done this last fall, so great waterlines. Obviously, it's open with room to grow.

The cons; that bridge right there would need to be rebuilt. One day the little train went across it, but we do not encourage pedestrians walking across that. Many would argue that would disrupt the natural look of the lake. A lot of people go to Wyandotte County Lake because of what it is. It's a rustic, natural lake and so that would disrupt that.

We already have the large scale playground right here. This is a playground that has been built on and built on as years have gone on. It's our largest playground in our park system, so we would have to either look at moving that or doing something. We don't want to compete with that playground.

The lake is already considered an attraction. If we're looking to bring new visitor's into Wyandotte County, we already have several visitor's to the lake so that could be viewed as a con that we already have people here.

Wyandotte County Park

PROS:

- Ample parking spaces (lowers construction cost)
- Easily accessible from I-70/435
- Close proximity to shopping, hotels, and events
- Additional open space for future growth
- Easy access to waterlines
- Creates a new destination location in our County

CONS:

- Roads will need replaced over time



Finally, Wyandotte County Park. This is the George Meyn building, this is Shelter D right there, the A-frame shelter; a skate park and the ballfield is right here and there are tennis courts here. This, if proposed, the playground would go in this area right there. There's plenty of parking there, they're not dedicated parking. We would have to dedicate some handicap accessible parking; however, that's a very large parking spot that can hold up to 90 cars, so that's a plus. It's easily accessible from I-70 and I-435. This park is going to bring individuals into our community from outside, so it's very important that we have a way for them to get there.

It's in close proximity to shopping, hotels, events, Sporting KC, T-Bones, the racetrack. It's within a two-mile drive of those attractions. With all this area, I don't know the exact acreage of just that area, but it is plenty ample enough if we wanted to add-on to this playground in the future, we very well could.

Waterlines; there's water there as well as there, so it's easily accessible to waterlines, and again, it creates a new destination for our county that we want to bring people into.

The con with Wyandotte County Park is the roads will need to be replaced over time just like Pierson Park because it's one of our main attractions. It gets used a lot, so we would have to replace those roads over time.

Recommendation

Wyandotte County Park



The firm that you saw the video of, Unlimited Play, they came and did a study and they're the ones that are designing and overseeing the building and construction of. They're recommendation, they're professional recommendation is Wyandotte County Park.

Commissioner Bynum said in Wentzville, what was nearby that park for other activities? **Mr. Rogers** said that was nearby a school. The city owned land next to a school, so they built it there. There's some athletic fields that were there, I think some soccer fields, and some baseball fields as well. **Commissioner Bynum** said if you get to your goal, it looks like you're \$90,000 away from the total money needed, so how long do you think before you would have the total money needed? **Mr. Rogers** said, hopefully, very soon. Unlimited Play, that's one thing that they do is fundraise and they're pretty confident that they could secure that money pretty quickly.

Commissioner Bynum said in some of your pros and cons you talked about certain other things that might need to happen in various places like the parking at Pierson. That's not included in the cost you're showing for the park, right? **Mr. Rogers** said correct. That's added additional funds that we would have to find within our Parks & Recreation budget.

Commissioner Bynum said I just wanted to comment that I think shade and shade structures are really important. **Mr. Rogers** said absolutely. **Commissioner Bynum** said it didn't

say it, but we know it. **Mr. Rogers** said absolutely, it is very important that we protect those individuals from the sun and provide shade for individuals that do want to play on this playground.

Mayor Alvey said, Jeremy, you mentioned that this is really a destination park and the expectation is that it would attract people from outside the community. Do they have any projections about the numbers? **Mr. Rogers** said Unlimited Play does have those numbers. I don't know them off the top of my head, but I know at that Wentzville one, I talked to someone that drove three hours just for that playground. They lived in a very remote area, but they do have numbers of what this would attract.

Mayor Alvey said my only thought would be that is if we look at this as a Wyandotte County project and how does it serve our citizens, my concern at that location is, again, it's a fairly long drive and I don't know how many people would need to use public transportation to access that, not that they could access Wyandotte County Park through bus service or Pierson Park. That would be a concern that how accessible will it be to our citizens. I do understand the concerns about other spots, but because we only looked at Wyandotte County parks, we did not look at the KCK parks because this is part—we have to serve the entire county, is that how—**Mr. Rogers** said that's correct and most of the KCK parks are not big enough, they're not regional draws to host a playground of this nature. **Mayor Alvey** said so, for instance, City Park would not be accessible. If what we're saying is there are other attractions at other parks and one of the selling points of Wyandotte County Park is it would help activate that park some more, we wouldn't have that same consideration let's say for City Park or any other park. **Mr. Rogers** said going to City Park, for example, having the amount of open space, an acre to two acres of open space that is close to parking, close to water would be—there is some open space there, but the typography it would be tough to navigate.

Commissioner Markley said as much as I would love to have this at Pierson Park, I would have concerns about the proposed location because both the flooding and because of the lack of visibility from the roads just the way that the lay of the land is. I like having the spray park there, but even with that, that's a concern. I understand why this is their recommendation. I was going to ask about bus service or some means of transportation as well, so the Mayor already hit on that. Making sure—you know you mentioned that the highest percentage of disabled people is in the

Turner community, so we need to make sure they have a way to get out there because although I understand wanting to attract outside residents, we want our residents to be able to use it as well.

Shade structures, you can get grants for that, so make sure that you go get a grant for the shade structures. I had one other thing, but I've forgotten it, so I will tell you later.

Commissioner Kane said well, I volunteer the Piper area to build a new park. This was Hal Walker's dream. I don't know where we should put it, but I think it's something that if we come up short of monies, we need to give them some monies to get this to go because I think more people will use it then you can imagine and the need is there. I don't care where you put it, but I would rather see you put it at Wyandotte County Lake, but then you would have to have some bus routes to wherever it's going to be.

Commissioner Markley said I remembered my one other thing. I think I have been seeing some of this happen already, but I would say we need to be cognizant of putting some play equipment at each of our playgrounds that meet this need. The whole playground might not be accessible, but some of those pieces should be so that people can utilize the playground nearest to their home. Like I said, I think I have been seeing some of that happen with the new play equipment we've been bringing in, but it's just important. **Mr. Rogers** said absolutely, I agree.

Commissioner Johnson asked the entirety of the \$500,000 is being raised outside of UG funds? **Mr. Rogers** said we have used some UG funds that was appropriated in 2017 towards this project. **Mr. Bach** said Casino funds that were allocated toward parks, \$100,000 in that one year and used that as kind of the seed money to start going out to leverage the additional money that he's used to bring in the other \$310,000 so far. **Commissioner Johnson** said so we are going then to look outside the county for the other \$90,000. **Mr. Rogers** said if that's what it takes. **Commissioner Johnson** said if that's what it takes, I mean, to your point we need to put some money and I think we already have. I like what the Mayor said about City Park or even Clifton Park. I think there's access to water. I think there's a spring over there at Clifton Park, so I've been told. I've not found it yet nor have I gone to look for it.

Have we entertained input from the Parks Board yet on this? **Mr. Rogers** said yes. I did present this exact same presentation to the Park Board and they did not come to a consensus on

where they suggest. **Commissioner Johnson** asked they are in support of doing something. **Mr. Rogers** said right, absolutely.

Commissioner Philbrook said the Park Foundation Board put a good chunk of change toward that. That's where a couple hundred thousand came from to go towards that. That plus the other hundred and then the rest of the money that the Inclusive Play people said that they would raise to make this work is how the money came about basically. Right? **Mr. Rogers** said yes. **Mr. Bach** said yes, that was directly the Foundation and through the TURF I think, big contributors.

Mayor Alvey said I want to be clear that perhaps because of the funding coming from the Parks Foundation, can we not look at other city parks, KCK parks as if there were other reasons why they might be more appropriate? **Mr. Rogers** said when they did the Master Plan, they did look at all our parks and this was their recommendation. If there are other parks that you guys want me to look at, I will be happy to. **Mr. Bach** said I will say we went through and looked at the different pros and cons there are. You can imagine many of the city parks are out because of the space. You don't want to come in and take out big chunks. You don't want to come in and take out big chunks if you throw in parking and stuff like that, so a lot of them were out from that standpoint. We looked at some of the bigger ones like Rosedale Park. That was one that you spent a little more time and went back to it. I don't recall all the reasons, but there were a number of cons that fell into it. You know how it stands up day to day and interaction with people at night was a very big issue with this park as well and the equipment and how long it would last.

Commissioner Bynum said I would voice some support for Wyandotte County Park. For the reasons you mentioned, but also just the fact that within that section that you identify, you're building some critical mass there. You have the museum, George Meyn, the ballfields and the tennis courts and the A-frame structure which is a really neat structure and I like the fact that this could add to some of the activity already going on there. Those roads—they also seem to be used a lot for runners and walkers. **Mr. Rogers** said they do. **Commissioner Bynum** said that just adds to something else we could do while we're out there. I like that and I agree about the access piece for any resident that needs transportation, but I know that with our UG transit and the ATA they both seem really amenable to working with groups and people to get them to where they want

to go. **Mr. Rogers** said correct. I have had preliminary discussions with Justus Welker, our Transit Director, and he's on board of supporting this project and finding a way to get public transportation out there. **Mr. Bach** said I might just add to that point too, as you can see any of these sites we're not going to have the mass transit bus line go right up to the park at any place, so it will be whenever we use our direct—when somebody calls for service to try to get to—particularly those individuals that are coming to use it, you know, with handicap, you need to get them right to the front door where the park is so it will be those specialized carrier services that we have.

Commissioner Philbrook said I need to correct what I said, what can I tell you, too many boards, too many sources of money. The big bulk came from the TURF fund. **Mr. Rogers** said correct. **Commissioner Philbrook** said then some from the Foundation and then the others. Thank you for letting me correct my mistake.

Mayor Alvey said I'm going to come back to this, it seems to me that part of the beauty of the Inclusive Play is it's not just those who have special needs, but other kids and that they play together and these locations seem to be—are other families going to make this a destination? I understand someone who has son and is disabled or special needs that they would travel there because it's the only place they could. The question is, will there be enough others who would then play with as we saw in the video. **Mr. Rogers** said yes, I believe there would be. There's one other of these playgrounds in the Kansas City metro area and it's in Independence and as you said, there's adults, there's persons—Veterans that like to use it so they can play with their kids or grandkids and whatnot. I'd take my kids to it. I see people of all walks of life with disabilities, non-disabilities use these playgrounds. When I went to the Wentzville grand opening, that's exactly what was there, not all of them were disabled. **Mayor Alvey** asked how many folks lived in walking proximity to the park at Wentzville or Independence. **Mr. Rogers** said I can speak on Independence. It's right across from the Truman Library on 24 Highway. There is a small neighborhood just to the east of that, not a whole lot, but it is on 24 Highway so that's why they chose to put it there. Wentzville, it was around a school. It was a Middle School, I assume there were probably some homes. I didn't venture out too much so I can't speak to that one.

Commissioner Burroughs said I'm really pleased to see our community has given this serious thought. There is a segment of our population, it's not inclusive, and to have an opportunity for them to join with our kids and others to enjoy the simple things in life, I'm very proud of our community for stepping up and taking this request quite seriously. No matter where it goes, it's highly needed in our community and I wish we had the funds today to start the project tomorrow. It's a tremendous opportunity. The park that's recommended, there's a lot of amenities already there and I believe it would allow a bus to be able to turnaround. You have day trips from the schools, you have local programs that could utilize the park, you're going to have a lot of visitors during the summer months that will be coming in from out-of-town. You have the frisbee golf, you have the Renaissance Festival, you will have families that will come in and actually if the parents want to divide up and take them different places, they can. I see why this park was favored among the others. I'm extremely supported of the program and I'm extremely proud of our community for giving it much consideration.

Commissioner Johnson said I'm having the conversation trying to figure out our lights out there. Take it however you want, I don't like being out there at that park in the evening time because it gets dark. **Mr. Rogers** said we do have lights connected to the shelter. **Commissioner Johnson** asked all the shelters? **Mr. Rogers** said to this shelter, right there. **Commissioner Johnson** said I've driven out there at night time and I get out to the street as quick as possible.

Mr. Bach said I'm just trying to get a sense; the recommendation was Wyandotte County Park and whether that's something we want to move forward with or that's the consensus or the Commission would like us to work on this and bring back for further discussion. I mean we can bring back more pros and cons, I can take it to Standing Committee and work through. But, as he said before, we're in a position that we would probably start breaking ground and moving through a construction cycle in this season. That's why I'm trying to understand if we're okay with this or we need to work on it a little bit more.

Commissioner Burroughs said I don't believe we need to study this to death. I believe that there are children in our community, they would do this tomorrow. So, if you're needing a motion or

some kind of action, I would be more than happy to make a recommendation that we move forward with this project in this location asap.

Mayor Alvey said I guess I'm still hesitant on the kinds of interaction that's going to happen at this site. I mean I see the pros. I think it helps activate that space, I think I understand we have access to the waterlines, we have the topography, we have those things; I'm still just concerned about just how accessible it's going to be to our community whether we have examined all the options. I'm just not certain of it yet. I don't know if others feel the same way.

Commissioner Philbrook said I'm ready to move forward on it because I've been working on this project since Jeremy showed up. I'm excited about it, I've been talking to a lot of people and yes, I understand your concerns. I think there's going to be a lot of people there that are visiting that area out there with their kids during the summertime for all the other activities. That's just one other way to bring people out to that park, from people out-of-town as well, to bring their kids to have a good time, to visit Wyandotte County Historical building and to promote other things that we want to out there. I see it like, as Commissioner Bynum said, creating even more, a little bit more activity right around out there. We already have a lot of activity out there. You see people out there flying their planes and all kinds of stuff out there in the summertime. I'm for moving it forward and I think that we need to take into account the transportation part of it that you were showing concern about. That's just my thing.

Mayor Alvey said my concern with the transportation is, I don't think we can assume that there would be transportation resources available to serve those who might try to access, but I'm not going to hold this up. I still have concerns that it will in fact attract sufficient numbers to this site. That's my concern.

Commissioner Johnson said I share your concern from a different vantage point. I was just wondering aloud, will kids from my district likely catch the bus out there to the park. I don't know. Somebody will have to bring them out there obviously. You can't catch a bus out there.

Commissioner Kane said if we're going to say where we want it, I would like to see it in Wyandotte County Park except we need to set up a system to say on such and such a day give us a call and we will take the folks out west. We have to have a plan that says this is what we're going to do because we don't want to leave out anybody in the community. We have those small buses. We might as well use them. I think any time we can attract outside people to this community and we have something to show, then let's show it and let's take care of our own first.

Commissioner Walters said I think this park is pretty accessible. I don't know that it's any less accessible than any of the other two choices. For a lot of the same reasons that other commissioners have mentioned, it seems like a strong candidate to me. I would agree with Commissioner Johnson, I don't think we should plan on it being used in the dark, but I wouldn't think that an accessible playground like this would be something that would be used after dark. It's very visible during the daylight hours. It seems to me that it's a very strong location.

Commissioner Townsend said I like the idea of this concept based on what I've heard here today. I like the idea of anything that's been submitted that Wyandotte County Park would be the place. I agree with what Commissioner Kane had said in relation to the concern raised by Commissioner Johnson that we set up some type of method that would have to be part of this plan to get those people from the eastern end or midtown who would want to take advantage of this service, have a means by which to do that. Now, the other part of that is if we don't go forward with this, they don't have any place to take care of it or to recreate anyway, so if we go forward with this, this would have to be a part of the plan so they could take advantage.

The other thing I've heard is that the roads will need to be replaced. Is this an immediate concern or a down the line concern and if so, how much money are we talking about. It looks like we're 85-90% of the cost there, but I've also heard a request for shade which makes sense, so what's the number we're really talking about? We don't have to know now, but I'm just saying—**Mr. Rogers** said the physical road is a down the road feature. Eventually that will need to be replaced. It's not an immediate issue. That \$500,000 does include shade for this. That's part of the play piece is shade.

Commissioner Townsend said one other thing, if memory serves me, maybe it doesn't, wasn't there also some plan to use property around that area where the upcoming American Royal

activities, and if so, what impact, if any, would that have? I'm thinking if that's true—**Mr. Rogers** said I'm going to defer to Doug on that one.

Mr. Bach said it was in one of the original thoughts we went through, but as that project has progressed and the STAR area that was approved is between 118th & 110th St. so it's not on this site. **Commissioner Townsend** said okay, well good. Even if it had been or it's farther away, I think that's another opportunity to showcase what is happening out here. That's why I mentioned it. It's good then that's not part of this plan or you won't have that encroaching upon what you're planning to do here.

Commissioner Murguia asked how big is this park that you're going to build in Wyandotte County. You showed us one from Wentzville, MO, but how big is it, the one that you're planning to build here? **Mr. Rogers** said the one in Wentzville was pretty large. It will not be that big. Ours will be about an acre. That's the tiled surface, that's within the fence, it will be about an acre. **Commissioner Murguia** asked do we know like if a child was going to go out there to play, what the average play time is on a size of the playground that you're choosing to build? **Mr. Rogers** said the stat that I was told is three plus hours of play. **Commissioner Murguia** said so they could be out there a long time. **Mr. Rogers** said yes. It's something that you would go to spend an afternoon or spend a longer time than you will at just a regular playground.

Commissioner Kane said I think it was Kelley Hrabe, you know I talked to him yesterday about hooking his sidewalks up with ours at the new park. What would be wrong if we went and asked him, because he said he's willing to work with us, what would be wrong with asking him would you donate this little spot here to go along with our little park? **Commissioner Bynum** said it would nearly bring to Hutton Road. **Commissioner Kane** said yes. I mean it wouldn't hurt to ask. He will be there Saturday. **Mr. Bach** said my first thing on that would be is if you put this there, you would pretty much take up—I think that park area was designed to be able 1.5 to 2 acres. **Someone** was speaking but was inaudible. **Mr. Bach** said okay.

Mayor Alvey said the only thing I would think, and I don't know if this is true, one consideration might be, especially for children who are autistic, loud noises, bright lights can really affect them

and so I don't know if the sirens might have an affect on them, but that might be something to consider.

Commissioner Burroughs said that's an entertainment corridor out there. There's a tremendous amount of amenities for a lot of diverse needs and wants out there and to have that park there be part of the entertainment for a group of individuals that don't have access to something like that, I mean I think it just puts icing on a very well decorated cake that is known as our leisuretainment community out there. Any type of investment that we can make in our parks and encourage visitation of those parks and encourage visitation to the entertain corridor that we have a tremendous amount of time, energy and money invested, I think it's a tremendous opportunity. I haven't seen any of the other—Mayor, any of your other concerns about the city parks or anything, but this at first blush fits pretty well and I just don't want to see it go by the wayside and we study it to death to the extent that we wait another two years and some of these kids don't have an opportunity to play. I'll just leave it at that.

Commissioner Murguia asked do we have a committee of families that have handicapped children that are reviewing this plan. **Mr. Rogers** said no, not yet. The UG used to have the Disability Board and I did present to them and I would go back before that group. I know the group is different now, has a different name, but I would go before that Board and revisit that and get their support again. **Commissioner Murguia** said so we haven't talked to families that have children with disabilities. I was just curious. Honestly, I'm fine with this the way it is. I don't want anyone to get the wrong idea. I'm just curious if a child that's handicapped lives in the city off 7th St., let's say, and we provide a bus service, I just know that I have three kids and when they were little and they don't have any disabilities, me getting the three of them anywhere was not easy. I can't imagine if some of them were handicapped. I would just be curious for people—and we could do this after I guess, but I would just be curious how people that have handicapped children, how much of an effort is it to get them to where a bus route would be and then how long would the bus route be to this location. So, from start to finish, how long does that take? **Mr. Rogers** said that's a great point Commissioner. I would be interested in hearing what some of those parents would say. That's a great point. **Commissioner Murguia** said or even from midtown or wherever. **Mr. Rogers** said I agree.

Commissioner Bynum said I just want to support the recommendation. The transit issue is an important one. You know as long as I feel like you made a commitment to the community to work on the transit issue, because I think you've got a variety of potential solutions to that not only in groups, but just day-to-day every day, again, working with our transit partners. **Mr. Rogers** said absolutely. I agree. **Commissioner Bynum** said I would just want to support the recommendation.

Mayor Alvey said I think the County Administrator would like to move forward on this unless someone would really like to bring this back maybe to a Standing Committee. I'm willing to see this move forward, but I would like to know what the consensus here is.

Again, my concern would be perhaps rather than assume that we're going to be able to solve the transit problems, maybe we need to work that through the providers to see what they could do and how and if that's really going to activate the playground. I understand it is a destination. I think it was important for you to know that the average playtime is three hours. That's significant and I think that's a qualitative difference here. That definitely allay's some of my concerns. I don't see really a groundswell of support to delay this, so I think this moves forward.

Commissioner Townsend said I think, Mayor, as you said, several around here have said move forward with a plan or some type of effort to determine how it's going to be done. That has to be part of it. **Mayor Alvey** said we could say we give you the green light, but let's solve that issue, let's have some strategy for getting access. **Mr. Bach** said okay, we will work on that.

MAYOR ALVEY ADJOURNED
THE MEETING AT 5:52 p.m.

dt

Carol Godsil
 Deputy Unified Government Clerk

April 11, 2019



Suite 323
Kansas City, Kansas 66101-3070

Government Clerk's Office

Bridgette D. Cobbins
Unified Government Clerk

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: April 11, 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 NOTICES:

Alandon Tow, 6224 Kansas Avenue, held a public auto auction on April 2, 2019 at 10:00 a.m.

All City Tow Service, 1015 S. Bethany, held a public auto auction on March 14, 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
852935	2/14/2019	\$46.16	999-2010	Check expired	N4711	4/12/2019
856402	4/12/2019	\$760	990	Last name spelled wrong	52417	4/12/2019

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION, DATED APRIL 4, 2019:

Section III - Separation

Name	Department/Division	Eff. Date	Job Title
Markaela B Moore	Police	4/12/19	Program Specialist

Section IV - Leaves of Absence

Name	Department/Division	Lv. Beg	Lv. Ends	Leave/Pay
Daniel R Everhart	Sheriff/Detention	4/11/19	5/10/19	unpaid
Krista Owens	Police	3/15/19	4/15/19	unpaid

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Brandon J Cole	Fire	4/3/19	Sr Captain
Matthew A Dille	Fire	4/3/19	Sr Captain
Chet R Englis	Fire	4/3/19	Sr Captain
Joseph E Heininger	Fire	4/3/19	Sr Captain

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Blake Hachinsky	Fire	ACD code change effective 1/23/19
Mark Heath	Fire	ACD code change effective 1/23/19
Ronald Schumaker	Police	ACD code change effective 1/1/18
Daniel Tracy	Fire	ACD code change effective 1/23/19
Shane Turner	Police	ACD code change effective 1/1/18
Gary Wayne	Fire	ACD code change effective 1/23/19
Mark Weckwerth	Health	ACD code change effective 4/1/19
David Wilson	Fire	ACD code change effective 1/23/19
Erik Wolf	Health	ACD code change effective 4/1/19

Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION, DATED APRIL 9, 2019:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Kayla M Biggs	Election Office	4/4/19	Admin Supt Specialist
Alanzo A McIntosh	Sheriff/Admin	4/4/19	Clerk

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Brandelyn Brajkovic	Municipal Court	3/7/19	Municipal Court Judge	Municipal Court Judge Admin
Meaghan E Shultz	Municipal Court	3/21/19	Prosecutor	Municipal Court Judge

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Robin R Baldwin	DA's Office	4/2/19	Admin Supt Supervisor
Kayla M Biggs	Election Office	3/29/19	Temp Election Worker
Samuel M Ibarra	Parks/Rec	4/10/19	Groundskeeper II

Section IV - Leaves of Absence

Name	Department/Division	Lv. Beg	Lv. Ends	Leave/Pay
Chad C Brown	Fire	3/28/19	5/1/20	unpaid
Justin M Folsom	Health	3/26/19	4/25/19	unpaid

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Patrice L Blakney	Transit	ACD code change effective 4/4/19
Stephanie N. Campbell	Transit	ACD code change effective 4/4/19
Daniel T Flanders	Transit	ACD code change effective 4/4/19
Nichole M McIntosh	Transit	ACD code change effective 4/4/19
James D Scaife	Transit	ACD code change effective 4/4/19
Cory M. Schmidt	Transit	ACD code change effective 4/4/19

Action: Received and filed. Copy previously forwarded to Payroll.

5. CLAIMS FOR DAMAGES:

Joshua Davis, 544 Arizona St., Lawrence, KS, alleging on December 29, 2018 a camera and other accessories fell off a KCKPD vehicle hitting his windshield causing damage to it and the driver mirror.

Marvin Martinez, 246 Circle Ln., Pueblo, CO, alleging damage to 15 windows and 3 doors on the property at 2102 Brown Ave., KCK.

Action: Received and filed. Copies previously forwarded to Legal.

6. TRAVEL REQUESTS:

Michelle Angell, Police/CIB/Juvenile Crimes, travel to Providence, RI, August 20 – 25, 2019, to attend NAWLEE 2019 Conference, N/A.

Rick Bird, Public Works/WPC, travel to Ireland, April 27 – May 2, 2019, to visit sites using new technology for Wolcott and KAW PT projects, Employee Training & Travel

Gary Everhart, Steve Leiker and Kurt Winters, Public Works/WPC, travel to Ireland and the United Kingdom, April 27 – May 4, 2019, to visit sites using new technology for Wolcott and KAW PT projects, Employee Training & Travel

Steven Haulmark, Police/Chief's Office, travel to Plano, TX, November 3 – 8, 2019, to attend the IA Professional Standards and Ethics Training, Employee Training & Travel.

Troy W. Rice, KCKPD/Community Services/Task Force Unit/FBI HARCFL, travel to Stafford, VA, April 21 – May 4, 2019, to attend the Digital Forensics Examiner – Mobile Training, FBI.

Mike Searcy, Fire/Suppression, travel to Tuttle, OK, April 11 – 12, 2019, to attend Ground Zero K9 Training and Passing the Leash Ceremony, SFM Office.

Juliann Van Liew, Health/Planning and Operations Division, travel to Alexandria, VA, May 6 – 8, 2019, to attend the PHAB Accreditation training, PHAB.

Bryan Welch, Fire Department/Prevention/Investigations, travel to Springfield, MO, April 30 – May 1, 2019, to attend The Internet: Investigations and Intelligence Course, Employee training & Travel.

Action: Approved by Administrator's Office and received and filed.

7. APPLICATION FOR PRIVATE SECURITY BUSINESS:

Whelan Event Staffing Services, Inc./Joshua Edwin Field DBA Whelan Event Staffing Services, Inc, One Sporting Way.

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: April 18, 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. 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>
855191	3/22/2019	\$ 320.00	165-19200045299	Overpayment	Dr. Hartman & Assoc Dentistry #17717

<u>Warrant #</u>	<u>Reissue?</u>	<u>Date Issued</u>	<u>AMOUNT</u>	<u>FUND / ACD</u>	<u>Vendor Name</u>	<u>Reason for void (dropdown)</u>
849207	YES	12/14/2018	\$ 93.47	564 2208	Falgren, Betty Jo	Stale dated
845444	YES	9/28/2018	\$ 28.59	790-2113	HAFLICH CARMELITA	Stale dated
			\$ 25.00			
855238	YES	3/22/2019	\$ 20.00	160-124005505370	New York Co. Supreme Court	Other (Explain)
855681	yes	3/29/2019	\$ 650.00	266	2905195390 D&S Engraving #30303	Wrong mailing address

Action: Received and filed.

2. PERSONNEL ACTION COMMUNICATION, DATED APRIL 16, 2019:

Section I - Appointments

Name	Department/Division	Eff. Date	Emp. Type	Job Title
Francisco A. Del Pozo	NRC/Code Enfor.	4/18/19	1	Inspector I

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Selena M Cano	Econ Development	4/4/19	Fiscal Supt Specialist	Prof Progs Asst
Elizabeth G Lamb	Sheriff/Juv	4/4/19	Juv Care Worker I	Juv Care Worker II

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Genaro Cruz	Parks/Rec	4/10/19	Groundskeeper I
Jim E Wendt	Police/Animal	4/1/19	Animal Control Officer

Section IV - Leaves of Absence

Name	Department/Division	Lv. Beg	Lv. Ends	Leave/Pay
Ian K Scott	Parks/Rec	1/22/19	3/11/19	094

Action: Received and filed. Copy previously forwarded to Payroll.

3. CLAIMS FOR DAMAGES:

Debra A. Brogden, 7936 Lamar Ave., Prairie Village, KS, alleging property damage to property at 4102 Booth St., due to basement flooding from clogged sewer line on March 29, 2019.

Laura M. Ford, 2900 Waverly Ave., alleging damage to vehicle due to pothole.

Action: Received and filed. Copies previously forwarded to Legal.

4. SUMMONS:

Unified Government of Wyandotte County, Kansas City, KS vs Walter Williams, Case No. 18 PT 03 COA 600.

Action: Received and filed. Copy previously forwarded to Legal.

5. TRAVEL REQUESTS:

Kressa Anderson, Public Works Department/Water Pollution Control Division, travel to Jacksonville, FL, August 4 – 9, 2019, to attend the NEMC/NELAC Conference, Employee Training/Travel.

Cecilia Anderson and Arlie Lindsey, Community Development, travel to Minneapolis, MN, May 14 – 17, 2019, to attend the 2019 National Lead and Healthy Housing Conference, CDBG/LBP 100% grant funded.

Troy Bennett, Chris Bussell, Chad Casper, Matt Cross, Phil Schwery and John Whaley, Police Department/Traffic Support Unit, travel to Branson, MO, June 13 – 16, 2019, to attend the 6th Annual Police Motorcycle Challenge Training, Employee Training/Travel.

Amber Hickerson, KCKPD/Criminal Intel/ATF TFO, travel to Orlando, FL, April 28 – May 3, 2019, to attend the IALEIA Conference, N/A.

Raymond Nunez, Police/Night Chief, travel to North Kansas City, May 23 – August 8, 2019, to attend the Dale Carnegie Training, Employee Training/Travel.

Christopher Rogers, Fire/Suppression/Haz-Mat, travel to Pueblo, CO, April 14 – 19, 2019, to attend the Rail Car Specialist Conference, Employee Training/Travel.

Kyle Wolf, SOU, travel to Dickson, TN, June 2 – 7, 2019, to attend the Snipercraft Basic Sniper Training, Employee Training/Travel.

Terry Zeigler, Police/Chief's Office, travel to Hutch, KS, June 2 – 3, 2019, to attend the KLETC Kansas Police Administrators Seminar, Employee Training/Travel.

Action: Approved by Administrator's Office and received and filed.

6. APPLICATIONS FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Club El Paraiso, Inc./Anthony Russo DBA Club El Paraiso, 650 Kaw Dr.
Mark Menking/Thomas Rehorn DBA Chili's Grill and Bar, 1710 Village West Pkwy.

Vu Joseph Nguyen DBA Noodle Bar, 10940 #F Parallel Pkwy.

Action: Referred to License.

7. APPLICATION FOR CATERER:

Olive Events, Inc./Marisa Damron Roberts DBA Olive Events, 3150 No. 91st St.

Action: Referred to License.

8. APPLICATION FOR CATERER/DRINKING ESTABLISHMENT/HOTEL

Club 403 Enterprises, LLC/Gordon Scholes, III DBA Club 403, 614 Reynolds Ave.
GWL KC Beverage, Inc./Thomas Rehorn DBA Great Wolf Lodge, 10401 Cabela Drive
Mario Brancato/ Rick Rehorn DBA Make Me Smile Event Management, Inc., 5050 Kansas Ave.

Action: Referred to License.

9. APPLICATION FOR MASSAGE THERAPIST LICENSE:

Marco Gonzalez DB/with Chateau Avalon, 701 Village West Pkwy.

Action: Referred to License.

10. APPLICATION FOR COIN-OPERATED AMUSEMENT DEVICE:

Mineu Reuges DBA Club Nereidas Club, 46 Kansas Ave.

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 19722

Full Commission Meeting Date: 4/25/19

Committee: Full Commission

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

Publication Required: No

<u>Date:</u> 4/17/2019	<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> A resolution whereby any general obligation bonds and/or temporary notes issued for the KC Levee Betterment Project may be used to reimburse expenditures.				
<u>Action Requested:</u> Please Approve				
<u>Budget Impact: (if applicable)</u> Amount: \$5,700,000.00 Source: Included In Budget: Not included Other (explain):				
<u>Attachments List:</u> Reimbursement Resolution - Levee Betterment (CMIP 5057) v2				

RESOLUTION NO. R-__-19

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

1. That the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) expects to make capital expenditures after the date of this Resolution in connection with the **Kansas River Levee Betterment Project (CMIP 5057)**, which will include property acquisition, relocation, facility betterment, design and construction necessary for improvements related to the Argentine Levee and the Armourdale and Central Industrial District Levee Projects (collectively, the “Project”), and the Unified Government intends to reimburse itself for such expenditures with the proceeds of tax-exempt bonds, notes, or a lease purchase agreement.

2. That the maximum principal amount of the bonds, notes, lease agreement, or other obligations expected to be issued for the Project is **\$5,700,000**, plus cost of issuance and interest on any temporary financing. Any general obligation bonds and/or temporary notes issued under the authority of this Resolution may be used to reimburse expenditures made on or after the date that is 60 days before the date of adoption of this Resolution pursuant to U.S. Treasury Regulation §1.150-2.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS 25TH DAY OF APRIL, 2019.**

(SEAL)

Mayor/CEO

Attest:

Unified Government Clerk



Staff Request for Commission Action

Tracking No. 19735

Full Commission Meeting Date: 4/25/19

Committee:

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

Publication Required: No

<u>Date:</u> 4/22/2019	<u>Contact Name:</u> Lideana Laboy	<u>Contact Phone:</u> x5771	<u>Contact Email:</u> llaboy@wycokck.org	<u>Department/Division:</u> Public Works
<u>Item Description:</u> A resolution entering into a cooperative agreement with Mid-America Regional Council (MARC) and other metropolitan municipalities to fund the Operation Green Light Traffic Control System.				
<u>Action Requested:</u> Adopt resolution				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> OGL.resolution, OGL_Handout Nov 8 2018, OGL - KS Funding Agreement				

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE UNIFIED GOVERNMENT TO ENTER INTO A
COOPERATIVE AGREEMENT FOR FUNDING OPERATION GREEN LIGHT
TRAFFIC CONTROL SYSTEM.**

WHEREAS, the Mid-America Regional Council (“MARC”) performed a feasibility study “Operation Green Light Feasibility Report, June 2000” (the "Feasibility Report"), which created a regional arterial traffic signal coordination system known as “Operation Green Light” (“OGL”), for the Kansas City Urban Area; and

WHEREAS, improvement in traffic operational efficiency, air quality, and monetary savings to the Member Agencies and the public can be realized from a consolidated management approach of coordinated traffic signal control along arterial corridors in the roadway systems of each Member Agency; and

WHEREAS, several Missouri agencies and the Kansas Department of Transportation are contracting with MARC to participate in OGL; and

WHEREAS, the City of Fairway, Kansas; the City of Lansing, Kansas; the City of Leavenworth, Kansas; the City of Leawood, Kansas; the City of Lenexa, Kansas; the City of Merriam, Kansas; the City of Mission, Kansas; the City of Mission Woods, Kansas; the City of Olathe, Kansas; the City of Overland Park, Kansas; the City of Prairie Village, Kansas; the City of Shawnee, Kansas; and the City of Westwood, Kansas; and the Unified Government of Wyandotte County/Kansas City, Kansas are all member agencies of MARC; and

WHEREAS, K.S.A. 12-2908 authorizes political subdivisions or agencies of the State of Kansas to contract with other political subdivisions or agencies to perform any governmental service, activity or undertaking which each contracting municipality is authorized to perform by law; and

WHEREAS, each Member Agency has agreed to enter into an agreement to fund the cost of operating such a Regional Traffic Control System, and to mutually cooperate regarding the operation of the same.

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

1. The Mayor is hereby authorized and directed to enter into and execute in the name of the Unified Government of Wyandotte County/Kansas City, Kansas a cooperative agreement with the Mid-America Regional Council (“MARC”), the City of Bonner Springs, Kansas;

the City of Fairway, Kansas; the City of Lansing, Kansas; the City of Leavenworth, Kansas; the City of Leawood, Kansas; the City of Lenexa, Kansas; the City of Merriam, Kansas; the City of Mission, Kansas; the City of Mission Woods, Kansas; the City of Olathe, Kansas; the City of Overland Park, Kansas; the City of Prairie Village, Kansas; the City of Shawnee, Kansas; and the City of Westwood, Kansas for funding Operation Green Light Traffic Control System.

2. The Mayor, the County Administrator, and their 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 _____, 2019.

ATTEST:

Unified Government Clerk



WHAT IS OGL?

Operation Green Light (OGL) is a regional effort to improve traffic flow and reduce vehicle emissions in the Kansas City area. Coordinated through the Mid-America Regional Council (MARC), it is supported by local agencies, driven by their expert staff, and powered by technology

WHAT WE DO

OGL works with federal, state, and local agencies to develop and implement a regional network of signals. This system provides uniform traffic management across jurisdictional boundaries in Kansas City allowing for better collaboration among all agencies.

The system coordinates traffic signal timing plans and communication between traffic signal equipment, improving the flow of traffic in the region.

OGL tracks signal-related malfunctions in the field and provides improved maintenance and infrastructure to partner jurisdictions.

OGL is paving the way in the traffic sector within the Kansas City region through innovation and collaboration.

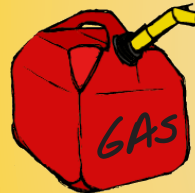
ANNUAL BENEFITS



220 MILLION
FEWER VEHICLE STOPS



1.9 MILLION
HOURS SAVED



1.8 MILLION
GALLONS SAVED



3,000 TONS
OF POLLUTANTS AVOIDED



\$35.2 MILLION
DOLLARS SAVED

FAST FACTS

700+ Traffic Signals

200+ Roadway Miles

1.6 Million Trips/Day

50/50 Local Agency/
Federal Funding

\$600 Local Agency Annual
Cost Per Signal

MOVING FORWARD

OGL is constantly working with partner agencies to look for new and innovative strategies that can be implemented within the Kansas City region to further improve traffic conditions. Some of the strategies and technologies we are currently investigating and implementing include:

- Arterial diversion routes for incidents occurring on interstates
- Adaptive and responsive signal control
- Use of crowd-sourced data in decision making
- Actively preparing for the integration of connected and automated vehicles

www.marc.org/transportation/commuting

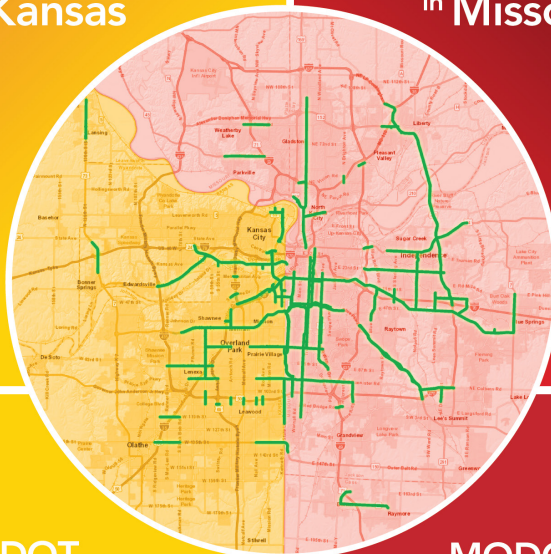


AGENCIES & PARTNERS

Mid-America Regional Council

15 Local Governments
in **Kansas**

10 Local Governments
in **Missouri**



KDOT

MODOT

Federal Highway Administration

BENEFITS OF PARTICIPATION

There are many benefits to partnering in the OGL program. OGL staff coordinate better traffic flow along every corridor by constantly monitoring real-time operations, assisting with timing changes for roadwork projects and incidents, and supporting agency traffic signal maintenance activities. OGL partners often pursue additional funding for traffic signal system improvements together, increasing the chances of being selected. OGL paves the way by providing leadership and coordination in the evaluation of new strategies and technologies to improve the system and benefit every Kansas City area traveler.

Data Sources: Traffic volume data on designated OGL corridors from MoDOT and KDOT published AADT reports. Population estimates from most recent US Census. Timing benefits averaged from all measured initial corridor timings from 2008 through 2015, including calculated values for delays, fuel, pollution, and the value of time.

**COOPERATIVE AGREEMENT
FOR FUNDING OPERATIONS OF OPERATION GREEN LIGHT
TRAFFIC CONTROL SYSTEM**

THIS COOPERATIVE AGREEMENT FOR FUNDING OPERATIONS OF OPERATION GREEN LIGHT TRAFFIC CONTROLS SYSTEM (this “Agreement”) is made and entered into by and between Mid-America Regional Council (“MARC”), a consortium of cities in the nine county Kansas City Metropolitan Area, a Regional Planning Commission and a Missouri not for profit corporation and the City of Bonner Springs, Kansas; the City of Fairway, Kansas; the City of Lansing, Kansas; the City of Leavenworth, Kansas; the City of Leawood, Kansas; the City of Lenexa, Kansas; the City of Merriam, Kansas; the City of Mission, Kansas; the City of Mission Woods, Kansas; the City of Olathe, Kansas; the City of Overland Park, Kansas; the City of Prairie Village, Kansas; the City of Shawnee, Kansas; the City of Westwood, Kansas; and the Unified Government of Wyandotte County, Kansas City, Kansas (collectively, the “Member Agencies” or “Member Agency”).

WHEREAS, MARC performed a feasibility study “*Operation Green Light Feasibility Report, June 2000*” (the “Feasibility Report”), which created a regional arterial traffic signal coordination system known as “Operation Green Light” (“OGL”), for the Kansas City Urban Area; and

WHEREAS, the Strategic Plan 2017-2020 established the vision, mission, objectives, and goals of the program; and

WHEREAS, improvement in traffic operational efficiency, air quality, and monetary savings to the Member Agencies and the public can be realized from a consolidated management approach of coordinated traffic signal control along arterial corridors in the roadway systems of each Member Agency; and

WHEREAS, several Missouri agencies and political subdivisions are contracting with MARC to participate in OGL for coordination in the Missouri portions of the Kansas City Urban Area; and

WHEREAS, the Kansas Department of Transportation (“KDOT”) is also contracting with MARC to participate in OGL; and

WHEREAS, the Member Agencies which are political subdivisions or agencies of the State of Kansas are authorized pursuant to the provisions of Section 12-2908 of the Kansas Statutes Annotated to enter into cooperative agreements for the purpose of coordinating traffic signals between and within the Jurisdictional Boundaries of the Member Agencies; and

WHEREAS, each Member Agency has agreed to enter into an agreement to fund the cost of operating such a Regional Traffic Control System, and to mutually cooperate regarding the operation of the same; and

NOW, THEREFORE, in consideration of the covenants and conditions herein set forth, MARC and the Member Agencies (collectively, the “Parties”) mutually agree as follows:

Sec. 1. STATUTORY AUTHORITY. Pursuant to the authority set forth in K.S.A. 12-2908 the parties enter into this Agreement for the funding of the operations of the Regional Traffic Control System for the purpose of coordinating traffic signals within the Jurisdictional Boundaries of the Member Agencies from a regional perspective.

Sec. 2. DEFINITIONS. As used in this Agreement, and Exhibit 1 through Exhibit 6, attached hereto and incorporated herein by this reference, the following words shall have the meanings set forth herein:

Exhibit 1 – Steering Committee Document

Exhibit 2 – Scope of Services

Exhibit 3 – Compensation

Exhibit 4 – Insurance Requirements

Exhibit 5 – Ownership Matrix

Exhibit 6 – Concept of Operations

Communications Network – all telecommunication infrastructure between Regional Traffic Management Centers and Traffic Signal Controllers which are a part of the Regional Traffic Control System.

Jurisdictional Boundaries – the geographical boundaries of the governmental entities acting as political subdivisions of the States of Kansas.

Jurisdictional Control Center – the site or location designated by the Member Agency containing various equipment, computer hardware, and computer software capable of controlling and coordinating all Traffic Signal Controllers located within the Jurisdictional Boundaries of the Member Agency.

Member Agencies – agencies that have entered into an agreement with MARC to participate in funding the cost of design, construction, and operations of the Regional Traffic Control System.

Private Firms – any private firm or firms engaged by MARC to perform or provide any services, directly or indirectly, related to the operations of the Regional Traffic Control System (including, without limitation, design services provided for on-going operations), as more particularly set forth in Exhibit 2.

Regional Traffic Control System – an array of components including Traffic Signal Controllers, wireless and wireline telecommunications equipment, interface units, computer hardware and software, digital storage media, operator's console, peripherals, and other related devices designed to monitor, control, and coordinate traffic movements at signalized intersections according to a given or developed plan.

Regional Traffic Management Center – the site or location designated by the Steering Committee containing various equipment, computer hardware, and computer software capable of controlling and coordinating the Regional Traffic Control System. The

Regional Traffic Management Center is sometimes referred to herein and in the Exhibits as the Traffic Operations Center (“TOC”).

Steering Committee – that committee created for the purpose of assisting and advising MARC with respect to the plans, specifications, construction, installation, and operation of the Regional Traffic Control System and consisting of voting representatives from the Member Agencies, KDOT and participating agencies and political subdivisions of the State of Missouri which have entered into similar agreements with MARC regarding OGL. The membership structure and policy are set forth in Exhibit 1.

Traffic Signal Controller – a complete electrical mechanism responsible for traffic signal control and operation at an individual intersection.

Sec. 3. RESPONSIBILITIES OF PARTIES.

(a) MARC. MARC is hereby designated the administrator and is by virtue of this designation responsible for administering this cooperative undertaking. As administrator, MARC shall perform or cause to be performed the services set forth in Exhibit 2.

(b) Member Agencies. In addition to the obligations set forth in this Agreement, the Member Agencies shall each also perform all the obligations set forth in the document entitled “OGL Concept of Operations: Roles and Responsibilities”, attached hereto as Exhibit 6. Furthermore, the Member Agencies each individually agree that they shall not interfere with MARC’s exercise of its obligations under this Agreement, including, but not limited to MARC’s deployment of the regional signal timing and on-going operations of the Regional Traffic Control System.

Sec. 4. SHARE OF COSTS. Subject to the conditions set forth in this Agreement, the Member Agencies shall each make payment to MARC the sum set forth in Exhibit 3, which is attached hereto and incorporated by reference as if fully set forth herein. The cost associated with Member Agencies represent each individual agency’s share of the cost for the maintenance and operation of the Regional Traffic Control System, as set forth in said Exhibit 3. The “Operation Green Light Location/ Ownership Matrix” set forth in Exhibit 5 identifies the location and ownership of the software, hardware, and other components comprising the Regional Traffic Control System.

Sec. 5. SHARING INFORMATION. MARC shall share information related to the maintenance and operation of the Regional Traffic Control System with the Member Agencies, KDOT and participating agencies and political subdivisions of the State of Missouri and the Member Agencies shall cooperate in sharing information among themselves, KDOT, with the participating agencies and political subdivisions of the State of Missouri and with MARC necessary for the on-going maintenance and operation of the Regional Traffic Control System.

Sec. 6. SEVERABILITY. Should any provision hereof for any reason be deemed or ruled illegal, invalid, or unconstitutional by any court of competent jurisdiction, no other provision of this Agreement shall be affected; and this Agreement shall then be construed and enforced as if such illegal or invalid or unconstitutional provision had not been contained herein.

Sec. 7. AUTONOMY. No provision of this Agreement shall be constructed to create any type of joint ownership of any property, any partnership or joint venture, or create any other rights or liabilities except as may be otherwise expressly set forth herein.

Sec. 8. EFFECTIVE DATE. The effective date of this Agreement shall be upon complete execution by the Parties.

Sec. 9. TERMINATION FOR CONVENIENCE. Any party to this Agreement may terminate this Agreement by giving one hundred eighty (180) days' written notice to the other party. Financial obligations will be honored up to the effective date of termination. A Member Agency that terminates this Agreement may no longer be granted access to the Regional Traffic Control System. Costs may be incurred by the Member Agency terminating the Agreement for MARC to uninstall or transfer ownership of network equipment owned by MARC.

Any party or parties' unilateral decision to terminate their participation in this Agreement shall not affect the rights of the other parties to continue cooperation under this Agreement, and this Agreement shall continue to be in effect for all parties not-exercising rights to terminate their participation in this Agreement.

Sec. 10. MERGER. This Agreement constitutes the entire agreement between the parties with respect to this subject matter.

Sec. 11. NO AUTHORITY ON BEHALF OF OTHER PARTIES. This agreement does not give any party hereto authority to take any action or execute any documents on behalf of any other party to this Agreement.

Sec. 12. COMPLIANCE WITH LAWS. All parties to this Agreement shall comply with and shall require any Private Firms contracted pursuant to this Agreement to comply with all federal, state, and local laws, ordinances, and regulations applicable to the work and this Agreement.

Sec. 13. DEFAULT AND REMEDIES. If any party of this Agreement is in Default or breach of any provision of this Agreement, any non-defaulting party may terminate their participation and cooperation in this Agreement, withhold payment, or invoke any other legal or equitable remedy after giving written notice and opportunity to correct such default or breach within thirty (30) days of receipt of such notice; provided, however, if such default or breach cannot be cured within thirty (30) days, then any non-defaulting party shall notify the party in default in writing and commence to cure within thirty (30) days.

Any party or parties' unilateral decision to terminate their participation in this Agreement shall not affect the rights of the other parties to continue cooperation under this Agreement, and this Agreement shall continue to be in effect for all parties not-exercising rights to terminate their participation in this Agreement.

Sec. 14. WAIVER. Waiver by the any party to this Agreement of any term, covenant, or condition hereof shall not operate as a waiver of any subsequent breach of the same or of any other term, covenant, or condition. No term, covenant, or condition of this Agreement can be waived except by written consent of all of the Parties to this Agreement, and forbearance or indulgence by any party to this Agreement in any regard whatsoever shall not constitute a waiver of same to be

performed by said party to which the same may apply and, until complete performance of the term, covenant, or condition, the Parties to this Agreement shall be entitled to invoke any remedy available to it under this Agreement or by law despite any such forbearance or indulgence.

Sec. 15. MODIFICATION. Unless stated otherwise in this Agreement, no provision of this Agreement may be waived, modified, or amended except in writing signed by each party to this Agreement; provided, however, the Exhibits to this Agreement may be modified by agreement of a majority vote of the Steering Committee without each Member Agency approving and executing an amendment to this Agreement.

Sec. 16. HEADINGS; CONSTRUCTION OF AGREEMENT. The headings of each section of this Agreement are for reference only. Unless the context of this Agreement clearly requires otherwise, all terms and words used herein, regardless of the number and gender in which used, shall be construed to include any other number, singular or plural, or any other gender, masculine, feminine, or neuter, the same as if such words had been fully and properly written in that number or gender.

Sec. 17. AUDIT. Each Member Agency shall have the right to audit this Agreement and all books, documents, and records relating thereto upon written request to MARC. MARC shall maintain all its books, documents, and records relating to this Agreement and any contract during the period of this Agreement for three (3) years after the date of final payment of the contract or this Agreement, whichever expires last. The books, documents, and records shall be made available for any and each of the Member Agencies' review within fifteen (15) business days after the written request is made.

Sec. 18. AFFIRMATIVE ACTION; NON-DISCRIMINATION.

(a) MARC shall require Private Firms to establish and maintain for the term of this Agreement an Affirmative Action Program in accordance with the provisions of Title VI of the Civil Rights Act of 1964, as amended. More specifically, any third party firm will comply with the applicable regulations of the U. S. Department of Transportation ("USDOT") relative to non-discrimination in federally assisted programs of the USDOT, as contained in 49 C.F.R. 21 through Appendix H and 23 C.F.R. 710.405, which are herein incorporated by reference and made a part of this Agreement.

(b) During the performance of this Agreement or any subcontract resulting thereof, MARC, Private Firms, and all subcontractors and vendors (the Private Firms, together with all subcontractors and vendors, shall for purposes of this Section 18 be collectively referred to as the "Other Contractor Parties") shall observe the provisions of the Kansas Acts Against Discrimination (K.S.A. 44-1001 et seq.) and Title VII of the Civil Rights Act of 1964 as amended and shall not discriminate against any person in the performance of work under the Agreement because of race, religion, color, sex, national origin, age, disability, ancestry, veteran status, or low income. In all solicitations or advertisements for employees, MARC and the Other Contractor Parties shall include the phrase "equal opportunity employer" or a similar phrase to be approved by the Kansas Human Rights Commission ("Commission"). If MARC fails to comply with the manner in which MARC reports to the Commission in accordance with the provisions of K.S.A. 44-1031 and amendments thereto, or if MARC is found guilty of a violation

of the Kansas Act Against Discrimination under a decision or order of the Commission which has become final, MARC shall be deemed to have breached this Agreement, and this Agreement may be canceled, terminated, or suspended, in whole or in part, by any of the Member Agencies.

(c) MARC shall abide by the Kansas Age Discrimination In Employment Act (K.S.A. 44-1111 et seq.) and the applicable provisions of the Americans With Disabilities Act (42 U.S.C. 1201 et seq.), as well as all other federal, state, and local laws, ordinances, and regulations applicable to this project, and shall furnish any certification required by any federal, state, or local laws, ordinances, and regulations applicable to this project and shall furnish any certification required by any federal, state, or local governmental agency in connection therewith.

(d) MARC shall include the provisions of paragraphs (b) through (c) above in every subcontract so that such provisions will be binding upon such subcontractor or vendor.

Sec. 19. ASSIGNABILITY OR SUBCONTRACTING. MARC shall not subcontract, assign, or transfer any part or all of MARC's obligations or interests without the Member Agencies prior approval which shall not be unreasonably delayed or withheld. If MARC shall subcontract, assign, or transfer any part or all of MARC's interests or obligations under this Agreement without the prior approval of the Member Agencies, it shall constitute a material breach of this Agreement.

Sec. 20. CONFLICTS OF INTEREST. MARC shall require its Private Firms to certify that no officer or employee of any of the Member Agencies, or no spouse of such officer or employee, has or will have a direct or indirect financial or personal interest in this Agreement or any other related agreement, and that no officer or employee of any of the Member Agencies, or member of such officer's or employee's immediate family, either has negotiated, or has or will have an arrangement, concerning employment to perform services on behalf of MARC or its Private Firms in this Agreement or any other related agreement.

Sec. 21. RULES OF CONSTRUCTION. The judicial rule of construction requiring or allowing an instrument to be construed to the detriment of or against the interests of the maker thereof shall not apply to this Agreement.

Sec. 22. NOTICE. Any notice to a party in connection with this Agreement shall be made in writing at the following address or such other address, as the party shall designate in writing:

MARC
Attention: Director, Mid-America Regional Council
600 Broadway, Suite 200
Kansas City, Missouri 64105

****For notices to each Member Agency, see the signature page(s) as they relate to each Member Agency.***

Sec. 23. GOVERNING LAW. This Agreement shall be construed and governed in accordance with the law of the State of Kansas. Any action in regard to this Agreement or arising out of its terms and conditions must be instituted and litigated in the courts of the State of Kansas, and in

no other. The Parties submit to the jurisdiction of the courts of the State of Kansas and waive venue.

Sec. 24. INDEMNIFICATION BY PRIVATE FIRMS. MARC shall require its Private Firms (including, without limitation, any design professionals) to defend, indemnify, and hold harmless the Member Agencies and any of its agencies, officials, officers, agents or employees from and against all claims, damages, liabilities, losses, costs, and expenses, including reasonable attorney fees, arising out of any negligent acts or omissions in connection with the services preformed pursuant to this Agreement (including, without limitation, professional negligence), caused by a Private Firm, its employees, agents, contractors, or caused by others for whom the Private Firm is liable. Notwithstanding the foregoing, the Private Firm is not required under this section to indemnify the Member Agencies for the negligent acts of a Member Agency or any of its agencies, officials, officers, or employees.

Sec. 25. INSURANCE. MARC and any Private Firms retained by MARC shall maintain the types and amounts of insurance set forth in Exhibit 4; provided, however, the limits set forth in Exhibit 4 are the minimum limits and MARC may carry higher limits as it may deem necessary, in its discretion, or as may be required by other Member Agencies.

Sec. 26. INITIAL TERM; RENEWAL OF TERM. The initial term of this Agreement shall be two (2) years (“Term”) unless sooner terminated in accordance with Section 9 of this Agreement. The Term of this Agreement shall automatically renew for one (1) additional two (2) year period (the “Renewal Term”) on the same terms and conditions as set forth herein; provided, the Term shall not automatically renew as to each individual member agency if such member agency provides written notice to MARC of its intention not to renew within one hundred eighty (180) days prior to the expiration of the Term.

Sec. 27. CASH BASIS LAW & UNFUNDED OBLIGATIONS. This Agreement is subject to the Kansas Cash Basis Law, K.S.A. 10-1101 et seq. and amendments thereto as it applies to Member Agencies which are agencies or political subdivisions of the State of Kansas. Any automatic renewal of the terms of the Agreement shall create no legal obligation on the part of the Member Agencies. This Agreement shall be construed and interpreted so as to ensure that the Member Agencies shall at all times stay in conformity with such laws and, as a condition of this Agreement, each member agency reserves the right to unilaterally sever, modify, or terminate its participation in this Agreement at any time if, in the opinion of its legal counsel, the Agreement is deemed to violate the terms of the Kansas Cash Basis Law to the extent it prohibits unfunded obligations. The Member Agencies are obligated only to pay periodic payments or monthly installments under the Agreement as may lawfully be made from: (a) funds budgeted and appropriated for that purpose during the Member Agencies’ current budget year, or (b) funds made available from any lawfully operated revenue producing source.

Sec. 28. EXECUTION IN MULTIPLE COUNTER PARTS. This Agreement may be executed by the parties in multiple counterparts which shall be taken together as one complete document.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, each party hereto has executed this Agreement on the day and year herein written.

MID-AMERICA REGIONAL COUNCIL

By: _____

Title: _____

Date: _____

ACKNOWLEDGMENT

STATE OF MISSOURI)
) ss
COUNTY OF JACKSON)

On this ____ day of _____, 201__, before me, the undersigned, a Notary Public, appeared _____, to me personally known, or proved to me on the basis of satisfactory evidence, who, being by me duly sworn, did say that he is the Executive Director of Mid-America Regional Council ("MARC") and that this foregoing instrument was signed and sealed on behalf of MARC by authority of its Board, and said officer acknowledged said instrument to be executed for the purposes therein stated and as the free act and deed of MARC.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Printed Name _____
Notary Public - State of Missouri
Commissioned in Jackson County

My commission expires:

***Notices:** Notices pursuant to this Agreement to BONNER SPRINGS, KS shall be sent to:

City of Bonner Springs
Attention: Rita Hoag
205 E Second Street
P.O. Box 38
Bonner Springs, KS 66012

EXECUTION OF AGREEMENT

BONNER SPRINGS, KS

By: _____
[PRINTED NAME]
[TITLE]

Date: _____

Attest:

Clerk

APPROVED AS TO FORM:

ACKNOWLEDGMENT

STATE OF KANSAS)
) ss.
COUNTY OF _____)

On this ____ day of _____, 201__, before me, the undersigned, a Notary Public, appeared _____, to me personally known, or proved to me on the basis of satisfactory evidence, who, being by me duly sworn, did say that he is the Mayor of the City of _____, Kansas, and that the foregoing officer acknowledged said instrument to be executed for the purposes therein stated and as the free act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Printed Name: _____
Notary Public – State of Kansas
Commissioned in _____

My commission expires:

***Notices:** Notices pursuant to this Agreement to FAIRWAY, KS shall be sent to:

Bill Stogsdill, Public Works Director
4717 Roe Parkway
Roeland Park, KS 66205

EXECUTION OF AGREEMENT

FAIRWAY, KS

By: _____
[PRINTED NAME]
[TITLE]

Date: _____

Attest:

Clerk

APPROVED AS TO FORM:

ACKNOWLEDGMENT

STATE OF KANSAS)
) ss.
COUNTY OF _____)

On this ____ day of _____, 201__, before me, the undersigned, a Notary Public, appeared _____, to me personally known, or proved to me on the basis of satisfactory evidence, who, being by me duly sworn, did say that he is the Mayor of the City of _____, Kansas, and that the foregoing officer acknowledged said instrument to be executed for the purposes therein stated and as the free act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Printed Name: _____
Notary Public – State of Kansas
Commissioned in _____

My commission expires:

***Notices:** Notices pursuant to this Agreement to UNIFIED GOVERNMENT, KS shall be sent to:

Lideana Laboy
701 North 7th Street, Suite 712
Kansas City, Kansas 66101

EXECUTION OF AGREEMENT

UNIFIED GOVERNMENT

By: _____
[PRINTED NAME]
[TITLE]

Date: _____

Attest:

Clerk

APPROVED AS TO FORM:

ACKNOWLEDGMENT

STATE OF KANSAS)
) ss.
COUNTY OF _____)

On this ____ day of _____, 201__, before me, the undersigned, a Notary Public, appeared _____, to me personally known, or proved to me on the basis of satisfactory evidence, who, being by me duly sworn, did say that he is the Mayor of the City of _____, Kansas, and that the foregoing officer acknowledged said instrument to be executed for the purposes therein stated and as the free act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Printed Name: _____
Notary Public – State of Kansas
Commissioned in _____

My commission expires:

***Notices:** Notices pursuant to this Agreement to City of Lansing, KS shall be sent to:

City of Lansing
Director of Public Works
Attention: Jeff Rupp
730 First Terrace, Suite 3
Lansing, KS 66043

EXECUTION OF AGREEMENT

LANSING, KS

By: _____
[PRINTED NAME]
[TITLE]

Date: _____

Attest:

Clerk

APPROVED AS TO FORM:

ACKNOWLEDGMENT

STATE OF KANSAS)
) ss.
COUNTY OF _____)

On this ____ day of _____, 201__, before me, the undersigned, a Notary Public, appeared _____, to me personally known, or proved to me on the basis of satisfactory evidence, who, being by me duly sworn, did say that he is the Mayor of the City of _____, Kansas, and that the foregoing officer acknowledged said instrument to be executed for the purposes therein stated and as the free act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Printed Name: _____
Notary Public – State of Kansas
Commissioned in _____

My commission expires:

***Notices:** Notices pursuant to this Agreement to LEAVENWORTH, KS shall be sent to:

City of Leavenworth
Attention: Public Works Director
Attn: Mike McDonald
100 North 5th Street
Leavenworth, Kansas 66048

EXECUTION OF AGREEMENT

LEAVENWORTH, KS

By: _____
[PRINTED NAME]
[TITLE]

Date: _____

Attest:

Clerk

APPROVED AS TO FORM:

ACKNOWLEDGMENT

STATE OF KANSAS)
) ss.
COUNTY OF _____)

On this ____ day of _____, 201__, before me, the undersigned, a Notary Public, appeared _____, to me personally known, or proved to me on the basis of satisfactory evidence, who, being by me duly sworn, did say that he is the Mayor of the City of _____, Kansas, and that the foregoing officer acknowledged said instrument to be executed for the purposes therein stated and as the free act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Printed Name: _____
Notary Public – State of Kansas
Commissioned in _____

My commission expires:

***Notices:** Notices pursuant to this Agreement to LEAWOOD, KS shall be sent to:

City of Leawood
Attention: David Ley, Public Works Director
4800 Town Center Dr.
Leawood, KS 66211

EXECUTION OF AGREEMENT

LEAWOOD, KS

By: _____
[PRINTED NAME]
[TITLE]

Date: _____

Attest:

Clerk

APPROVED AS TO FORM:

ACKNOWLEDGMENT

STATE OF KANSAS)
) ss.
COUNTY OF _____)

On this _____ day of _____, 201__, before me, the undersigned, a Notary Public, appeared _____, to me personally known, or proved to me on the basis of satisfactory evidence, who, being by me duly sworn, did say that he is the Mayor of the City of _____, Kansas, and that the foregoing officer acknowledged said instrument to be executed for the purposes therein stated and as the free act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Printed Name: _____
Notary Public – State of Kansas
Commissioned in _____

My commission expires:

***Notices:** Notices pursuant to this Agreement to LENEXA, KS shall be sent to:

City of Lenexa
Attention: Community Development Director
12350 W 87th Street Pkwy
Lenexa, KS 66215-2882

EXECUTION OF AGREEMENT

LENEXA, KS

By: _____
[PRINTED NAME]
[TITLE]

Date: _____

Attest:

Clerk

APPROVED AS TO FORM:

ACKNOWLEDGMENT

STATE OF KANSAS)
) ss.
COUNTY OF _____)

On this _____ day of _____, 201__, before me, the undersigned, a Notary Public, appeared _____, to me personally known, or proved to me on the basis of satisfactory evidence, who, being by me duly sworn, did say that he is the Mayor of the City of _____, Kansas, and that the foregoing officer acknowledged said instrument to be executed for the purposes therein stated and as the free act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Printed Name: _____
Notary Public – State of Kansas
Commissioned in _____

My commission expires:

***Notices:** Notices pursuant to this Agreement to MERRIAM, KS shall be sent to:

City of Merriam
Attention: Public Works Director
9000 W 62nd Terr.
Merriam, KS 66202-2815

EXECUTION OF AGREEMENT

MERRIAM, KS

By: _____
[PRINTED NAME]
[TITLE]

Date: _____

Attest:

Clerk

APPROVED AS TO FORM:

ACKNOWLEDGMENT

STATE OF KANSAS)
) ss.
COUNTY OF _____)

On this ____ day of _____, 201__, before me, the undersigned, a Notary Public, appeared _____, to me personally known, or proved to me on the basis of satisfactory evidence, who, being by me duly sworn, did say that he is the Mayor of the City of _____, Kansas, and that the foregoing officer acknowledged said instrument to be executed for the purposes therein stated and as the free act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Printed Name: _____
Notary Public – State of Kansas
Commissioned in _____

My commission expires:

***Notices:** Notices pursuant to this Agreement to MISSION, KS shall be sent to:

City of Mission
Attention: Public Works Director
4775 Lamar
Mission, Kansas 66202

EXECUTION OF AGREEMENT

MISSION, KS

By: _____
[PRINTED NAME]
[TITLE]

Date: _____

Attest:

Clerk

APPROVED AS TO FORM:

ACKNOWLEDGMENT

STATE OF KANSAS)
) ss.
COUNTY OF _____)

On this _____ day of _____, 201__, before me, the undersigned, a Notary Public, appeared _____, to me personally known, or proved to me on the basis of satisfactory evidence, who, being by me duly sworn, did say that he is the Mayor of the City of _____, Kansas, and that the foregoing officer acknowledged said instrument to be executed for the purposes therein stated and as the free act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Printed Name: _____
Notary Public – State of Kansas
Commissioned in _____

My commission expires:

***Notices:** Notices pursuant to this Agreement to MISSION WOODS, KS shall be sent to:

City of Mission Woods
Attention: Mayor, Robert Tietz
5338 Mission Woods Road
Mission Woods, Kansas 66205

EXECUTION OF AGREEMENT

MISSION WOODS, KS

By: _____
[PRINTED NAME]
[TITLE]

Date: _____

Attest:

Clerk

APPROVED AS TO FORM:

ACKNOWLEDGMENT

STATE OF KANSAS)
) ss.
COUNTY OF _____)

On this _____ day of _____, 201__, before me, the undersigned, a Notary Public, appeared _____, to me personally known, or proved to me on the basis of satisfactory evidence, who, being by me duly sworn, did say that he is the Mayor of the City of _____, Kansas, and that the foregoing officer acknowledged said instrument to be executed for the purposes therein stated and as the free act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Printed Name: _____
Notary Public – State of Kansas
Commissioned in _____

My commission expires:

***Notices:** Notices pursuant to this Agreement to OLATHE, KS shall be sent to:

City of Olathe
Attention: Public Works Director
100 E Santa Fe
Olathe, KS 66061

EXECUTION OF AGREEMENT

OLATHE, KS

By: _____
[PRINTED NAME]
[TITLE]

Date: _____

Attest:

Clerk

APPROVED AS TO FORM:

ACKNOWLEDGMENT

STATE OF KANSAS)
) ss.
COUNTY OF _____)

On this ____ day of _____, 201__, before me, the undersigned, a Notary Public, appeared _____, to me personally known, or proved to me on the basis of satisfactory evidence, who, being by me duly sworn, did say that he is the Mayor of the City of _____, Kansas, and that the foregoing officer acknowledged said instrument to be executed for the purposes therein stated and as the free act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Printed Name: _____
Notary Public – State of Kansas
Commissioned in _____

My commission expires:

***Notices:** Notices pursuant to this Agreement to OVERLAND PARK, KS shall be sent to:

City of Overland Park
Attention: Director of Public Works
8500 Santa Fe Drive
Overland Park, KS 66212

EXECUTION OF AGREEMENT

OVERLAND PARK, KS

By: _____
[PRINTED NAME]
[TITLE]

Date: _____

Attest:

Clerk

APPROVED AS TO FORM:

ACKNOWLEDGMENT

STATE OF KANSAS)
) ss.
COUNTY OF _____)

On this _____ day of _____, 201__, before me, the undersigned, a Notary Public, appeared _____, to me personally known, or proved to me on the basis of satisfactory evidence, who, being by me duly sworn, did say that he is the Mayor of the City of _____, Kansas, and that the foregoing officer acknowledged said instrument to be executed for the purposes therein stated and as the free act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Printed Name: _____
Notary Public – State of Kansas
Commissioned in _____

My commission expires:

***Notices:** Notices pursuant to this Agreement to PRAIRIE VILLAGE, KS shall be sent to:

City of Prairie Village
Attention: Keith Bredehoeft, Public Works Director
7700 Mission Road
Prairie Village, Kansas 66208

EXECUTION OF AGREEMENT

PRAIRIE VILLAGE, KS

By: _____
[PRINTED NAME]
[TITLE]

Date: _____

Attest:

Clerk

APPROVED AS TO FORM:

ACKNOWLEDGMENT

STATE OF KANSAS)
) ss.
COUNTY OF _____)

On this ____ day of _____, 201__, before me, the undersigned, a Notary Public, appeared _____, to me personally known, or proved to me on the basis of satisfactory evidence, who, being by me duly sworn, did say that he is the Mayor of the City of _____, Kansas, and that the foregoing officer acknowledged said instrument to be executed for the purposes therein stated and as the free act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Printed Name: _____
Notary Public – State of Kansas
Commissioned in _____

My commission expires:

***Notices:** Notices pursuant to this Agreement to SHAWNEE, KS shall be sent to:

City of Shawnee
Attention: Doug Whitacre
18690 Johnson Drive
Shawnee, KS 66218

EXECUTION OF AGREEMENT

SHAWNEE, KS

By: _____
[PRINTED NAME]
[TITLE]

Date: _____

Attest:

Clerk

APPROVED AS TO FORM:

ACKNOWLEDGMENT

STATE OF KANSAS)
) ss.
COUNTY OF _____)

On this _____ day of _____, 201__, before me, the undersigned, a Notary Public, appeared _____, to me personally known, or proved to me on the basis of satisfactory evidence, who, being by me duly sworn, did say that he is the Mayor of the City of _____, Kansas, and that the foregoing officer acknowledged said instrument to be executed for the purposes therein stated and as the free act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Printed Name: _____
Notary Public – State of Kansas
Commissioned in _____

My commission expires:

***Notices:** Notices pursuant to this Agreement to WESTWOOD, KS shall be sent to:

City of Westwood
Attention: John Sullivan, Public Works
2545 W. 47th Street
Westwood, KS 66205

EXECUTION OF AGREEMENT

WESTWOOD, KS

By: _____
[PRINTED NAME]
[TITLE]

Date: _____

Attest:

Clerk

APPROVED AS TO FORM:

ACKNOWLEDGMENT

STATE OF KANSAS)
) ss.
COUNTY OF _____)

On this _____ day of _____, 201__, before me, the undersigned, a Notary Public, appeared _____, to me personally known, or proved to me on the basis of satisfactory evidence, who, being by me duly sworn, did say that he is the Mayor of the City of _____, Kansas, and that the foregoing officer acknowledged said instrument to be executed for the purposes therein stated and as the free act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Printed Name: _____
Notary Public – State of Kansas
Commissioned in _____

My commission expires:

EXHIBIT 1

OPERATION GREEN LIGHT COMMITTEE

Role, Responsibility, and Organizational Structure

- 1.1.1 *Responsibilities: The Operation Green Light Steering Committee shall serve to approve budgets, procurement and staffing recommendations to the Mid-America Regional Council Board of Directors and to make other technical and policy decisions concerning the development, deployment and operation of the Operation Green Light regional traffic signal coordination program, including:* approve the program's upcoming annual budget during the final meeting of the calendar year. Purchases and contracts shall follow MARC's established threshold guidelines as well as the following: amounts of \$15,000-\$25,000 shall be reported to the committee; amounts of \$25,001 or more shall be voted on and approved by the Steering Committee before purchase or contract is sent to MARC's Board of Directors for approval.
- 1.1.2 Participate in program decision-making at key points by reviewing and providing comments on project deliverables and by approving or rejecting technical and policy recommendations;
- 1.1.3 Participate in the development of inter-jurisdictional agreements for the construction, operation, maintenance and other activities of the regional traffic signal coordination system; and
- 1.2 Call upon committee members to participate in Task Force work groups as technical issues arise requiring additional effort than time allows during a Steering Committee meeting. The Task Force shall submit to the Steering Committee recommendations based on its discussions.
- 1.3 Membership and Meetings: The Steering Committee shall be composed of representatives from participating agencies in the following manner:

(The following table is a current list as of September 2018.)

	Participating Agency Non-Funding Agency in Bold	Membership (voting)
1	Blue Springs	1
2	Bonner Springs	1
3	Fairway	1
4	FHWA – MO & KS	Ex Officio
5	Gladstone	1
6	Grandview	1
7	Independence	1
8	Kansas City, MO	1
9	KCScout	Ex Officio
10	KDOT	1
11	Lansing	1
12	Leavenworth	1
13	Leawood	1
14	Lee's Summit	1
15	Lenexa	1
16	Liberty	1
17	MARC	1
18	Merriam	1
19	Mission	1
20	Mission Woods	1
21	MoDOT	1

22	North Kansas City	1
23	Olathe	1
24	Overland Park	1
25	Prairie Village	1
26	Raymore	1
27	Shawnee	1
28	Unified Government/KCK	1
29	Westwood	1

Each representative shall have a designated alternate with full authority to act in the absence of the representative. The Steering Committee may be expanded to include other additional members as approved by majority vote of the members of the existing Steering Committee.

The Steering Committee shall meet minimally on a quarterly basis but may meet more frequently if the business of the Steering Committee necessitates. The final meeting of the calendar year shall be designed to report on the State of the Operation Green Light Program including Budget reporting and approval of the future budget and election of the next vice-chairperson.

The chairperson of the Steering Committee shall have the authority to call a meeting of the Committee with a minimum of seven (7) calendar days' notice to all the members. Notice is deemed to have occurred from the date that it is deposited with the United States Postal Service, postage prepaid; distributed via Facsimile; OR distributed via E-mail addressed to the members of the Steering Committee. The chairperson and vice-chairperson shall help develop meeting agendas prior to meeting notices and shall preside over the meetings.

- 1.4 Chairperson and Vice-Chairperson: The Steering Committee members shall elect by majority vote of all of the voting members of the Committee, from amongst the members of the Committee, a vice-chairperson who will serve a one-year term. Said election will occur at the final regularly scheduled meeting of the calendar year of the Steering Committee prior to the expiration of the chairperson's one-year term. The vice-chairperson shall assume the responsibilities of the chairperson at the end of the chairperson's term and any time the chairperson is unable to attend committee meetings. Kansas and Missouri shall be represented in these positions in alternating years.

- 1.5 Quorum and Voting: All members of the Steering Committee shall be entitled to one vote on all matters submitted to the Committee for vote.

Any six of the voting members of the Steering Committee, including at least one member from Kansas City, Missouri, the Missouri Department of Transportation, Unified Government/Kansas City, Kansas, or Overland Park, Kansas, (based on the four largest agencies by signal count at the beginning of the current Operations contract term) shall constitute the quorum necessary to convene the meeting of the Committee. All official actions by the Steering Committee shall require a majority vote of the members present at the meeting.

All votes shall be taken and recorded in the minutes by roll call. Each member shall have the ability to recall any matter voted upon during his or her absence providing said member notifies in writing the committee chairperson or co-chairperson within 7 calendar days of when the meeting minutes are posted to the MARC website and/or delivered to committee members via email. Within 3 business days of being notified, the chairperson or co-chairperson shall collaborate with OGL staff to present the issue for a reconsideration of the vote via email to all committee members who will be asked to respond within 10 calendar days. If a response is not received by close of business on the 10th day, the member's previously cast vote shall be counted in the same manner.

EXHIBIT 2

SCOPE OF WORK

1. Project Management

The Mid-America Regional Council (MARC) will provide staff time, equipment and materials, and contract services necessary to accomplish the following project management services:

- Arrange and conduct regular Steering Committee meetings to discuss and develop policies and procedures governing the development, implementation and on-going operation of the program;
- Arrange and conduct Technical Committee meetings as needed to discuss and develop recommendations concerning technical issues associated with the development, implementation and on-going operation of the project;
- Arrange and conduct other meetings with project participants as necessary to develop, implement and operate the project;
- Negotiate, execute and administer agreements with state and local governments to provide federal, state and local funding for the development, implementation and ongoing operation of the program;
- Develop and publish requests for proposals, consultant agreements and other procurement documents necessary to select and hire contractors to provide system integration services, telecommunications and traffic engineering design services, computer software, computer hardware, communications network, traffic signal equipment and other items necessary for the development, implementation and ongoing operation of the program;
- Negotiate, execute and administer agreements with private firms to provide system integration services, telecommunications and traffic engineering design services, computer software, computer hardware, communications network, traffic signal equipment and other items necessary for the development, implementation and ongoing operation of the program;
- Develop and maintain project budgets and schedules;
- Develop and maintain project databases;
- Publish and distribute project documents and other deliverables to participating state and local governments; and
- Perform other tasks necessary to manage and administer the program.

2. Traffic Signal Timing

MARC shall coordinate with agency staff or their delegates to develop and implement, with agency approval, the requisite signal timing plans for OGL intersections

3. Operations and Maintenance

3.1. *Computer Software and Databases*

MARC will procure all required software and may engage a private firm or firms selected by the project Steering Committee to provide technical support and maintain computer software and databases at the Operation Green Light Traffic Operations Center. MARC staff shall be responsible for providing day-to-day maintenance of the computer software and databases including but not limited to data entry, backups, upgrades, etc., at the Operation Green Light Traffic Operations Center.

3.2. *Computer Network*

MARC will procure all required hardware and software. Any equipment (e.g. switches, routers, hubs, etc.) that is used for the field communication back bone will be considered part of the computer network. MARC may engage a private firm or firms selected by the Steering Committee to provide technical support and maintain the Operation Green Light computer network.

3.3. *Field Communications System*

All field communications equipment purchased by MARC will be maintained by MARC. The city will maintain any pre-existing, city-owned equipment that is utilized as part of the OGL field communication system. MARC staff will monitor the field communication system through monitoring software which is purchased by MARC. MARC may engage a private firm or firms selected by the project Steering Committee to maintain the regional field communications system. The scope of services for this work will be developed with and approved by the Steering Committee.

3.4. *Traffic Signal Controllers*

Each member agency shall be responsible for all maintenance to the traffic signal controllers. MARC responsibility will be limited to maintaining the regional field communication system and will terminate at the traffic controller unless otherwise specified. Traffic signal controllers and cabinets that have been purchased and/or installed as part of the OGL controller upgrade project will also be owned and maintained by the local jurisdiction once they have been received and/or accepted, and the local jurisdiction will be responsible for purchasing and installing replacement controllers that are compatible with the OGL system should the MARC-purchased controller fail.

EXHIBIT 3
COMPENSATION

- A.** The amount each Member Agency will pay MARC under this contract will not exceed the amount listing in the below table. This amount represents the Member Agency share of the total project cost as shown in this Exhibit. The Member Agency shall pay MARC, upon invoice, for the actual costs incurred for MARC on a yearly basis.

REVENUE SOURCES FOR OPERATION GREEN LIGHT FOR OPERATING YEARS 2019-2020 LOCAL GOVERNMENTS			
Agency	Locations weighted by % ownership	2019 Cost per signal at \$600/year	2020 Cost per signal at \$600/year
1 BONNER SPRINGS	4	\$ 2,400.00	\$ 2,400.00
2 FAIRWAY	2	\$ 1,200.00	\$ 1,200.00
3 LANSING	4	\$ 2,400.00	\$ 2,400.00
4 LEAVENWORTH	1	\$ 600.00	\$ 600.00
5 LEAWOOD	11.25	\$ 6,750.00	\$ 6,750.00
6 LENEXA	35	\$ 21,000.00	\$ 21,000.00
7 MERRIAM	18	\$ 10,800.00	\$ 10,800.00
8 MISSION	2.75	\$ 1,650.00	\$ 1,650.00
9 MISSION WOODS	0.75	\$ 450.00	\$ 450.00
10 OLATHE	15	\$ 9,000.00	\$ 9,000.00
11 OVERLAND PARK	44.75	\$ 26,850.00	\$ 26,850.00
12 PRAIRIE VILLAGE	6.75	\$ 4,050.00	\$ 4,050.00
13 SHAWNEE	14.5	\$ 8,700.00	\$ 8,700.00
14 UGOVT/KCK	64	\$ 38,400.00	\$ 38,400.00
15 WESTWOOD	1.25	\$ 750.00	\$ 750.00
TOTALS	225	\$ 135,000.00	\$ 135,000.00

- B.** It shall be a condition precedent to payment of any invoice from MARC that MARC is in compliance with, and not in breach or default of, all terms, covenants and conditions of this Contract. If damages are sustained by a Member Agency as a result of breach or default by MARC, the Member Agency may withhold payment(s) to MARC for the purpose of set off until such time as the exact amount of damages due the Member Agency from MARC may be determined.
- C.** No request for payment will be processed unless the request is in proper form, correctly computed, and is approved as payable under the terms of this Agreement.
- D.** A Member Agency is not liable for any obligation incurred by MARC except as approved under the provisions of this Agreement.

Exhibit 4

INSURANCE REQUIREMENTS

A. MARC shall procure and maintain and shall cause any Private Firm it engages to perform services under this Agreement to procure and maintain in effect throughout the duration of this Agreement, and for a period of two (2) years thereafter, insurance coverage not less than the types and amounts specified below. MARC shall not accept insurance policies from any Private Firm containing a Self-Insured Retention.

1. Commercial General Liability Insurance: with limits of \$500,000 per occurrence and \$2,000,000 aggregate, written on an “occurrence” basis. The policy shall be written or endorsed to include the following provisions:

- a. Severability of Interests Coverage applying to Additional Insureds
- b. Contractual Liability
- c. Per Project Aggregate Liability Limit or, where not available, the aggregate limit shall be \$2,000,000
- d. No Contractual Liability Limitation Endorsement
- e. Additional Insured Endorsement, ISO form CG20 10, current edition, or its equivalent

2. Workers’ Compensation Insurance: as required by statute, including Employers Liability with limits of:

Workers Compensation Statutory
Employers Liability
\$100,000 accident with limits of:
\$500,000 disease-policy limit
\$100,000 disease-each employee

3. Commercial Automobile Liability Insurance: with \$500,000 per claim up to \$2,000,000 per occurrence, covering owned, hired, and non-owned automobiles. Coverage provided shall be on an “any auto” basis and written on an “occurrence” basis. The insurance will be written on a Commercial Business Auto form, or an acceptable equivalent, and will protect against claims arising out of the operation of motor vehicles, as to acts done in connection with the Agreement, by Design Professional.

4. Professional Liability Insurance (only applicable for Private Firms that are design professionals or other types of professionals that can carry professional liability insurance): with limits Per Claim/Annual Aggregate according to the following schedule:

<u>Fee Minimum Limits</u>	<u>Professional Liability Minimum</u>
Less than \$25,000	\$100,000
\$25,000 or more, but less than \$50,000	\$500,000
\$50,000 or more	\$1,000,000

B. The policies listed above may not be canceled until after thirty (30) days written notice of cancellation to MARC and the City, ten (10) days in the event of nonpayment of premium. The Commercial General and Automobile Liability Insurance specified above shall provide that MARC and the City and their agencies, officials, officers, and employees, while acting within the scope of their authority, will be named as additional insureds for the services performed under this Agreement. Private Firms engaged by MARC shall provide to MARC and the City at execution of this Agreement a certificate of insurance showing all required endorsements and additional insureds.

C. All insurance coverage must be written by companies that have an A.M. Best’s rating of “B+V” or better, and are licensed or approved by the State of Kansas to do business in Kansas and by the State of Missouri to do business in Missouri.

D. Regardless of any approval by MARC or the City, it is the responsibility of the Private Firms to maintain the required insurance coverage in force at all times; its failure to do so will not relieve it of any contractual obligation or responsibility. In the event of a Private Firm’s failure to maintain the required insurance in effect, MARC may order the Private Firm to immediately stop work, and upon ten (10) days notice and an opportunity to cure, may pursue its remedies for breach of this Agreement as provided for herein and by law.

EXHIBIT 5

Operation Green Light Location / Ownership Matrix

Component	Location	Purchased By	Owned By	Maintained By	Comments
Software/Firmware					
TransSuite & Associated Software	OGL TOC	MARC	MARC	MARC*	Available for use by local agencies
Genetec Video System	OGL TOC	MARC	MARC	MARC*	
Other software used by MARC staff	OGL TOC	MARC	MARC	MARC*	
Computer Hardware					
OGL TOC Servers	OGL TOC	MARC	MARC	MARC*	
OGL TOC Workstations	OGL TOC	MARC	MARC	MARC*	
Agency TOC Servers	Local Agency	Local Agency	Local Agency	Local Agency	
Agency TOC Workstations	Local Agency	Local Agency	Local Agency	Local Agency	
Field Hardware					
OGL Field Network Equipment	Field	MARC	MARC	MARC*	
Local Agency Field Network Equipment	Field	Local Agency	Local Agency	Local Agency	Extention of City network
Existing Closed-Loop fiber re-tasked to OGL Network	Field	Local Agency	Local Agency	Local Agency	OGL owns switches to manage
Traffic Signal Controllers	Field	MARC/Local Agency	Local Agency	Local Agency	OGL purchased controllers only for original build-out
OGL-purchased Closed Circuit Camera	Field	MARC	Local Agency	Local Agency	
Miscellaneous					
OGL TOC Office	MoDOT KC District	MoDOT	MoDOT	MoDOT	
OGL TOC Phone System	OGL TOC	MoDOT	MoDOT	MoDOT	
OGL TOC Office Furniture & Equipment	OGL TOC	MARC	MARC	MARC*	
OGL Vehicles & Mobile Equipment	OGL TOC	MARC	MARC	MARC*	

* MARC maintained components to be maintained by joint-funded agreement

Exhibit 6

OGL Concept of Operations: Roles and Responsibilities

Introduction

Operation Green Light (OGL) is a regional initiative to improve traffic flow and reduce vehicle emissions by coordinating traffic signals on major roadways in the Kansas City metropolitan area. OGL is a cooperative effort of the Mid-America Regional Council (MARC), state departments of transportation and local agencies working together to coordinate traffic signal timing plans and communication between traffic signal equipment across jurisdictional boundaries.

The concept of operations provides a high-level overview of the roles and responsibilities of the agencies participating in the operation and management of OGL. The concept of operations is intended to balance the need for standardization and uniformity of operations on OGL routes with the need to be responsive to the unique needs and circumstances of the agencies participating in OGL.

Signal Timing

Initial Deployment of Regional Timing Plans

The member agencies will partner with MARC and each other in developing regional traffic signal timing plans. In order to facilitate this work each member agency will provide MARC traffic counts and other relevant, available data for traffic signals that are part of regionally significant traffic corridors that pass through adjacent cities. This information may include;

- Existing timing plans and data in the existing traffic controller (controller data sheets)
- Intersection geometry via aerial mapping
- Signal phasing information (or policy)
- Historical traffic count information available
- Approved yellow and all-red clearance intervals (or policy)
- Pedestrian timing (or policy)
- Signal phasing policy (lead only/lead-lag/vary lead-lag by time-of-day)
- Historical citizen complaints on the intersection operation as needed

After providing data to MARC, each member agency will then work with MARC to cooperatively develop regionally optimized timing plans. The member agency will continue to be responsible for maintenance of timing plans for traffic signals that lie wholly within the member agency's jurisdictional boundaries and are not on OGL corridors unless the member agency decides to contract this work to MARC. The steps involved in the development of regional timing plans are:

- The member agency will either collect traffic counts on the arterials for signals maintained by the member agency and provide this information to MARC OR will contract with MARC to collect traffic counts as needed.
- In conjunction with member agency staff, MARC will conduct travel-time studies and speed profile studies on the arterial prior to implementation of the timing plans
- MARC may hold design meetings with representatives from the member agencies and other impacted agencies. At the first of these meetings the following items will be established
 - o Number of timing plans and time of use (i.e., am, noon, pm, off-peaks, etc.)
 - o Critical intersections of a corridor
 - o An initial common corridor cycle length for each of the plans identified (i.e. am,



pm, etc.) [Note: this cycle length may need to be revisited after developing the regional timing plan.]

- The member agency will then develop the following initial parameters for individual signals maintained by the member agency for each of the timing plans to be developed, and submit them to MARC for review and incorporation into regional plans for the OGL corridor;
 - o phase sequencing
 - o splits
 - o offsets
- MARC will develop initial splits and offsets for any remaining signals and incorporate member agency developed timing plans into regional plans for the OGL corridor.
- MARC may then incorporate the regional plans into mutually agreed upon software as needed for review by the member agencies.
- At the second meeting, MARC and the member agencies will;
 - o Review the regional timing plans developed
 - o Review any software models developed
 - o Determine if any changes to initial timings need to be made to optimize the operation of the corridor
- Once the member agencies have agreed on the different timing plans developed, they will download the timing plans into signal controllers maintained by each member agency OR will request MARC to provide signal timing plans and download to local controllers.
- In conjunction with member agency staff, MARC will field-monitor each arterial after a timing plan has been downloaded and will work with the member agency to make any additional changes to further optimize the flow of traffic if necessary.
- In conjunction with member agency staff, MARC will conduct travel-time and speed profile studies on arterials after implementation of the optimized signal timing plans

Providing Maintenance Timing Plans

As part of a regional effort, MARC will on a regular basis, or as requested, examine the operations of signals that are part of regionally significant traffic corridors that pass through the member agency and adjacent cities and determine if optimization is necessary. If minor changes to splits and offsets are to be made to individual signals along an OGL corridor the following steps will be followed:

- In conjunction with MARC, member agency staff will field-monitor the affected corridor or intersection(s)
- MARC will meet with affected member agencies if needed
- MARC will collect traffic counts as necessary OR the member agency will collect traffic counts at member agency maintained traffic signals
- The member agency will develop timing plans for member agency maintained signals and download them to controllers as necessary in coordination with MARC OR MARC will develop and provide revised arterial timing plans as needed
- In conjunction with member agency staff, MARC will field-monitor each arterial after timing plan download and provide further optimization if necessary by submitting updated timing plans for agency consideration and download

If major changes, such as changes to cycle lengths, phase sequencing and major changes to splits, are to be made along an OGL corridor, the process described above for initial deployment of regional timing plans may be used.

Incident Management



The member agency will work with MARC and other member agencies to identify locations along the regionally significant arterials and interstate highways where incidents are prone to happen and have major impact on traffic flow. These locations may be manually forced to run special plans when an incident is observed at the TOC. The following steps shall be followed for planned, recurring, and anticipated incident response:

- MARC and member agencies will identify incident-prone locations
- MARC will meet with affected member agencies to discuss solutions
- MARC will develop signal timing plans for the incident
- MARC will submit such plans for review by member agencies
- MARC and member agencies will jointly determine the parameters required for invoking such a plan by the TOC
- Once the plan has been invoked (when the required parameters are met) MARC will inform the affected agencies immediately
- After the incident has been cleared, MARC will put signals back on their regular plans and inform member agencies

The member agency will inform MARC about construction and roadway closures and may request signal timing plan adjustments. MARC will provide special timing plans when requested to optimize traffic flow for agency consideration and download.

Citizen Complaints

Member agencies will route/report citizen complaints/requests on OGL signals to the TOC and MARC, in cooperation with the member agency, will respond to the complaint/request in a timely manner. MARC will also route/report received citizen complaints to the member agencies and maintain a response log.

Dispute Resolution

In the event that satisfactory agreement cannot be reached between member agencies on timing plans or incident plans developed for OGL, the dispute will be referred to the OGL Steering Committee, which will provide recommendations for resolution. Unless the responsible engineer for a member agency determines that such plans will create an unsafe condition within their jurisdiction, the member agency will implement the plans recommended by the Committee

Emergency Provisions

In the event of an emergency not already covered under a pre-arranged incident-management plan, the member agency will take any steps it considers necessary to manage traffic signals within its jurisdiction to ensure the safety of the traveling public. The member agency will notify MARC of any emergency changes made to OGL traffic signal timing plans in a timely manner and will work expeditiously with MARC to restore all OGL corridors within its jurisdiction to normal operation when the emergency subsides.

Field Communication Operation and Maintenance

MARC will be responsible for maintenance and replacement of all wireless communication infrastructure that is installed as a result of OGL initiated construction projects. Member agencies that have the capability to maintain their own communication infrastructure may do by separate agreement with MARC.



Controller Upgrades and Work inside the Traffic Controller Cabinet

MARC will, with the applicable member agencies, upgrade traffic controllers that are incapable of communicating with the central system software. When work is performed that involves the opening of a traffic controller cabinet, the member agency will coordinate with the contractor and have a representative in the field. The member agency will test and approve/disapprove the work performed by the contractor and inform MARC of the fact. MARC will be responsible for administration and final approval of all OGL initiated construction projects. Member agencies are responsible for notifying and coordinating with OGL when undertaking traffic signal system construction projects on OGL corridors.

Technical Support for OGL Computer Network

MARC will provide technical support for the central system software and the laptop version of the central system software. MARC will also maintain the computer network hardware along with all network components such as network switches, routers, licensed and unlicensed radios, modems etc.

The Traffic Operations Center

MARC will staff OGL operations at the Traffic Operations Center (TOC). The TOC is currently co-located with the KC Scout program and offices in the MoDOT KC District offices.

The TOC will be staffed as determined by MARC. MARC expects to coordinate with Kansas City Scout and use the video monitoring capabilities available at the KC Scout TOC to alleviate congestion along arterials. It is recommended that member agencies with traffic management centers, at a minimum, staff their centers to operate on a schedule concurrent with OGL.

The staff will interact with citizens and the media and provide answers to traffic signal timing questions on OGL signals.