

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. 36<sup>th</sup> 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 57<sup>th</sup> Street is not allowed. “No Parking” signs are located along 57<sup>th</sup> Street and adjacent to the property drive. Parking along 57<sup>th</sup> 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 57<sup>th</sup> Street is considered a Class A thoroughfare and experiences a high volume of traffic. At no time should visitors be stopped along North 57<sup>th</sup> Street. All sales and parking should occur wholly within the property boundaries.  
*Applicant Response:* Acknowledged. Parking along 57<sup>th</sup> Street is not allowed. “No Parking” signs are located along 57<sup>th</sup> Street and adjacent to the property drive. Parking along 57<sup>th</sup> 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 115<sup>th</sup> 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:

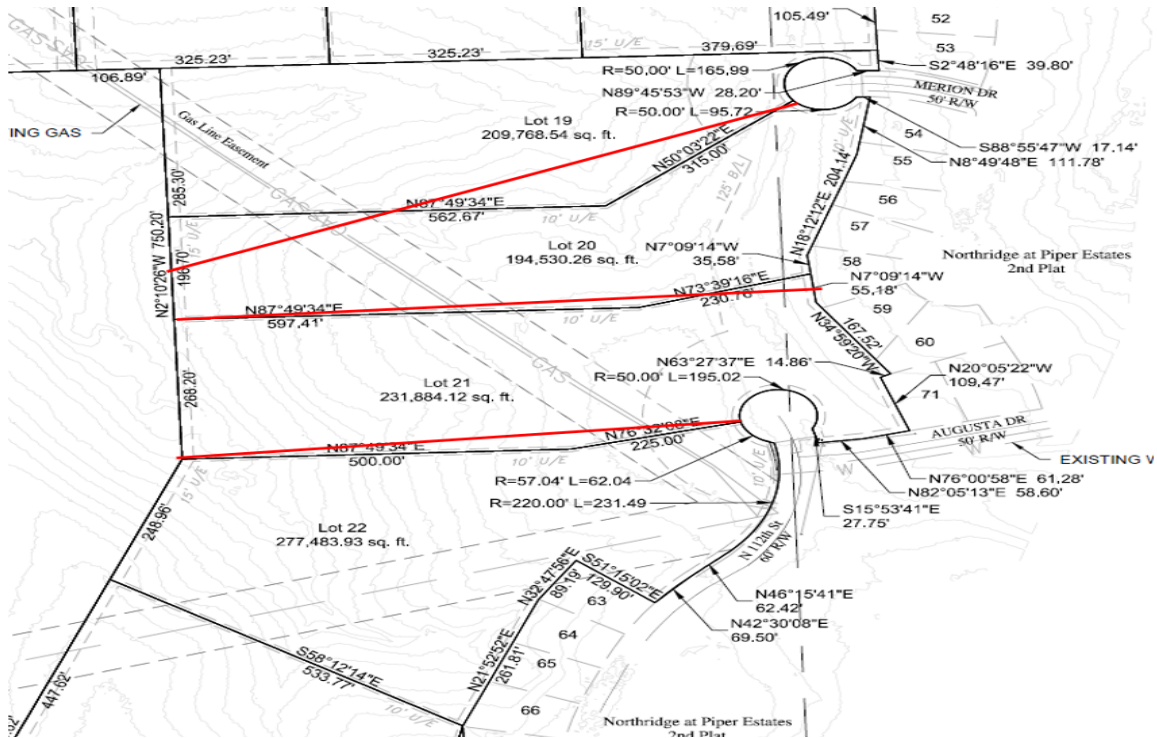
1. Please describe why it is necessary to have lots that have less than 300 feet of frontage and less than 5 acres on 115<sup>th</sup> Street as required by the code.

*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 115<sup>th</sup> 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 115<sup>th</sup> 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 115<sup>th</sup> 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 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 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. 5<sup>th</sup> 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 5<sup>th</sup> 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. 5<sup>th</sup> 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. 36<sup>th</sup> 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 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. 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 4<sup>th</sup>, I learned that a new proposed ordinance was going to be in front of the Planning Commission on February 11<sup>th</sup>. 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 11<sup>th</sup> Planning Commission meeting; however, I sent the proposed ordinance, which I just received on February 8<sup>th</sup>, 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 18<sup>th</sup>. Consequently, the Planning Commission did not have the benefit of that second opinion.

I would like—on February 28<sup>th</sup>, 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 11<sup>th</sup> 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.

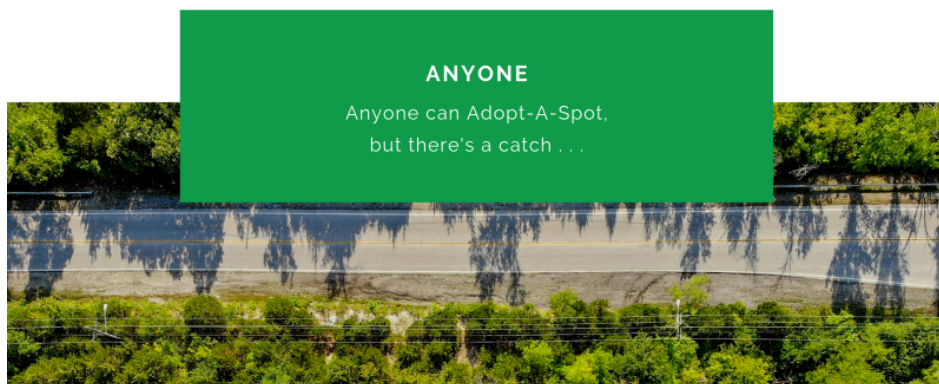
**Dave Reno, Public Works**, said I’m really here on behalf of a lot of staff and numerous departments working under the banner of SOAR. We’re going to talk about a program this evening that everybody has put a lot of thought and time and energy into. It’s a program that other cities have, but ours has 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**

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Bridgette D. Cobbins  
Unified Government Clerk

de/cg

March 28, 2019