

**UPDATE**  
**MAY 30, 2019 UNIFIED GOVERNMENT BOARD OF**  
**COMMISSIONERS MEETING**  
**ORDER OF BUSINESS**  
**MEETING TO CONVENE AT 7:00 PM**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, MAY 30, 2019 AGENDA**
  - VIII. Planning and Zoning Non-Consent Agenda:**

**Item A1.** Special Use Permit Application #SP-2018-54 – R. Scott Beeler, revocation of special use permit for the temporary use of land for storage of motor vehicles, including cars, SUVs, pick-up trucks and semi-truck trailers at 9700 Leavenworth Road – **Holdover until June 27, 2019 Commission meeting.**

**New Item B1.** Certificate of Appropriateness #CA-2019-2 – Eighth Street Baptist Church, consideration of appeal by Eighth Street Baptist Church regarding denial of their Certificate of Appropriateness #CA-2019-2 by the Kansas City, Kansas Landmarks Commission for the demolition of an existing home at 809 Oakland Avenue
- VI. CLERK’S STATEMENT**

(Anyone wishing to speak about a particular item on the Consent Agenda must notify the Mayor when he asks if there are any “set-asides” on the Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)
- VII. PLANNING AND ZONING CONSENT AGENDA**
- VIII. PLANNING AND ZONING NON-CONSENT AGENDA**
- IX. MAYOR’S AGENDA**
- X. REGULAR CONSENT AGENDA**
- XI. PUBLIC HEARING AGENDA**
- XII. STANDING COMMITTEES’ AGENDA**
- XIII. ADMINISTRATOR’S AGENDA**
- XIV. COMMISSIONERS’ AGENDA**
- XV. LAND BANK BOARD OF TRUSTEES’ AGENDA**
- XVI. PUBLIC ANNOUNCEMENTS**
- XVII. ADJOURN**

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

## PLANNING AND ZONING AGENDA

### VII. PLANNING AND ZONING CONSENT AGENDA

#### A. CHANGE OF ZONE APPLICATIONS

1. **#3188 – MICHAEL CLOUGHLEY**

**Synopsis:** Change of Zone from M-2 General Industrial District to C-3 Commercial District to continue to operate a rental property at 300 and 302 Kansas Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

**Tracking #:** 19767

2. **#3189 – MATT WATKINS WITH REECE COMMERCIAL REAL ESTATE**

**Synopsis:** Request for change in previous approved stipulations for approved TND Traditional Neighborhood Design District to remove the no alcohol stipulation at 81 North Mill Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

**Tracking #:** 19768

3. **#3191 – ANDREA WEISHAUBT WITH ATLAS SURVEYORS**

**Synopsis:** Change of Zone from AG Agriculture (WYCO) District to A-G Agriculture (City) District at 2718 North 119<sup>th</sup> Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

**Tracking #:** 19769

#### B. SPECIAL USE PERMIT APPLICATIONS

1. **#SP-2019-10 – JIM GORMAN WITH KANSAS GAS SERVICE, A DIVISION OF ONEGAS**

**Synopsis:** Renewal of a Special Use Permit (#SP-2016-86– expired 12/1/2018) for two (2) concrete pits/sampling of a variety of pipes for training purposes at 8535 Riverview Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

**Tracking #:** 19762

2. **#SP-2019-11 – HEATHER L. HAUCK WITH RESCUE ME KC**

**Synopsis:** Special Use Permit for an animal shelter for up to 20 adult dogs at 4229 Swartz



Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774  
**(RECOMMENDED FOR DENIAL)**

**Tracking #:** 19770

3. **#SP-2019-29 – RYANN DORI WALLER WITH VILLA MULONDAYI**

**Synopsis:** Special Use Permit for an AIRBNB at 1600 North 21<sup>st</sup> Street, submitted by Byron Toy, AICP, Principal Planning, 573-5757 **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

**Tracking #:** 19771

4. **#SP-2019-36– TYLER G. HARNETT**

**Synopsis:** Renewal of a Special Use Permit (#SP-2018-21 – expires 4/5/2019) for an AIRBNB at 4521 Cambridge Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

**Tracking #:** 19772

5. **#SP-2019-39 – TERESA HERNANDEZ**

**Synopsis:** Renewal of a Special Use Permit (#SP-2017-19 – expires 5/25/2019) for a miniature horse at 840 Shawnee Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 10 YEARS).**

**Tracking #:** 19763

6. **#SP-2019-40 – ROBERTA LAIRD**

**Synopsis:** Special Use Permit for a commercial shop selling handmade items, gifts, antiques, etc. in the basement garage at 3704 North 99<sup>th</sup> Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

**Tracking #:** 19773

7. **#SP-2019-42 – DICK BRYANT WITH RICHARD T. BRYANT & ASSOCIATES PC**

**Synopsis:** Renewal of a Special Use Permit (#SP-2017-25 – expired 4/27/2019) for live entertainment in conjunction with existing restaurant at 151 South 18<sup>th</sup> Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

**Tracking #:** 19764

8. **#SP-2019-46 –MARIA ELENA LEAL/M+MS AUTO SALES AND DETAIL**

**Synopsis:** Special Use Permit for new and used auto sales, auto repair and auto detailing at 765 Cheyenne Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

**Tracking #:** 19774

9. **#SP-2019-52 – MICHAEL D. YEAGER**

**Synopsis:** Home Occupation Special Use Permit for mobile welding and repair as well as general metal fabrication at 4855 Georgia Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 2 YEARS**)

**Tracking #:** 19775

10. **#SP-2019-54 – RYAN DENK WITH MCANANY, VAN CLEAVE & PHILLIPS, P.A.**

**Synopsis:** Renewal of a Special Use Permit (#SP-2014-28 – expires 7/31/2019) for a dirt fill at 7751 South 73<sup>rd</sup> Street and 1500R South 73<sup>rd</sup> Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 5 YEARS**)

**Tracking #:** 19765

11. **#SP-2019-55 – CASEY BOND**

**Synopsis:** Renewal of a Home Occupation Special Use Permit (#SP-2018-15 – expired 4/5/2019) for an AIRBNB at 35 South 7<sup>th</sup> Street Trafficway, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 2 YEARS**)

**Tracking #:** 19766

12. **#SP-2019-56 – BRYAN RUOFF WITH 3F30 ARCHITECTS**

**Synopsis:** Special Use Permit to operate a liquor store with packaged liquor sales at 3801 Leavenworth Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 2 YEARS**)

**Tracking #:** 19776

13. **#SP-2019-57 – COREY HAMILTON WITH STRAWBERRY HILL BAR LLC**

**Synopsis:** Special Use Permit for a restaurant and drinking establishment at 403 North 5<sup>th</sup> Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 2 YEARS**)

**Tracking #:** 19777

## **C. PLAN REVIEW APPLICATIONS**

1. **#PR-2019-9 – CHARLEY SEXTON WITH HTK ARCHITECTS**

**Synopsis:** Preliminary and Final Plan Review for a classroom addition to Delaware Ridge Elementary School at 1601 North 130<sup>th</sup> Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL**)

**Tracking #:** 19778

2. **#PR-2019-10 – RUSSELL SAGE III WITH SECURITY BANK OF KANSAS CITY**

**Synopsis:** Preliminary and Final Plan Review for renovation of the existing bank at 7364

**Tracking #:** 19779

#### **D. MISCELLANEOUS APPLICATION**

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

**Synopsis:** Consideration of certain amendments to Section 27-340, Planning and Development of Kansas City, Kansas Code of Ordinances, generally concerning definitions and a new provision to Section 27-593(a) Planning and Development of Kansas City, Kansas Code of Ordinances, requiring a special use permit for small box variety stores, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774  
**(RECOMMENDED THAT THIS ORDINANCE AMENDMENT BE WITHDRAWN AND BECOME PART OF THE ZONING ORDINANCE REWRITE )**

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

**Tracking #:** 19612

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

- 1. AN ORDINANCE** regarding vending machines, and exterior sales and modifying the regulations thereof; amending Sections **27-340 and 27-612(6)** to Chapter 27, Article VIII, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**  
**Tracking #:** 19714
- 2. AN ORDINANCE** rezoning property hereinafter described located at approximately 3214 Strong Avenue in Kansas City, Kansas, by changing the same from its present zoning of CP-1 Planned Limited Business District to CP-3 Planned Commercial District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**  
**Tracking #:** 19783
- 3. AN ORDINANCE** rezoning property hereinafter described located at approximately 3201 Pomeroy Drive in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**  
**Tracking #:** 19784
- 4. AN ORDINANCE** vacating a utility easement at 5443 North 101st Terrace, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**  
**Tracking #:** 19785

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

### **A. SPECIAL USE PERMIT APPLICATION**

#### **1. #SP-2018-54 - R. SCOTT BEELER**

**Synopsis:** Revocation of Special Use Permit for the Temporary Use of Land for storage of motor vehicles, including cars, SUVs, pick-up trucks and semi-truck trailers at 9700 Leavenworth Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR CONTINUATION OF THE SPECIAL USE PERMIT WITH THE MODIFIED STIPULATIONS - 7/2 VOTE)**

**Tracking #:** 19715

### **TAX STATUS REPORT**

#### ***BOARD OF COMMISSIONERS AGENDA FOR MAY 30, 2019***

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

**NOTE: This information cannot serve as the basis for approval or denial of an application. It is not among the factors to be considered as set by ordinance or among accepted zoning factors and criteria. However, such information in certain cases might be relevant to evaluating accepted factors or as an accompaniment to other valid purposes and/or factors.**

## REGULAR AGENDA

### IX. MAYOR'S AGENDA

### X. REGULAR CONSENT AGENDA

1. **RESOLUTION: BPU BARBER-ROSEDALE 161KV TRANSMISSION LINE**

**Synopsis:** A resolution declaring the BPU Barber-Rosedale 161kV Transmission Line to be a necessary and valid improvement project, and authorizing a survey of lands for said project, submitted by James Bain, Assistant Counsel.

*On May 20, 2019, the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.*

**Tracking #:** 19743

2. **RESOLUTION: BPU ARMOURDALE TO ROSEDALE 161KV TRANSMISSION LINE**

**Synopsis:** A resolution declaring the BPU Armourdale to Rosedale 161kV Transmission Line to be a necessary and valid improvement project, and authorizing a survey of lands for said project, submitted by James Bain, Assistant Counsel.

*On May 20, 2019, the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.*

**Tracking #:** 19744

3. **ORDINANCE: REPEAL BAN ON PIT BULL DOGS**

**Synopsis:** An ordinance repealing the existing prohibition on owning or possessing pit bull dogs within the city limits, submitted by Jeff Conway, Assistant Counsel. This ordinance is sponsored by Commissioners Bynum and Philbrook.

*On May 20, 2019, the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.*

**Tracking #:** 19745

4. **RESOLUTION: JOHNSON COUNTY 911 INTERLOCAL AGREEMENT**

**Synopsis:** A resolution approving an interlocal agreement with Johnson County, Kansas, for usage of their Communications Center's existing 911 phone and radio communications equipment as emergency backup, submitted by Terry Zeigler, Police Chief.

*On May 20, 2019, the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.*

**Tracking #:** 19746

5. **REAPPOINTMENT: REACH FOUNDATIONS BOARD**

**Synopsis:** Reappointment of Theresa Reyes-Cummings to the REACH Healthcare Foundation's Community Advisory Committee (CAC) for a three-year term from June 1, 2019 to May 31, 2022, submitted by Emerick Cross, Assistant County Administrator.

*On May 20, 2019, the **Administration and Human Services Standing Committee**, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.*  
**Tracking #:** 19738

**6. PLAT: 2600 WEST 47TH AVENUE**

**Synopsis:** Plat of 2600 West 47th Avenue, located at West 47th Avenue and Fisher Street, being developed by Jones Development Company, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

**Tracking #:** 19782

**7. MINUTES**

**Synopsis:** Minutes from regular sessions of April 11 and 25, 2019; and special sessions of April 25 and May 9, 2019.

**Tracking #:** MINUTES

**8. WEEKLY BUSINESS MATERIAL**

**Synopsis:** Weekly business material dated May 9, 16, and 23, 2019.

**Tracking #:** WEEKLY BUSINESS MATERIAL

**XI. PUBLIC HEARING AGENDA**

**XII. STANDING COMMITTEES' AGENDA**

**XIII. ADMINISTRATOR'S AGENDA**

**XIV. COMMISSIONERS' AGENDA**

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

**XVI. PUBLIC ANNOUNCEMENTS**

**XVII. ADJOURN**

**AGENDA UPDATE  
UNIFIED GOVERNMENT COMMISSION MEETING  
THURSDAY, MAY 30, 2019**

**VIII. PLANNING AND ZONING NON-CONSENT AGENDA**

**HOLDOVER**

**A. SPECIAL USE PERMIT APPLICATION**

**Item No. 1 – 19715...#SP-2018-54 – R. SCOTT BEELER**

**Synopsis:** Revocation of Special Use Permit for the Temporary Use of Land for storage of motor vehicles, including cars, SUVs, pick-up trucks and semi-truck trailers at 9700 Leavenworth Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR CONTINUATION OF THE SPECIAL USE PERMIT WITH THE MODIFIED STIPULATIONS - 7/2 VOTE)**

*At the request of the permit holder, the Mayor has agreed to set this matter over until the June 27, 2019 Commission meeting.*

**NEW ITEM**

**B. MISCELLANEOUS**

**Item No. 1 – 19786...CERTIFICATE OF APPROPRIATENESS #CA-2019-2 –  
EIGHTH STREET BAPTIST CHURCH**

**Synopsis:** Consideration of appeal by Eighth Street Baptist Church regarding denial of their Certificate of Appropriateness #CA-2019-2 by the Kansas City, Kansas Landmarks Commission for the demolition of an existing home at 809 Oakland Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR DENIAL - 7/0 VOTE)**



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**To:** Unified Government Board of Commissioners

**From:** City Staff

**Date:** May 30, 2019

**Re:** #CA-2019-2

## GENERAL INFORMATION

**Existing Zoning:** RP-5 Planned Apartment District





**Historic Status:** Located within the 500' environs of Sumner High School and athletic field, listed on the National Register of Historic Places, Register of Historic Kansas Places and a Kansas City, Kansas Historic Landmark.

**Surrounding Zoning:**

|               |                                 |
|---------------|---------------------------------|
| <b>North:</b> | RP-5 Planned Apartment District |
| <b>South:</b> | RP-5 Planned Apartment District |
| <b>East:</b>  | RP-5 Planned Apartment District |
| <b>West:</b>  | RP-5 Planned Apartment District |

**Existing Uses:**

|               |                       |
|---------------|-----------------------|
| <b>North:</b> | Sumner High School    |
| <b>South:</b> | Church Parking        |
| <b>East:</b>  | Church                |
| <b>West:</b>  | Church/School Parking |

**Total Tract Size:** .15 acre

**Master Plan Designation:** This portion of the Northeast Area Master Plan is designated as Historic and Institutional

**Major Street Plan:** Oakland is a local street

**Advertisement:** The Wyandotte Echo – N/A  
Letters to Property Owners – N/A

**Public Hearings:** March 4, 2019 and May 30, 2019

**Public Opposition:** No one appeared either for or against this application at the March 4, 2019 Kansas City, Kansas Landmarks Commission meeting.

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## PROPOSAL

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Detailed Outline of Requested Action: This application has been submitted to demolish the home adjacent to the church. It is in the 500' environs of Sumner High School and Athletic Fields.

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

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## FACTORS TO BE CONSIDERED

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Per Sec 27-152 the following shall be considered while making a determination concerning the environs of a historically listed property:

1. **The character of a historic property and district should be retained and preserved. The removal or alteration of distinctive architecture, landscape features, spatial relationships, etc. that characterize the property or district should be avoided.**

This is one of the few intact homes in the immediate vicinity of the high school that reflects the character of the area.

2. **The district should be used as it has been historically or allow the inclusion of new uses that require minimal change to the district's distinctive materials, features, and spatial relationships.**

This is one of the few intact homes in the immediate vicinity of the high School that reflects the character of the area.

3. **Demolition of character-defining buildings, structures, landscape features, etc. in a historic district should be avoided. When the severity of deterioration requires removal within the environs, compatible reconstruction shall occur. (All demolitions require Landmark Commission approval.)**

This structure is only adjacent to the district

4. **Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.**

This is not applicable in this case.

5. **New additions, exterior alterations, infill construction, or related new construction should not destroy character-defining features or spatial relationships that characterize the historic district. The new work shall be compatible with the historic materials, character-defining features, size, scale and proportion, and massing of the environs.**

No indication is made of how the site will be reused. They will need to file a plan review application to demonstrate how this site will be reused unless it is to be planted in grass.

6. **Moved historic properties that have not retained or acquired historic significance in their new environs shall be considered as artifacts without environs.**

This is not applicable in this case

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## **LANDMARKS COMMISSION DECISION**

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The Landmarks Commission voted 7 to 0 to **DENY** Certificate of Appropriateness #CA-2019-2 for the reasons outlined in the staff report:

1. **The applicant should state how the site is to be reused if demolition is allowed.**
2. **It appears the applicant has owned the structure for more than 20 years. Applicants should not be allowed to undermine significant structures to the**

- point demolition is necessary and then be granted the opportunity to demolish a structure adjacent to a Historic Landmark.
3. This home is easily rehabilitated and should not be demolished.
  4. The following link is to the Kansas Historic Resources Inventory for Sumner High School and Athletic Field <https://khri.kansasgis.org/index.cfm?in=209-2820-02040>

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## STAFF COMMENTS AND SUGGESTIONS

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The staff concurs with the recommendation of the Commission.

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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners make the findings contained within the staff report and recommends **DENIAL of the appeal of the Kansas City, Kansas Landmarks Commission decision for #CA-2019-2** subject to all comments and suggestions outlined in this staff report.

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## ATTACHMENTS

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March 4, 2019 Landmarks Commission Minutes  
Letter from Church representative  
Images

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## REVIEW OF INFORMATION AND SCHEDULE

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| <u>Action</u>  | <u>Landmarks Commission</u> | <u>Board of Commissioners (Appeal of Denial)</u> |
|----------------|-----------------------------|--------------------------------------------------|
| Public Hearing | March 4, 2019               | May 30, 2019                                     |
| COA            | Denied                      |                                                  |

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**STAFF CONTACT:**            **Robin H. Richardson, AICP**  
                                         [rrichardson@wycokck.org](mailto:rrichardson@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **DENY the appeal of denial by the Kansas City, Kansas Landmarks Commission of** Petition #CA-2019-1.

**OR**

I move the Unified Government Board of Commissioners **APPROVE the appeal of denial by the Kansas City, Kansas Landmarks Commission and APPROVE** Petition #CA-2019-1.

## **March 4, 2019 Landmarks Commission Minutes:**

**Case Starts At :50: - Applicant was not present and it was moved to the end of the agenda.**

**Case was recalled at 18:10 and applicant was still not present.**

### **CERTIFICATE OF APPROPRIATENESS #CA-2019-2 – JAMES GARNETT –**

**SYNOPSIS:** Certificate of Appropriateness for the demolition of a house at 809 Oakland Avenue, within the 500 foot environs of Sumner High School and athletic field, listed on the National Register of Historic Places, Register of Historic Kansas Places and a Kansas City, Kansas Historic Landmark. **Detailed Outline of Requested Action:** This application has been submitted to demolish the home adjacent to the church. It is in the 500' environs of Sumner High School and Athletic Fields.

### **Present in Support:**

- No one appeared

### **Present in Opposition:**

- No one appeared

**Staff Recommendation Starts At 19:03:** Assistant County Administrator Sieben stated that the church has owned this property for approximately 20 years and staff is not sure why they want to tear the structure down at this time. The staff comments state that the property appears to be structurally sound and it is something that could be easily rehabilitated and does not need to be demolished. She stated that the property is vacant and it should be registered on the UG vacancy register. The staff recommends denial of this application.

### **Motion/Vote Starts At 24:00:**

On motion by Ms. French, seconded by Mr. Schraeder, the Landmarks Commission voted as follows to **DENY Certificate of Appropriateness #CA-2019-2 for the reasons outlined in the staff report:**

|                                      |             |
|--------------------------------------|-------------|
| Altevogt;                            | Aye         |
| Bland:                               | Aye         |
| Chamberlain                          | Aye         |
| Craddock:                            | Aye         |
| French:                              | Aye         |
| Meditz:                              | Chairman    |
| Schraeder:                           | Aye         |
| Taylor:                              | Not Present |
| Van Middlesworth:                    | Aye         |
| Motion to <b>DENY Passed:</b> 7 to 0 |             |



# *Eighth Street Baptist Church*

**Rev. Donald Slack, II**

1420 N. 8<sup>th</sup> Street Kansas City, Kansas 66101

Phone: 913-371-6221 • Fax: 913-371-2009 • Email: [secl@8thstreetbc.org](mailto:secl@8thstreetbc.org)

March 21, 2019

**Dr. D. Ballard Jackson**  
*Pastor 1900-1936*

**Dr. L.H. Henderson, Sr.**  
*Pastor 1937-1985*

**Dr. T. Maynard Preston**  
*Co-Pastor 1966-1985*  
*Pastor 1985-1994*

**Dr. Larry B. Williams**  
*Pastor 1995-2002*

**Rev. Ricky E. Bragg**  
*Pastor 2004-2011*

**Paul B. Saunders**  
*Deacon Chairman*

**William C. Boyce, Sr.**  
*Trustee Chairman Emeritus*

**Delma Leapheart**  
*Business Administration*

**James R. Garrett**  
*Treasurer*

**Alicia Saunders**  
*Director of Music Ministry*

**Betty Lasley-Maddox**  
*Financial Secretary*

**Lynette Lasley**  
*Church Clerk*

Mr. Richardson,

I would like to appeal the decision of the Landmarks Commission decision to deny CA-2019-2 to demolish the property at 809 Oakland Avenue as the church desires to use the land for parking and the structure is in disrepair.

Respectfully,

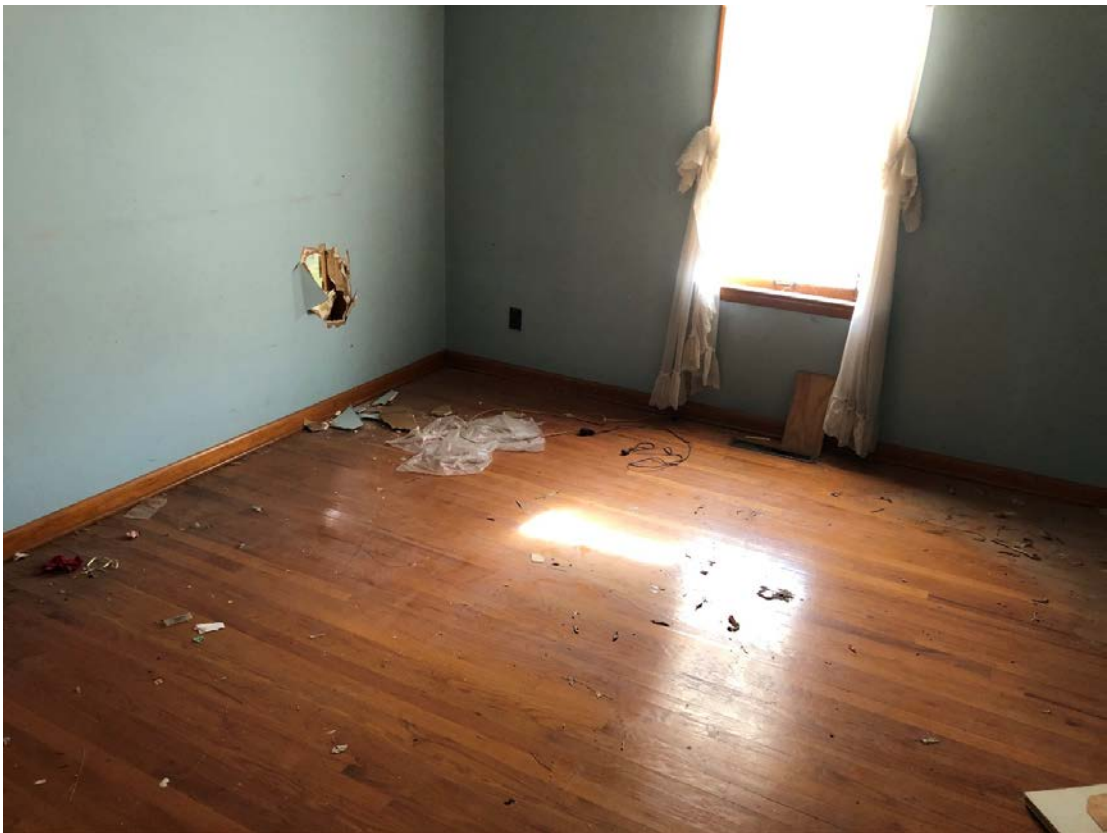
**Harold Simmons**  
Deacon

*"One Body Led by One Spirit, Serving One Lord, Living by One Faith,  
having been immersed in One Baptism, Glorifying God our Father." - Ephesians 4:4-6*



















# Urban Planning and Land Use

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

Phone: (913) 573-5750  
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**To:** Unified Government Board of Commissioners  
**From:** City Staff  
**Date:** May 30, 2019  
**Re:** Change of Zone Petition #3188

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## GENERAL INFORMATION

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**Applicant:**  
Michael Cloughley

**Status of Applicant:**  
Owner  
P.O. Box 266457  
Kansas City, MO 64126

**Requested Actions:**  
Change of Zone from  
M-2 General Industrial District to C-3  
Commercial District

**Date of Application:**  
March 29, 2019

**Purpose:**  
To operate rental property for four (4) apartment units (three one-bedroom units and one two-bedroom unit)

**Property Location:**  
300 – 302 Kansas Avenue

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





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

**Surrounding Zoning:**

|               |                                 |
|---------------|---------------------------------|
| <b>North:</b> | M-3 Heavy Industrial District   |
| <b>South:</b> | M-2 General Industrial District |
| <b>East:</b>  | M-3 Heavy Industrial District   |
| <b>West:</b>  | M-2 General Industrial District |

**Existing Uses:**

|               |                                    |
|---------------|------------------------------------|
| <b>North:</b> | Warehousing                        |
| <b>South:</b> | Parking lot (across Kansas Avenue) |
| <b>East:</b>  | Parking lot                        |
| <b>West:</b>  | Warehouse building                 |

**Total Tract Size:** .09 acre

**Master Plan Designation:** The Armourdale Master Plan designates this property as Light Industrial

**Major Street Plan:** The Major Street Plan classifies Kansas Avenue as a Class B Thoroughfare

**Advertisement:** The Wyandotte Echo – April 17, 2019  
Letters to Property Owners – April 15, 2019 and May 21, 2019

**Public Hearings:** May 13, 2019 and May 30, 2019

**Public Opposition:** No one appeared in opposition at the May 13, 2019 City Planning Commission meeting.

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## PROPOSAL

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Detailed Outline of Requested Action: The applicant, Michael Cloughley wants to convert two two-story buildings, formerly ground floor artist studios and second floor apartments into four (4) unit apartments at 300 – 302 Kansas Avenue.

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

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## FACTORS TO BE CONSIDERED

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

The character of the neighborhood is comprised of industrial warehousing, industrial storefronts and parking lots. This portion of the Kansas Avenue has a mixture automobile and truck traffic.

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

The zoning and uses of properties nearby are set out above. The proposed use does not seem out of place for the area, according to the applicant, there have been residents in the second-floor apartments.

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

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

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

The property has been vacant since 2010.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public except those that would like to rent these apartments and will not substantially injure the appropriate use, visual quality or marketability of nearby property.

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

The proposed use will not increase traffic or parking demand in ways that will adversely affect road capacity, safety, or create parking problems.

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

The proposed use conforms to the Master Plan.

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

This is not foreseen to be an issue.

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

**a. *Water service***

Existing

**b. *Sanitary sewer service***

Existing

**c. Storm water control**

Existing

**d. Police**

Police service is provided by South Patrol, District #333

**e. Fire**

Fire service is provided by Station #3

**f. Transit**

Kansas City ATA does not provide transit service along Kansas Avenue. The closest transit stop is at 7<sup>th</sup> Street and Kansas Avenue, Route #107.

**g. Schools**

Kansas City, Kansas USD 500

**h. Streets**

See item #6 above

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

The proposed use will have a minimal economic impact on the community.

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

The proposed use will need to obtain parking variances in order to complete the project.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner is minimal. If denied, the applicant will only be able to use the building as commercial or industrial space.

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**NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting on April 25, 2019. According to the applicant, those in attendance did not oppose the project.



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## KEY ISSUES

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Off-Street Parking  
Building Conversion

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Change of Zone Application #3188, subject to:

### Urban Planning and Land Use Comments:

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

*Applicant Response: \$50.00 will be fine.*

2. For reference, three units will have one-bedroom and one unit will have two (2) bedrooms.

*Applicant Response: Yes, three one-bedrooms and one two-bedroom unit.*

3. In reviewing the Cole Directories dating back to the late 1980s, staff could not find any business or apartments on the second floor of 300 or 302 Kansas Avenue. There was a commercial business, B & B Merchandise operating at 300 Kansas Avenue.

*Applicant Response: I do not know.*

4. How much parking will be made available for the tenants in the garages. Zero parking is proposed and a variance for parking reduction has been submitted, but it appears some off-street parking can be provided in these garages.

*Applicant Response: 2 spaces per garage will be available.*

5. How is egress provided for the upstairs units? There does not appear to be an exterior staircase for the occupants.

*Applicant Response: On the east side of the building is the entrance for the second floor and on the front (south) of the building the far west door is marked 302½ Kansas Avenue is the second floor entrance.*

6. As a result of converting the ground floor tenant spaces to apartment units (occupancy conversion), upgrades to the building will be necessary which must comply with the International Building, International Fire and International Energy Codes. Staff suggests scheduling a Development

**Review Committee (DRC) meeting following the Board of Commissioners meeting to discuss in detail the project.**

**Applicant Response: I do not know.**

**Staff Response: You need to schedule a pre-application meeting with the Development Review Committee (DRC) to discuss the occupancy conversion of the building.**

**Public Works Comments:**

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

**Staff Conclusion:**

**Staff cannot determine when the ground floor units were converted, however the change of occupancy will require their conversion to go through the Development Review Committee. The applicant is seeking a change of zone to allow four residential units in what appears to have been a mixed-use building. There appears to be ample on-street parking on the east side of the building and alley access to the two garages (two spaces per garage) for both buildings.**

**Subject to approval, staff stipulates the following:**

- 1) A \$50.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Unified Government Board of Commissioners meeting.**
- 2) The C-3 Commercial District designation shall be CP-3 planned district.**
- 3) The applicant shall meet with the Development Review Committee (DRC) to discuss the occupancy conversion and after such meeting shall submit the necessary permits to bring the building into compliance with the International Building, International Fire and International Energy Codes. The two-space garages at 300 and 302 Kansas Avenue shall be reserved for the tenants, one space for each unit (4).**

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**STAFF COMMENTS AND SUGGESTIONS**

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**Staff concurs with the recommendation of the City Planning Commission.**

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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition #**3188** subject to all comments and suggestions outlined in this staff report.

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## ATTACHMENTS

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May 13, 2019 City Planning Commission Minutes  
Applicant Response Email  
Neighborhood Meeting Minutes  
Aerial Photograph  
Floor Plans

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## REVIEW OF INFORMATION AND SCHEDULE

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| <u>Action</u>  | <u>Planning Commission</u> | <u>Board of Commissioners</u> |
|----------------|----------------------------|-------------------------------|
| Public Hearing | May 13, 2019               | May 30, 2019                  |
| Rezoning       | Approval                   |                               |

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

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition #**3188** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

## OR

I move the Unified Government Board of Commissioners **DENY** Petition #**3188**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

## **May 13, 2019 City Planning Commission Minutes:**

### **Hearing Starts 16:25:**

#### **CHANGE OF ZONE APPLICATION #3188 – MICHAEL CLOUGHLEY – SYNOPSIS:**

Change of Zone from M-2 General Industrial District to C-3 Commercial District to continue to operate a rental property at 300 and 302 Kansas Avenue. **Detailed Outline of Requested Action:** The applicant, Michael Cloughley wants to convert two two-story buildings, formerly ground floor artist studios and second floor apartments into four (4) unit apartments at 300 – 302 Kansas Avenue.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 13, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated April 18, 2019;
7. The Notices to property owners dated April 15, 2019; and
8. The testimony given at the Board of Zoning Appeals meeting this evening.

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

### **Present in Support:**

- ❖ Gary Long, representing the applicant, 827 Armstrong Avenue, Kansas City, Kansas 66101
- ❖ Michael Cloughley, applicant

### **Present in Opposition:**

- ❖ No one appeared

**Staff Recommendation Starts 19:03:** Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

### **Motion and Vote Starts 19:58:**

On motion by Dr. Serda, seconded by Ms. Huey, the Planning Commission voted as follows to **RECOMMEND APPROVAL of Change of Zone Application #3188:**

|          |             |
|----------|-------------|
| Carson   | Chairman    |
| Cho      | Not Present |
| Connelly | Aye         |
| Ernst    | Aye         |
| Huey     | Aye         |
| Jones    | Aye         |

Miller                      Aye  
Neal                        Aye  
Pauley                    Aye  
Reasons                  Aye  
Serda                      Aye

Motion to recommend APPROVAL Passed: 9 to 0

Subject to:

**Urban Planning and Land Use Comments:**

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

*Applicant Response: \$50.00 will be fine.*

2. For reference, three units will have one-bedroom and one unit will have two (2) bedrooms.

*Applicant Response: Yes, three one-bedrooms and one two-bedroom unit.*

3. In reviewing the Cole Directories dating back to the late 1980s, staff could not find any business or apartments on the second floor of 300 or 302 Kansas Avenue. There was a commercial business, B & B Merchandise operating at 300 Kansas Avenue.

*Applicant Response: I do not know.*

4. How much parking will be made available for the tenants in the garages. Zero parking is proposed and a variance for parking reduction has been submitted, but it appears some off-street parking can be provided in these garages.

*Applicant Response: 2 spaces per garage will be available.*

5. How is egress provided for the upstairs units? There does not appear to be an exterior staircase for the occupants.

*Applicant Response: On the east side of the building is the entrance for the second floor and on the front (south) of the building the far west door is marked 302½ Kansas Avenue is the second floor entrance.*

6. As a result of converting the ground floor tenant spaces to apartment units (occupancy conversion), upgrades to the building will be necessary which must comply with the International Building, International Fire and International Energy Codes. Staff suggests scheduling a Development Review Committee (DRC) meeting following the Board of Commissioners meeting to discuss in detail the project.

**Applicant Response: I do not know.**

**Staff Response: You need to schedule a pre-application meeting with the Development Review Committee (DRC) to discuss the occupancy conversion of the building.**

**Public Works Comments:**

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

**Staff Conclusion:**

**Staff cannot determine when the ground floor units were converted, however the change of occupancy will require their conversion to go through the Development Review Committee. The applicant is seeking a change of zone to allow four residential units in what appears to have been a mixed-use building. There appears to be ample on-street parking on the east side of the building and alley access to the two garages (two spaces per garage) for both buildings.**

**Subject to approval, staff stipulates the following:**

- 1) A \$50.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Unified Government Board of Commissioners meeting.**
- 2) The C-3 Commercial District designation shall be CP-3 planned district.**
- 3) The applicant shall meet with the Development Review Committee (DRC) to discuss the occupancy conversion and after such meeting shall submit the necessary permits to bring the building into compliance with the International Building, International Fire and International Energy Codes. The two-space garages at 300 and 302 Kansas Avenue shall be reserved for the tenants, one space for each unit (4).**



## Toy, Byron

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**From:** Mike Cloughley <mpckc55@gmail.com>  
**Sent:** Thursday, May 02, 2019 3:47 PM  
**To:** Toy, Byron  
**Subject:** Re: Staff report responses

On BOZA 2232 question # 1 I don't no when they were converted ? They were inspected by your leasing inspector & he found 4 or 5 things & they have been repaired . # 2 Yes 7 parking spaces . #3 garages 2 spaces per garage . # 4 cars on east side of building belong to the tenants . # 5 Don't know ? COZ 3188 # 1 50.00 will be find . # 2 Yes 3 1 bed rooms & 1 2 bed room . # 3 Don't know ? # 4 2 spaces per garage . # 5 On the east side of building is the entrance for the 2 nd floor & on the front of building the far west door marked 302 & a half is 2 nd floor entrance . # 6 Don't know ?

On Wed, May 1, 2019 at 2:16 PM Mike Cloughley <mpckc55@gmail.com> wrote:  
Thank you!

On Wed, May 1, 2019 at 1:58 PM Toy, Byron <btoy@wycokck.org> wrote:

Mike,

Answer questions on page 4 for the BOZA 2232.

Answer questions on page 5 for the COZ 3188.

Thank you,

Byron Toy, AICP

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

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

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**MINUTES OF NEIGHBORHOOD MEETING**

Application Number: Land Use #3188 and Appeal #2322

Date and Location: April 25, 2019, at 713 Osage, Kansas City, KS 66105

Meeting called to Order at: 4pm

Names of people in attendance:

- Gary Long
- Michael Cloughley

Introductions by Michael Cloughley

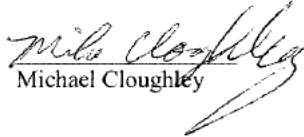
Proposal was presented for those in attendance by Michael Cloughley

Questions and Answers:

- No questions were asked and no comments given
- Michael Cloughley was available to answer questions, but no questions were asked

Meeting Adjourned at 4pm

Minutes taken by

  
Michael Cloughley

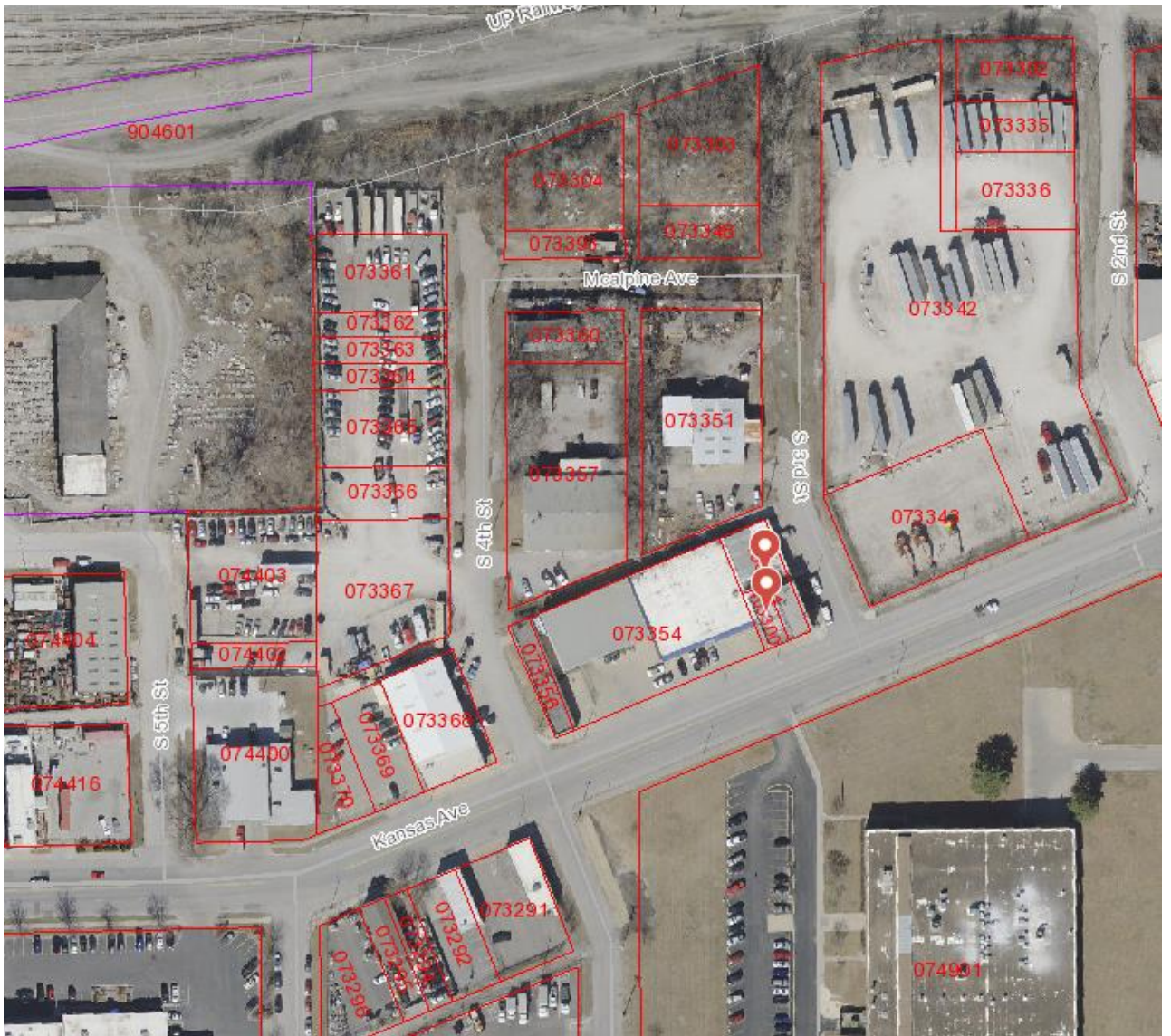


Figure 1. Aerial photograph of 300 - 302 Kansas Avenue as indicated by the pins (provided by UG Maps).



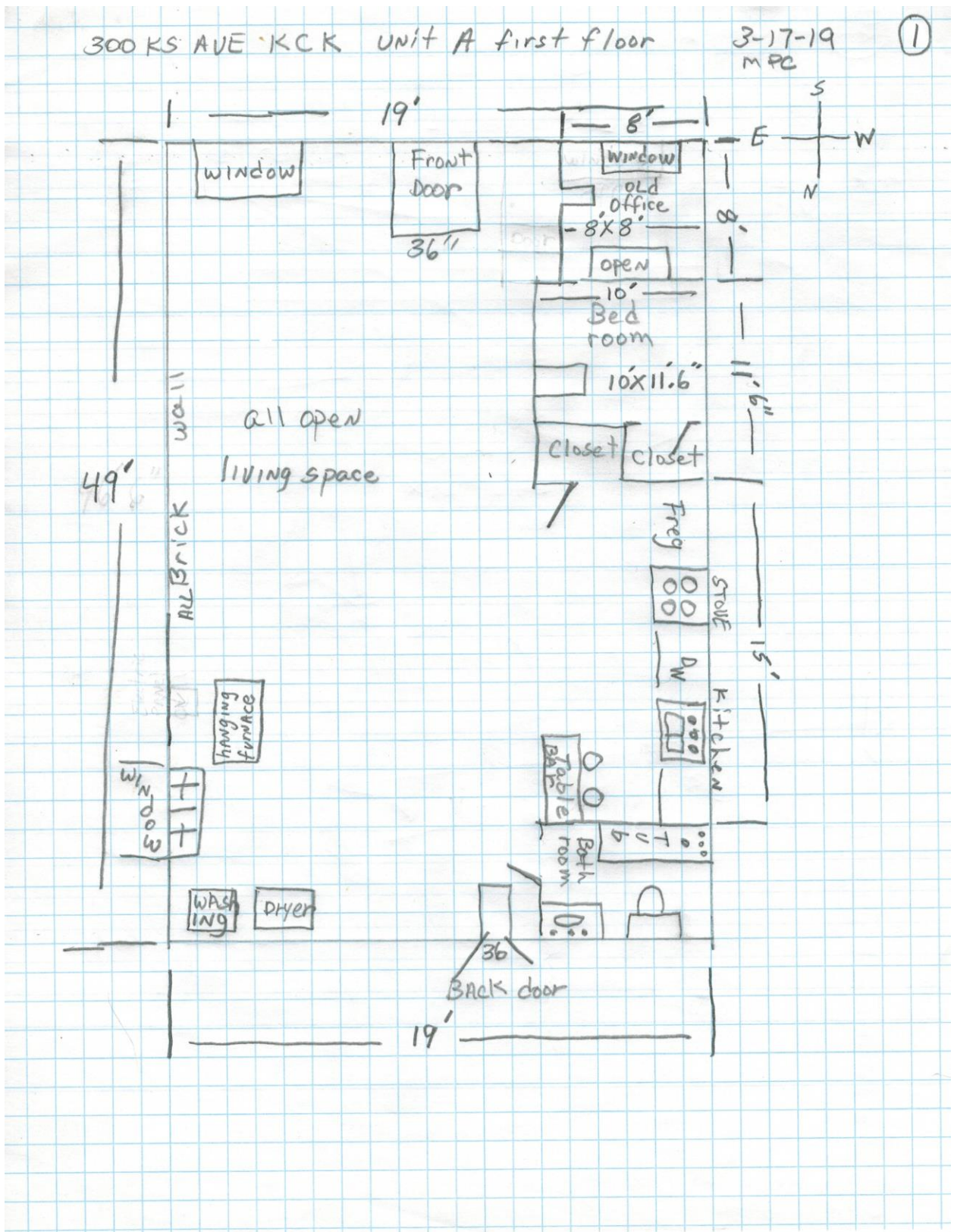


Figure 2. Floor plan of 300 Kansas Avenue, Unit A – 1<sup>st</sup> Floor (provided by the applicant).

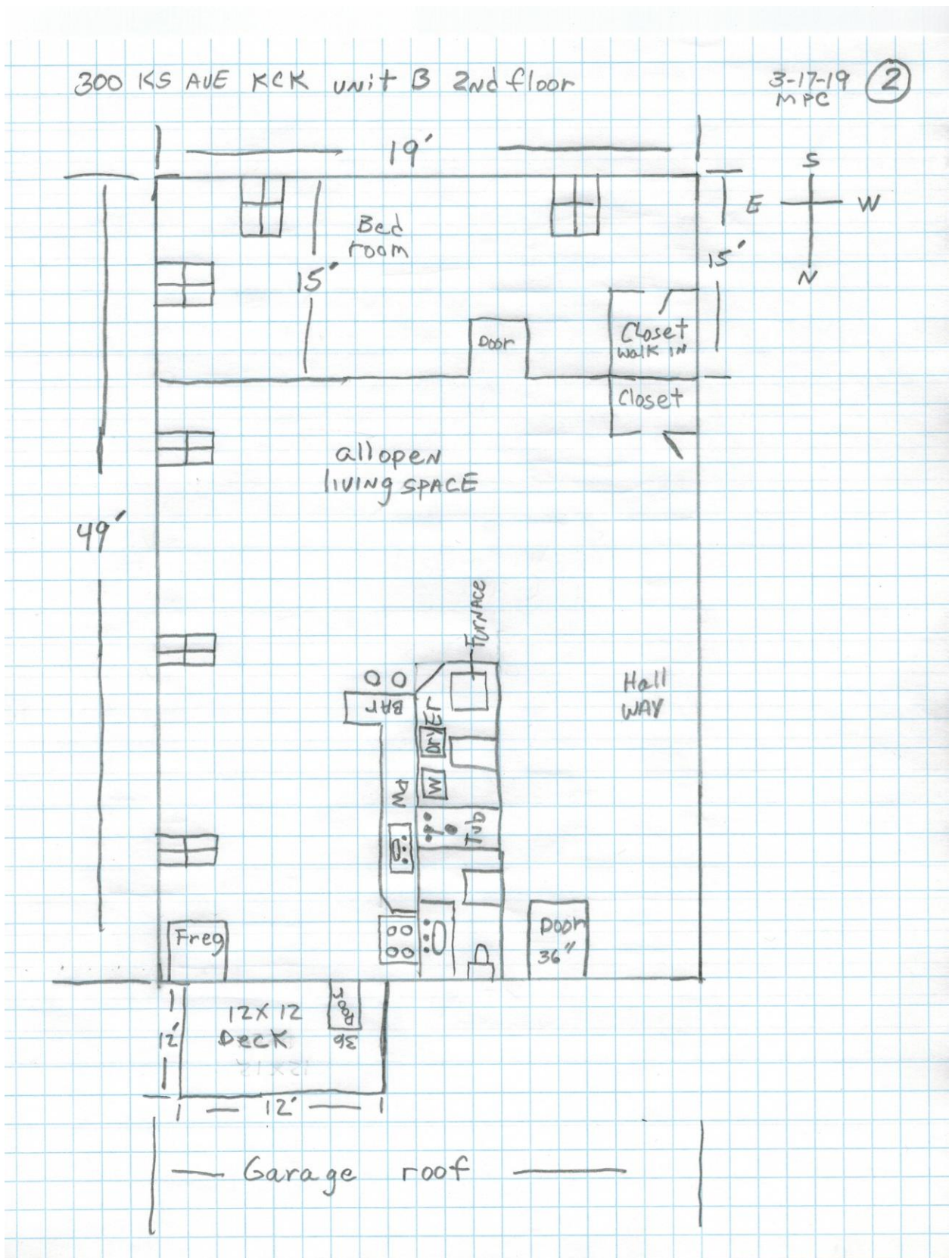


Figure 3. Floor plan of 300 Kansas Avenue, Unit B – 2<sup>nd</sup> Floor (provided by the applicant).



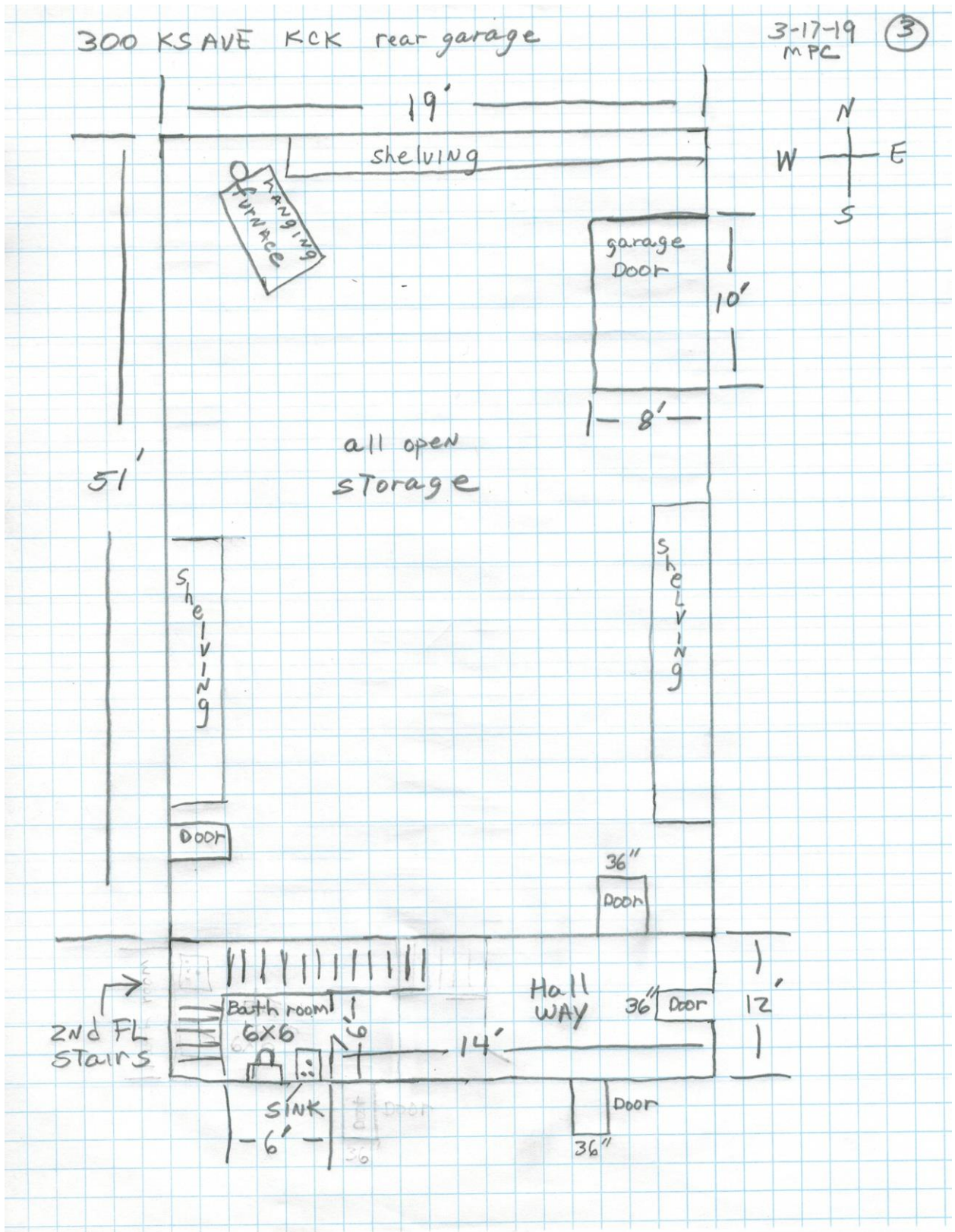


Figure 4. Floor plan of the garage at 300 Kansas Avenue (provided by the applicant).

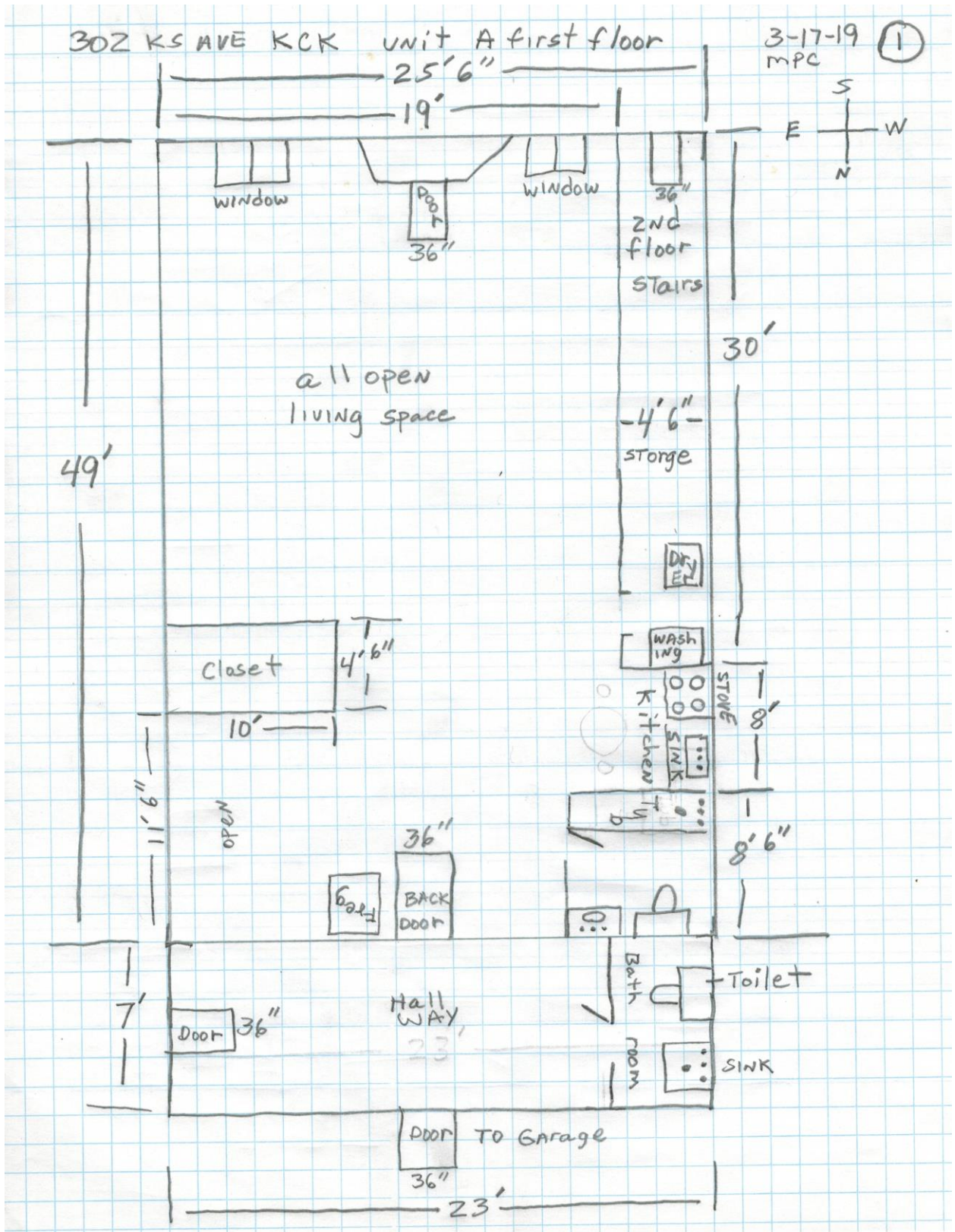


Figure 5. Floor plan of 302 Kansas Avenue, Unit A – 1<sup>st</sup> Floor (provided by the applicant).



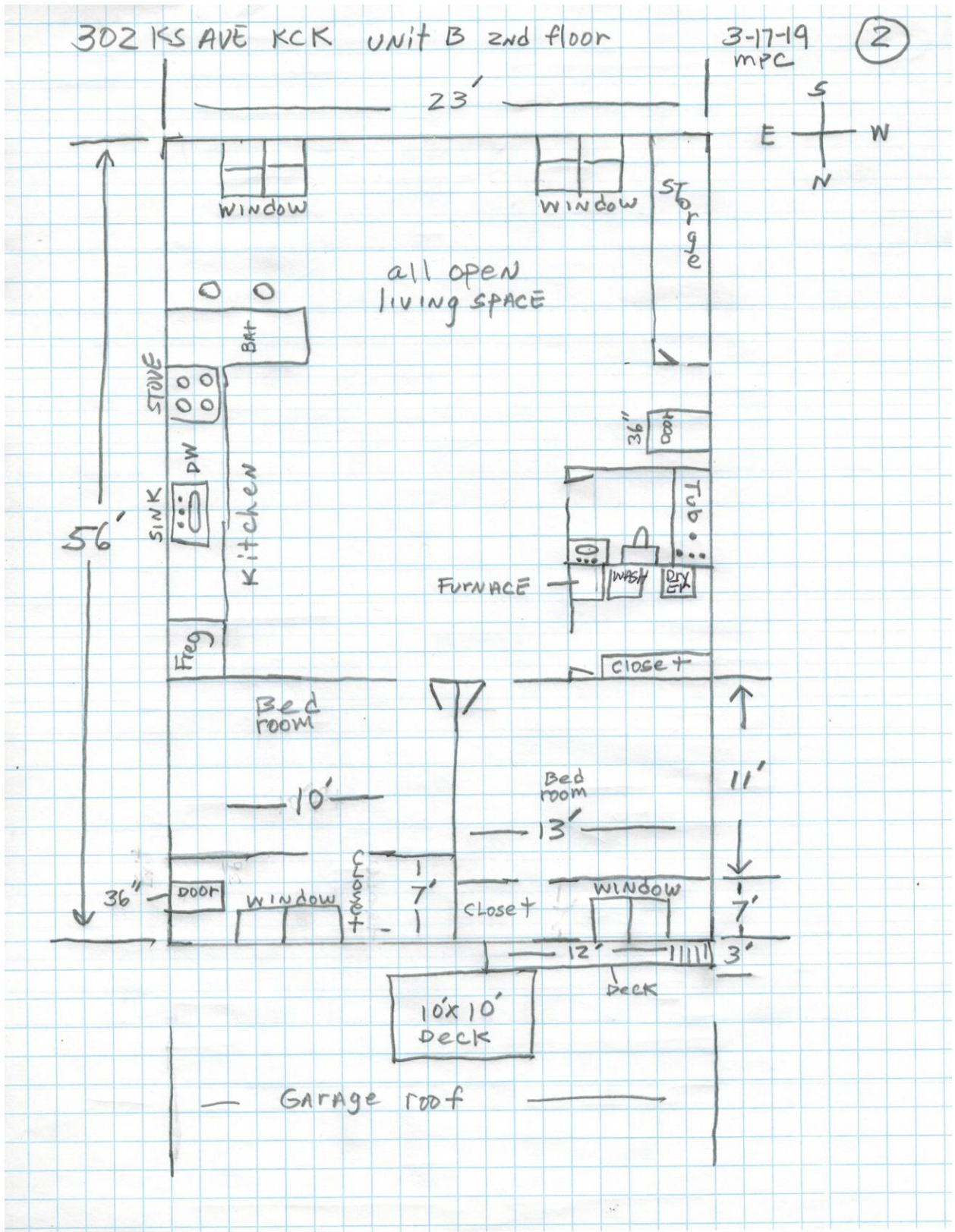


Figure 6. Floor plan of 302 Kansas Avenue, Unit A – 2<sup>nd</sup> Floor (provided by the applicant).

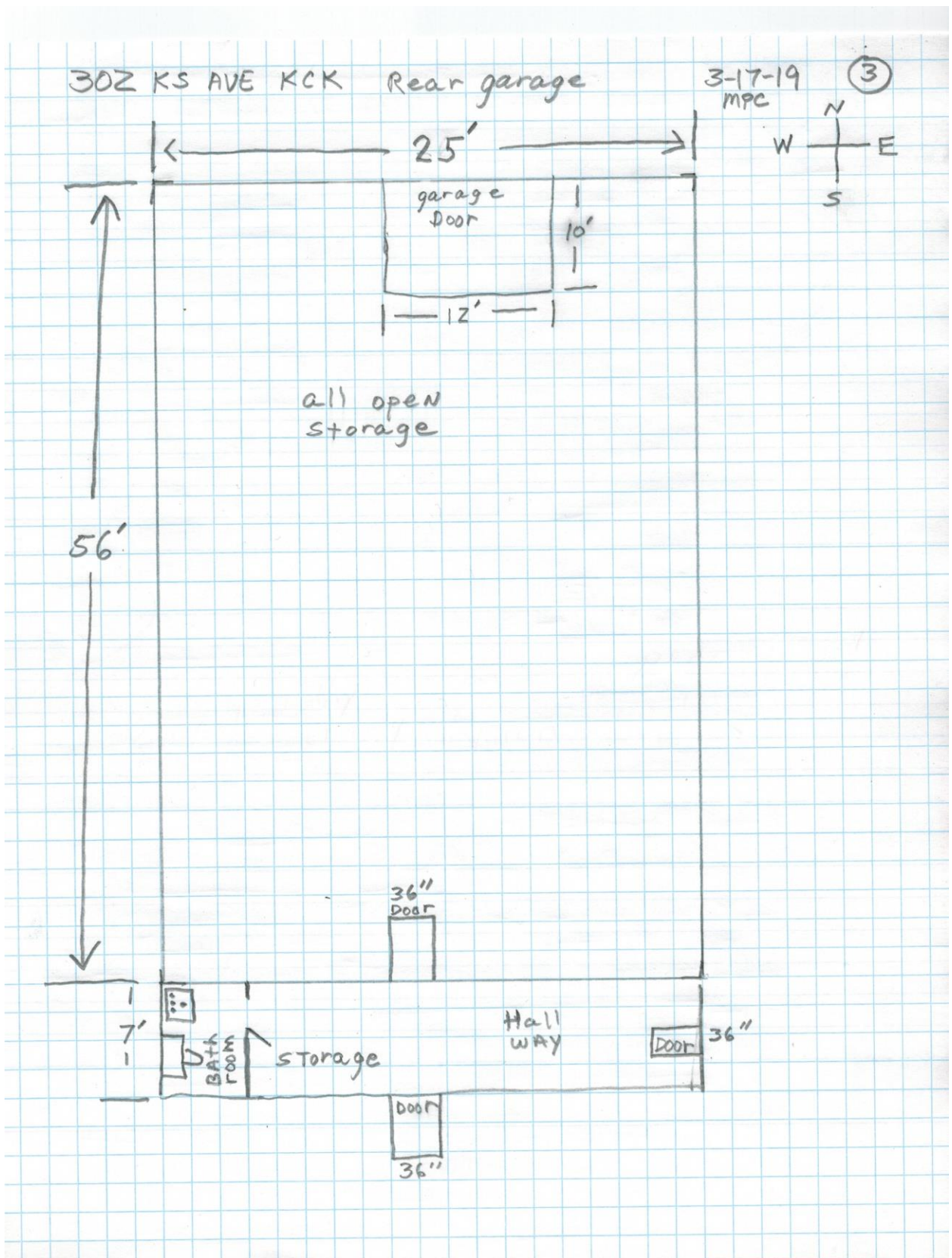


Figure 7. Floor plan of the garage at 302 Kansas Avenue (provided by the applicant).





Figure 8. Photograph of 300 - 302 Kansas Avenue (provided by the applicant).





















# Urban Planning and Land Use

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

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

**To:** Unified Government Board of Commissioners  
**From:** City Staff  
**Date:** May 30, 2019  
**Re:** Change of Zone Petition #3189

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## GENERAL INFORMATION

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**Applicant:**  
Dennis Edwards

**Status of Applicant:**  
Original Corner Market &  
Deli  
81 North Mill Street  
Kansas City, Kansas  
66101

**Requested Actions:**  
Change of Zone from  
TND Traditional  
Neighborhood Design  
District to TND Traditional  
Neighborhood Design  
District to remove  
stipulation regarding  
alcohol sales.

**Date of Application:**  
March 29, 2019

**Purpose:** To change the previously approved stipulations preventing the sale of alcohol.





**Property Location:** 81 North Mill Street

**Existing Zoning:** TND Traditional Neighborhood Design District

**Surrounding Zoning:**

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

**Existing Uses:**

|               |                                 |
|---------------|---------------------------------|
| <b>North:</b> | Single Family House             |
| <b>South:</b> | Single Family House/Vacant Lots |
| <b>East:</b>  | Single Family House/Vacant Lots |
| <b>West:</b>  | Single Family House             |

**Total Tract Size:** 4,143 square feet (0.1 acres)

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

**Major Street Plan:** The City-Wide Master Plan designates Mill Street

**Advertisement:** The Wyandotte Echo – April 18, 2019  
Letters to Property Owners – April 15, 2019 and May 21, 2019

**Public Hearings:** May 13, 2019 and May 30, 2019

**Public Opposition:** No one appeared in opposition at the May 13, 2019 City Planning Commission meeting.

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## PROPOSAL

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*Detailed Outline of Requested Action:* Dennis Edwards with Original Corner Market & Deli has applied for a change of zone from TND Traditional Neighborhood Design District T-5 to TND Traditional Neighborhood Design District T-5 in order to amend previously approved stipulations preventing the sale of alcohol. The applicant would like to sell packaged beer.

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

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## FACTORS TO BE CONSIDERED

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

This property is a historic corner store and deli within a single-family neighborhood. The building has been part of the neighborhood since 1929.

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

The sale of packaged beer could create a compatibility issue with the surrounding neighborhood, which is primarily a single-family residential neighborhood. The neighborhood meeting and public hearing will be an important indication of the neighborhood support for the proposed use.

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

Removal of the restrictions may detrimentally affect nearby property due to the compatibility of alcohol sales and single-family residences.

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

The property is not vacant, it was reopened as a corner grocery store and deli in 2008 after being vacant for approximately 10 years.

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

Beer sales at this location would be a convenience for customers but may be a compatibility issue for the surrounding single-family residences.

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

The change in stipulations regarding alcohol sales would not likely have a major impact on the traffic or parking demand.

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

Although this use is not listed in the Urban Residential land use category in the City-Wide Master Plan, the building has existed at this location since 1929 and has been used for commercial purposes during most of that time.

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

This is not foreseen to be an issue

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

**a. *Water service***

Existing

**b. Sanitary sewer service**

Existing

**c. Storm water control**

Existing

**d. Police**

Police service is provided by East Patrol, District #115

**e. Fire**

Fire service is provided by District #1

**f. Transit**

KCATA provides transit service on 7<sup>th</sup> Street, Central Avenue, and 10<sup>th</sup> Street

**g. Schools**

Kansas City, Kansas USD 500

**h. Streets**

See item #6 above

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

This business contributes positively to the economy of the community.

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

The proposed use is capable of meeting applicable ordinance requirements, the proposed use would only amend the stipulations of what can be sold in the store.

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

The proposed use may not benefit the public welfare due to the compatibility issues discussed above

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## NEIGHBORHOOD MEETING

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The applicant had a neighborhood meeting on April 26, 2019. No opposition was presented at the neighborhood meeting.

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## KEY ISSUES

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Neighborhood Compatibility

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Change of Zone Application #3189, subject to:

### Urban Planning and Land Use Comments:

When this application for change of zone was approved in 2014, the following stipulation was included:

#### 3. Alcohol Sales

Alcohol sales were the key point for staff and the neighborhood. The neighborhood was very concerned that this store could become the local liquor store and bring all of the problems inherent to one. The applicant agreed to not sell liquor and received neighborhood support. The one negative with this case is that through this Change of Zone, the tight leash we have to make sure that liquor sales will never occur (the special use permit) will go away. That is not a big deal as long as this owner is still in possession of the store. However, a future owner would have no way of knowing alcohol sales are not allowed. To combat this, we are stipulating that alcohol sales shall be prohibited. We also stipulate that the applicant enter into a unilateral agreement with the Unified Government that states that alcohol sales are prohibited. That agreement will be recorded with the Register of Deeds and will be easily found if someone does a title search on this property.

The applicant is requesting to amend this stipulation to allow the sale of packaged beer. The following stipulations from the change of zone would remain in effect. These have been updated to reflect the current rezoning application:

#### History

This building was constructed as a commercial building in 1929. It was used as such for a number of years. Then, it was vacant for a number of years after that. The years that the building was vacant far exceeded the expiration date of the non-conforming status that the store operated under. In 2001 the UG went through a downzoning effort. Because of how the building was being used at that time, it was downzoned to single family. In 2007 the applicant applied for Change of Zone to commercial. He did not receive staff support because it did not fit into a zoning district available at that time. The Commission thought a Special Use



Permit for a temporary use of land would be best. They approved the special use permit for 2 years. The applicant obtained a special use permit every 2 years, until the applicant applied for a change of zone to Traditional neighborhood District (TND) T-5 Urban Center in 2014.

In 2014 the applicant's petition for a Change of Zone to Traditional Neighborhood District (TND) T-5 Urban Center was approved with stipulations. The TND district is a zoning classification that was created some years after the market was in operation. The District's intent is to encourage mixed use development and infill redevelopment. The district relaxes a lot of different standards such as setbacks and parking in order to accomplish this intent. At this time, the most prominent example of the TND code in use is the redevelopment on the west side of 39th and Rainbow. This code was not available to use for the Edwards Market before. We believe that it is a permanent solution for a situation that previously only had temporary fixes available (SUP's).

The applicant is now applying to amend the stipulations to allow the sale of packaged beer.

Ensuring that the comments and stipulations from the Special Use Permits that allowed the business to fit into the neighborhood remain in place.

Staff believes that it is positive that we have a zoning classification that fits this type of use at this location. With that said, we did find perfect balance of comments, stipulations and conditions with the special use permit that protected the neighborhood and made the use fit in almost seamlessly. We believe that with this zoning those comments, stipulations and conditions should be similar. Staff is requesting that the applicant look over the comments below and submit a letter stating that he is agreeing to the following:

#### 1. Noise and Light

Noise and light (illumination) generated from this site could become an issue. Noise of cars, conversation of the patrons outside the building and bright unattractive lights can very intrusive to the quality of life of adjacent property owners. The hours of operation shall be between 8:00 a.m. and 10:00 p.m.

#### 2. Parking

Under the T-5 subcategory of the TND zoning district this building requires the following amount of parking:

| Use                | Space Requirement    | Provided |
|--------------------|----------------------|----------|
| 2 Apartments       | 1 per unit           | (2)      |
| 2 1,139 s.f. store | 2 per 1,000 s.f. (3) | 4        |

At no time shall this use have less than 6 off street parking spaces

#### 3. Alcohol Sales

Alcohol sales shall be limited to packaged beer. We also stipulate that the applicant enter into a unilateral agreement with the Unified Government that states that alcohol sales are prohibited except for packaged beer. That agreement

will be recorded with the Register of Deeds and will be easily found if someone does a title search on this property.

#### **4. Pavement**

This is a proposal for a permanent zoning change. This differs from the temporary nature of the Special Use Permit because all code requirements must be met in order to receive approval. In this case, the applicant was allowed to keep a gravel parking lot on the property and not make other mandatory infrastructure improvements because it was a temporary use. As part of this Change of Zone, the applicant must pave the parking lot and make the other infrastructure improvements. The applicant must obtain building permits and construct the infrastructure before the zoning is published and finalized. Update: The improvements have been completed to satisfy this stipulation.

#### **Public Works Comments:**

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

---

### **STAFF COMMENTS AND SUGGESTIONS**

---

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

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### **STAFF RECOMMENDATION**

---

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **#3189** subject to all comments and suggestions outlined in this staff report.

---

### **ATTACHMENTS**

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May 13, 2019 City Planning Commission Minutes  
Site Photos  
Neighborhood Meeting Minutes

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### **REVIEW OF INFORMATION AND SCHEDULE**

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|                |                            |                               |
|----------------|----------------------------|-------------------------------|
| <u>Action</u>  | <u>Planning Commission</u> | <u>Board of Commissioners</u> |
| Public Hearing | May 13, 2019               | May 30, 2019                  |
| Rezoning       | Approval                   |                               |

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

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition #3189 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

## OR

I move the Unified Government Board of Commissioners **DENY** Petition #3189, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

### **May 13, 2019 City Planning Commission Minutes:**

#### **Hearing Starts 20:38:**

**CHANGE OF ZONE APPLICATION #3189 – MATT WATKINS WITH REECE COMMERCIAL REAL ESTATE – SYNOPSIS:** Request for change in previous approved stipulations for approved TND Traditional Neighborhood Design District to remove the no alcohol stipulation at 81 North Mill Street. ***Detailed Outline of Requested Action:*** Dennis Edwards with Original Corner Market & Deli has applied for a change of zone from TND Traditional Neighborhood Design District T-5 to TND Traditional Neighborhood Design District T-5 in order to amend previously approved stipulations preventing the sale of alcohol. The applicant would like to sell packaged beer.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 13, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated April 18, 2019;
7. The Notices to property owners dated April 15, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Planning Commissioner Reasons stated that he spoke with Matt Watkins, applicant on this application and did not have any information to disclose.

**Present in Support:**

- ❖ Matt Watkins, Reece Nichols, applicant representing Original Corner Market and Deli

**Present in Opposition:**

- ❖ No one appeared

**Staff Recommendation Starts 27:29:** Planning Director Richardson stated that he would echo Mr. Watkins' compliments about the lunch at the facility and he has made improvements to the property and it is a very nice property. With those comments the staff recommends approval subject to the stipulations in the staff report.

**Motion and Vote Starts 31:50:**

On motion by Mr. Miller, seconded by Mr. Reasons, the Planning Commission voted as follows to **RECOMMEND APPROVAL of Change of Zone Application #3189:**

|                 |                    |
|-----------------|--------------------|
| <b>Carson</b>   | <b>Chairman</b>    |
| <b>Cho</b>      | <b>Not Present</b> |
| <b>Connelly</b> | <b>Aye</b>         |
| <b>Ernst</b>    | <b>Aye</b>         |
| <b>Huey</b>     | <b>Aye</b>         |
| <b>Jones</b>    | <b>Aye</b>         |
| <b>Miller</b>   | <b>Aye</b>         |
| <b>Neal</b>     | <b>Aye</b>         |
| <b>Pauley</b>   | <b>Aye</b>         |
| <b>Reasons</b>  | <b>Aye</b>         |
| <b>Serda</b>    | <b>Aye</b>         |

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

**Subject to:**

**Urban Planning and Land Use Comments:**

**When this application for change of zone was approved in 2014, the following stipulation was included:**

**3. Alcohol Sales**

**Alcohol sales were the key point for staff and the neighborhood. The neighborhood was very concerned that this store could become the local liquor store and bring all of the problems inherent to one. The applicant agreed to not sell liquor and received neighborhood support. The one negative with this case is that through this Change of Zone, the tight leash we have to make sure that liquor sales will never occur (the special use permit) will go away. That is not a big deal as long as this owner is still in**



possession of the store. However, a future owner would have no way of knowing alcohol sales are not allowed. To combat this, we are stipulating that alcohol sales shall be prohibited. We also stipulate that the applicant enter into a unilateral agreement with the Unified Government that states that alcohol sales are prohibited. That agreement will be recorded with the Register of Deeds and will be easily found if someone does a title search on this property.

The applicant is requesting to amend this stipulation to allow the sale of packaged beer. The following stipulations from the change of zone would remain in effect. These have been updated to reflect the current rezoning application:

#### History

This building was constructed as a commercial building in 1929. It was used as such for a number of years. Then, it was vacant for a number of years after that. The years that the building was vacant far exceeded the expiration date of the non-conforming status that the store operated under. In 2001 the UG went through a downzoning effort. Because of how the building was being used at that time, it was downzoned to single family. In 2007 the applicant applied for Change of Zone to commercial. He did not receive staff support because it did not fit into a zoning district available at that time. The Commission thought a Special Use Permit for a temporary use of land would be best. They approved the special use permit for 2 years. The applicant obtained a special use permit every 2 years, until the applicant applied for a change of zone to Traditional neighborhood District (TND) T-5 Urban Center in 2014.

In 2014 the applicant's petition for a Change of Zone to Traditional Neighborhood District (TND) T-5 Urban Center was approved with stipulations. The TND district is a zoning classification that was created some years after the market was in operation. The District's intent is to encourage mixed use development and infill redevelopment. The district relaxes a lot of different standards such as setbacks and parking in order to accomplish this intent. At this time, the most prominent example of the TND code in use is the redevelopment on the west side of 39th and Rainbow. This code was not available to use for the Edwards Market before. We believe that it is a permanent solution for a situation that previously only had temporary fixes available (SUP's).

The applicant is now applying to amend the stipulations to allow the sale of packaged beer.

Ensuring that the comments and stipulations from the Special Use Permits that allowed the business to fit into the neighborhood remain in place.

Staff believes that it is positive that we have a zoning classification that fits this type of use at this location. With that said, we did find perfect balance of comments, stipulations and conditions with the special use permit that protected the neighborhood and made the use fit in almost seamlessly. We believe that with this zoning those comments, stipulations and conditions should be similar. Staff

is requesting that the applicant look over the comments below and submit a letter stating that he is agreeing to the following:

**1. Noise and Light**

Noise and light (illumination) generated from this site could become an issue. Noise of cars, conversation of the patrons outside the building and bright unattractive lights can very intrusive to the quality of life of adjacent property owners. The hours of operation shall be between 8:00 a.m. and 10:00 p.m.

**2. Parking**

Under the T-5 subcategory of the TND zoning district this building requires the following amount of parking:

| Use                | Space Requirement   | Provided |
|--------------------|---------------------|----------|
| 2 Apartments       | 1 per unit          | (2)      |
| 2 1,139 s.f. store | 2 per 1,000 s.f (3) | 4        |

At no time shall this use have less than 6 off street parking spaces

**3. Alcohol Sales**

Alcohol sales shall be limited to packaged beer. We also stipulate that the applicant enter into a unilateral agreement with the Unified Government that states that alcohol sales are prohibited except for packaged beer. That agreement will be recorded with the Register of Deeds and will be easily found if someone does a title search on this property.

**4. Pavement**

This is a proposal for a permanent zoning change. This differs from the temporary nature of the Special Use Permit because all code requirements must be met in order to receive approval. In this case, the applicant was allowed to keep a gravel parking lot on the property and not make other mandatory infrastructure improvements because it was a temporary use. As part of this Change of Zone, the applicant must pave the parking lot and make the other infrastructure improvements. The applicant must obtain building permits and construct the infrastructure before the zoning is published and finalized. Update: The improvements have been completed to satisfy this stipulation.

**Public Works Comments:**

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







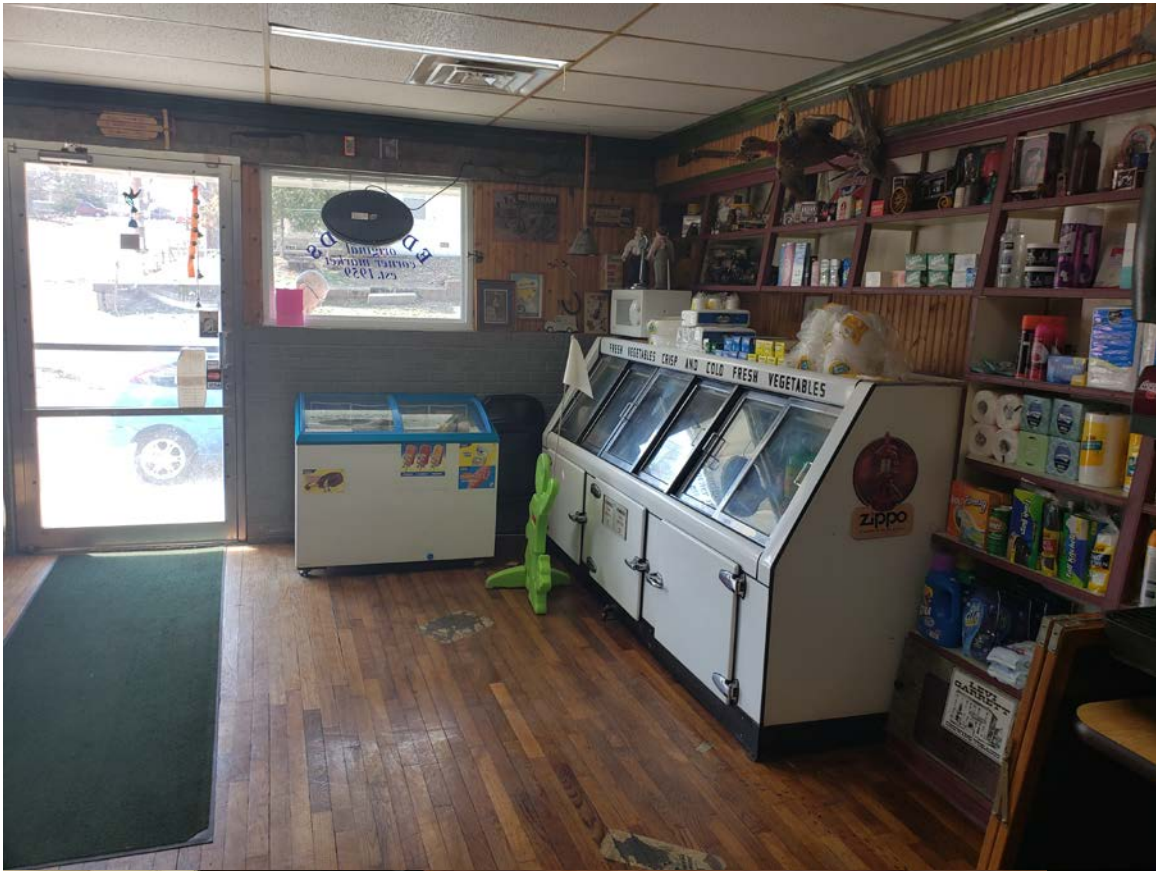


















**Application Number COZ 3189**

**Date and Location:** April 26, 2019 – 81 N Mill, Kansas City, KS 66101

**Meeting called to order at:** 6pm

**Names of people in attendance:**

Dennis Edwards – owner

Matt Watkins – Reece Commercial

See sign in sheet attached

**Introductions:**

Dennis introduced himself and spoke about the building being built in 1929 – 90 years old.

Matt Watkins – local real estate agent helping Dennis with the process

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

His family has owned or operated the establishment since 1959 and never had an incident.

Dennis took over March 1, 2008 and in less than 6 months, the gang activity and violence had stopped.

He's had a package beer license in the past with no incidents.

The floor was opened for questions or comments. No direct questions just discussion about the neighborhood and potential for pulling together a neighborhood meeting more regularly.

No opposition to the COZ was presented at the time of the meeting.

**Questions and answers (include the following):**

Who asked question or gave comment - NONE

What was the question or comment - NONE

Who answered the question/comment - NONE

What was the answer given - NONE

**Meeting adjourned at:** 6:55 pm

**Minutes taken by:** Matt Watkins



# Urban Planning and Land Use

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

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

**To:** City Planning Commission  
**From:** City Staff  
**Date:** May 13, 2019  
**Re:** Change of Zone Petition #3191

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## GENERAL INFORMATION

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**Applicant:**  
Andrea Weishaubt

**Status of Applicant:**  
Representative  
Atlas Surveyors  
2300 Hutton Road, Suite  
108  
Kansas City, KS 66109

**Requested Actions:**  
Change of Zone from AG  
(WyCo) Agriculture  
District to A-G (City)  
Agriculture District.

**Date of Application:**  
March 29, 2019

**Purpose:**  
To change zoning districts in order to split property into two separate parcels so a house can be built on the new parcel.

**Property Location:**  
2718 North 119<sup>th</sup> Street



**Existing Zoning:** AG (WyCo) Agriculture District

**Existing Surrounding Zoning:** **North:** AG (WyCo) Agriculture District  
**South:** R (WyCo) Residential District  
**East:** R (WyCo) Residential District  
**West:** AG (WyCo) Agriculture District

**Existing Uses:** **North:** Agriculture, single family houses  
**South:** Agriculture, single family houses  
**East:** Single-family house lots  
**West:** Agriculture, single family houses

**Total Tract Size:** 17.76 acres

**Master Plan Designation:** The northern portion of property is designed as Low Density Residential District in the Prairie Delaware Piper Master Plan. The southern portion is designated a Mixed Residential District in the Prairie Delaware Piper Master Plan.

**Major Street Plan:** The City Wide Master Plan designates 119<sup>th</sup> Street as a Boulevard/Parkway

**Advertisement:** The Wyandotte Echo – Change of Zone - April 18, 2019  
Letters to Property Owners – Change of Zone – April 17, 2019  
and May 21, 2019; Variance – April 17, 2019

**Public Hearings:** May 13, 2019 and May 30, 2019

**Public Opposition:** No one appeared in opposition at the May 13, 2019 Board of Zoning Appeals or City Planning Commission meetings.

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## PROPOSAL

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*Detailed Outline of Requested Action:* Andrea Weishaubt with Atlas Surveyors has applied to for a change of zone from AG (WyCo) to A-G (City) in order to split the current property into two parcels (Lot 1 and Lot 2) and build a new house at 2718 North 119<sup>th</sup> Street (Lot 2). Applicant also requests a variance to the minimum frontage required by land zoned as an AG Agriculture District. Applicant seeks a frontage of 193 feet for Lot 2, a variance of 57 feet. (Appeal approved on May 13, 2019 by the Board of Zoning Appeals.)

*City Ordinance Requirements:* Sections 27-210, 27-215 – 27-216



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## FACTORS TO BE CONSIDERED

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

This area is surrounded by large lots zoned as county agriculture to the north and west, and as rural districts to the east and south. The adjacent lots range from 2.6 to 30.8 acres in size, with a single-family residence on each lot.

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

The proposed use is expected to be compatible with the surrounding zoning and uses, especially with the properties to the east and south.

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

Removal of restrictions will not detrimentally affect nearby property.

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

The property is not vacant.

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

All surrounding properties are either zoned for agriculture or rural. A change of zone would not affect the character or marketability of neighboring properties.

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

There is no development plan for Lot 2, so there is no way to know if there will be an additional driveway leading out to North 119<sup>th</sup> Street. This could create an excessive number of driveways on a major thoroughfare without adequate spacing. Variance petition #2325 is a variance request that includes these issues.

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

The Prairie-Delaware-Piper Master Plan designates the southern portion of the property as Mixed Residential and the northern portion of the property as Suburban Residential. The property split will occur in the northern portion of the current plot.

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

The proposed use is not foreseen to cause environmental harm or enhance the environment.

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

**a. *Water service***

Available

**b. *Sanitary sewer service***

Septic

**c. *Storm water control***

To be designed to city code.

**d. *Police***

Police service is provided by District #224

**e. *Fire***

Fire service is provided by Fire District #8

**f. *Transit***

None

**g. *Schools***

Piper USD 203

**h. *Streets***

See item #6 above

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

An additional single-family house in the neighborhood will not make much of an impact on the surrounding properties. The property in question is much larger than adjacent properties, and so a split will still maintain plot sizes and density similar to the rest of the neighborhood.

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

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

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

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

***13. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and which is not created by an action or actions of the property owner or the applicant.***

The current location of the house and accessory buildings do not allow for an easy split of the property “down the middle”, which is the way the lot could be subdivided and adhere to the frontage minimum ordinance.

***14. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.***

Granting the permit for the variance will not adversely affect the rights of adjacent property owners any more than would a property split permitted by right.

***15. The strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.***

Assuming that the inability to split a property is on its face an unnecessary hardship, then the applicant’s inability to split the property in a manner that does not disrupt the current house and accessory buildings is an unnecessary hardship.

***16. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.***

The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

***17. The granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance.***

The intent of the AG agricultural zoning ordinance is to ensure that Wyandotte County’s undeveloped land is preserved to the greatest extent possible from development. While development is typically only thought of as buildings, more broadly it is any sort of constructed structure or infrastructure. The purpose of the A-G (City) frontage minimum is to reduce the number of potential driveways and other frontage-related development along rural roads or major boulevards. It is possible that a new, separate driveway could be

constructed on Plot 2 in the future. However, the applicant states that the new plots will share a common driveway. Relying on the applicant's statement—and understanding that constructing an additional driveway will run counter to the spirit and intent of the zoning ordinance—staff concludes the current shared driveway arrangement satisfies this requirement.

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## PREVIOUS ACTIONS

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N/A

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## NEIGHBORHOOD MEETING

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The applicant held a meeting on April 23, 2019. According to the meeting minutes, neighbors did raise questions about the necessity and fairness of the variance.

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## KEY ISSUES

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Nature of condition of the land, house, driveway spacing

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Change of Zone Application #3191, subject to:

### Urban Planning and Land Use Comments:

**1. Did the current property owner build the house?**

**Applicant Response:** *No, the current owners did not build the house. They are not responsible for its current location within the property.*

### Public Works Comments:

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

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.



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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of **Petition #3191**, subject to all comments and suggestions outlined in this staff report.

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## ATTACHMENTS

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May 13, 2019 City Planning Commission Minutes  
Plat  
Topographic Map  
Neighborhood Meeting Minutes

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## REVIEW OF INFORMATION AND SCHEDULE

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|                |                     |                        |
|----------------|---------------------|------------------------|
| Action         | Planning Commission | Board of Commissioners |
| Public Hearing | May 13, 2019        | May 30, 2019           |
| Rezoning       | Approval            |                        |

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**STAFF CONTACT:**        **Mike Farley**  
                                     [mfarley@wycokck.org](mailto:mfarley@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** **Petition #3191** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

## OR

I move the Unified Government Board of Commissioners **DENY** **Petition #3191** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

## **May 13, 2019 City Planning Commission Minutes:**

### **Hearing Starts 32:30:**

**CHANGE OF ZONE APPLICATION #3191 – ANDREA WEISHAUBT WITH ATLAS SURVEYORS – SYNOPSIS:** Change of Zone from AG Agriculture (WYCO) District to A-G Agriculture (City) District at 2718 North 119<sup>th</sup> Street. ***Detailed Outline of Requested Action:*** Andrea Weishaubt with Atlas Surveyors has applied to for a change of zone from AG (WyCo) to A-G (City) in order to split the current property into two parcels (Lot 1 and Lot 2) and build a new house at 2718 North 119<sup>th</sup> Street (Lot 2).

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 13, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated April 18, 2019;
7. The Notices to property owners dated April 15, 2019; and
8. The testimony given at the Board of Zoning Appeals meeting this evening.

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

### **Present in Support:**

- ❖ Andrea Weishaubt, Atlas Surveyors, applicant, 2300 Hutton Road, Suite 108, Kansas City, Kansas 66109

### **Present in Opposition:**

- ❖ No one appeared

**Staff Recommendation starts 34:21:** Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

### **Motion and Vote Starts 34:50:**

On motion by Ms. Jones, seconded by Mr. Miller, the Planning Commission voted as follows to **RECOMMEND APPROVAL** of Change of Zone Application #3191:

|                 |                    |
|-----------------|--------------------|
| <b>Carson</b>   | <b>Chairman</b>    |
| <b>Cho</b>      | <b>Not Present</b> |
| <b>Connelly</b> | <b>Aye</b>         |
| <b>Ernst</b>    | <b>Aye</b>         |
| <b>Huey</b>     | <b>Aye</b>         |
| <b>Jones</b>    | <b>Aye</b>         |
| <b>Miller</b>   | <b>Aye</b>         |
| <b>Neal</b>     | <b>Aye</b>         |

Pauley                      Aye

Reasons                    Aye

Serda                        Aye

Motion to recommend APPROVAL Passed: 9 to 0

Subject to:

**Urban Planning and Land Use Comments:**

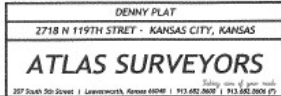
1. Did the current property owner build the house?

**Applicant Response:** *No, the current owners did not build the house.  
They are not responsible for its current location within the property.*

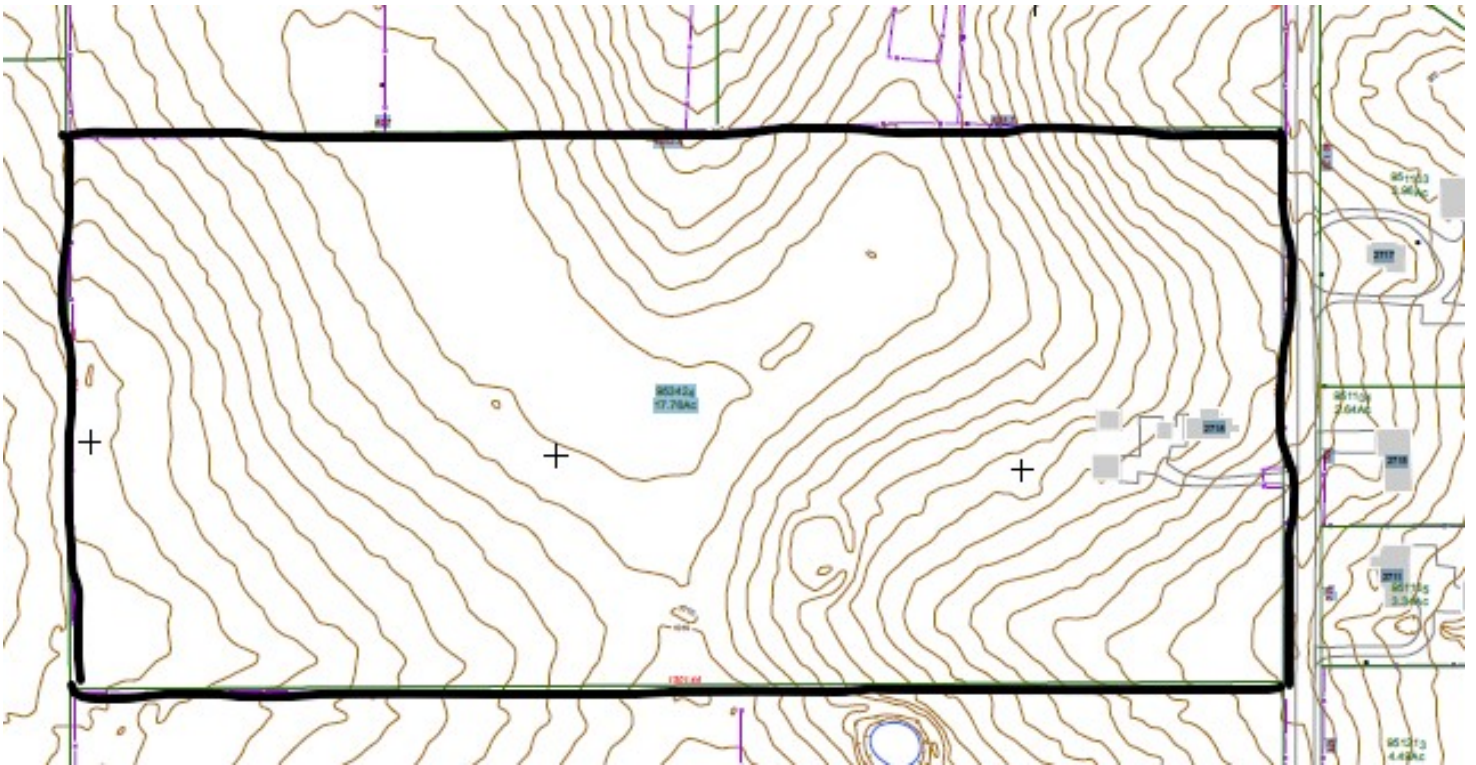
**Public Works Comments:**

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

2718 N 119TH STREET  
KANSAS CITY, KANSAS







Appeal Number \_\_\_ 2325 \_\_\_

Change of Zone \_\_\_ 3191 \_\_\_

Date and Location: April 23, 2019 – 2300 Hutton Road, Suite 108, Kansas City, KS 66109

Meeting called to order at: \_\_\_ 3:00 PM \_\_\_

Names of people in attendance: Robert McComas – 2717 N 119<sup>th</sup> Street

Michael Gekas – 2624 N 119<sup>th</sup> Street

Kevin Karst – 2850 N. 119<sup>th</sup> Street

"Lei Valley" – 119<sup>th</sup> Street (didn't remember which address was his)

Introductions:

Austin Thompson of Atlas Surveyors explained that Mr. and Mrs. Denney are wanting to cut out 5 acres of the current 17.76 acres to split the property into two different lots. They want to use the northeast corner of the current 17.76 acres to cut out the 5 acres, and the existing house would lie within that 5-acre cut out. The Denney's are wanting to rent out/keep the existing house for their children in the future, and build their own home on the remaining 12.76 acres. The current driveway will have an access easement for both the 5-acre cut out and the remaining 12.76 acres, so the Denney's do not have to build another driveway. The change of zoning is to meet the city requirements for their zoning regulations.

Questions and answers (include the following):

Robert McComas raised concern with the city not allowing him to split his property in the past. He was told there would be "no variances" on his street.

Response- "I don't know- that is unfortunate but I am sure if you raise concern with the city they can help you with your situation. Every situation is different."

Robert McComas "Why can't they cut the property to the south instead of the north?"

Response- "If the cut out the property to the south instead of the north the access easement would be extremely long, going to the north will make the access easement much shorter."



# Urban Planning and Land Use

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

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

**To:** Unified Government Board of Commissioners  
**From:** City Staff  
**Date:** May 30, 2019  
**Re:** Petition #SP-2019-10

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## GENERAL INFORMATION

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**Applicant:**  
Jim Gorman

**Status of Applicant:**  
Owner  
Kansas Gas Service  
11401 West 89<sup>th</sup> Street  
Overland Park, KS 66214

**Requested Action:**  
Renew Special Use Permit

**Date of Application:**  
January 9, 2019

**Purpose:**  
Renewal of Special Use Permit to  
continue using land for training purposes for new hires

**Property Location:**  
8535 Riverview Avenue

**Existing Zoning:**  
A-G Agricultural District



**Existing Surrounding Zoning:** **North:** R-1 Single Family District  
**South:** A-G Agriculture District  
**East:** A-G Agriculture District  
**West:** A-G Agriculture District

**Existing Uses:** **North:** Undeveloped, vacant land  
**South:** Single Family Home  
**East:** Single Family Home  
**West:** Undeveloped, vacant land

**Total Tract Size:** .71 acre

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

**Major Street Plan:** The City-Wide Master Plan classifies Riverview Avenue as a Class C Thoroughfare

**Advertisement:** The Wyandotte Echo – March 14, 2019  
Letters to Property Owner – March 13, 2019 and May 21, 2019

**Public Hearings:** May 13, 2019 and May 30, 2019

**Public Opposition:** No one appeared in opposition at the May 13, 2019 City Planning Commission meeting.

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## **PROPOSAL**

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**Detailed Outline of Requested Action:** The applicant, Jim Gorman with Kansas Gas Service, is looking to renew their Special Use Permit (#SP-2016-86) to continue using concrete pits and sampling a variety of pipes for training purposes.

**City Ordinance Requirements:** 27-592 through 27-606

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## **FACTORS TO BE CONSIDERED**

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

The character of the neighborhood is rural, with large undeveloped pieces of land to the west and single-family homes to the north of Riverview Avenue.

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

The zoning and their uses are set out above.

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



The removal of restrictions should not detrimentally affect nearby property

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

Property is not currently vacant

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

Special Use Permits are not addressed in the Master Plan

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

The proposed use will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

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

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

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

The noise that would be produced from the proposed use should not be of such duration and intensity as to create problems for near-by property.

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

The proposed use will not pollute the air, land or water.

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

The proposed use will not damage or destroy an irreplaceable natural resource.

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

The relative gain to the public health, safety, and welfare as compared to the hardship on the landowner is minimal. If the application is denied, the applicant will need to find a new location to train their new hires.

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

The proposed use will not result in an overcrowding of land.

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**PREVIOUS ACTIONS**

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Approval of Special Use Permit #SP-2016-86

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**NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting on April 18, 2019. The meeting minutes, sign in sheet, and affidavit are attached below.

---

**KEY ISSUES**

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None

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**PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-10, subject to:

**Urban Planning and Land Use Comments:**

1. If approved, Special Use Permit is valid for two (2) years
2. How often do these trainings occur and during what time of day?

**Applicant Response:** the frequency of training can fluctuate but is normally only a few times a month at most. This training would only occur during working hours, 8:00 am – 4:00 pm.

3. Are you planning on constructing, or installing, any new training infrastructure that was not addressed in the original plan? if so, please provide plans of what and where these will be.

**Applicant Response:** There are no plans at this time for new construction or installation.

4. Please provide pictures of current site and landscaping.

**Public Works Comments:**

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

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

1) None

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

1) None

---

## **STAFF COMMENTS AND SUGGESTIONS**

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

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## **STAFF RECOMMENDATION**

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Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2019-10 subject to all comments and suggestions outlined in this staff report.

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## **ATTACHMENTS**

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May 13, 2019 City Planning Commission Minutes  
Aerial Image  
Zoning  
Conservation District Comments  
Neighborhood Meeting (Letter, Minutes, Affidavit)

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## **REVIEW OF INFORMATION AND SCHEDULE**

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| Action         | Planning Commission | Unified Government Commission |
|----------------|---------------------|-------------------------------|
| Public Hearing | May 13, 2019        | May 30, 2019                  |
| Special Use    | Approval            |                               |

---

**STAFF CONTACT:**           **Alex Hufft**  
                                          [AHufft@wycokck.org](mailto:AHufft@wycokck.org)

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## **MOTIONS**

---

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2019-10 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

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

**OR**

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-10**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

**May 13, 2019 City Planning Commission Minutes:**

**SPECIAL USE PERMIT APPLICATION #SP-2019-10 – JIM GORMAN WITH KANSAS GAS SERVICE, A DIVISION OF ONEGAS – SYNOPSIS:** Renewal of a Special Use Permit (#SP-2016-86– expired 12/1/2018) for two (2) concrete pits/sampling of a variety of pipes for training purposes at 8535 Riverview Avenue. *Detailed Outline of Requested Action:* The applicant, Jim Gorman with Kansas Gas Service, is looking to renew their Special Use Permit (#SP-2016-86) to continue using concrete pits and sampling a variety of pipes for training purposes.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items?" (No one responded in the affirmative.)

"Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 13, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notice in *The Echo* for the special use permits; and
7. The notices to property owners.

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

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

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

|                 |                    |
|-----------------|--------------------|
| <b>Carson</b>   | <b>Chairman</b>    |
| <b>Cho</b>      | <b>Not Present</b> |
| <b>Connelly</b> | <b>Aye</b>         |
| <b>Ernst</b>    | <b>Aye</b>         |
| <b>Huey</b>     | <b>Aye</b>         |



Jones Aye  
Miller Aye  
Neal Aye  
Pauley Aye  
Reasons Aye  
Serda Aye  
Motion to APPROVE Passed: 9 to 0  
Subject to:

**#SP-2019-10:**

**Urban Planning and Land Use Comments:**

1. If approved, Special Use Permit is valid for two (2) years
2. How often do these trainings occur and during what time of day?

Applicant Response: the frequency of training can fluctuate but is normally only a few times a month at most. This training would only occur during working hours, 8:00 am – 4:00 pm.

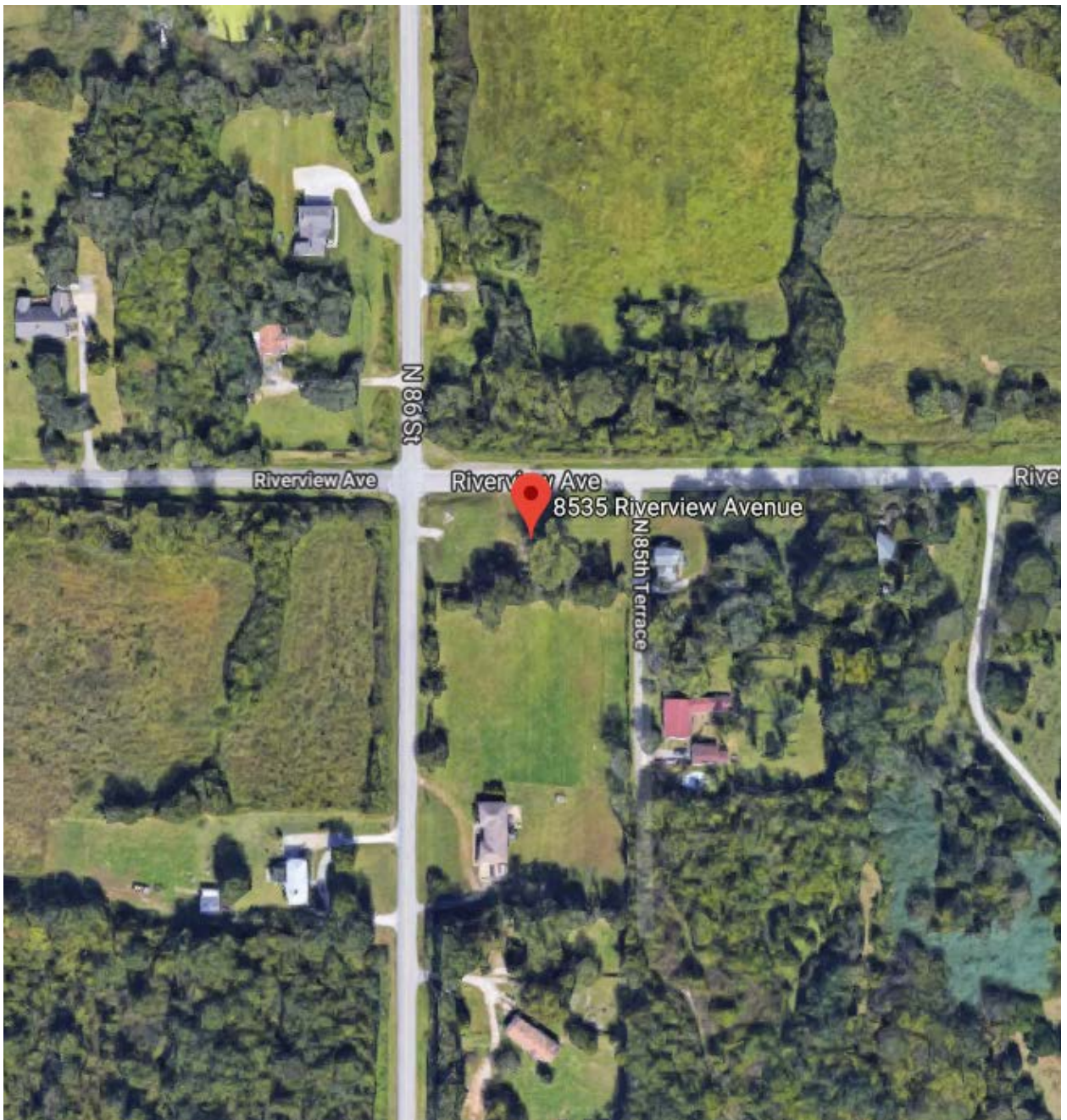
3. Are you planning on constructing, or installing, any new training infrastructure that was not addressed in the original plan? if so, please provide plans of what and where these will be.

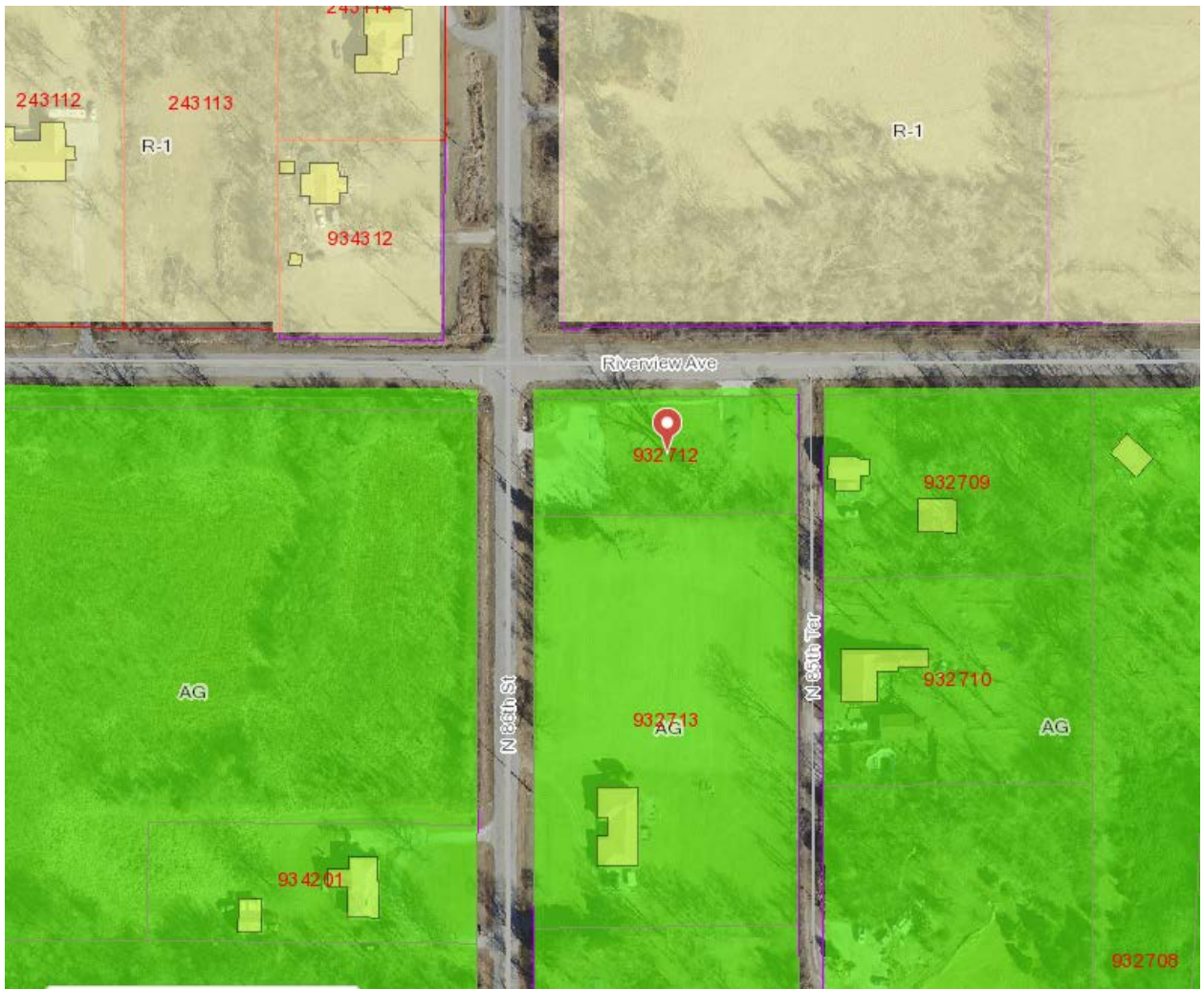
Applicant Response: There are no plans at this time for new construction or installation.

4. Please provide pictures of current site and landscaping.

**Public Works Comments:**

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









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

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

February 12, 2019

RE: SP 2019-10 Jim Gorman with Kansas Gas Service 2 concrete pits 8535 Riverview Avenue

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the site SP 2019-10 Jim Gorman with Kansas Gas Service 2 concrete pits 8535 Riverview Avenue.

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

MAPS AND REPORTS

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

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

- There is one major soil type that were identified: Armster clay loam, 8 to 12 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- This site has minimal erosion control for their training site. If a large area is to be disturbed, an erosion control plan will be needed to prevent soil movement off the property.
- Any disturbed areas need to be seeded and mulched as soon as grading is completed.
- The Best Management Practices in this report can be used to plan erosion control for this site.

The following Best Management Practices are recommended for this site:

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

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

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

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

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

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

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

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

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

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

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



this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineations on the maps include soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

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

Sincerely,

Cheri Miller  
District Manager

Enclosures

**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF KANSAS )  
 ) SS:  
COUNTY OF JOHNSON )

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

1. That I am the petitioner for Petition #SP-19402-00001
2. That I conducted a neighborhood meeting on 4/18/2019.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

  
\_\_\_\_\_  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 19<sup>th</sup> day of APRIL, 2002019

My commission expires 12<sup>th</sup> of SEP, 2002019



  
\_\_\_\_\_  
Notary Public

# MINUTES:

Application Number SP-2019-10

Date and Location: 4/18/2019 Grinter State Historic Site, 1420 S 78<sup>th</sup> St,  
Kansas City, KS 66112

Meeting called to order at: 6:00 PM

Names of people in attendance:

Jason Baker

Obie Hardin

Introductions:

Jason Baker shared that there was going to be no change to the site or activity involved.

Questions and answers (include the following):

➤ No questions were asked.

Meeting adjourned at: 6:30 PM

Minutes taken by: Jason Baker



Jason Baker  
Field Operations Manager  
11401 West 89<sup>th</sup> Street  
Overland Park, KS 66214  
P: 913-461-8932  
E: [Jason.Baker@onegas.com](mailto:Jason.Baker@onegas.com)

April 8, 2019

Name  
Address  
City/State/Zip

Re: ***Neighborhood Meeting regarding Kansas Gas Service's Request for  
Special Use Permit to conduct construction on property located at: 8535  
Riverview, Kansas City, Kansas.***

Kansas Gas Service has filed an application with the Department of Urban Planning and Land Use # SP-2016-86. The purpose of this special use permit is to permit the Company to perform construction and ongoing training exercises at the above referenced address.

The meeting will be held on Thursday, April 18, 2016 at 6:00 PM at:

Grinter State Historic Site  
1420 South 78<sup>th</sup> Street  
Kansas City, Kansas 66112

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

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

Sincerely,

Jason Baker  
Field Operations Manager

Neighborhood Meeting

4/18/19

Sign-in Sheet

1. Albie J. Hardin
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_





## Urban Planning and Land Use

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

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

**To:** Unified Government Board of Commissioners  
**From:** City Staff  
**Date:** May 30, 2019  
**Re:** Petition #SP-2019-11

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### GENERAL INFORMATION

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**Applicant:**

Heather Hauck/Rescue Me KC

**Status of Applicant:**

Property Owner  
4229 Swartz Rd  
Kansas City, KS 66106

**Requested Action:**

Approval of Special Use Permit

**Date of Application:**

January 11, 2019

**Purpose:**

To operate as a shelter, keeping up to 20 dogs awaiting adoption

**Property Location:**

4229 Swartz Road

**Existing Zoning:**

R-1(B) Single Family District



**Existing Surrounding Zoning:** **North:** M-3 Heavy Industrial District  
**South:** C-1 Limited Business District  
**East:** R-1 Single Family District  
**West:** C-1 Limited Business District and R-1 Single Family District

**Existing Uses:** **North:** Undeveloped land (across Swartz Road)  
**South:** Commercial Building  
**East:** Single Family Home  
**West:** Commercial Furniture Contractor

**Total Tract Size:** .26 acre

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

**Major Street Plan:** The Major Street Plan designates Swartz Road as a local street.

**Advertisement:** The Wyandotte Echo – February 14, 2019  
Letters to Property Owner – February 13, 2019, March 6, 2019, April 1, 2019 and May 21, 2019

**Public Hearings:** May 13, 2019 and May 30, 2019

**Public Opposition:** Opposition has been expressed. Emails in opposition are provided in the attachments. There were two (2) people present in opposition at the May 13, 2019 City Planning Commission meeting.

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## **PROPOSAL**

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**Detailed Outline of Requested Action:** The applicant, Heather Hauck, would like to use her home at 4229 Swartz Road as an animal shelter, housing up to 20 adult dogs and doing adoptions out of the home.

**City Ordinance Requirements:** 27-592 through 27-606

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## **FACTORS TO BE CONSIDERED**

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

This neighborhood is a mix of commercial, industrial and residential uses.

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

The zoning and uses of properties nearby are set out above. The use as proposed could have conflict with the surrounding uses.

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

The removal of restrictions would have a negative impact on the nearby residential properties. The noise created by this amount of animals, as well as potential concerns with waste or dogs getting loose would impact surrounding properties.

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

The property is not vacant.

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

Special use permits are not addressed in the Master Plan.

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

It is not expected that this would lead to an increase in traffic that exceeds the capacity of the street network to accommodate it.

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

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

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

This is not an issue.

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

More information is needed regarding how animal waste will be disposed of.

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

This is not an issue.

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

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

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

Due to the small size of the parcel, .26 acre, the land would be overcrowded with the number of animals proposed.

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## **PREVIOUS ACTIONS**

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COZ 3147 from C-1 Limited Business District to R-1B Single Family District, approved

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## **NEIGHBORHOOD MEETING**

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The applicant was required to hold a neighborhood meeting by March 25<sup>th</sup>, 2019. Staff has received no documentation that such meeting was held.

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## **KEY ISSUES**

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Overcrowding  
Impact on adjacent property owners  
Smell  
Noise

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## **PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 9 to 0 to recommend **DENIAL** of Special Use Permit Application #SP-2019-11 based on testimony given at the meeting by those in opposition and the comments of the staff. It should be noted that the applicant has not concluded a neighborhood meeting and has not responded to the staff's draft comments in the report.

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## **STAFF COMMENTS AND SUGGESTIONS**

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

**Urban Planning and Land Use Comments:**

1. If approved, approval would be for one (1) year.
2. Do you plan to live at the property?
3. How do you plan to dispose of the animal waste? How often will waste be removed? How will the smell of urine be controlled?
4. How will grass be maintained?
5. How will barking be controlled?
6. What is the expected number of potential adoptees coming and going from the home? How would you advertise that the animals are up for adoption?

7. What sort of shelter is to be provided for the dogs? Would they be left outside for extended periods of time?
  - a. Provide photos of the interior of the house along with areas proposed for animal living.
8. Please provide a business plan and include plans regarding the following:
  - a. Veterinary care
    - i. Spaying and neutering of dogs
    - ii. Vaccinations
    - iii. General Veterinary care
    - iv. Do you plan to have a Veterinary professional on staff or contracted out?
    - v. How often would the animals receive check-ups
    - vi. How will animals that are ill or injured be treated and quarantined if necessary.
  - b. How will you handle removal of deceased animals.
  - c. How will you keep records for animals coming in and out, i.e. screening at intake to check for ownership, registration of persons bringing animals to the shelter.
  - d. Provide details on compliance with Chapters 7-215, 7-216 and 7-217 which relate to nuisance animal, dangerous animal, and vicious animal classifications. The shelter shall not handle such animals.
  - e. Provide details on compliance with Chapter 7-219 which relates to Pitbull dogs. The shelter shall not handle animals meeting this definition.
9. There is a concern with the number of dogs compared to the size of the parcel. This parcel is only .26 acres and contains a residence with a living area of 672 square feet as listed on the Unified Treasurers Parcel information sheet. Staff does not feel that this is an adequate amount of space for the proposed use. Even if the applicant were to reduce the number of animals proposed, the close proximity of adjacent properties and impact on them would be a concern. Issues with noise, smell and waste disposal arise.
10. Must comply with Chapter 7- Animals, of the Unified Government Code of Ordinances.

**Public Works Comments:**

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

**Staff Conclusion:**

Staff has not received responses to the draft staff report and questions sent to the applicant. The neighborhood meeting minutes, sign-in sheet and affidavit have also not been received. Staff has been contacted by multiple property owners in the area to



express their opposition; stating that there are already animals on site that are loud, cause an unbearable odor and routinely break out of the yard. Staff finds that this parcel is not suitable for activity of this type due to its size, location, and surrounding uses. Due to the concerns laid out above staff recommends denial of this application

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## STAFF RECOMMENDATION

---

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition #SP-2019-11 subject to all comments and suggestions outlined in this staff report.

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## ATTACHMENTS

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May 13, 2019 City Planning Commission Minutes  
Opposition from neighbors  
Aerial Image  
Photos  
Conservation District Comments

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## REVIEW OF INFORMATION AND SCHEDULE

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| Action         | Planning Commission | Unified Government Commission |
|----------------|---------------------|-------------------------------|
| Public Hearing | May 13, 2019        | May 30, 2019                  |
| Special Use    | Denial              |                               |

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

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## MOTIONS

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I move the Unified Government Board of Commissioners **DENY** Petition #SP-2019-11, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

**OR**

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2019-11 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

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

**May 13, 2019 City Planning Commission Minutes:**

**Hearing Starts 1:27:01: and recalled 2:29:16 and the applicant was not present. SPECIAL USE PERMIT APPLICATION #SP-2019-11 – HEATHER L. HAUCK WITH RESCUE ME KC – SYNOPSIS:** Special Use Permit for an animal shelter for up to 20 adult dogs at 4229 Swartz Road. *Detailed Outline of Requested Action:* The applicant, Heather Hauck, would like to use her home at 4229 Swartz Road as an animal shelter, housing up to 20 adult dogs and doing adoptions out of the home.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 13, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated February 14, 2019;
7. The Notices to property owners dated February 13, 2019, March 6, 2019 and April 1, 2019.

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

**Present in Support:**

- ❖ No one appeared in support

**Present in Opposition: (1:28:40 – was heard when the application was first heard)**

- ❖ Mike Perkins, 5638 Newton, Overland Park, Kansas, owner of the property to the north of this property
- ❖ Robert Custer, 4221 Swartz Road, Kansas City, Kansas 66106

**Staff Recommendation starts 2:29:34:** Planning Director Richardson stated the applicant is still not present. The staff's recommendation was for denial and continues to be for denial especially with the testimony given earlier this evening. He further stated that staff will contact Animal Control concerning this application.

**Motion and Vote Starts 2:29:58**

On motion by Mr. Reasons, seconded by Ms. Huey, the Planning Commission voted as follows to **recommend DENIAL of Special Use Permit Application #SP-2019-11 based on testimony given this evening (by those in opposition) and the comments of the staff:**

|               |                    |
|---------------|--------------------|
| <b>Carson</b> | <b>Chairman</b>    |
| <b>Cho</b>    | <b>Not Present</b> |

Connelly Aye  
Ernst Aye  
Huey Aye  
Jones Aye  
Miller Aye  
Neal Aye  
Pauley Aye  
Reasons Aye  
Serda Aye  
**Motion to recommend DENIAL Passed: 9 to 0**



Fri 4/26/2019 6:45 AM

Robert Custer <bdwieser06@gmail.com>

Oppose of land use

To: Portillo, Kimberly

[If there are problems with how this message is displayed, click here to view it in a web browser.](#)

Good afternoon Kim,

I am composing this email due to my neighbor, Heather, who resides at 4229 Swartz Road in Kansas City, KS, attempting to convert her personal home into an animal shelter. As you can imagine, this would not only be a burden to me but for the established businesses in the area. I have listed my issues below for you to review:

1. On a regular basis there are dogs in my yard, front/back and has been for quite some time. I have repeatedly spoken to Heather about this being an issue to no avail.
2. The dogs are getting into my backyard by jumping the gate on my fence and digging under the back fence.
  - a. I have recorded this and taken photos on April 8<sup>th</sup>. I am thankful that there were none of my grand kids in my yard on this date, or anyone for that matter.
  - b. As you can understand, the dogs that trespass on my property leave their droppings on my sidewalk, driveway, and all over my yard. There has been no effort by Heather to assist in preventing this or help picking the droppings up.
3. As you may know, I am concerned with my property value declining due to this and have recently contacted two realtors. They stated to me that this would decrease my property value from 30%-50% being so close to an animal shelter.
4. The times that she lets the dogs out is often times late at night. They continuously bark/yelp outside late into the night. I get up at 0530 to work M-F so this is extremely disturbing to me as it wakes me up.
5. There is an extremely strong odor of animal feces permeating from her property due to the excessive amount of animals. It is so strong in fact, I am unable to enjoy any time outdoors.
  - a. There are also full grown pigs on her property that contribute to this obnoxious smell.
6. The outside of her home is a travesty. The grass is not cut regularly, there is trash laying around the yard, and her porch is covered with old furniture, dog kennels, etc.

I appreciate your time to look into this matter and am hopeful that you understand the gravity of my situation. The lack of respect to myself, surrounding neighbors, and city laws must be addressed.

If there is any further information I can provide for you please don't hesitate to contact me directly through email or my cell, 816-215-2620.

Thank you

Robert Custer



Wed 4/24/2019 11:12 AM

Howard McBride <howard@landmarkdrtv.com>

Special Permit Petition #SP-19402-00002

To Portillo, Kimberly

Good Morning,

I have received notification that Heather L. Hauck has applied for a special use permit to allow her to board up to 20 adult dogs at her home. Although I feel that is a very commendable idea, I am opposed. Her property has very limited interior and exterior space and is in close proximity to neighbors which I feel presents an imposition due to noise and odors which have already been an issue with the dogs she has previously had at her home.

Regards,

Howard McBride  
Landmark Direct, Inc.  
PO Box 440  
Mission, KS 66201  
(P) 913-322-DRTV (3788)  
(P) 877-534-DRTV (3788)  
(F) 913-322-3522  
[Howard@landmarkdrtv.com](mailto:Howard@landmarkdrtv.com)  
[www.landmarkdrtv.com](http://www.landmarkdrtv.com)



Thu 4/18/2019 7:06 AM

Mike Perkins <mikeperkins711@gmail.com>

4229 Swartz

To Portillo, Kimberly

You replied to this message on 4/18/2019 8:55 AM.

There is a petition for 4229 Swartz Rd to house up to 20 dogs.

I own the commercial building directly behind 4229 Swartz (4229 r). The noise and smell are already intolerable for my tenants, the other neighbors and myself.

Thank you

Mike Perkins

Cell: 913-244-3761

Sent from my iPadwyco













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

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

February 12, 2019

RE: SP-2019-11 Heather Hauck with Rescue Me, KC 4229 Swartz Road

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of SP-2019-11 Heather Hauck with Rescue Me, KC 4229 Swartz Road.

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

MAPS AND REPORTS

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

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

- There are two major soil types that was identified: Knox silt loam, 7 to 12 percent slopes, and Kennebec silt loam, frequently flooded. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- The site is not suited for housing up to 20 adult dogs. The area is too small for dogs to run and not cause serious damage to the yard area. The limited grass will be quickly damaged by just two dogs. Urine will build up over time, killing the small amount of grass.
- **We would not recommend this site for this number of dogs.**
- Waste cleanup and disposal will be a problem that can quickly become a health issue for animals and people. A disposal plan will need to be developed to ensure proper waste disposal is addressed
- Animals should not be allowed to roam freely in the spring or other times when soil is very wet. Animals compact the soil and destroy the vegetation when the soil is wet. Alternative exercise options are needed for the dogs

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

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

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

Sincerely,

Cheri Miller  
District Manager

enclosures





## Urban Planning and Land Use

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

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

**To:** Unified Government Board of Commissioners  
**From:** City Staff  
**Date:** May 30, 2019  
**Re:** Petition #SP-2019- 29

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### GENERAL INFORMATION

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**Applicant:**  
Ryann Dori Waller

**Status of Applicant:**  
Owner  
1600 North 21<sup>st</sup> Street  
Kansas City, KS 66102

**Requested Action:**  
Approve special use permit

**Date of Application:**  
February 11, 2019

**Purpose:**  
To operate as a short-term  
rental

**Property Location:**  
1600 North 21<sup>st</sup> Street



**Commission Districts:**

1. Commissioner at Large: Melissa Bynum
2. District Commissioner: Harold Johnson



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

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

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

**Total Tract Size:** 0.7 acre

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

**Major Street Plan:** The Major Street Plan designates North 22<sup>nd</sup> Street and North 21<sup>st</sup> Street as local streets.

**Advertisement:** The Wyandotte Echo – March 14, 2019  
Letters to Property Owner – March 13, 2019, April 1, 2019 and May 21, 2019

**Public Hearings:** May 13, 2019 and May 30, 2019

**Public Opposition:** No one appeared in opposition at the May 13, 2019 City Planning Commission meeting.

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## **PROPOSAL**

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Detailed Outline of Requested Action: The applicant, Ryann Dori Waller of Villa Mulondayl, has requested a special use permit to operate as a short-term rental through AIRBNB and similar sites. The applicant will live at the property and rent out only a portion of the residence.

City Ordinance Requirements: 27-592 through 27-606

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## **FACTORS TO BE CONSIDERED**

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

This home is located within the Historic Westheight Neighborhood. The home is comprised of single-family residences.

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

The zoning and uses of properties nearby are laid out above. The proposed use could be compatible if managed appropriately.

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

Removal of the restrictions would not detrimentally affect nearby property.

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

The property is not vacant, the applicant lives at the home.

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

Special use permits are not addressed in the Master Plan.

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

It is not expected that the proposed use will result in an increase of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

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

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

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

This is not an issue.

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

This is not an issue.

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

This is not an issue.

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

The relative gain to the public health, safety, and welfare is minimal.

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

This is not expected to be an issue.

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## **PREVIOUS ACTIONS**

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None

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## **NEIGHBORHOOD MEETING**

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The applicant held meetings on March 2, 2019 and April 6, 2019. The March 2, 2019 meeting invites were not mailed to the address list of properties within 200 feet, so a second neighborhood meeting was held on April 6, 2019.

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## **KEY ISSUES**

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Operations

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## **PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-29 **for one (1) year**, subject to:

### **Urban Planning and Land Use Comments**

1. The Business Plan states that operations are currently being run out of Ryann's home office, and once the Special Use Permit is approved operations will be run from an on-site location. Will the applicant be residing at Villa Mulondayi full time, or will the applicant only have an office on-site?
  - a. If the applicant is not proposing to live full time at Villa Mulondayi, how frequently will someone be at the office on-site?

**Applicant Response:** I (Ryann Dori Waller) will reside at Villa Mulondayi. This is my home and I have no other home address. I have a home office that is located on-site.

2. The Business Plan mentions that \$10,000 will be spent for Bed and Breakfast home upgrades. What upgrades will be done?

**Applicant Response:** The following updates have/will be completed:

- a. New tile in kitchen walkway and butler room (\$2500-COMPLETE)
- b. Insulation of Attic (\$800.00-COMPLETE)

- c. Alarm system installation (\$2500-COMplete)
- d. New Garage Door Opener (\$700-COMplete)
- e. Replacement of Shower head in guest bathroom (\$60-COMplete)
- f. Purchase of Furnishings (\$2000-COMplete)
- g. Replacement of Roof Tiles (\$1000-Future Update)

3. At any point in the future would you begin renting during the week?

Applicant Response: This is a possibility but highly unlikely, since I reside in the home and have a full-time job. Currently, weekend rentals are the only thing feasible due to my work schedule.

4. Describe the proposed “pre-opening events” and promotions and events mentioned on page 11 of the Business Plan.

Applicant Response: I would like to have neighbors, friends and family come by to see the house one afternoon. I would offer snacks and beverages. My hope is that they will see the home and I may receive future referrals.

- a. How will you advertise your short-term rental in addition to Home-Away and AIRBNB?

Applicant Response: I will also have a web site and Facebook page.

5. Describe the check-in/ check-out process.

Applicant Response: I will be present for guest check-ins and check-outs. I have developed a check-in list for guest (info about Wi-Fi, alarm remote, TV's, etc.) I have also developed a check-out list for guests (leave keys, alarm remote and garage door opener inside, etc.)

6. Will Villa Mulondayi have any employees, and if so, how many? Would any employees be present during customer stays? Where would employees (if any) park?

Applicant Response: No, there will be no employees besides myself. I will contract out a person to come and assist me with house cleaning as needed.

7. Explain how Villa Mulondayi can be open 3 days a week, 24 hours a day with guest bookings occurring twice a month on average?

Applicant Response: Villa Mulondayi will be open for guest to stay on Fridays, Saturdays and Sundays on average twice per month. If there are not more than two bookings in one month, then I may consider doing three bookings in other months if there is interest. I am able to manage booking calendars via Airbnb, HomeAway and my web site calendar. I have the authority to pre-approve all bookings.

8. A total of 5 bedrooms are available for booking; however, the business plan mentions 4 bedrooms. How many bedrooms are available?

**Applicant Response:** Villa Mulondayi actually have 6 bedrooms and they are as follows:

- a. Master Bedroom (1)
- b. Sunporch off Master (2)
- c. Den off Master (3)
- d. Guest Bedroom (4)
- e. Sunporch off Guest Bedroom (5)
- f. Dressing Room (this room is private and not for rent) (6)

Right now I only intend to rent 5 of the rooms to guests (listed in blue above) AND 2 sleeping Couches. As noted in the business plan, in addition to the rooms listed above there are also 2 additional sleeping couches (1 in living room and 1 in sunporch off of living room). The dressing room is LARGE, and in the near future I would like to place a sleeping couch in it as well.

9. Staff has concerns regarding the total number of guests that may stay on the premises at one time. The AIRBNBs that were approved in the past year have not had more than five (5) guests during their stay.

**Applicant Response:** I have researched the Airbnb's in the area, and I have not seen any as large as 1600 N. 21<sup>st</sup> Street. The home is nearly 4100 square feet, and can easily accommodate two guests in each bedroom, and 1 guest on each sleeping couch, totaling twelve (12) guests. There is also a cot available for sleeping as well. I come from a large family myself (5 brothers and sisters). I would like for families to be able to book the home when visiting Kansas City, so that they can have a cool and affordable place to stay. This home easily accommodates that number of people.

**Staff Response:** The Board of Commissioners has approved special use permits for up to 8 guests in a single unit. Staff recommends that this property be approved for no more than 8 unrelated individuals in a single group. Guests must be in a single group – the host may not make bookings for unrelated groups to stay at the property at the same time. If the guests are a family, the property may accommodate 12 guests.

#### **Public Works Comments**

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



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## STAFF COMMENTS AND SUGGESTIONS

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

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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2019-29 subject to all comments and suggestions outlined in this staff report.

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## ATTACHMENTS

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May 13, 2019 City Planning Commission Minutes  
Aerial Image  
Floor Plans  
Response to Staff Questions  
Business Plan  
Photos  
Meeting Minutes

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## REVIEW OF INFORMATION AND SCHEDULE

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| Action         | Planning Commission | Unified Government Commission |
|----------------|---------------------|-------------------------------|
| Public Hearing | May 13, 2019        | May 30, 2019                  |
| Special Use    | Approval            |                               |

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

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2019-29 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

**OR**

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-29**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

**May 13, 2019 City Planning Commission Minutes:**

**Hearing Starts 1:30:**

Planning Director Richardson excused himself from the hearing on this application and Planner Flanders took over as the staff spokesman.

**SPECIAL USE PERMIT APPLICATION #SP-2019-29 – RYANN DORI WALLER WITH VILLA MULONDAYI – SYNOPSIS:** Special Use Permit for an AIRBNB at 1600 North 21<sup>st</sup> Street. *Detailed Outline of Requested Action:* The applicant, Ryann Dori Waller of Villa Mulondayi, has requested a special use permit to operate as a short-term rental through AIRBNB and similar sites. The applicant will live at the property and rent out only a portion of the residence.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 13, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated April 18, 2019;
7. The Notices to property owners dated April 15, 2019.

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

**Present in Support:**

- ❖ Ryann Dori Waller, applicant, 1600 North 21<sup>st</sup> Street, Kansas City, Kansas 66102
- ❖ Charles Cummings, 2027 Freeman Avenue, Kansas City, Kansas 66102
- ❖ Kaye Cummings, 2027 Freeman Avenue, Kansas City, Kansas 66102

**Present in Opposition:**

- ❖ No one appeared

**Staff Recommendation starts 1:38:** Planner Flanders stated that the staff recommends approval subject to the stipulations in the staff report. He stated that the applicant asked for 12 guests and the reason for that is so a large family could stay there. Some of the issues with the past AIRBNBs was the number of guests, groups

and parties there at one time. The staff is recommending up to eight unrelated guests in a single group but if there is a family that wants to stay there (all related) then there can be twelve guests. The staff is trying to accommodate families and eight is the maximum that staff has recommended with the exception of one duplex for 12 (six on each side.) This is a large property and the staff feels that it could accommodate a family of 12 people. Chairman Carson asked how the number of people there would be policed.

Ms. Waller stated that she would have the authority to approve any stays so she would be talking to people before they stayed asking why they are coming to Kansas City, how many guests they are bringing, if it is a family, etc. She would have an idea of how many people would be there; it is a 4,000 square foot house that does not include the basement or garage.

Planning Commissioner Serda asked the applicant if she would be willing to write the stipulations (number of people) into her listing. Ms. Waller stated yes. Chairman Carson asked how far away she will be since she will not stay in the house when there are guests. Ms. Waller stated eight (8) minutes.

Planner Flanders stated that as the applicant will not be there when the guests are there, the staff is changing its recommendation from approval for two (2) years to one (1) year.

#### **Motion and Vote Starts 1:43:34:**

On motion by Dr. Serda, seconded by Ms. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2019-29 for one (1) year:**

|                 |                    |
|-----------------|--------------------|
| <b>Carson</b>   | <b>Chairman</b>    |
| <b>Cho</b>      | <b>Not Present</b> |
| <b>Connelly</b> | <b>Aye</b>         |
| <b>Ernst</b>    | <b>Aye</b>         |
| <b>Huey</b>     | <b>Aye</b>         |
| <b>Jones</b>    | <b>Aye</b>         |
| <b>Miller</b>   | <b>Aye</b>         |
| <b>Neal</b>     | <b>Aye</b>         |
| <b>Pauley</b>   | <b>Aye</b>         |
| <b>Reasons</b>  | <b>Aye</b>         |
| <b>Serda</b>    | <b>Aye</b>         |

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

**Subject to:**

#### **Urban Planning and Land Use Comments**

- 1. The Business Plan states that operations are currently being run out of Ryann's home office, and once the Special Use Permit is approved operations will be run from an on-site location. Will the applicant be residing at Villa Mulondayi full time, or will the applicant only have an office on-site?**

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**Applicant Response:** I will also have a web site and Facebook page.

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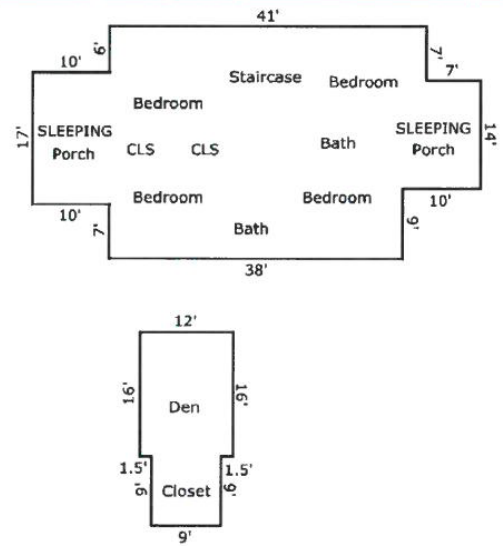
bookings for unrelated groups to stay at the property at the same time. If the guests are a family, the property may accommodate 12 guests.

### Public Works Comments

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

Planning Director Richardson rejoined the meeting. Director Richardson stated that he would note that on this past case he was not involved in the preparation or review of the case. He is not in the notice area but he is close. Mr. Flanders worked with Director Richardson's supervisor on this application.





## Ryann D. Waller Written Response to Questions

### Describe how you will communicate with neighbors?

I will be meeting with neighbors at our scheduled Neighborhood Meeting on Feb 13, 2019. I will give them a brief of the plan at that time, and let them know that I will be mailing letters to their home regarding the Neighborhood Meeting about the Airbnb/Bed & Breakfast that I will be holding on March 2, 2019 at 1300 N. 18<sup>th</sup> Street.

### Describe how you will pay appropriate lodging taxes.

Taxes will be submitted by sites such as Airbnb and Home Away. If bookings occur outside of those sites, then I will directly submit taxes myself to the Unified Government of Wyandotte County on a quarterly basis.

### How many rooms are rented?

A total of 5 rooms are available for booking.

### What is the maximum number of people staying at one time?

The maximum number of people staying at one time is 12.

### What is the maximum number of vehicles & where will they park?

The maximum number of vehicles is 4 and they will be asked to park in the driveway.

### How often are guests in the residence?

Guest will be in the residence up to twice a month on average.

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

No I do not have a rental license and have been told it is not needed since I reside in the home and since the home will never be booked for 28 days or more at a time.

### Provide a detailed description of areas rented for Airbnb/other rental operations. Include bedrooms, bathrooms, common areas, etc.

- Master bedroom with queen size bed
- Sunporch off master bedroom with couch
- Guest bedroom with full size bed
- Sunporch off guest room with single bed
- 1 sleeping couch in living room
- 1 sleeping couch in sunporch off living room
- 1 sleeping cot that may be used in den off master or other bedroom
- Workspace
- 2.5 Updated Bathrooms
- Sitting Room area with Workspace, Couch and TV.
- Fully-equipped kitchen with oven, microwave, refrigerator, pots, pans, etc.
- Dining area with dining table
- Sunporch off dining room with couch and sitting area

## Ryann D. Waller Written Response to Questions

Describe how you will maintain a safe environment including:

- Working Smoke Detectors
- GFCI Outlets
- Double key locks
- Copper cannot be used for gas supply lines
- Windows must be operable, not blocked or boarded
- Handrails are required at sets of 4 or more stairs/risers
- Hot Water tank and furnace must be vented properly and operational
- Electric Panel and circuits must be safe

I do have a home warranty and various other home warranties through home serve. I will ensure that regular maintenance of the property takes place to make sure that all of the above remain compliant. The home was recently inspected (November of 2018) and is currently up to date.

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## I. Executive Summary

### Customer Focus

Villa Mulondayi will primarily serve leisure travelers who seek luxury, comfort, necessary amenities, and high quality of services. In general, the market for the bed and breakfast segment tends to be relatively affluent and well educated.

- The single largest segment which uses bed and breakfasts are guests on vacations/pleasure trips. These tend to be short, weekend breaks to relieve work-related stress. Special events, such as visits and stays associated with weddings are important revenue drivers.
- Group travel and business meetings/seminars are important revenue drivers during weekdays.
- There were approximately 25.2 million visitors to the KC area that generated \$927 million in hotel and motel accommodations. This is according to visitKC.com along with the following:
  - The average overnight visitor is trending younger, with 49 percent of total overnight travelers in the 25-44 demographic.
  - Seventy-five percent of travelers stay in a hotel, motel or bed & breakfast.
  - Seventy-five percent of visitors travel to the area using their own vehicles (16 percent reported using a rental car).
  - Kansas City's largest origin markets by state are California, Illinois, Iowa, Kansas, Missouri and Nebraska.

## II. Company Overview

### About Villa Mulondayi

Villa Mulondayi is located at 1600 N. 21<sup>st</sup> Street, Kansas City, KS 66102. It is a new, small Bed and Breakfast focused on providing rooms with a clean and historic character that are attractive to visitors to the area. The Company's rooms will feature antique furniture, high-end technology and modern accessories.

Villa Mulondayi was founded by Ryann Dori Waller. While Ryann has not previously worked in the Bed and Breakfast industry, it has been a lifelong dream of Ryann's to own and operate a Bed and Breakfast. It was in August 2018 that she decided she wanted to launch Villa Mulondayi. Ryann has frequented Bed and Breakfasts as a guest all over the country, and she could not find a high end and historic Bed and Breakfast in Kansas City, Kansas that was close to downtown KCK, the West Bottoms, City Market and downtown KCMO area. After visiting several Bed and Breakfast around the country, and learning of the expected growth in travel to Kansas City, Ryann clearly recognized an opportunity to go after her dream of launching Villa Mulondayi.

## **Villa Mulondayi Short-Term Rental Business Plan**

Specifically, the local demographics, business demographics and competitive situations in the Kansas City area were so favorable to the success of this Bed and Breakfast idea that she knew it would work. Ryann proceeded with purchasing a beautiful historic home in Kansas City, Kansas in November of 2018, in hopes that she could begin the Bed and Breakfast of her dreams.

### **Villa Mulondayi's History**

Upon surveying the local customer base and online market, estimating travel growth, and purchasing a potential Bed and Breakfast location, Ryann completed the application for a permit for Short-Term Rental (Housing) and scheduled a meeting with Wyandotte County Planners to take place on February 7, 2019 to discuss her business plan. Ryann plans to apply for a business license if needed, and incorporate as a Limited Liability Company upon receiving approval for a Special Use Permit for Short-Term Rental (Housing) from Wyandotte County.

The Bed and Breakfast development operations are currently being run out of Ryann's home office. Once the Special Use Permit and business license is granted, operations will be run from an on-site location to insure that every detail is being thought out and completed.

Since the purchase of the home, the company has achieved the following milestones:

- Found site location and signed the land deed purchasing rights to the land (1600 N. 21<sup>st</sup> Street, Kansas City, Kansas 66102).
- Made several improvements to the interior of the home (new flooring, insulation, and various other updates and repairs).
- Developed the company's name, logo, website and Facebook page.
- Hired a professional photographer to capture the beauty of the home for advertising purposes.

### **Management Team**

Villa Mulondayi is led by Ryann Dori Waller who has been in the profession of Human Resources for over 22 years. Ryann graduated from the University of Kansas where she majored in Film Studies. Ryann went on to receive her Master's Degree in Human Resources Management and Masters in Business Administration from Webster University. Her previous work history includes owning and operating her own HR Consulting business, working in HR for Bayer, the City of Lawrence, Kansas, and the Bert Nash Center. Ryann is currently employed by Cornerstones of Care where she works as the Chief Human Resources Officer. She is also a member of the Employment Security Board of Review for the State of Kansas.

Ryann has also been very involved in various boards throughout the years. She has been a member of the Society for Human Resources Management's Kansas State Council for over 6 years now, currently serving as the Foundation Chair on that council. Ryann has served numerous positions on the Board of Directors for the Jayhawk Chapter of SHRM.

## **Villa Mulondayi Short-Term Rental Business Plan**

She is also a former Board of Directors member for The Merc Co-op in Lawrence, Kansas.

While Ryann has never developed a Bed and Breakfast from the ground up, she has worked in upper management positions in HR, and as previously stated she has also owned and operated her own HR Consulting Business. As such Ryann has gained a strong knowledge of business that directly correlates to owning and operating a Bed and Breakfast including the operations side (e.g., running day-to-day operations) and the business management side (e.g., staffing, marketing, etc.).

### **Success Factors**

Villa Mulondayi is uniquely qualified to succeed due to the following reasons:

- There is currently not a significant amount of Bed and Breakfast in historic homes in the immediate area.
- Villa Mulondayi location is central to downtown Kansas City, Kansas, the Legends, the West Bottoms, the City Market, downtown Kansas City, MO, airport, tourist attractions and corporate district of both Kansas City, KS and Kansas City, MO.
- The management team has a track record of success in business.
- Existing hotels struggle to handle the increased capacity of visitors traveling to the city.

### **Villa Mulondayi's Services, Amenities and Design**

Villa Mulondayi plans to be open 3 days a week, 24 hours a day, to take care of all guests' inquiries and issues as they may arise. As demand dictates, we may extend or reduce our services and hours. Bookings at Villa Mulondayi will occur on weekends only approximately twice per month. The home has a total of 5 bedrooms and 3.5 baths. There will be a total of 4 bedrooms and 2.5 bathrooms made available to guests. Villa Mulondayi will have 4 dedicated parking spots, which should suffice even in peak parts of the travel season as guests will often not have cars with them.

Below are Villa Mulondayi's initial service offerings and amenities:

- Master bedroom with queen size bed
- Guest bedroom with full size bed
- Sunporch room with single bed
- 2 sleeping couches
- 1 sleeping cot
- Workspace
- Updated Bathrooms
- Toiletries
- Complimentary Coffee, Tea, and Chocolate
- TV's
- Wireless Network
- Sitting Room area with Workspace, Couch and TV.
- Fully-equipped kitchen with oven, microwave, refrigerator, pots, pans, etc.
- Dining area with dining table



## Villa Mulondayi Short-Term Rental Business Plan

Located below are pictures of the Bed and Breakfast design plan:



Front of House



Stairwell/Landing



Living Room



Sunporch off Living Room



Dining Room



Half Bathroom



Master Bedroom Upstairs

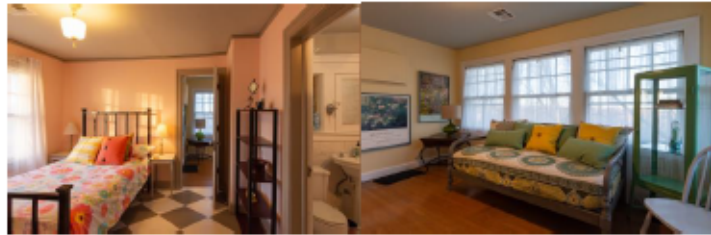


Sunporch off Master Bedroom Upstairs

## Villa Mulondayi Short-Term Rental Business Plan



Den off Master Bedroom Upstairs



Guest Room Upstairs

Sunporch off Guest Room Upstairs

### III. Financial Highlights

Villa Mulondayi is currently seeking to launch and investments have been made to update and maintain the property since it was purchased in November of 2018.

Specifically, any additional funds will be used as follows:

- Bed and Breakfast home upgrades: \$10,000
- Working capital: \$2,000 to pay for marketing, salaries, and additional costs until Villa Mulondayi reaches break-even.

Projected Revenue over the next three years are as follows:

**Year 1 Projected Revenue**

\$5000

**Year 2 Projected Revenue**

\$6,000

**Year 3 Projected Revenue**

\$11,000



#### IV. Industry Statistics & Trends

The Bed and Breakfast and Hostel Accommodations industry is expected to perform at a slightly slower rate over the five years to 2021 than the past five-year period. The resurgence of travel rates since the recession is expected to continue, while travel spending is projected to increase over the next five years as the economy improves. Consumer spending is expected to increase 2.4% per year on average over the next five years. IBISWorld estimates that over the same period, international arrivals will increase at an average rate of 4.4% per year, while domestic travel will increase an average of 1.6% per year. The influx of tourist dollars will likely bolster revenue for bed and breakfasts (B&Bs) and hostels.

##### Profile of Target Market

Villa Mulondayi will serve the leisure travel market of Kansas City, Kansas and its immediate surrounding area. The market we serve is value-conscious and has a desire for high comfort and basic amenities geared towards the family and comfort travel. Research also suggests that the number of domestic trips by US residents has turned the corner since the recession.

- Direct spending on leisure travel by domestic and international travelers totaled \$650.8 billion in 2015.
- Spending on leisure travel generated \$99.6 billion in tax revenue.
- Nearly 4 out of 5 domestic trips taken are for leisure purposes (79%).
- U.S. residents logged 1.7 billion person-trips for leisure purposes over the past few years.
- Top leisure travel activities for U.S. domestic travelers: (1) visiting relatives; (2) shopping; (3) visiting friends; (4) fine dining; and (5) beaches.

Demographic profile of the target market can be seen below:

|                                 | United States      |
|---------------------------------|--------------------|
| <b>Total Population</b>         | <b>312,796,426</b> |
| <b>Population Male</b>          | <b>49.00%</b>      |
| <b>Population Female</b>        | <b>51.00%</b>      |
| <b>Median Age</b>               | <b>37.5</b>        |
| <b>Target Population by Age</b> |                    |
| <b>Age 18 to 24</b>             | <b>9.99%</b>       |

## V. Competitive Analysis

### Direct & Indirect Competitors

Villa Mulondayi will directly or indirectly compete with Airbnb/Bed and Breakfasts nearby our Bed and Breakfast location. Competition will also come from inns, motels and hotels.

#### Competitive Pricing/Competitive Advantage

Villa Mulondayi enjoys several advantages over its competitors. These advantages include:

- Location: Villa Mulondayi's location close to the downtown KCK, the Legends, City Market, West Bottoms and downtown KCMO area, gives the best access to the airport, tourist attractions, corporate center, downtown, shopping and restaurants. The Company also offers adequate private parking making it easy for customers to relax upon arrival.
- Business Amenities: Wi-fi throughout the Bed and Breakfast will make working remotely simple for business visitors.
- Management: Our management team has years of business and marketing experience that allows us to market and serve customers in the same manner as our most sophisticated competitors.
- Relationships: Having visited the community for a number of years, Ryann knows many of the local leaders, newspapers and other influences. As such, it will be relatively easy for us to build the brand and awareness of the Bed and Breakfast.

## VI. Marketing

The Villa Mulondayi brand will focus on the Company's unique value proposition:

- Offering comfortable, clean and historic rooms suited for families and business travelers and services.
- Offering a central location close to downtown KCK, the Legends, City Market, West Bottoms and downtown KCMO area.
- Providing excellent customer service and a unique stay experience in KCK.

### Promotions Strategy

Villa Mulondayi expects its target market to be leisure travelers mainly from the U.S and surrounding locations in the Midwest. The Company's promotions strategy to reach these individuals includes:

#### Advertising

Villa Mulondayi will initially advertise on travel websites, which are frequently being used these days to book travel due to their ease of use and reviews. These sites include but are not limited to AirBnB and Home Away. Advertising will also take place on Facebook, Instagram and Twitter.

## **Villa Mulondayi Short-Term Rental Business Plan**

### **Ongoing Customer Communications**

Villa Mulondayi will maintain a website and publish a monthly email newsletter to tell local corporations and past customers about promotions and events.

### **Pre-Opening Events**

Before opening the Bed and Breakfast, Villa Mulondayi will organize pre-opening events designed for prospective customers, local customers and press contacts. These events will create buzz and awareness for Villa Mulondayi in the area.

## **VII. Operations**

### **Pricing Strategy**

Villa Mulondayi's pricing will fluctuate based on the season and occupancy percentages using a computerized yield management system, but pricing will always place the Bed and Breakfast in the mid-range, below extreme luxury offerings and above Bed and Breakfasts and motels in the area. Customers will feel they receive great value when patronizing the Bed and Breakfast.

### **Functional Roles**

In order to execute on Villa Mulondayi's business model, the Company needs to perform many functions including the following:

### **Administrative Functions**

- General & Administrative functions including legal, marketing, bookkeeping, etc.
- Sourcing and storing supplies for the Bed and Breakfast.
- Hiring and training staff to clean Villa Mulondayi before and after stays.

### **Bed and Breakfast Services**

- Housekeeping
- Check-in focused on customer service
- Janitor/maintenance personnel to keep the Bed and Breakfast clean and in working order.

### **Neighborhood Communication**

- Attend Neighborhood meeting on Feb 13, 2019 to speak with neighbors about letter and Neighborhood meeting on March 2, 2019.
- Mail letters to neighbors about Neighborhood meeting on Feb 23, 2019.
- Hold Neighborhood meeting on March 2, 2019 at 4:00 p.m.

## Villa Mulondayi Short-Term Rental Business Plan

### Milestones

Villa Mulondayi expects to achieve the following milestones in the following [3] months:

| Date           | Milestone                                                                                                                                     |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| Feb 7, 2019    | Pre-Application Meeting for Special Use Permit (Housing) and Business License- 3 p.m. at City Hall                                            |
| Feb 13, 2019   | Attend Neighborhood Meeting and Discuss possibility of Bed & Breakfast with neighbors-6:30 p.m. at 1300 N 18 <sup>th</sup> Street, KCK        |
| Feb 23, 2019   | Mail letters for Neighborhood Planning Meeting                                                                                                |
| March 2, 2019  | Hold Neighborhood Meeting at Episcopal Church, 1300 N. 18 <sup>th</sup> Street, Kansas City, KS 66102 at 4:00 p.m. and collect sign-in sheet. |
| April 8, 2019  | Attend City Planning Meeting-6:30 p.m. at City Hall                                                                                           |
| April 25, 2019 | Attend Board of Commission Meeting (7 p.m. at City Hall) to finalize Special Use Permit (Housing) and submit Business License if needed.      |
| May 1-15, 2019 | Hire and train cleaning staff                                                                                                                 |
| May 1, 2019    | Launch Villa Mulondayi                                                                                                                        |
| May 1, 2020    | Reach break-even                                                                                                                              |

# **RYANN DORI WALLER'S REPONSE TO STAFF COMMENTS AND SUGGESTIONS/**

## **Urban Planning and Land Use Comments**

**\*NOTE\*:** The property name is Villa Mulondayi not Villa Mulondayl as listed below. I have previously emailed staff noting this correction.

**1. The Business Plan states that operations are currently being run out of Ryann's home office, and once the Special Use Permit is approved operations will be run from an on-site location. Will the applicant be residing at Villa Mulondayl full time, or will the applicant only have an office on-site? a. If the applicant is not proposing to live full time at Villa Mulondayl, how frequently will someone be at the office on-site?**

I (Ryann Dori Waller) will reside at Villa Mulondayi. This is my home and I have no other home address. I have a home office that is located on-site.

**2. The Business Plan mentions that \$10,000 will be spent for Bed and Breakfast home upgrades. What upgrades will be done?**

The following updates have/will be completed:

- New tile in kitchen walkway and butler room (\$2500-COMplete)
- Insulation of Attic (\$800.00-COMplete)
- Alarm system installation (\$2500-COMplete)
- New Garage Door Opener (\$700-COMplete)
- Replacement of Shower head in guest bathroom (\$60-COMplete)
- Purchase of Furnishings (\$2000-COMplete)
- Replacement of Roof Tiles (\$1000-Future Update)

**3. At any point in the future would you begin renting during the week?**

This is a possibility but highly unlikely, since I reside in the home and have a full-time job. Currently, weekend rentals are the only thing feasible due to my work schedule.

**4. Describe the proposed "pre-opening events" and promotions and events mentioned on page 11 of the Business Plan.**

I would like to have neighbors, friends and family come by to see the house one afternoon. I would offer snacks and beverages. My hope is that they will see the home and I may receive future referrals.

**a. How will you advertise your short-term rental in addition to Home-Away and AIRBNB?**

I will also have a web site and Facebook page.

**5. Describe the check-in/ check-out process.**

I will be present for guest check-ins and check-outs. I have developed a check-in list for guest (info about Wi-Fi, alarm remote, TV's, etc.) I have also developed a check-out list for guests (leave keys, alarm remote and garage door opener inside, etc.)

**6. Will Villa Mulondayl have any employees, and if so, how many? Would any employees be present during customer stays? Where would employees (if any) park?**

No, there will be no employees besides myself. I will contract out a person to come and assist me with house cleaning as needed.



**7. Explain how Villa Mulondayi can be open 3 days a week, 24 hours a day with guest bookings occurring twice a month on average?**

Villa Mulondayi will be open for guest to stay on Fridays, Saturdays and Sundays on average twice per month. If there are not more than two bookings in one month, then I may consider doing three bookings in other months if there is interest. I am able to manage booking calendars via Airbnb, HomeAway and my web site calendar. I have the authority to pre-approve all bookings.

**8. A total of 5 bedrooms are available for booking; however, the business plan mentions 4 bedrooms. How many bedrooms are available?**

Villa Mulondayi actually have 6 bedrooms and they are as follows:

- Master Bedroom (1)
- Sunporch off Master (2)
- Den off Master (3)
- Guest Bedroom (4)
- Sunporch off Guest Bedroom (5)
- Dressing Room (this room is private and not for rent) (6)

Right now I only intend to rent 5 of the rooms to guests (listed in blue above) AND 2 sleeping Couches. As noted in the business plan, in addition to the rooms listed above there are also 2 additional sleeping couches (1 in living room and 1 in sunporch off of living room). The dressing room is LARGE, and in the near future I would like to place a sleeping couch in it as well.

**9. Staff has concerns regarding the total number of guests that may stay on the premises at one time. The AIRBNBs that were approved in the past year have not had more than five (5) guests during their stay.**

I have researched the Airbnb's in the area, and I have not seen any as large as 1600 N. 21<sup>st</sup> Street. The home is nearly 4100 square feet, and can easily accommodate two guests in each bedroom, and 1 guest on each sleeping couch, totaling twelve (12) guests. There is also a cot available for sleeping as well. I come from a large family myself (5 brothers and sisters). I would like for families to be able to book the home when visiting Kansas City, so that they can have a cool and affordable place to stay. This home easily accommodates that number of people.

## NEIGHBORHOOD MEETING SIGN-IN SHEET

**Date/Time:**

Saturday March  
2, 2019

**Facilitator:** Ryann Waller

**Place/Room:** 1300 N. 18<sup>th</sup> Street, KCK 66102

| Name             | Address                     | Signature        |
|------------------|-----------------------------|------------------|
| Everett Mills    | 1508 N 21 <sup>st</sup> St  | Everett Mills    |
| Tim Schrader     | 2105 Washington Blvd.       | Tim Schrader     |
| Jennifer Mills   | 1508 N 21 <sup>st</sup> St  | Jennifer Mills   |
| Rick Varnell     | 2424 Nebraska Ct            | Rick Varnell     |
| Ryann Waller     | 1400 N. 21 <sup>st</sup> St | Ryann Waller     |
| Tom Jasenskas    | 2005 Washington Ave         | Tom Jasenskas    |
| Matt Brodine     | 1316 N. 20 <sup>th</sup> St | Matt Brodine     |
| Sarah Miller     | 2231 Washington Blvd        | Sarah Miller     |
| Creighton Miller | 2231 Washington Blvd        | Creighton Miller |
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# NEIGHBORHOOD MEETING MINUTES:

Application Number: 19402-00020

Date and Location: March 2, 2019 at 1300 N. 18<sup>th</sup> Street, Kansas City, KS 66102

Meeting called to order at: 4:00 p.m.

**Names of people in attendance:** Everett Mills, Jim Schraeder, Jennifer Mills, Rick Yarnell, Ryann Waller, Pam Jasecorkas, Matt Brodine, Sarah Miller, Creighton Miller

**Introductions:** Ryann D. Waller

**Presentation by applicant and/or team:**

- Ryann Waller gave a detailed overview of the business plan for the Airbnb/bed and breakfast.
  - Villa Mulodayi plans to be open 3 days a week, 24 hours a day, to take care of all guests' inquiries and issues as they may arise. As demand dictates, we may extend or reduce our services and hours. Bookings at Villa Mulodayi will occur on weekends only approximately twice per month. The home has a total of 5 bedrooms and 3.5 baths. There will be a total of 4 bedrooms and 2.5 bathrooms made available to guests. Villa Mulodayi will have 4 dedicated parking spots.

**Questions and answers (include the following):**

☐ **Who asked question or gave comment**

- Each participant in the meeting asked general questions that were answered as the plan was presented.

☐ **What was the question or comment**

When will you receive approval?

What was the application process?

What type of stays will you be hosting?

- This sounds like a wonderful opportunity and will be really cool for the neighborhood.
- We are supportive of this endeavor.

☐ **Who answered the question/comment**

- Ryann D. Waller answered all questions.

☐ **What was the answer given**

- I explained that I am hopeful to receive full approval by April 25, 2019.
- I also explained what the application process entailed.
- I explained that stays will be 2 nights or more on weekends only, as well as occasional daytime/evening events (i.e. bridal shower, baby showers, and retirement parties).

**NOTE:** This was also on the regular neighborhood meeting agenda for our 2/13/2019. I have attached that sign-in sheet as well.

Meeting adjourned at: 4:35 p.m.

Minutes taken by: Ryann D. Waller



# NEIGHBORHOOD MEETING MINUTES:

Application Number: 19402-00020

Date and Location: April 6, 2019 at 1300 N. 18<sup>th</sup> Street, Kansas City, KS 66102

Meeting called to order at: 4:00 p.m.

**Names of people in attendance:** Kay Cummings, Charles Cummings, Cassandra Pennington and Ryann Waller

**Introductions:** Ryann D. Waller

**Presentation by applicant and/or team:**

- Ryann Waller gave a detailed overview of the business plan for the Airbnb/bed and breakfast.
  - Villa Mulodayi plans to be open 3 days a week, 24 hours a day, to take care of all guests' inquiries and issues as they may arise. As demand dictates, we may extend or reduce our services and hours. Bookings at Villa Mulodayi will occur on weekends only approximately twice per month on average. The home has a total of 5 bedrooms and 3.5 baths. Villa Mulodayi will have 4 dedicated parking spots.

**Questions and answers (include the following):**

- ☐ **Who asked question or gave comment**
  - Each participant in the meeting asked general questions that were answered as the plan was presented.
- ☐ **What was the question or comment**
  - Are you concerned about the safety of your property since strangers will be staying?
  - When will you receive approval?
  - What was the application process?
  - What type of stays will you be hosting?
- ☐ **Who answered the question/comment**
  - Ryann D. Waller answered all questions.
- ☐ **What was the answer given**
  - I let them know that safety is always a concern, but that I have an alarm system and cameras.
  - I explained that I am hopeful to receive full approval by the end of May 2019.
  - I also explained what the application process entailed.
  - I explained that stays will be 2 nights or more on weekends only, as well as occasional daytime/evening events (i.e. bridal shower, baby showers, and retirement parties).

Meeting adjourned at: 4:30 p.m.

Minutes taken by: Ryann D. Waller





## Urban Planning and Land Use

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

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

**To:** Unified Government Board of Commissioners  
**From:** City Staff  
**Date:** May 30, 2019  
**Re:** Petition #SP-2019-36

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### GENERAL INFORMATION

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**Applicant:**  
Tyler Harnett

**Status of Applicant:**  
Owner  
4521 Cambridge Street  
Kansas City, KS 66103

**Requested Action:**  
Renewal of Special Use Permit

**Date of Application:**  
February 22, 2019

**Purpose:**  
To continue to operate an AIRBNB

**Property Location:**  
4521 Cambridge Street



**Commission Districts:**

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

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

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

**Existing Uses:** **North:** Single family house  
**South:** Single family house  
**East:** Single family house  
**West:** Single family house

**Total Tract Size:** 0.15 acre

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

**Major Street Plan:** The Major Street Plan designates Cambridge Street as a local street.

**Advertisement:** The Wyandotte Echo – April 18, 2019  
Letters to Property Owner – April 15, 2019 and May 21, 2019

**Public Hearings:** May 13, 2019 and May 30, 2019

**Public Opposition:** No one appeared in opposition at the May 13, 2019 City Planning Commission meeting.

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## **PROPOSAL**

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Detailed Outline of Requested Action: The applicant, Tyler Harnett, is applying for a renewal of the Special Use Permit to use his property at 4521 Cambridge Street as an AIRBNB. This property is not the applicant's primary home and the entire structure is being rented out to visitors.

City Ordinance Requirements: 27-592 through 27-606

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## **FACTORS TO BE CONSIDERED**

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

The neighborhood is comprised of predominantly single-family homes on small lots. There are commercial uses to the northeast of this property along State Line Road and 45th Street.

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

The zoning and uses of the properties are set out above. The proposed use may be compatible with the surrounding single-family houses if operated properly. Operating this property as a bed and breakfast has the potential to create issues related to noise, parking, and other concerns related to commercial activity in a residential area.

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

Removal of the restrictions may not detrimentally affect nearby property if the business is operated properly.

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

The property is not vacant.

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

The Master Plan does not address Bed and Breakfast uses or special use permits.

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

The proposed use could result in increased traffic to the property compared to a single-family house. However, vehicular traffic will not exceed the capacity of the street network to accommodate it.

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

The proposed use provides convenient lodging for the public and will not likely substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

This is not expected to be an issue.

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

This is not expected to be an issue.

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

This is not expected to be an issue.

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

The relative gain or loss to the public health, safety, and welfare is likely to be minimal. If denied the landowner would not be able to use the property as a bed and breakfast, but he may use the property as a single-family house.

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

This is not expected to be an issue.

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## **PREVIOUS ACTIONS**

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In March 2018, #SP-2018-21 was approved for the applicant, Tyler Harnett, to use his property at 4521 Cambridge Street as a short-term rental /AIRBNB for one (1) year.

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## **NEIGHBORHOOD MEETING**

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A neighborhood meeting was held on April 22, 2019 at 7:00 PM. There was nobody in attendance. A copy of the minutes and affidavit are attached to this report.

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## **KEY ISSUES**

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None

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## **PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-36, **for two (2) years and the applicant secure a business license back to the date when he started his business prior to the May 30, 2019 Board of Commissioners meeting.**

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## **STAFF COMMENTS AND SUGGESTIONS**

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

---

## **STAFF RECOMMENDATION**

---

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2019-36 subject to all comments and suggestions outlined in this staff report.

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## ATTACHMENTS

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May 13, 2019 City Planning Commission Minutes  
Aerial map  
Zoning map  
Site photos and floor plan  
Neighborhood meeting minutes  
Neighborhood meeting affidavit

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## REVIEW OF INFORMATION AND SCHEDULE

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| Action         | Planning Commission | Unified Government Board of Commissioners |
|----------------|---------------------|-------------------------------------------|
| Public Hearing | May 13, 2019        | May 30, 2019                              |
| Special Use    | Approval            |                                           |

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**STAFF CONTACT:**            **Hannah Kroll**  
                                         [hkroll@wycokck.org](mailto:hkroll@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-36** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements of the Kansas City, Kansas:

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

## OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-36**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

### **May 13, 2019 City Planning Commission Minutes:**

Planning Director Richardson rejoined the meeting. Director Richardson stated that he would note that on this past case he was not involved in the preparation or review of the case. He is not in the notice area but he is close. Mr. Flanders worked with Director Richardson's supervisor on this application.



Hearing Starts 1:44:25:

**SPECIAL USE PERMIT APPLICATION #SP-2019-36– TYLER G. HARNETT –**

**SYNOPSIS:** Renewal of a Special Use Permit (#SP-2018-21 – expires 4/5/2019) for an AIRBNB at 4521 Cambridge Street. *Detailed Outline of Requested Action:* The applicant, Tyler Harnett, is applying for a renewal of the Special Use Permit to use his property at 4521 Cambridge Street as an AIRBNB. This property is not the applicant's primary home and the entire structure is being rented out to visitors.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 13, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated April 18, 2019;
7. The Notices to property owners dated April 15, 2019.

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

**Present in Support:**

- ❖ Tyler Harnett, applicant, 4521 Cambridge Street, Kansas City, Kansas 66103

**Present in Opposition:**

- ❖ No one appeared

**Staff Recommendation starts 1:48:46:** Planning Director Richardson stated that there are 17 days before the Board of Commissioners meeting and he would suggest that the applicant get his business license before then. The staff recommends approval subject to the applicant securing a business license prior to the Board of Commissioners meeting and paying for the back time when he should have secured his business license. The staff includes in all the staff reports for AIRBNBs that a business license is required.

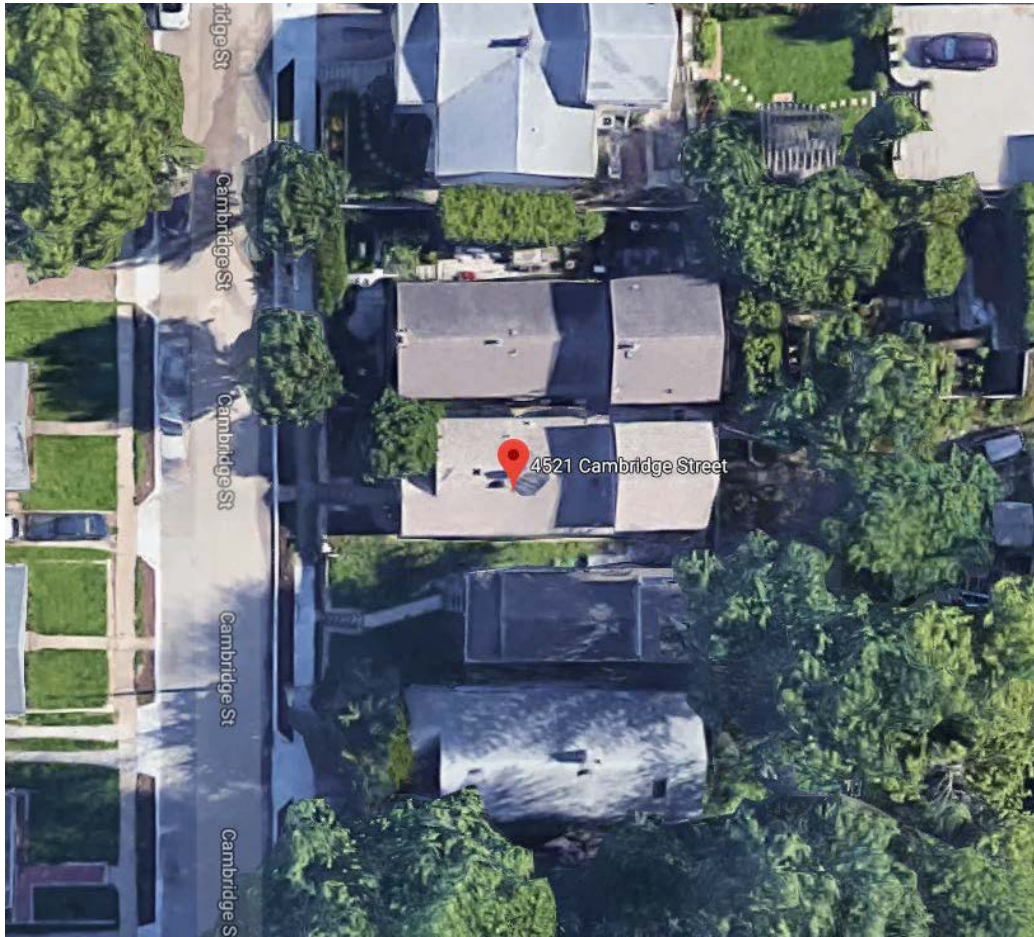
**Motion and Vote Starts 1:51:15:**

On motion by Dr. Serda, seconded by Ms. Huey, the Planning Commission voted as follows to **recommend APPROVAL** of Special Use Permit Application **#SP-2019-36 for two (2) years and the applicant secure a business license back to the date when he started his business prior to the May 30, 2019 Board of Commissioners meeting:**

|          |             |
|----------|-------------|
| Carson   | Chairman    |
| Cho      | Not Present |
| Connelly | Aye         |

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

Motion to recommend APPROVAL Passed: 9 to 0















MINUTES:

Application Number #SP-2019-36

Date and Location: 4/22/19 - 4521 Cambridge St Kansas City, Kansas 66103

Meeting called to order at 7 pm

Names of people in attendance:

No one came.

I sat on my front porch and ended up talking to my neighbor, John Lancaster - 4523 Cambridge, while he was grilling his dinner. He has been and continues to be a huge support and help.

Meeting adjourned at 7:30 pm

Minutes taken by: Tyler Harnett

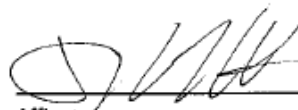
**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF Kansas,  
COUNTY OF Johnson ) ss:

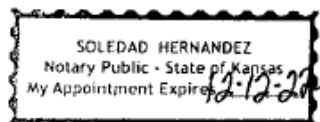
Comes now TYLER HARNETT, of lawful age, sound mind and open his/her oath states as follows:

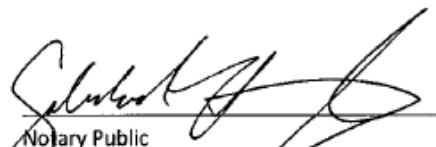
1. That I am the petitioner for Petition # SP-2019-36
2. That I conducted a neighborhood meeting on 4/22/19.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

  
\_\_\_\_\_  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30 day of April, 2019.  
My commission expires 12 of Dec, 2022



  
\_\_\_\_\_  
Notary Public



## Urban Planning and Land Use

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

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

**To:** Unified Government Board of Commissioners  
**From:** City Staff  
**Date:** May 30, 2019  
**Re:** Petition #SP-2019-39

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### GENERAL INFORMATION

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**Applicant:**  
Teresa Hernandez

**Status of Applicant:**  
Owner  
840 Shawnee Road  
Kansas City, KS 66103

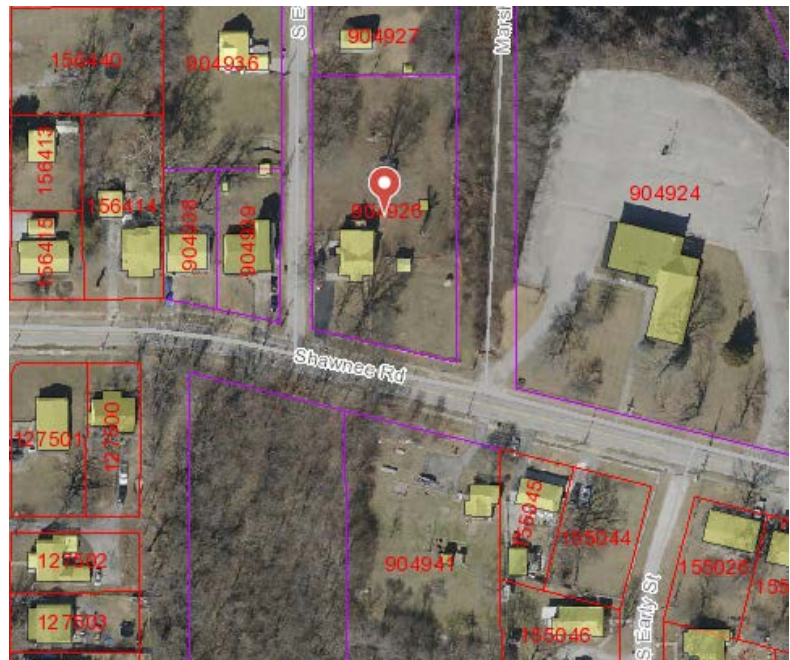
**Requested Action:**  
Renewal of Special Use Permit

**Date of Application:**  
March 6, 2019

**Purpose:**  
To continue keeping one  
miniature horse on the  
property

**Property Location:**  
840 Shawnee Road

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





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

**Existing Uses:** **North:** Single family homes  
**South:** Single family homes and undeveloped land  
**East:** Shawnee Christian Church  
**West:** Single family homes

**Total Tract Size:** 0.79 acre

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

**Major Street Plan:** Shawnee Road is classified as a local road

**Advertisement:** The Wyandotte Echo – April 18, 2019  
Letters to Property Owner – April 15, 2019 and May 21, 2019

**Public Hearings:** May 13, 2019 and May 30, 2019

**Public Opposition:** No one appeared in opposition at the May 13, 2019 City Planning Commission meeting.

---

## **PROPOSAL**

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*Detailed Outline of Requested Action:* The applicant, Teresa Hernandez, is requesting to renew their special use permit (#SP-2017-19) to continue keeping a miniature horse on their residential property.

*City Ordinance Requirements:* 27-592 through 27-606

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## **FACTORS TO BE CONSIDERED**

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

The character of the neighborhood is residential in nature, but a majority of the parcels in the vicinity are still undeveloped woodlands.

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

The zoning and uses of properties nearby are set out above. Although keeping a horse on one's property is not typically suitable for a residentially designated area, the horse in question is miniature and the surrounding area is semi-rural.

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

The property is suitable for a single-family residence. This use of the property would not be removed.

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

The property is not vacant

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

Special Use Permits are not addressed in the Master Plan

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

This would not be an issue

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

The proposed use is not reasonably necessary for the convenience and welfare of the public. If the owner fails to maintain the horse and the quarters where it resides, this could substantially injure the visual quality and marketability of adjoining properties.

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

If the land is not properly covered with grass, dust could become an issue for surrounding nearby properties.

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

If animal waste is not picked up regularly, excess waste could cause contamination downstream if heavy rain occurs. However, the horse is not a full-size horse, but is a miniature, which is more or less the size and weight of a very large dog.

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

This would not be an issue

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

As long as the horse and its enclosure is properly maintained, gain to the public health, safety and welfare would be minimal compared to the emotional hardship on the landowner they were to be denied, seeing as they have owned the horse for several years.

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

This would not be an issue

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**PREVIOUS ACTIONS**

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Approval of #SP-2009-3, #SP-2014-79, and #SP-2017-19

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**NEIGHBORHOOD MEETING**

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The applicant is not required to have a neighborhood meeting.

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**KEY ISSUES**

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None

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**PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit #SP-2019-39, subject to:

**Urban Planning and Land Use Comments:**

**1. How is animal waste currently disposed of?**

**Applicant response:** I use a special rake that breaks up the waste and it helps it disintegrate into the ground

**2. Is the grass that the horse's quarters reside on properly maintained?**

**Applicant response:** Yes

**3. Has there ever been any issue of the horse getting out of the fenced area?**

**Applicant response:** No

**4. Approval would be for ten (10) years.**

### Public Works Comments:

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

---

## STAFF COMMENTS AND SUGGESTIONS

---

Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

---

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2019-39 subject to all comments and suggestions outlined in this staff report.

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## ATTACHMENTS

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May 13, 2019 City Planning Commission Minutes  
Aerial Image (Google Maps)  
Zoning Map  
Pictures of Horse and Stable  
Conservation District Comments

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## REVIEW OF INFORMATION AND SCHEDULE

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| Action         | Planning Commission | Unified Government Commission |
|----------------|---------------------|-------------------------------|
| Public Hearing | May 13, 2019        | May 30, 2019                  |
| Special Use    | Approval            |                               |

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**STAFF CONTACT:**            **Alex Hufft**  
                                         [AHufft@wycokck.org](mailto:AHufft@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2019-39 as meeting all the requirements of the City code and being in the interest of the

public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

**OR**

I move the Unified Government Board of Commissioners **DENY** Petition **#SP-2019-39**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

**May 13, 2019 City Planning Commission Minutes:**

**SPECIAL USE PERMIT APPLICATION #SP-2019-39 – TERESA HERNANDEZ –**

**SYNOPSIS:** Renewal of a Special Use Permit (#SP-2017-19 – expires 5/25/2019) for a miniature horse at 840 Shawnee Road. *Detailed Outline of Requested Action:* The applicant, Teresa Hernandez, is requesting to renew their special use permit (#SP-2017-19) to continue keeping a miniature horse on their residential property.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items?" (No one responded in the affirmative.)

"Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 13, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notice in The Echo for the special use permits; and
7. The notices to property owners.

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

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



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

|                 |                    |
|-----------------|--------------------|
| <b>Carson</b>   | <b>Chairman</b>    |
| <b>Cho</b>      | <b>Not Present</b> |
| <b>Connelly</b> | <b>Aye</b>         |
| <b>Ernst</b>    | <b>Aye</b>         |
| <b>Huey</b>     | <b>Aye</b>         |
| <b>Jones</b>    | <b>Aye</b>         |
| <b>Miller</b>   | <b>Aye</b>         |
| <b>Neal</b>     | <b>Aye</b>         |
| <b>Pauley</b>   | <b>Aye</b>         |
| <b>Reasons</b>  | <b>Aye</b>         |
| <b>Serda</b>    | <b>Aye</b>         |

**Motion to APPROVE Passed: 9 to 0**

**Subject to:**

**#SP-2019-39:**

**Urban Planning and Land Use Comments:**

**1. How is animal waste currently disposed of?**

**Applicant response: I use a special rake that breaks up the waste and it helps it disintegrate into the ground**

**2. Is the grass that the horse's quarters reside on properly maintained?**

**Applicant response: Yes**

**3. Has there ever been any issue of the horse getting out of the fenced area?**

**Applicant response: No**

**4. Approval would be for ten (10) years.**

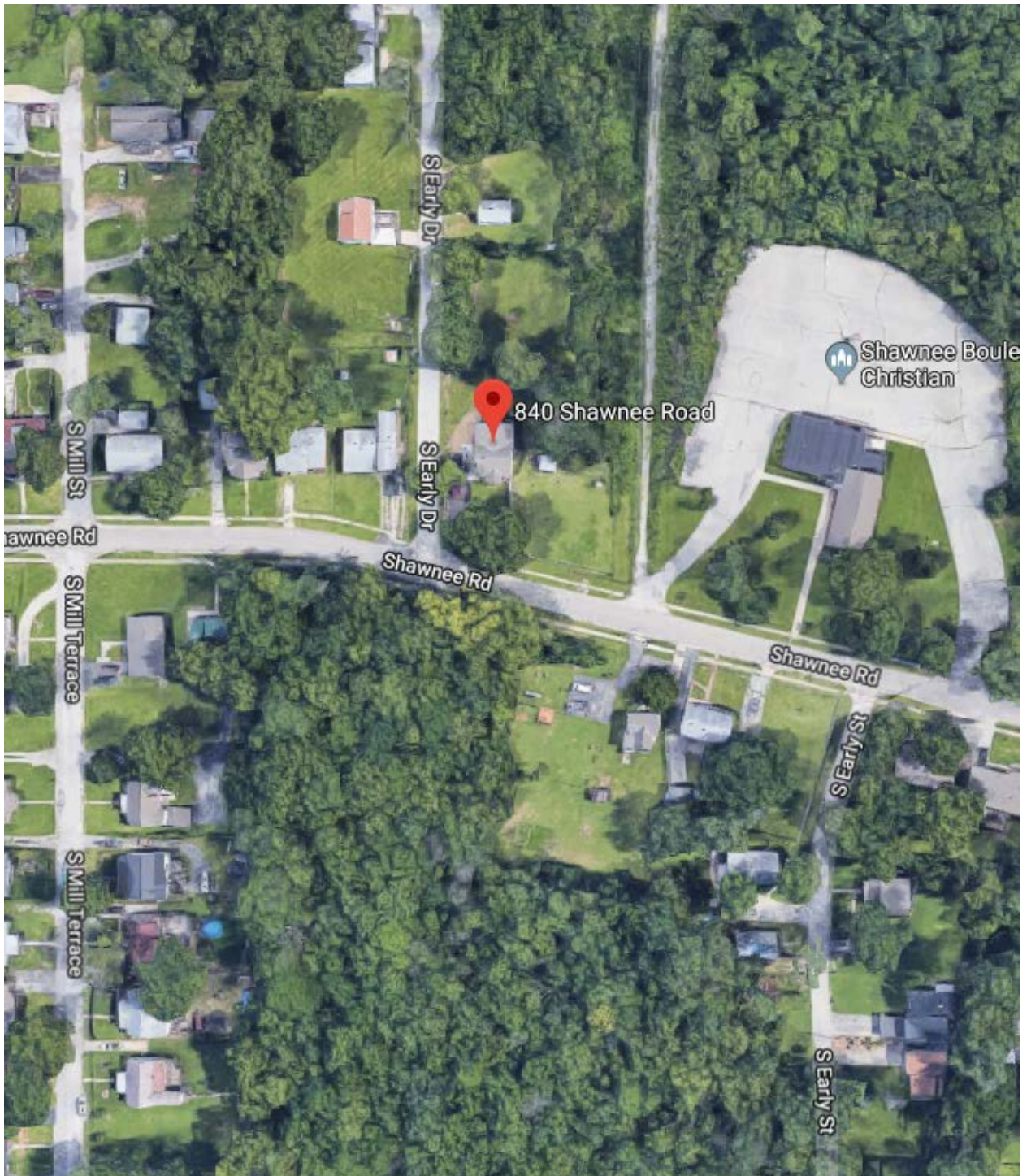
**Public Works Comments:**

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

**1) None.**

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

**1) None**

















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

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

April 16, 2019

RE: SP-2019-39 Teresa Hernandez miniature horse 840 Shawnee Road

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the special use for SP-2019-39 Teresa Hernandez miniature horse 840 Shawnee Road.

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

MAPS AND REPORTS

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

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

- There are two major soil types identified: Knox silt loam, 7 to 12 percent slopes and Knox silt loam, 18 to 30 percent slopes. This soil types are considered highly erodible when the surface is denuded of a protective cover.
- The property has a good grass cover at this time. The grass cover needs to be maintained. Good management of the grass is important to control runoff and soil erosion. This time of the year the grass appears to be in bad shape. The grass has been beat down due to the animal allowed to graze all winter. The grass will need special care this spring to bring it back to full production.
- The animal waste needs to be disposed of in a manner that protects the community downstream. The animal waste can cause contamination and health issues. This needs to be properly stored and dispose of in a safe manner. The horse is not a good spreader of its waste. Piles need to be spread or disposed of.



---

## Urban Planning and Land Use

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

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

**To:** Unified Government Board of Commissioners  
**From:** City Staff  
**Date:** May 30, 2019  
**Re:** **Petition #SP-2019-40**

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### GENERAL INFORMATION

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**Applicant:**  
Roberta Laird

**Status of Applicant:**  
Owner  
3704 North 99<sup>th</sup> Street  
Kansas City, KS 66109

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

**Date of Application:**  
March 6, 2019

**Purpose:**  
To operate a commercial shop to sell  
handmade items, gift, antiques, etc. in the basement garage

**Property Location:**  
3704 North 99<sup>th</sup> Street

**Commission Districts:**

Commissioner At Large: Melissa Bynum

District Commissioner: Mike Kane

**Existing Zoning:** A-G Agriculture District

**Existing Surrounding Zoning:** **North:** A-G Agriculture District

**South:** A-G Agriculture District

**East:** A-G Agriculture District

**West:** A-G Agriculture District

**Existing Uses:** **North:** Large lot single family home (across Donahoo Road)

**South:** Large lot single family home

**East:** Large lot single family homes

**West:** Large lot single family home

**Total Tract Size:** 1.5 acres

**Master Plan Designation:** The Prairie Delaware Piper Master Plan designates this property Planned Office District.

**Major Street Plan:** The Major Street Plan classifies Donahoo Road as a Class C Thoroughfare and 99<sup>th</sup> Street as a local street.

**Advertisement:** The Wyandotte Echo – April 17, 2019

Letters to Property Owner – April 15, 2019 and May 22, 2019

**Public Hearings:** May 13, 2019 and May 30, 2019

**Public Opposition:** No one appeared in opposition at the May 13, 2019 City Planning Commission meeting.

---

## **PROPOSAL**

---

*Detailed Outline of Requested Action:* The applicant, Roberta Laird wants to establish a commercial shop to sell handmade items, gifts, antiques, etc. to the public in the basement garage, which she will convert at 3704 North 99<sup>th</sup> Street.

*City Ordinance Requirements:* 27-592 through 27-606

---

## **FACTORS TO BE CONSIDERED**

---

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

The character of the neighborhood is largely comprised of larger lot single-family homes that are relatively setback from the street and one another.

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

The zoning and uses of properties nearby are set about above. The scale of operation of the applicant's proposed use will determine its compatibility with the surrounding properties.

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

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

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

The property is not vacant.

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

Special use permits are the addressed in the Master Plan, however the Master Plan designates the property as Planned Office which the proposed use is retail in nature.

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

The proposed use will possibly increase vehicular traffic to the property, but not to the point where it exceeds the capacity of the street network to accommodate it.

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

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

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

Noise that is normally associated with the proposed use will be of such duration and intensity as not to create problems for near-by property.

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

The proposed use will not pollute the air, land or water.

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

The proposed use will not damage or destroy an irreplaceable natural resource.

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

There is no relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners. If the application is denied, the applicant will need to find an alternate location to sell their homemade items.

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

This is not foreseen to be an issue.

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**PREVIOUS ACTIONS**

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None

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**NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting on April 23, 2019. According to the applicant, those in attendance did not oppose the project.

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**KEY ISSUES**

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Hours of Operation  
Products for Sale

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**PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-40, subject to:

**Urban Planning and Land Use Comments:**

1. Subject to approval, this special use permit shall be valid for two (2) years.
2. What products are being handmade or refurbished and sold to the customer?

***Applicant Response:*** The intent of this establishment is to offer a variety of gift and/or household décor goods, both handmade and market items, which may include, but not limited to doll clothing, linens, fashion accessories, wall, tabletop and floor décor. Small, refurbished decorative furniture items and antiques may be available on a limited basis.



Alternations will also be offered.

3. Will customers come to the home to purchase, browse and/or pick-up items like a commercial storefront, or will customers be by appointment only to pick-up their item?

***Applicant Response:*** Yes, it will be open as a commercial storefront where customers may come to purchase, browse or order items to be picked up at a later date. Appointments may be made for special circumstances. I have a secluded, private drive which is accessible solely to the special use area. Therefore, there will be no disturbances to surrounding homes/dwellings.

4. Will you make deliveries to customers and will they be shipped via USPS, UPS and FedEx, etc.?

***Applicant Response:*** At this time there is no plan to deliver or ship goods from this location for the purpose of this special use permit request.

5. How do you intend on advertising your commercial shop?

***Applicant Response:*** Advertising will be discrete and tasteful, consisting of mostly online, word of mouth and print media. I plan to post decorative type of signage near the gated premises to instruct customers where to enter the special use area as well as normal operational hours in the event the area is gated (closed) during non-operational hours.

6. What are your proposed days and hours of operation?

***Applicant Response:*** Thursday through Saturday, 10:00 AM to 5:00 PM with option of additional days during peak shopping season.

7. The minimal structure changes you plan to make for the basement garage will require Building Inspection Department review and approval. As a result, the alterations will need to meet the International Building, International Fire and International Energy Codes in addition to any other regulations.

***Applicant Response:*** Minimal structure changes will be made to the building/home to accommodate the establishment which will occupy the current basement garage. Exterior construction will be limited to the removal of the overhead garage doors and replacing them with windows and a patio-style door. Permits will be obtained as required.

#### **Public Works Comments:**

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

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

1) None

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

1) None

**Staff Conclusion:**

The applicant, Ms. Roberta Laird has responded to staff's questions and comment. The majority of the discussion is centered around the products that are to be sold on site and the hours of operation which will be open to the public. While the residence is closer to the front property line, a lengthy frontage road to access the property appears to create a natural separation from other residences in the area. She stated the days and hours will be from Thursday to Saturday, 10:00 AM – 5:00 PM, with additional days requested during peak season. The average distance between Ms. Laird's home and the abutting residences is 720 feet, so the proposed hours and days of operation should not be an issue for abutting property owners and there was no opposition at the neighborhood meeting.

**Subject to approval, staff stipulates the following:**

- 1) This special use permit shall be valid for two (2) years.
- 2) Hours of operation shall be from Thursday – Saturday, 10:00 AM to 5:00 PM, with the flexibility of staff to work with the applicant if Sunday through Wednesday, or some combination thereof is sought to operate the business during peak shopping season.
- 3) Ms. Laird will obtain the necessary building permits to build a patio-style door and windows, converting the basement garage.

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**STAFF COMMENTS AND SUGGESTIONS**

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

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**STAFF RECOMMENDATION**

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Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2019-40 subject to all comments and suggestions outlined in this staff report.

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**ATTACHMENTS**

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May 13, 2019 City Planning Commission Minutes  
Applicant Response Letter  
Neighborhood Meeting Minutes  
Aerial Photograph  
Site Photographs  
Applicant Letter

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## REVIEW OF INFORMATION AND SCHEDULE

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|                |                     |                                           |
|----------------|---------------------|-------------------------------------------|
| Action         | Planning Commission | Unified Government Board of Commissioners |
| Public Hearing | May 13, 2019        | May 30, 2019                              |
| Special Use    | Approval            |                                           |

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

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-40** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

## OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-40**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

### May 13, 2019 City Planning Commission Minutes:

#### Hearing Starts 1:53:06:

#### **SPECIAL USE PERMIT APPLICATION #SP-2019-40 – ROBERTA LAIRD –**

**SYNOPSIS:** Special Use Permit for a commercial shop selling handmade items, gifts, antiques, etc. in the basement garage at 3704 North 99<sup>th</sup> Street. *Detailed Outline of Requested Action:* The applicant, Roberta Laird wants to establish a commercial shop to sell handmade items, gifts, antiques, etc. to the public in the basement garage, which she will convert at 3704 North 99<sup>th</sup> Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 13, 2019

5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated April 18, 2019;
7. The Notices to property owners dated April 15, 2019.

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

**Present in Support:**

- ❖ Roberta Laird, applicant, 3704 North 99<sup>th</sup> Street, Kansas City, Kansas 66109
- ❖ Jim Laird, 3630 North 99<sup>th</sup> Street, Kansas City, Kansas 66109

**Present in Opposition:**

- ❖ No one appeared

**Staff Recommendation starts 1:56:25:** Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

**Motion and Vote Starts 1:56:34:**

On motion by Mr. Miller, seconded by Dr. Neal, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2019-40:**

|                 |                    |
|-----------------|--------------------|
| <b>Carson</b>   | <b>Chairman</b>    |
| <b>Cho</b>      | <b>Not Present</b> |
| <b>Connelly</b> | <b>Aye</b>         |
| <b>Ernst</b>    | <b>Aye</b>         |
| <b>Huey</b>     | <b>Aye</b>         |
| <b>Jones</b>    | <b>Aye</b>         |
| <b>Miller</b>   | <b>Aye</b>         |
| <b>Neal</b>     | <b>Aye</b>         |
| <b>Pauley</b>   | <b>Aye</b>         |
| <b>Reasons</b>  | <b>Aye</b>         |
| <b>Serda</b>    | <b>Aye</b>         |

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

**Subject to:**

**Urban Planning and Land Use Comments:**

1. Subject to approval, this special use permit shall be valid for two (2) years.
2. What products are being handmade or refurbished and sold to the customer?

***Applicant Response:*** The intent of this establishment is to offer a variety of gift and/or household décor goods, both handmade and market items, which may include, but not limited to doll clothing, linens, fashion accessories, wall, tabletop and floor décor. Small, refurbished decorative furniture items and antiques may be available on a limited basis.

Alternations will also be offered.

3. Will customers come to the home to purchase, browse and/or pick-up items like a commercial storefront, or will customers be by appointment only to pick-up their item?

***Applicant Response:*** Yes, it will be open as a commercial storefront where customers may come to purchase, browse or order items to be picked up at a later date. Appointments may be made for special circumstances. I have a secluded, private drive which is accessible solely to the special use area. Therefore, there will be no disturbances to surrounding homes/dwellings.

4. Will you make deliveries to customers and will they be shipped via USPS, UPS and FedEx, etc.?

***Applicant Response:*** At this time there is no plan to deliver or ship goods from this location for the purpose of this special use permit request.

5. How do you intend on advertising your commercial shop?

***Applicant Response:*** Advertising will be discrete and tasteful, consisting of mostly online, word of mouth and print media. I plan to post decorative type of signage near the gated premises to instruct customers where to enter the special use area as well as normal operational hours in the event the area is gated (closed) during non-operational hours.

6. What are your proposed days and hours of operation?

***Applicant Response:*** Thursday through Saturday, 10:00 AM to 5:00 PM with option of additional days during peak shopping season.

7. The minimal structure changes you plan to make for the basement garage will require Building Inspection Department review and approval. As a result, the alterations will need to meet the International Building, International Fire and International Energy Codes in addition to any other regulations.

***Applicant Response:*** Minimal structure changes will be made to the building/home to accommodate the establishment which will occupy the current basement garage. Exterior construction will be limited to the removal of the overhead garage doors and replacing them with windows and a patio-style door. Permits will be obtained as required.

#### **Public Works Comments:**

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



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

**1) None**

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

**1) None**

**Staff Conclusion:**

The applicant, Ms. Roberta Laird has responded to staff's questions and comment. The majority of the discussion is centered around the products that are to be sold on site and the hours of operation which will be open to the public. While the residence is closer to the front property line, a lengthy frontage road to access the property appears to create a natural separation from other residences in the area. She stated the days and hours will be from Thursday to Saturday, 10:00 AM – 5:00 PM, with additional days requested during peak season. The average distance between Ms. Laird's home and the abutting residences is 720 feet, so the proposed hours and days of operation should not be an issue for abutting property owners and there was no opposition at the neighborhood meeting.

**Subject to approval, staff stipulates the following:**

- 1) This special use permit shall be valid for two (2) years.**
- 2) Hours of operation shall be from Thursday – Saturday, 10:00 AM to 5:00 PM, with the flexibility of staff to work with the applicant if Sunday through Wednesday, or some combination thereof is sought to operate the business during peak shopping season.**
- 3) Ms. Laird will obtain the necessary building permits to build a patio-style door and windows, converting the basement garage.**

Roberta Laird  
Petition #SP-2019-40

I feel that with the development of this area, there are many people who miss the intimacy of being able to shop where they can experience individual attention. It is my goal to provide goods and services to the community in an environment in which they can experience the hometown hospitality they may be missing through urban development.

My shop will be somewhat specialized, which means patrons will know they will, for the most part, only encounter other shoppers who have the same interest. It's been my experience that some citizens are hesitant to shop in the bigger, more commercial environments where they have to walk long distances across a parking lot and through a mall to get that one item. My business will provide that small, hometown shopping experience that the older citizens of our community are missing.

The setting in which I am able to offer this service will pose no burden on neighbors due to the seclusion of the property. This will be a small/specialty shop which will not generate large crowds or create a noticeable traffic increase.

The intention is for store operation hours of 3 days a week with the option of additional days during peak shopping season.

Minimal structural changes will be made to the building/home to accommodate the establishment which will occupy the current basement garage. Exterior construction will be limited to removal of the overhead garage doors and replacing them with windows and a patio-style door.

I request permission for a sign not to exceed 40 square feet.

Application #SP-2019-40  
Roberta Laird  
3704 N. 99<sup>th</sup> St.  
Kansas City, KS 66109

#### KEY ISSUES

Hours of Operation: Thursday thru Saturday 10 a.m.-5 p.m. with option of additional days during peak shopping season.

Products for Sale: A variety of gifts and/or household décor goods, both handmade and market items, which may include, but not limited to: Doll Clothing, Linens, Fashion Accessories, Wall, Tabletop and Floor décor. Small refurbished decorative furniture items and antiques may be available on a limited basis. Alterations will also be offered.

#### STAFF COMMENTS AND SUGGESTIONS

##### Urban Planning and Land Use Comments:

1. What products are being handmade or refurbished and sold to the customer?

*The intent of this establishment is to offer a variety of gift and/or household décor goods, both handmade and market items, which may include, but not be limited to: Doll Clothing, Linens, Fashion Accessories, Wall, Tabletop and Floor décor. Small, refurbished decorative furniture items and antiques may be available on a limited basis. Alterations will also be offered.*

2. Will customers come to the home to purchase, browse and/or pick-up items like a commercial storefront, or will customers be by appointment only to pick-up their item?

*Yes, it will be open as a commercial storefront where customers may come to purchase, browse or order items to be picked up at a later date. Appointments may be made for special circumstances. I have a secluded, private drive which is accessible solely to the special use area. Therefore, there will be no disturbances to surrounding homes/dwellings.*

3. Will you make deliveries to customers and will they be shipped via USPS, UPS and FedEx, etc.?

*At this time there is no plan to deliver or ship goods from this location for the purpose of this special use request.*

4. How do you intend on advertising your commercial shop?

*Advertising will be discrete and tasteful, consisting of mostly online, word of mouth and print media. I plan to post decorative type signage near the gated premises to instruct customers where to enter the special use area as well as normal operational hours in the event the area is gated (closed) during non-operational hours.*

5. What are your proposed days and hours of operation?

*Thursday thru Saturday 10 a.m.-5 p.m. with option of additional days during peak shopping season.*

6. The minimal structure changes you plan to make for the basement garage will require Building Inspection Department review and approval. As a result, the alterations will need to meet the International Building, International Fire and International Energy Codes in addition to any other regulations.

*Minimal structural changes will be made to the building/home to accommodate the establishment which will occupy the current basement garage. Exterior construction will be limited to removal of the overhead garage doors and replacing them with windows and a patio-style door. Permits will be obtained as required.*

Minutes for Petition #SP-2019-40

Application Number SP-2019-40

April 23, 2019 3704 N. 99<sup>th</sup> St., KCK 66109

Meeting was called to order at 5:30 p.m.

Those in attendance:

Roberta Laird, Petitioner/Owner  
James Laird, Jr. 3630 N. 99<sup>th</sup> St. KCK  
Pennie Bunkers, Recording Secretary

Introductions:

Roberta Laird introduced herself as petitioner/owner

Presentation by applicant:

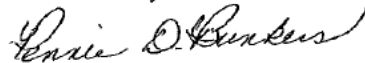
Roberta explained intentions of operations as stated on attachment.

Questions and answers:

There were no questions to be answered.

Meeting adjourned at 5:45 p.m.

Minutes taken by Pennie D. Bunkers





**Figure 1. Aerial photograph of 3704 North 99th Street (provided by UG Maps).**



**Figure 2. Photograph of 3704 North 99th Street (provided by the applicant).**



**Figure 3. Photograph of 3704 North 99th Street (provided by the applicant).**





**Figure 4. Photograph of 3704 North 99th Street (provided by the applicant).**



**Figure 5. Photograph of 3704 North 99th Street (provided by the applicant).**



## Urban Planning and Land Use

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

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

**To:** Unified Government Board of Commissioners  
**From:** City Staff  
**Date:** May 30, 2019  
**Re:** Petition #SP-2019-42

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### GENERAL INFORMATION

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**Applicant:**  
Jorge Salazar

**Status of Applicant:**  
Owner  
JIAJ Inc. Tapatio Mexican Grill  
151 S 18<sup>th</sup> Street, Suite A  
Kansas City, KS 66102

**Requested Action:**  
Renewal of Special Use Permit for live  
entertainment

**Date of Application:**  
March 15, 2019

**Purpose:**  
Renewal of Special Use Permit for live  
entertainment in conjunction with existing  
restaurant

**Property Location:**  
151 S 18<sup>th</sup> Street, Suite A



**Commission Districts:**

1. Commissioner At Large: Melissa Bynum
2. District Commissioner: Tom Burroughs

**Existing Zoning:** CP-2 Planned General Business District

**Existing Surrounding Zoning:** **North:** CP-O Planned Nonretail Business District

**South:** CP-2 Planned General Business District

**East:** R1-(B) Single-Family Residential District

**West:** R-2 Two-Family Residential District

**Existing Uses:** **North:** Offices

**South:** Commercial businesses, grocery store

**East:** Single family residences

**West:** Gas station

**Total Tract Size:** Parcel: 2.93 acres, Tenant Space: 0.087 acres

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

**Major Street Plan:** The City-Wide Master Plan classifies 18th Street as a Class B Thoroughfare.

**Advertisement:** The Wyandotte Echo – April 18, 2019

Letters to Property Owner – April 15, 2019 and May 21, 2019

**Public Hearings:** May 13, 2019 and May 30, 2019

**Public Opposition:** No one appeared in opposition at the May 13, 2019 City Planning Commission meeting.

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## **PROPOSAL**

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*Detailed Outline of Requested Action:* Applicant, Jorge Salazar, would like to renew a previously approved Special Use Permit at 151 South 18th Street that adds live music, DJ, and dancing to the current Mexican music. The applicant has had live music, DJ, and dancing at the Mexican restaurant since at least 2014.

*City Ordinance Requirements:* 27-592 through 27-606

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## **FACTORS TO BE CONSIDERED**

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

The character of the neighborhood is primarily comprised of commercial businesses. This is in the Prescott Plaza shopping center.



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

The zoning and their uses of properties nearby are set out above. This facility is seeking a special use permit for live entertainment/music at the restaurant, which is compatible with the surrounding commercial uses, but could potentially lead to issues with the residential areas nearby. The Applicant has had live music and entertainment at the restaurant since 2014, which has caused no issues with the residential areas nearby.

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

The building has been configured for a variety of commercial uses, to include a restaurant. Removing the restrictions should not negatively impact nearby property.

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

The property is not vacant.

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

Special use permits are not addressed in the Master Plan.

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

During the review of the overall Prescott Plaza project, the developer designed the infrastructure to accommodate traffic for a business such as this.

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

The proposed use is not reasonably necessary to the public. The live music is purely supplemental to the Mexican restaurant environment. However, if properly managed it should not be detrimental to the surrounding uses. Since 2014, live music and dancing has occurred at the Mexican restaurant, causing no impact to the surrounding users.

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

There is always the potential for live music to generate an excessive amount of noise. However, with proper management this should not be an issue. The

building is fully enclosed and there has not been any noise complaints relating to this business since at least 2014 when the Special Use Permit was first issued.

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

This is not an issue.

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

This is not an issue.

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

There is little or no gain to the public health, safety and welfare. If denied the owner would have to revert operations back to just being a restaurant.

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

Popular restaurants and live entertainment-type venues have the potential to draw a crowd to an area. However, this location has a suitable amount of space for people to both park and gather.

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## **PREVIOUS ACTIONS**

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The applicant applied for and was approved for a special use permit for live music, DJ, and dancing in 2015 (SP-2015-2) and renewed the special use permit in 2017 (SP-2017-25).

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## **NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting on April 25, 2019. The meeting minutes, sign-in sheet, and affidavit are attached to this report.

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## **KEY ISSUES**

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None

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## **PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-42, subject to:

### **Urban Planning and Land Use Comments:**

1. As is standard for all live entertainment SUPs, security will need to be provided by a dedicated individual who is serving in that role and that role alone. It is not permitted to have security provided by an employee who is also functioning in another capacity at that same time.

**Applicant Response:** Security officers are not required. Security is handled by the employees of the business. There have been no calls for police services associated with dancing or entertainment.

**Staff Response:** Must follow Unified Government code for security. Security officers may be required.

2. Based off your Business Plan, the DJ will stop on 11:00pm on Friday and Saturday. What will go on from 11:00 pm to close (2:00am)?

**Applicant Response:** Since the original application for a special use permit the applicant has provided entertainment on Fridays and Saturdays until 2:00 a.m. The applicant sees no need to enlarge the hours on those dates and on those days, and the hours of operation have met with the approval of the neighborhood. Persons can still secure food at the restaurant.

3. Have there been any incidents (neighbor complains, Police, Codes, etc.) at this location since the last permit was approved?

**Applicant Response:** There have been no neighborhood complaints or police complaints at this location since the special use permit was first issued.

4. If approved, the Special Use Permit would be valid for two (2) years.

**Applicant Response:** Applicant understands the special use permit would be valid for two years.

### **Public Works Comments:**

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

- 1) None.

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

- 1) None.

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

- 1) None

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## **STAFF COMMENTS AND SUGGESTIONS**

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2019-42 subject to all comments and suggestions outlined in this staff report.

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## ATTACHMENTS

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May 13, 2019 City Planning Commission Minutes  
Aerial map  
Zoning map  
Neighborhood meeting minutes  
Neighborhood meeting sign-in sheet  
Neighborhood meeting affidavit  
Response from Applicant

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## REVIEW OF INFORMATION AND SCHEDULE

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| Action         | Planning Commission | Unified Government Board of Commissioners |
|----------------|---------------------|-------------------------------------------|
| Public Hearing | May 13, 2019        | May 30, 2019                              |
| Special Use    | Approval            |                                           |

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**STAFF CONTACT:**           Hannah Kroll  
                                         [hkroll@wycokck.org](mailto:hkroll@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2019-42 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

**OR**

I move the Unified Government Board of Commissioners **DENY** Petition #SP-2019-42 , as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.



**May 13, 2019 City Planning Commission Minutes:**

**SPECIAL USE PERMIT APPLICATION #SP-2019-42 – DICK BRYANT WITH RICHARD T. BRYANT & ASSOCIATES PC – SYNOPSIS:** Renewal of a Special Use Permit (#SP-2017-25 – expired 4/27/2019) for live entertainment in conjunction with existing restaurant at 151 South 18<sup>th</sup> Street. *Detailed Outline of Requested Action:* Applicant, Jorge Salazar, would like to renew a previously approved Special Use Permit



at 151 South 18th Street that adds live music, DJ, and dancing to the current Mexican music. The applicant has had live music, DJ, and dancing at the Mexican restaurant since at least 2014.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items?" (No one responded in the affirmative.)

"Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 13, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notice in The Echo for the special use permits; and
7. The notices to property owners.

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

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

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

|                                         |                    |
|-----------------------------------------|--------------------|
| <b>Carson</b>                           | <b>Chairman</b>    |
| <b>Cho</b>                              | <b>Not Present</b> |
| <b>Connelly</b>                         | <b>Aye</b>         |
| <b>Ernst</b>                            | <b>Aye</b>         |
| <b>Huey</b>                             | <b>Aye</b>         |
| <b>Jones</b>                            | <b>Aye</b>         |
| <b>Miller</b>                           | <b>Aye</b>         |
| <b>Neal</b>                             | <b>Aye</b>         |
| <b>Pauley</b>                           | <b>Aye</b>         |
| <b>Reasons</b>                          | <b>Aye</b>         |
| <b>Serda</b>                            | <b>Aye</b>         |
| <b>Motion to APPROVE Passed: 9 to 0</b> |                    |
| <b>Subject to:</b>                      |                    |

**#SP-2019-42:**

**Urban Planning and Land Use Comments:**

1. As is standard for all live entertainment SUPs, security will need to be provided by a dedicated individual who is serving in that role and that role

alone. It is not permitted to have security provided by an employee who is also functioning in another capacity at that same time.

**Applicant Response:** Security officers are not required. Security is handled by the employees of the business. There have been no calls for police services associated with dancing or entertainment.

**Staff Response:** Must follow Unified Government code for security. Security officers may be required.

2. Based off your Business Plan, the DJ will stop on 11:00pm on Friday and Saturday. What will go on from 11:00 pm to close (2:00am)?

**Applicant Response:** Since the original application for a special use permit the applicant has provided entertainment on Fridays and Saturdays until 2:00 a.m. The applicant sees no need to enlarge the hours on those dates and on those days, and the hours of operation have met with the approval of the neighborhood. Persons can still secure food at the restaurant.

3. Have there been any incidents (neighbor complains, Police, Codes, etc.) at this location since the last permit was approved?

**Applicant Response:** There have been no neighborhood complaints or police complaints at this location since the special use permit was first issued.

4. If approved, the Special Use Permit would be valid for two (2) years.

**Applicant Response:** Applicant understands the special use permit would be valid for two years.

**Public Works Comments:**

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

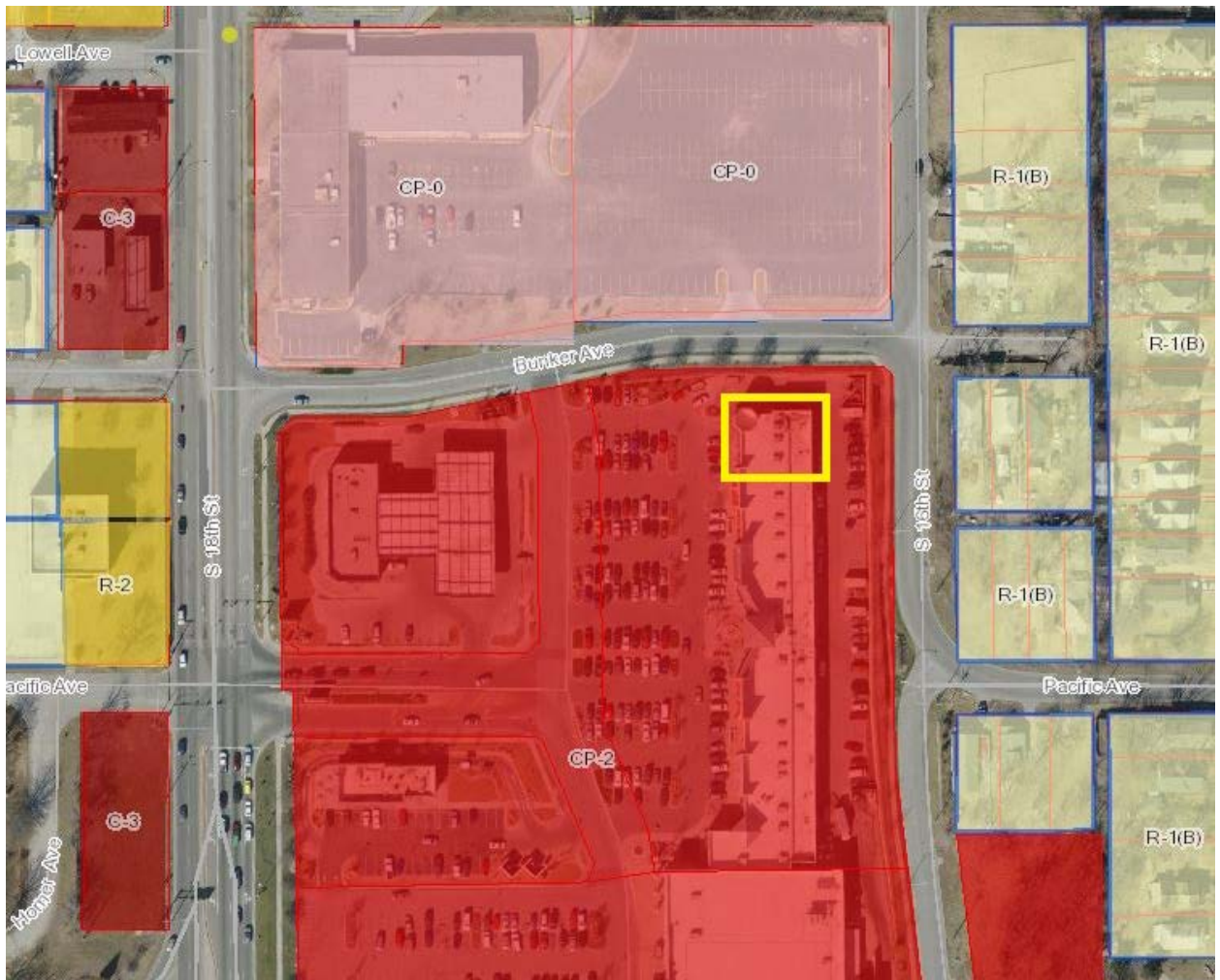
- 1) None.

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

- 1) None.

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

- 1) None



EL TAPATIO NEIGHBORHOOD MEETING  
151 S. 18TH STREET  
KANSAS CITY, KANSAS 66102  
APRIL 25, 2019 - 5:00 pm

Minutes of Meeting

Application Number: SP-2019-42

Date of Meeting: April 25, 2019

Location of meeting: El Tapatio Mexican Restaurant

Meeting called to order: 5:00 pm.

Notices sent to interested parties: See attached letters and list of recipients.

Confirmation of posting of Notice: See attached photographs.

Minutes and identity of people present:

Pursuant to Notice sent by Certified Mail and as identified on the attached list and letters, a meeting relating to a Special Use Permit was convened at 5:00 pm. Jorge Salazar, the business owner and Richard Bryant, the attorney, had checked in and signed the sign-in sheet at 4:55 pm. No other parties were present until 5:15, when Edgar Galicia, of CABA (email: 1621central@gmail.com) arrived. Mr. Galicia seemed to have prior knowledge of matters relating to the file, as he was aware of lease disputes between the landlord and the tenant relating to CAM changes. Richard Bryant confirmed the purpose of the meeting was for discussions relating to the continuation of the Special Use Permit allowing for live music. Mr. Galicia and Mr. Bryant viewed the neighboring businesses, the heavy business activity, the highway, and the Berm and discussed the entertainment provided by the business featuring well-known mariachi performers as well as the pre-recorded music at the business. It was noted the volume of the pre-recorded music was not substantially different than was offered by live performers. Mr. Galicia asked if there had ever been disturbances or calls for police service relating to the entertainment and was advised there had not been any complaints regarding live entertainment. Mr. Galicia then advised that it would be his desire to assist Mr. Salazar and the restaurant to relocate to the area of 10th & Central, should lease negotiations fail between landlord and tenant. Galicia indicated that the old Tapatio restaurant, with its food, popular customer following, live entertainment and overall product mix would be a welcomed addition to that neighborhood in the event the lease was not renewed at the present location. Just as found at the present location, the proposed site for purchase was an abandoned church with substantial parking, just as found at the shopping center, and Mr. Galicia indicated that if there was a relocation, he would assist in securing all Zoning approvals and Special Use Permits. Mr. Galicia left the premises around 5:45 pm and the information was conveyed to Mr. Salazar, who expressed interest in the proposal.

No parties appeared in opposition to the Special Use Permit Application.

The meeting was adjourned at 5:45 pm.

Minutes were taken by Richard Bryant, attorney.

Meeting minutes and Affidavit submitted to the City on April 26, 2019.



EL TAPATIO NEIGHBORHOOD MEETING  
151 S. 18TH STREET  
KANSAS CITY, KANSAS 66102  
APRIL 25, 2019 - 5:00 pm

SIGN-IN SHEET

455 Joyce A Salazar \_\_\_\_\_  
455 Richard T Bryant \_\_\_\_\_  
515 Edgar Galicia. CABA 1621 CENTRAL@gmail.com

END OF MEETING 5:45 pm

|       |       |
|-------|-------|
| _____ | _____ |
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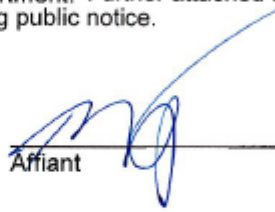
**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF Missouri )  
 ) SS:  
COUNTY OF Jackson )

Comes now Richard T Bryant, of lawful age, sound mind and upon his/her oath states as follows:

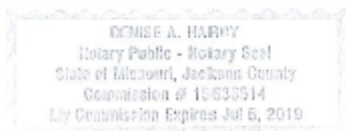
1. That I am the petitioner for Petition # SP 2019-42
2. That I conducted a neighborhood meeting on April 25, 2019.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department. Further attached are copies of notices and a photo confirming public notice.

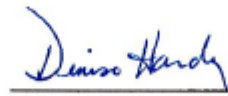
Further affiant saith not.

  
\_\_\_\_\_  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26th day of April, ~~2000~~ 2019

My commission expires 7th of July, ~~2000~~ 2019



  
\_\_\_\_\_  
Notary Public

# RICHARD T. BRYANT & ASSOCIATES, P.C.

ATTORNEYS AT LAW

HARZFELD'S BUILDING  
1111 MAIN STREET, SUITE 750  
KANSAS CITY, MISSOURI 64105

PHONE (816) 221-9000  
FACSIMILIE (816) 221-9010  
E-MAIL: DICK2479@aol.com

April 25, 2019

Sent via email to [jparker@wycokck.org](mailto:jparker@wycokck.org) and U.S. Mail

Ms. Janet L. Parker  
Department of Urban  
Planning and Land Use  
Administrative Assistant  
701 N. 7th Street, Suite 423  
Kansas City, Kansas 66101

Re: Application for Special Use Permit

Dear Ms. Parker:

Thank you for forwarding the draft staff report regarding our client JIAJ Inc. d/b/a Tapatio Mexican Restaurant. I believe you have looked at this matter a number of times in the past, as our records indicate our client has had licensing with a Special Use Permit since at least 2014.

In your email you have requested comments regarding the staff report dated May 13, 2019 concerning Petition #SP-2019-42. In response to that request, I make the following comments:

- The general information page, page 1, is accurate;
- With respect to page 2, we would suggest the change to "Detailed Outline of Requested Action" to say "Applicant Jorge Salazar would like to renew a previously approved Special Use Permit at 151 S. 18th Street that adds live music, DJ and dancing to the current Mexican music. The Applicant has had live music, DJ and dancing at the Mexican restaurant since at least 2014." Other than that we make no other proposed changes to page 2.
- With respect to page 3 and item #2, we would suggest the addition of one sentence at the end of the paragraph which would state: "The Applicant has had live music and entertainment at the restaurant since 2014, which has caused no issues with the residential areas nearby.";

ANDREW S. TALGE  
Licensed in Kansas, Missouri  
[andrewtalge@gmail.com](mailto:andrewtalge@gmail.com)

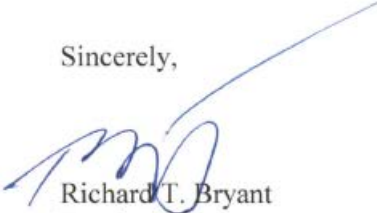
RICHARD T. BRYANT  
Licensed in Iowa, Kansas,  
Missouri, Washington, D.C.,  
Superior Court of the U.S. Virgin Islands  
[DICK2479@aol.com](mailto:DICK2479@aol.com)

- With respect to paragraph 7, we would like to add a sentence that says "Since 2014, live music and dancing has occurred at the Mexican restaurant, causing no impact to the surrounding users.";
- With respect to paragraph 8, the Applicant has had live music and DJ's at the Mexican restaurant since 2014. The building is fully enclosed and there has not been any noise complaints relating to this business since at least 2014 when the Special Use Permit was first issued.
- With respect to page 4 in reference to the neighborhood meeting, Certified mail notices have gone to all parties of interest. The neighborhood meeting is scheduled for April 25, 2019 at 5:00 pm. Appropriate signage has been posted.
- With respect to the staff comments beginning on page 4, the Applicant notes under the Unified Government Code of Ordinances, Chapter 19, Article V, Section 19.110(1), which has been applicable since the first Application, the Applicant has complied with the following provision: "Persons employed exclusively and regularly by one employer in connection only with the affairs of such employer, where there exists an employer/employee relationship, and where operations conducted solely and completely on the property of the employer." Security officers are not required. Security is handled by the employees of the business. There have been no calls for police services associated with dancing or entertainment.
- Since the original Application for a Special Use Permit, the Applicant has provided entertainment on Fridays and Saturdays until 2:00 am. The applicant sees no need to enlarge the hours on those dates and on those days, and the hours of operation have met with the approval of the neighborhood. Persons can still secure food at the restaurant.
- There have not been any neighborhood complaints or police complaints at this location since the Special Use Permit was first issued.
- Applicant understands the Special Use Permit would be valid for two years. Because of disputes with the Landlord regarding common area maintenance charges, which appear to be excessive, it is likely the business will not be found at this location longer than one year. Nevertheless, if the disputes with the landlord are resolved, Applicant would like the Special Use Permit to be valid for two years.

Ms. Janet Parker  
April 25, 2019  
Page 3

These are the suggested changes to the draft report. I am hopeful you will find that to be acceptable.

Sincerely,



Richard T. Bryant  
For the Firm

RTB:dah  
Enclosures





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

**To:** Unified Government Board of Commissioners

**From:** City Staff

**Date:** May 30, 2019

**Re:** **Petition #SP-2019-46**

**Property Location:**  
765 Cheyenne Avenue



**Commission Districts:**

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

**Existing Zoning:**

M-3 Heavy Industrial District

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

**South:** M-3 Heavy Industrial District

**East:** M-3 Heavy Industrial District

**West:** M-3 Heavy Industrial District

**Existing Uses: North:** Warehouse Distribution/Storage Facility

**South:** Warehouse Distribution/Storage Facility

**East:** Single-family Residence

**West:** Warehouse-Office Combination

**Total Tract Size:** 0.50 acre

**Master Plan Designation:** The Armourdale Land Use Plan designates this property as Heavy Industrial

**Major Street Plan:** The Major Streets Plan designates Cheyenne Avenue as a local/neighborhood street

**Advertisement:** The Wyandotte Echo – April 18, 2019  
Letters to Property Owner – April 15, 2019 and May 22, 2019

**Public Hearings:** May 13, 2019 and May 30, 2019

**Public Opposition:** No one appeared in opposition at the May 13, 2019 City Planning Commission meeting.

---

**PROPOSAL**

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Detailed Outline of Requested Action: The applicant is requesting a Special Use Permit for the use of land for commercial and industrial purposes in order to operate a business that would engage in the following practices: selling used cars, repairing cars, and detailing new and used cars.

City Ordinance Requirements: 27-592 through 27-606

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## FACTORS TO BE CONSIDERED

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

The surrounding properties are zoned for general to heavy industrial uses, with single-family residential nearby.

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

The nearby properties are almost all zoned for industrial use, and the properties on the northwest corner of Cheyenne Avenue and South 8<sup>th</sup> Street is used as parking for semi-trucks and trailers. The proposed business will be compatible with these current uses.

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

The property is suitable for car repair, detailing, and sales so long as all environmental mitigation actions are taken. Removing restrictions will not affect the nearby properties, which are either used or zoned in a manner similar to the property in question would be.

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

Unsure; the 2018 aerial overlay on UG Maps show over a dozen cars and a few semi-trailers parked on the property.

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

This Special Use Permit is in general conformance for Alternate "A" in the Armourdale Land Use Plan and does not go against the vision for Armourdale laid out in the Master Plan.

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

A commercial business is certain to bring in customers who would otherwise not be driving in the neighborhood. In addition, the nature of business is to sell, detail, and repair vehicles. While all cars on site that are intended for sale, detailing, or repair must be parked within the property, those cars still have to get on and eventually off the property using the local streets.

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

An auto repair, detailing, and sales business is not a necessary convenience to the public, considering there are quite a few auto shops and used car lots close by. However,

because of the zoning of nearby properties, this particular use will not substantially or permanently injure the appropriate use, visual quality, or marketability of the adjoining properties.

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

There may be a possibility of noise from repairing cars if the garage doors are open, and a slight chance of fumes from detailing paint.

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

No further comments, so long as applicant addresses the environmental concerns stated by the engineering staff in the separate technical review letter sent to the applicant.

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

This has not been an issue.

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

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

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

The only foreseeable crowding issue comes from the number of cars on and around the property, from the customers' vehicles, cars for sale, and cars in for service. So long as all parking restrictions are followed (outlined in the separate engineer comment letter that was sent to the applicant), then crowding should not be an issue.

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## **PREVIOUS ACTIONS**

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N/A

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## **NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting on April 29, 2019. The applicant stated that no one showed up to oppose the Special Use Permit.

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## **KEY ISSUES**

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Traffic and parking, noise, fumes, pollutant leakage and runoff

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-46, subject to:

### Urban Planning and Land Use Comments:

1. Is the property currently vacant? If so, how long has the property been vacant?

*Applicant Response:* The property is currently vacant and has been for 2 years.

2. Where will the customers park? Where will for-sale cars be stored? Where will cars in for service (repair and/or detailing) be kept? Please provide a more detailed site plan that gives dimensions of the property boundaries as well as dimensions for parking spaces. The dimensions may be of the current parking spaces if there is no intention to re-stripe them.

*Applicant Response:* Customer parking will be located behind the building by the main office on the south side. There will be a total of eleven (11) spaces including one (1) handicap. Vehicles that will be for sale will be parked on the south side of the parking lot against the fence. Vehicles in for detailing service will be kept on the side of the building.

3. How will the fumes from the detailing paint be addressed and mitigated?

*Applicant Response:* There will be no painting at this site.

4. Applicant needs to provide a dimension site plan that designates and gives measurements for parking spaces, new and pre-existing buildings, and setbacks. Be sure to include the following:

- a) One parking space for employees or customers (not for used cars) for every 1,000 square feet of commercial space (Code of Ordinances, Sect. 27-464(e)). More parking requirements and guidelines can be found in Sect. 27-577(e).
- b) Dimensions and façade design of pre-existing buildings.
- c) Landscape design compliant with commercial landscaping requirements. Note that landscaping requirements shall exceed typical code requirements (found in Sect. 27-464(g)) by 75%. (Sect. 27-577(a)(5)). Full requirements can be found in the Code of Ordinances, Sect. 27-577.

*Applicant Response:* The dimensions site plan is provided. This includes parking space measurements. There are no plans for any new structures. Also attached is a diagram of an existing building nearby. Our area is separated with fences and each building has its own space.

- a) A total of eleven (11) parking spaces including one (1) handicap spot will be designated for employees and customers. All parking areas are designed according to the measurements of the building's Code of Ordinances. Each parking spot is 9ft x 18ft as required. All other remaining spaces will be used for



additional parking and parking of vehicles available for sale in the parking lot against the fence.

- b) Photos of the interior and exterior are provided.
  - c) Landscape area is located in the area in the back of the building. This includes six (6) trees that are designed in compliance with the commercial landscaping requirements.
- 5. Upon receiving the Special Use Permit, applicant must file and maintain a current occupation tax application.
  - 6. The applicant must confirm that the building is up to code, or otherwise make the necessary renovations to get the building in compliance with all codes.
  - 7. Approval is for two (2) years.

#### **Public Works Comments:**

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
  - 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
  - 2) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- B) Items that are conditions of approval (stipulations):
  - 1) None.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
  - 1) None

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### **STAFF COMMENTS AND SUGGESTIONS**

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

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### **STAFF RECOMMENDATION**

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Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2019-46** subject to all comments and suggestions outlined in this staff report.

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### **ATTACHMENTS**

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May 13, 2019 City Planning Commission Minutes  
Notice of Violation and Tow Notice  
Aerial Photo of Property  
Additional Explanation/Remarks by the Applicant  
Building Dimensions  
Property Dimensions with Parking Plan  
Photos of Site

---

## REVIEW OF INFORMATION AND SCHEDULE

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|                |                     |                               |
|----------------|---------------------|-------------------------------|
| Action         | Planning Commission | Unified Government Commission |
| Public Hearing | May 13, 2019        | May 30, 2019                  |
| Special Use    | Approval            |                               |

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**STAFF CONTACT:**            **Mike Farley**  
                                         [mfarley@wycokck.org](mailto:mfarley@wycokck.org)

---

## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-46** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

## OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-46**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

### May 13, 2019 City Planning Commission Minutes:

#### Hearing Starts 1:58:40:

**SPECIAL USE PERMIT APPLICATION #SP-2019-46 –MARIA ELENA LEAL/M+MS AUTO SALES AND DETAIL – SYNOPSIS:** Special Use Permit for new and used auto sales, auto repair and auto detailing at 765 Cheyenne Avenue. Detailed Outline of Requested Action: The applicant is requesting a Special Use Permit for the use of land for commercial and industrial purposes in order to operate a business that would engage in the following practices: selling used cars, repairing cars, and detailing new and used cars.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 13, 2019

5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated April 18, 2019;
7. The Notices to property owners dated April 15, 2019.

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

### **Present in Support:**

- ❖ Maria Leal, applicant, M&M's Sales and Detail, 765 Cheyenne Avenue, Kansas City, Kansas

### **Present in Opposition:**

- ❖ No one appeared

**Staff Recommendation starts 2:00:35:** Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

### **Motion and Vote Starts 2:00:44:**

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2019-46:**

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

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

**Subject to:**

### **Urban Planning and Land Use Comments:**

1. Is the property currently vacant? If so, how long has the property been vacant?

***Applicant Response:*** The property is currently vacant and has been for 2 years.

2. Where will the customers park? Where will for-sale cars be stored? Where will cars in for service (repair and/or detailing) be kept? Please provide a more detailed site plan that gives dimensions of the property boundaries as well as dimensions for

parking spaces. The dimensions may be of the current parking spaces if there is no intention to re-stripe them.

***Applicant Response:*** Customer parking will be located behind the building by the main office on the south side. There will be a total of eleven (11) spaces including one (1) handicap. Vehicles that will be for sale will be parked on the south side of the parking lot against the fence. Vehicles in for detailing service will be kept on the side of the building.

3. How will the fumes from the detailing paint be addressed and mitigated?

***Applicant Response:*** *There will be no painting at this site.*

4. Applicant needs to provide a dimension site plan that designates and gives measurements for parking spaces, new and pre-existing buildings, and setbacks. Be sure to include the following:

- a) One parking space for employees or customers (not for used cars) for every 1,000 square feet of commercial space (Code of Ordinances, Sect. 27-464(e)). More parking requirements and guidelines can be found in Sect. 27-577(e).
- b) Dimensions and façade design of pre-existing buildings.
- c) Landscape design compliant with commercial landscaping requirements. Note that landscaping requirements shall exceed typical code requirements (found in Sect. 27-464(g)) by 75%. (Sect. 27-577(a)(5)). Full requirements can be found in the Code of Ordinances, Sect. 27-577.

***Applicant Response:*** The dimensions site plan is provided. This includes parking space measurements. There are no plans for any new structures. Also attached is a diagram of an existing building nearby. Our area is separated with fences and each building has its own space.

- d) A total of eleven (11) parking spaces including one (1) handicap spot will be designated for employees and customers. All parking areas are designed according to the measurements of the building's Code of Ordinances. Each parking spot is 9ft x 18ft as required. All other remaining spaces will be used for additional parking and parking of vehicles available for sale in the parking lot against the fence.
  - e) Photos of the interior and exterior are provided.
  - f) Landscape area is located in the area in the back of the building. This includes six (6) trees that are designed in compliance with the commercial landscaping requirements.
5. Upon receiving the Special Use Permit, applicant must file and maintain a current occupation tax application.
6. The applicant must confirm that the building is up to code, or otherwise make the necessary renovations to get the building in compliance with all codes.
7. Approval is for two (2) years.

**Public Works Comments:**

- A) Items that require plan revision or additional documentation before engineering can recommend approval:**
  - 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.**
  - 2) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.**
- B) Items that are conditions of approval (stipulations):**
  - 1) None.**
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:**
  - 2) None**





**CODE ENFORCEMENT DIVISION**  
Neighborhood Resource Division  
Unified Government of Wyandotte County/Kansas City, Kansas  
4953 State Avenue, Kansas City, Kansas 66102  
p. (913) 573-8550 | f. (913) 573-6731 | www.wyandotte.org/codeenforcement

## NOTICE OF VIOLATION

February 28, 2019

M & M AUTO SALES & DETAIL LLC  
402 OSAGE AVE  
KANSAS CITY, KS 66105

Dear Tenant / Other Interested Party:

An inspection of the property at **402 - 430 OSAGE AVE, KANSAS CITY, KS 66105** was conducted on **Tuesday, February 26, 2019** and revealed the following violations of Chapter 8, Chapter 31 and/or Chapter 27 of the Code of Ordinances, Kansas City, Kansas.

Code Case: 19208-01057

02/26/19 Environmental - Remove Vehicle(s). Vehicles must be operable, licensed, and on an improved surface. Inoperable motor vehicles cannot be parked, kept or stored on any premises, including any inoperative motor vehicle parked on a trailer of any type.  
\*\*\* SEE ATTACHED DOCUMENT FOR VEHICLES AND VIOLATIONS. \*\*\*

All violations must be corrected before **March 18, 2019**. Failure to abate these violations may result in a Summons to appear in Municipal Court and/or the issuance of a Misdemeanor Ticket.

Should you have any questions, please contact Inspector Jesse G Castro at 913 573-8518.

REINSTAT.rpt



CODE ENFORCEMENT DIVISION  
Neighborhood Resource Center  
Unified Government of Wyandotte County/Kansas City, Kansas  
4953 State Ave. Kansas City, Kansas 66102  
p. (913) 573-8600 | f. (913) 573-8731 | [www.wyandotte.org/codeenforcement](http://www.wyandotte.org/codeenforcement)

## Notice of Hearing - Tow Notice

MARIA E LEAL  
402 OSAGE AVE  
KANSAS CITY, KS 66105

February 27, 2019

Case number: 19208-01047

RE: Property address **402 - 436 OSAGE AVE, KANSAS CITY, KS 66105**

A vehicle on the above referenced property has been found to be a nuisance as defined by Ordinance 8-431 and 8-432 and a hearing on this matter has been scheduled. A description of the vehicle and the nuisance are stated below.

Tagged Date: **2/26/2019**

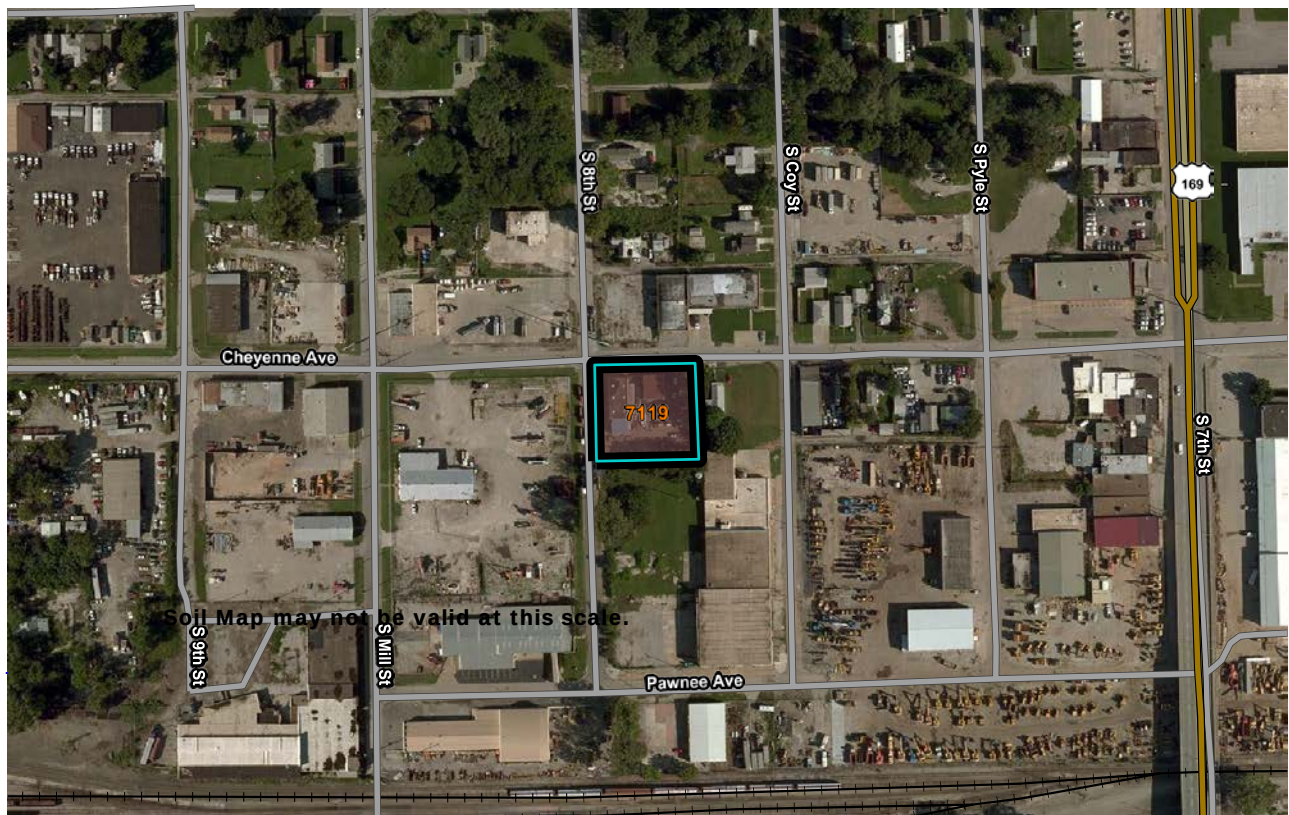
[ENFRNVRM08]

Environmental - Remove Vehicle(s). Vehicles must be operable, licensed, and on an improved surface. Inoperable motor vehicles cannot be parked, kept or stored on any premises, including any inoperative motor vehicle parked on a trailer of any type. (SEE ATTACHED DOCUMENT FOR VEHICLES AND VIOLATIONS.)

The above described nuisance must be abated within 10 business days from the 'Tagged Date' shown above. This is the date that the vehicle was tagged with a Tow Notice. If the nuisance is not abated, the vehicle will be subject to tow at the owner's expense.

This letter is to inform the owner(s) of the property and/or the owner(s) of the vehicle that a hearing on this matter has been scheduled. The hearing will be held before the public officer or his designee on **Thursday, March 14, 2019**. All hearings, graffiti, tow, and unfit structures, are conducted on a first-come first-served basis. Hearings begin at 8:00 am.

All hearings are held at the Neighborhood Resource Center, 4953 State Ave, Kansas City, Kansas 66102. All owners may file an answer to the allegations and appear in person with proper identification with or without legal counsel, by the hearing date listed above. If accommodations are needed for a disability, contact the Code Enforcement Department 48 hours in advance at 913-573-8600. Si usted requiere adaptaciones para inhabilidad, entre en contacto con el departamento 48 horas por adelantado en 913-573-8600.





## **M&M's Auto Sales & Detail LLC**

765 Cheyenne Avenue  
Kansas City, Kansas

### **Additional Comments:**

The main reason for our relocation is that we are in need of more parking spaces. Once we received a complaint from the Code Enforcement in February of 2019 it confirmed our concerns with the parking situation. We do not want this to be an issue going forward so we decided on this site at 765 Cheyenne Avenue, Kansas City, Kansas. For this reason we hope that the information included in these pages and plans for this site are what is needed to receive our special permits. We have already received the necessary licenses and permits at our current location. If there is anything else that you need or that you find that is missing, please don't hesitate to let me know so that I will do what is needed to comply with your request.

Maria Elena Leal  
M&M's Auto Sales & Detail LLC  
765 Cheyenne Avenue  
Kansas City, Kansas  
mmsautospa@gmail.com  
(913) 709-3057



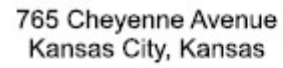
## M&M's Auto Sales & Detail LLC

765 Cheyenne Avenue  
Kansas City, Kansas

### ATTACHMENTS





[illegible]



## **M&M's Auto Sales & Detail LLC**

765 Cheyenne Avenue  
Kansas City, Kansas

### **ATTACHMENTS**





## M&M's Auto Sales & Detail LLC

765 Cheyenne Avenue  
Kansas City, Kansas

### ATTACHMENTS

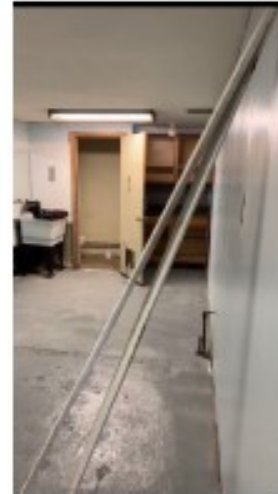




## M&M's Auto Sales & Detail LLC

765 Cheyenne Avenue  
Kansas City, Kansas

### ATTACHMENTS







# Urban Planning and Land Use

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

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

**To:** Unified Government Board of Commissioners  
**From:** City Staff  
**Date:** May 30, 2019  
**Re:** Petition #SP-2019-52

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## GENERAL INFORMATION

---

**Applicant:**

Michael D. Yeager

**Status of Applicant:**

Applicant  
4855 Georgia Avenue  
Kansas City, Kansas

**Requested Action:**

Approve Home  
Occupation Special  
Use Permit

**Date of Application:**

March 29, 2019

**Purpose:**

Operate a welding  
business and conduct  
welding from the  
applicant's residence.

**Property Location:**

4855 Georgia Avenue





**Commission Districts:**

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

**Existing Zoning:**

R-1 Single-Family District

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

**South:** R-1 Single-Family District

**East:** R-1 Single-Family District

**West:** R-1 Single-Family District

**Existing Uses: North:** Single Family Residence

**South:** Single Family Residence

**East:** Single Family Residence

**West:** Single Family Residence

**Total Tract Size:** 0.17 acre

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

**Major Street Plan:** The Major Street Plan designates Georgia Avenue as a local/neighborhood street

**Advertisement:** The Wyandotte Echo – April 18, 2019  
Letters to Property Owner – April 15, 2019 and May 22, 2019

**Public Hearings:** May 13, 2019 and May 30, 2019

**Public Opposition:** No one appeared in opposition at the May 13, 2019 City Planning Commission meeting.

---

**PROPOSAL**

---

*Detailed Outline of Requested Action:* The applicant is requesting a Home Occupation Special Use Permit for the temporary use of the applicant's primary residence for commercial and industrial purposes in order to use a residential structure as a business office and welding shop.

City Ordinance Requirements: 27-592 through 27-606

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**FACTORS TO BE CONSIDERED**

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

The neighborhood is predominantly residential in nature.

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

The zoning and uses of nearby properties are set out above. A home office use, especially one that does not receive customers on location, is compatible with a residential neighborhood. A welding workshop in the basement should not have too great an effect on the nearby properties, so long as light and fumes are controlled, and fire safety protocol is followed.

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

The property was developed as a residence and is located in an exclusively residential neighborhood. By allowing for a home occupation, there is some possibility of change to the character of the neighborhood, but it is expected to be minimal.

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

The property is not vacant.

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

All industrial uses are discouraged in low-density residential areas by the Master Plan. The Master Plan does not address home occupation special use permits

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

The applicant has stated that no customers will be coming to the house. Even if the applicant receives deliveries of parts, that is no different than receiving a package delivery for a residence. Therefore, there will be no increase in vehicular traffic or parking intensity.

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

This use is not a necessary convenience to the public, nor adds to the public welfare. Welding, as an industrial use, has the possibility of affecting the use, visual quality, or marketability of the adjoining properties, but the degree to which this effect would have is unclear.

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

Fumes and, to a lesser extent, noise could be detectable by the neighbors.

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

There may be fumes created by the welding, but it is unclear if they would be strong enough to be a pollutant outside the house.

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

This is not an issue.

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

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

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

This is not an issue.

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**PREVIOUS ACTIONS**

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Applicant was granted a Special Use Permit in 2015, #SP-2015-51, for operating a home occupation that involved welding. This is a new Special Use Permit, not a renewal of the 2015 permit.

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**NEIGHBORHOOD MEETING**

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Although encouraged, a neighborhood meeting is not required to obtain a Home Occupancy Special Use Permit. The applicant did not hold a neighborhood meeting.

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**KEY ISSUES**

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Noise, fumes, fire safety

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**PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-52, subject to:

**Urban Planning and Land Use Comments:**

1. Does “mobile welding” mean that you will be conducting welding projects off-site, presumably at your customer’s location?

***Applicant Response:*** "Mobile welding" does mean that welding will be conducted at customer's location.

2. What safety measures do you have in place to ensure your safety, the safety of others, and safety of the people and structures near your property? Please include measures that address at least all the following: fire prevention and safety, burn and electrocution prevention and safety, and ventilating fumes.

***Applicant Response:*** For fire prevention and safety, I will have fire extinguishers and any other necessary measures in place. For burn and electrocution prevention, I have all needed personal protection equipment. For venting fumes, I am setting up an exhaust fan for my workshop.

***Staff Response:*** Fire prevention and safety measures must follow all county building codes and standards.

3. Will there be any signs on your residence or property advertising or otherwise recognizing the business?

***Applicant Response:*** *There will be no signage on the property advertising there is a business here.*

4. What time(s) of day will you be welding? Do you have a method to mitigate excessive illumination caused by welding?

***Applicant Response:*** Normal operating hours will likely be between 8am and 5-6pm. In my shop, excess illumination will be contained within 4 stone walls with few windows. For mobile welding, illumination can be mitigated by a portable welding screen.

5. Please describe how materials will be delivered and how much noise is produced.

***Applicant Response:*** If materials will be delivered, it will either be by FedEx or UPS, or a flat bed truck. Noise production should never be any louder than your average lawn mower.

6. Contact Building Inspection to see if any code modifications are required for the structure.

***Applicant Response:*** In 2015, for SP-2015-51, my business plan was for all work to be in my shop. I was approved with no code modification necessary.

7. The Business Office could not find a business license on file. If the Special Use Permit is approved, applicant must file and maintain a current occupation tax application.

8. Approval is for two (2) years.

## Public Works Comments:

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

---

## **STAFF COMMENTS AND SUGGESTIONS**

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

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## **STAFF RECOMMENDATION**

---

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2019-52** subject to all comments and suggestions outlined in this staff report.

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## **ATTACHMENTS**

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May 13, 2019 City Planning Commission Minutes  
Aerial Photograph of Address and Surrounding Neighborhood  
Photos of Address and Workshop

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## **REVIEW OF INFORMATION AND SCHEDULE**

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| Action         | Planning Commission | Unified Government Commission |
|----------------|---------------------|-------------------------------|
| Public Hearing | May 13, 2019        | May 30, 2019                  |
| Special Use    | Approval            |                               |

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**STAFF CONTACT:**            **Mike Farley**  
                                         [mfarley@wycokck.org](mailto:mfarley@wycokck.org)

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## **MOTIONS**

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I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-52** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

- 1. \_\_\_\_\_;
- 2. \_\_\_\_\_; And



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

**OR**

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-52**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

**May 13, 2019 City Planning Commission Minutes:**

**Hearing Starts 2:01:22:**

**SPECIAL USE PERMIT APPLICATION #SP-2019-52 – MICHAEL D. YEAGER – SYNOPSIS:** Home Occupation Special Use Permit for mobile welding and repair as well as general metal fabrication at 4855 Georgia Avenue. *Detailed Outline of Requested Action:* The applicant is requesting a Home Occupation Special Use Permit for the temporary use of the applicant's primary residence for commercial and industrial purposes in order to use a residential structure as a business office and welding shop.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 13, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated April 18, 2019;
7. The Notices to property owners dated April 15, 2019.

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

**Present in Support:**

- ❖ Michael Yeager, applicant, 4855 Georgia Avenue, Kansas City, Kansas

**Present in Opposition:**

- ❖ No one appeared

**Staff Recommendation starts 2:03:06:** Planning Director Richardson asked the applicant asked if he will do this out of his truck or does he have a mobile unit. Mr. Yeager stated that he will have a trailer (6' by 8') with welder mounted on it that he will pull with another vehicle. Director Richardson stated that with the clarification the staff recommends approval subject to the stipulations in the staff report.

### **Motion and Vote Starts 2:03:40:**

On motion by Mr. Miller, seconded by Mr. Neal, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2019-52:**

|                 |                    |
|-----------------|--------------------|
| <b>Carson</b>   | <b>Chairman</b>    |
| <b>Cho</b>      | <b>Not Present</b> |
| <b>Connelly</b> | <b>Aye</b>         |
| <b>Ernst</b>    | <b>Aye</b>         |
| <b>Huey</b>     | <b>Aye</b>         |
| <b>Jones</b>    | <b>Aye</b>         |
| <b>Miller</b>   | <b>Aye</b>         |
| <b>Neal</b>     | <b>Aye</b>         |
| <b>Pauley</b>   | <b>Aye</b>         |
| <b>Reasons</b>  | <b>Aye</b>         |
| <b>Serda</b>    | <b>Aye</b>         |

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

### **Urban Planning and Land Use Comments:**

1. Does “mobile welding” mean that you will be conducting welding projects off-site, presumably at your customer’s location?

***Applicant Response:*** "Mobile welding" does mean that welding will be conducted at customer's location.

2. What safety measures do you have in place to ensure your safety, the safety of others, and safety of the people and structures near your property? Please include measures that address at least all the following: fire prevention and safety, burn and electrocution prevention and safety, and ventilating fumes.

***Applicant Response:*** For fire prevention and safety, I will have fire extinguishers and any other necessary measures in place. For burn and electrocution prevention, I have all needed personal protection equipment. For venting fumes, I am setting up an exhaust fan for my workshop.

***Staff Response:*** Fire prevention and safety measures must follow all county building codes and standards.

3. Will there be any signs on your residence or property advertising or otherwise recognizing the business?

***Applicant Response:*** *There will be no signage on the property advertising there is a business here.*

4. What time(s) of day will you be welding? Do you have a method to mitigate excessive illumination caused by welding?

***Applicant Response:*** Normal operating hours will likely be between 8am and 5-6pm. In my shop, excess illumination will be contained within 4 stone walls with few windows. For mobile welding, illumination can be mitigated by a portable welding screen.

5. Please describe how materials will be delivered and how much noise is produced.

***Applicant Response:*** If materials will be delivered, it will either be by FedEx or UPS, or a flat bed truck. Noise production should never be any louder than your average lawn mower.

6. Contact Building Inspection to see if any code modifications are required for the structure.

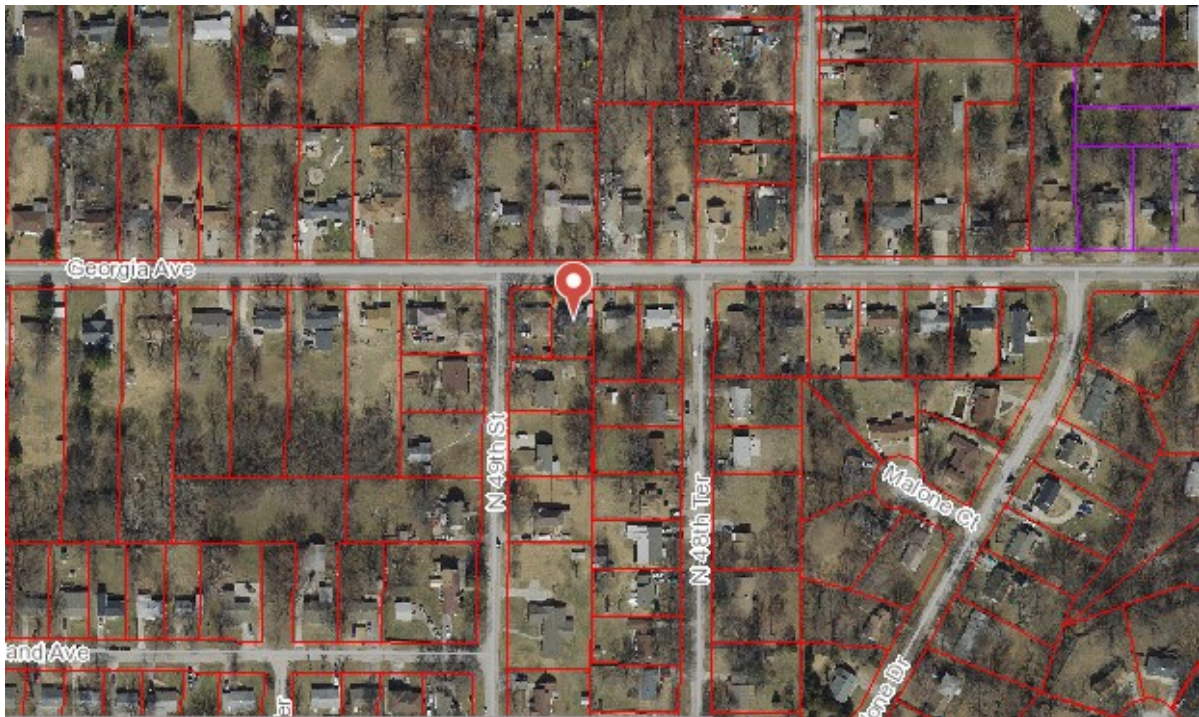
***Applicant Response:*** In 2015, for SP-2015-51, my business plan was for all work to be in my shop. I was approved with no code modification necessary.

7. The Business Office could not find a business license on file. If the Special Use Permit is approved, applicant must file and maintain a current occupation tax application.

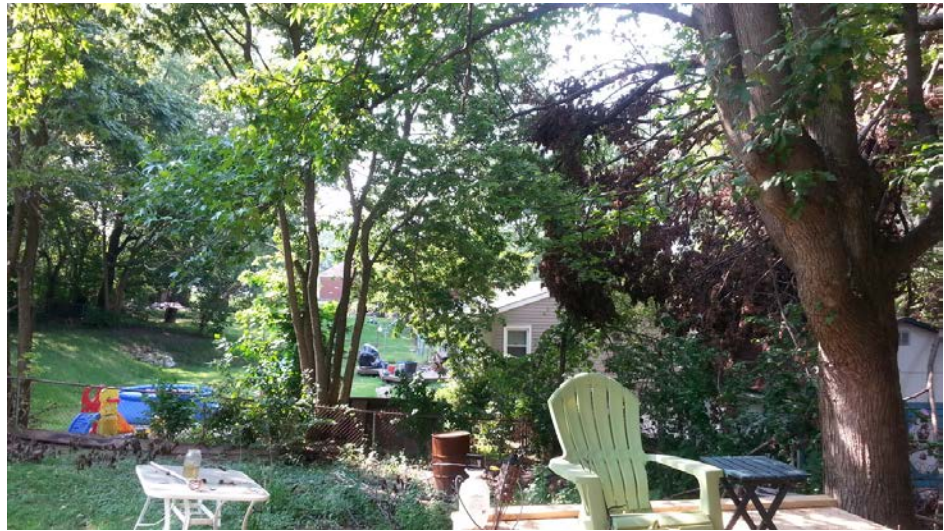
8. Approval is for two (2) years.

**Public Works Comments:**

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

















# Urban Planning and Land Use

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

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

**To:** Unified Government Board of Commissioners  
**From:** City Staff  
**Date:** May 30, 2019  
**Re:** **Petition #SP-2019-54**

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## GENERAL INFORMATION

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**Applicant:**  
Ryan Denk

**Status of Applicant:**  
McAnany, Van Cleave & Phillips, P.A.  
10 East Cambridge Circle, Suite 300  
Kansas City, KS 66013

**Requested Action:**  
Renewal of Special Use Permit

**Date of Application:**  
March 29, 2019

**Purpose:**  
To continue to use the property as a clean  
rubble fill site

**Property Location:**  
1500 South 73rd Street and 7751 South 73rd Street

**Commission Districts:**  
1. Commissioner At Large: Melissa Bynum  
2. District Commissioner: Angela Markley



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

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

**Existing Uses:** **North:** Kansas River  
**South:** Undeveloped land  
**East:** Undeveloped land  
**West:** Undeveloped land

**Total Tract Size:** 40.39 acres

**Master Plan Designation:** The City-Wide Master Plan designates this area as Floodway and Employment

**Major Street Plan:** The Major Street Plan classifies South 73<sup>rd</sup> Street as a local road.

**Advertisement:** The Wyandotte Echo – April 18, 2019  
Letters to Property Owner – April 15, 2019 and May 21, 2019

**Public Hearings:** May 13, 2019 and May 30, 2019

**Public Opposition:** No one appeared in opposition at the May 13, 2019 City Planning Commission meeting.

---

## **PROPOSAL**

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*Detailed Outline of Requested Action:* The applicant, Ryan Denk on behalf of the property owner, Morris Land Development, L.L.C. wants to continue to operate a clean rubble fill site along the Kansas River on 40.39 acres. The proposed rubble being brought to the site will be concrete, dirt and bricks from construction sites.

*City Ordinance Requirements:* 27-592 through 27-606

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## **FACTORS TO BE CONSIDERED**

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

The character of the neighborhood is a mixture of industrial businesses, sand excavation and undeveloped land. This property is adjacent to the Kansas River, so development in this area is sparse.

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

The zoning and uses of property nearby are set out above. While the proposed use is typically not compatible with R-1 zoned areas, the surrounding site is undeveloped.

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

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

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

The property is not vacant.

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

Special Use Permits are not addressed in the Master Plan.

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

The proposed use should not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

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

Since this area is along the river and is largely undeveloped, the proposed use will not permanently injure the appropriate use or marketability of adjoining property.

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

The noise and dust normally associated with the proposed use should not create problems for near-by property.

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

If clean rubble is brought to the site as proposed, the use should not pollute the land or water.

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

The proposed use will not destroy an irreplaceable natural resource.



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

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

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

This is not expected to be an issue.

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## **PREVIOUS ACTIONS**

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The special use permit is a renewal of #SP-2011-32, which was approved for two (2) years by the City Planning Commission and Unified Government Board of Commissioners, which was then renewed and approved for five (5) years with #SP-2014-28.

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## **NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting on April 25, 2019. There was nobody in attendance. The meeting was adjourned after thirty minutes. A copy of the meeting minutes and an affidavit are attached to this report.

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## **KEY ISSUES**

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None

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## **PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-54, subject to:

**Urban Planning and Land Use Comments:**

1. Subject to approval, this special use permit shall be valid for five (5) years.
2. As a note, in 2011, the applicant submitted a No-Rise certificate as required for the fill site in the floodplain.
3. Please describe the current state of the clean rubble fill site since the December 2011 approval.

***Applicant Response:*** To date we estimate we have filled approximately 40% of the hole. Based on this rate of fill, we estimate it to take an additional 10 years for Morris Land Development, LLC to complete the fill activities.

4. According to the applicant in response to the initial staff report comments that were issued in April 2011, the proposed truck traffic information is as follows:
  - a. Traffic frequency – It is variable, but probably an average 4 to 6 per day.
  - b. Hours of operation – 7:00 AM to 6:00 PM.
  - c. Loaded truck weights – It is variable, but no more than the legal limits for the State of Kansas at 80,000 lbs.

#### **Public Works Comments:**

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

---

### **STAFF COMMENTS AND SUGGESTIONS**

---

Staff concurs with the recommendation of the City Planning Commission.

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### **STAFF RECOMMENDATION**

---

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2019-54 subject to all comments and suggestions outlined in this staff report.

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### **ATTACHMENTS**

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May 13, 2019 City Planning Commission Minutes  
Aerial Map  
Zoning Map  
Applicant Letter  
Engineering Letter  
Engineering "No-Rise" Certificate (2011)  
Conservation District Report  
Neighborhood Meeting Minutes  
Neighborhood Meeting Affidavit

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## REVIEW OF INFORMATION AND SCHEDULE

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|                |                     |                                           |
|----------------|---------------------|-------------------------------------------|
| Action         | Planning Commission | Unified Government Board of Commissioners |
| Public Hearing | May 13, 2019        | May 30, 2019                              |
| Special Use    | Approval            |                                           |

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**STAFF CONTACT:**           Hannah Kroll  
                                         [hkroll@wycokck.org](mailto:hkroll@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-54** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

## OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-54**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

### May 13, 2019 City Planning Commission Minutes:

**SPECIAL USE PERMIT APPLICATION #SP-2019-54 – RYAN DENK WITH MCANANY, VAN CLEAVE & PHILLIPS, P.A. – SYNOPSIS:** Renewal of a Special Use Permit (#SP-2014-28 – expires 7/31/2019) for a dirt fill at 7751 South 73<sup>rd</sup> Street and 1500R South 73<sup>rd</sup> Street. ***Detailed Outline of Requested Action:*** The applicant, Ryan Denk on behalf of the property owner, Morris Land Development, L.L.C. wants to continue to operate a clean rubble fill site along the Kansas River on 40.39 acres. The proposed rubble being brought to the site will be concrete, dirt and bricks from construction sites.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items?" (No one responded in the affirmative.)

"Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 13, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notice in The Echo for the special use permits; and
7. The notices to property owners.

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

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

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

|                 |                    |
|-----------------|--------------------|
| <b>Carson</b>   | <b>Chairman</b>    |
| <b>Cho</b>      | <b>Not Present</b> |
| <b>Connelly</b> | <b>Aye</b>         |
| <b>Ernst</b>    | <b>Aye</b>         |
| <b>Huey</b>     | <b>Aye</b>         |
| <b>Jones</b>    | <b>Aye</b>         |
| <b>Miller</b>   | <b>Aye</b>         |
| <b>Neal</b>     | <b>Aye</b>         |
| <b>Pauley</b>   | <b>Aye</b>         |
| <b>Reasons</b>  | <b>Aye</b>         |
| <b>Serda</b>    | <b>Aye</b>         |

**Motion to APPROVE Passed: 9 to 0**  
**Subject to:**

**#SP-2019-54:**

**Urban Planning and Land Use Comments:**

1. Subject to approval, this special use permit shall be valid for five (5) years.
2. As a note, in 2011, the applicant submitted a No-Rise certificate as required for the fill site in the floodplain.
3. Please describe the current state of the clean rubble fill site since the December 2011 approval.

***Applicant Response:*** To date we estimate we have filled approximately 40% of the hole. Based on this rate of fill, we estimate it to take an additional 10 years for Morris Land Development, LLC to complete the fill activities.

4. According to the applicant in response to the initial staff report comments that were issued in April 2011, the proposed truck traffic information is as follows:

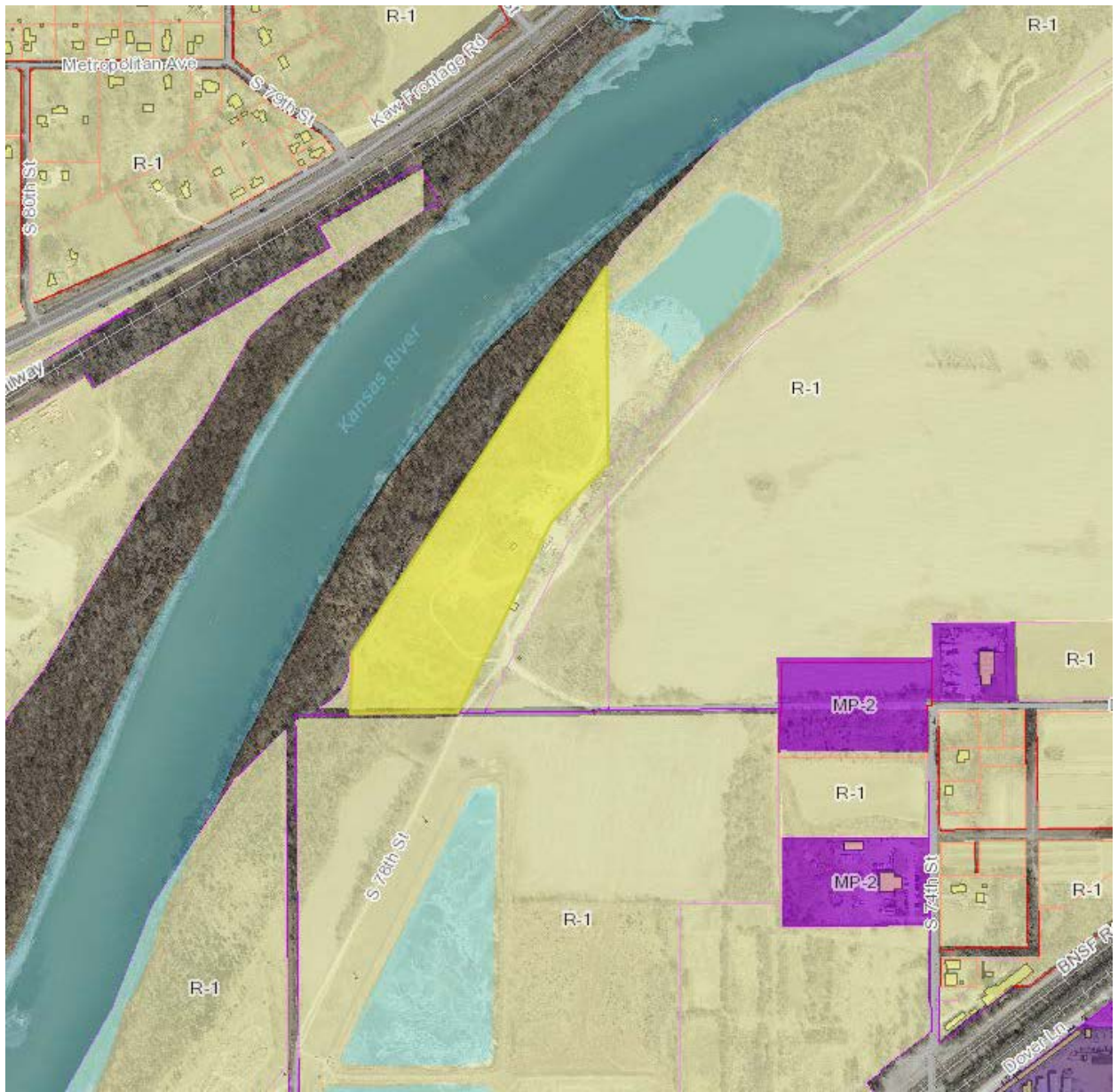
- a. Traffic frequency – It is variable, but probably an average 4 to 6 per day.
- b. Hours of operation – 7:00 AM to 6:00 PM.
- c. Loaded truck weights – It is variable, but no more than the legal limits for the State of Kansas at 80,000 lbs.

**Public Works Comments:**

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







MORRIS LAND DEVELOPMENT, LLC  
P.O. BOX 14906  
LENEXA, KANSAS 66215  
913-432-0314 Office 913-432-6021 Fax

March 28, 2019

Re: Special Use Permit Renewal

To Whom It May Concern

Morris Land Development, LLC would like to apply for the renewal of the special use permit. Morris has been engaged in fill activities at the site over the past 14 years. To date we estimate Morris has filled approximately 40% of the hole. Based on this rate of fill we estimate it to take an  
Additional 10 years for Morris to complete the fill activities.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ed Kates", written over a horizontal line.

Ed Kates  
President



**Morris Land Development**  
**Special Use Permit**

The purpose of the clean rubble landfill area that is proposed under this application of a special use permit is multi-faceted. The purposes are:

1. The filling of a large void near the south bank of the Kansas River that was created by the prior owner. The size of the void was greatly exasperated during the flooding event of 1993, again, under prior ownership. The filling of the void in this instance will result in a net positive effect for the Corps of Engineers and the Unified Government as a whole in that it would greatly lend to the further stabilization of the south bank of the Kansas River in the area of the void.
2. The water supply wells for Johnson County are located along and in the general area of the void. For those wells that presently exist along the south boundary of the void, the filling of the void would create a net positive effect for the security of the water supply for Johnson County in that it would stabilize the bank along the axis of the wells and connecting water main.
3. Use as a clean rubble landfill for the operations of Midland Wrecking, Inc.

**Usage Requirements of the Clean Rubble Landfill**

1. The usage of the clean rubble landfill shall be done in a manner conforming with Kansas statutes, in particular K.S.A. 65-3402(w). As such, no construction and demolition waste not meeting the following definition shall be landfilled under this special use permit: concrete and concrete products including reinforcing steel, asphalt pavement, brick, rock and uncontaminated soil as defined in the rules and regulations adopted by the secretary of the State of Kansas.
2. Access to the clean rubble landfill shall be attained by use of the abandoned South 78<sup>th</sup> St.

{K0339796.DOC; 1}

**NAPIER  
ENGINEERING, LLC**

207 South 5th Street  
Leavenworth, KS 66048

March 6, 2019

Unified Government of Wyandotte County  
Urban Planning and Land Use  
Attn: Byron Toy  
701 N. 7<sup>th</sup> Street, Suite 423  
Kansas City, Kansas 66101

**RE: Special Use Permit – Floodplain Fill  
Midland Wrecking  
1900 S. 78<sup>th</sup> Street  
Kansas City, KS 66106**

Dear Byron:

A Special Use Permit was issued for Midland Wrecking to fill an existing sand pit in the Kansas River Floodway with clean rubble debris. In the 7 years since issuance, Midland Wrecking has filled the sand pit from the south in consistent layers. The remaining volume of the sand pit has decreased in size by approximately 15% and does not approach the finished grade elevation at this time. Midland Wrecking initially said that it would take 10 or more years to completely fill the sand pit, depending on construction activity. The debris is primarily broken-up concrete and complies with clean rubble as stated in the permit.

I believe that the Special Use Permit should be re-issued for Midland Wrecking without any stipulations.

Please feel free to call me at (913) 375-0482 if you have any additional questions.

Respectfully Submitted,

*Brett Napier*

Brett Napier, P.E.  
Napier Engineering





FEDERAL EMERGENCY MANAGEMENT AGENCY  
ENGINEERING "NO-RISE" CERTIFICATE

Floodplain Development  
Permit No. \_\_\_\_\_

SECTION A - PROPERTY OWNER INFORMATION

|                                                             |                       |                 |
|-------------------------------------------------------------|-----------------------|-----------------|
| COMMUNITY<br>Kansas City, Kansas                            | COUNTY<br>Wyandotte   | STATE<br>Kansas |
| APPLICANT<br>Midland Wrecking                               | DATE<br>11/28/2011    |                 |
| APPLICANT'S ADDRESS<br>P.O. Box 14906, Lenexa, Kansas 66215 | PHONE<br>913-432-0314 |                 |

SECTION B - ENGINEER INFORMATION

|                                                                        |                       |
|------------------------------------------------------------------------|-----------------------|
| ENGINEER<br>Water Resources Solutions, LLC                             | DATE<br>11/28/2011    |
| ENGINEER'S ADDRESS<br>8800 Linden Drive, Prairie Village, Kansas 66207 | PHONE<br>913-382-1030 |

SECTION C - SITE DATA

1. Location:

|      |      |               |                  |               |                       |
|------|------|---------------|------------------|---------------|-----------------------|
| NE ¼ | NW ¼ | SECTION<br>28 | TOWNSHIP<br>11 S | RANGE<br>24 E | STREET ADDRESS<br>N/A |
|------|------|---------------|------------------|---------------|-----------------------|

2. Panel(s) No. of NFIP Map(s) affected:

3. Type of development:

☒ Filling ☐ Grading ☐ Excavation ☐ Min. Improvements ☐ Routine Maintenance  
☐ Substantial Improvement ☐ New Construction ☐ Other (Describe):

4. Description of Development:

Fill existing pond in the floodway.

5. Name of Flooding Source Affected: Kansas River

SECTION D - COMMENTS

The project includes the filling of an existing pond located in the floodway of the Kansas River as shown on the attached plans. Since, the fill elevation will be below the grade of the existing floodplain, it will occur in the area that would be modeled as ineffective flow. As a result, fill in this area will not affect the modeled base flood elevation of the river.

This is to certify that I am a duly qualified engineer licensed to practice in the State of Kansas. It is to further certify that the attached technical data supports the fact that the proposed development described above will not create any increase to the 1% storm frequency water surface flood elevations on said flooding source above at the cross-sections in the flood insurance study for the above community dated September 2, 2011, and will not create any increase to the 1% storm frequency water surface flood elevations at the unpublished cross-sections in the vicinity of the proposed development.

Donald W. Baker 11-28-2011  
Signature Date

Principal/Owner 14258  
Title License No.



11-28-2011

UPDATING  
NOV 28 2011  
AND USE



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

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

April 16, 2019

RE: SP 2019-54 Ryan Denk for Morris Land Development LLC dirt fill Site at 1500 R  
and 7751 South 73<sup>rd</sup> Street

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the site for: SP 2019-54 Ryan Denk for Morris Land Development LLC dirt fill Site at 1500 R and 7751 South 73<sup>rd</sup> Street.

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

MAPS AND REPORTS

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

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

- There are four soil types that were identified: Eudora-Bismarckgrove fine sandy loams, overwash, occasionally flooded, Stonehouse-Eudora fine sandy loams, overwash, occasionally flooded, Fluvents, frequently flooded and Pits. These soil types are considered erodible when the surface is denuded of a protective cover.
- This site is adjacent to the Kansas River and may contain some wetlands. No trash, chemical fluids or asphalt materials can be dumped at this site. The river can easily be contaminated with these materials
- If the area is filled, the area needs to have top soil placed on top of the fill material and the area mulched and seeded to prevent soil from blowing around. If fill operations are halted for more than 14 days, the area will need to be seeded and mulched.

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

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

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

Sincerely,

Cheri Miller  
District Manager

enclosures

**MINUTES OF NEIGHBORHOOD MEETING**  
**CONCERNING SP-2019-54**

Minutes relating to the special use permit relating to removal of dirt.

The meeting was properly noticed and scheduled for April 25, 2019 at 5:30 p.m. at the Kansas City, Kansas West Branch Public Library, Conference Room A, 1737 N. 82<sup>nd</sup> Street, Kansas City, Kansas 66112. At that time, Ed Kates, applicant, appeared. As no one else appeared, the neighborhood meeting was adjourned at approximately 6:00 p.m.

Minutes prepared by:

  
\_\_\_\_\_  
Ed Kates

**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF KANSAS                     )  
                                                  ) SS:  
COUNTY OF WYANDOTTE         )

Comes now Ed Kates, of lawful age, sound mind and upon his oath states as follows:

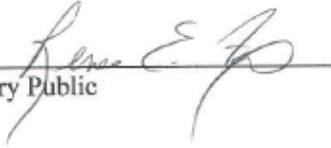
1. That I am the petitioner for Special Use Permit #SP-2019-54 – dirt fill at 1500 South 73<sup>rd</sup> Street and 7751 South 73<sup>rd</sup> Street.
2. That I conducted a neighborhood meeting on April 25, 2019.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

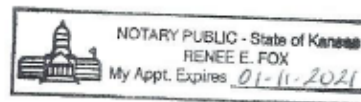
Further affiant saith not.

  
\_\_\_\_\_  
Affiant – Ed Kates

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of April, 2019.

My commission expires 11th of January, 20 21.

  
\_\_\_\_\_  
Notary Public







# Urban Planning and Land Use

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

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

**To:** Unified Government Board of Commissioners  
**From:** City Staff  
**Date:** May 30, 2019  
**Re:** Petition #SP-2019-55

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## GENERAL INFORMATION

---

**Applicant:**  
Casey Bond

**Status of Applicant:**  
Property Owner  
35 South 7<sup>th</sup> Street Trafficway  
Kansas City, KS 66101

**Requested Action:**  
Approval of Special Use Permit

**Date of Application:**  
March 29, 2019

**Purpose:**  
To continue operating an AirBNB  
at the applicant's primary  
residence

**Property Location:**  
35 South 7<sup>th</sup> Street Trafficway

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



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

**Existing Surrounding Zoning:** **North:** R-1(B) Single Family District  
**South:** C-3 Commercial District  
**East:** R-1(B) Single Family District  
**West:** C-3 Commercial District

**Existing Uses:** **North:** Single Family Residences  
**South:** Commercial Auto Sales  
**East:** Single Family Residences  
**West:** Commercial Retail, Parking Lot

**Total Tract Size:** 0.04 acre

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

**Major Street Plan:** The City-Wide Master Plan designates 7<sup>th</sup> Street Trafficway as a Class A Thoroughfare.

**Advertisement:** The Wyandotte Echo – April 18, 2019  
Letters to Property Owner – April 15, 2019 and May 21, 2019

**Public Hearings:** May 13, 2019 and May 30, 2019

**Public Opposition:** No one appeared in opposition at the May 13, 2019 City Planning Commission meeting.

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## **PROPOSAL**

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Detailed Outline of Requested Action: The applicant, Casey Bond, is applying to use the property at 35 South 7th Street Trafficway as an AirBNB. This is the applicant's primary residence, and the applicant is listing up to four bedrooms.

City Ordinance Requirements: 27-592 through 27-606

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## **FACTORS TO BE CONSIDERED**

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

The neighborhood is a mix of commercial districts and urban residential.

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

The zoning and uses of the properties is set out above. The proposed use might be compatible with the surrounding single-family houses if operated properly.

Operating this property as an AirBNB has the potential to create issues related to noise, parking, and other concerns related to overcrowding. The fact that this property is the primary residence of the host and that two surrounding uses are commercial in nature mitigates these concerns to a large extent.

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

Removal of the restrictions may not detrimentally affect nearby property. Potential detrimental effects such as noise and parking are mitigated to a large extent by the fact that this property is the primary residence of the host and is surrounded by commercial use on two sides.

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

This property is not vacant.

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

The Master Plan does not address special use permits.

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

The proposed use will not increase vehicular traffic to the point where it exceeds the capacity of the street network.

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

The proposed use provides convenient lodging for the public and will not likely substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

This is not foreseen to be an issue.

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

This is not foreseen to be an issue.

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

This is not foreseen to be an issue.

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

The relative gain or loss to the public health, safety, and welfare is likely to be minimal. If denied, the landowner would not be able to use the property as an AirBNB but may use the property as a single-family house.

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

This is not an issue.

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## **PREVIOUS ACTIONS**

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The applicant applied for a special use permit last year (#SP-2018-15) and was approved for one (1) year.

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## **NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting on April 29, 2019. There were no attendees. Meeting minutes and an affidavit have been attached to this report.

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## **KEY ISSUES**

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None

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## **PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-55, subject to:

**Urban Planning and Land Use Comments:**

1. How have you complied with the stipulations of approval from the last special use permit?
  - a. Host will maintain a safe environment, including
    - i. Working smoke detectors in each bedroom plus each level of the unit/house.
    - ii. GFCI outlets are required in bathrooms.
    - iii. Double keyed locks are not allowed
    - iv. Copper cannot be used for gas supply lines
    - v. Windows must be operable, not blocked or boarded
    - vi. Handrails are required at sets of 4 or more stairs/risers
    - vii. Hot water tank and furnace must be vented
    - viii. Electrical 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 5 people.

***Applicant Response:*** The stipulations for approval have been met and maintained for the past year.

**Updates 2018:**

- Refinished hardwood floors throughout... \$8000
- New Kitchen Appliances- fridge, dishwasher, stove, microwave/ hood...\$6000
- New washing machine & dryer...\$1500
- New furniture: couch, kitchen table, bed frames, linens...\$3000
- Installed granite countertops...\$1500
- Updated cabinets/stain, new light fixtures, ceiling tile, trim...\$1500
- New hot tub, cover, steps...\$9000
- New pergola...\$1000
- New patio furniture set... \$700
- Total: \$32,200

These improvements have been made and the Airbnb will continue to operate as usual in 2019. Operating my home as an Airbnb has enabled me to afford these improvements on my home. Thank you!

**Public Works Comments:**

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

**Stipulations of Approval:**

- 1. Host will maintain a safe environment described above.
- 2. Host will obtain a business license with the City.
- 3. Approval will be for two (2) years.

---

**STAFF COMMENTS AND SUGGESTIONS**

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Staff concurs with the recommendation of the City Planning Commission.



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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2019-55 subject to all comments and suggestions outlined in this staff report.

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## ATTACHMENTS

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May 13, 2019 City Planning Commission Minutes  
Aerial map  
Zoning map  
Photos of property  
Floorplan  
Neighborhood meeting minutes and sign-in  
Neighborhood meeting affidavit

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## REVIEW OF INFORMATION AND SCHEDULE

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| Action         | Planning Commission | Unified Government Board of Commissioners |
|----------------|---------------------|-------------------------------------------|
| Public Hearing | May 13, 2019        | May 30, 2019                              |
| Special Use    | Approval            |                                           |

---

**STAFF CONTACT:**            **Hannah Kroll**  
                                         [hkroll@wycokck.org](mailto:hkroll@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2019-55 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

**OR**

I move the Unified Government Board of Commissioners **DENY** Petition #SP-2019-55, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

## **May 13, 2019 City Planning Commission Minutes:**

**SPECIAL USE PERMIT APPLICATION #SP-2019-55 – CASEY BOND – SYNOPSIS:**  
Renewal of a Home Occupation Special Use Permit (#SP-2018-15 – expired 4/5/2019) for an AIRBNB at 35 South 7<sup>th</sup> Street Trafficway. *Detailed Outline of Requested Action:* The applicant, Casey Bond, is applying to use the property at 35 South 7th Street Trafficway as an AirBNB. This is the applicant's primary residence, and the applicant is listing up to four bedrooms.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items?" (No one responded in the affirmative.)

"Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 13, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notice in The Echo for the special use permits; and
7. The notices to property owners.

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

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

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

|                 |                    |
|-----------------|--------------------|
| <b>Carson</b>   | <b>Chairman</b>    |
| <b>Cho</b>      | <b>Not Present</b> |
| <b>Connelly</b> | <b>Aye</b>         |
| <b>Ernst</b>    | <b>Aye</b>         |
| <b>Huey</b>     | <b>Aye</b>         |
| <b>Jones</b>    | <b>Aye</b>         |
| <b>Miller</b>   | <b>Aye</b>         |
| <b>Neal</b>     | <b>Aye</b>         |
| <b>Pauley</b>   | <b>Aye</b>         |
| <b>Reasons</b>  | <b>Aye</b>         |
| <b>Serda</b>    | <b>Aye</b>         |

**Motion to APPROVE Passed: 9 to 0**

**Subject to:**

**Urban Planning and Land Use Comments:**

1. How have you complied with the stipulations of approval from the last special use permit?
  - a. Host will maintain a safe environment, including
    - i. Working smoke detectors in each bedroom plus each level of the unit/house.
    - ii. GFCI outlets are required in bathrooms.
    - iii. Double keyed locks are not allowed
    - iv. Copper cannot be used for gas supply lines
    - v. Windows must be operable, not blocked or boarded
    - vi. Handrails are required at sets of 4 or more stairs/risers
    - vii. Hot water tank and furnace must be vented
    - viii. Electrical 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 5 people.

***Applicant Response:*** The stipulations for approval have been met and maintained for the past year.

**Updates 2018:**

- Refinished hardwood floors throughout... \$8000
- New Kitchen Appliances- fridge, dishwasher, stove, microwave/ hood...\$6000
- New washing machine & dryer...\$1500
- New furniture: couch, kitchen table, bed frames, linens...\$3000
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- New hot tub, cover, steps...\$9000
- New pergola...\$1000
- New patio furniture set... \$700
- Total: \$32,200

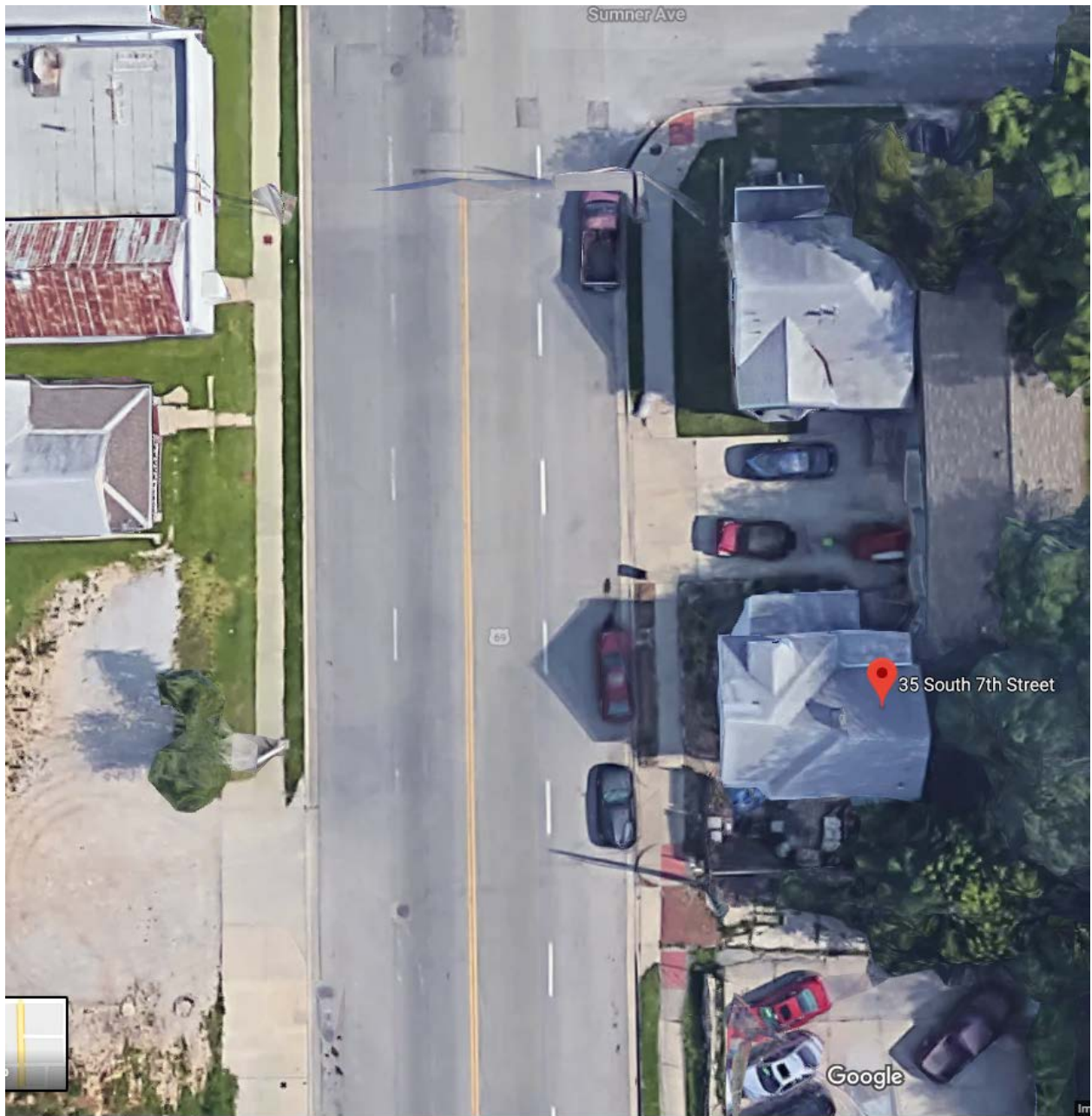
These improvements have been made and the Airbnb will continue to operate as usual in 2019. Operating my home as an Airbnb has enabled me to afford these improvements on my home. Thank you!

**Public Works Comments:**

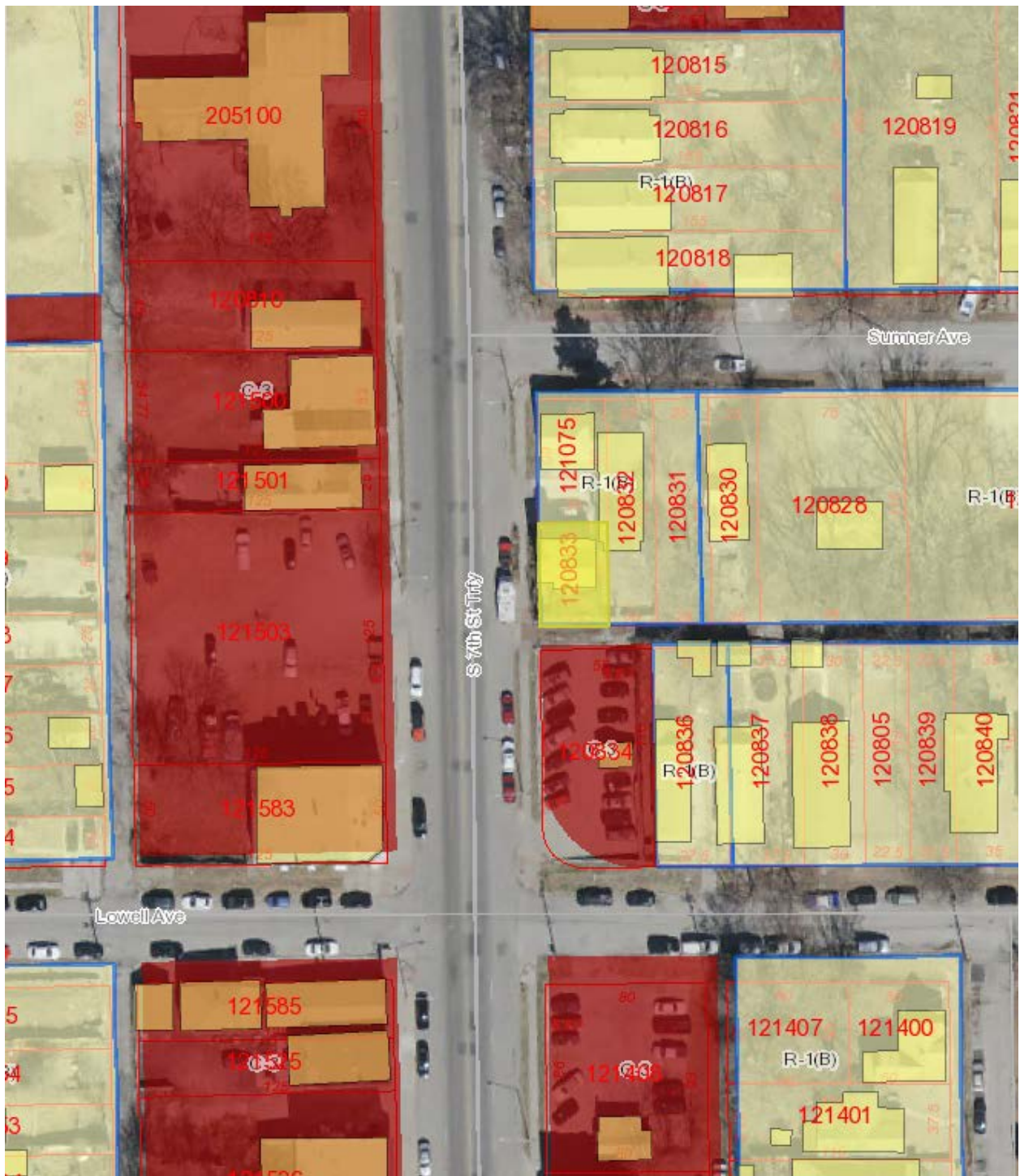
- A) Items that require plan revision or additional documentation before engineering can recommend approval:
  - 1) None.
- B) Items that are conditions of approval (stipulations):
  - 1) None.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be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

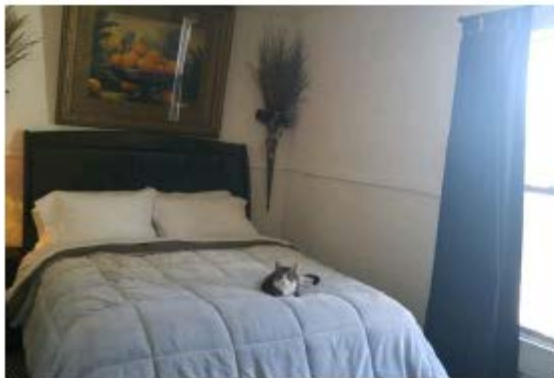
**Stipulations of Approval:**

1. Host will maintain a safe environment described above.
2. Host will obtain a business license with the City.
3. Approval will be for two (2) years.









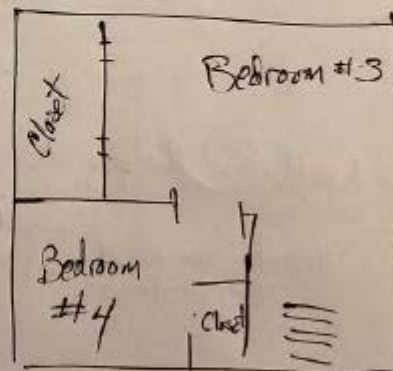
# 1st Floor



# 2nd Floor



# 3rd Floor





35 S. 7<sup>th</sup> St - SP-2019-55

4/29/2019

7pm

- Neighborhood Meeting -

Sign In:

Signature

Casey Bond - Owner

Melissa Weimer - Admin

  
Melissa Weimer

Minutes:

Q: NA \*\* No One Showed Up For the Meeting.

Have Notarized after meeting

Due May 1<sup>st</sup>

**AFFIDAVIT - NEIGHBORHOOD MEETING**

STATE OF Kansas )

COUNTY OF Wyandotte ) SS:

Cassey Bond or (Signature)

Comes now (Signature), of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP-2019-55
2. That I conducted a neighborhood meeting on 4/29/19
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

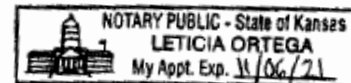
Further affiant saith not.

Cassey Bond  
Affiant

(Signature)

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29 day of April, 2019.

My commission expires 06 of Nov., 2021



Leticia Ortega  
Notary Public





## Urban Planning and Land Use

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

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

**To:** Unified Government Board of Commissioners  
**From:** City Staff  
**Date:** May 30, 2019  
**Re:** Petition #SP-2019-56

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### GENERAL INFORMATION

---

**Applicant:**  
Bryan Ruoff

**Status of Applicant:**  
Representative  
3F30 Architects  
7501 Northwest Tiffany Springs  
Parkway  
Kansas City, MO 64153

**Requested Action:**  
Approval of a special use permit  
for a liquor store

**Date of Application:**  
March 29, 2019

**Purpose:**  
To open a liquor store

**Property Location:**  
3801 Leavenworth Road

**Existing Zoning:** CP-2 Planned  
General Business District



**Existing Surrounding Zoning:** **North:** C-1 Limited Business District  
**South:** C-1 Limited Business District  
**East:** CP-2 Planned General Business District  
**West:** C-1 Limited Business District

**Existing Uses:** **North:** Restaurant  
**South:** Vacant Property and Single Family House  
**East:** Vacant Commercial Property  
**West:** Convenience Store

**Total Tract Size:** 0.57 acre (24,698 square feet)

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

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

**Advertisement:** The Wyandotte Echo – April 18, 2019  
Letters to Property Owner – April 15, 2019 and May 22, 2019

**Public Hearings:** May 13, 2019 and May 30, 2019

**Public Opposition:** No one appeared in opposition at the May 13, 2019 City Planning Commission meeting.

---

## **PROPOSAL**

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*Detailed Outline of Requested Action:* The applicant, Bryan Ruoff with 3F30 Architects on behalf of the owner, has applied for a special use permit to operate a 1568 square foot liquor store at 3801 Leavenworth Road. This property has previously been approved for a 4,000 square foot convenience store, eight pump gas station and two retail tenant spaces totaling 2,346 square feet at this location. (Change of Zone Petition #3159, 38Leavenworth Final Plat, and #PR-2018-8)

*City Ordinance Requirements:* 27-592 through 27-606

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## **FACTORS TO BE CONSIDERED**

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

This is a commercial property on Leavenworth Road near the on and off-ramps for I-635.

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

The surrounding area is zoned commercial, and the proposed use is expected to be compatible with the surrounding properties.

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

Removal of restrictions will not detrimentally affect nearby commercial property. There is residential property in the area that may be detrimentally affected.

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

The property is being developed as a retail business.

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

The City-Wide Master Plan designates this property as community commercial, a retail business conforms to the City-Wide Master Plan.

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

The proposed use will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

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

The proposed use will provide a convenience for their customers and will not substantially injure the appropriate use, visual quality, or marketability of adjoining property.

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

This is not foreseen to be an issue.

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

This is not foreseen to be an issue.

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

This is not foreseen to be an issue.

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

The proposed use does not represent a gain to the public health, safety, or welfare, but will also not be a significant hardship on landowners.

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

This is not foreseen to be an issue.

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## **PREVIOUS ACTIONS**

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Change of Zone Petition #3159, 38Leavenworth Final Plat, and Plan Review #PR-2018-8 was approved for a convenience store and fueling station in January 2019.

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## **NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting on April 23, 2019. No opposition was expressed during the meeting.

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## **KEY ISSUES**

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Neighborhood Compatibility

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## **PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-56, subject to:

**Urban Planning and Land Use Comments:**

1. Please describe how the business will operate. Include the hours of operation, number of employees on the site, lighting and security, etc.

**Applicant Response:** The convenience store will be open 24 hours and liquor store will be open as allowed by law. The store will have one or two employees at a time. Typically, there will be a security guard during the evening.

2. Approval is for two (2) years.

**Public Works Comments:**

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

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

1) None.

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

1) None

**Business License Comments:**

If approved, applicant will need to file and maintain a current occupation tax application.

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**STAFF COMMENTS AND SUGGESTIONS**

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Staff concurs with the Planning Commission recommendation.

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**STAFF RECOMMENDATION**

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Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2019-56** subject to all comments and suggestions outlined in this staff report.

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**ATTACHMENTS**

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May 13, 2019 City Planning Commission Minutes  
Development Plan  
Neighborhood Meeting Minutes

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**REVIEW OF INFORMATION AND SCHEDULE**

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| Action         | Planning Commission | Unified Government Commission |
|----------------|---------------------|-------------------------------|
| Public Hearing | May 13, 2019        | May 30, 2019                  |
| Special Use    | Approval            |                               |

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

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**MOTIONS**

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I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-56** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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



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

**OR**

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-56**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

**May 13, 2019 City Planning Commission Minutes:**

Hearing Starts 2:08:24:

**SPECIAL USE PERMIT APPLICATION #SP-2019-56 – BRYAN RUOFF WITH 3F30 ARCHITECTS – SYNOPSIS:** Special Use Permit to operate a liquor store with packaged liquor sales at 3801 Leavenworth Road. Detailed Outline of Requested Action: The applicant, Bryan Ruoff with 3F30 Architects on behalf of the owner, has applied for a special use permit to operate a 1568 square foot liquor store at 3801 Leavenworth Road. This property has previously been approved for a 4,000 square foot convenience store, eight pump gas station and two retail tenant spaces totaling 2,346 square feet at this location. (Change of Zone Petition #3159, 38Leavenworth Final Plat, and #PR-2018-8)

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 13, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated April 18, 2019;
7. The Notices to property owners dated April 15, 2019.

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

**Present in Support:**

- ❖ Bryan Ruoff, applicant, 3F30 Architects, 7501 NW Tiffany Springs Parkway, Kansas City, Missouri 64153

**Present in Opposition:**

- ❖ No one appeared

**Staff Recommendation starts 2:10:58:** Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report. He further stated that he met with LRA and they are in support of this application.

**Motion and Vote Starts 2:12:25:**

On motion by Ms. Huey, seconded by Mr. Miller, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2019-56:**

|                 |                    |
|-----------------|--------------------|
| <b>Carson</b>   | <b>Chairman</b>    |
| <b>Cho</b>      | <b>Not Present</b> |
| <b>Connelly</b> | <b>Aye</b>         |
| <b>Ernst</b>    | <b>Aye</b>         |
| <b>Huey</b>     | <b>Aye</b>         |
| <b>Jones</b>    | <b>Aye</b>         |
| <b>Miller</b>   | <b>Aye</b>         |
| <b>Neal</b>     | <b>Aye</b>         |
| <b>Pauley</b>   | <b>Aye</b>         |
| <b>Reasons</b>  | <b>Aye</b>         |
| <b>Serda</b>    | <b>Aye</b>         |

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

**Subject to:**

**Urban Planning and Land Use Comments:**

1. Please describe how the business will operate. Include the hours of operation, number of employees on the site, lighting and security, etc.

**Applicant Response:** The convenience store will be open 24 hours and liquor store will be open as allowed by law. The store will have one or two employees at a time. Typically, there will be a security guard during the evening.

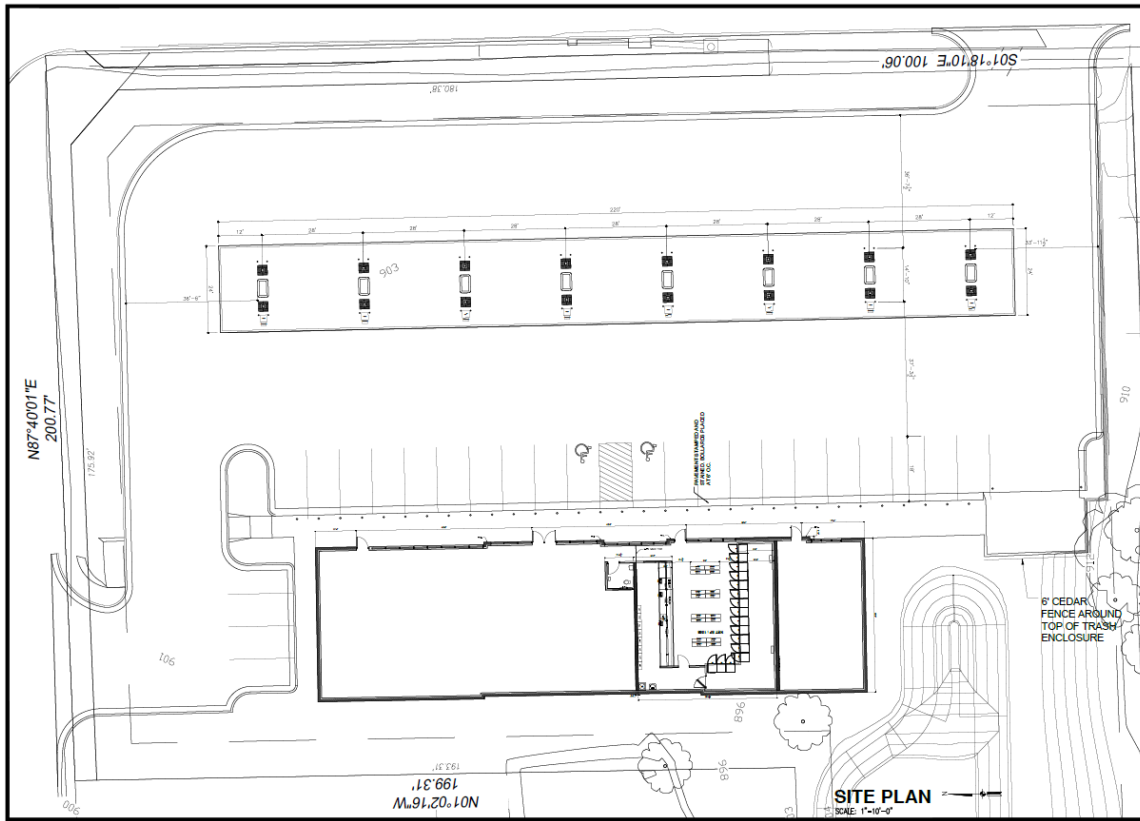
2. Approval is for two (2) years.

**Public Works Comments:**

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

**Business License Comments:**

**If approved, applicant will need to file and maintain a current occupation tax application.**



**XPRESS LIQUOR**  
3801 LEAVENWORTH RD  
KANSAS CITY, KS 66104

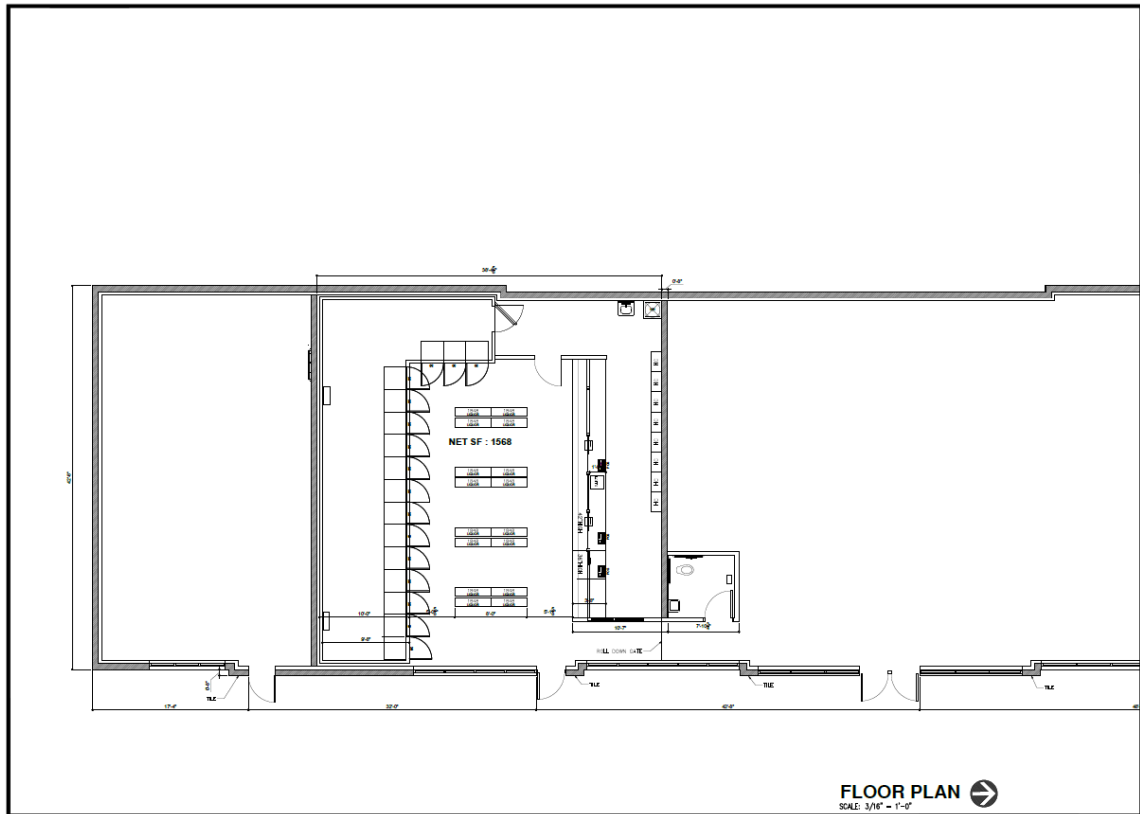
**ARCHITECTS**  
7501 NW 10th Street, Suite 240  
Overland Park, KS 66207  
(913) 666-1200 (F) (913) 666-1204 (F) 380.COM  
CERTIFICATE OF AUTHORITY #A-702

**4775**  
KANSAS ARCHITECTS

**JOB NUMBER**  
19-006

| NO. | DATE | REVISIONS |
|-----|------|-----------|
| 1   |      |           |
| 2   |      |           |
| 3   |      |           |
| 4   |      |           |
| 5   |      |           |
| 6   |      |           |
| 7   |      |           |
| 8   |      |           |
| 9   |      |           |
| 10  |      |           |

**DATE** 3.18.19  
**SHEET**  
**SITE PLAN**  
**AS101**



**XPRESS LIQUOR**  
3801 LEAVENWORTH RD  
KANSAS CITY, KS 66104

**ARCHITECTS**  
7501 NW 10th Street, Suite 240  
Overland Park, KS 66207  
(913) 666-1200 (F) (913) 666-1204 (F) 380.COM  
CERTIFICATE OF AUTHORITY #A-702

**4775**  
KANSAS ARCHITECTS

**JOB NUMBER**  
19-006

| NO. | DATE | REVISIONS |
|-----|------|-----------|
| 1   |      |           |
| 2   |      |           |
| 3   |      |           |
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| 5   |      |           |
| 6   |      |           |
| 7   |      |           |
| 8   |      |           |
| 9   |      |           |
| 10  |      |           |

**DATE** 3.18.19  
**SHEET**  
**FLOOR PLAN**  
**A101**





7501 NW Tiffany Springs Pkwy, Suite 240, Kansas City, MO 64153 – (p) 816-801-7070 (f) 816-801-7074

Neighborhood Meeting

April 23rd, 2019

Xpress Mart

3801 Leavenworth Road

The meeting was started at 5:30 PM in the Community Room at 6100 Leavenworth Road.

The Applicant/Architect Bryan Ruoff and the Owner/Developer Jay Jamal, were in attendance.

No immediate neighbors were in attendance. Two neighborhood representatives from the Leavenworth Road Association were in attendance as indicated by the attached sign in sheet.

The presentation boards were displayed and some light conversation occurred on the current status of the building permit and anticipated construction schedule for the main C-Store development.

After about 30 minutes it was discussed adjourning the meeting.

The meeting was adjourned at 6:10.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Bryan Ruoff', is written over a faint, larger version of the same signature.

**Bryan Ruoff**  
AIA, CSI, LEED AP, CDT, NCARB  
**President**  
**3F30 Architects**





## Urban Planning and Land Use

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

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

**To:** Unified Government Board of Commissioners  
**From:** City Staff  
**Date:** May 30, 2019  
**Re:** Petition #SP-2019-57

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### GENERAL INFORMATION

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**Applicant:**  
Corey Hamilton

**Status of Applicant:**  
Representative  
Strawberry Hill Bar, LLC  
500 North Thompson Street  
Kansas City, KS 66101

**Requested Action:**  
Approve Special Use Permit

**Date of Application:**  
March 29, 2019

**Purpose:**  
Special use permit for a bar and restaurant.

**Property Location:**  
403 North 5<sup>th</sup> Street

**Existing Zoning:**  
C-3 Commercial District



**Existing Surrounding Zoning:** **North:** R-1(B) Single Family District  
**South:** R-1(B) Single Family District  
**East:** R-1(B) Single Family District  
**West:** C-3 Commercial District

**Existing Uses:** **North:** Single Family Homes  
**South:** Single Family Homes (across Orville Avenue)  
**East:** Single Family Homes  
**West:** Commercial Storefronts

**Total Tract Size:** .1 acre

**Master Plan Designation:** The Downtown Master Plan designates this property as Neighborhood Residential.

**Major Street Plan:** The Major Street Plan designates North 5<sup>th</sup> Street as a Class B Thoroughfare and Orville Avenue as a local street.

**Advertisement:** The Wyandotte Echo – April 18, 2019  
Letters to Property Owner – April 15, 2019 and May 22, 2019

**Public Hearings:** May 13, 2019 and May 30, 2019

**Public Opposition:** No one appeared in opposition at the May 13, 2019 City Planning Commission meeting.

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## **PROPOSAL**

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Detailed Outline of Requested Action: The applicant, Corey Hamilton with Strawberry Hill Bar, Inc., has requested a special use permit for a restaurant and drinking establishment at 403 North 5<sup>th</sup> Street. This building shares a lot with a mixed use commercial and residential property, 401 North 5<sup>th</sup> Street.

City Ordinance Requirements: 27-592 through 27-606

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## **FACTORS TO BE CONSIDERED**

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

The neighborhood is a dense mix of smaller single-family homes and commercial establishments.

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

The zoning and uses of properties nearby are laid out above. This property has residential uses directly adjacent on the north and east. There could be some

compatibility issues with noise, nuisance and parking however a similar use has previously coexisted at this site with minimal issue.

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

Removal of the restrictions could have a detrimental affect on nearby property if not properly managed. This location was previously a long-standing bar that closed several years ago. Due to the amount of time that has passed, a special use permit is now required to again operate as a bar.

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

The property has remained vacant approximately four years.

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

Special use permits are not addressed in the Master Plan.

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

The proposed use is expected to increase vehicular traffic. Parking could become an issue; however the nature of this highly developed, dense urban area does not allow room for additional parking and patrons would be parking on the street. The applicant has filed a petition for a variance to parking requirements.

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

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

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

If not properly managed, noise and rowdy behavior could be an issue for nearby property owners.

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

This is not an issue.

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

This is not an issue.

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

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

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

This is not an issue.

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## **PREVIOUS ACTIONS**

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A special use permit was approved in December of 2010 for live entertainment in conjunction with a different bar then operating at the site.

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## **NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting on April 23, 2019. Affidavit, sign-in sheet and minutes are attached.

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## **KEY ISSUES**

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Parking  
Noise  
Security

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## **PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-57, subject to:

**Urban Planning and Land Use Comments:**

1. If approved, applicant will need to file and maintain a current occupation tax application.

***Applicant Response:*** Of course all local licensing will be provided, as well as state liquor license prior to opening.

2. A parking variance must be approved prior to approval of this application.
  - a. This parcel has two separate buildings, 401 North 5<sup>th</sup> Street and 403 North 5<sup>th</sup> Street. 401 North 5<sup>th</sup> Street is two-story building with commercial use on the first floor and one two-bedroom unit on the

second floor. Parking behind the two buildings shall be reserved for the residential use. Based on square feet, the applicant is required to have 18 parking space. 0 spaces are proposed, a violation of 18 spaces.

***Applicant Response:*** We have applied for the parking variance and understand that it is required as well as the SUP.

3. Offer an explanation as to where you will encourage patrons and employees to park, with no off-street parking being provided.

***Applicant Response:*** The applicant believes that both employees and the public would be able to park on the west side of 5<sup>th</sup> Street, as the two corner buildings are not currently in use, and believe that there is parking for about 20 vehicles on Orville between Thompson and 5<sup>th</sup> Street. The residences there have off street parking.

4. Provide a business plan that explains how you will handle the following:
  - a. Hours and days of operation
  - b. Break down of hours and days of food service and alcohol sales
  - c. Security plan
  - d. Site maintenance and upkeep plan
  - e. Consideration of concerns relating to noise pollution onto neighboring properties.
  - f. Must utilize a card scanner to track everyone's entry.

***Applicant Response:*** Item (a) and (b) The hours of operation are 11 am to 12 midnight Sunday through Thursday and 11am to 2am Friday and Saturday. Food service will be available until 10:30 Sunday thru Thursday and until 12:30 Friday and Saturday.

Item (c) The security will be provided by managers and staff. A security camera will be installed on the front of the building to record activity on the street. There will also be lighting installed on the front of the building and on the corners of the back patio to enlighten the rear of the building. The marketing plan is to be directed at an older clientele, who intend to not only have a drink, but also will be coming for food service. There will be no game tables, i.e. pool, shuffleboard that would serve as an encouragement for younger crowds who were only interested in the alcohol service.

Item (d) There will be daily exterior maintenance and trash pickup by staff on the exterior and a private trash removal contract.

Item (e) There are no speakers planned to be installed on the patio of the building, and due to the nature of the customer being marketed to, we do not expect exterior noise to be problematic. The exterior walls of the building are brick, and the interior are plaster with a layer of drywall over the plaster, which should serve as a significant sound barrier for activities inside the building.

Item (f) The applicant has been pricing the cost of an ID scanner and is willing to purchase and use one, but does have some reservations about the impact that may have on the clientele that is the target of the marketing plan.

5. Outdoor lighting must be installed so as not to shine onto neighboring properties. Provide detail on how you will accomplish this.

***Applicant Response:*** The lighting will be installed on the corners of the back patio and will be directed inward to the area of the back of the building and the patio. The lights on the front will be directed to the street and sidewalk in front of the entrance.

6. To minimize impact on residential properties, a screening fence must be installed adjacent to all residential areas, with exception to the second story unit at 401 North 5<sup>th</sup> Street.

***Applicant Response:*** There exists a six foot privacy fence around the patio and it will be repaired and maintained as necessary. Due to the proximity of the structures north and south of 403 N. 5<sup>th</sup>, it may be impossible to erect and maintain fencing between the structures. On the north side if you review the plans it appears that 403 N. 5<sup>th</sup> is built directly on the property line leaving no room to build a fence on property controlled by the owner and applicant. The owner of 403 is also the owner of 401 and would not request that a fence be placed between the buildings. Again the distance appears to be less than 3 feet between the buildings.

***Staff Comment:*** Due to the site constraints, staff is okay with this as long as there is no neighbor opposition from adjacent property owners.

7. If approved, approval would be for two (2) years.

***Applicant Response:*** The owner and applicant would ask that consideration be given to a two year license due to the capital investment being made to be able to install a kitchen and make the improvements necessary to begin to reuse this vacant property. The investment is expected to be in the 45 to 50K range, which is considerable to spend for a one year license. We do understand the position of the U/G in wanting to have the ability to review this decision in one year's time and will accept a one year review for the SUP, but would ask that consideration be given to a two year review.

#### **Public Works Comments:**

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

- 1) None.

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





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

**OR**

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-57**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

**May 13, 2019 City Planning Commission Minutes:**

Hearing Starts 2:13:02:

**SPECIAL USE PERMIT APPLICATION #SP-2019-57 – COREY HAMILTON WITH STRAWBERRY HILL BAR LLC – SYNOPSIS:** Special Use Permit for a restaurant and drinking establishment at 403 North 5<sup>th</sup> Street. *Detailed Outline of Requested Action:* The applicant, Corey Hamilton with Strawberry Hill Bar, Inc., has requested a special use permit for a restaurant and drinking establishment at 403 North 5<sup>th</sup> Street. This building shares a lot with a mixed use commercial and residential property, 401 North 5<sup>th</sup> Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 13, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated April 18, 2019;
7. The Notices to property owners dated April 15, 2019;
8. The testimony given at the Board of Zoning Appeals meeting this evening.

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

**Present in Support:**

- ❖ Tom Stibal, 509 Armstrong, Kansas City, Kansas 66101
- ❖ Scott Mackey, owner
- ❖ Corey Hamilton, applicant
- ❖ Jake Patton, 431 North Thompson, Kansas City, Kansas

**Present in Opposition:**

- ❖ No one appeared

**Staff Recommendation Starts 2:15:55:** Planning Director Richardson stated that staff is not opposed to a two year special use permit subject to the staff comments and suggestions in the staff report.

**Motion and Vote Starts 2:16:20:**

On motion by Dr. Serda, seconded by Ms. Huey, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2019-57:**

|                 |                    |
|-----------------|--------------------|
| <b>Carson</b>   | <b>Chairman</b>    |
| <b>Cho</b>      | <b>Not Present</b> |
| <b>Connelly</b> | <b>Aye</b>         |
| <b>Ernst</b>    | <b>Aye</b>         |
| <b>Huey</b>     | <b>Aye</b>         |
| <b>Jones</b>    | <b>Aye</b>         |
| <b>Miller</b>   | <b>Aye</b>         |
| <b>Neal</b>     | <b>Aye</b>         |
| <b>Pauley</b>   | <b>Aye</b>         |
| <b>Reasons</b>  | <b>Aye</b>         |
| <b>Serda</b>    | <b>Aye</b>         |

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

**Subject to:**

**Urban Planning and Land Use Comments:**

1. If approved, applicant will need to file and maintain a current occupation tax application.

***Applicant Response:*** Of course all local licensing will be provided, as well as state liquor license prior to opening.

2. A parking variance must be approved prior to approval of this application.
  - a. This parcel has two separate buildings, 401 North 5<sup>th</sup> Street and 403 North 5<sup>th</sup> Street. 401 North 5<sup>th</sup> Street is two-story building with commercial use on the first floor and one two-bedroom unit on the second floor. Parking behind the two buildings shall be reserved for the residential use. Based on square feet, the applicant is required to have 18 parking space. 0 spaces are proposed, a violation of 18 spaces.

***Applicant Response:*** We have applied for the parking variance and understand that it is required as well as the SUP.

3. Offer an explanation as to where you will encourage patrons and employees to park, with no off-street parking being provided.

***Applicant Response:*** The applicant believes that both employees and the public would be able to park on the west side of 5<sup>th</sup> Street, as the two corner buildings are not currently in use, and believe that there is parking

for about 20 vehicles on Orville between Thompson and 5<sup>th</sup> Street. The residences there have off street parking.

4. Provide a business plan that explains how you will handle the following:
  - a. Hours and days of operation
  - b. Break down of hours and days of food service and alcohol sales
  - c. Security plan
  - d. Site maintenance and upkeep plan
  - e. Consideration of concerns relating to noise pollution onto neighboring properties.
  - f. Must utilize a card scanner to track everyone's entry.

***Applicant Response:*** Item (a) and (b) The hours of operation are 11 am to 12 midnight Sunday through Thursday and 11am to 2am Friday and Saturday. Food service will be available until 10:30 Sunday thru Thursday and until 12:30 Friday and Saturday.

Item (c) The security will be provided by managers and staff. A security camera will be installed on the front of the building to record activity on the street. There will also be lighting installed on the front of the building and on the corners of the back patio to enlighten the rear of the building. The marketing plan is to be directed at an older clientele, who intend to not only have a drink, but also will be coming for food service. There will be no game tables, i.e. pool, shuffleboard that would serve as an encouragement for younger crowds who were only interested in the alcohol service.

Item (d) There will be daily exterior maintenance and trash pickup by staff on the exterior and a private trash removal contract.

Item (e) There are no speakers planned to be installed on the patio of the building, and due to the nature of the customer being marketed to, we do not expect exterior noise to be problematic. The exterior walls of the building are brick, and the interior are plaster with a layer of drywall over the plaster, which should serve as a significant sound barrier for activities inside the building.

Item (f) The applicant has been pricing the cost of an ID scanner and is willing to purchase and use one, but does have some reservations about the impact that may have on the clientele that is the target of the marketing plan.

5. Outdoor lighting must be installed so as not to shine onto neighboring properties. Provide detail on how you will accomplish this.

***Applicant Response:*** The lighting will be installed on the corners of the back patio and will be directed inward to the area of the back of the building and the patio. The lights on the front will be directed to the street and sidewalk in front of the entrance.

6. To minimize impact on residential properties, a screening fence must be installed adjacent to all residential areas, with exception to the second story unit at 401 North 5<sup>th</sup> Street.

***Applicant Response:*** There exists a six foot privacy fence around the patio and it will be repaired and maintained as necessary. Due to the proximity of the structures north and south of 403 N. 5<sup>th</sup>, it may be impossible to erect and maintain fencing between the structures. On the north side if you review the plans it appears that 403 N. 5<sup>th</sup> is built directly on the property line leaving no room to build a fence on property controlled by the owner and applicant. The owner of 403 is also the owner of 401 and would not request that a fence be placed between the buildings. Again the distance appears to be less than 3 feet between the buildings.

***Staff Comment:*** Due to the site constraints, staff is okay with this as long as there is no neighbor opposition from adjacent property owners.

7. If approved, approval would be for two (2) years.

***Applicant Response:*** The owner and applicant would ask that consideration be given to a two year license due to the capital investment being made to be able to install a kitchen and make the improvements necessary to begin to reuse this vacant property. The investment is expected to be in the 45 to 50K range, which is considerable to spend for a one year license. We do understand the position of the U/G in wanting to have the ability to review this decision in one year's time and will accept a one year review for the SUP, but would ask that consideration be given to a two year review.

**Public Works Comments:**

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

AFFIDAVIT-NEIGHBORHOOD MEETING

STATE OF KANSAS \_\_\_\_\_)

) SS.

COUNTY OF WYANDOTTE \_\_\_\_\_)

Comes now, Corey Hamilton, of lawful age, sound mind and upon his oath states as follows:

1. That I am the applicant for application numbers SP2019-57 19402-00048 and BZA 2327 19410-00015.
2. That I held and conducted a neighborhood meeting on the 23rd day of April, 2019.
3. Attached are the minutes, a summary of the meeting, a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department, and an affidavit of mailing of the Notices.

Further affiant saith not.



Affiant

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

My commission expires 26 day of April 20 19.



Notary Public



## SIGN IN SHEET

NEIGHBORHOOD MEETING APRIL 23, 2019

APPLICATION NUMBERS: 19410-00015 &amp; 19402-00048

| Name                       | Address                    | Email                         | Phone               |
|----------------------------|----------------------------|-------------------------------|---------------------|
| 1. <u>THOMAS STIBAL</u>    | <u>509 ARMSTRONG K21</u>   | <u>testa prodigy</u>          | <u>913.449.269</u>  |
| 2. <u>Cory Hamilton</u>    | <u>500 N Thompson St</u>   | <u>corry.hamilton@att.net</u> | <u>816.524.5241</u> |
| 3. <u>Ken Miroslaw</u>     | <u>5700 N Thompson St</u>  | <u>miroslaw@att.net</u>       | <u>913.893.7635</u> |
| 4. <u>Sergio L. Acosta</u> | <u>402 N 5th</u>           | <u>sergio.acosta@att.net</u>  | <u>816.524.624</u>  |
| 5. <u>SCOTT MACKAY</u>     | <u>PO BOX 12353</u>        | <u>SCOTT.MACKAY@att.net</u>   | <u>816.530.0915</u> |
| 6. <u>Mike Wilber</u>      | <u>404 N 5th</u>           | <u>KCK 66101</u>              | <u>913-396-1812</u> |
| 7. <u>Joe Hotejac</u>      | <u>404 N 5th</u>           | <u>KCK 66101</u>              | <u>913-494-7111</u> |
| 8. <u>ROSS STEWART</u>     | <u>620 Surlusky</u>        | <u>KCK 66101</u>              | <u>ross@hsh.com</u> |
| 9. <u>ZOFAL GARCIA</u>     | <u>1624 CENTRAL AVE</u>    | <u>162CENTRAL@gmail.com</u>   | <u>816.524.5241</u> |
| 10. <u>BEY MOORE</u>       | <u>431 N Thompson St.</u>  |                               | <u>816.524.5241</u> |
| 11. <u>Jacob Patton</u>    | <u>434 N. Thompson St.</u> |                               | <u>816.872.966</u>  |

Page 1

SIGN IN SHEET

NEIGHBORHOOD MEETING APRIL 23, 2019

APPLICATION NUMBERS: 19410-00015 & 19402-00048

| Name          | Address        | Email                  | Phone        |
|---------------|----------------|------------------------|--------------|
| 1. Anna Cole  | 245 Orchard St | anna@mulberrybooks.com | 816.309.5155 |
| 2. Tom Alonzo | 507 N Thompson | teautau@swbell.net     | 913.889.9534 |
| 3.            |                |                        |              |
| 4.            |                |                        |              |
| 5.            |                |                        |              |
| 6.            |                |                        |              |
| 7.            |                |                        |              |
| 8.            |                |                        |              |
| 9.            |                |                        |              |
| 10.           |                |                        |              |

Polt >

## SUMMARY OF NEIGHBORHOOD MEETING

April 23, 2019

Application numbers: 19410-00015 and 19402-00048

509 Armstrong Ave:

Meeting is called to order at: 5:10

The sign-in sheet is attached with the names of all 13 persons present.

Introductions: Thomas Stibal, Corey Hamilton for the applicant. Mr. Hamilton and Ms. Miroslaw will be making the presentation and Mr. Stibal will take the minutes. Scott Mackey, the building owner, was also present.

Presentation is made by Corey Hamilton and Ms. Miroslaw.

This will be a non-smoking facility. Hours of operation of the tavern are 11:00 am to midnight Sunday to Thursday, and 11 am to 2:00 am on Friday and Saturday.

Hours of operation of the food service are 11:00 am to 10:30 Sunday to Thursday and 11:00 to 12:30 on Friday and Saturday.

Expected numbers of patrons per day and the peak hours of patronage are a minimum of 30 patrons per day with lunch and dinner hours being the peak hours of operation.

Smoking will not be allowed, due to the food service. No pool table or other game tables, as they are not consistent with the vision and marketing plan of the business.

The name is going to be the PHILADELPHIA BAR AND GRILL.

## MINUTES OF NEIGHBORHOOD MEETING

April 23, 2019

Application numbers: 19410-00015 and 19402-00048

509 Armstrong Ave:

Meeting is called to order at: 5:10

The sign-in sheet is attached with the names of all 13 persons present.

Introductions: Thomas Stibal, Corey Hamilton for the applicant. Mr. Hamilton and Ms. Miroslaw will be making the presentation and Mr. Stibal will take the minutes.

Presentation is made by Corey Hamilton and Ms. Miroslaw. They provided their personal history. Hamilton and Miroslaw visited about the vision and plans for a neighborhood restaurant and tavern. Food is going to be based upon the neighborhood bars and restaurants they are familiar with from the time they lived in Philadelphia. Expect 30 patrons per day. There was a discussion of parking requirements and there is parking available on Orville, about 19 to 23 parking spaces. The vision is to be an asset for persons to walk the neighborhood to the establishment, and to develop and market a carry out food service component. Patrons are expected to be middle age to senior citizens, and marketing to Philly ex-pats. Plan to establish a lunch crowd. Hamilton brought photos to show the look they are trying to accomplish.

They will be putting a live camera on the front of the building to film street activity as a security measure, as well as outside lighting on the back patio and on the 5<sup>th</sup> street side of the building. There are no

current plans for a "bouncer" as they do not intend to market to a drinking only younger crowd.

This will be a non-smoking facility. Hours of operation of the tavern are 11:00 to 12 Sunday to Thursday, and 11 to 2 on Friday and Saturday.

Hours of operation of the food service are 11:00 am to 10:30 pm Sunday to Thursday and 11:00 am to 12:30 am.

Expected numbers of patrons per day and the peak hours of patronage are a minimum of 30 patrons per day with lunch and dinner hours being the peak hours of operation.

Types of food expected to be on the menu are ethnic and food of the type they had while living in Philadelphia, cheese steak sandwiches, sausages, soups, grilled meats and fish, and typical side orders.

Employees will park on Orville.

Plans to prevent and abate noise pollution for neighboring residential properties are as follows, they are not using the back deck at least initially. Smoking will not be allowed, due to the food service.

No pool table or other game tables, as they are not consistent with the vision and marketing plan of the business.

The name is going to be the PHILADELPHIA BAR AND GRILL.

A friendly discussion followed, primarily regarding historical parking issues, the parking issues on the occasions that 5<sup>th</sup> Street Hall had events, which already exist. There was some discussion about the need for off street parking to be developed. Everyone seemed to agree that

parking is a concern, but should not be a reason to deny the application.

The following questions were asked and answered;

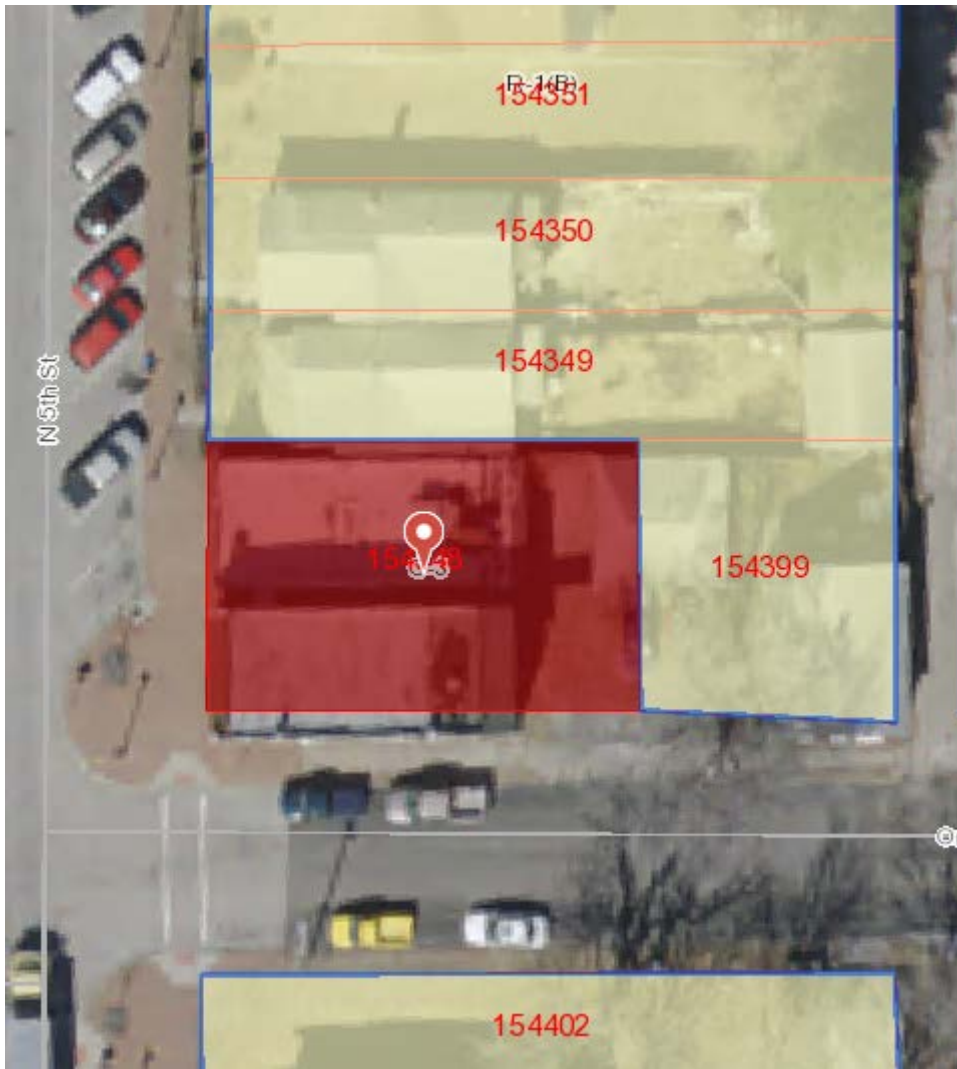
Anna Cole has concerns that Scott is involved in the project due to her history with him as a property owner. She indicates that she is not trying to stop the approval. Concept is something she approves of and is not concerned about the parking.

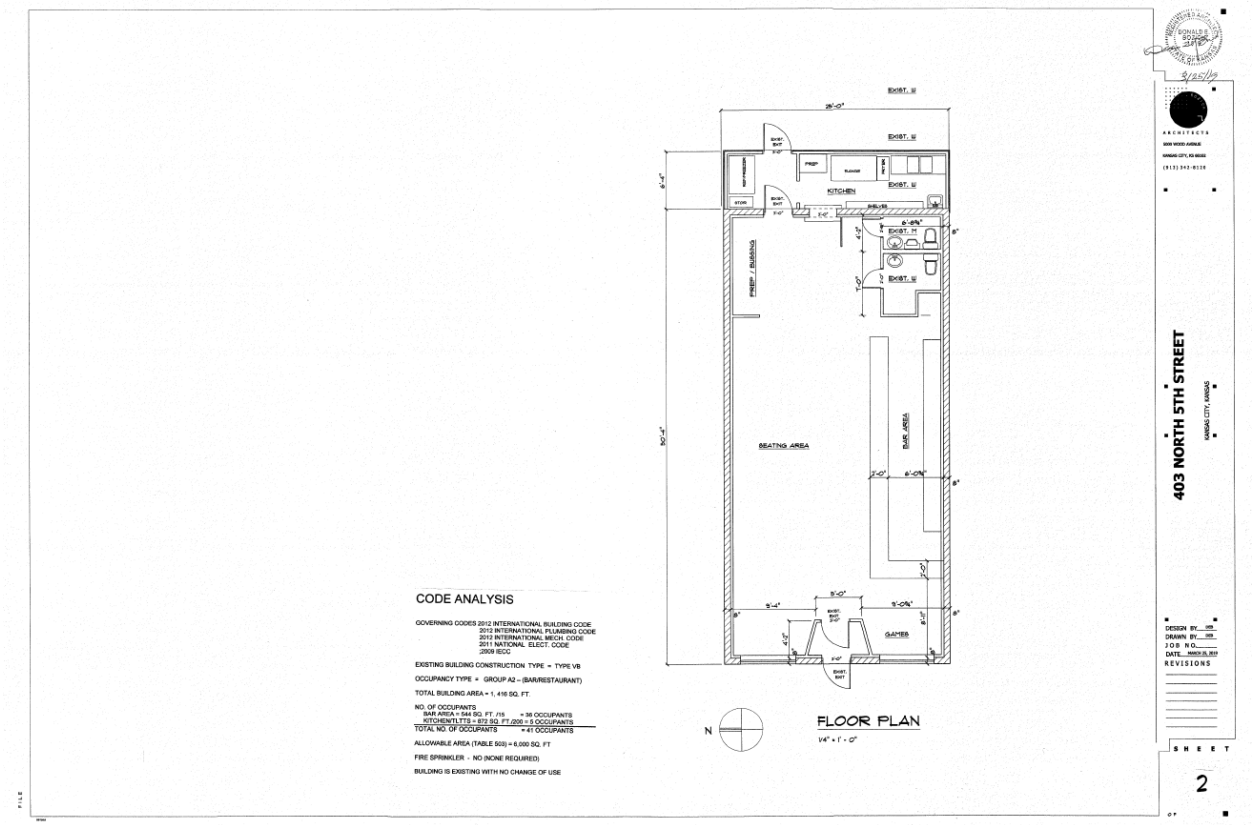
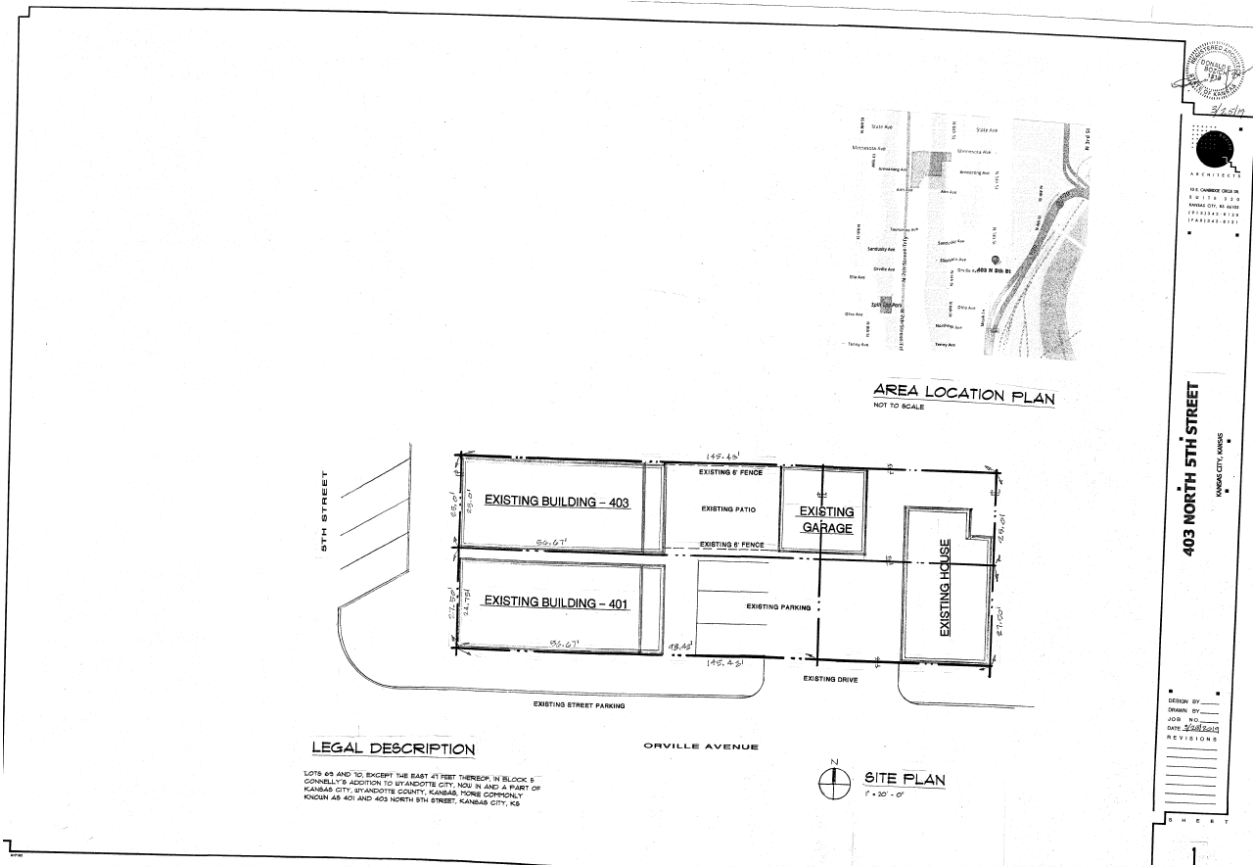
Thomas Stibal asked if it would be fair to state in the minutes that a consensus was reached that although parking was a concern everyone agreed that lack of parking should not be a reason to deny this opportunity for a new business to be established on 5<sup>th</sup> street. All agreed.

The discussion continued that due to the history of the development of this site nearly 100 years ago when parking was not a consideration any use of the property would raise parking concerns. There also was discussion about the need to not follow the "Suburban Model" which dictates parking requirements in such an urban setting.

The meeting was adjourned at 5:55pm.

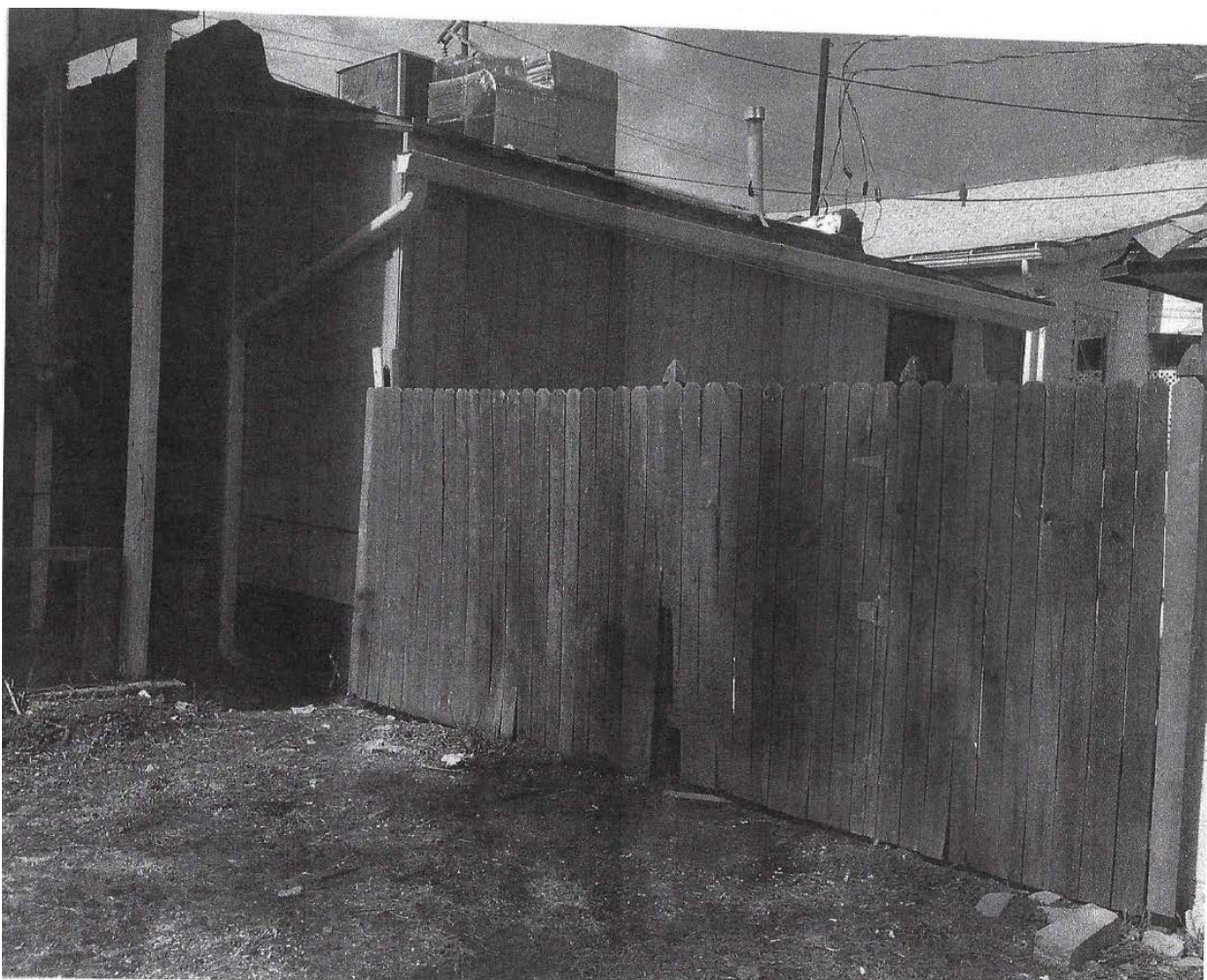


















## Urban Planning and Land Use

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

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

**To:** Unified Government Board of Commissioners  
**From:** City Staff  
**Date:** May 30, 2019  
**Re:** Petition #PR-2019-9

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### GENERAL INFORMATION

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**Applicant:**  
Charley Sexton

**Status of Applicant:**  
Representative  
HTK Architects  
8300 West 110<sup>th</sup> Street  
Overland Park, KS 66210

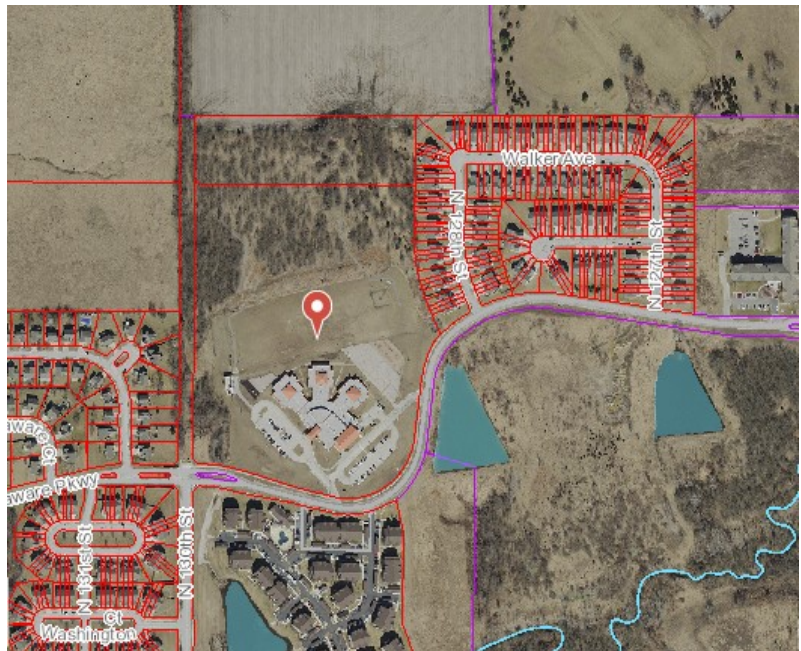
**Requested Action:**  
Final Plan Approval

**Date of Application:**  
March 27, 2019

**Purpose:**  
Construct additional  
extensions on to the existing  
school in order to add six (6) new classrooms

**Property Location:**  
1601 North 130<sup>th</sup> Street

**Existing Zoning:**  
AG (WyCo) Agriculture District





**Surrounding Zoning:**      **North:**      A-G (City) Agriculture District  
                                         **South:**      RP-5 Planned Apartment District  
                                         **East:**      RP-4 Planned Garden Apartment District;  
                                                      R-1 Single Family Residential District  
                                         **West:**      AG (WyCo) Agriculture District;  
                                                      R-1 Single Family District

**Existing Uses:** **North:**      Open land (owned by USD 204)  
                                 **South:**      Apartment complex  
                                 **East:**      Multi-family housing neighborhood; Open land  
                                 **West:**      Open land; Single-family housing neighborhood

**Total Tract Size:**    24.1 acres

**Master Plan Designation:**      Mixed Residential in Prairie-Delaware-Piper Master Plan

**Major Street Plan:**    Delaware Parkway is a collector street

**Advertisement:**      Property Owner Letters – April 15, 2019 and May 22, 2019  
                                 Wyandotte Echo – None Required

**Public Hearings:**    May 13, 2019 and May 30, 2019

**Public Opposition:** No one appeared in opposition at the May 13, 2019 City Planning Commission meeting.

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## **PROPOSAL**

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*Detailed Outline of Requested Action:* Delaware Ridge Elementary School is adding on two classrooms to each of its wings, for a total expansion of six (6) additional classrooms. The exterior of the building will have materials matching the existing exterior materials in color and shape. The building height will match the existing building height.

*City Ordinance Requirements:* Article VI Section 27- 212

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## **FACTORS TO BE CONSIDERED**

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

The elementary school is already constructed and functioning; this expansion would only be adding on more rooms. The school is on a 24-acre plot of land, with more land owned by USD 205 to the north of the school, so there is little chance of infringement on adjacent properties.

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

If the increase in classrooms would lead to an increase in student capacity, then there would be an increase in car and school bus traffic in the hour before school begins and in the hour after school ends.

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

While not considered in the Master Plan, the property is considered in the Prairie-Delaware-Piper Master Plan. The area is proposed mixed residential. Local elementary schools enhance a neighborhood by allowing local children to attend a school close by to where they live and is therefore in conformance with a mixed residential neighborhood plan.

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

**a. Water service**

Available

**b. Sanitary sewer service**

Available

**c. Storm water control**

Available

**d. Police**

Police service is provided by District #224

**e. Fire**

Fire service is provided by Station #11

**f. Transit**

None

**g. Schools**

Bonner Springs Unified School District 204

**5. The capability of the proposed use to meet applicable ordinance and other requirements.**

The proposal will meet the codes of the Unified Government, including building codes and design guidelines, as per the applicant's submitted documents.

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## **PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Plan Review Application #PR-2019-9, subject to:

### **Urban Planning and Land Use Comments:**

1. Will the addition of 6 more classrooms lead to more children being enrolled at the elementary school (which would presumably lead to more car and bus traffic around school start and end times)?

*Applicant Response:* There currently is no additional parking planned to be added. The additions will add approximately 6 new staff members to the school in the future. The existing parking lots are more than adequate to accommodate the current and future staff capacity. For after school events such as parent teacher nights the Playground is opened up for parent overflow parking. With a large number of students coming from the surrounding neighborhood they have a lot of "walkers" which equates to fewer cars.

2. Are you adding any additional parking?

*Applicant Response:* Eventually there will be upwards of 120 new students. This will increase the amount of buses and car traffic in the future. The classrooms being added on to the school provided for one new classroom per grade level. For the first 5 or more years the extra classroom will be used for overcrowding in the large bubble classes that move through the grade levels. The student capacity for Delaware Ridge has actually decreased slightly. The student enrollment historically increases 1% annually on average so it will be a very gradual change. There will not be any noticeable change in bus and vehicle traffic for several years after the additions are completed.

**Staff Response:** Any additional parking requires a final plan review. Gravel is not allowed.

### **Public Works Comments:**

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

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** Petition #PR-2019-9 subject to all comments and suggestions outlined in this staff report.

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## ATTACHMENTS

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May 13, 2019 City Planning Commission Minutes  
Photos of Site  
Site Plan

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## REVIEW OF INFORMATION AND SCHEDULE

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| <u>Action</u>  | <u>Planning Commission</u> | <u>Board of Commissioners</u> |
|----------------|----------------------------|-------------------------------|
| Public Hearing | May 13, 2019               | May 30, 2019                  |
| Plan Review    | Approval                   |                               |

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**STAFF CONTACT:**           Mike Farley  
                                     [mfarley@wycokck.org](mailto:mfarley@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition #PR-2019-9 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

**OR**

I move the Unified Government Board of Commissioners **DENY** Petition #PR-2019-9, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

## **May 13, 2019 City Planning Commission Minutes:**

### **Hearing Starts 2:17:01:**

**PLAN REVIEW APPLICATION #PR-2019-9 – CHARLEY SEXTON WITH HTK ARCHITECTS – SYNOPSIS:** Preliminary and Final Plan Review for a classroom addition to Delaware Ridge Elementary School at 1601 North 130<sup>th</sup> Street. **Detailed Outline of Requested Action:** Delaware Ridge Elementary School is adding on two classrooms to each of its wings, for a total expansion of six (6) additional classrooms. The exterior of the building will have materials matching the existing exterior materials in color and shape. The building height will match the existing building height.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 13, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and
6. The Notices to property owners dated April 15, 2019.

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

### **Present in Support:**

- ❖ Charley Sexton, applicant, HTK Architects, 8300 West 110<sup>th</sup> Street, Overland Park, KS 66210

### **Present in Opposition:**

- ❖ No one appeared

**Staff Recommendation Starts 2:19:08:** Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

### **Motion and Vote Starts 2:19:17:**

On motion by Mr. Miller, seconded by Ms. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Plan Review Application #PR-2019-9:**

|                 |                    |
|-----------------|--------------------|
| <b>Carson</b>   | <b>Chairman</b>    |
| <b>Cho</b>      | <b>Not Present</b> |
| <b>Connelly</b> | <b>Aye</b>         |
| <b>Ernst</b>    | <b>Aye</b>         |
| <b>Huey</b>     | <b>Aye</b>         |
| <b>Jones</b>    | <b>Aye</b>         |
| <b>Miller</b>   | <b>Aye</b>         |
| <b>Neal</b>     | <b>Aye</b>         |
| <b>Pauley</b>   | <b>Aye</b>         |

Reasons                      Aye  
Serda                         Aye  
Motion to recommend APPROVAL Passed: 9 to 0  
Subject to:

**Urban Planning and Land Use Comments:**

1. Will the addition of 6 more classrooms lead to more children being enrolled at the elementary school (which would presumably lead to more car and bus traffic around school start and end times)?

*Applicant Response:* There currently is no additional parking planned to be added. The additions will add approximately 6 new staff members to the school in the future. The existing parking lots are more than adequate to accommodate the current and future staff capacity. For after school events such as parent teacher nights the Playground is opened up for parent overflow parking. With a large number of students coming from the surrounding neighborhood they have a lot of “walkers” which equates to fewer cars.

2. Are you adding any additional parking?

*Applicant Response:* Eventually there will be upwards of 120 new students. This will increase the amount of buses and car traffic in the future. The classrooms being added on to the school provided for one new classroom per grade level. For the first 5 or more years the extra classroom will be used for overcrowding in the large bubble classes that move through the grade levels. The student capacity for Delaware Ridge has actually decreased slightly. The student enrollment historically increases 1% annually on average so it will be a very gradual change. There will not be any noticeable change in bus and vehicle traffic for several years after the additions are completed.

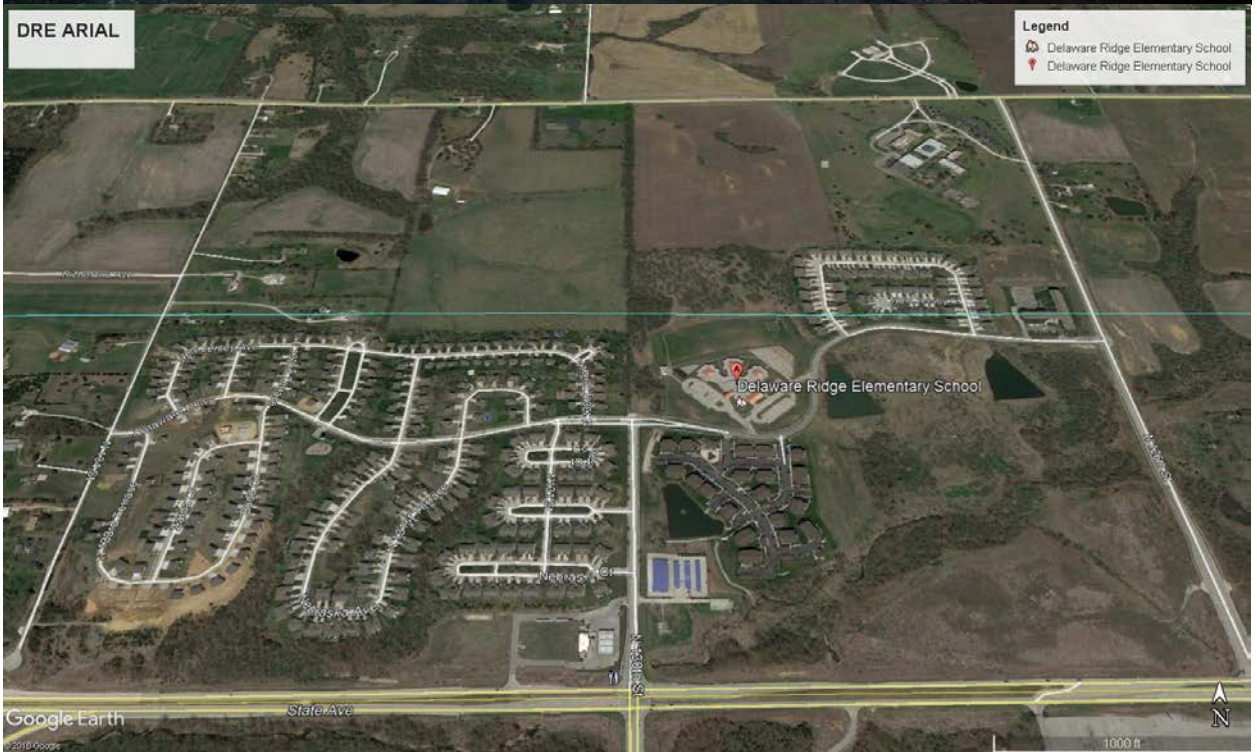
**Staff Response:** Any additional parking requires a final plan review. Gravel is not allowed.

**Public Works Comments:**

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







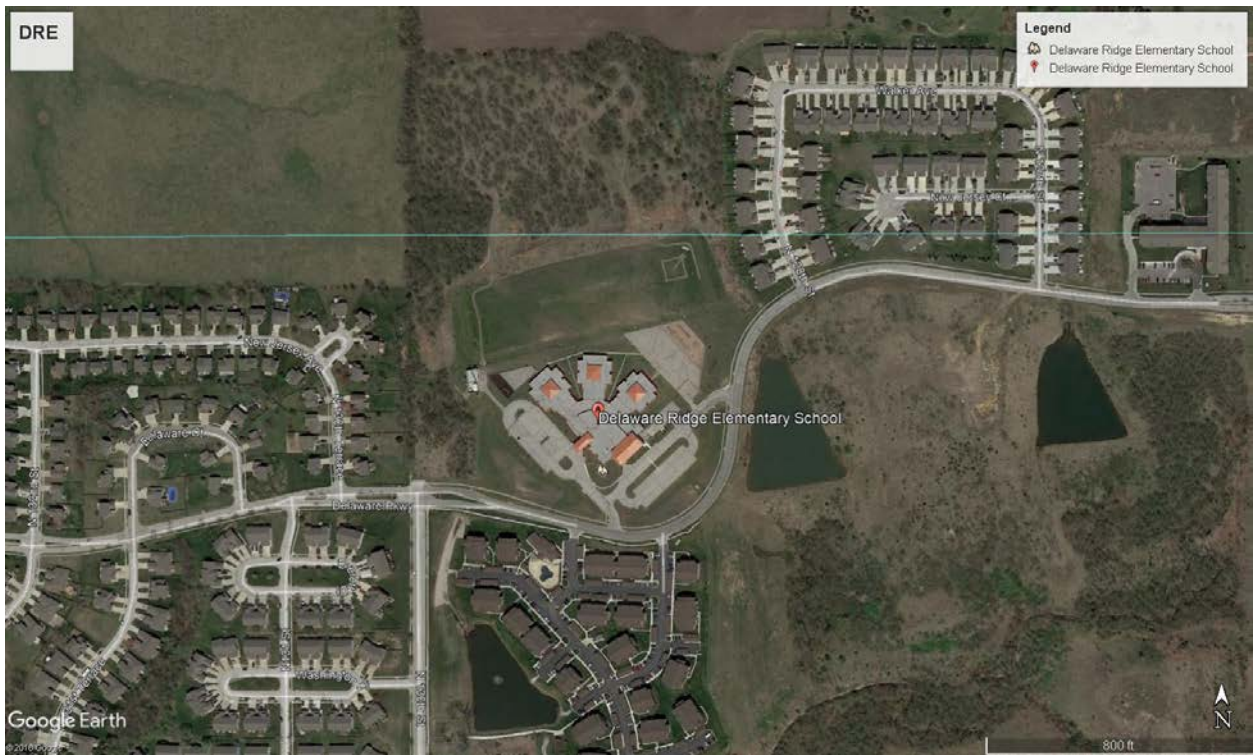




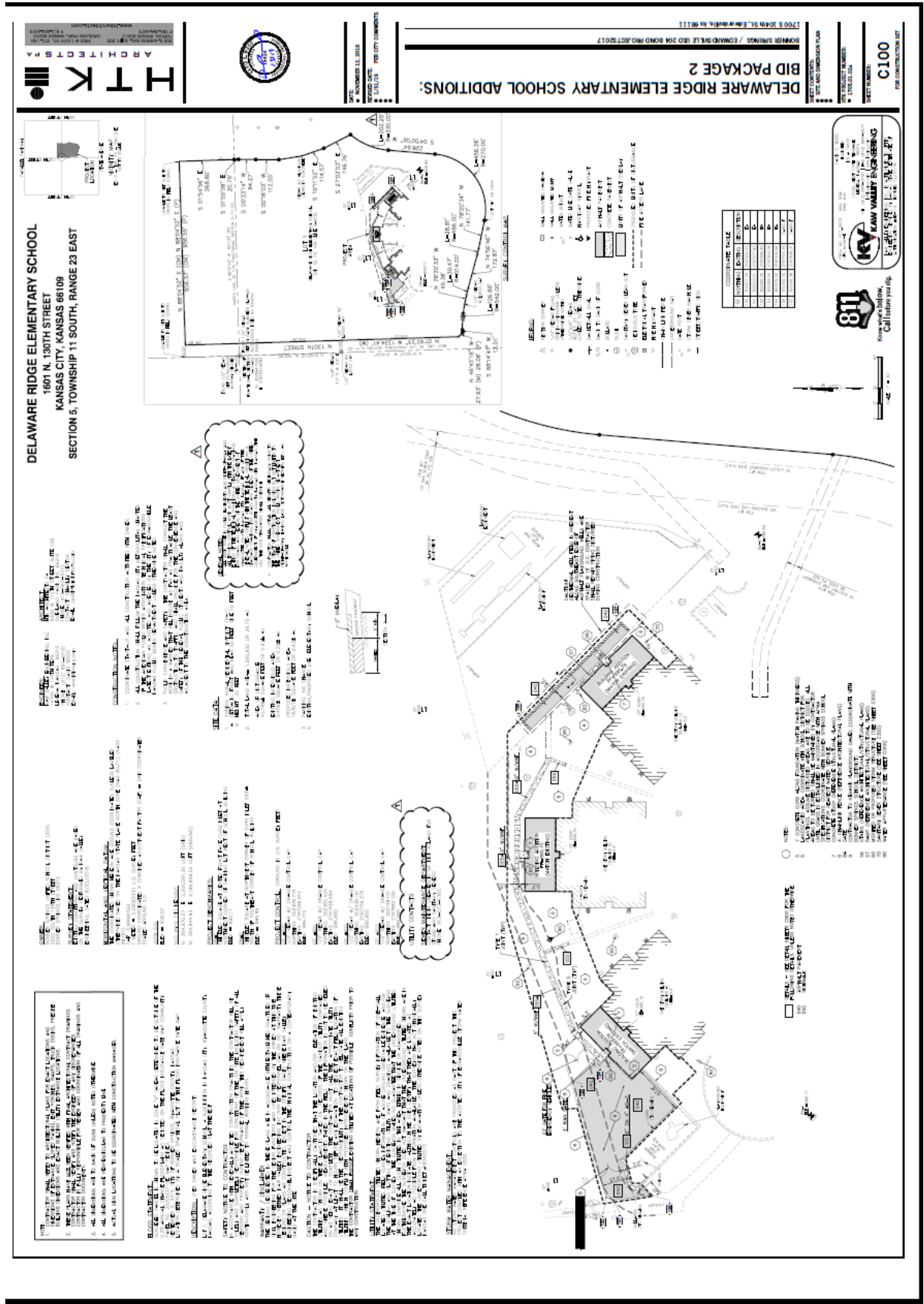














## Urban Planning and Land Use

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

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

**To:** Unified Government Board of Commissioners  
**From:** City Staff  
**Date:** May 30, 2019  
**Re:** Petition #PR-2019-10

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### GENERAL INFORMATION

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**Applicant:**  
Russell D. Sage III

**Status of Applicant:**  
Representative  
Security Bank  
701 Minnesota  
Avenue  
Kansas City,  
Kansas 66101

**Requested Action:**  
Preliminary and  
Final Site  
Development Plan  
Approval



**Date of Application:**  
March 29, 2019

**Purpose:**  
Renovation to interior spaces

**Property Location:** 7364 State Avenue

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

**Surrounding Zoning:**

|               |                                        |
|---------------|----------------------------------------|
| <b>North:</b> | RP-5 Planned Apartment District        |
| <b>South:</b> | CP-1 Planned Limited Business District |
| <b>East:</b>  | CP-1 Planned Limited Business District |
| <b>West:</b>  | CP-1 Planned Limited Business District |

**Existing Uses:**

|               |                                     |
|---------------|-------------------------------------|
| <b>North:</b> | Royal Ridge Apartments              |
| <b>South:</b> | Mason Jar Brews and Burgers         |
| <b>East:</b>  | Bank of Labor                       |
| <b>West:</b>  | Vacant Lot (owned by Security Bank) |

**Total Tract Size:** 1.2 acres

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

**Major Street Plan:** State Avenue is a Class A Thoroughfare Nebraska Avenue, North 73<sup>rd</sup> Place, and North 75<sup>th</sup> Drive are all local/neighborhood streets

**Advertisement:** Property Owner Letters – April 15, 2019 and May 22, 2019  
Wyandotte Echo – None Required

**Public Hearings:** May 13, 2019 and May 30, 2019

**Public Opposition:** No one appeared in opposition at the May 13, 2019 City Planning Commission meeting.

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## PROPOSAL

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*Detailed Outline of Requested Action:* Renovation of interior spaces of the Security Bank building on the property. This includes the addition of an IT room and new finishes throughout the interior of the building. In addition, a 2-foot curved canopy will be added along the exterior of the building's east wall. Lastly, a faux tower ornamentation is being added to further the Security Bank building brand.

*City Ordinance Requirements:* Article VI Section 27-212

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## FACTORS TO BE CONSIDERED

---

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

The neighborhood is a mix of varying commercial zones along State Avenue, with apartments directly north of the property and single-family houses close by to the northwest. State Avenue is a major thoroughfare and has many types of businesses along it.

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

The renovations are largely cosmetic. The only changes that would affect traffic are to the drive-through teller lanes. These lanes are simply being replaced, so there should be no foreseeable increase in traffic from the previous iteration of drive-through teller lanes.

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

The Master Plan designates the property as Mixed Use. Security Bank conforms to this mixed-use designation by serving as a bank within a varied commercial strip along State Avenue. The bank is not changing its function nor expanding the building footprint. It will continue to serve as a financial institution for the area without any major changes to traffic flow.

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

**a. *Water service***

Available

**b. *Sanitary sewer service***

Available

**c. *Storm water control***

Available

**d. *Police***

Police service is provided by District #221

**e. *Fire***

Fire service is provided by Station #19

**f. *Transit***

Transit stops for Route 101 (State Avenue) are located several blocks away, at 78<sup>th</sup> Street and on the KCKCC campus. The KCKCC stop offers a connection to Route 116 (West Parallel).

## ***g. Schools***

Kansas City, Kansas USD 500

### **5. *The capability of the proposed use to meet applicable ordinance and other requirements.***

The proposal will meet the codes of the Unified Government.

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## **PREVIOUS ACTIONS**

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None

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## **NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting on April 24, 2019. The applicant attests that no members from the public attended the meeting.

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## **PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Plan Review Application #PR-2019-10, subject to:

### **Urban Planning and Land Use Comments:**

1. What are the specific changes that will be made to the drive-through teller lanes? Will lanes be added, removed, lengthened, or shortened?

***Applicant Response:*** The current drive-through configuration has 1 commercial drive-through lane with a drawer and 4 regular customer lanes with pneumatic tubes (total 5 lanes). The proposed drive-through configuration will have 1 commercial drive-through lane adjacent to the existing building with a pneumatic tube and 1 regular customer lane with a pneumatic tube. The drive-through lanes will be configured to allow wider drive lanes. The new layout is configured for one additional lane for future ATM or teller lane and a pass-by drive lane. This will eliminate one of the current drive-through lane (total of 4 lanes, with 2 lanes of service). The new customer teller units are equipped with a modernized video interface.

***Staff Response:*** The staff appreciates the applicant's response and would like to re-emphasize the importance of continuing to adhere to all County building codes and design guidelines, as per the applicant's submitted documents.

### **Public Works Comments:**

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

- 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
  - 2) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- B) Items that are conditions of approval (stipulations):
- 1) None.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #PR-2019-10 subject to all comments and suggestions outlined in this staff report.

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## ATTACHMENTS

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May 13, 2019 City Planning Commission Minutes  
Finished Front Entrance Sketch  
Color Rendering  
Boundary Survey

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## REVIEW OF INFORMATION AND SCHEDULE

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|                |                     |                        |
|----------------|---------------------|------------------------|
| Action         | Planning Commission | Board of Commissioners |
| Public Hearing | May 13, 2019        | May 30, 2019           |
| Plan Review    | Approval            |                        |

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**STAFF CONTACT:** Mike Farley  
[mfarley@wycokck.org](mailto:mfarley@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition #PR-2019-10 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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



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

**OR**

I move the Unified Government Board of Commissioners **DENY** Petition #**PR-2019-10**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

**May 13, 2019 City Planning Commission Minutes:**

**Hearing Starts 2:19:57:**

**PLAN REVIEW APPLICATION #PR-2019-10 – RUSSELL SAGE III WITH SECURITY BANK OF KANSAS CITY – SYNOPSIS:** Preliminary and Final Plan Review for renovation of the existing bank at 7364 State Avenue. **Detailed Outline of Requested Action:** Renovation of interior spaces of the Security Bank building on the property. This includes the addition of an IT room and new finishes throughout the interior of the building. In addition, a 2-floor curved canopy will be added along the exterior of the building's east wall. Lastly, a faux tower ornamentation is being added to further the Security Bank building brand.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 13, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notices to property owners dated April 15, 2019.

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

**Present in Support:**

- ❖ Russell Sage III, applicant, Security Bank of Kansas City, 701 North 7<sup>th</sup> Street, Kansas City, Kansas 66101

**Present in Opposition:**

- ❖ No one appeared

**Staff Recommendation starts 2:22:25:** Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report; this will be a nice improvement.

**Motion and Vote Starts 2:22:38**

On motion by Ms. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to **recommend APPROVAL of Plan Review Application #PR-2019-10:**

|                 |                    |
|-----------------|--------------------|
| <b>Carson</b>   | <b>Chairman</b>    |
| <b>Cho</b>      | <b>Not Present</b> |
| <b>Connelly</b> | <b>Aye</b>         |
| <b>Ernst</b>    | <b>Aye</b>         |
| <b>Huey</b>     | <b>Aye</b>         |
| <b>Jones</b>    | <b>Aye</b>         |
| <b>Miller</b>   | <b>Aye</b>         |
| <b>Neal</b>     | <b>Aye</b>         |
| <b>Pauley</b>   | <b>Aye</b>         |
| <b>Reasons</b>  | <b>Aye</b>         |
| <b>Serda</b>    | <b>Aye</b>         |

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

**Subject to:**

**Urban Planning and Land Use Comments:**

1. What are the specific changes that will be made to the drive-through teller lanes? Will lanes be added, removed, lengthened, or shortened?

***Applicant Response:*** The current drive-through configuration has 1 commercial drive-through lane with a drawer and 4 regular customer lanes with pneumatic tubes (total 5 lanes). The proposed drive-through configuration will have 1 commercial drive-through lane adjacent to the existing building with a pneumatic tube and 1 regular customer lane with a pneumatic tube. The drive-through lanes will be configured to allow wider drive lanes. The new layout is configured for one additional lane for future ATM or teller lane and a pass-by drive lane. This will eliminate one of the current drive-through lane (total of 4 lanes, with 2 lanes of service). The new customer teller units are equipped with a modernized video interface.

***Staff Response:*** The staff appreciates the applicant's response and would like to re-emphasize the importance of continuing to adhere to all County building codes and design guidelines, as per the applicant's submitted documents.

**Public Works Comments:**

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

- 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
  - 2) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- B) Items that are conditions of approval (stipulations):**
- 1) None.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:**
- 1) None

7364 State Avenue . . . Kansas City, Kansas

Williams  
Spurgeon  
Kuhl &  
Freshnack  
ARCHITECTS LLP  
Kansas Certified of Authority



DRAWING INDEX:

| — 1975-1976 GENERAL BUDGETARY PLAN — |                              |
|--------------------------------------|------------------------------|
| 1                                    | ANNUAL TOTAL                 |
| 11                                   | EXPENDITURES                 |
| 111                                  | EXPENDITURES IN CASH         |
| 112                                  | CAPITAL EXPENDITURES         |
| 113                                  | FINANCIAL EXPENDITURES       |
| 114                                  | EXPENDITURES IN KIND         |
| 12                                   | REVENUES                     |
| 121                                  | REVENUES IN CASH             |
| 122                                  | REVENUES IN KIND             |
| 123                                  | REVENUES IN FOREIGN CURRENCY |
| 124                                  | REVENUES IN FOREIGN CURRENCY |
| 125                                  | REVENUES IN FOREIGN CURRENCY |
| 126                                  | REVENUES IN FOREIGN CURRENCY |
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| 128                                  | REVENUES IN FOREIGN CURRENCY |
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AREA & VICINITY MAPS:

AUTHENTICITY:

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SIGNED: \_\_\_\_\_  
DATE: \_\_\_\_\_

\_\_\_\_\_  
PRINCIPAL

\_\_\_\_\_  
ENGINEERING DESIGNER

ALTERNATE BIDS:

ALTERNATE #1: CREDIT  
ALL UNDERGROUND TELEPHONE SERVICE TUNING  
[AND] NO. 101 OF THE COMPANY FOR

ASCE Engineer  
Professional Engineer  
8000 W. Century Blvd., Suite 200  
West, MO 64085  
1-800-391-7444  
www.asce.org  
www.asce.org

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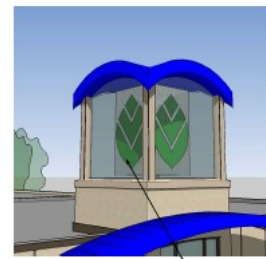
112

State of  
Mass. Civ.

Richard A. Cuff, Assistant  
Editor, CSEP

COVER

\_\_\_\_\_



LOGO ELEMENT - MOUNTED BEHIND GLASS ENCLOSURE

#### EXTERIOR COLOR SELECTIONS:

STANDING SEAM METAL ROOFING -  
BERRIDGE ROYAL BLUE

EIFS MATCH EXISTING COLORED CONCRETE "BUFF"

EXTERIOR PAINT  
COLUMNS AT TOWER - COLOR TO MATCH EIFS  
STEEL ALONG CANOPIES - COLOR TO MATCH METAL ROOFING - ROYAL BLUE

ALUMINUM STOREFRONT SYSTEM  
FRAME - MEDIUM BRONZE TO MATCH EXISTING.  
WINDOWS - BRONZE TINTED INSULATED GLASS UNITS TO MATCH EXISTING STOREFRONT.  
WINDOWS IN TOWER - CLEAR GLASS

PROJECT NO.  
110-000000  
DATE  
3/11/2019  
Williams Spurgeon  
Kuhl & Freshlock  
Architects, Inc. ©2019

**SECURITY BANK**  
7344 State Ave.  
Kansas City, MO

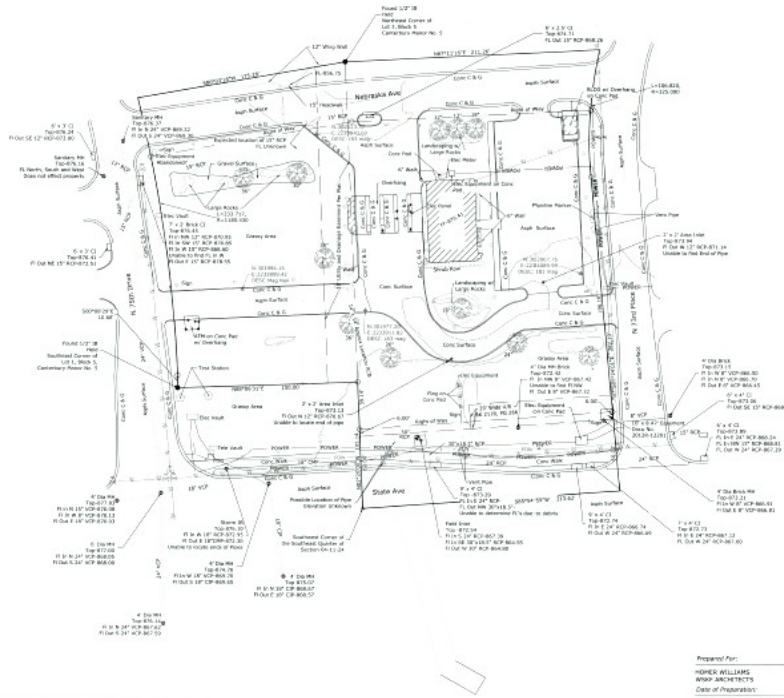
Williams  
Spurgeon  
Kuhl &  
Freshlock  
ARCHITECTS

110 Armour Road North Kansas City, Missouri 64116  
Tel. 816.300.4101 Fax 816.300.4102

# TOPOGRAPHIC BOUNDARY SURVEY SECURITY BANK - 75TH AND STATE AVE. KANSAS CITY, KS



- LEGEND:
- CORNER POINTS AS NOTED
  - CORNER SET WITH 1/2" BIRM. BAR L.S. 1-489
  - PRELIMINARY
  - WATER TAIL
  - UNDERGROUND POWER LINE
  - UNDERGROUND CABLE/TELEPHONE
  - UNDERGROUND WATERLINE
  - UNDERGROUND GAS LINE
  - FENCE
  - SIDEWALK
  - CONCRETE CURB AND GUTTER
  - CENTRAL POINT
  - PROJECT BOUNDARY
  - ROAD
  - ROLLER
  - GAS TEST STATION
  - LIGHT POLE
  - SECTION CORNER



## DESCRIPTION

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 11, RANGE 24 IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:  
BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 4, THENCE NORTH 88 DEGREES 15 MINUTES EAST ALONG THE SOUTH LINE OF SAID SECTION 4, A DISTANCE OF 211.62 FEET; THENCE NORTH 01 DEGREES 04 MINUTES WEST 262.20 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 135 FEET, A DISTANCE OF 106.82 FEET; THENCE SOUTH 89 DEGREES 11 MINUTES 17 SECONDS WEST 211.28 FEET; THENCE SOUTH ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4, 372.28 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PART THEREOF TAKEN OR USED FOR PUBLIC ROAD PURPOSES.

LOTS 1, 2 AND 3 BLOCK 5, CANTERBURY MANOR NO. 1 NOW IN AND A PART OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, EXCEPT THAT PART THEREOF TAKEN OR USED FOR PUBLIC ROAD PURPOSES.  
CONTAINS: 116,298.57 SQUARE FEET OR 2.67 ACRES MORE OR LESS

## NOTES

- 1) BASED BEARING IS KANSAS STATE PLANE NORTH COORD.
- 2) THIS SURVEY OBSERVED AND RECORDED BY ANY SOLID WHITE, GRAY, OR BROWN LINES.
- 3) NO DED NOT OBSERVE ANY CONSTRUCTION ON THIS PROPERTY.
- 4) KANSAS ONE (ONE) WAS CALLED ON THIS PROJECT.
- 5) PROJECT BOUNDARY ON SOUTHWEST CORNER OF CONCRETE PAD WITH PERSHORE ELEVATION: 811.46

|                                                                                            |
|--------------------------------------------------------------------------------------------|
| TOPOGRAPHIC BOUNDARY                                                                       |
| SECURITY BANK - 75TH AND STATE AVE                                                         |
| <b>ATLAS SURVEYORS</b>                                                                     |
| Prepared For:<br>HOMER WILLIAMS<br>ARCHITECTS<br>Date of Preparation:<br>DECEMBER 12, 2017 |
| 2300 HUTTON ROAD / KANSAS CITY, KANSAS 64109 / 913.932.5075 / 913.682.8636 (F)             |





---

## Urban Planning and Land Use

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

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

**To:** Unified Government Board of Commissioners

**From:** City Staff

**Date:** May 30, 2019

**Re:** **Proposed Ordinance Amendment definitions and a new provision to Section 27-593(a), Planning and Development of Kansas City, Kansas Code of Ordinances, requiring a special use permit for small box variety stores.**

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### GENERAL INFORMATION

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This is a follow up to a request of staff from the Board of Commissioners to prepare and process an ordinance concerning small box variety stores. An amendment was passed in 2016, but when a subsequent ordinance was passed it inadvertently deleted this ordinance. Additionally, we were made aware of some potential legal issues with the format of the old ordinance, so the new ordinance has been modified following a national example.

Two studies are attached and links are listed in the whereas clauses of the ordinance that give significant background on the need for this regulation. The first is the Kansas City, Kansas Health Food Assessment from October of 2017. The study notes we have significant gaps in physical food infrastructure, food related disease in Wyandotte County, low incomes, and the need for community action. It recommends a plan to build a community-based food system, raise funds for that infrastructure, and engage community residents in the discussion. To that end, the Unified Government imitated the Northeast area Master Plan. A primary tenant of the now adopted plan is urban food access and new grocery services. Additionally, the Unified Government has contracted with a local coop, the MERC, to occupy a new grocery store built by the Unified Government. That investment is approximately 6 million dollars! To assure the success of that store, the Unified Government sent individual fliers to over 19,000 urban addresses seeking input at 4 public meetings on the new grocery store.

Secondly, we have attached a study by the City of New Orleans titled Small Box Retail Diversity study. Key findings are that small box retail stores may impede the entry of full line grocery stores. That is a very important finding given the findings of the study noted above. The second finding that is key to the need for this ordinance is that with few exceptions, these stores do not provide for the sale of fresh fruits and vegetables. Access to fresh fruits and vegetables is a key part of beginning to eliminate food related disease.

There is a great need for this ordinance amendment in a community with such severe food and health issues when these stores have the potential to impeded full service grocers and they generally fail to provide the fresh fruits and vegetables necessary for healthy living.

Please take the time to read and understand each of the attached studies. The executive summaries will be included in this report.

**Purpose:** To better regulate the total number and proximity of small box retail stores to assure the best possible opportunity to provide fresh fruits and vegetables to the community.

**Advertisement:** Wyandotte Echo – January 17, 2019

**Public Hearings:** February 11, 2019, February 28, 2019, March 28, 2019, May 13, 2019 and May 30, 2019.

**Public Opposition:** We have received a letter in opposition to the previous ordinance by a representative of a small box retail store chain. That letter is attached. Planning and legal staff believe we have addressed the legal concerns expressed in that letter and that it is not applicable to this ordinance. One person appeared in opposition at the February 11, 2019 and May 13, 2019 City Planning Commission meetings.

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## PROPOSAL

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This ordinance recognizes that small box retail stores may serve needs that are not being served by other businesses in the neighborhood. However, the proliferation of these stores near each other can negatively impact the character of the neighborhood. They also have the potential to inhibit the provision of healthy foods as described above. The following guidelines are meant to allow for the provision of healthy foods and preserve the character of each neighborhood while still allowing small box retail stores to flourish.

Currently, more than 30 small box variety stores exist, with many near each other. Some are national chains while others are not. In the proposed ordinance, the separation requirement of 10,000 feet was determined after considering current location patterns and pedestrian and transit access.

While this definition encompasses what are commonly referred to as dollar stores, it would also include other retailers meeting the definition below. The proposed ordinance follows.

(Published \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE providing a definition of “small box variety store” and requiring a special use permit for new small box variety stores; amending Sections **27-340** and **27-593** to Chapter 27, Article VIII, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

WHEREAS, a significant number of small box variety stores are already in operation in Kansas City, Kansas; and

WHEREAS, many of the small box variety stores are currently in close proximity to one another; and

WHEREAS, while it is recognized that small box variety stores may be the only convenient source of some food items for people in areas underserved by traditional grocery stores, it is also recognized that small box variety stores offer limited healthy fresh food options, especially when it comes to fresh fruits and vegetables and fresh or frozen meats; and

WHEREAS, many small box variety stores do not include WIC essential items and therefore are not certified to accept WIC coupons; and

WHEREAS, 10% of Wyandotte County households have no access to a vehicle, and therefore according to experts, in order to adequately reach these shoppers, fresh food should be available less than a one-quarter mile walk from each home; and

WHEREAS, while it is necessary to continue to allow the presence of small box variety stores, it is also necessary to regulate them and to encourage stores to offer more healthy fresh food options; and

WHEREAS, such regulations will promote the efficient use of land and resources in Kansas City, Kansas and are necessary to protect the health, safety, and welfare of the citizens of Kansas City, Kansas; and

WHEREAS, the findings contained in the Crossroads Resource Center's "Kansas City, Kansas Healthy Food Assessment" dated October 2017 and the City of New Orleans' "Small Box Retail Diversity Study" dated December 18, 2018 are incorporated by reference herein. Copies of the findings are available online at <https://www.crcworks.org/kswyco17.pdf> and <https://www.nola.gov/getattachment/City-Planning/Major-Studies-and-Projects/Small-Box-Retail-Diversity-Study/Small-Box-Retail-Diversity-Final-Report.pdf/>, and are also available for public inspection during regular office hours of the Unified Government Clerk, Municipal Office Building, 701 N. 7<sup>th</sup> Street, Kansas City, Kansas.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF  
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

**Section 1.** That Chapter 27, Planning and Development, Article VIII, Section **27-340 and 27-593** of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby amended to read as follows:

**Sec. 27-340. – Definitions.**

Small box variety store means a store of 15,000 square feet or less which sells at retail an assortment of physical goods, products, or merchandise directly to the consumer, including food or beverages for off-premises consumption, household products, personal grooming and health products, and other consumer goods. Small box variety stores do not include retail stores that:

- (1) dedicate at least 15% of shelf space to fresh or fresh frozen food;
- (2) dedicate less than 2% of shelf space to food of any kind;
- (3) contain a prescription pharmacy, or
- (4) offer for sale gasoline or diesel fuel.

Fresh or fresh frozen food means food for human consumption that is unprocessed, or otherwise in its raw state; food that was quickly frozen while still fresh. This includes unprocessed meat and seafood.

**Sec. 27-593. - Allowable special uses.**

- (b) The following uses are permitted only on approval of a special use permit regardless of the zoning district of the proposed location:

(21) Small box variety stores only in C-2 general business district, C-3 commercial district, M-1 light industrial and industrial park district, M-2 general industrial district, and M-3 heavy industrial district subject to the following criteria:

a. Separation Requirements

1. No small box variety store shall be located within 10,000 feet of any other small box variety store or within 200 feet of any property used primarily for a single-family residence, a two-family residence, a town home, or any apartment building. The separation distances shall be measured from property line of the small box variety store to the property line of the property containing the residential use. This separation provision shall not apply to any small box variety store that can demonstrate to the Unified Government that they were in operation at the location requested in the license application prior to the effective date of this article, and that they have operated continuously under the same business name since that time.

b. Signage

1. Following all permanent sign requirements under section 27-727.

c. Façade, Landscaping, and Screening

1. All commercial design guidelines must be met for all facades including, but not limited to, the creation of quality development with respect to site planning, architectural design and landscaping.
2. Commercial uses in industrial districts shall be subject to commercial design guidelines.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS 28th DAY OF FEBRUARY 2019.

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David Alvey, Mayor/CEO

Attest:

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Unified Government Clerk

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## PLANING COMMISSION RECOMMENDATION

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The Planning Commission voted 9 to 0 to reverse its previous recommendation of approval and recommends **that this ordinance amendment be withdrawn and become part of the zoning ordinance rewrite.**

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## ATTACHMENTS

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February 11, 2019 City Planning Commission Minutes

May 13, 2019 City Planning Commission Minutes

Via weblinks:

City of New Orleans titled Small Box Retail Diversity study (executive summary included below)

Kansas City, Kansas Health Food Assessment from October of 2017 (executive summary included below)

Letters in opposition

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## REVIEW OF INFORMATION AND SCHEDULE

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| Action         | Planning Commission  | Unified Government Commission |
|----------------|----------------------|-------------------------------|
| Public Hearing | February 11, 2019    | February 28, 2019             |
|                | Approval             | Held Over                     |
|                | May 13, 2019         | March 28, 2019                |
|                | Recommend Withdrawal | Referred Back                 |
|                |                      | May 30, 2019                  |

**STAFF CONTACT:**      **Rob Richardson**  
                                         [rrichardson@wycokck.org](mailto:rrichardson@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **WITHDRAW** this ordinance amendment and make it part of the zoning ordinance rewrite process.

**OR**



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

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

**OR**

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

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

**Hearing Starts At :58:**

**CONSIDERATION OF CERTAIN AMENDMENTS TO SECTION 27-340, PLANNING AND DEVELOPMENT OF KANSAS CITY, KANSAS CODE OF ORDINANCES, GENERALLY CONCERNING DEFINITIONS AND A NEW PROVISION TO SECTION 27-593(a) PLANNING AND DEVELOPMENT OF KANSAS CITY, KANSAS CODE OF ORDINANCES, REQUIRING A SPECIAL USE PERMIT FOR SMALL BOX VARIETY STORES.**

Deputy Chief Counsel Waters stated that this is another one of the ordinances that was eliminated (as was the previous ordinance) when the chicken ordinance was adopted.) He further stated that they went back and looked at the ordinance. The staff received correspondence from the attorney for Colby Capital, who is the developer for most of the Dollar General Stores. They argued that the previous ordinance was unconstitutional because it discriminated against out of state businesses versus local businesses. He further stated that they made that argument based on the language of the ordinance and some of the language in the supporting documents. While not necessarily agreeing with that analysis, the staff decided to look at the ordinance and see if improvements could be made to it. The current ordinance is focused on fresh foods for the citizens of Kansas City, Kansas. The ordinance recognizes that the access to fresh, healthy foods has been a long-time incoming for the citizens of Kansas City, Kansas. It recognizes that while small box variety stores do offer some food options many of these stores do not provide fresh food options. This ordinance is also different from the previous one as it has an incentive that encourages stores to offer that fresh food and if they dedicate at least 15% of the shelf space to fresh and frozen food,

they will not be subject to the distance requirements in this ordinance. He further stated that the staff recommends approval of this ordinance.

Planning Director Richardson stated that the Unified Government's commitment to healthy foods is significant. They are going to build a grocery store to the tune of \$6 million in the Downtown area so there can be fresh, healthy foods for the citizens. He stated that this is something that is not being taken lightly. The staff report references studies related to this type of store (with fresh foods) that the Unified Government is trying to encourage them to sell and the physical health of the citizens and how those are related. He further stated that this ordinance will not affect any existing stores.

### **Present in Opposition:**

- ❖ Pete Petersen, attorney representing Colby Capital, 748 Ann Avenue, Kansas City, Kansas 66101

**Staff Recommendation starts at 12:00:** Planning Director Richardson stated that with regard to Mr. Peterson's comments about what is regulated and what is harmful, if you read the studies a lot of the foods that are harmful to the people in the urban core have high rates of diabetes in particular. When there are numerous stores that do not sell the fresh foods in the marketplace, it helps prevent those people from getting the foods they need so desperately. He further stated that there are many businesses that are regulated with regard to the public health, safety and welfare of this community and he thinks this one will do that very effectively. Commissioner Connelly stated that a new grocery store is being built downtown. For a long time there was not a grocery store downtown. When the Apple Market closed there was the Family Dollar. He agrees that there should be healthy choices. If someone goes some place that does not have what they want, they can go somewhere else. Director Richardson stated that one of the issues is how does someone get to another store and how long does it take. One grocery store does not take care of that. Chairman Carson stated that the variety stores provide a lot of other things besides food. He asked if an inventory list will be required. Director Richardson stated that the staff will ask for data relating to the code. There are lots of special use permit that the staff requests additional data and also on business licenses. Chairman Carson asked if we will ask retailers if they are providing tobacco products because we allow people to sell them even though we know that they are bad for people. Director Richardson stated that the Health Department is working on a separate tobacco ordinance.

Legal Counsel Waters stated that these are policy decisions based on the Planning Commission's recommendation and ultimately the Board of Commissioners.

Director Richardson stated that the liquor store ordinance also has a distance requirement and there are other ordinances that have limitations on uses.

### **Motion and Vote Starts at 23:33:**

On motion by Dr. Serda, seconded by Ms. Jones, the Planning Commission voted as follows to recommend **APPROVAL of this Ordinance Amendment:**

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

**MOTION PASSED: 9 to 0**

**May 13, 2019 City Planning Commission Minutes:**

**Hearing Starts 2:23:22:**

**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.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 13, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Echo dated January 17, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Planning Commissioner Huey stated that she received a phone call regarding this amendment.

**Present in Support:**

- ❖ Rob Richardson, Director Planning, 701 North 7<sup>th</sup> Street, Suite 423, Kansas City, Kansas 66101

**Present in Opposition:**

- ❖ Pete Peterson, attorney, 748 Ann Avenue, Kansas City, Kansas 66101 stated that he does not have any objection to the staff recommendation.

**Staff Recommendation (combined with presentation):** Planning Director Richardson stated that this item was returned to the City Planning Commission by the Board of Commissioners. He stated that the staff recommends that the Planning Commission recommend that this item be held over for six months or withdrawn and included in the zoning code rewrite to allow the staff time to define the areas that this ordinance would be applicable to if the entire city is not include. This would allow for more public input.

On motion by Mr. Miller, seconded by Ms. Jones, the Planning Commission voted as follows to **recommend that this ordinance amendment be withdrawn and become part of the zoning ordinance rewrite:**

|                 |                    |
|-----------------|--------------------|
| <b>Carson</b>   | <b>Chairman</b>    |
| <b>Cho</b>      | <b>Not Present</b> |
| <b>Connelly</b> | <b>Aye</b>         |
| <b>Ernst</b>    | <b>Aye</b>         |
| <b>Huey</b>     | <b>Aye</b>         |
| <b>Jones</b>    | <b>Aye</b>         |
| <b>Miller</b>   | <b>Aye</b>         |
| <b>Neal</b>     | <b>Aye</b>         |
| <b>Pauley</b>   | <b>Aye</b>         |
| <b>Reasons</b>  | <b>Aye</b>         |
| <b>Serda</b>    | <b>Aye</b>         |

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

## Executive Summary Small Box Retail Diversity Study – New Orleans

### A. Executive Summary

#### Introduction

Small box discount stores, commonly known as “dollar” stores, have operated across the United States for well over a century. These original “five and dime” stores, such as Woolworth’s, have since closed, but newer iterations such as Dollar General, Family Dollar, and Dollar Tree, all of which emerged in the 1950s, have filled the gap. The small box discount industry is well-established in New Orleans and has been for decades. According to Dollar General, for example, the chain opened its first store in New Orleans in 1983.

Following national trends, small box discount stores have rapidly proliferated across the city in recent years. New Orleans East, in particular, contains a disproportionate number of these stores compared to other retail options—most notably full-line grocery stores. Currently, two grocery stores and 12 small box discount stores operate in New Orleans East.

In an effort to address this rapid expansion citywide, but particularly in the East, including the hypothesis that small box discount stores may impede the entry of full-line grocery stores, which are a source for fresh food, City Council adopted Motion (As Corrected) M-18-256 on June 21, 2018 directing the City Planning Commission to produce this Small Box Retail Diversity Study. The scope of the Small Box Retail Diversity Study is outlined in the motion and directs the City Planning Commission to explore the following subject matter in its study:

- Define “small box discount stores”
- Explore regulations such as the following:
  - Use standards:
    - Requirements to provide fresh food
    - Limitations on the sale of alcohol
    - Restrictions based on spacings/block-face
    - Any necessary restrictions to assist in curbing the proliferation of small box discount stores that fail to offer fresh fruits and vegetables
    - Appropriate zoning districts where “small box discount stores” may be permitted by right, conditional, and prohibited
- For the purposes of the study, “small box discount stores” include businesses that have a floor area of 5,000 to 10,000 square feet, which sells at retail physical goods, products, or merchandise directly to the consumer, including food or beverages for off-premises consumption, household products, personal grooming and health products, and other consumer goods, with the majority of items being offered for sale at lower than the typical market price, but does not:
  - Dedicate at least 15% of floor area to fresh foods and vegetables
  - Contain a prescription pharmacy, or
  - Offer for sale gasoline or diesel fuel

## Key Findings

Based on the review of practices in other communities and the analysis of the current situation in New Orleans, the following key findings informed the proposed Small Box Retail Diversity Study recommendations:

### Small Box Discount Store Findings

- Small box discount stores are prolific in New Orleans. There are 36 stores citywide, including 12 in New Orleans East. Small box discount stores tend to cluster.
- All retail uses, including small box discount stores, fall into the retail goods establishment category; small box discount stores are permitted or conditional anywhere that the retail goods establishment use is permitted or conditional.
- Small box discount stores such as Dollar General, Family Dollar, and Dollar Tree range in size from 7,800 to 12,000 square feet in floor area.
- With the 2008 economic recession, small box discount stores began to attract more customers outside of the low-income demographic.
- Major small box discount store chains are continuing to open new stores and develop new types of store formats.
- Some small box discount stores poorly manage store exteriors, resulting in litter, uncontained refuse in the dumpster area, and poorly maintained landscaping.
- With one exception, existing small box discount stores in New Orleans that sell food products do not provide fresh fruit and vegetables.<sup>1</sup>
- A retail goods establishment may not sell alcoholic beverages unless retail sales of packaged alcoholic beverages is allowed within the district or if it is conditional upon receiving conditional use approval. Only four districts (C-3 Heavy Commercial, LI Light Industrial, HI Heavy Industrial and MI Maritime Industrial) allow retail goods establishments to sell packaged alcoholic beverages by right.

### Grocery Stores

- Full-line grocery stores generally range from 25,000 to 60,000 square feet, though smaller versions are also located in New Orleans.
- Larger retail goods stores, such as grocery stores, are prohibited in districts such as HMC-1 and other districts with low maximums for total floor area. The HU-B1, HU-B1A, HU-MU, S-B1, S-LB1, S-LB2, and S-MU Districts permit uses up to 5,000 square feet of total floor area, but uses exceeding that threshold are subject to conditional use approval. In HMC-2, non-residential uses over 10,000 square feet, such as a grocery store, are conditional uses. HU-B1, HU-B1A, HU-MU, S-LB1 and S-LB2 prohibit uses over 10,000 square feet, effectively eliminating larger full-line grocery stores from those districts.
- Grocery stores have a wide range of location selection criteria in determining the best areas to locate, including area demographics, existing and planned food sale developments, median home sales price, median incomes, location and size of competitors, traffic counts, violent and property crime, and policy presence.

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<sup>1</sup> Dollar General Market at 2001 St. Bernard Avenue



## Public Health & Food Access

- Obesity and associated diseases such as diabetes have increased threefold since 1990 as a result of increased consumption of calorie-dense foods paired with insufficient physical activity. African Americans are disproportionately more obese and suffer from associated diseases than their white and Latino counterparts.
- Many New Orleans residents have low access to healthy, nutritious food.
- Studies are mixed when it comes to the linkage between availability of fresh food and overall health as well as the availability of fresh food and the purchase of fresh food.
- Stores can implement changes to the in-store environment to influence purchasing behaviors, such as placing particular items in prime locations and promotional advertising within the store.
- All store types, including traditional, full-line grocery stores, devote more shelf space to unhealthy items than to healthy items.
- Local small box discount retailers such as Family Dollar, Dollar General, and Dollar Tree all accept SNAP, but none accept WIC.
- No causal link has been found between childhood obesity and the existence of small box retail stores in their communities
- Toxic chemicals have been found in the products of major small box discount store chains. While many of these companies have yet to implement comprehensive chemical management policies, unfortunately the presence of hazardous chemicals in retail products is not limited to these types of stores.

## General Land Use

- New Orleans East, Gentilly, and parts of Algiers are more suburban and automobile-centric in their development pattern than older parts of New Orleans; therefore, any policy changes may need to be tailored to different areas of the city.
- Current Comprehensive Zoning Ordinance regulations prevent retail sales associated with an agricultural use not located in an Open Space, Rural Development, or non-residential districts despite the fact that agriculture is permitted or conditional in several residential districts, including the historic core, historic urban, and suburban residential districts.
- There is a discrepancy in the interpretation of Section 21.6.A, which prohibits detached accessory structures from being constructed prior to construction of the principal building to which it is accessory. As agricultural uses typically rely on “accessory” structures such as sheds and chicken coops and do not typically require a traditional principal structure, this interpretation could negatively impact agricultural uses.

## Case Studies

- With the implementation of Tulsa’s Healthy Neighborhood Overlay, which requires at least a one mile distance between small box discount stores, several small box discount stores have located just outside the boundary of the overlay in order to avoid this restriction.
- Zoning is one tool that can assist in increasing the availability of healthy food in areas with low access; however, for best results other initiatives or incentives should be incorporated.

- Research shows that Minneapolis' Staple Foods Ordinance has not increased the purchase of healthy "staple" foods. In addition, it has not been linked to an increase in healthy food availability as retailers in St. Paul, which does not have a Staple Foods Ordinance, are also getting healthier.
- Programs with financial incentives, such as the Fresh Food Retailer Initiative and the Healthy Corner Store Collaborative are providing access to fresh food in low-access areas.

### **Enforcement**

- Existing small box discount stores are currently classified under four different occupational license categories which may create inconsistencies with enforcement especially if the City desires a change in policy that would specifically target this use.
- Code Enforcement and the Department of Sanitation can also only enforce the City Code on property owners and cannot write violations to the tenants of a property. This is an issue, specifically as it relates to small box discount stores, because small box discount stores are typically not the property owners of the buildings where they operate in New Orleans.

### **Crime**

- Crime data retrieved from the New Orleans Police Department indicates that perceptions of crime in New Orleans East may be more based on concentrated, high-profile violent crime whereas crime statistics actually show a more nuanced situation. While the violent crime rate per 100,000 residents is higher in New Orleans East than in Orleans Parish as a whole, the property crime rate for this area is lower.

# Executive Summary Kansas City, Kansas Healthy Food Assessment

Wyandotte County, Kansas — Crossroads Resource Center — October 2017



## EXECUTIVE SUMMARY

“Good bones” is a phrase residents use to describe the neighborhoods and communities in Kansas City, Kansas. They say the neighborhoods are “well-built,” with deep commitment and pride in their own community. Yet the city is disparate, varying greatly from one side of town to the next, with distinct enclaves of African-Americans, Latinos, and Asian-Americans amidst a majority white population. One of the most diverse in the state, the city hosts residents who speak more than 50 different languages.

Neighborhoods hold unique and individual identities centered upon cultures that persist today. Although this contributes to Kansas City’s<sup>1</sup> rich and diverse identity, it also contributes to a pervasive sense of “us and them,” which challenges broad investment efforts. Poverty and food insecurity are ever-present, with 46% of county residents earning less than a living wage.

Wyandotte County has a relatively rich food retail environment, boasting many culturally identified groceries, stores and food manufacturers of all sizes, five farmers’ markets, a solid cluster of productive urban farms, dozens of community gardens, and orchards that are open for community members to freely harvest.

Further, the county is home to a substantial cluster of food enterprises. Federal data show that there are 435 food-related businesses in the county, hiring more than 12,093 employees, who earned more than \$491 million in 2015. This amounts to about 14% of all firms in the county, 17% of the employees, and 15% of payroll.

### Independent Grocers are Strong

Quite unique to Kansas is the city’s concentration of locally and/or independently owned grocery stores. Of the 10 largest national grocery retailers chains, only 2 — Wal-Mart and ALDI — have locations in Kansas City, Kansas. Instead, smaller chains, such as those operated by Balls Food (Hen House, Price Chopper, and Sun Fresh), dominate the market.

Yet despite this proud tradition of independent ownership, we heard considerable concern that national chains such as Wal-Mart were taking over and compromising the viability of independent stores. Simultaneously, as in many urban centers, grocers are considering opening smaller-format stores that appeal to urban professionals who wish to walk to stores near their homes, and who shop several times a week to get the freshest possible selection. Home delivery is competing with large retailers.

### Residents Seek Cultural Gathering Spaces

Yet Wyandotte County residents do not feel their needs are being met. In interviews we held with 56 residents and experts, respondents expressed deep disappointment they could not shop at stores that were also cultural gathering places.

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<sup>1</sup> In this report, the name “Kansas City” refers to Kansas City, Kansas, unless specifically stated as Kansas City, Missouri, or as the broader Kansas City metropolitan area.



Latinos we interviewed named El Torito, Bonito Michoacan, and Sun Fresh Market as the primary places where they shop for their culturally relevant groceries, but one pointed out that while these are important gathering spaces, their size is limited. One Latino grocer, we were told, hopes to build an entire Mercado that would provide more of such space and a stronger ambience.

African-Americans mentioned that they often are not comfortable shopping in stores with Spanish language signage, and would prefer stores that offer an African-American cultural feel. Many simply looked for stores that are neighborhood gathering points where they can meet others who live nearby. One group of African-American leaders called very pointedly for a cooperatively-owned grocery (See Appendix K).

#### **Kansas City is a National Leader in Urban Food Production**

Kansas City residents are not limited to purchasing food. Indeed, the city has become a national leader in urban food production. This is a strength upon which the UG can build.

Cultivate Kansas City has drawn national attention for its persistent efforts to build a base of food production inside city limits. The New Roots for Refugees Farm Training Program at Juniper Gardens, a collaboration between Cultivate Kansas City and Catholic Charities of Northeast Kansas, currently hosts farmers from the Democratic Republic of Congo, Burma, and Bhutan. To date, Juniper Training Farm has graduated 20 farmers, 17 of whom farm commercially. The farms sell food directly to about 300 households through a Community Supported Agriculture (CSA) program. The program has developed a “Veggie ID” resource page to help consumers make use of the items they find at market and in CSA shares. Unfortunately, the CSA shares are largely distributed outside of the urban core to more prosperous clients, to Kansas City, Missouri, or to group pick-up sites. Program leaders think that offering delivery options has proved important to increasing CSA enrollment.

When including sales from the Gibbs Road Farm, Cultivate Kansas City farms reports that its farms sold \$304,000 worth of produce and CSA shares in 2016. Similar to the New Roots program, most of their produce is sold outside of Wyandotte County, with produce going to Kansas City, Missourians and northern Johnson County, KS residents. This may seem like a relatively small amount, but it is nearly triple their 2007 sales. Moreover, it constitutes 10% of all farm product sales reported by county farms. In 2012, the year of the most recent Census of Agriculture, Cultivate Kansas City’s two farms sold 61% of all produce sold by farms in the county.

Kansas City, Kansas, also hosts 24 community garden sites, where dozens of residents grow their own food. Gardeners can draw upon a metropolitan-wide network of support in their endeavors.

#### **Significant Gaps Remain**

Despite these strengths, significant gaps exist in the Wyandotte County food system. One of the key gaps is a lack of physical and other infrastructure that creates efficient community food trade, and connects farmers more closely with consumers, as prior reports have noted.

Given income inequalities, however, such investments will not in themselves address the food needs of lower-income residents. Federal data show that 32,723 county residents collected

SNAP benefits in 2011, or 20% of the population. This was a substantial rise from 12,516 (8%) in 2000 (Federal Census 2011-2015).

The food bank, Harvesters, along with its partner pantries, works diligently to reduce food insecurity. 36,200 unique residents (11,200 households) of Wyandotte County rely on the Harvesters network for some food assistance. Another 40,000 residents are vulnerable because they earn less than a living wage. What were once considered “emergency” programs have become a permanent part of the food landscape.

#### **Residents Suffer from Significant Food-Related Disease**

A lack of proper food and exercise is costly to county residents. As of 2015, 13% of Wyandotte County residents had been diagnosed with diabetes (Kansas Department of Health and Environment, 2015). This stands as the ninth-highest rate for any county in Kansas, and is considerably above the state rate of 10% (Kansas Department of Health and Environment, 2015). The American Diabetes Association estimates that the medical costs for treating diabetes and related conditions in the state of Kansas are \$2 billion per year (American Diabetes Association, 2012).

#### **Resident Purchasing Power is Substantial**

Current market conditions favor the importation of food from distant places. County residents spend at least \$450 million (conservatively estimated) each year buying food sourced outside the region.

This spending represents both a community asset and a liability. At the current time, this contributes to a weakened county economy by siphoning money to other regions of the U.S. and globally. Yet it simultaneously represents a significant market for food that Wyandotte County farmers and food processors could strive to reach.

#### **Commodity Farms Struggle**

Most of the 164 commercial farms left in the western section of the county are having difficulty, as well. One adjusted for inflation, Wyandotte County farmers earned \$6.5 million less in net cash income in 2015 than they had earned in 1969. Some have sold their land for development, while those that remained doubled their farm productivity, but the economic strength of the farm sector as a whole declined. Since 1994, the most reliable way of earning net income as a farm owner has been to rent out land for someone else to farm — not by producing crops or livestock.

#### **Food Stamps Have Become an Important Economic Engine**

In a bizarre twist, a county with a strong agricultural heritage now finds that food stamps (Supplemental Nutrition Assistance Program, or SNAP) benefits have become more important in sourcing food than farming. SNAP recipients brought \$40 million into Wyandotte County in 2015, much of which was spent buying groceries at local stores and farmers markets.

This suggests that building local food trade is an exceptional economic development opportunity. If Wyandotte County were able to connect more local residents directly to local farms, impacts could be quite large. Even if each resident spent only \$5 each week buying food directly from any farm in the county, this would result in an additional \$42 million of income for those farmers. This is fourteen times current sales made by county farms.

### Emerging Initiatives

Responding to resident concerns about food access, Wyandotte County has implemented several programs and policies that effectively create access to healthy food and promote self-sufficiency. It has adopted zoning codes that deem agriculture a permitted use in residential districts, established special use permits for backyard hen keeping, classified farmers' markets as accessory uses in many districts, and launched the H2O to Grow program offering grants to increase water access for community gardens.

Mayor Holland's initiative to form a public-private partnership to build a grocery store as part of a Healthy Campus near downtown would serve as a dramatic expansion of these efforts. The UG hopes to invest as much as \$16 million (Reno, 2017) to achieve this vision, offering to pay for construction of a new grocery store that would be operated by a private firm. This store would be adjacent to other organizations and businesses that promote healthy lifestyles.

Taking such a step to invest in a cluster of firms addressing health would place Kansas City and Wyandotte County in a position of bold leadership nationally. Furthermore, this action holds the potential for creating equitable access to healthy, affordable, and culturally appropriate foods for low-income residents, if additional steps are taken.

### Comprehensive Vision and Action Required

This will require that the UG adopt more comprehensive initiatives. During interviews addressing the possibility of expanding food production in the county, UG leaders took the position that they are waiting for a developer to come forward that would both establish a vision and invest in it. Our experience suggests that such a strategy will fail. The changes that need to be made are systemic and long-term, not suited to the rapid return on investment that developers typically seek. These changes will only come about if UG officials become proactive, working with residents to frame an effective, pragmatic, and inclusive vision, and then crafting proper incentives so that developers and other investors find financial reasons to promote the civic vision.

Leaders of Healthy Communities Wyandotte have proposed that one effective way for the UG to establish a lasting commitment to food access is to amend the 2008 City Wide Master Plan. Indeed, this plan mentions food only once and only as it pertains to providing food and habitat for fish and wildlife. Yet the Plan's stated vision (page 1) is to support healthy neighborhoods; A fundamental aspect of healthy neighborhoods is consistent access to healthy food.

One of the Plan's intentions is "to recognize, reinforce, and enhance established neighborhood identity and sense of place." What a healthy neighborhood or community looks like is never defined or detailed in a way that accounts for food, food access, nutrition, or food production (with the exception of agriculture being an acceptable use in some areas). Moreover, since the 2008 Plan was constructed under the vision of former Mayor Joe Reardon, it does not reflect current Mayor Mark Holland's priorities on improving local health outcomes.

However, residents we interviewed do not perceive that the lack of access to grocery stores is the biggest issue they face. Almost everyone involved in focus groups readily named three or more stores where they shop routinely. Each knew the strengths and weaknesses of each store



quite vividly. Many mentioned that they have difficulty getting to these stores, or eating well, for a variety of reasons.

The largest concern residents expressed was about being marginalized. Most felt they had little access to political power to shape the public discourse, little commitment from public officials to address their needs, and limited responsiveness from food businesses.

Moreover, low-income and marginalized residents face multiple issues at once, and these cannot be resolved simply by launching a new program. This was eloquently portrayed by one resident we interviewed: “Families and households are so marginalized already. We need a whole systems approach. We can’t just chip away at one thing, it’s so layered. Is the gas and electricity on at the house? Do they have cutlery? Pots and pans? Cooking skills? It’s all present. It’s all urgent. We need to serve the whole person. We need more collaboration.”

#### **Our Recommendations**

A. First and foremost, the UG must assert civic leadership that is committed over the long haul to ensuring safe and healthy neighborhoods that include access to healthy foods — as well as the freedom, and connectedness, to shape public policy and to live healthy lifestyles based on community values.

Specifically, we suggest that the UG Master Plan be amended to reflect this commitment and to establish long-term political will. We suggest specific language below.

B. Food system leaders in Wyandotte County should commit themselves to building a community-based food system, not simply a “local” food system. See page 7. This food system should be centered upon efforts to grow more food within the County, with priority on urban parcels, and priority in ensuring that marginalized residents can own and operate emerging food businesses. Efforts to train new farmers must be made permanent, with economic incentives appropriate for new small to larger scale farms, as well as for farmers wishing to expand their operations. Ongoing support must be given to immigrant farmers who wish to engage in local food trade. Wherever possible, food trade should connect Wyandotte County farms with Wyandotte County residents to build stronger economic, cultural, and social networks.

C. Persistent outreach efforts must engage Wyandotte County residents — at all income levels — to support community food businesses. Specifically, we encourage campaigns such as the “Buy Five Dollars from a local farmer each week campaign, as adopted in other states, which could bring \$42 million to county farmers.

D. Wyandotte County food system leaders, in collaboration with the UG, and business leaders should host an annual community-based food summit. Hosting such an annual gathering will raise the visibility both of community foods efforts and the need to eat better to attain better health outcomes. In turn, this will hopefully encourage more residents to place a priority on purchasing food from local farms and improving their nutrition practices.

E. Wyandotte County must raise funds to specifically invest in community-food-system development. This might be accomplished internally by issuing municipal bonds, or creating a special sales tax levy, or expanding allocations for small business development funds to specifically incentivize health initiatives. External sources of money, such as New Market Tax

Credits, philanthropic dollars, federal and state funds, should also be raised. Public and private funds should be dedicated to ensure that local businesses are informed of and take advantage of local investment opportunities.

F. With regard to the Healthy Campus, our team recommends that any store that may be invited to locate in conjunction with the YMCA be invited to open up two stores — one at the campus, and another that is located in Northeast in a smaller format.

G. Local food system leaders should build a solid leadership network that effectively coordinates local foods activity in an inclusive manner.

H. Wyandotte County food system leaders, in collaboration with the UG, should coordinate with Greater Kansas City efforts to brand foods that are grown in the region. As one example, the UG might wish to launch “Best in Wyandotte” awards that showcase community health and wealth practitioners. More on branding is mentioned in the Northeast Kansas Food Hub Feasibility Study (Flaccavento, *et al.*, 2014).

I. Revise the Mobile Vending ordinance to specifically allow for mobile food retail in residentially zoned areas. Additional policy actions are outlined in Appendix I.

J. **Maximize Use of Federal Food Assistance Programs.** In particular, foster SNAP (Supplemental Assistance Nutrition Program, formerly called food stamps) enrollment so that all those eligible receive benefits. While these benefits are a stopgap measure, they are an important safety net. SNAP brought \$41 million into the Wyandotte County economy in 2015, directly benefitting low-income residents, farmers, and grocers. This program already involves a significant part of the county population: 20% of county residents currently receive food stamps. Additional benefits are extended to seniors through the Seniors Farmers Market Coupons, and use of these should also be maximized.

Our recommendations might be summed up as follows: Wyandotte County needs to have the political will to operate in a proactive manner to achieve a long-term vision. If the political will doesn’t exist, it needs to be created.

As noted above, our team recommends that this initiative be framed as a “community-based food initiative,” rather than as a “local food initiative.” This is because the competitive advantage any local effort to produce and distribute food to local consumers is based on the loyalties the initiative builds among community members. This is most clear when the price of locally grown produce exceeds the price a consumer could pay for a similar product that is imported. At such times, will a consumer purchase a green pepper raised in her community over one that was imported from Mexico, Canada, or Holland? Will a consumer opt to purchase primarily products from sources in their community, or will they favor other attributes?

As a community-based food initiative, then the initiative itself must build community capacities and resilience as it moves toward its goals.

## Letter in Opposition to previous ordinance

**JOHN L. PETERSON, P.A.**  
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December 17, 2018

Ken Moore, City Attorney  
Unified Government of WyCo/KCK  
Municipal Office Bldg.  
701 N. 7th St., 9<sup>th</sup> Floor  
Kansas City KS 66101

Re: Discount Dollar Retail Stores Ordinance #03-13-16

Dear Ken:

I represent Colby Capital, a limited liability company that develops discount dollar retail stores across the U.S. So far, Colby has been the "point guard" in Kansas City, KS, addressing the validity of Ordinance #03-13-16. Our intention is to ask that this ordinance be repealed, voided in its entirety. We would like to see this accomplished with no fanfare, no publicity; in essence, as quietly as possible.

Toward that end, we retained the Lawrence law firm of Stevens & Brand to completely review the constitutionality of the ordinance on behalf of Colby. Attached is the culmination of their investigation and research embodied in their letter opinion. Personally, when I first learned of the prohibitions contained in the ordinance, I thought, "What is the difference between *dollar stores* and *convenience stores*?" Neither Colby nor I can guess the intention of the discount dollar store company given the contents of this letter opinion.

Once you have had an opportunity to review, please let me know the UG's response. Naturally, if you want to meet with my client and me to discuss this, we would be very happy to oblige. My thanks to you, the Mayor, the Commissioners, and your staff for your anticipated cooperation.

With kindest personal regards, I remain sincerely,



John L. Peterson

JLP/cp

cc: UG Mayor David Alvey  
UG City Administrator Doug Bach

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Colby Capital, LLC  
c/o John L. Peterson, PA  
748 Ann Avenue  
Kansas City, Kansas 66101

Re: Regulation of "dollar stores" by the Unified Government of Wyandotte County/  
Kansas City, Kansas

Dear Mr. Peterson:

You requested that we evaluate the legality and enforceability of an ordinance enacted by the Unified Government of Wyandotte County/Kansas City, Kansas ("UG") regulating "dollar stores" seeking to locate in Wyandotte County, including Kansas City, Kansas. For the reasons stated below, we conclude that the ordinance violates the Commerce Clause of the United States Constitution, and is also vulnerable to legal challenge under Kansas law.

## The Ordinance

The regulation in question, Ordinance No. 0-13-16, was passed on March 31, 2016, and signed into law by then-mayor Mark Holland. The ordinance provides that a "dollar store," as defined in the ordinance, is only permitted following the issuance of a special use permit. The ordinance further provides for "separation requirements" between dollar stores and between a dollar store and nearby residential properties. In particular, "no dollar store shall be located within 10,000 feet of any other dollar store or within 200 feet of any property used primarily for a single-family residence, a two-family residence, a town home, or any apartment building." Sec. 27-593(c)(21)(a).

The ordinance defines "dollar retail store" as follows: "[A] store with a wide variety of new merchandise for sale for five dollars or less, limited fresh produce, and buildings of less than 15,000 square feet. Examples include but are not limited to Family Dollar, Dollar General, Dollar Tree, 99 Cent Deals, Five Below, dime stores, or 5 & dime stores." Sec. 27-340.

**Applicable Legal Standards: An Ordinance Enacted With Discriminatory Intent or Effect Against Interstate Commerce Violates the Commerce Clause**

The Commerce Clause of the United States Constitution “not only expressly empowers Congress to regulate commerce among the states, but it also impliedly confines the states’ power to burden interstate commerce.” *Blue Cir. Cement v. Bd. of County Comm’rs*, 27 F.3d 1499, 1511 (10<sup>th</sup> Cir. 1994), citing *Oregon Waste Sys. v. Dept. of Energy Quality*, 114 S. Ct 1345, 1349 (1994). This law applies with equal force to measures adopted by political subdivisions of the states. *See id.*, 27 F.3d at 1511, n. 13.

The dormant commerce clause prohibits direct burdens on interstate commerce resulting from discrimination between local and interstate commerce. *Id.*, 27 F.3d at 1511. As explained by the Tenth Circuit Court of Appeals, “where simple economic protectionism is effected by state legislation, a virtually *per se* rule of invalidity has been erected.” *Id.*, quoting *City of Philadelphia v. New Jersey*, 437 U.S. 617, 624 (1978). “Such facial discrimination invokes the strictest scrutiny of any purported legitimate local purpose and of the absence of nondiscriminatory alternatives.” *Id.*, 27 F.3d at 1511, quoting *Chemical Waste Management, Inc. v. Hunt*, 112 S. Ct. 2009, 2014 (1992).

As one scholar has pointed out, when local “ordinances primarily affect out-of-state economic actors, and not their in-state competitors, those ordinances violate [the dormant commerce clause doctrine].” Bobrowski, Mark. *The Regulation of Formula Businesses and the Dormant Commerce Clause Doctrine*, 44 Urb. Law. 227 (Winter, 2012) (hereinafter, “Bobrowski”). As Professor Bobrowski explains, courts find discriminatory purpose when a legal enactment “is allegedly motivated by an intent to discriminate against interstate commerce.” *Id.*, quoting *Family Winemakers of California v. Jenkins*, 592 F.3d 1, 13 (1<sup>st</sup> Cir. 2010). “The ‘methodology’ to determine legislative purpose looks ‘to the statute as a whole’ . . . including statutory text, context, and legislative history . . . [and] also consider[s] whether the statute was ‘closely tailored to achieve the legislative purpose the state asserted.’” *Id.*, quoting *Family Winemakers of California*, 592 F.3d at 13, quoting *Alliance of Auto Mfrs. v. Gwadosky*, 430 F.3d 30, 37-38 (1<sup>st</sup> Cir. 2010).

The Kansas Supreme Court has also offered guidance on the application of these legal standards: “[A] court asks whether the challenged law discriminates on its face against interstate commerce. ‘In this context, “discrimination” simply means differential treatment of in-state and out-of-state economic interests that benefits the former and burdens the latter.’” *Zimmerman v. Board of County Comm’rs*, 293 Kan. 332, 357-58 (2011), quoting *United Haulers Assn., Inc. v. Oneida-Herkimer Solid Waste Mgmt. Auth.*, 550 U.S. 330, 338-39 (2007). “A discriminatory law is “virtually *per se* invalid,” [citation omitted] and will survive only if it “advances a legitimate local interest that cannot be adequately served by reasonable nondiscriminatory alternatives.” [Citations omitted.]” *Id.*, quoting *Department of Revenue of Ky. v. Davis*, 553 U.S. 328, 338-39 (2008).

A law creates a discriminatory effect “when, in practice, it affects similarly situated entities in a market by imposing disproportionate burdens on out-of-state interests and conferring



advantages upon in-state interests.” *Brodbrowski*, 44 Urb. Law 227, quoting *Family Winemakers of California*, 592 F.3d at 10, citing *Oregon Waste Sys.*, 114 S. Ct. at 1350.

As the Kansas Supreme Court has noted, the argument that a particular regulation may also burden in-state competitors does not insulate the regulation from challenge under the dormant commerce clause. “[A] burden imposed by a state upon interstate commerce is not to be sustained simply because the statute imposing it applies alike to the people of all the states, including the people of the state enacting such statute.” *Id.*, 292 Kan. at 311, quoting *Dean Milk Co. v. Madison*, 340 U.S. 349, 354 (1951).

If the challenged law does not facially or effectively discriminate against interstate commerce, but nonetheless burdens interstate commerce, a different analysis applies. We will turn to that analysis later; first, we will address how Ordinance 0-13-16 facially and effectively discriminates against interstate commerce and is, therefore, invalid.

#### **The Ordinance Intentionally and Effectively Discriminates Against Interstate Commerce**

As explained above, to determine whether the ordinance reflects discriminatory intent or effect, we must consider the text, context, and legislative history of the ordinance.

The ordinance defines “dollar retail store” by calling out specific examples of such stores as follows: “Examples include but are not limited to Family Dollar, Dollar General, Dollar Tree, 99 Cent Deals, Five Below, dime stores, or 5 & dime stores.” Significantly, all of the specifically-identified companies are out-of-state businesses. To illustrate:

- Family Dollar, Inc., is incorporated in North Carolina, with its principal office address in Matthews, North Carolina;
- Dollar General Corporation is incorporated in Tennessee, with its principal office address in Goodlettsville, Tennessee;
- Dollar Tree Stores, Inc., is incorporated in Virginia, with its principal office address in Chesapeake, Virginia;
- 99 Cents Only Stores, LLC is organized in California with its principal office address in City of Commerce, California; and
- Five Below, Inc. is incorporated in Pennsylvania, with its principal office address in Philadelphia, Pennsylvania.

As this list makes clear, these dollar stores entities are out-of-state companies that engage in interstate commerce. Indeed, Dollar Tree and Dollar General are publicly traded Fortune 500 companies. Dollar stores in general are a significant national economic enterprise. To illustrate, in the year 2017 there were 1,700 new dollar stores opened in the United States.<sup>1</sup> At the end of 2017, Dollar Tree had 14,610 stores in the U.S.<sup>2</sup> Dollar General had had a total of 14,609 U.S.

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<sup>1</sup> Hughes, C.J., “The Indestructible Tenant?” *The Real Deal—New York Real Estate News*, May 2018, [http://therealdeal.com/issues\\_articles/the-indestructible-tenant/](http://therealdeal.com/issues_articles/the-indestructible-tenant/).

<sup>2</sup> *Id.*



stores in 2017.<sup>3</sup> Five Below had 625 stores nationwide as of 2017.<sup>4</sup> CNN Business reported that as of mid-2018, both Dollar Tree and Dollar General had marked their 15,000<sup>th</sup> store opening.<sup>5</sup> Investor's Business Daily reported on August 30, 2018 that Dollar General reported quarterly revenues in the amount of \$6.44 billion.<sup>6</sup>

These illustrations demonstrate that the dollar stores listed in the ordinance are a significant nationwide (and out-of-state) source of interstate commerce. The ordinance expressly and specifically targets these companies. Thus, the text of the ordinance facially discriminates against out-of-state economic concerns, in violation of the dormant commerce clause.

Looking also at the context and legislative history of the regulation, we see further evidence of discrimination against out-of-state economic interests. The ordinance was presented to the Planning Commission on February 8, 2016.<sup>7</sup> The ordinance had originally been placed on the agenda for January 11, 2016, but had been held over so that additional research could be completed.<sup>8</sup> By February 8, 2016, that research had been completed and was attached to the staff report. The Memo from City Staff to the City Planning Commission dated February 8, 2016, included six exhibits, which were articles related to chain stores, dollar stores, and food environment.<sup>9</sup> The Planning Commission minutes described these articles as providing information "as to why the city might want to do further regulation on dollar stores within the community."<sup>10</sup> (These articles were also presented to the UG Board of Commissioners, as discussed in greater detail below.)

During the Planning Commission meeting, it was noted that the ordinance would apply to dollar stores like Family Dollar, Dollar Tree, Dollar General, "99 center," "\$5.00 below," etc.<sup>11</sup> One planning commissioner pointed out that "no other stores would be affected."<sup>12</sup> Another commissioner sought clarification that this ordinance would not affect existing local thrift stores and, accordingly, the word "new" was added before "merchandise" in the definition section.<sup>13</sup> There was also a discussion of the impact dollar stores might ostensibly have on efforts to secure a new grocery store in the northeast area.<sup>14</sup> Based upon its review of the staff report, attached articles, and other information, the Planning Commission voted 5 to 1 to recommend approval of the ordinance

The ordinance came before the UG Board of Commissioners on February 25, 2016. The minutes of the Planning Commission were presented to the Board as part of the staff report. The

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> <https://money.cnn.com/2018/08/30/news/companies/dollar-general-tree-walmart-target-economy/index.html>, August 30, 2018.

<sup>6</sup> <https://www.investors.com/research/ibd-industry-themes/dollar-tree-earnings-dollar-general-earnings/>.

<sup>7</sup> See Memo from City Staff to Unified Government Board of Commissioners, February 25, 2016, at 5, incorporating February 8, 2016 Planning Commission Minutes.

<sup>8</sup> *Id.*

<sup>9</sup> See Memo dated February 8, 2016, at 4, and attached exhibits..

<sup>10</sup> Memo to Board of Commissioners, February 25, 2016, at 6.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

staff report also presented the Board with copies of the articles that had previously been presented to the Planning Commission, advising the Board of Commissioners that the articles provided information “as to why the city might want to do further regulation on dollar stores within the community,” and expressly making those articles “part of the record for this case.”<sup>15</sup>

According to the minutes of the Board of Commissioners’ consideration of the proposed ordinance, Director of Planning Rob Richardson told the Commissioners that the proposed ordinance would effectively prevent any new dollar stores from coming into the area. He said: “[T]his is an ordinance to limit the spacing of the dollar stores within the community *which essentially will limit the number, especially in the urban area to about what we have now.*”<sup>16</sup> This shows that the intent behind the ordinance, and its anticipated effect, would be to prevent any new dollar stores from opening in the affected area.

Mr. Richardson also told the Commissioners about “several articles included in your packet that give various reasons for limiting these types of stores in our community.”<sup>17</sup> Because these articles are part of the context and legislative history of the enactment of the ordinance, it is worth examining whether these materials reflect a bias in favor of local businesses and against out-of-state economic interests. As previously noted, a law that evinces a discriminatory intent in favor of local businesses, and against out-of-state companies, violates the dormant commerce clause.

The first article, entitled “The Impact of Chain Stores on Community,” emphasizes the purportedly harmful effects of chain stores on locally-owned businesses and the community as a whole.<sup>18</sup> For example, the article asserts that chain stores are harmful to a “vibrant local retail economy.”<sup>19</sup> The author expresses concern that national stores with “limited ties and no long term commitment to the community” will displace “businesses owned by our neighbors.”<sup>20</sup> The author laments the “loss of locally owned stores,” accusing national chains of wanting to be “the only game in town.”<sup>21</sup> The article maintains that this is a “battle that local merchants cannot win,” making it “only a matter of time before the local business will be forced to close.”<sup>22</sup> The author additionally asserts that chain stores “contribute far less to the local economy than independent businesses.”<sup>23</sup> The author advances many other arguments in favor of discriminating against out-of-state businesses and in favor of local businesses, such as: “Local stores keep profits circulating within the local economy”; “a community that loses its local businesses to national chains also risks losing other economic development opportunities”; and “locally owned businesses build strong communities.”<sup>24</sup> The article concludes by urging readers to support land use laws “that deter chain stores and foster local ownership.”<sup>25</sup>

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<sup>15</sup> Memo to Board of Commissioners, February 25, 2016, at 5, listing six articles.

<sup>16</sup> Minutes of February 25, 2018 Board of Commissioners Meeting, at 21 (emphasis added).

<sup>17</sup> *Id.*, at 21.

<sup>18</sup> Exhibit 1 to Staff Memo, at 6.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*, at 6-7.

<sup>22</sup> *Id.*, at 7.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*, at 7-10.

<sup>25</sup> *Id.*, at 10.

The next article, Exhibit 2 to the staff report, is entitled “As Dollar Stores Proliferate, Opponents Worry for Small Towns.”<sup>26</sup> This article cites arguments against dollar stores, noting that “opponents say the proliferation of dollar stores poses a greater threat to the economy and character of many more towns than big box stores.”<sup>27</sup> The author favors local businesses that the dollar stores “would compete with unfairly,” having the effect of “undermining...downtown and village centers.”<sup>28</sup> One individual cited in the article opined that “protecting locally owned businesses is important because they provide more and better jobs and give a community its identity.”<sup>29</sup>

The third article cited in the Staff Report is entitled, “Food environment and childhood obesity: the effect of dollar stores.”<sup>30</sup> Although perhaps intended to bolster the argument for limiting the “proliferation” of dollar stores in Kansas City, Kansas and Wyandotte County, the article actually concludes that dollar stores do not, in fact, contribute to childhood obesity: “While dollar stores lack the breadth of healthy food options typically found in supermarkets, our results suggest that they are not a contributor to the childhood obesity problem.”<sup>31</sup> On the contrary, the researchers concluded that “it could be that dollar stores may actually play some role in facilitating healthy food consumption behaviors.”<sup>32</sup> “[W]hen residents have ready access to dollar stores, they may be in a better position to procure supplies for at-home meals. These meals, even if not perfectly balanced, are likely to be healthier and lower-calorie than the fare found on fast-food menus.”<sup>33</sup>

The fourth article attached to the staff report is entitled “4 Reasons Shopping at Dollar Stores Costs More.”<sup>34</sup> This article compares volume and pricing of items for sale at dollar stores with comparable items for sale at a “regular grocery store.”<sup>35</sup> The article also compares the quality of household furnishings purchased at a dollar store with items purchased at a “furniture store.”<sup>36</sup> Most significantly, the author of this article argues that “dollar stores take money out of the community.”<sup>37</sup> The author writes: “Non-local businesses suck money out of a community and only leave about 14% of the money behind,” and “without local businesses getting local dollars, they eventually die.”<sup>38</sup> The author argues for protecting local businesses against “companies that are based elsewhere.”<sup>39</sup>

The fifth article attached to the staff report is entitled, “What Dollar Store Locations Reveal About America.”<sup>40</sup> Although mostly about geographical distribution of dollar stores in the United States, the author ultimately concludes: “Though some affluent shoppers might enjoy

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<sup>26</sup> Exhibit 2 to Staff Report, at 11.

<sup>27</sup> *Id.*, at 12-13.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*, at 13.

<sup>30</sup> Exhibit 3 to Staff Report, at 15.

<sup>31</sup> *Id.*, at 22.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.* at 23.

<sup>34</sup> Exhibit 4 to Staff Report, at 28.

<sup>35</sup> See *id.*, at 28-29.

<sup>36</sup> *Id.*, at 29.

<sup>37</sup> *Id.*, at 31.

<sup>38</sup> *Id.*, at 31.

<sup>39</sup> See *id.*, at 32.

<sup>40</sup> Exhibit 5 to Staff Report, at 33.

searching for bargains in their cluttered aisles, dollar stores are overwhelmingly the retail choice of the economically left behind.”<sup>41</sup>

The sixth and final article attached to the Staff Report is entitled, “UG to look at limiting number of dollar stores in community.”<sup>42</sup> This article asserts that “[s]ome dollar stores are replacing other stores that have exited neighborhoods.”<sup>43</sup> It further states: “The planning department wants to study the issue and potentially limit the number of new dollar stores in the community.”<sup>44</sup> The article also reports: “According to UG documents, the issue was brought forward by Mayor Mark Holland.”<sup>45</sup>

These six articles, offered by staff and relied upon by the Commission as part of the record in adopting the ordinance, disclose a clear bias against interstate commerce. These materials repeatedly urge policy-makers to protect local business from national chain stores, in general, and dollar stores, in particular. They cite purported adverse impacts that local businesses will sustain if dollar stores are permitted to “proliferate.” The discriminatory intent of these “research” materials, offered as ostensible justification for restricting dollar stores in Kansas City, Kansas and Wyandotte County, could not be more apparent.

It is also significant that then-Mayor Mark Holland was the instigator of restrictions on the development of new dollar stores in Wyandotte County while, at the same time, he was actively working to cut a deal with a local company to open a grocery store in Kansas City, Kansas. As part of his Downtown Central Parkway Plan “and its signature ‘healthy campus,’” Mayor Holland was working hard to “convince the Charles Ball SunFresh Market to build a \$15 million to \$18 million grocery store” in downtown Kansas City, Kansas.<sup>46</sup> KCPT’s digital magazine, Flatland KC, reported that “Holland has identified a grocery partner in SunFresh, which has done well with its store at I-70 and 18<sup>th</sup> Street.”<sup>47</sup> Describing his efforts, Holland stated: “We are still working on the grocery store, which is problematic because a grocery store wants a lot of households with a lot of money.”<sup>48</sup> The Kansas City Business Journal reported that the “city has attempted to land a Charles Ball SunFresh Market,” which would occupy 30,000 to 35,000 square feet, and would cost \$15 million to \$18 million to develop.<sup>49</sup> Holland was enthusiastic about partnering with this Kansas-based company, calling them an “urban savvy grocer,” and stating: “They’re the right operator. We just haven’t gotten to the right deal yet.”<sup>50</sup> Holland also disclosed that he intended to offer financial support to the local grocery company through tax-increment financing.<sup>51</sup>

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<sup>41</sup> *Id.*, at 38.

<sup>42</sup> Exhibit 6 to Staff Report, at 39.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> McLean, Jim. “Healthy campus in downtown KCK another step closer to reality.” December 8, 2014. <https://www.khi.org/news/article/healthy-campus-downtown-kck-another-step-closer-re>. SunFresh is owned by Four B Corp., a Kansas Corporation.

<sup>47</sup> Orendorff, John. “Awaiting An Oasis, in KCK’s Food Dessert [sic].” October 3, 2015. <https://www.flatlandkc.org/new-issues/awaiting-oasis-kcks-food-desert>.

<sup>48</sup> *Id.*

<sup>49</sup> Roberts, Rob. Kansas City Business Journal, October 7, 2015.

<sup>50</sup> Orendorff, *supra* note 47.

<sup>51</sup> McLean, *supra* note 46.

This context demonstrates Mayor Holland's intent to promote a local business by restricting out-of-state dollar stores. It also provides context for discussion by the Planning Commission and the UG Board of Commissioners reflecting their desire to secure a grocery store for Kansas City, Kansas, and the perceived need to limit dollar stores in order to do so. To illustrate, at the Board of Commissioners meeting on February 25, 2016, Commissioner Johnson expressed the view that "we really need to have a grocery store in that area."<sup>52</sup> He also asserted that the reason dollar stores "are here, are coming into our town, is because there are no places to get groceries. I mean a full-scale grocer."<sup>53</sup> Commissioner Philbrook expressed the view that "we don't have food supply, good food supply, for folks in parts of town."<sup>54</sup> In response to information concerning the number of dollar stores in the community, Commissioner Philbrook stated: "I guess we need to stop them now, slow it down."<sup>55</sup> Commissioner Murgia stated that dollar stores make it "more difficult to bring in a higher quality grocer because their fear is they won't be able to sell enough in that neighborhood. Therefore, that the business will not be sustainable."<sup>56</sup> Planning Director Richardson pointed out that dollar stores "do count against the square footage of the grocery store that we could build and against the marketability of those stores."<sup>57</sup>

Thus, it is clear that a significant motivation of the UG in preventing new dollar stores from coming into the community was to create a more favorable business environment for an in-state, locally-based grocery store company. The UG, therefore, enacted a discriminatory law to protect a local business by burdening out-of-state economic interests.

The plain language of the ordinance, along with the context and legislative history, establish that the intent of Ordinance 0-13-16 is to discriminate against interstate commerce, in violation of the Commerce Clause. As such, the ordinance is invalid.

The effect of the ordinance is likewise to burden out-of-state businesses. All of the companies targeted by the regulation are out-of-state companies. As Planning Director Richardson readily acknowledged, the effect of the ordinance is to preclude any new dollar stores from developing in the area. Knowing this, and desiring this effect, the Board of Commissioners enacted a *de facto* ban on future development of this form of interstate commerce in Kansas City, Kansas. This action is unlawful discrimination against interstate commerce. Accordingly, the ordinance is invalid.

### **The Ordinance Is Also Invalid Under the *Pike* Balancing Test**

Although we have concluded that the ordinance is unlawful due to its facially discriminatory intent and effect, we also consider whether the ordinance can survive the balancing test established in the United States Supreme Court case of *Pike v. Bruce Church, Inc.*, 397 U.S. 137 (1970).

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<sup>52</sup> Minutes, at 21.

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*, at 23.

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

The *Pike* balancing test applies to an ordinance that appears to regulate evenhandedly between in-state and out-of-state businesses, but nevertheless has an impact on interstate commerce. As explained by the Tenth Circuit Court of Appeals, the Commerce Clause not only prohibits intentional or effective discrimination against interstate commerce, it also “prohibits a state or local ‘statute [that] regulates evenhandedly to effectuate a legitimate local public interest’ if it imposes a burden on interstate commerce that is ‘clearly excessive in relation to the putative local benefits.’” *Blue Cir. Cement*, 27 F.3d at 1511, quoting *Pike*, 397 U.S. at 142. To apply the *Pike* test, a court asks if the regulation advances a legitimate public purpose; if the answer is yes, the “question becomes one of degree.” *Id.* “The extent of the burden on interstate commerce that will be tolerated will depend on the ‘nature of the local interest involved, and on whether it could be promoted as well with a lesser impact on interstate activities.’” *Id.*

The Tenth Circuit Court of Appeals has explained that a court applying the *Pike* balancing test must examine: (a) the nature of the putative local benefits advanced by the ordinance; (b) the burden the ordinance imposes on interstate commerce; (c) whether the burden is clearly excessive in relation to the local benefits; and (d) whether the local interests can be promoted as well with a lesser impact on interstate commerce. *Id.* However, “the mere ‘incantation of a purpose to promote the public health or safety does not insulate a state law from a Commerce Clause attack. Regulations designed for that salutary purpose nevertheless may further the purpose so marginally, and interfere with commerce so substantially, as to be invalid under the Commerce Clause.’” *Blue Cir. Cement*, 27 F.3d at 1512, quoting *Kassel v. Consolidated Freightways Corp.*, 450 U.S. 662, 670 (1981)(plurality opinion).

Examining the ostensible public purpose for the regulation in question, it appears that the primary—if not singular—motivation of the UG in enacting the law was to create a more favorable environment for local businesses, in general, and a local grocery store, in particular, by prohibiting future dollar stores in the area. This form of economic protectionism is not a legitimate government interest. The only slight deviation from this agenda was when Commissioner McKiernan noted that “a lot of the issues that continue to come up with these types of stores are upkeep . . . by how they are kept both outside and inside.”<sup>58</sup> Commissioner McKiernan asked if the UG could “just look at more stringent enforcement of the ordinances that we already have in place for the condition and the upkeep of these and other stores rather than some sort of density requirement.”<sup>59</sup> Planning Director Richardson dismissed this line of inquiry, stating: “I think it’s a matter of resources. . . . Voluntary compliance is very hard to achieve with these stores. When you can’t achieve voluntary compliance with a community business partner like this, it’s a matter of how you want to spend your resources.”<sup>60</sup> Apart from this very brief exchange on the subject of upkeep of existing dollar stores, it does not appear that any additional rationale for the ordinance was presented. Certainly, there is no indication that upkeep of existing stores was a substantial concern for the Board as a whole. Moreover, to the extent that concerns about upkeep were considered in enacting the ordinance, no potentially less restrictive alternatives were seriously considered, even though Commissioner McKiernan raised the prospect briefly before it was dismissed by Planning Director Richardson.

<sup>58</sup> Minutes, February 25, 2016, at 22.

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*



The burden on these out-of-state businesses is considerable (effectively, no new stores will be permitted). The ostensible benefit to the community is unlawful and inherently suspect. An effective ban of future dollar stores is plainly excessive and therefore violates the Commerce Clause. It is also readily apparent that the UG did not consider any alternatives that might have had less impact on interstate commerce—indeed, if the goal of the ordinance was to promote local businesses, including the recruitment of a large local grocery store to Kansas City, Kansas, it does not appear that any other approaches were considered in the context of the enactment of the ordinance. To the extent a goal was to promote better upkeep of the stores, there was virtually no discussion—and absolutely no exploration—of alternatives that would have had less impact on interstate commerce. Given these circumstances, the ordinance cannot withstand even the lesser scrutiny of the *Pike* balancing test.

### **The Ordinance is Additionally Unlawful Under Kansas Zoning Law**

The Kansas Supreme Court has explained that, in zoning matters, courts have the power to review whether an action taken by the local zoning authority was lawful, and whether it was reasonable. See, e.g., *Zimmerman v. Bd. of County Comm'rs*, 289 Kan. 926, 944 (2009); *Golden v. City of Overland Park*, 224 Kan. 591, 595-96.

For all the reasons stated above, the adoption of Ordinance 0-13-16 was neither lawful nor was it reasonable. This regulation was adopted with the intent and effect to discriminate against interstate commerce, in violation of the Commerce Clause. The ostensible rationale for its adoption was supplied by a handful of new articles from outside the area, and a food source study demonstrating that dollar stores actually have a *positive effect* on healthy eating and childhood obesity. Because the ordinance is not lawful or reasonable, it is vulnerable to a challenge under Kansas law.

### **Conclusion**

In summary, Ordinance 0-13-16 unlawfully discriminates against interstate commerce and thus violates the Commerce Clause of the United States Constitution. Additionally, it burdens interstate commerce to a degree that far exceeds any ostensible local benefits, rendering it invalid under relevant Supreme Court precedent. The ordinance represents the sort of discriminatory measure that courts routinely strike down as fundamentally incompatible with a nationwide system of commerce.

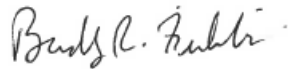
Moreover, the ordinance is unreasonable. The only purported “evidence” introduced regarding the effects of dollar stores consisted of a handful of news articles from outside of the community, and a scholarly study which established that dollar stores actually *promote* healthy eating habits, not to mention providing a source of affordable and accessible products to people who may not have easy access to alternative sources for their daily needs.

In short, the ordinance was enacted for an improper purpose, and impermissibly interferes with interstate commerce, in violation of the United States Constitution and the laws of the State of Kansas.

John L. Peterson  
Page 11 of 11  
December 17, 2018

Please let us know if you have any questions or if we may be of further assistance.

Very truly yours,  
STEVENS & BRAND, L.L.P.

  
Bradley R. Finkeldei

WEBSTER L. GOLDEN  
WINTON A. WINTER, JR.  
SHERRI E. LOVELAND  
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CHRISTOPHER F. BURGER\*  
WESLEY F. SMITH  
BRADLEY R. FINKELDEI  
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February 18, 2019

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JOHN T. GULLOCK\*  
JEFFREY L. HEIMAN  
KANA R. ROLLER\*  
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DENISE L. M'NABB\*  
J. ERIC WESLANDER\*  
KATE MARPLES SIMPSON\*  
AMY L. DURKIN  
THOMAS D. HANEY, Of Counsel  
PETER K. CURRAN, RETIRED

RICHARD B. STEVENS  
1899-1991

JOHN W. BRAND  
1907-1971

JOHN W. BRAND, JR.  
1932-2015

EVAN H. ICE  
1963-2016

Colby Capital, LLC  
c/o John L. Peterson, PA  
748 Ann Avenue  
Kansas City, Kansas 66101

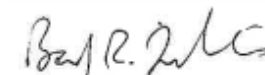
Re: Regulation of "small box variety stores" by the Unified Government of  
Wyandotte County/ Kansas City, Kansas

Dear Mr. Peterson:

As a follow up to our December 17, 2019 letter regarding the regulation of dollar stores, you requested that we evaluate the legality and enforceability of a new proposed ordinance regulating "small box variety stores" seeking to locate in Wyandotte County, including Kansas City, Kansas. For the reasons stated in our December 17, 2019 letter, we conclude that the new ordinance would also violate the Commerce Clause of the United States Constitution, and is vulnerable to legal challenge under Kansas law. That is, we have reviewed the new ordinance and do not believe it changes the underlying analysis or our opinion of December 17, 2019.

Please let us know if you have any questions or if we may be of further assistance.

Very truly yours,  
STEVENS & BRAND, L.L.P.

  
Bradley R. Finkeldei

(Published \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE regarding vending machines, and exterior sales and modifying the regulations thereof; amending Sections **27-340 and 27-612(6)** to Chapter 27, Article VIII, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF  
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

**Section 1.** That Chapter 27, Planning and Development, Article VIII, **27-340, 27-612(6)** of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby amended to read as follows:

**Sec. 27-340. – Definitions.**

Exterior sales means the sale of goods outdoors on private property that is zoned for commercial retail. Examples include ice chests, propane, firewood, and other that are similar.

Vending machine means a machine, stand, or dispenser that distributes, dispenses, or sells a physical product or good directly to a consumer using an automated payment system. Examples include but are not limited to soda machines, candy machines, video rental vending machines, snack machines, newspaper machines, and others that are similar. This definition does not include ATMs, gas pumps, air dispensers, or payphones.

**Sec. 27-612(6). – Exterior sales and vending on private property provided that:**

- (a) Commercial uses with a business license (occupation tax receipt) before December 31, 2008.
  1. The exterior sales or vending area machines does not block an interior sidewalk.
  2. The exterior sales or vending machines do not block any exterior windows.
  3. The exterior sales or vending machines must be at least five feet away from all public doors.
  4. Exterior sales area and vending machines are is only permitted on private property unless it complies with the street vending ordinance.
  5. The exterior sales or vending area machines must leave adequate space for vending customers and those using the sidewalk.
  6. Video rental vending machines are not allowed in exterior locations except under the following circumstances:
    - a. The site does not have a drive-thru window or drive-up service.

- b. At least 15 percent of the facility traffic is generated by pedestrians walking from the surrounding neighborhood.
  - c. The machine is located so as to not interfere with vehicular traffic; and
  - d. There is sufficient stacking area for pedestrians to wait on a sidewalk.
  - e. The area where the device is placed is monitored by a security camera.
7. Any ~~outdoor~~ exterior sales area must remain neatly organized and free of litter.
  8. Any ~~outdoor~~ exterior sales or vending area must be flush with the facade of the building.
  9. No more than ~~two~~ one ~~outdoor~~ exterior sales display or vending areas machine is permitted per property except as follows:
    - a. If the exterior sales displays and vending machines are located on a side of the building not facing a road or street then the number of allowed exterior sales displays or vending machines shall be increased to three.
    - b. If the exterior sales display and vending machines are screened by side walls, decorative fencing, shrubs, and other landscaping as approved by the Urban Planning Department then the number of allowed exterior sales displays and vending machines shall be increased to three.
    - c. For every 200 feet that the façade on which the exterior sales display or vending machine is located is set back from the nearest road or street right of way then the number of allowable exterior sales displays or vending machines shall be increased by one.
  10. No additional signage that would require a permit is allowed.
  11. The area allowed for ~~outdoor~~ exterior sales or vending may not exceed ~~64~~ 24 square feet.
  12. No more than one propane exchange locker may be allowed per property, unless:
    - a. The site for the propane exchange lockers are located at least 200 feet from the nearest street; and
    - b. The propane exchange lockers are at least 20 feet away from the nearest public door; and
    - c. The retailer offering the propane exchange service on its premises also sells gas grills of the type that typically use propane as a fuel.
  13. No signage is allowed beyond the surface of the ~~device~~ vending machine.
- (b) ~~These facilities~~ Exterior sales and vending machines are not permitted in the official commercial overlay zone area west of 94th Street or on new projects in planned districts, with the exceptions:
1. Products that cannot be sold indoors for safety and regulatory reasons (ex. propane exchange lockers).
  2. If the facility is a grocery store over 15,000 square feet.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE  
COUNTY/KANSAS CITY, KANSAS, THIS 25th DAY OF APRIL, 2019.

---

David Alvey, Mayor/CEO

Attest:

---

Unified Government Clerk





## Urban Planning and Land Use

---

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

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

**To:** Unified Government Board of Commissioners

**From:** City Staff

**Date:** May 30, 2019

**Re:** **VENDING MACHINES AND EXTERIOR SALES**

On February 28, 2019 the Board of Commissioners approved the vending ordinance that had been previously in place but inadvertently removed by the chicken ordinance in 2016. The language is exactly the same as what was previously adopted and utilized with no changes.

At the April 25, 2019 Board of Commissioner's meeting Commissioner Murguia set the item aside. The concern is Section 27-612.6.b. which prohibits exterior vending machines with limited exceptions. During the discussion the Commissioner had the following general comment (paraphrased), I want to be sure that when citizens are out being active they have access to something to drink if they don't wish to carry it with them or if they have their pets and can't go into a store. The answer to the comment is that if a store would like to have exterior vending machines they could do so by seeking a variance from this part of the code. This could be done during initial approvals or after a store was open. This is the proper way to address an issue that may be relevant in one part of the City but not others.

If the item is not approved, staff would need direction from the Chief Legal Counsel as this is a final administrative action implementing what the Board of Commissioners already approved on February 28, 2019.

JLP  
Attachment (ordinance)

(First published \_\_\_\_\_)

#3179

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE** rezoning property hereinafter described located at approximately 3214 Strong Avenue in Kansas City, Kansas, by changing the same from its present zoning of CP-1 Planned Limited Business District to CP-3 Planned Commercial District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF  
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,  
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on December 28, 2018, by the owners of property to have the zoning of said property changed from its present zoning of CP-1 Planned Limited Business District to CP-3 Planned Commercial District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

Lots 19 and 20, Block 5, ADAMS AND KING'S ADDITION, a subdivision in Kansas City, Wyandotte County, Kansas, located at approximately 3214 Strong Avenue, Kansas City, Kansas,

be changed from its present zoning of CP-1 Planned Limited Business District to CP-3 Planned Commercial District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-467, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Urban Planning and Land Use Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for CP-3 Planned Commercial District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF  
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2019.

UNIFIED GOVERNMENT OF  
WYANDOTTE COUNTY/KANSAS CITY,  
KANSAS

BY: \_\_\_\_\_  
DAVID ALVEY  
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

\_\_\_\_\_  
UNIFIED GOVERNMENT CLERK

(First published \_\_\_\_\_)

#3181

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE** rezoning property hereinafter described located at approximately 3201 Pomeroy Drive in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF  
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,  
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on January 25, 2019, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to A-G Agriculture District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

Section 29, Township 10, Range 24, W ½ SE ¼ E of Pomeroy Drive less S 615 feet containing 10.65 acres, more or less, Located at approximately 3201 Pomeroy Drive, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family District to A-G Agriculture District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for A-G Agriculture District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF  
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2019.

UNIFIED GOVERNMENT OF  
WYANDOTTE COUNTY/KANSAS CITY,  
KANSAS

BY: \_\_\_\_\_  
DAVID ALVEY  
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

\_\_\_\_\_  
UNIFIED GOVERNMENT CLERK

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE** VACATING THE SOUTH 5.00 FEET OF LOT 62, ESTATES OF CONNOR CREEK, SECOND PLAT A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS EXCEPT THE WEST 10.00 FEET AND ALSO EXCEPT THE EAST 10.00 FEET AND THE NORTH 5.00 FEET OF LOT 63, ESTATES OF CONNOR CREEK, SECOND PLAT, A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS EXCEPT THE WEST 15.00 FEET AND ALSO EXCEPT THE EAST 10.00 FEET MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 63; THENCE S88°34'10"W, ALONG THE SOUTH LINE OF SAID LOT 62, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT; THENCE N01°29'27"W, A DISTANCE OF 5.00 FEET; THENCE S88°34'10"W, A DISTANCE OF 96.11 FEET; THENCE SOUTHEASTERLY ON A NONTANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 60.00 FEET AND AN ARC DISTANCE OF 5.06 FEET TO A POINT ON THE SAID SOUTH LINE; THENCE N88°34'10"E, ALONG SAID SOUTH LINE, A DISTANCE OF 5.03 FEET; THENCE SOUTHEASTERLY ON A NONTANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 65.00 FEET AND AN ARC DISTANCE OF 5.01 FEET; THENCE N88°34'10"E, A DISTANCE OF 90.02 FEET; THENCE N01°29'27"W, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING. CONTAINS 929.20 SQUARE FEET MORE OR LESS BEARINGS ARE BASED ON THE PLAT OF ESTATES OF CONNOR CREEK, SECOND PLAT, Located at approximately 5443 North 101st Terrace, Kansas City, Kansas.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:**

Section 1. That the following described utility easement in Kansas City, Kansas be and the same is hereby vacated:

THE SOUTH 5.00 FEET OF LOT 62, ESTATES OF CONNOR CREEK, SECOND PLAT, A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS EXCEPT THE WEST 10.00 FEET AND



ALSO EXCEPT THE EAST 10.00 FEET AND THE NORTH 5.00 FEET OF LOT 63, ESTATES OF CONNOR CREEK, SECOND PLAT, A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS EXCEPT THE WEST 15.00 FEET AND ALSO EXCEPT THE EAST 10.00 FEET MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 63; THENCE S88°34'10"W, ALONG THE SOUTH LINE OF SAID LOT 62, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT; THENCE N01°29'27"W, A DISTANCE OF 5.00 FEET; THENCE S88°34'10"W, A DISTANCE OF 96.11 FEET; THENCE SOUTHEASTERLY ON A NONTANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 60.00 FEET AND AN ARC DISTANCE OF 5.06 FEET TO A POINT ON THE SAID SOUTH LINE; THENCE N88°34'10"E, ALONG SAID SOUTH LINE, A DISTANCE OF 5.03 FEET; THENCE SOUTHEASTERLY ON A NONTANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 65.00 FEET AND AN ARC DISTANCE OF 5.01 FEET; THENCE N88°34'10"E, A DISTANCE OF 90.02 FEET; THENCE N01°29'27"W, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING. CONTAINS 929.20 SQUARE FEET MORE OR LESS, BEARINGS ARE BASED ON THE PLAT OF ESTATES OF CONNOR CREEK, SECOND PLAT, Located at approximately 5443 North 101st Terrace, Kansas City, Kansas.

Section 2. The City of Kansas City, Kansas, reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing, installing, constructing or reconstructing any public utilities, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019

UNIFIED GOVERNMENT OF WYANDOTTE  
COUNTY/KANSAS CITY, KANSAS

BY: \_\_\_\_\_

DAVID ALVEY  
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

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UNIFIED GOVERNMENT CLERK



## Urban Planning and Land Use

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

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

**To:** Unified Government Board of Commissioners  
**From:** City Staff  
**Date:** May 30, 2019  
**Re:** Petition #SP-2018-54 – Revocation Hearing

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### GENERAL INFORMATION

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**Applicant:**  
R. Scott Beeler

**Status of Applicant:**  
Representative  
Lathrop Gage LLP  
10851 Mastin Boulevard  
Suite 1000  
Overland Park, KS 66210

**Requested Action:**  
Due to concerns expressed by citizens and verification of those concerns, Staff is requesting the Board of Commissioners Revoke the Special Use Permit for the Temporary Use of Land for industrial purposes

**Date of Original Application:**  
April 2, 2018

**Purpose:**  
To park motor vehicles, SUV's, pick-up trucks, and semi-truck trailers in the parking lot



**Property Location:** 9700 Leavenworth Road

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

**Existing Zoning:** A-G Agriculture District

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

**Existing Uses:** **North:** Single family residences on large lots  
**South:** Vacant commercial land north of Leavenworth Road and single-family residences on large lots  
**East:** Event Center and Wyandotte County Lake Park  
**West:** Single family residences

**Total Tract Size:** 56.27 acres

**Master Plan Designation:** The Prairie Delaware Piper Master Plan designates this property as Entertainment.

**Major Street Plan:** Leavenworth Road and 99<sup>th</sup> Street are classified as Class A and B Thoroughfares, respectively.

**Advertisement:** The Wyandotte Echo – April 4, 2019  
Letters to Property Owner – April 2, 2019, May 7, 2019 and May 22, 2019

**Public Hearings:** April 25, 2019, May 13, 2019 and May 30, 2019

**Public Opposition:** Staff has received numerous complaints concerning the application including:

1. Violation of the hours of operation proposed by the applicant and adopted by the Board of Commissioners
2. Failing to use trucks to transport all vehicles
3. Driving improperly licensed vehicle on City Streets
4. Destruction of private property by driving a truck thru the yard of a citizen that complained about the operation
5. Trucks using 99<sup>th</sup> Street

There were three (3) persons present with concerns and/or opposition at the May 13, 2019 City Planning Commission meeting.

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## ORIGINAL PROPOSAL

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Detailed Outline of Requested Action: The representative, R. Scott Beeler on behalf of the property owner, Ruffin Woodlands, LLC wants to store motor vehicles, SUV's, pick-up trucks and semi-trailer and/or vehicles to help companies in the area that need the space on a temporary basis on 56.27 acres at 9700 Leavenworth Road.

City Ordinance Requirements: 27-592 through 27-606

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## FACTORS TO BE CONSIDERED

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

The area is dominated by the vacant Woodlands facility. Other prominent features include the surrounding large lot residential development and Wyandotte County Lake Park. While the neighborhood once had a large commercial operation, the industrial nature of the storage lot has impacted the neighborhood negatively. Neighbors should not be impacted by having to make sure an applicant complies with the stipulations imposed by the Board of Commissioners.

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

The zoning and their uses are set out above. The facility currently exists, though the previous use ceased many years ago. While the site has a large parking lot, the industrial nature of keeping trailers and other vehicles is not compatible with the adjoining neighborhoods that trucks are required to pass on the way to the parking lot.

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

The removal of restrictions has impacted nearby properties.

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

The property is not vacant, although the buildings on the property are not currently in use it is being used to store vehicles.

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

Special use permits are not addressed in the Master Plan; however, this type of use is routinely located in industrial areas.

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

The proposed use will result in increasing the amount of vehicular traffic because the site should be vacant. This site was not designed for the proposed amount of truck traffic.

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

The use is not necessary. The use likely has impacted the marketability of nearby residences in a negative way.

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

The noise that is normally associated with the keeping of vehicles and trailers has caused problems for nearby property because the hours of operation have been violated.

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

The proposed use will not pollute the air, land or water.

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

The proposed use will not damage or destroy an irreplaceable natural resource.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this permit is revoked, the vehicles will need to find an industrial zoned property to operate the desired use.

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

The proposed use will not result in overcrowding of land.

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## **PREVIOUS ACTIONS**

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- #SP-2018-8 was withdrawn by the applicant at the Board of Commissioners meeting on January 25, 2018 to keep semi-truck trailers on the property.
- #SP-2016-32 was approved by the City Planning Commission on April 11, 2016
- SP-2018-54 was approved with stipulations on May 31, 2018.



- This application was referred to the City Planning Commission on April 25, 2019 for consideration/recommendation of two items.

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## KEY ISSUES

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1. Compliance with stipulations 2, 3, 4, and 5
2. Failing to indicate that they would also drive cars to the site as well as using transport trucks.
3. The item was sent back to the Planning Commission to review:
  - #A - Codify all time of activity limited to 7:30 a.m. to 7:30 p.m.
  - #B - Clarify how vehicles are delivered to the site.

---

## ORIGINAL ADOPTED STIPULATIONS

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1. **Appropriate directed lighting**
2. **No use of jack brakes**
3. **Vehicles will only use Leavenworth Road**
4. **Vehicles will not use 99<sup>th</sup> Street**
5. **Withdrawal of the UPS truck/tractor-trailer storage**  
*Modified by the applicant at the Board of Commissioner's meeting to include the hours of operation. Those hours are 7:30 AM to 7:30 PM*
6. **This special use permit is for passenger cars and pick-ups**
7. **A 30-day minimum stay for a vehicle**
8. **Maximum number of trucks per day is 60 (17 trucks per hour maximum)**
9. **Approval is for two (2) years**

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 7 to 2 to recommend **CONTINUATION OF THE SPECIAL USE PERMIT SUBJECT TO THE ORIGINAL STIPULATIONS BEING AMENDED TO ADD THE FOLLOWING:**

1. **Hours of operation are 7:30 a.m. to 7:30 p.m. The only exception is the changing of security shifts.**
2. **The approved time frame is not extended beyond the original two (2) year approval. The special use permit will need to be renewed on or before May 31, 2020.**
3. **The maximum number of trips in or out of the site combined is 420 no matter how they are delivered. This would not count up to 60 transport trucks leaving the site.**
4. **The Unified Government expects 100% compliance with all stipulations. Close is not sufficient.**
5. **Proper transport paperwork and insurance to drive Kansas Roads in all vehicles.**

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **CONTINUATION OF SPECIAL USE PERMIT #SP-2018-54 subject to stipulations by the City Planning Commission.**

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## ATTACHMENTS

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### NEW ATTCHMENTS: (note personal emails and phone numbers omitted)

1. May 13, 2019 City Planning Commission Minutes
2. Emails between Scott Beeler and Rob Richardson on March 29, 2019
3. Image of the damage to private property (relates to attachments 3 and 4)
4. Emails Scott Beeler, Rob Richardson and others March 13 and 14, 2019
5. Emails Scott Beeler and Rob Richardson March 13, 2019
6. Emails Scott Beeler and Rob Richardson and others March 11, 2019
7. Emails Scott Beeler and Rob Richardson March 13, 2019
8. Emails Scott Beeler and Rob Richardson February 25 and 27, 2019
9. Emails Scott Beeler, Rob Richardson and others February 21 and 22, 2019
10. Emails Scott Beeler, Rob Richardson and others November 30, 2018
11. Emails Scott Beeler, Rob Richardson and others November 16, 2018

### ORIGINAL ATTACHMENTS:

May 14, 2018 City Planning Commission Minutes  
KCKFD Comment Letter  
Applicant Narrative  
Applicant Response Letter  
Neighborhood Meeting Minutes  
Aerial Photographs and Site Photographs

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## REVIEW OF INFORMATION AND SCHEDULE

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|                                                      |                                                        |
|------------------------------------------------------|--------------------------------------------------------|
| Action                                               | Board of Commissioners                                 |
| Public Hearing                                       | April 25, 2019<br>Referred to City Planning Commission |
| City Planning Commission<br>May 13, 2019<br>Approval | Board of Commissioners<br>May 30, 2019                 |

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**STAFF CONTACT:** **Robin H. Richardson, AICP**  
[richardson@wycokck.org](mailto:richardson@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **ALLOW CONTINUATION** of Petition #**SP-2018-54**, as outlined by the City Planning Commission and the following additional requirements:

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

## OR

I move the Unified Government Board of Commissioners **REVOKE SPECIAL USE PERMIT #SP-2018-54** as it failed to comply with the requirements of the City code and stipulations imposed as conditions of the special use permit and not being in the interest of the public health, safety and welfare. The following are additional reasons beyond those stated in the staff report that the permit should be denied:

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

### May 13, 2019 City Planning Commission Minutes:

#### Hearing Starts 35:35:

**SPECIAL USE PERMIT APPLICATION #SP-2018-54 – R. SCOTT BEELER WITH LATHROP GAGE LLP FOR RUFFIN WOODLANDS LLC – SYNOPSIS:** Special Use Permit for the Temporary Use of Land for storage of motor vehicles, including cars, SUVs, pick-up trucks and semi-truck trailers at 9700 Leavenworth Road. *Detailed Outline of Requested Action:* The representative, R. Scott Beeler on behalf of the property owner, Ruffin Woodlands, LLC wants to store motor vehicles, SUV's, pick-up trucks and semi-trailer and/or vehicles to help companies in the area that need the space on a temporary basis on 56.27 acres at 9700 Leavenworth Road.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 13, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated April 4, 2019; and
7. The Notices to property owners dated April 2, 2019 and May 7, 2019

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

Planning Director Richardson stated that this item was referred to the Planning Commission (from the Unified Government Board of Commissioners). He stated that due to the various issues explained in the staff report this item was placed on the Board of Commissioners agenda for revocation and the Commissioners decided to send the case to the Planning Commission for consideration of two items:

1. To codify that all activity related to the special use permit be limited to 7:30 a.m. to 7:30 p.m.
2. Clarification how the vehicles are to be delivered to the site.

When this application was before the Commission previously the cars were going to be transported by semi-trucks and there was limitation on those. At some point that changed and cars were being driven to the site which caused some additional concerns. He stated that he will give additional comments when it is time for staff comments.

**Present in Support:**

- ❖ R. Scott Beeler, applicant representing Ruffin Woodlands, Lathrop Gage LLP, 10851 Mastin Boulevard, Suite 1000, Overland Park, Kansas 66210

**Present in Support/Concerns:**

- ❖ Rebecca Gardiner, 9625 Leavenworth Road, Kansas City, Kansas

**Present in Opposition:**

- ❖ Lori Torrez, 9828 Donahoo Road, Kansas City, Kansas
- ❖ Robert House, 9625 Leavenworth Road, Kansas City, Kansas

**Staff Recommendation Starts 1:11:09:** Planning Director Richardson stated that he would like to make the following modifications:

Stipulation #3 on page 6 – The applicant or their contractors could move a maximum of 420 vehicles in or out during the day regardless of how they are transported.

He would like to add a Stipulation #5 that each vehicle must have proper transport paperwork and insurance to drive on Kansas roads.

Director Richardson stated that the applicant understands how serious this is by putting it before the Board of Commissioners for revocation. The staff has done its due diligence as to what is told to the neighbors is what happens in the future and that did not happen in this case. He stated with these notes, the staff recommends approval subject to the original and modified stipulations in the staff report.

The Planning Commission discussed the original approval of this application and the hours of operation and traffic, lights, etc. and what the Commission and staff understood about what the stipulations meant.

**Motion and Vote Starts 1:24:27:**

On motion by Dr. Serda, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend continuation of Special Use Permit Application #SP-2018-54 with the modified stipulations of staff:**

|                 |                    |
|-----------------|--------------------|
| <b>Carson</b>   | <b>Chairman</b>    |
| <b>Cho</b>      | <b>Not Present</b> |
| <b>Connelly</b> | <b>Aye</b>         |
| <b>Ernst</b>    | <b>Aye</b>         |
| <b>Huey</b>     | <b>Aye</b>         |
| <b>Jones</b>    | <b>Aye</b>         |
| <b>Miller</b>   | <b>No</b>          |
| <b>Neal</b>     | <b>No</b>          |
| <b>Pauley</b>   | <b>Aye</b>         |
| <b>Reasons</b>  | <b>Aye</b>         |
| <b>Serda</b>    | <b>Aye</b>         |

**Motion to recommend APPROVAL Passed: 7 to 2**

**Subject to the original stipulations being amended to add the follows:**

- 1. Hours of operation are 7:30 a.m. to 7:30 p.m. The only exception is the changing of security shifts.**
- 2. The approved time frame is not extended beyond the original two (2) year approval. The special use permit will need to be renewed on or before May 31, 2020.**
- 3. The maximum number of trips in or out of the site combined is 420 no matter how they are delivered. This would not count up to 60 transport trucks leaving the site.**
- 4. The Unified Government expects 100% compliance with all stipulations. Close is not sufficient.**
- 5. Proper transport paperwork and insurance to drive Kansas Roads in all vehicles.**

**NEW ATTACHMENTS**

**Attachment #1**

Emails between Scott Beeler and Rob Richardson March 29, 2019

Scott,

Thank you for your continued work on this effort. While I have serious issues with this SUP, I appreciate your continued efforts on the matter. I am especially appreciative that the damage done to a neighbors yard was promptly repaired.

I want to bring three points to your attention. First, I have discovered after listening to the hearing again that you modified stipulation number 5 to include the hours you proposed and that

was adopted as a stipulation to the SUP. So the hours are included in the SUP stipulations.

Those hours were also stipulated in your application, your presentation to the neighbors and your letter responding to the draft staff report of 4/24/2018. You might see where I would think to use colorful descriptions like “gaming the system” concerning how our citizens and system are being used. Your comments have been down playing the hours of operation for some time now. Telling us you would do one thing, then not doing that but saying you will in the future just to be a good guy does not sit well with me. I actually consider your statements/commitments to the citizens as important as the stipulations although they may not carry the weight of the law. That aside, it is good your contracts will soon match the requirement and your promises to the citizens of Kansas City, Kansas. It will be incumbent upon you to make sure those provisions are followed!

Secondly, there is nowhere in your application or documentation you provided that would note the additional cars being driven to the facility, in fact the only discussions were delivery by semi-truck that would not use Jake brakes. You had ample opportunities to indicate that cars would also be driven separately to the facility so that the issue could be resolved under the open discussions of a public forum. One poignant moment to have done that would have been when we discussed the potential need for a traffic study. The autos being driven separately are not a part of your approved SUP. The only transportation method approved in the SUP is by truck transport. Separate vehicle trips must cease immediately.

Finally, you note in your email that the operation has an exemplary record. We actually expect 100 percent compliance with the provisions of special use permits. Renewals of SUP's that do not are regularly denied by the Board of Commissioners. This is even more true in cases where the tranquility of a neighborhood is concerned. Having been requested to do so by members of the Board of Commissioners, the revocation hearing, it is scheduled for April 25<sup>th</sup> at 7 PM in the Commission Chambers of City Hall. Notices will be sent according to our ordinance shortly.

As always, I am always willing to continue the conversation in hopes of identifying solutions to the issues we face with this application.

Thank you,

A handwritten signature in black ink, appearing to read 'Rob' with a stylized flourish.

Robin H. Richardson, AICP  
Director of Planning

**From:** Beeler, Scott (LG) <[rsbeeler@lathropgage.com](mailto:rsbeeler@lathropgage.com)>

**Sent:** Friday, March 29, 2019 11:49 AM

**To:** Richardson, Rob <[RRichardson@wycokck.org](mailto:RRichardson@wycokck.org)>

**Subject:** RE: Woodlands

Rob:



I have continued to work on this matter since receiving your email below. In particular, I have been in negotiation with the parties who contract for the storage of the vehicles. Their contract was negotiated and executed in reliance upon the understanding that the time restriction which the Woodlands would impose on ingress/egress of the storage vehicles was limited to semi-truck/hauler traffic. That contract specifically includes that reference.

As you and I have discussed, the SUP does not contain the time limitation, yet we (the Woodlands) have kept the letter and spirit of our agreement by having the no truck ingress/egress restriction. This operation has now been in effect for months and if we consider 60 trucks per day, as was discussed at the SUP hearing, that equates to 5400 trucks over 3 months. Of those trips – there have been only a handful of occasions (mostly early on in the operation) where trucks have come outside of the allotted time periods. In other words, the Woodlands' overall compliance has been stellar. And for those few instances where trucks were reported at unauthorized times, immediate remedial action was taken and contacts made to the carriers.

All of the above shows that the Woodlands continues to operate in compliance with the SUP. Even so, we have gone back to the contracted parties and advised that we want the contract modified to restrict ingress/egress of **all** storage vehicles, whether trucked in, driven in or otherwise, to the hours of 7:30 a.m. and 7:30 p.m. I am pleased to report that they have agreed to make the modification and we are working to get that amendment executed. There will still be security related traffic but the contract provision will state no storage vehicles to be brought in or removed before or after hours.

You and I previously communicated about a neighbor's complaints that storage vehicles were being illegally driven on public streets without proper licensure. I had the Woodlands staff call authorities and confirm that as long as the vehicles had the proper transit paperwork, they could be legally moved/driven. I had understood that the neighbor (and perhaps your office) also confirmed the same. As such, I was somewhat surprised to learn this week that KCK police organized the "stop" of a large group of individually driven storage vehicles, all as they left the facility. I was pleased to learn that all of the vehicles were carrying the proper paperwork and that no traffic citations were given.

The other night Woodlands staff got a text message from the neighbor south of the main drive at 1:45 AM to complain about a vehicle at the end of the drive with lights shining in his window. Staff alerted the security guards and ultimately police, all who verified that there was no storage vehicle driven or trucked in or out near that time frame. It turned out it was a vehicle from the public that had pulled into the drive and then turned around and remained there for a time for unknown reasons. Again, the point is that all complaints are acted upon and the accused Woodlands operation is sometimes not related to the complaint.

I hope the good faith and contract change referenced above will negate any formal proceeding as referenced in your email below. I would appreciate your confirmation of same. Thanks and have a great weekend.

**R. Scott Beeler**  
Partner

**Attachment #2**



**Attachment #3**

Scott,

The Commissioners have asked that this be set for revocation.

Rob

**From:** Beeler, Scott (LG) <[rsbeeler@lathropgage.com](mailto:rsbeeler@lathropgage.com)>

**Sent:** Thursday, March 14, 2019 5:07 PM

**To:** Richardson, Rob <[RRichardson@wycokck.org](mailto:RRichardson@wycokck.org)>

**Subject:** Re: Woodlands

Rob:

Can we please refrain from commentary like “gaming the system” and the like? First, you have known me a long time and should know I do not operate that way; and second, I wholly fail to see why my asking if there are photos or video that I can confront the vehicle owners and transport company with should reflect anything negative about the intent of the woodlands. In fact, I would hope that our request shows we are acting in good faith and trying to do everything we can to stay within the bounds of the special use permit. If the transporter of the vehicles says they are not doing something alleged, our having proof of the allegation is extremely helpful in our efforts to curb the conduct. I previously mentioned that there have also been times when certain things were alleged that were later proven to be untrue. That is why the photos and video are good for the both of us. I certainly see the tire tracks in the photo you attached. I have a little trouble orienting direction in the photo so I plan to go out to the track tomorrow to see the site for myself. If the mud tracks go from or to the woodlands property, as your email suggests, I will most certainly take the matter to the transport company. your email exchange with Commissioner Bynum and copied to other commissioners seems to suggest that we not have a meeting. That is your prerogative but I want to be very clear on the record that I have now asked for the meeting three times.

I am interested to see any and all photos or videos that have been submitted to you by the public so that I can better assess if the parties with whom the woodlands have contracted are violating the terms of the contract. Aside from the one picture today, I have seen nothing. As I have said each prior time, I certainly respect that you are receiving complaints but I think it only fair that the party holding the permit have the opportunity to see and understand the support behind the complaints. Please advise if a meeting will occur. Thank you.

Sent from my iPhone

**R. Scott Beeler**

Partner

On Mar 14, 2019, at 4:33 PM, Richardson, Rob <[RRichardson@wycokck.org](mailto:RRichardson@wycokck.org)> wrote:

Scott, guess where the mud leads... You really need to get these folks under control.

Rob

**From:** Melton, Lynn <[lmelton@wycokck.org](mailto:lmelton@wycokck.org)>  
**Sent:** Thursday, March 14, 2019 4:29 PM  
**To:** Richardson, Rob <[RRichardson@wycokck.org](mailto:RRichardson@wycokck.org)>  
**Cc:** Bynum, Melissa <[mbynum@wycokck.org](mailto:mbynum@wycokck.org)>; Kane, Mike <[mkane@wycokck.org](mailto:mkane@wycokck.org)>  
**Subject:** RE: Woodlands

This is the yard that was torn up last night and posted on social media—this is the picture I took this morning. Nela Bruner's front year-

<image001.png>

**From:** Richardson, Rob <[RRichardson@wycokck.org](mailto:RRichardson@wycokck.org)>  
**Sent:** Wednesday, March 13, 2019 10:40 PM  
**To:** Bynum, Melissa <[mbynum@wycokck.org](mailto:mbynum@wycokck.org)>; Melton, Lynn <[lmelton@wycokck.org](mailto:lmelton@wycokck.org)>  
**Cc:** Kane, Mike <[mkane@wycokck.org](mailto:mkane@wycokck.org)>  
**Subject:** Re: Woodlands

I think they are way beyond what was approved of the neighbors are correct and have the evidence they claim.. It appears they are gaming the system. The hearing will accomplish the same thing and more than a meeting - even if the permit is not revoked. Once Scott said we needed evidence it was a signal to me with game had changed.

Rob

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**From:** Bynum, Melissa  
**Sent:** Wednesday, March 13, 2019 7:57:09 PM  
**To:** Melton, Lynn; Richardson, Rob  
**Cc:** Kane, Mike  
**Subject:** Re: Woodlands

Yes, I saw and commented we are working on several issues now with the Woodlands. I didn't necessarily need a meeting with the attorney, but will do whatever you 2 agree to do.

Melissa

Sent from my Sprint Samsung Galaxy S8.

----- Original message -----  
From: "Melton, Lynn" <[lmelton@wycokck.org](mailto:lmelton@wycokck.org)>  
Date: 3/13/19 7:43 PM (GMT-06:00)  
To: "Richardson, Rob" <[RRichardson@wycokck.org](mailto:RRichardson@wycokck.org)>  
Cc: "Kane, Mike" <[mkane@wycokck.org](mailto:mkane@wycokck.org)>  
Subject: Fwd: Woodlands

This was on Neighborhood Facebook tonight.

Sent from my iPhone

Begin forwarded message:

**Attachment #4**

Rob

**From:** Melton, Lynn <[lmelton@wycokck.org](mailto:lmelton@wycokck.org)>  
**Sent:** Thursday, March 14, 2019 4:29 PM  
**To:** Richardson, Rob <[RRichardson@wycokck.org](mailto:RRichardson@wycokck.org)>  
**Cc:** Bynum, Melissa <[mbynum@wycokck.org](mailto:mbynum@wycokck.org)>; Kane, Mike <[mkane@wycokck.org](mailto:mkane@wycokck.org)>  
**Subject:** RE: Woodlands

This is the yard that was torn up last night and posted on social media—this is the picture I took this morning. Nela Bruner's front yard-



*Lynn Melton*

Assistant to the Mayor | Mayor David Alvey  
Unified Government of Wyandotte/Kansas City, Kansas  
701 North 7<sup>th</sup> Street, Suite 926 | Kansas City, Kansas 66101  
Office: 913-573-5010 | Direct: 913-573-5438 | Mobile: 913-201-3290

**From:** Richardson, Rob <[RRichardson@wycokck.org](mailto:RRichardson@wycokck.org)>  
**Sent:** Wednesday, March 13, 2019 10:40 PM  
**To:** Bynum, Melissa <[mbynum@wycokck.org](mailto:mbynum@wycokck.org)>; Melton, Lynn <[lmelton@wycokck.org](mailto:lmelton@wycokck.org)>  
**Cc:** Kane, Mike <[mkane@wycokck.org](mailto:mkane@wycokck.org)>  
**Subject:** Re: Woodlands

I think they are way beyond what was approved of the neighbors are correct and have the evidence they claim.. It appears they are gaming the system. The hearing will accomplish the same thing and more than a meeting - even if the permit is not revoked. Once Scott said we needed evidence it was a signal to me with game had changed.

Rob

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**From:** Bynum, Melissa  
**Sent:** Wednesday, March 13, 2019 7:57:09 PM  
**To:** Melton, Lynn; Richardson, Rob  
**Cc:** Kane, Mike  
**Subject:** Re: Woodlands

Yes, I saw and commented we are working on several issues now with the Woodlands. I didn't necessarily need a meeting with the attorney, but will do whatever you 2 agree to do.



Melissa

Sent from my Sprint Samsung Galaxy S8.

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

From: "Melton, Lynn" <[lmelton@wycokck.org](mailto:lmelton@wycokck.org)>  
Date: 3/13/19 7:43 PM (GMT-06:00)  
To: "Richardson, Rob" <[RRichardson@wycokck.org](mailto:RRichardson@wycokck.org)>  
Cc: "Kane, Mike" <[mkane@wycokck.org](mailto:mkane@wycokck.org)>  
Subject: Fwd: Woodlands

This was on Neighborhood Facebook tonight.

Sent from my iPhone

Begin forwarded message:

**From:** Lynn < >

**Date:** March 13, 2019 at 7:31:16 PM CDT

**To:** "Melton, Lynn" <[lmelton@wycokck.org](mailto:lmelton@wycokck.org)>

**Subject:** Woodlands



Sent from my iPhone

**Attachment # 5**

Scott,

Please see the email below I just sent to the Commissioners. The operation is clearly out of control and ignoring the stipulations of the SUP. I have recommended a revocation hearing and while totally unnecessary, we will have photo and video evidence of the continued violations.

Thank you,



Robin H. Richardson, AICP  
Director of Planning

**From:** Richardson, Rob

**Sent:** Wednesday, March 13, 2019 11:38 AM

**To:** Kane, Mike <[mkane@wycokck.org](mailto:mkane@wycokck.org)>; Bynum, Melissa <[mbynum@wycokck.org](mailto:mbynum@wycokck.org)>; Melton, Lynn <[lmelton@wycokck.org](mailto:lmelton@wycokck.org)>

**Cc:** Sieben, Melissa <[msieben@wycokck.org](mailto:msieben@wycokck.org)>

**Subject:** FW: Woodlands

Commissioners and Lynn,

Here are the stips. As part of the approval Mr. Beeler agreed to limit operations from 7:30 to 7:30 as his stipulation #5. One of their employees told the neighbor they had 24 hour operations.

They are also bringing in fleets of cars being driven without license plates not on transports to avoid our stips. This was not part of the approval. She is sending me the videos and her notes. I think you should request we bring this in for a revocation hearing. I have asked the neighbor to provide her notes and video evidence.

1. Appropriate directed lighting
2. No use of jack brakes
3. Vehicles will only use Leavenworth Road
4. Vehicles will not use 99th Street
5. Withdrawal of the UPS truck/tractor-trailer storage
6. This special use permit is for passenger cars and pick-ups
7. A 30-day minimum stay for a vehicle
8. Maximum number of trucks per day is 60 (17 trucks per hour maximum)
9. Approval is for two years

At 2:27:30 in the PC minutes Mr. Beeler agreed to limit operation from 7:30 AM to 7:30 PM he listed it as his stipulation # 5. Not sure how that did not translate, but I think they will abide by that if we mention it to them. Your text came in at 7:43 so they were close. I will email Mr. Beeler.

Thank you,



Robin H. Richardson, AICP  
Director of Planning

**Attachment #6**

I have made your request know to the Commissioners. Does your client have video or log book entries to contradict the neighbors?

Rob

**From:** Beeler, Scott (LG) <[rsbeeler@lathropgage.com](mailto:rsbeeler@lathropgage.com)>  
**Sent:** Monday, March 11, 2019 1:59 PM  
**To:** Richardson, Rob <[RRichardson@wycokck.org](mailto:RRichardson@wycokck.org)>  
**Subject:** RE: Woodlands/truck traffic

What is troubling to me is the continued reference to “truck” and “rig” traffic (both of which I relate to semi-truck/car carriers). That “truck traffic” is referenced in both of Commissioner Bynum’s emails below. It is my understanding that the few instances semi-truck entrances/exits that had occurred after the agreed hours have long ago ceased. We immediately took action on that issue upon your letting me know about the complaint being raised. I think the record is clear that we have acted in good faith to address any and all complaints in an “immediate” manner.

I am wondering if it would make sense to schedule a meeting at City hall to discuss the issues and maybe be able to get the “he saids/she saids” out of the equation. We could meet with you and your staff and could invite Commissioner Bynum and the two neighbors she mentioned, as well as Ms. Torres. If you would rather, we could just come in to meet with you and your staff (and Commissioner Bynum if she would like) and then go from there. I want to be sure she knows we are responding appropriately and in a timely manner. I am open to any meeting suggestion.

Rob: What I don’t think would be fair or equitable is to commence a revocation proceeding that is based on a “because we say so” kind of report. Unless I am mistaken, no one has offered up any time and date stamped photos or video of the alleged infractions – correct? As I have said previously, I respect the opinions of all of the neighbors when I say this, but the fact is that for several of the complaints you have sent along to me, we immediately spent time, money and man-power to investigate, only to find that what was alleged to have occurred in the complaint was factually incorrect. My client most certainly agreed to curtail the truck traffic to the agreed hours. We have reaffirmed that agreement in our prior correspondence. We also know that on a very few occasions the auto manufacturers breached their agreement with us by having several semi-

trucks access the site after hours. Once again, we immediately contacted them and put a stop to that upon learning it had happened. Again, I suggest we get together and get all the cards out and get the facts figured out. Please let me know if a meeting to discuss these operations would be helpful. thanks

**R. Scott Beeler**  
Partner

**From:** Richardson, Rob [<mailto:RRichardson@wycokck.org>]  
**Sent:** Monday, March 11, 2019 1:27 PM  
**To:** Beeler, Scott <[rsbeeler@lathropgage.com](mailto:rsbeeler@lathropgage.com)>  
**Subject:** FW: Woodlands/truck traffic

Scott,

I now have two Commissioners and the Mayor's office involved. One email is included below. I will forward the other. It seems like there is more going on here than what we are aware of. You committed to times of activity. If they won't adhere to that, then it will likely get scheduled for revocation.

Rob

**From:** Bynum, Melissa <[mbynum@wycokck.org](mailto:mbynum@wycokck.org)>  
**Sent:** Monday, March 11, 2019 1:17 PM  
**To:** Richardson, Rob <[RRichardson@wycokck.org](mailto:RRichardson@wycokck.org)>; Talkin, Greg <[gtalkin@wycokck.org](mailto:gtalkin@wycokck.org)>  
**Cc:** Cross, Emerick <[ecross@wycokck.org](mailto:ecross@wycokck.org)>  
**Subject:** Re: Woodlands/truck traffic

I have an update, as Ms. Joy Gardener called me again, and I was able to answer. She's in her 70s, lives directly across the street from the Woodlands entrance, at 9625 Leavenworth Road.

The truck/van/ rig traffic is constant and often begins at 7:30 am and continues far past her bedtime.

She states it runs 24/7 basically, and so the noise is regular, and the headlights into her bedroom are a nightly occurrence.

She does communicate with Jayme LaRocca, as she knows him from working at the Woodlands when it was open.

She believes he told her there is no limit to the times/days the truck traffic can occur, but I was under the impression there was.

She said she was out of town providing hospice to a family member when the extension meeting was held, so not able to speak against, and they were granted a 1.5 year extension at that time.

Her number is below, and I told her we would definitely be checking the agreement in place and getting back to her.

Thanks!  
Melissa Bynum

Sent from my Sprint Samsung Galaxy S8.

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

From: "Bynum, Melissa" <[mbynum@wycokck.org](mailto:mbynum@wycokck.org)>

Date: 3/11/19 12:01 PM (GMT-06:00)

To: "Richardson, Rob" <[RRichardson@wycokck.org](mailto:RRichardson@wycokck.org)>, "Talkin, Greg" <[gtalkin@wycokck.org](mailto:gtalkin@wycokck.org)>

Cc: "Cross, Emerick" <[ecross@wycokck.org](mailto:ecross@wycokck.org)>

Subject: Woodlands/truck traffic

Hello

I'm wondering if someone is able to contact a lady named Joy, not sure of last name  
913-579-4898

And also Joe Vaught

### **ATTACHMENT #7**

Scott,

Please see below.

Rob

**From:** laurie torrez

**Sent:** Monday, February 25, 2019 5:41 PM

**To:** Richardson, Rob <[RRichardson@wycokck.org](mailto:RRichardson@wycokck.org)>

**Cc:** Toy, Byron <[btoy@wycokck.org](mailto:btoy@wycokck.org)>

**Subject:** Woodlands/SUP

I contacted the Kansas Highway Patrol regarding the vehicles on the road without license plates. This is an accepted practice, but with stipulations included in the movement of these vehicles on the road. I hope and pray someone has insurance on these vehicles.

I understand the semi parked over night at the 99th street entrance. Hopefully this was a once in a lifetime emergency.

### **ATTACHMENT #8**

Thanks Scott!

Sent via the Samsung Galaxy S7 active, an AT&T 4G LTE smartphone

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

From: "Beeler, Scott (LG)" <[rsbeeler@lathropgage.com](mailto:rsbeeler@lathropgage.com)>

Date: 2/22/19 4:28 PM (GMT-06:00)

To: "Richardson, Rob" <[RRichardson@wycokck.org](mailto:RRichardson@wycokck.org)>

Subject: RE: Woodlands Special Use Permit

**Rob:**

**Thank you for your email on Tuesday and the one today. I have been making calls to follow-up with regard to the allegations in the emails which Mr. Toy has received from Ms. Torrez. Based on the information I have gathered, I believe that the Woodlands remains in conformance. As I read the emails – Ms. Torrez raises 3 issues:**

- **Allegation of semi-truck vehicle transports using the 99<sup>th</sup> street entrance as a “staging area” and for overnight parking.**
- **Allegation that the vehicles which are part of the “in transit” storage are required to have license plates like any individual’s vehicle would.**
- **Allegation that cars and trucks which are individually driven in or out of the facility (as opposed to transported in or out via semi-truck) are held to a 7:30 am to 7:30 pm period of operation.**

**I will address her points in order:**

- **The 99<sup>th</sup> street entrance is NOT being used as an overnight staging area. I have learned that on Feb 14, a truck operator (unrelated to any Woodlands business or activity) had a mechanical failure on his way home from a trucking route from Western Ks. He moved the cones blocking the 99th entrance and pulled his truck and trailer in that entrance to get the vehicle off of the roadway. I have attached an email from that truck operator directly below. The truck was spotted overnight by security and the card of the Woodlands property manager was placed on the vehicle with a request for explanation and notification. The operator of the vehicle sent the email below explaining that he had encountered an emergency due to mechanical failure and placed the truck there to avoid safety issues on 99<sup>th</sup>. He was able to move the truck the next morning. His contact information is in the email should anyone wish to further verify that this incident was unrelated to the Woodlands or the SUP.**

Mr. LaRocca, this email is a follow-up to our phone conversation. Please feel free to share with whomever you deem necessary.



I live/own my house at 3300 N 99<sup>th</sup>, across from the Woodlands. I was driving back from western Kansas and had mechanical problems with my company tractor/trailer. Instead of blocking 99<sup>th</sup> street and creating a safety hazard, I moved the cones and backed into the west entrance of the Woodlands and parked it there temporarily overnight. This is definitely not the norm and only did this because of an emergency situation. As you know, I moved the truck/trailer the following morning and found your business card on the door and called you. I did not have your number prior and therefore you had no knowledge of the details until I explained this morning. I appreciate your understanding.

Again, if anyone at the City or the neighbors question this situation, please have them contact me directly and/or share this email.

Respectfully,

Jeff Miles, Vice President

[www.linkedin.com/in/TrackSweeper](http://www.linkedin.com/in/TrackSweeper)

Key Equipment & Supply Company

6716 Berger Ave

Kansas City, Kansas 66111

Fax: 913-788-4093

[www.keyequipment.com](http://www.keyequipment.com)

- **License plate concerns.** As we indicated throughout the SUP process, the vehicles stored at the Woodlands are on their way to other destinations. They are effectively “in-transit” but are stored here on a temporary basis. As such, they have not been sold to end users. It is the end users who will obtain the license plates described in Ms. Torrez’s email. I defer to your law enforcement division or to the state division of Motor vehicles but, I believe the vehicles would have temporary paperwork describing the transitory nature of their status. In any event, those papers, licenses, permits or plates are not part of our SUP.
- 
- **Semi-truck hours of operation.** The SUP itself contains no reference to hours of operation. That said, we have always agreed to limit the semi-truck/trailer portion of the traffic to 7:30 a.m. to 7:30 p.m. That agreement was borne out of a

**desire to avoid very early morning or late evening braking and engine noise from the operating semi's. The vehicles described by Ms. Torrez are ordinary cars, pickup trucks and small vans. They are driven in or out with no more noise than any neighbor driving down the street after a dinner out.**

**To the extent that any issues regarding the vehicle storage operation have arisen, the Woodlands has immediately undertaken to self-police and resolve the issues. In this case, the Woodlands immediately investigated and determined that a disabled truck was unrelated to the storage of vehicles at the Woodlands and the truck was removed the next morning. The other two issues are not problems with or potential violations of the SUP.**

**Please allow me to reiterate that we respect the concerns of all residents of the neighborhood and appreciate the vigilance of neighbors like Ms. Torrez and we will continue to make every good faith attempt to be in conformance with the SUP requirements.**

**Please let me know if you have any other questions or concerns.  
Thank you.**

**R. Scott Beeler**  
Partner

**From:** Richardson, Rob [<mailto:RRichardson@wycokck.org>]  
**Sent:** Friday, February 22, 2019 11:39 AM  
**To:** Beeler, Scott <[rsbeeler@lathropgage.com](mailto:rsbeeler@lathropgage.com)>  
**Subject:** FW: Woodlands Special Use Permit

Scott,

Please see below. It appears the operation is out of conformance. It needs to get back into conformance by the end of the month or I will initiate the formal revocation process.

Thank you,



Robin H. Richardson, AICP  
Director of Planning

**From:** Flanders, Zachary <[zflanders@wycokck.org](mailto:zflanders@wycokck.org)>  
**Sent:** Friday, February 22, 2019 8:22 AM  
**To:** Richardson, Rob <[RRichardson@wycokck.org](mailto:RRichardson@wycokck.org)>  
**Subject:** FW: Woodlands Special Use Permit

FYI, Byron and I have received several emails about woodlands SUP from the person below.  
How would you like us to respond?

**From:** laurie torrez <>  
**Sent:** Thursday, February 21, 2019 5:46 PM  
**To:** Toy, Byron <[btoy@wycokck.org](mailto:btoy@wycokck.org)>  
**Cc:** Flanders, Zachary <[zflanders@wycokck.org](mailto:zflanders@wycokck.org)>  
**Subject:** Woodlands Special Use Permit

Mr. Toy,

I am very disappointed you have not responded to my e-mails. Did you not receive my two e-mails?

Has the Woodlands been granted the right to park tractor trailers over night and/or use the entrance on 99th street as a staging area for overnight parking?

Are the Woodlands operation hours from 7:30 am to 7:30 pm as stated in the SUP you sent me or have they since been granted 24/7 operation?

Is it legal for the Woodlands to drive 24 vehicles with no license plates on any public street or are they expected to be licensed like any other vehicle on the road?

I would appreciate an answer or explanation on the above listed questions.

Thank you,

Laurie Torrez

**ATTACHMENT #9**

Thanks Again!

Rob

**From:** Beeler, Scott (LG) <[rsbeeler@lathropgage.com](mailto:rsbeeler@lathropgage.com)>  
**Sent:** Friday, November 30, 2018 2:38 PM  
**To:** Richardson, Rob <[RRichardson@wycokck.org](mailto:RRichardson@wycokck.org)>  
**Subject:** RE: Woodlands Race Track complaint

Rob – here is one more email. Please note that I had Jayme LaRocca advise the car carrier dispatch of later morning and earlier evening hours than are actually allowed in hopes of further curtailing any “accidental” truck traffic outside of the stipulated hours. The email also documents the additional reminders sent regarding prohibition of 99<sup>th</sup> access and use of Jake brakes.

Scott,

Sorry, please see corrections to the conversation I had with the person in charge of dispatching:

Hours of operations for **brokered/spot buy carriers** has been restricted to 8:30am to 6:00pm at The Woodlands. I requested that all **brokered/spot buy carriers** notify their drivers/dispatchers of new time restrictions as well as remind their personnel that there is only one entrance (do not use 99<sup>th</sup> street entrance) and no “Jake brake/compression braking” on or around Leavenworth road.

Jayme LaRocca  
Ruffin Woodlands, LLC  
Kansas City, Kansas

**R. Scott Beeler**  
Partner

**From:** Richardson, Rob [<mailto:RRichardson@wycokck.org>]  
**Sent:** Friday, November 30, 2018 2:24 PM  
**To:** Beeler, Scott <[rsbeeler@lathropgage.com](mailto:rsbeeler@lathropgage.com)>  
**Subject:** Re: Woodlands Race Track complaint

Thanks Scott!

Sent via the Samsung Galaxy S7 active, an AT&T 4G LTE smartphone

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

From: "Beeler, Scott (LG)" <[rsbeeler@lathropgage.com](mailto:rsbeeler@lathropgage.com)>  
Date: 11/30/18 12:53 PM (GMT-06:00)  
To: "Richardson, Rob" <[RRichardson@wycokck.org](mailto:RRichardson@wycokck.org)>  
Subject: RE: Woodlands Race Track complaint

Hello Rob – Please know we have communicated in the strongest of terms to the vehicle transport companies as to the requirements regarding delivery and removal of vehicles. In almost every case, the truck trips in or out have followed the instructions to the letter. On a couple of occasions when a transport truck has shown up too early or late or has attempted to use the 99<sup>th</sup> street entrance, they were turned away. Please see the three emails attached below which were sent to me from the property manager

noting the same. I am also aware of the one incident (Nov 14) (see the last email attached below) where car carriers did access the site after allowed hours and that instance was immediately addressed. Hopefully those show our good faith in adhering to the stipulations.

As you can see, I have asked to be advised anytime there is a potential problem or issue regarding the vehicle delivery/storage/ or removal. Also – while I certainly respect any neighbor's concern or complaint, I must also state that the commentary regarding this being a continuing occurrence is simply not so. As the emails attached reflect – our guards on site 24/7 are reporting directly to Mr. LaRocca anytime there is a potential truck violation suspected. Again, the number of those incidents has been minimal. We are well aware that any is too many but I also would hope we can keep this in perspective and note that we are fully respecting the stipulations. I will look into the idea regarding the jersey barrier concept but at the same time, I am not sure that a single attempt (and an unsuccessful one at that) to access from 99<sup>th</sup> warrants concrete barriers. Still, I will check.

---

Scott,

I wanted to let you know a semi-truck came in the 99<sup>th</sup> street driveway this afternoon. The driver knew to use the Leavenworth Road entrance, but he said the snow didn't look at bad at this gate. Excuse doesn't make sense. He's aware never to use this gate again and I'll notify Ford as well. I'll let you know if I hear any complaints.

With the weather we've had, there's been very little activity out here.

Thank you.

Jayme LaRocca  
Ruffin Woodlands, LLC  
Kansas City, Kansas

---

Scott,

An empty semi-trailer arrived at 6:00am this morning to pick up Ford vehicles. The guard didn't let them in, but the damage was done once they turned into our driveway off of Leavenworth Road. Please let me know your thoughts on how best to deal with this.

Thank you.

Jayme LaRocca  
Ruffin Woodlands, LLC  
Kansas City, Kansas

**R. Scott Beeler**  
Partner

**From:** Jayme LaRocca [<mailto:jlارocca@woodlandskc.com>]  
**Sent:** Friday, November 16, 2018 11:54 AM  
**To:** Beeler, Scott <[rsbeeler@lathropgage.com](mailto:rsbeeler@lathropgage.com)>  
**Subject:** Re: Woodlands Parking

Scott,

It is true. I addressed it already with the people we are contracted with for Ford to use our lots. He assured me they will pass along to the transportation companies the hours.

**From:** Richardson, Rob [<mailto:RRichardson@wycokck.org>]  
**Sent:** Friday, November 30, 2018 11:40 AM  
**To:** Beeler, Scott <[rsbeeler@lathropgage.com](mailto:rsbeeler@lathropgage.com)>  
**Subject:** FW: Woodlands Race Track complaint

Scott,

Can you have them simply jersey barrier the 99<sup>th</sup> street entrance? They need to follow all of the commitments otherwise, the renewal hearing won't go well.

Rob

**From:** Hufft, Alex <[ahufft@wycokck.org](mailto:ahufft@wycokck.org)>  
**Sent:** Friday, November 30, 2018 10:54 AM  
**To:** Richardson, Rob <[RRichardson@wycokck.org](mailto:RRichardson@wycokck.org)>  
**Cc:** Faust, Jason <[jfaust@wycokck.org](mailto:jfaust@wycokck.org)>  
**Subject:** Woodlands Race Track complaint

Rob,

I just had a woman by the name of Laurie Torres call to complain about the woodlands race track.

She has been seeing the trucks coming and going through the 99<sup>th</sup> street entrance instead of the Leavenworth road entrance.

She says the most recent one she witnessed was a truck trailer entering the lot this past Wednesday at 5:44 p.m. but this has been a continuing occurrence prior.

She also states there is a 15'x3' sign that has "no trespassing" spray painted on it and is being hung by a rope in front of the home that is on the property.

She lives in the area at 9828 Donahoo Rd and can be contacted at (913) 927-5615 if you want more details.

Thanks,  
Alex



**Alex Hufft**  
Intern | Department of Urban Planning and Land Use



**ATTACHMENT #10**

Thanks!

**From:** Beeler, Scott (LG) <[rsbeeler@lathropgage.com](mailto:rsbeeler@lathropgage.com)>

**Sent:** Friday, November 16, 2018 11:14 AM

**To:** Richardson, Rob <[RRichardson@wycokck.org](mailto:RRichardson@wycokck.org)>

**Subject:** RE: Woodlands Parking

I will absolutely look into it right away.

**R. Scott Beeler**

Partner

**From:** Richardson, Rob [<mailto:RRichardson@wycokck.org>]

**Sent:** Friday, November 16, 2018 11:04 AM

**To:** Beeler, Scott <[rsbeeler@lathropgage.com](mailto:rsbeeler@lathropgage.com)>

**Cc:** Cross, Emerick <[ecross@wycokck.org](mailto:ecross@wycokck.org)>; Sieben, Melissa <[msieben@wycokck.org](mailto:msieben@wycokck.org)>

**Subject:** Woodlands Parking

Hi Scott,

I received a complaint via a UG Commissioner about car deliveries at the Woodlands after 7:30 PM on Wednesday of this week. Would you mind to remind the tenant of the hours you agreed to at Planning Commission. You stated the hours would be 7:30 AM to 7:30 PM on May 14, 2018.

Thanks for your help! As you know it is critical for SUP applicants to keep their promises.

Thank you,



Robin H. Richardson, AICP  
Director of Planning

**ORIGINAL ATTACHMENTS:**

**May 14, 2018 City Planning Commission Minutes:**

**Hearing Starts at 2:14:45:**

**SPECIAL USE PERMIT APPLICATION #SP-2018-54 – R. SCOTT BEELER WITH LATHROP GAGE LLP FOR RUFFIN WOODLANDS LLC - SYNOPSIS: Special Use**

Permit for the Temporary Use of Land for storage of motor vehicles, including cars, SUVs, pick-up trucks and semi-truck trailers at 9700 Leavenworth Road. Detailed Outline of Requested Action: The representative, R. Scott Beeler on behalf of the property owner, Ruffin Woodlands, LLC wants to store motor vehicles, SUV's, pick-up trucks and semi-trailer and/or vehicles to help companies in the area that need the space on a temporary basis on 56.27 acres at 9700 Leavenworth Road.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 14, 2018;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated April 19, 2018; and
7. The Notices to property owners dated April 17, 2018.

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

**Present in Support:**

- ❖ R. Scott Beeler, Lathrop Gage, attorney representing Ruffin Woodlands LLC, 10851 Mastin Boulevard, Suite 1000, Overland Park, Kansas 66210  
(NOTE: They withdrew the truck trailers portion of the application.)

**Present in Opposition:**

- ❖ No one appeared

**Staff Recommendation starts at 2:31:25:** Director Richardson stated that the staff recommends approval subject to:

1. Appropriate directed lighting
2. No use of Jake brakes
3. Vehicles will only use Leavenworth Road
4. Vehicles will not use 99<sup>th</sup> Street
5. Withdrawal of the UPS truck/tractor-trailer storage
6. This special use permit is for passenger cars and pick-ups
7. A 30-day minimum stay for a vehicle
8. Maximum number of trucks per day is 60 (17 trucks per hour maximum)
9. Approval is for two (2) years

A question was asked by the Commission concerning the upkeep of the properties in that area and Director Richardson stated there are multiple ownerships and the ones up front belong to the Unified Government and will be included in the new mowing program this summer. If anyone see any issues, let him know and he will contact the Parks and Recreation Department.

**Motion and Vote starts at 2:34:28:**

On motion by Dr. Serda, seconded by Mr. Carson, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2018-54 with the comments in the staff report:**

|                  |                    |
|------------------|--------------------|
| <b>Carson</b>    | <b>Aye</b>         |
| <b>Childress</b> | <b>Aye</b>         |
| <b>Ernst</b>     | <b>Aye</b>         |
| <b>Miller</b>    | <b>Aye</b>         |
| <b>Mose</b>      | <b>Aye</b>         |
| <b>Reasons</b>   | <b>Aye</b>         |
| <b>Serda</b>     | <b>Aye</b>         |
| <b>Huey</b>      | <b>Chairman</b>    |
| <b>Connelly</b>  | <b>Not Present</b> |
| <b>Jones</b>     | <b>Not Present</b> |
| <b>Pauley</b>    | <b>Not Present</b> |

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

**Subject to:**

- 1. Appropriate directed lighting**
- 2. No use of jack brakes**
- 3. Vehicles will only use Leavenworth Road**
- 4. Vehicles will not use 99<sup>th</sup> Street**
- 5. Withdrawal of the UPS truck/tractor-trailer storage**
- 6. This special use permit is for passenger cars and pick-ups**
- 7. A 30-day minimum stay for a vehicle**
- 8. Maximum number of trucks per day is 60 (17 trucks per hour maximum)**
- 9. Approval is for two (2) years**



Kevin Shirley  
Fire Chief

**KANSAS CITY KANSAS FIRE DEPARTMENT**  
**Division of Fire Prevention**

**John Droppelmann, Fire Marshal**  
**Fire Headquarters Building**  
**815 North 6th Street**  
**Kansas City, Kansas 66101**



Phone: 573-5550  
Fax: 551-0490

**PLANNING COMMISSION AGENDA REMARKS**

April 16, 2018

Mrs. Janet Parker,

In reference to the BOZA and CPC agenda items for the May 14, 2018, City Planning Commission Agenda the Kansas City, Kansas, Fire Marshal's office has only one comment for the items submitted:

- **#SP-2018-54 R. SCOTT BEELER FOR RUFFIN WOODLANDS, LLC**  
Special Use Permit for the Temporary Use of Land for storage of motor vehicles.

COMMENT: The Fire Department request that the storage of vehicles is not such that access to any row of vehicles is not restrictive to the point where suppression efforts would be limited. The Fire Department would like to see a proposed parking plans showing drive lane dimensions, parking areas, and turn radii.

Respectfully,

John Droppelmann  
Fire Marshal  
Kansas City Kansas Fire Department  
Office: 913-573-5938  
Fax: 913-551-0490  
Email: [jdroppelmann@kckfd.org](mailto:jdroppelmann@kckfd.org)

The Woodlands property has the infrastructure already in place to accommodate this SUP use. The property is accessed by a currently designated multi-lane arterial street (Leavenworth Road) and the existing ingress/egress to the property is also multi-lane. It has been determined that available improved surface parking for storage of cars and trucks is at a minimum. Significant local employers such as Ford, UPS and railroads transporting vehicles, are in immediate need of temporary vehicle storage areas. The currently not operating Woodlands property, given its existing hard surface parking areas, existing storm drainage system, arterial street access and close proximity to I-435 is an ideal fit for the current need in the community.



R. SCOTT BEELER  
PARTNER  
DIRECT: 913.451.5158

MAIN: 913.451.5100  
FAX: 913.451.0875  
RSBEELER@LATHROPGAGE.COM  
LATHROPGAGE.COM

BUILDING 82, SUITE 1000  
10851 MASTIN BOULEVARD  
OVERLAND PARK, KANSAS 66210-1669

April 24, 2018

Rob Richardson, Director of Planning and Development ([richardson@wycokck.org](mailto:richardson@wycokck.org))  
Byron Toy, Principal Planner ([btoy@wycokck.org](mailto:btoy@wycokck.org))  
Kim Ingham, Chief Engineer ([kingham@wycokck.org](mailto:kingham@wycokck.org))  
Martin Ntonjira, Project Engineer ([mntonjira@wycokck.org](mailto:mntonjira@wycokck.org))  
Janet Parker, CSC/ APC, Administrative Assistant ([jparker@wycokck.org](mailto:jparker@wycokck.org))  
Kim Portillo, DRC Coordinator ([kportillo@wycokck.org](mailto:kportillo@wycokck.org))  
John Droppelmann, Fire Marshall ([jdroppelmann@kckfd.org](mailto:jdroppelmann@kckfd.org))  
Unified Government of Wyandotte County  
701 N. 7<sup>th</sup> Street  
Kansas City, KS 66101

Re: Special Use Permit for The Woodlands, Petition Number SP-2018-54

Good Afternoon,

This letter is to address Planning, Engineering and Fire Department comments with regard to the above-referenced Special Use Application.

The proposed staff report contains various comments and suggestions on Page 5 of the draft document.

With respect to the Urban Planning and Land Use comments, the Applicant responds as follows:

1. To the extent there is any required business licensing associated with the use of this property as intended in the application, such licensing will be obtained.
2. The November 27, 2017 application was for the storage of truck trailers on the subject property. Further, the prior proposal planned for access to the site through The Woodlands entry road off of 99<sup>th</sup> Street. The prior application contained no operational time limitations.

29426231v2



The current application proposes a two-year Special Use Permit to allow temporary storage of motor vehicles, including, cars, pick-up trucks and truck trailers. A principal difference is that applicant anticipates the vast majority of stored vehicles will be of a passenger car or pick-up truck variety. Applicant does still anticipate truck trailers, but believes that number will not exceed 500 at a time. The Woodlands existing finished parking lots can accommodate some 10,000 vehicles. The Applicant does not anticipate more than 4,000 passenger cars and/or pick-up trucks at one time.

The Applicant is prepared to stipulate that all access to The Woodlands property for the proposed storage use shall be from the multi-lane thoroughfare, Leavenworth Road. The access point from Leavenworth Road north to The Woodlands parking lots is also multi-lane and easily accommodates this use.

The Applicant is willing to stipulate to an access availability for ingress and egress for the storage purpose of a 7:30 a.m. to 7:30 p.m.

Further, Applicant is willing to stipulate to a condition that they are to instruct those with whom they contract for vehicle storage that any delivery vehicles be prohibited from using what are commonly referred to as "jake brakes" over the course of delivery from I-435 to the facility.

3. The comments from KCKFD regarding aisle spacing and turn radius information are discussed hereafter in response to similar comments from Public Works and Engineering.

4. The Applicant currently is in negotiation with UPS and Ford Motor and has been in touch with General Motors with regard to temporary storage of vehicles.

There have been other inquiries from similar businesses in the area but at this date, no other contracts are in direct discussion.

5. The application for this Special Use Permit is for two years.

6. The Applicant does not believe that allowing for temporary storage of operating motor vehicles in transit to a final location, constitutes what is intended by the term "industrial storage." The Woodlands property is nearly 400 acres and the parking lots are only a small fraction of that amount (approximately one-eighth). The parking lots are set back from any perimeter property line by hundreds of feet. In almost all cases, the parking lots themselves are barely visible from any public thoroughfare. Given the close proximity to I-435 and the multi-lane thoroughfare of Leavenworth Road, this well-defined and set back property is ideal for this short term usage.

With respect to the **Public Works** comments, the Applicant responds as follows:

A. The improved entryways and parking lots at The Woodlands are currently in existence. As such, there is no plan revision, architectural or additional documentation anticipated.

B. The Applicant is willing to make the stipulations noted in response to Urban Planning and Land Use comments above.

C. Not Applicable.

With respect to the **Engineering** comments, the Applicant responds as follows:

1. No additional construction is planned or necessary for the proposed Special Use Permit. As such, there are no additional architectural and/or engineering plans anticipated.

2. No additional construction is planned or necessary for the proposed Special Use Permit. As such, there are no additional architectural and/or engineering plans anticipated.

3. No additional construction is planned or necessary for the proposed Special Use Permit. As such, there are no additional architectural and/or engineering plans anticipated.

4. No additional construction is planned or necessary for the proposed Special Use Permit. As such, there are no additional architectural and/or engineering plans anticipated.

5. The parking lots are all hard finished surface parking lots which comply with UG requirements. To the extent Applicant finds that any intermittent maintenance or repair is required to conduct this use, that maintenance and/or repair will be conducted, as needed. There is no large area resurfacing anticipated or required to perform this temporary use.

6. This information was provided in response to Urban Planning and Land Use comments above.

7. Applicant confirms that only operable vehicles/trailers will be stored on-site.

8. The contracts contemplated by the Applicant with companies requesting temporary storage do not require specific line markings for individual parking spots. The intention is to park the vehicles in a uniform fashion allowing for necessary ingress and egress through access lanes within the parking lot and via the Leavenworth Road main

29426231v2

entry. Applicant is aware of the inquiry of the KCKFD and is willing to work on-site with KCKFD representatives to accommodate fire suppression and good practice access.

9. The current anticipation is for the provision of 24/7 security on-site. It is anticipated that security personnel will likely locate at or near the main entry off of Leavenworth Road and then a schedule of periodic patrol will also be implemented. There is no new security building construction anticipated. Applicant anticipates the use of portable toilets as with any temporary use site, along with cleaning and emptying on a standard schedule.

10. No additional construction is planned or necessary for the proposed Special Use Permit. As such, there are no additional architectural and/or engineering plans anticipated.

11. No additional construction is planned or necessary for the proposed Special Use Permit. As such, there are no additional architectural and/or engineering plans anticipated.

12. No additional construction is planned or necessary for the proposed Special Use Permit. As such, there are no additional architectural and/or engineering plans anticipated.

13. No additional construction is planned or necessary for the proposed Special Use Permit. As such, there are no additional architectural and/or engineering plans anticipated.

With respect to the Erosion Control comments, the Applicant responds as follows:

Please see Paragraphs 1 through 11. No additional construction is planned.

29426231v2

April 24, 2018  
Page 6

Applicant General Comment:

There were several references to an aerial view of the subject property within the various comments received by the Applicant. A aerial view and an outline of the subject parking lots was included with the Application from September/2017 and is incorporated again herein. Further, aeriels showing and highlighting the parking lot and entry way are attached hereto.

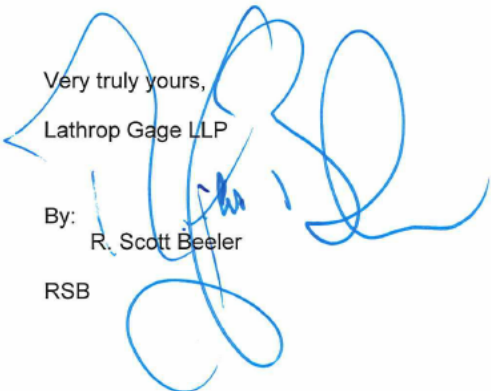
It is our hope and belief that this response letter answers any questions or concerns raised by any of the departments noted above. To the extent you have further questions or concerns, please feel free to contact me. We are proceeding with our Neighborhood Meeting this Friday, April 27, 2018 at 2 p.m. and will submit our summary report from that meeting at its conclusion.

We look forward to a favorable recommendation from staff on this application.

Thank you for your attention.

Very truly yours,

Lathrop Gage LLP

By:   
R. Scott Beeler

RSB

29426231v2

# MINUTES

## Neighborhood Meeting

### SP-2018-54

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**April 27, 2018 | 2:00PM** | Comfort Suites, 3000 N. 103<sup>rd</sup> Terr., Kansas City, KS 66109

**Meeting Called:** R. Scott Beeler (Lathrop Gage) & Ruffin Woodlands, LLC

**Type of Meeting:** Explain the Special Use Permit proposal and answer questions or concerns

**Facilitator:** R. Scott Beeler

**Note Taker:** Jayme LaRocca (Ruffin Woodlands, LLC)

**Attendees:** (See attached Sign-In Sheet)

David Stinebaugh, Jean Langkop, Pat Brune, Karen Lamber, Greg Lamber, Joe Vaught, Deborah Sprague, Mr. & Mrs. Hene, Roberta Laird

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Mr. Beeler introduced himself and informed the attendees he represented Ruffin Woodlands, LLC, Owner of the Woodlands, on an application for a Special Use Permit (SUP) to store vehicles/trailers on the roughly 56 acres of available asphalt parking. He gave a general description of the SUP application, explained the process and gave the date, May 14, 2018, for the Planning Commission public hearing. He noted the previous SUP to store vehicles/trailers at the Woodlands was withdrawn by Ruffin Woodlands, LLC prior to presentation at the Board of Commissioner's Meeting on January 25, 2018.

Mr. Beeler explained the need by companies in the area to store vehicles/trailers due to issues with railcar and other transportation problems.

Mr. Beeler informed the attendees the main use plan continues to be to open the Woodlands as a racing, gaming and entertainment facility, but there has been resistance by legislators in Topeka to make that happen. Right now, slot machines at state-owned and operated casinos are taxed 22% while slot machines at racetracks are taxed 40%, for the same voter approved machines. That differential has meant the Woodlands has remained shuttered due to an inability to profitably compete. In this interim, while focusing on legislative change to level the competitive playing field, the Woodlands has the space, for local companies who need it, to temporarily store vehicles/trailers on the property.

Mr. Beeler explained that the current application was modified from the prior application to address the previous concerns of neighbors and staff. The previous SUP proposed the use of the 99<sup>th</sup> Street gate. This SUP proposes utilization of the Leavenworth Road entrance only, which was

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built to handle vehicle and truck traffic. There will be 24/7 Security at the main gate along with periodic patrols through the parking lot areas. Companies that contract with Ruffin Woodlands, LLC to store vehicles will be instructed that the use of "Jake Brakes" is prohibited from I-435 to the entrance of the Woodlands. The hours of operation, meaning delivery or removal of the vehicles to be stored, will be limited to 7:30am to 7:30pm, essentially a "daylight" timeframe. Vehicles/trailers will be parked in lanes sufficient so the Fire Department can get in or out efficiently. The Woodlands will work with the Fire Department to make sure they are comfortable with the placement. Mr. Beeler explained that they anticipate approximately 3,000-4,000 vehicles cars/pick-up truck(s) to be parked at the Woodlands and approximately 500-750 trailers. He noted the Woodlands parking lots are set back far enough from the main roads that you can barely see vehicles/trailers on the property. He also noted that having security on the Woodlands property is a benefit to the neighborhood.

**Question:** How many semis will be going down Leavenworth Road at any given time?

**Response:** Leavenworth Road is a four-lane thoroughfare and is built to handle large volumes of passenger and truck traffic.

**Question:** Neighbor Joe Vaught noted he owns three homes near the Leavenworth Road entrance. He is concerned about the noise from the brakes. Even if you eliminate the "Jake Brakes", all semis have air brakes that make noise. His fear is if the Woodlands does not get legislative help, the property would be turned into an industrial park. He continued that this SUP doesn't benefit the neighbors and there is no tax benefit.

**Response:** Mr. Beeler explained Leavenworth Road is designed to handle thousands of vehicles per day. He also explained that if there is no legislative help, the property could be redeveloped by either the current owner or possibly by some other owner. At present, the current owner's goal is to reinvigorate the Woodlands racing, gaming and entertainment facility. No other redevelopment, industrial or other is currently contemplated. But the Woodlands is well located and a prime KCK location for redevelopment in the event it cannot be profitably operated as presently contemplated.

**Question:** Attendee states concern that if the Woodlands gets a SUP for two years, they will continue to get it extended. Attendee also noted they complained about the portable lights and it wasn't corrected.

**Response:** Mr. Beeler responded that this is a very temporary situation. Mr. LaRocca noted that the complaints about the lights last time were addressed and apologized if they were not turned correctly. While permit extensions are possible under the regulations, any such extension would be reviewed by staff for appropriateness. Issuance of a two year permit is not a pre-validation of applications for extensions.

**Question:** Attendee said they thought this issue to get a SUP was over with. Why are we addressing this again?

**Response:** Mr. Beeler explained the Woodlands withdrew their prior application at the Board of Commissioner's Meeting in order to review and make changes to address the prior voiced concerns.

**Question:** Attendee asked who will enforce if the companies violate the stipulations?

**Response:** Mr. Beeler explained that any complaints would go through the UG. That is how the process works. He noted that the applicant could be fined or even that the SUP could be pulled for continued violations.

**Question:** Attendee stated they disagreed that the area is safer with having the vehicles/trailers watched with 24/7 Security on site.

**Response:** No response required.

**Question:** Attendee said they never got the opportunity to complain in the past, the vehicles and trailers just showed up on the Woodlands property.

**Response:** Mr. Beeler acknowledged there had been vehicle storage under prior ownership and even some storage under current ownership, but the intent of the current owner is to follow appropriate regulation and protocol and have an SUP reviewed and issued.

**Question:** Attendee asked how we would know what number of vehicles/trailers are on the Woodlands property.

**Response:** Mr. Beeler explained the Woodlands would restrict the number of vehicles/trailers on the property to the numbers permitted by the SUP.

**Question:** Attendee asked if there were any plans to upgrade the property and the lights.

**Response:** Mr. Beeler explained that the SUP vehicle storage use was to be temporary. There are no plans to make significant improvements to the property for this use.

**Question:** Joe Vaught asked questions about the current gaming bill.

**Response:** Mr. Beeler explained the initial pari-mutuel bill and the current gaming bill.

**Question:** Attendee asked why the owner doesn't just redevelop the property now.

**Response:** Mr. Beeler explained how the owner is committed to reopening the Woodlands as a racing, gaming and entertainment destination. There could well be redevelopment in the future if the current plan remains economically unfeasible.

**Question:** Joe Vaught explained he is worried that if the Woodlands doesn't get legislative help, the property would be turned into an industrial park.

**Response:** Mr. Beeler responded that the Woodlands property consists of nearly 400 acres. During the time since acquisition of the property, a number of potential suitors and developers have approached the owner with redevelopment ideas. To date, those inquiries have been tabled pending hope and optimism for the Woodlands project.

**Question:** Attendee explained she has lived in the area for 45 years. Why would people complain about lights at the Woodlands? It's not any different than at the ball fields. She would like to see the Woodlands come back. She noted it would be good to have activity to keep the thieves away from the area. The security at the Woodlands would be a benefit. She's afraid the property would be turned into low income housing.

**Response:** No response required.

**Question:** Neighbor David Stinebaugh expressed concerns about vehicle delivery drivers going down 99<sup>th</sup> Street.

**Response:** Mr. Beeler explained that the SUP will specify that only Leavenworth Road will be utilized. If any of the drivers use 99<sup>th</sup> Street, they will be reprimanded.

**Question:** Attendee asked how many trailers can fit on 56 acres.

**Response:** Mr. Beeler explained that the number that would "fit" has not been calculated, except to say that a "total" number would be far more than the number anticipated for this application.

**Question:** Attendee asked what racing was anticipated.

**Response:** Mr. Beeler responded and advised that the Woodlands contemplates live horse racing and simulcast of other forms of racing.

**Question:** Attendee stated he will keep voting "No" to have the Woodlands get a SUP due to concerns over payment for the roads being damaged by the semi traffic.

**Response:** No response required.

**Question:** Neighbor Joe Vaught stated he doesn't believe that it's better to have vehicles/trailers with Security at the Woodlands. He sees a lot of theft at other lots with vehicles/trailers.

**Response:** No response required.

**Question:** Attendee stated it seems illegal to have a monopoly on state-owned casinos. She asked how the State of Kansas can allow that.

**Response:** No response required.

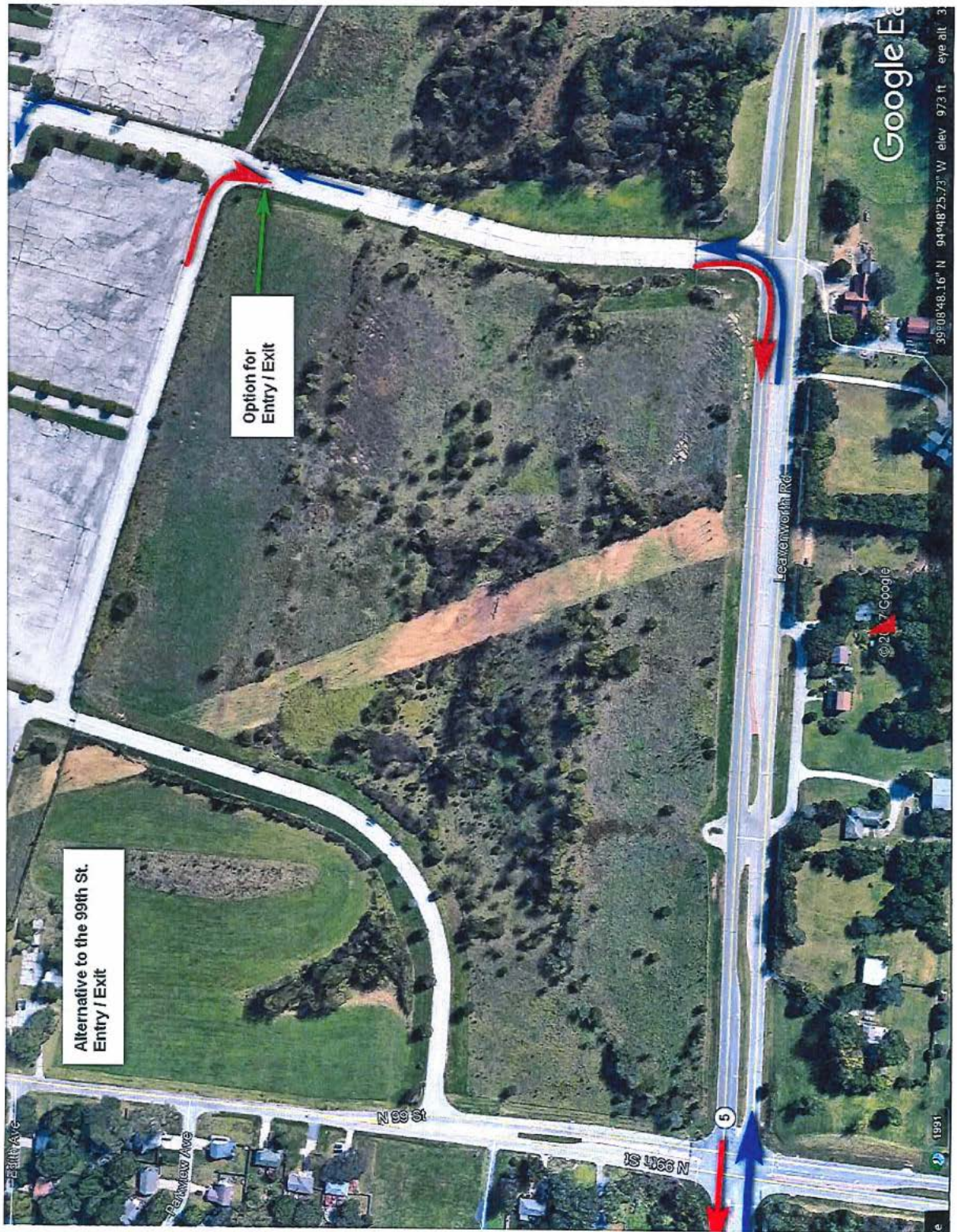
***Conclusion:***

Mr. Beeler concluded the meeting by stating that if anyone here knows of any neighbor who couldn't make this meeting for any reason, and they have additional questions, to please contact him or Jayme LaRocca. Business cards were made available.

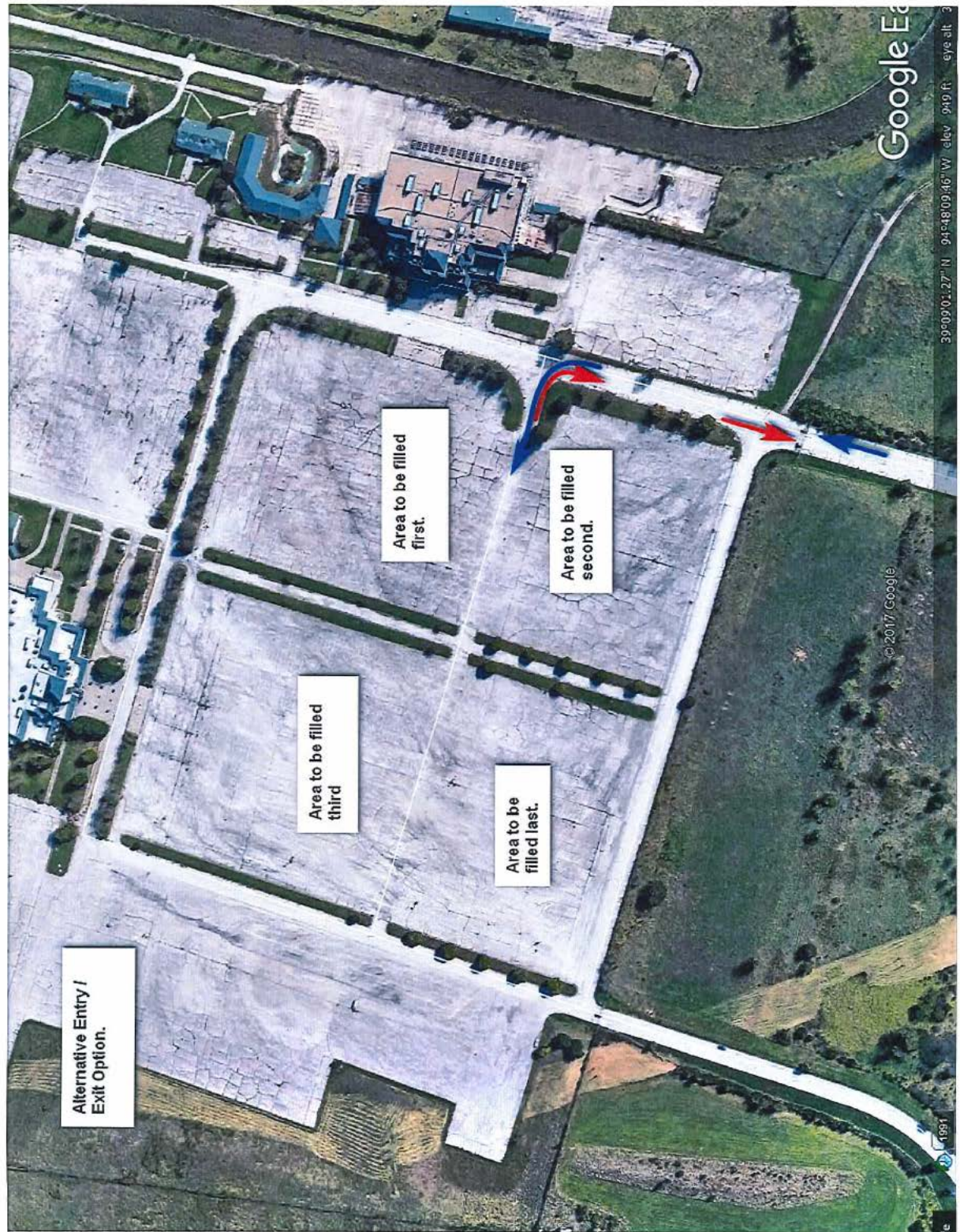
**The meeting concluded at 3:15pm.**



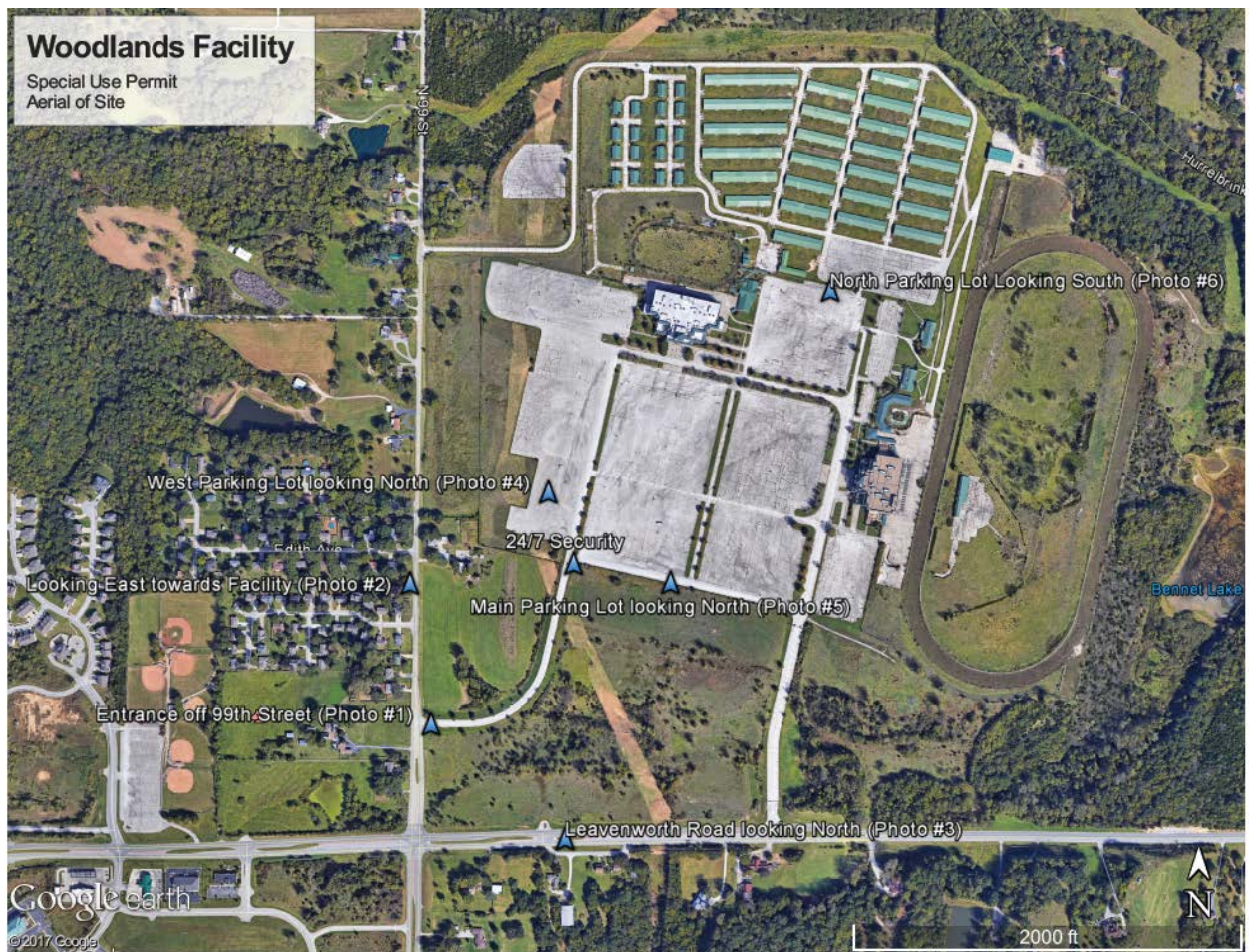












**Figure 1. Aerial photograph of 9700 Leavenworth Road (provided by the applicant).**



#1) Main entrance to Woodlands Site from 99<sup>th</sup> Street.



#2) Looking East from 99<sup>th</sup> Street towards Woodlands site.





#3) Looking North from Leavenworth Road towards Woodlands site.



#4) Looking North from South end of West Parking Lot.



#5) Looking North from South end of Main Parking Lot South of Dog Track Building.



#6) Looking South from North End of Parking Lot East of Dog Track Building.



# Staff Request for Commission Action

Tracking No. 19743

**Full Commission Meeting Date:** 6/13/19

**Committee:** Public Works & Safety

Date of Standing Committee Action: 5/20/19

(If none, please explain):

**Publication Required:** Yes

|                           |                                    |                                |                                            |                                      |
|---------------------------|------------------------------------|--------------------------------|--------------------------------------------|--------------------------------------|
| <u>Date:</u><br>5/22/2019 | <u>Contact Name:</u><br>James Bain | <u>Contact Phone:</u><br>x5077 | <u>Contact Email:</u><br>jbain@wycokck.org | <u>Department/Division:</u><br>Legal |
|---------------------------|------------------------------------|--------------------------------|--------------------------------------------|--------------------------------------|

Item Description:

**Project Name: BPU Barber-Rosedale 161kV Transmission Line**

A resolution declaring that this project is necessary and valid improvement project, submitted by James Bain, Assistant Counsel. This project is laying-out, construction, installation, expansion, repair, maintenance, operation and use of a Board of Public Utilities electrical transmission line between the Barber Road substation and the Rosedale substation. This Resolution directs the Chief Counsel to cause a survey and description of such parcels to be undertaken and prepared by a licensed land surveyor or a professional engineer to identify and describe the property to be acquired for this project, and to submit an Ordinance authorizing the exercise of eminent domain and to undertake all other necessary actions to complete the acquisition of such parcels.

Action Requested:

To adopt the resolution.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

BPU Barber-Rosedale 161kV Transmission Line condemnation Resolution, Barber to Rosedale 161kV Transmission Line



(Published \_\_\_\_\_)

**RESOLUTION NO.** \_\_\_\_\_

**A RESOLUTION** declaring the necessity and authorizing a survey and descriptions of lands to be acquired by the right and power of eminent domain for the location, laying-out, construction, installation, expansion, repair, maintenance, operation and use of a Board of Public Utilities electrical transmission line between the Barber Road substation and the Rosedale substation, all in Kansas City, Wyandotte County, Kansas.

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

**SECTION 1.** It is hereby found and determined necessary that certain lands or interests in lands be acquired by all lawful means, including by exercise of the right and power of eminent domain, for public use required for the location, laying-out, construction, installation, expansion, repair, maintenance, operation and use of a Board of Public Utilities electrical transmission line between the Barber Road substation and the Rosedale substation, all in Kansas City, Wyandotte County, Kansas.

**SECTION 2.** The Board of Commissioners hereby directs and authorizes its Chief Counsel to cause a survey and description of such parcels to be undertaken and filed with the Clerk of Wyandotte County/Kansas City, Kansas; to thereafter prepare and submit to the Board of Commissioners an ordinance authorizing the exercise of eminent domain with respect to such parcels; and upon approval of the same by the Board of Commissioners to initiate eminent domain proceedings in the District Court of Wyandotte County, and to undertake all other necessary actions to complete acquisition of such parcels.

**SECTION 3.** This resolution shall be published once in the official County, newspaper, The Wyandotte Echo.

**ADOPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT  
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

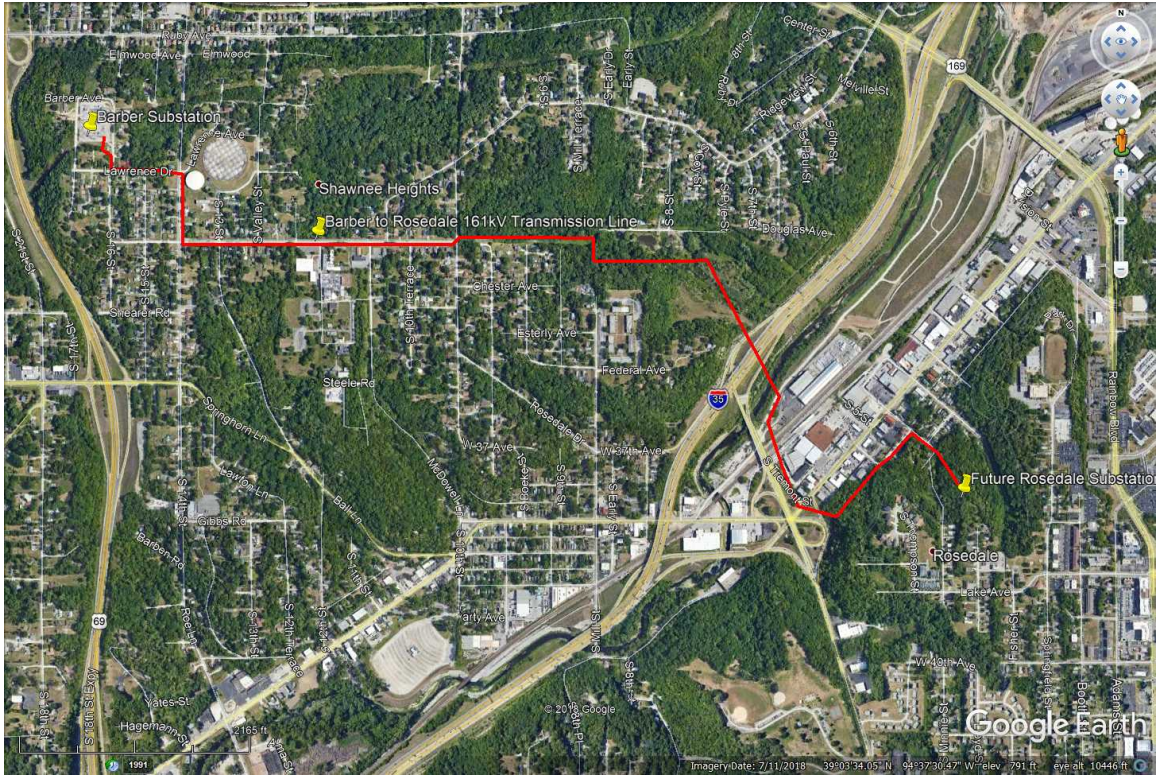
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

UNIFIED GOVERNMENT CLERK

\_\_\_\_\_  
Bridgette Cobbins

APPROVED AS TO FORM:

\_\_\_\_\_  
Kenneth J. Moore  
Chief Counsel





# Staff Request for Commission Action

Tracking No. 19744

**Full Commission Meeting Date:** 5/30/19

**Committee:** Public Works & Safety

Date of Standing Committee Action: 5/20/19

(If none, please explain):

**Publication Required:** Yes

|                           |                                    |                                |                                            |                                      |
|---------------------------|------------------------------------|--------------------------------|--------------------------------------------|--------------------------------------|
| <u>Date:</u><br>5/22/2019 | <u>Contact Name:</u><br>James Bain | <u>Contact Phone:</u><br>x5077 | <u>Contact Email:</u><br>jbain@wycokck.org | <u>Department/Division:</u><br>Legal |
|---------------------------|------------------------------------|--------------------------------|--------------------------------------------|--------------------------------------|

Item Description:

**Project Name: BPU Armourdale to Rosedale 161kV Transmission Line**

A resolution declaring that this project is necessary and valid improvement project, submitted by James Bain, Assistant Counsel. This project is laying-out, construction, installation, expansion, repair, maintenance, operation and use of a Board of Public Utilities electrical transmission line between the Armourdale substation and the Rosedale substation. This Resolution directs the Chief Counsel to cause a survey and description of such parcels to be undertaken and prepared by a licensed land surveyor or a professional engineer to identify and describe the property to be acquired for this project, and to submit an Ordinance authorizing the exercise of eminent domain and to undertake all other necessary actions to complete the acquisition of such parcels.

Action Requested:

To adopt the resolution.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

BPU Armourdale to Rosedale 161kV T-Line condemnation Resolution, Rosedale to Armourdale 161kV Transmission Line

(Published \_\_\_\_\_)

**RESOLUTION NO.** \_\_\_\_\_

**A RESOLUTION** declaring the necessity and authorizing a survey and descriptions of lands to be acquired by the right and power of eminent domain for the location, laying-out, construction, installation, expansion, repair, maintenance, operation and use of a Board of Public Utilities electrical transmission line between the Armourdale substation and the Rosedale substation, all in Kansas City, Wyandotte County, Kansas.

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

**SECTION 1.** It is hereby found and determined necessary that certain lands or interests in lands be acquired by all lawful means, including by exercise of the right and power of eminent domain, for public use required for the location, laying-out, construction, installation, expansion, repair, maintenance, operation and use of a Board of Public Utilities electrical transmission line between the Armourdale substation and the Rosedale substation, all in Kansas City, Wyandotte County, Kansas.

**SECTION 2.** The Board of Commissioners hereby directs and authorizes its Chief Counsel to cause a survey and description of such parcels to be undertaken and filed with the Clerk of Wyandotte County/Kansas City, Kansas; to thereafter prepare and submit to the Board of Commissioners an ordinance authorizing the exercise of eminent domain with respect to such parcels; and upon approval of the same by the Board of Commissioners to initiate eminent domain proceedings in the District Court of Wyandotte County, and to undertake all other necessary actions to complete acquisition of such parcels.

**SECTION 3.** This resolution shall be published once in the official County, newspaper, The Wyandotte Echo.

**ADOPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT  
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

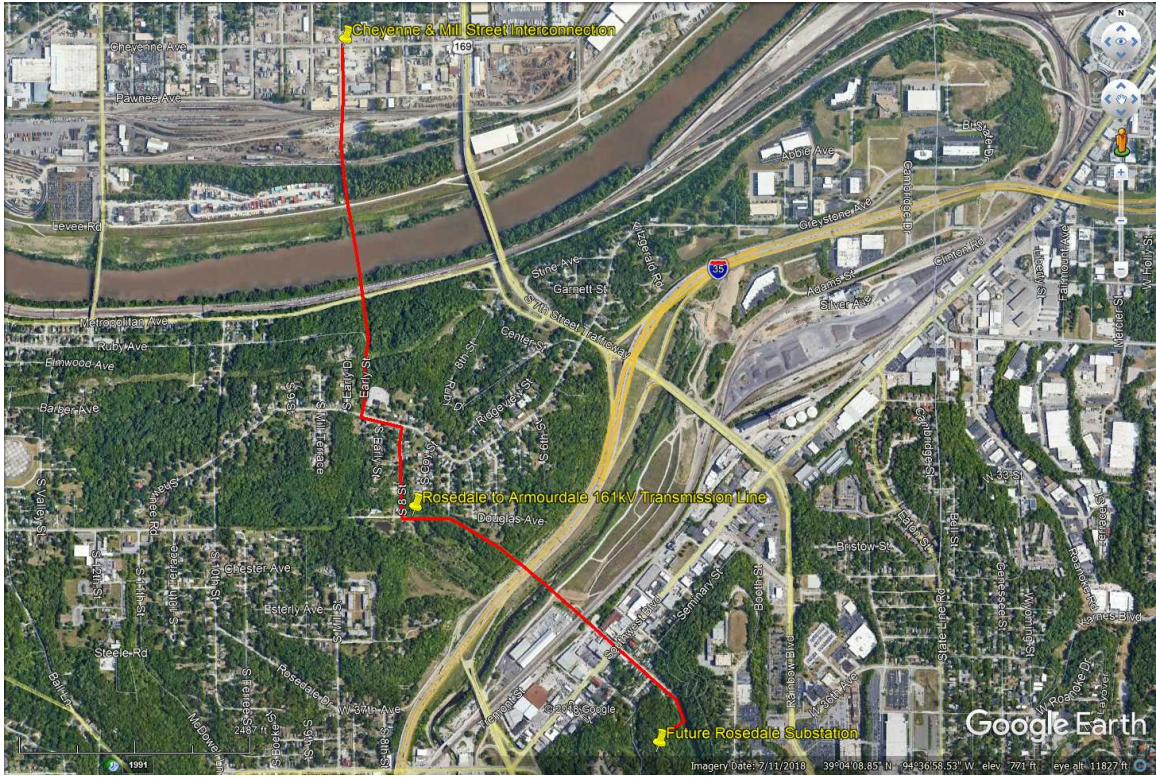
\_\_\_\_\_  
UNIFIED GOVERNMENT CLERK

\_\_\_\_\_  
Bridgette Cobbins

APPROVED AS TO FORM:

\_\_\_\_\_  
Kenneth J. Moore  
Chief Counsel







# Staff Request for Commission Action

Tracking No. 19745

**Full Commission Meeting Date:** 5/30/19

**Committee:** Public Works & Safety

Date of Standing Committee Action: 5/20/19

(If none, please explain):

**Publication Required:** Yes

|                           |                                        |                                |                                              |                                      |
|---------------------------|----------------------------------------|--------------------------------|----------------------------------------------|--------------------------------------|
| <u>Date:</u><br>5/22/2019 | <u>Contact Name:</u><br>Jeffrey Conway | <u>Contact Phone:</u><br>x5075 | <u>Contact Email:</u><br>jconway@wycokck.org | <u>Department/Division:</u><br>Legal |
|---------------------------|----------------------------------------|--------------------------------|----------------------------------------------|--------------------------------------|

Item Description:

This ordinance would repeal the existing prohibition on owning or possessing pit bull dogs within the city limits, submitted by Jeff Conway. The effect of the repeal would be to permit the owning or possessing of pit bull dogs within the city and to eliminate the breed-specific ban within the UG Code of Ordinances. It is sponsored by Commissioner Bynum and Philbrook.

Action Requested:

Approve the ordinance

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Pit bull repeal ordinance, Sec. 7-219 Pit bull dog



(Published \_\_\_\_\_)

ORDINANCE NO.

AN ORDINANCE relating to pit bull dogs; repealing original section 7-219 of the Code of Ordinances of the Unified Government of Wyandotte County/Kansas City, Kansas.

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

Section 1. That Chapter 7, Article VI, of the Code of Ordinances of the Unified Government of Wyandotte County/Kansas City, Kansas, be and is hereby amended by repealing section 7-219.

Section 2. This ordinance shall take effect and be in full force upon its passage, approval, and publication in the official Unified Government newspaper.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT  
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,  
MAY 30, 2019.

\_\_\_\_\_  
David Alvey  
Mayor/CEO

ATTEST:

\_\_\_\_\_  
Unified Government Clerk

Sec. 7-219. - Pit bull dogs.

- (a) *Unlawful to keep.* It shall be unlawful to keep, harbor, own or in any way possess within the city limits any pit bull dog. As used in this section, the term "pit bull dog" is defined to mean:
- (1) The Staffordshire bull terrier breed of dog;
  - (2) The American pit bull terrier breed of dog;
  - (3) The American Staffordshire terrier breed of dog;
  - (4) Any dog which has the appearance and characteristics of being predominantly of the breeds of Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, or any combination of any of these breeds.
- (b) *No further exceptions.* There are no longer exceptions for pit bulls registered with the city as of May 9, 1990, or pit bulls kept as of December 31, 1991, at those locations within the area annexed by Ordinance No. 65653, as there are no pit bulls currently living that were registered as of those relevant dates.
- (c) *Violations and penalties.* Any person violating or permitting the violation of any provision of this section shall, upon conviction in municipal court, be fined a sum not less than \$300.00 and not more than \$1,000.00. In addition to the fine imposed, the court may sentence the defendant to imprisonment in the county jail for a period not to exceed 90 days. Should the defendant refuse to remove the dog from the city, the municipal court judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this section continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this section shall pay all expenses, including shelter, food, handling, veterinary care, and testimony necessitated by the enforcement of this section.

(Code 1988, § 7-130; Ord. No. O-22-03, § 1, 6-5-2003)



# Staff Request for Commission Action

Tracking No. 19746

**Full Commission Meeting Date:** 6/13/19

**Committee:** Public Works & Safety

Date of Standing Committee Action: 5/20/19

(If none, please explain):

**Publication Required:** No

|                           |                                       |                                |                                             |                                                  |
|---------------------------|---------------------------------------|--------------------------------|---------------------------------------------|--------------------------------------------------|
| <u>Date:</u><br>5/22/2019 | <u>Contact Name:</u><br>Terry Zeigler | <u>Contact Phone:</u><br>x6009 | <u>Contact Email:</u><br>tzeigler@kckpd.org | <u>Department/Division:</u><br>Police Department |
|---------------------------|---------------------------------------|--------------------------------|---------------------------------------------|--------------------------------------------------|

Item Description:

This RFA is related to the execution of an interlocal agreement between Johnson County, Kansas and the Unified Government/Kansas City, Kansas Police Department. To promote the health, safety and welfare of residents and visitors of Kansas City, Kansas, the Kansas City, Kansas Police Department desires to contract with the Johnson County Communications Center for usage of their existing 911 phone and radio communications equipment for the purpose of having emergency back-up communications center capability.

Action Requested:

Recommend adoption of the resolution by the commission to authorize the Unified Government to enter said agreement by signature of the County Administrator.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution re Comms Center UG and Johnson County, CCC Backup Use Agreement - JoCo Unified Government 2019 Final

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE APPROVAL OF AN AGREEMENT BETWEEN THE  
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS AND  
JOHNSON COUNTY, KANSAS

**Whereas**, the Unified Government of Wyandotte County/ Kansas City, Kansas (“Unified Government”) and Johnson County, Kansas (“Johnson County”) are empowered by the laws of Kansas to enter into agreements with each other to perform any governmental service, activity, or undertaking which each is authorized by law to perform;

**Whereas**, the Unified Government and Johnson County desire to enter into an Agreement in which the Unified Government will contract for usage of existing 9-1-1 phone and radio communications equipment at the Johnson County Communications Center facility for the purpose of having emergency back-up communications center capability;

**Whereas**, both parties will gain operational and financial benefits by agreeing to shared usage of existing emergency communications equipment in the Johnson County Communications Center, such as cost efficiency, increased effectiveness in the delivery of public safety services, enhanced communication between agencies, improved information flow between agencies, immediate assistance in emergency situations and enhanced interoperability;

**Whereas**, an agreement has been prepared describing the parties’ cooperation and responsibilities concerning the above relationship;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT AS FOLLOWS: That the Unified Government is hereby authorized to enter said agreement by signature of the County Administrator and who is hereby authorized to take any action required and necessary to implement and satisfy the intent of said Agreement.

THIS RESOLUTION IS ADOPTED by the Governing Body of the Unified Government of Wyandotte County/ Kansas City, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 2019.

UNIFIED GOVERNMENT OF WYANDOTTE  
COUNTY/ KANSAS CITY, KANSAS

By: \_\_\_\_\_

David Alvey  
Mayor/ CEO

(SEAL)  
ATTEST

\_\_\_\_\_  
Unified Government Clerk

## **AGREEMENT FOR BACK UP USE OF THE JOHNSON COUNTY COMMUNICATION CENTER**

THIS AGREEMENT is entered into as of the \_\_\_\_ day of \_\_\_\_\_ 2019, between Unified Government/Kansas City, Kansas, a political subdivision of the State of Kansas, hereinafter referred to “Unified Government” and Johnson County, Kansas, a political subdivision of the State of Kansas, hereinafter referred to as “Johnson County,” each party duly having been organized and now existing under the laws of the State of Kansas.

### **RECITALS**

A. Johnson County has constructed a County Communications Center (CCC) facility for emergency communications for fire, emergency medical, and law enforcement services which is located at 11880 S. Sunset Drive, in Olathe, Kansas.

B. Unified Government desires to contract for usage of existing 9-1-1 phone and radio communications equipment at the CCC facility for the purpose of having emergency back-up communications center capability.

C. Unified Government and Johnson County can achieve operational and financial benefits by agreeing to shared usage of existing emergency communications equipment in the CCC, such as cost efficiency, increased effectiveness in the delivery of public safety services, enhanced communication between agencies, improved information flow between agencies, immediate assistance in emergency situations and enhanced interoperability.

D. K.S.A. 12-2908 authorizes the parties to enter into a contract with another municipality to perform any governmental service, activity, or undertaking which each contracting municipality is authorized to perform.

E. The governing bodies of each of the parties hereto decided to enter into such Agreement for the purposes stated herein.

NOW, THEREFORE, in consideration of the above and foregoing recitals, the mutual promises and covenants hereinafter contained, and for good and valuable consideration, the parties agree as follows:

### **AGREEMENT**

#### **1. Purpose.**

This Agreement authorizes the usage of 911 and public safety communications equipment and facilities located at the CCC by Unified Government for the purpose of providing a back-up public safety communications capability that may be utilized by Unified Government

in the event of a significant operational failure at its primary communications center in Kansas City, Kansas, and for the mutually agreed upon training of Unified Government personnel at the CCC.

## **2. Responsibilities.**

A. Facility Director: The CCC Director appointed by the County Manager shall be responsible for the administration of the CCC, for coordination of usage of the CCC by public safety agencies, and for administration of the provisions of this Agreement.

B. Responsibilities of Johnson County: Johnson County shall establish the standards, specifications, and vendors for all equipment and systems in the CCC. As set forth in this Agreement, Johnson County agrees to make available to Unified Government the 911 and public safety communications equipment installed on dispatch consoles in the CCC and will provide for the ongoing maintenance of such equipment.

C. Responsibilities of Unified Government: Unified Government agrees to be responsible, at its cost, for the purchase of any equipment, Computer Aided Dispatch (CAD) system, or other electronic equipment directly related to the delivery of public safety communications services by Unified Government from the CCC and which are not provided as standard equipment on the dispatch consoles in the CCC. Further, Unified Government agrees to be responsible, at its cost, for staffing the dispatch consoles at the CCC as soon as feasible when Unified Government 911 calls and/or radio communications are to be processed at the CCC. Unified Government will schedule training for usage of the CCC with the Facility Director or his designee at a mutually agreeable time.

D. Utility Access: Unified Government shall be responsible for the installation and cost of any non-standard utility service or equipment that is not already provided within the operation of the CCC. Johnson County is not responsible for any interruption or failure of utility service, and Unified Government hereby agrees to release and hold harmless Johnson County from any and all liability, costs, or damages arising from any interruption of such service.

E. Use and Security: Each party agrees and understands the CCC is a secure building and that security of access will be maintained at all times. Access to and use of the CCC by Unified Government is limited to the purpose covered in this Agreement. Unified Government agrees not to use or permit any other person or entity to use the CCC in a manner not authorized by this Agreement. The Unified Government shall comply with County Communications Center Directive No. 09-112 and amendments thereto, which establishes CCC Equipment Room Standards, including but not limited to the room access and approval requirements. Said Directive is attached hereto and incorporated herein by reference.

F. Risk Management: Each party is solely responsible for loss or damage to its property



and equipment and injury to their respective employees while at the CCC facility. Each party shall obtain any desired conventional or self-insurance, or a combination thereof deemed necessary or desirable, for protection from loss or damage bodily injury, property damage, products liability, employer's liability and workers compensation coverage as required by statute. Unified Government employees shall remain Unified Government employees, and not employees of Johnson County, while at the CCC facility.

### **3. Disputes.**

Disputes between parties to this Agreement may occur on matters arising from shared use of the CCC and its systems and upon interactions between agencies and their employees. Disputes related to the use of the CCC and the systems will be addressed by the CCC Director and the Unified Government Public Safety Communications Center Captain or designee. Disputes related to interactions between agencies and their employees should be addressed first by designated managers of the involved parties, then by the CCC Director, the Unified Government Public Safety Communications Center Captain or designee, and the Johnson County Sheriff, as the case may be, if Johnson County sheriff personnel are involved.

### **4. Term and Termination.**

The initial term of this Agreement shall be for a period of five years beginning upon the date of approval by the later of the two parties. The Agreement may thereafter be extended for up to three successive five year periods if mutually agreed to in a signed writing by County Manager or designee. Either party may terminate this agreement for any reason, or for no reason, upon written notice of not less than 60 days to the other party. If the reason for termination is default under this Agreement, the defaulting party shall have ninety days to cure the defect(s) before the Agreement may be terminated.

### **5. Costs.**

A. Johnson County shall make available to Unified Government, for its use under this Agreement an area on the CCC operations floor equipped with a minimum of six dispatch furniture consoles, 911 equipment, six Motorola MCC 7500 dispatch consoles, computers for access to Internet services and a control station radio. As CCC equipment is updated or replaced, it is the parties' intention that such equipment shall be made available to Unified Government without an amendment to this Agreement.

B. The total cost of the dispatch consoles and equipment within the CCC is divided by 365 days to identify a daily cost for usage of the CCC by Unified Government. The usage of the CCC for each twenty-four hour period is listed in **Appendix A** to this Agreement. Unified Government agrees to pay a base annual charge of \$4,400 for the use of the CCC which allows Unified Government four, 24 hour use periods during each year. Use of the CCC in addition to the four, 24 hour periods in a year shall be at the daily cost listed in **Appendix A**. Such usage shall be for training and familiarization of Unified Government staff with the CCC and its equipment, as well

as for testing of back-up operational procedures and for emergency operations to provide 911 and public safety communications services to Unified Government. If additional CCC space is requested for use by Unified Government, and approved by the CCC Director or the Director's designee, the cost for a 24 hour period will be applied for use of such additional space.

C. Except for the base charge stated above and the reimbursement of personnel costs stated below, the Unified Government shall be given credit for ten (10) days in each calendar year that the Unified Government may use the equipment, services and/or physical space at the CCC as stated herein at no cost.

D. The costs for usage of the designated physical space in the CCC shall commence in May 2019 and will be assessed thereafter on an annual basis in accordance with the provisions of **Appendix A**.

E. CCC Information Technology Equipment Room. The parties contemplate that Unified Government may, in the future, desire to locate computer servers and network equipment in the CCC Information Technology Room which may be allowed by an addendum to this Agreement entered into and signed on behalf of the parties by the CCC Director and the Unified Government County Administrator.

F. Costs for Johnson County personnel to provide services. Johnson County reserves the right to charge Unified Government for the staff time spent answering Unified Government 911 calls and in providing public safety communications services to Unified Government emergency responders. Generally, such a charge for service shall not be imposed for the first hour that such service is provided in an emergency situation. The total hourly salary and benefits cost for Sheriff Communications personnel and for Emergency Communications Center personnel are listed in **Appendix A**. Such costs may be adjusted annually and will be in effect upon notice to Unified Government.

G. In addition to the costs set out above, the Unified Government is responsible for the installation, maintenance, and costs associated with any additional telephone, data, and internet access lines required to operate the Unified Government's equipment located at the Data Center. Any modifications to electrical power beyond what is described above is the responsibility of the Unified Government.

H. For any costs or other charges owed by the Unified Government under this Agreement, Johnson County shall bill Unified Government and Unified Government shall pay Johnson County within thirty (30) days of receipt of the County's bill.

## **5. Usage of the CCC Facility by Unified Government.**

The parties acknowledge and agree that this Agreement contemplates the use of the CCC facility by Unified Government in those unforeseeable and infrequent situations where Unified Government's emergency communications system is temporarily inoperable or out of service. Unified Government's access to the CCC facility, while authorized by this Agreement in general, shall be governed by the particular protocol to be established upon execution of this Agreement, by the CCC Director, Johnson County Sheriff, and the Unified Government Public Safety Communications Center Captain, or their designees. Such protocol shall document the specific procedures to be followed when Unified Government desires to have 911 calls transferred to the CCC for emergency or training purposes, as well as when Unified Government personnel will relocate to the CCC for operational and training purposes. The established protocol may be and reviewed annually updated as needed by the parties.

The protocol should be signed by the parties or their designees and attached to this agreement when completed.

## **6. Notification.**

All notices, statements or requests provided for hereunder shall be in writing and shall be deemed to have been given when delivered by hand, e-mail, facsimile or any other reliable method to other party, or when deposited with the U.S. Postal Service as certified or registered mail, postage prepaid, addressed:

|                           |                                                                                                                                                                           |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| If to Johnson County:     | Ellen Wernicke, Director<br>Johnson County, Kansas<br>County Communications Center<br>Emergency Management and Communications<br>11880 S. Sunset Dr.<br>Olathe, KS. 66061 |
| If to Unified Government: | Director of Emergency Management<br>Unified Government Municipal Office Building<br>701 N. 7 <sup>th</sup> Street<br>Kansas City, Kansas, 66101                           |
| With a copy to:           | Chief Counsel<br>Unified Government Legal Department<br>701 N. 7 <sup>th</sup> Street<br>Kansas City, Kansas 66101                                                        |

## **7. Amendment.**

This Agreement may be amended by supplemental writing signed by both parties.

## **8. Security.**

The Data Center is a secure facility, and Unified Government personnel must be escorted into the Data Center. The County agrees that, at all times while this Agreement is in effect, upon Unified Government's request, the County will make available a representative to escort Unified Government's personnel into the Data Center. The Unified Government agrees not to use the Data Center for any other purpose nor to engage in or permit any other activity within or from the Data Center.

## **9. Miscellaneous.**

A. The Unified Government understands and agrees that the County may need to temporarily shut down the Data Center and its systems periodically for routine maintenance or unexpected repairs. The County will provide the Unified Government with reasonable advance notice should a shutdown become necessary, unless an emergency or urgent circumstance prevents such notification, in which case notice will be provided as soon as reasonably possible.

B. Without waiving any of the protections and immunities afforded by the Kansas Tort Claims Act, each party shall indemnify and hold harmless the other party from any and against all claims, losses, damages or costs arising from or in any way related to the negligent or intentional act, error, or omission of the other, its officers, employees or agents, in performing under this Agreement to the extent allowed by law, including the Kansas Cash Basis law. Under no circumstances shall either party be liable for any indirect, incidental, special, punitive, or consequential damages or losses resulting from or related to the services provided by the County pursuant to this Agreement. Under no circumstances shall the County be liable for any claims, losses, damages or costs arising from or in any way related to the Unified Government's use of its equipment, or any replacements thereof, including, but not limited to, lost, damaged, or inaccessible data, records, or information.

C. This Agreement and any renewal thereof, is subject to the provisions of the Kansas Cash Basis Law, K.S.A. 10-1101 et seq., and amendments thereto (the "Act"). By virtue of this Act, each party hereto is obligated only to pay costs contemplated herein as may lawfully be made from funds budgeted and appropriated for that purpose during the then current budget year or from funds made available from any lawfully operated revenue producing source.

D. The County expressly disclaims any express or implied warranties, representations, or endorsements regarding any data, information, services or products provided

in connection with, included in, or regarding this Agreement. No advice or information given by County officers, employees, agents, or contractors shall create a warranty or other obligation.

E. All County employees providing services on behalf of the County under this Agreement shall remain employees of the County for all purposes and shall not be deemed employees of the Unified Government under any circumstances. All Unified Government employees coordinating with or providing any assistance to the County in the performance of services under this Agreement shall remain employees of the Unified Government for all purposes and shall not be deemed employees of the County under any circumstances.

F. If either party is unable, by force majeure, to perform its obligations under this Agreement, it is agreed that performance of such obligations by such party, so far as they are affected by force majeure, shall be excused from the inception of any such inability. The term “force majeure”, as used in this Agreement, shall mean any act, event, cause or occurrence rendering a party unable to perform its obligations, which is not within the reasonable control of such party, except that force majeure shall not relieve the Unified Government of its cost obligations under this Agreement. In no event shall either party be liable to the other for incidental, consequential or any other damages resulting from an act of force majeure.

G. This Agreement shall be governed by, enforced and construed in accordance with the laws of the State of Kansas.

H. All agreements, covenants and clauses contained herein are severable, and in the event any of them shall be deemed or held to be unconstitutional, invalid, or unenforceable, the remainder of this Agreement shall be interpreted as if such unconstitutional, invalid or unenforceable agreements, clauses and covenants were not contained herein.

I. (a) The waiver of any breach of any provision of this Agreement shall not constitute a waiver of any subsequent breach of the same or other provisions herein; (b) Any modification or waiver of any provision in this Agreement shall not be effective unless made in writing; and (c) Neither party shall assign, transfer, convey, subcontract, resell or otherwise dispose of this Agreement or any of the rights and obligations hereunder without the prior written consent of the other party.

J. Each person signing this Agreement represents and warrants that they have read this Agreement; that they understand the terms and provisions of this Agreement; and, that they are duly authorized and have the legal capacity to execute and deliver that which is set forth in this Agreement.

K. This Agreement represents the entire Agreement between the Unified Government and Johnson County and supersedes all prior agreements, understandings or promises, whether oral or written, between the parties pertaining to, or in connection with, the

subject matters of this agreement and the services to be performed hereunder, and that no other agreement, statement or promise not contained in this Agreement shall be valid or binding.

L. No party shall assign, transfer, convey, subcontract, resell or otherwise dispose of this Agreement or any of the rights and obligations thereunder.

BOARD OF COUNTY COMMISSIONERS  
OF JOHNSON COUNTY, KANSAS

---

Ed Eilert, Chairman

Attest:

---

Lynda Sader, Clerk of the Board

Approved as to form:

---

F. Lawrence McAulay, Jr.  
Assistant County Counselor  
Johnson County Legal Department  
111 South Cherry St., Suite 3200  
Olathe, KS 66061  
913-715-1900  
[larry.mcaulay@jocogov.org](mailto:larry.mcaulay@jocogov.org)

BOARD OF COUNTY COMMISSIONERS  
OF UNIFIED GOVERNMENT/KANSAS CITY, KANSAS

---

Douglas G. Bach, County Administrator

Attest:

---

Bridgette Cobbins, Unified Government Clerk



Approved as to form:

---

Casey Meyer  
Assistant Counsel  
Unified Government Legal Department  
701 N. 7<sup>th</sup> Street  
Kansas City, Kansas 66101  
(913) 573-5060  
[cmeyer@wycokck.org](mailto:cmeyer@wycokck.org)

## APPENDIX A

### COSTS FOR USAGE OF THE CCC FACILITY BY UNIFIED GOVERNMENT

#### Equipment and Services:

Six (6) dispatch consoles that each are equipped with 911 and Motorola MCC 7500 dispatch consoles, computers for Internet access and a control station radio. The total cost for such equipment is divided by 365 days to identify a daily cost for twenty-four hours of usage of a Training Room. Any usage of some or all of the dispatch consoles in a Training Room will be at the daily rate for the room.

The 2019 daily cost for usage of the CCC is \$1,314.

Annual rate increases for use of the CCC will not exceed 3%.

#### Personnel Costs:

2019 employee compensation rates for Johnson County employees in the CCC are:

Johnson County Sheriff Communications Personnel: \$33.42/hour/Deputy Sheriff

Johnson County Emergency Communications Center Personnel: \$31.88/hour/dispatcher

Hourly compensation costs will be adjusted annually and provided to Unified Government.



# Staff Request for Commission Action

Tracking No. 19738

**Full Commission Meeting Date:** 5/30/19

**Committee:** Administration & Human Services

Date of Standing Committee Action: 5/20/19

(If none, please explain):

**Publication Required:** No

| <u>Date:</u> | <u>Contact Name:</u> | <u>Contact Phone:</u> | <u>Contact Email:</u> | <u>Department/Division:</u> |
|--------------|----------------------|-----------------------|-----------------------|-----------------------------|
| 5/22/2019    | Emerick Cross        | x6784                 | ecross@wycokck.org    | Administrator's Office      |

Item Description:

Reappointment of Theresa Reyes-Cummings To REACH Foundations Board

Action Requested:

Reappointment of Theresa Reyes-Cummings to the REACH Healthcare Foundation's Community Advisory Committee (CAC) for a three year term from June 1, 2019 to May 31, 2022.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY  
& KANSAS CITY, KANSAS  
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7<sup>TH</sup> STREET, 66101

(913) 573-5400  
FAX (913) 573-5435

April 18, 2019

Mrs. Bridgette D. Cobbins  
Unified Government Clerk  
East Building

Re: Subdivision Plat Approval 2600 W 47<sup>th</sup> AVENUE

Dear Mrs. Cobbins:

Please be advised that the Engineering Division has reviewed the attached plat of 2600 W 47<sup>th</sup> AVENUE located at 47<sup>th</sup> Avenue and Fisher Street being developed by Jones Development Company.

At this time, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

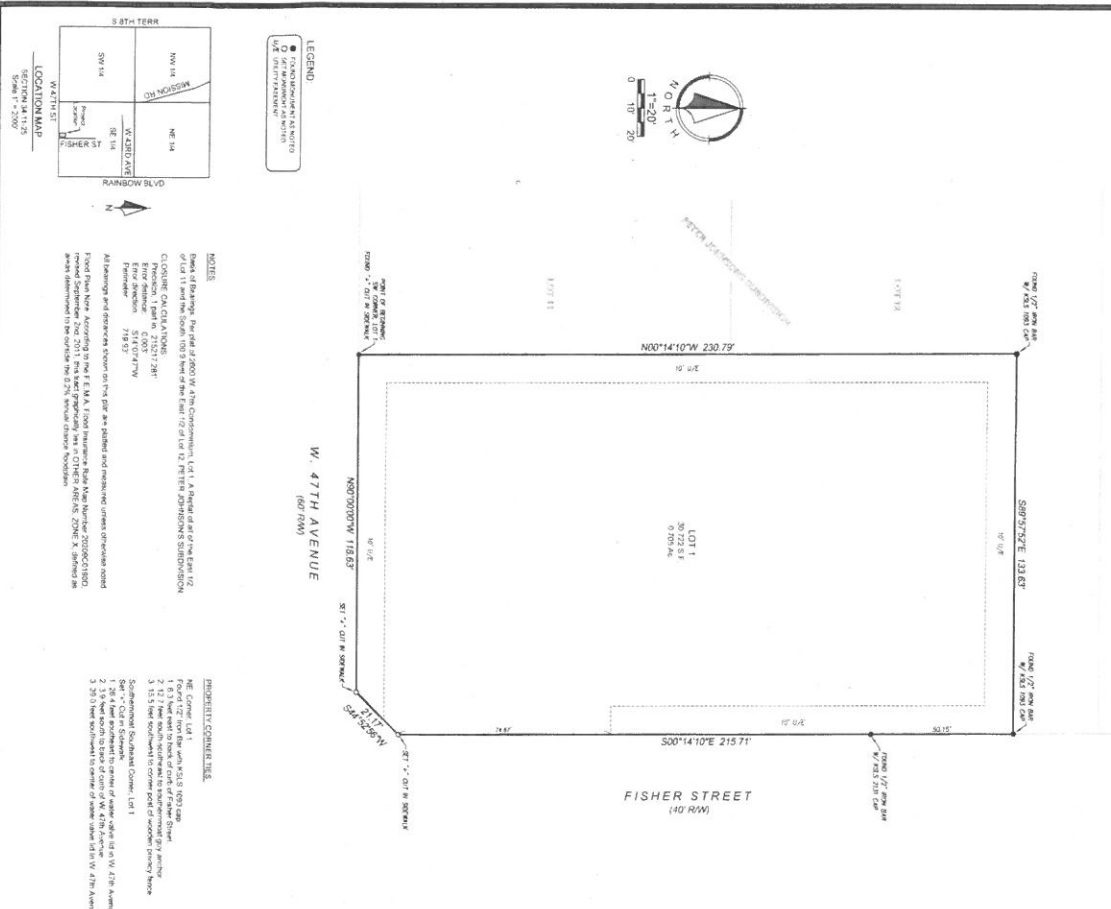
Brent E. Thompson, PS., CPM  
County Surveyor

Troy Shaw, P.E.  
County Engineer

Attachments

**FILED** TPL  
**MAY 13 2019**  
**UNIFIED GOVERNMENT CLERK**

FINAL PLAT  
2600 WEST 47TH AVENUE  
A Replat of all of Lot 1, 2600 W. 47th Condominium, Lot 1, A Replat of all of the East 1/2 of Lot 11 and the South 100.9 feet of the East 1/2 of Lot 12, PETER JOHNSON'S SUBDIVISION



**LEGEND**  
● CONDOMINIUM LOT 1  
● CONDOMINIUM LOT 11  
● CONDOMINIUM LOT 12

**NOTES**  
1. The plat of 2600 W. 47th Condominium, Lot 1, A Replat of all of the East 1/2 of Lot 11 and the South 100.9 feet of the East 1/2 of Lot 12, PETER JOHNSON'S SUBDIVISION, is hereby approved by the Board of Directors of the 2600 West 47th Condominium Association, Inc. on this 1st day of April, 2019.

**PROPOSED CORNER TIE**  
1. A tie line shall be run from the corner of the lot to the corner of the lot.

**RECORDATION**  
The undersigned hereby certifies that the plat of 2600 W. 47th Condominium, Lot 1, A Replat of all of the East 1/2 of Lot 11 and the South 100.9 feet of the East 1/2 of Lot 12, PETER JOHNSON'S SUBDIVISION, is hereby approved by the Board of Directors of the 2600 West 47th Condominium Association, Inc. on this 1st day of April, 2019.

**STATE OF KANSAS**  
**COUNTY OF JOHNSON**  
**BEFORE ME**, the undersigned authority, on this 1st day of April, 2019, personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing plat, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

**WITNESS MY HAND AND SEAL OF OFFICE** this 1st day of April, 2019.

**NOTARY PUBLIC**  
My Comm. Expires 4-1-2020

**RECORDATION**  
The undersigned hereby certifies that the plat of 2600 W. 47th Condominium, Lot 1, A Replat of all of the East 1/2 of Lot 11 and the South 100.9 feet of the East 1/2 of Lot 12, PETER JOHNSON'S SUBDIVISION, is hereby approved by the Board of Directors of the 2600 West 47th Condominium Association, Inc. on this 1st day of April, 2019.

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The undersigned hereby certifies that the plat of 2600 W. 47th Condominium, Lot 1, A Replat of all of the East 1/2 of Lot 11 and the South 100.9 feet of the East 1/2 of Lot 12, PETER JOHNSON'S SUBDIVISION, is hereby approved by the Board of Directors of the 2600 West 47th Condominium Association, Inc. on this 1st day of April, 2019.

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

**REGULAR SESSION**  
**APRIL 11, 2019**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, April 11, 2019, with eleven members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Assistant County Administrator; Carol Godsil, Deputy Unified Government Clerk; Angela Lawson, Deputy Chief Legal Counsel; Emerick Cross; Commission Liaison; Chris Slaughter, Land Bank Manager; Lynn Melton, Assistant to the Mayor; and Captain Ronald Schumaker, Sergeant-at-Arms.

**MAYOR ALVEY** called the meeting to order.

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

**INVOCATION** was given by Reverend George Kemper, Ebenezer Ministries.

**Mayor Alvey** asked if there were any revisions to tonight's agenda. **Carol Godsil, Deputy UG Clerk,** said there were none.

### **MAYOR'S AGENDA**

#### **Item No. 1 – 19685...PROCLAMATION: FAIR HOUSING MONTH**

**Synopsis:** Proclamation proclaiming the month of April 2019 as "Fair Housing Month" in Wyandotte County/Kansas City, Kansas.



19685



## MAYOR'S AGENDA ITEM NO. 1

Unified Government of Wyandotte County/Kansas City, Kansas

**PROCLAMATION**

- WHEREAS,** the Congress of the United States passed the Civil Rights Act of 1968, of which Title VIII declared that the law of the land would now guarantee the rights of equal housing opportunity; and
- WHEREAS,** this law guarantees that housing throughout the United States should be made available to all citizens without regard to race, color, religion, gender, familial status, disability or national origin; and
- WHEREAS,** Wyandotte County and Kansas City, Kansas, are committed to the mission and intent of Congress to provide fair and equal housing opportunities for all, and today, many realty companies and associations support fair housing laws; and
- WHEREAS,** the Fair Housing groups and the U.S. Department of Housing and Urban Development have, over the years, received thousands of complaints of alleged illegal housing discrimination and found too many that have proved upon investigation to be violations of the fair housing laws; and
- WHEREAS,** equal housing opportunity is a condition of life in Wyandotte County and Kansas City, Kansas, that can and should be achieved.

**NOW, THEREFORE,**

I, David Alvey, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim April 2019 as:

**"Fair Housing Month"**

in Wyandotte County/Kansas City, Kansas and express the hope that this year's observance will promote fair housing practices throughout Wyandotte County. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.



*David Alvey*  
DAVID ALVEY, MAYOR/CEO

**Action:** The proclamation was read.

**CONSENT AGENDA**

**Mayor Alvey** asked does any member of the Commission, staff, or citizen in attendance tonight wish to set-aside any item on the Consent Agenda. If an item is not set aside, all items on the Consent Agenda will be voted on by one vote. There were none.

**April 11, 2019**

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

**ITEM NO. 1 – 19681...ORDINANCE: PIPER CREEK REGIONAL IMPROVEMENTS PHASE I – CMIP 6046**

**Synopsis:** An ordinance authorizing the Chief Counsel to initiate legal proceedings to acquire property for the Piper Creek Regional Improvements Phase 1 Project (CMIP 6046), submitted by James Bain, Assistant Counsel. Gravity sewers to flow down the side of streams from Pump Station 67 and proposed new developments to new regional pump station to be located west of N. 131<sup>st</sup> St. and south of Leavenworth Rd. From there, a new force main will run down Leavenworth Rd. along existing Pump Station 63 force main to discharge in Conner Creek, east of N. 123<sup>rd</sup> St.) On September 13, 2018, the Commission unanimously adopted Resolution No. R-44-18, declaring the project to be a necessary and valid public improvement, and authorizing a survey of lands for said project.

**Action:** **ORDINANCE: O-23-19,** “An ordinance condemning land for the construction, maintenance, operation, reconstruction, and improvements of the Piper Creek Regional Improvements Phase I – CMIP 6046, all in Wyandotte County, Kansas; and directing the Chief Counsel to institute proceedings as provided by law to acquire said land.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia.

**Item No. 2 - ORDINANCE: PHVIF IRBS FOR HILTON GARDEN INN RENOVATIONS**

**Synopsis:** An ordinance authorizing and providing for the issuance of industrial revenue bonds in an amount not to exceed \$4 million for the benefit of PHVIF Kansas City, LLC (Peachtree Hotel sales tax exemption only), submitted by Katherine Carttar, Director of Economic Development. The project involves the renovation of the Hilton Garden Inn, 520 Minnesota Avenue. On

December 13, 2018, the Commission unanimously adopted Resolution No. R-64-18 stating its intent to issue said IRBs.

**Action:**        **ORDINANCE NO. O-24-19**, “An ordinance authorizing the Unified Government of Wyandotte County, Kansas City, Kansas to issue Taxable Industrial Revenue Bonds (PHVIF Kansas City, LLC Project), Series 2019, in a principal amount not to exceed \$4,000,000, for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, installing and equipping a commercial facility, including land, buildings, structures, improvements, fixtures, machinery, and equipment; authorizing the Unified Government to enter into certain documents and actions in connection with the issuance of said bonds (Hilton Garden Inn – Sales Tax Exemption only). **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia.

**Item No. 3 – 19650...RESOLUTION: CREATION OF TWO NONPROFIT CORPORATIONS**

**Synopsis:** A resolution authorizing the creation of two Kansas nonprofit corporations (KCK 501 Minnesota, Inc. and KCK 501 Minnesota ALL, Inc.) and applications to the IRS for status as exempt organizations under 501(c)(3), submitted by Katherine Carttar, Director of Economic Development. On April 1, 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-21-19**, “A resolution authorizing the creation of two Kansas nonprofit corporations (to be known as KCK 501 Minnesota, Inc. and KCK 501 Minnesota ALL, Inc.) and application to the Internal Revenue Service for status as tax exempt organization under Section 501(c)(3) of the Internal Revenue Code for the purpose of acquiring, developing, and operating certain real property located at 501 Minnesota Avenue in order to facilitate new markets tax credit financing.”

**April 11, 2019**

**Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia.

#### **ITEM NO. 4 – 19643...NOMINATIONS: BOARDS AND COMMISSIONS**

**Synopsis:** Nominations for Boards and Commissions:

Christina VanCleave, Advisory Commission on Human Relations and Disability Issues, 4/11/19 – 3/31/22, submitted by Mayor John "Tiny" McTaggart, Edwardsville, KS

Stacy Purvis, Self-Supporting Municipal Improvement District, 4/11/19 to 3/31/20, submitted by Commissioner McKiernan

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

#### **ITEM NO. 5 – MINUTES**

**Synopsis:** Minutes from special session of March 7, 2019.

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

#### **ITEM NO. 6 – WEEKLY BUSINESS MATERIAL**

**Synopsis:** Weekly business material dated March 28 and April 4, 2019.

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

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## **PUBLIC HEARING AGENDA**

### **Item No. 1 – 19645...PUBLIC HEARING/ORDINANCE: REDEVELOPMENT DISTRICT PLAN FOR PROJECT AREA 1 IN THE DOWNTOWN GROCERY REDEVELOPMENT DISTRICT**

**Synopsis:** Conduct a public hearing to consider an ordinance making findings and adopting the Redevelopment District Plan for Project Area 1 in the Downtown Grocery Redevelopment District, submitted by Katherine Carttar, Director of Economic Development. On March 7, 2019, the Commission unanimously adopted Resolution No. R-15-19, setting a public hearing for April 11, 2019, to consider the redevelopment project plan.

**Katherine Carttar, Director of Economic Development,** said tonight, there are two items on the agenda: a public hearing and then an ordinance to approve the redevelopment district plan for the downtown grocery store tax increment financing area. I'm going to give just a quick overview of some of the financing and where the TIF, that we're voting on tonight, where that kind of fits into the financing plan.



### **Downtown Grocery Store**

Full Commission  
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## **Downtown Grocery Store Financing**

### **Redevelopment District Plan for Project Area 1 in the Downtown Grocery Redevelopment District**

#### **• Tonight's Actions:**

1. Public Hearing
2. Ordinance

## Downtown Grocery Store Financing

Project Revenues (Sources of Funds)

Constant \$ Over 20-yr Period

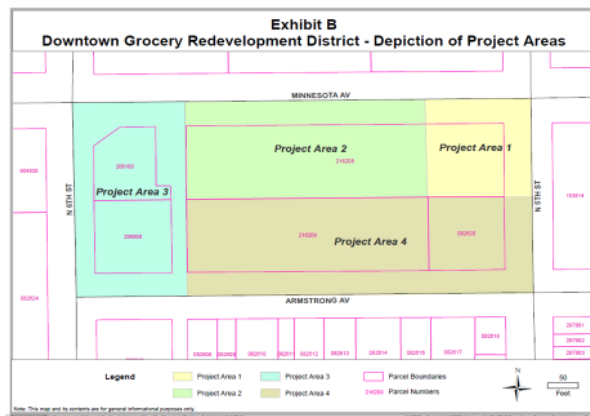
| Item Description                                                        | Estimated Cost     |
|-------------------------------------------------------------------------|--------------------|
| Grocery Store Property Tax Increment*                                   | \$913,021          |
| Grocery Store Sales Tax Revenues*                                       | \$819,580          |
| UG Cash Contribution (Sale of Downtown Hilton Garden Inn)               | \$2,050,000        |
| LISC Loan (15-yr, 3% interest rate – Healthy Food Financing Initiative) | \$1,237,500        |
| New Market Tax Credits (Net of all fees & costs)                        | \$1,000,000        |
| <b>Total Estimated Project Costs with Contingencies</b>                 | <b>\$6,020,101</b> |

\* Net present value = 3.3%

Up on the screen here are large buckets of our project revenues for this downtown grocery store. You can see the grocery store property tax TIF increment of \$900,000. The sales tax revenues, a little less than that. There is a Unified Government cash contribution. This comes from the sale of the Hilton Garden Inn. We look at this kind of like a revolving loan for downtown and urban core redevelopment. We're hoping that our full anticipation of this would be paid back in a timely manner either from the sale of the grocery store or from proceeds, and then that can go into the next project. Hoping that just kind of keeps moving and we get some great projects on the line. We're also receiving a loan from LISC as well as maybe a little over \$1M in new market tax credits. This will all go to pay for approximately a \$6M grocery store.

## Redevelopment District

### Project Area 1



You can see here the Project Area 1, that yellow box in the top right corner. That's what we're talking about tonight. Previously, a few months ago, the TIF District, that entire block was

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approved by the Commission. Tonight, we're looking at just that block for the specific plan that we're looking at. That's just for the grocery store so that will start the clock on that portion saving the rest of the block for future development.

## Grocery Store Property Tax Increment

### Assumptions:

- Grocery Store Property Tax Increment Revenues are an estimated **\$913,021**
- Only an estimated **\$913,021** of the hard and soft construction costs are eligible to be paid with TIF dollars
- General Obligation TIF Bonds will be issued
- Project clock 2019 to 2038 (20 years)

A couple of items. This is just talking about \$913,000. That is the amount of hard and soft costs that are eligible from this project to be paid back with TIF dollars. That's the amount of increment that will be going back to pay for those TIF bonds. Those would be issued and that starts the clock. It would be 20 years for them to be completely paid back or faster.

## Commission Actions for TIF Formation

| Action Items                                                                                                                                                                                                | Dates                                                                  |                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Resolutions:<br>Authorize execution of Merc Co+Op Management Agreement<br>Authorize CAO spend up to \$6 M for design and construction of grocery store<br>Set public hearing date establishing TIF District | ED&F – August 20 <sup>th</sup><br>Commission – August 30 <sup>th</sup> |  |
| Public Hearing & Ordinance: Approve formation of TIF District                                                                                                                                               | Commission – October 11 <sup>th</sup>                                  |  |
| Present Project Area #1 Project Plan for finding of conformity with Master Plan                                                                                                                             | Planning Commission – February 11 <sup>th</sup>                        |  |
| Resolution setting project plan public hearing date                                                                                                                                                         | ED&F – March 4 <sup>th</sup><br>Commission – March 7 <sup>th</sup>     |  |
| Ordinance: Approve Project Area #1 Project Plan                                                                                                                                                             | ED&F – April 1 <sup>st</sup>                                           |  |
| Public Hearing & Ordinance: Approve Project Area #1 Project Plan                                                                                                                                            | Commission – April 11 <sup>th</sup>                                    |  |
| Ordinance: Authorize the issuance of GO TIF bonds                                                                                                                                                           | ED&F<br>Commission                                                     |  |

Just kind of a refresher of where we've been. It feels like I've been up here talking about various aspects of this TIF a number of times and indeed I have. You can kind of see where we've come thus far. A resolution that includes the Merc CoOp Management Agreement was back in August. We've had an ordinance and a public hearing for the TIF district, as well as we've gone through Planning Commission for the design of the grocery store building. The final design plan was

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passed just Monday the 8<sup>th</sup>. That's all been gone through and now we're looking at the final plan tonight; so, we'll have the public hearing next. I'll be happy to answer any questions. You'll only have to see me one more time up here when we come and authorize the issuance of those bonds which will probably be in about a month.

## Downtown Grocery Store

### Estimated Schedule:

- TIF Project Plan approved (Tonight)
- Issuance of bonds (May) and New Market Tax Credit closing (July)
- Break ground (July)
- Store opens! (Spring 2020)



Just a quick overview of what the schedule looks like from here. Tonight, the project plan approval. We'll have the issuance of the bonds here in about a month. The new market tax credit closing will be roughly in July. We're also looking at breaking ground in July. That will set us up nicely for the store to open in the of Spring 2020, so just about a year exactly from now.

I also want to mention that Jason Lovell, Finance Director of Merc Co-Op, is here if you have any Merc specific questions.



**Questions? Comments?**



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**Mayor Alvey** opened the public hearing.

The following appeared in support:

**Justine Underwood Jones, 431 Ann Ave., President, Strawberry Hill Neighborhood Association**, said we are very excited to welcome the Merc into our community. I just want to say that we've been very impressed with how the Merc has gone out of their way to engage with all of our neighborhoods, all of the community organizations hosting a number of listening sessions. I want to say that this project, in particular, with these partners for the community has really raised the bar. When they have listening sessions, they host them on Saturday afternoon. They come to our groups and speak to—they've spoken at the Strawberry Hill Neighborhood Association. I know they've spoken at First Baptist Church with Turtle Hill. They've co-hosted a number with the neighborhood organizations. They've hosted their listening sessions at 7 p.m. to make sure that folks can come. They've gone way out of their way because they know that they have an image that they're not affordable. They've worked really hard to address those concerns to make sure that everybody feels like they're able to be a member, and that they know they don't have to be a member to shop there. That there's going to be affordable groceries. That they're filling a much-needed fresh produce gap in the downtown area. We're very excited to welcome them into our community.

I think that we can all learn as neighborhood groups and as the UG, that this type of community engagement goes so far to bringing people on board with your projects. They're not just trying to drop a store in the middle of our community, and say there you go. They want to be a part of the community, and we value that above most any other concerns. They care about us. They're listening to us. If there are issues, we know that we'll be able to address that with them. That's something that we can't ask from other partners, especially grocery stores that are for profit.

I just want to say that I'm really excited about this. Thank you, guys, thank you Katherine. Thank you everyone who worked on this project and everything that you've done. It's all above my head what you do, but I appreciate it. Thank you.

**Greg Kendall, President, Wyandotte Economic Development Council**, said I'm here in support of the redevelopment district and the grocery store project as we believe this will improve access to healthy food while also driving new sales taxes and driving new development in downtown.

Further, we believe the financing structure adequately protects the Unified Government from risk while also serving a public need.

We also support this project in part because this grocery store plans to stock products made in Wyandotte County on their shelves and hire local residents. We ask that you support this project as presented.

No one appeared in opposition.

**Mayor Alvey** closed the public hearing.

**Action:**        **ORDINANCE NO. O-25-19**, “An ordinance of the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas, making findings and adopting the Redevelopment Project Plan for Project Area 1 in the Downtown Grocery Redevelopment District pursuant to K.S.A. 12-12-1770 et seq., and amendments thereto.” **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia.

### **STANDING COMMITTEES’ AGENDA**

No items

### **ADMINISTRATOR’S AGENDA.**

#### **Item No. 1 – 19677...RESOLUTION: SALE OF MUNICIPAL TEMPORARY NOTES, SERIES 2019-II**

**Synopsis:** A resolution authorizing and directing the sale and delivery of General Obligation Improvement Municipal Temporary Notes, Series 2019-II, estimated amount \$7.5 million, submitted by Kathleen VonAchen, Chief Financial Officer. On March 7, 2019, the Commission unanimously adopted Resolution No. R-14-19 authorizing the sale of said notes.

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**Debbie Jonscher, Deputy Chief Financial Officer**, said I don't have a PowerPoint presentation tonight; however, you should have received a recommendation letter from our municipal advisors BakerTilly. If you're wondering who BakerTilly is, our municipal advisor has been Springstead. Earlier this year they joined forces with BakerTilly and are now operating under that name BakerTilly. We still have the same people helping us with our bond sale, just under a different name.

We held a bond and temporary note sale today. The results, again, were below the market estimate. The temp note estimates were 2.26%. We had a principal amount of \$7.4M and the actual rate came in at 1.74%. That's a maturity through March 2020.

On the Bond Series 2019-B, we estimated 2.17%, and that's with a maturity through August 2027. The actual rate was 1.86%.

The objective of the bond financing was to reduce future interest costs. This refinancing will result in interest cost savings of about \$630,000.

The two items for Commission approval tonight, the first one is a resolution authorizing the sale of General Obligation Temporary Notes. Item two is an ordinance and a resolution authorizing the sale of General Obligation Refunding Bonds.

**Action:**        **RESOLUTION NO. R-22-19**, "A resolution authorizing and directing the issuance, sale and delivery of Municipal Temporary Notes, Series 2019-II, of the Unified Government of Wyandotte County/Kansas City, Kansas; providing for the levy and collection of an annual tax, if necessary, for the purpose of paying the principal of and interest on said notes as they become due; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith."  
**Commissioner Johnson made a motion, seconded by Commissioner Kane, to adopt the resolution.** Roll call was taken and there were ten "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia.

**Item No. 2 – 19678...ORDINANCE AND RESOLUTION: SALE OF CITY GENERAL OBLIGATION REFUNDING BONDS, SERIES 2019-B**

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**Synopsis:** Requesting approval of the following, submitted by Kathleen VonAchen, Chief Financial Officer.

- An ordinance authorizing and providing for the issuance of City General Obligation Refunding Bonds, Series 2019-B.
- A resolution authorizing and directing the sale and delivery of City General Obligation Refunding Bonds, Series 2019-B, estimated amount \$10.4 million.

On March 7, 2019, the Commission unanimously approved Ordinance No. O-17-19, authorizing the issuance of said bonds.

**Action:**        **ORDINANCE NO. O-26-19**, “An ordinance authorizing and providing for the issuance of General Obligation Refunding Bonds, Series 2019-B, of the Unified Government of Wyandotte County/Kansas City, Kansas, for the purpose of providing funds to refund a portion of the city’s outstanding general obligation bonds; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due; authorizing certain other documents and actions in connection therewith; and making certain covenants with respect thereto.” **Commissioner Johnson made a motion, seconded by Commissioner Kane, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia.

**Action:**        **RESOLUTION NO. R-23-19**, “A resolution prescribing the form and details of and authorizing and directing the sale and delivery of General Obligation Refunding Bonds, Series 2019-B, of the Unified Government of Wyandotte County/Kansas City, Kansas, previously authorized by Ordinance No. O-26-19 of the issuer; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith.” **Commissioner Johnson made a motion, seconded by Commissioner Kane, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia.

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## **COMMISSIONERS' AGENDA**

No items

**Mayor Alvey** adjourned the meeting as the Board of Commissioners and reconvened as the Land Bank Board of Trustees.

## **LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA**

**Mayor Alvey** asked if any commissioner or anyone in attendance tonight wish to set-side the one item on the Land Bank Consent Agenda.

**Commissioner Bynum** said, Mayor, I would like to set-aside this item. I think we have some folks in the community that might want to speak to it. **Mayor Alvey** said the item is set-aside.

## **ITEM NO. 1 – 19646...LAND BANK BUSINESS**

**Synopsis:** Communication requesting the existing hold on Land Bank properties within the Northeast Master Plan area be extended for 120 days, submitted by Chris Slaughter, Land Bank Manager. On April 1, 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.

**Chris Slaughter, Land Bank Manager,** said we'll just go through the presentation real quick and then we'll let the members come ask questions. A little of history of where we were and what lead us to where we are tonight. Back in November, we requested a hold for 180 days to go through some new strategies. The Northeast Master Plan was on the verge of being approved. With the recommendations from the plan, we thought, from the Land Bank perspective, we wanted to sit there and revisit and make sure that we're doing the right thing for the community. A lot of the recommendations in the plan were for housing; in-field development. A lot of the things that we present to you on a regular basis are yard extensions and property acquisitions. We wanted to spend some time internally and come up with some strategies. Unfortunately, we just didn't meet that deadline.

At last Monday's standing committee, we asked for an extension and that's what's before you tonight. I will say we have been making some progress. We just didn't feel it was right to

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come with some ideas that weren't 100% vetted. Sometimes, when you look at core issues, more questions pop up which lead to more time and more research to find and come with the right explanations.

Again, it is a 120-day extension. All applications are still being processed through our department. They are just basically being sent a letter saying they're on hold until we get to the point where we can make the recommendations to the Commission. That's the ask for tonight.

**Mayor Alvey** asked if there was anyone in support.

No one appeared in support.

The following appeared in opposition:

**Chester Owens, 1152 Washington Blvd.,** said I have a prepared statement. I know I only have three minutes. It's six minutes long. I would like to have permission for six minutes, no longer than six minutes.

**Action:** **Commissioner Murguia made a motion, seconded by Commissioner Kane, to grant Mr. Owens six minutes to make his presentation.** Roll call was taken and there were ten "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia.

**Mr. Owens** read the statement: No Chain Is Stronger Than Its Weakest link. This is the heading of a document that I sent to every public official in Kansas City, Kansas, in September 2017. I'm passing this document to you again tonight and hope that you will take the time to read it or read it again. I speak to you as one who has sat for eight years where you are sitting. The major difference is as a city council person, we all had to run at-large and maybe we had to listen more closely to the concerns of all of the citizens in Kansas City, Kansas. I clearly understand the tough decisions that you have to make. I think that it is appalling and disgusting that you're again delaying a moratorium on the vacant lots.

I want to talk specifically about two of the vacant lots that are on this list: 1137 and 1139 Everett. I want to emphasize that I am not speaking for the neighborhood group to which I belong, but I am a resident of the area of which these vacant lots are located. This block, at one time, had

seven vacant houses; five of them are now occupied and the other two are being worked on. The two lots were discouraging to this neighborhood. It appeared sometimes that every type of blemish would come there and use it as a housing place. It got so bad until the lady who lived next door with one of our active members moved to Kansas City, Missouri, after complaining about the situation. The neighborhood group approached the commissioner at that time, Mark Mitchell, and asked if he would secure permission for us to do a community garden and he did. We had to remove the stumps and level the lots. This was all done without the assistance of the UG. We interacted with YouthBuild for two summers on this venture and things provided proved to be beneficial for us and them during this period. They installed a fence around the garden and they helped plant the seeds there. For many of them, this is the first time they'd ever seen anything grow. An unknown donor donated a picnic table and installed it at the rear of our garden. At the garden opening, many public officials, including the Mayor, attended along with many community policing officers. We purchased all of the necessary garden tools ourselves and a tiller was donated by a person. The produce produced in this garden was given first to the members of our neighborhood group and then to residents in the neighborhood. We do not sell anything.

Since we had not only taken care of these vacant lots and provided assistance to residents, we wanted to acquire these lots before this growing season. We went through the process of having these lots put in a tax sale. Not only were we disappointed at the first moratorium, but to extend a moratorium for an additional period not only is frustrating, but downright disgusting. This action adds fuel to the fire, and we cannot separate this issue because the vast majority of the vacant lots are in the Northeast area.

From the master plan, I presented my views in these documents which I referred to at the beginning of the comments. Many persons who live and work, who live, and I want to put emphasis on live, and work hard daily in the neighborhoods to maintain a quality of life consider the master plan as one of the greatest hoaxes that has ever been perpetuated on this area. To devise a plan and not include any funding, budget funding, specifically for this implementation, is incomprehensible to me.

In talking to members of other neighborhood groups and not just in the Northeast area and persons who are not member of a neighborhood group who live—put emphasis again, who live, and work to maintain a quality of life it appears that their views no longer matter. I hope you will take time to read the document “No Chain is Stronger than Its Weakest Link.” These comments

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represent the views of a large segment of the residents where I live who now feel that they no longer matter, and their views are not only not heard, but are not respected and have no meaning. Many of us are elderly. When you mistreat the elderly, nothing good will come out in the long run.

I want to conclude my remarks with a quote from “No Chain” and a quote by an unknown person. First my quote from Gu Cheng, my comments are not politically motivated. They are not threatening, and they are not race-based. Hopefully, as we move along, we will see things only as what is right and what is wrong. Now the quote, and I do a lot of reading. This specific quote jumped out at me about a month ago. The quote goes like this, “It is sometimes stated that silence is golden, but there comes a time when speech is golden.” Silence is criminal, and I’m not going to be a criminal anymore. Thank you for allowing me to speak.

**Elnora Jefferson, 419 Haskell**, said my ask tonight is to not approve the 100-day moratorium without a two-way information session where what has been done can be discovered, and what will be done can be conveyed embedded and why for a number of reasons. One reason is that this informational session was asked and it was granted. It was very well implemented. Mr. Slaughter did a great job in going out and talking with all of the neighborhood groups. They were able to listen and learn and felt comfortable with the 100-day moratorium.

Questions that I received about the 120-days, I had no answers because I had no information because it had not been shared. On the hills of the Northeast Area Master Plan where citizen input was required in order for the master plan to be deemed an official document at least two, if not more, public notices were mailed, and extra effort was extended to involve the everyday citizen. The Northeast Area Master Plan has many components. The four things: the grocery store, rich history, clinic, and a neighborhood project all depend upon land. How can a Land Bank policy be established without the input of the very same people whose voices were heard to determine the master plan? Land use is a big component of the plan.

The entrepreneurial push. We have a couple of entrepreneurs here and you know them. The Land Bank policies are made in a vacuum. What entrepreneurial projects are lost or sacrificed? We’ve had those just because we just don’t know. We don’t have that communication. We’ve had people who had invested money in businesses and they’ve lost that because the land was sold out from underneath them.

The Stormwater Steering Committee will convene tomorrow. Resident and neighborhood representatives were invited to attend. The Chamber has established a subcommittee that has already met with Public Works and others to help determine the financial rhythm that would be used to access—the KCK Zoning Re-Write Committee is another. I’ve listed several here. All to say that this precedence. This is not anything that’s new. For this full-body commission to not approve the 100-day moratorium is not something that’s out of the box. I would address one thing, I would say, and I heard Mr. Slaughter say this and I know that this is the intent of everyone who’s here is do the right thing for the community. I think that’s noble and that sounds good. The real thing is, the real paradigm should be, how do you know? The real paradigm should be, we do it together and that’s what happens when we have a two-way dialogue.

**Terrell Dyer, Kansas City, Kansas**, said me and my cousin are actually one of the entrepreneurs that she’s referring to. This hold on the land is actually kind of holding us back on doing something productive for the community that we’re looking to start initiating. It’s kind of been put on hold because of the things we’re trying to do with the land, it’s working with the Northeast Master Plan trying to bring a community-based food system here to our community. We feel like it would be very vital as far as the condition which our community is in health-wise as well as grocery store wise and growing fresh produce to get a healthier community as well. Land is very valuable. I understand the restriction of the hold on some standpoints. As far as when people of the community and organizations of the community come before you all in the Land Bank with great ideas to start moving this community forward, especially the Northeast, because a lot of things haven’t been done in that place for about 30 years. Now, we got people in here that’s trying to put things forward and this land hold is slowing that down.

**Justine Underwood Jones, 431 Ann, President, Strawberry Neighborhood Hill Association**, said forgive me as a lay person. I wonder if it would be possible to request. I know a lot of people came to oppose the moratorium. I didn’t know if the Board of Commissioners what the process was for asking people who didn’t want to stand up and speak. If they could stand to be counted. I just wanted to submit that request; if that’s something that you guys would be willing to consider tonight.

**Mayor Alvey** said if you're in opposition to the delay, just raise your hand. (Approximately 10 people raised their hand.)

**Mr. Slaughter** said I'll start by saying I appreciate the comments that were made tonight. Again, I think our position is going to be, we want to rollout suggestions and policies that are best not only for the community, but for ourselves also, and the Land Bank.

As far as reaching out, I probably felt that since we weren't at a conclusion or we we're treading water maybe, that was probably a message that didn't need to go out. I can improve on that by keeping, especially the Advisory Board up-to-date of the progress. Sometimes, again, it just felt like just telling them over and over that we're still working on it, just maybe seemed a little redundant.

**Mayor Alvey** asked, Mr. Slaughter, if you would explain, it's always a trade-off. If we were to not go ahead with the moratorium, there would be ramifications. If we go forward, there are other ramifications. Just give us an idea of what is the purpose. What was the original purpose of the original moratorium? Are those factors still in the play?

**Mr. Slaughter** said well, with the momentum that the master plan was getting, I felt we had an increase of speculative applications. The work that you guys put into it and staff put into it to come up with recommendations of how to improve the Northeast Area which, again, includes housing, which includes other amenities, I thought that bringing such applications on a routine basis which had been on par maybe was not the best course of action. That's why, back in the fall, we asked for this moratorium. It's something that I didn't want to sit there and have to do and create all by myself so that's why other members of staff, other departments, are involved. I guess from a scheduling standpoint, that's been somewhat in the delay. I think we're making some progress. I understand that some of the recommendations we make may not be 100% popular. I think we want to at least put ourselves in a position that when it comes to development or when it comes to improving the Northeast, we feel we're taking the best course of action.

**Mayor Alvey** said to be clear, one of the primary reasons for having the moratorium in the first place was we perceived that there was an increase in people who were looking to have land conveyed to them from the Land Bank simply because they thought the prices would go up and they would be able to resell and make a profit. It's not the same as those who would come in and



build immediately. There are those who would just try to tie up the property in anticipation of development later.

**Mr. Slaughter** said in looking at the requests that we have on hold, I would say half of them, again, are just yard extensions. Others are property acquisitions. Some of those are gardens, community gardens that were spoken about tonight. I think there's still places for those. I think as a whole I think we would want to be strategic in where some of those were or maybe we didn't want to have some of those. Again, not referring to anything that was spoken to tonight, but instead of just having those applications come in and brought before you, I think we need to have an internal vetting process that at least we're all on the same page to sit there and tell an applicant, yes, we think this is a good plan or no, maybe we want to hold off for something else.

**Mayor Alvey** said I don't know if the Commission would agree, but is it possible that, in fact, with the advent of the Northeast Master Plan, this is actually spurring interest in the Northeast that would not have been there before. In a way, that speculation shows that there is more investment ready to come partly, we're just trying to identify where those areas are and how that can happen. Is that possible? **Mr. Slaughter** said I would say so, yes. **Mayor Alvey** said at the same time, the tradeoff on that is we have individuals who are ready to bring something real and we're delaying them. That also is a problem. I would suggest that maybe if—I don't know what can be done in terms of the ordinance, but I'll shut up and let others.

**Commissioner Bynum** said I think other commissioners may have a good suggestion to make. I just wanted to clarify what I'm hearing and maybe reiterate it. I'm hearing that for round two of a moratorium, unlike our efforts with the master plan processing, we didn't do a good job of communicating with our neighborhoods and our community. Secondly, this is really critical and important to me—we have within the Northeast area, people who are ready right now to bring projects forward and some of those projects include Land Bank land. It's almost like we're stepping on our own toes by protecting the whole community from speculation or stopping real organic interest which is exactly what we wanted to have happen with our Northeast Master Plan. That to me is a conundrum. It sounds like maybe our fearless spreadsheet data man might have a suggestion. Am I wrong? Alright. I would love to hear it. I would like a way forward.

**Commissioner Johnson** said I think by Commissioner Bynum's reference, she's not talking about me as the data man. I wanted to get clarification, particularly from Mr. Owens. The vacant lots that you spoke of, are they already owned or are there additional properties that you are trying to acquire? Just want to make sure I understand that properly. **Mr. Owens** said they are owned, I guess, the UG. We had them put in the tax sale. As we stated, Commissioner Mark Mitchell assisted us. We were just trying to make our neighborhood better.

We had a garden as of 2000. We've done this for 11 years. We've set a target to try and get this growing season. If we were successful, we'd like to own those lots. We own already 4 lots in that block that we purchased over the years. **Commissioner Johnson** said you're looking for an additional 2 lots is what you're suggesting. **Mr. Owens** said those additional 2 lots because we use that. We feel that we have really provided, I guess, assistance to the UG. We feel that we deserve—and don't need to wait any longer. That's what really is kind of getting us. **Commissioner Johnson** said thank you.

I'm going to try to be brief. I think you know, as it relates to the policy, that we're trying to set. What I'm more concerned about is not necessarily the letter of the policy, but the spirit of the policy; the way in which we're doing this. I thought that there was a little bit of wiggle room that if there were projects that were underway that we knew that kind of spoke to the need and to the intent of the Northeast Master Plan that we could kind of talk through those and work those through the standing committee on an as needed basis. It doesn't seem that is the case. Maybe I just misinterrupted it. I do think particularly to what I heard from Mrs. Jefferson and even Mr. Dyer that there needs to be an inclusive process with the community specifically because that was the way that we rolled out the master plan in its infancy.

We had a number of groups, focus groups, community groups, and it was a very inclusive process. As we are moving forward with this—I do understand. I want to make sure I can say this. I do understand why we're doing this. It is the spirit in which and it's the message that we're sending to the community. We need to be very mindful of that. The things that were problems before we started the master plan, are still problems right now. I think there needs to be a very inclusive process. Then, if there are projects that are worthy that speak to the master plan, why can't we take a look at those right now and vet those on a one-on-one basis? Those are my comments.

**Commissioner McKiernan** said I think Commissioner Bynum actually, I think, has kind of crystalized what I was thinking as I was hearing this. In our attempt to protect our ability to realize the plan, we're standing in the way of realizing the plan at the moment. It occurs to me that I think maybe our best course of action to go forward would be to take this extension of the moratorium effectively back to committee, but to say that before it comes back to committee, that we have a public engagement, at which time we engage those people who are here in the northeast area and that we effectively evaluate all of the proposals for land use. If there are some that are none speculative that are going to lead to the realization of real projects right now that are in the spirit and the intent of the master plan, that the Land Bank Advisory Committee could suggest that we approve those now, effectively ignoring the moratorium for those projects that can be realized.

If there's a need, after this meeting, to extend a broad moratorium to hedge speculation and enhance the realization of the entire plan, that we can go ahead and do that at that time, but after having taken out projects that are capable of being realized right now.

**Action:**        **Commissioner McKiernan, made a motion, seconded by Commissioner Townsend, that this be sent back to Neighborhood and Community Development Committee for consideration of extending the moratorium, but that before it comes back to committee, we have a community engagement process, during which time we can evaluate whether or not there are proposals for Land Bank properties that could help realize the Master Plan and be executed at this time. Then those could be brought forward as recommendations from the Land Bank Advisory Committee for action by the committee, and then the moratorium could be extended beyond that.**

**Commissioner Townsend** said I wholeheartedly seconded Commissioner McKiernan. I want to say that I don't want anybody to leave here thinking that this moratorium was in anyway some method to undermine the momentum that is going on in the Northeast area. I appreciate Mr. Owens' comments. One of the things that I know was hardest when I came in was there was the evidence of so much mistrust for what had been or what hadn't been; the neglect. That is definitely not what we're doing here.

As for the immediacy of some projects, I'm not going to name it. It was my understanding because I weighed in on it, that some latitude had already been granted to deal with a couple of lots. I won't name them, so I want people to know that had been taken into account.

The second thing is this moratorium, the ask, was no different than the first one when it came through some months ago. There was a lot of participation and involvement at the standing committee when it was first presented. At that time, the neighborhood asked for additional time for the committee to look at it and that was granted. Nothing has really changed from the first time; however, I can appreciate that to make sure the community is clear again on what we're trying to do here I would second Commissioner McKiernan's motion. I don't want anyone to leave here thinking this is an undermining effort or different than what we had done before. If it takes 120 days right now to make sure we don't have speculators coming in, we need to take the time to do that so we're thoughtful and strategic which was the goal of the master plan in the first place. When businesses come in, and I know they will, we know they fit in and they look right for us so it's no longer a neglected area.

**Commissioner Johnson** said just to be precarious, just wanting to know what are the things that are slowing down the process that are making this process go a little longer than what was originally intended. **Mr. Slaughter** said I would think scheduling has been a big part of it. I think, from my perspective, the loss of Mr. Brockman has increased my workload. You know those are probably the two main factors.

**Commissioner Johnson** said I want to make sure that I address the two outstanding issues that I heard, one from Mr. Owens and one from Mr. Dyer. Both of those items that they're working on speak to the spirit of the master plan, particularly Struggler's Hill already has a community garden. It's not like they're wanting to start one. They're wanting to expand something that is already there. I don't know why we can't take a look at that.

I've already heard about Mr. Dyer. I think Commissioner Bynum has been working with you in working on that project as well, which is another thing that is within the spirit of the master plan. In other words, this is not a yard extension. This is not some speculator. These are two projects that are within the context of the master plan. I don't know why we can't work with these

two groups to see about getting those things done now. Is there a reason why we need to hold them up?

**Mr. Slaughter** said the reason for that was, there was some discussion that the location they want to have their project at maybe wasn't going to be in the best interest of the UG to sell. We were going to look at leasing the property to them. That lease policy, we didn't present it on Monday. We were told not to present it. That was going to be brought back with rest of the hold policy recommendations. That's been the decision making on that.

**Commissioner Philbrook** said I agree with a lot of the other commissioners that sometimes we create roadblocks for ourselves and for our community with best intentions. Although, I understand that this is going to make more work for us, don't anybody throw darts at me please. I believe that we're going to have to start looking at these projects individually as they come forward while we're creating the illustrious master plan. As part of it, the policy that goes along with the master plan. It's our policy; it all falls in. Without having the Land Bank information that falls in with it, the master plan doesn't work, not the way they want it to. Is that correct? Sorry for misspeaking. Thank you for telling me that. I would really like to see that we do take the extra effort to work with these folks individually and talk through it with the community, with individuals who are wanting to invest in our community. I know that's a lot of work making it individual instead of an overall plan that we can just follow with everybody, but right now we don't have it, so that's what I think.

**Commissioner Bynum** said for those of you that are present and would like to be engaged in this dialogue that would occur prior to our next Neighborhood and Community Development meeting, have you ever been in a group of people where you're all trying to land on what day can we meet. That can be really daunting so you need to understand that.

First of all, I'd like to just see a raise of hands from you if you want to participate in that meeting because Mr. Slaughter needs your contact information before you leave and then we're going to be dealing with organizing six, seven, eight people into a time that fits most schedules and it won't be easy. I think we all need to understand and recognize some of you may not make it to whatever time and date is landed on. We need to make a good faith effort to work with you.

Make sure that Mr. Slaughter has a way to communicate with you. We will ask him to communicate that with us as well so that we can come and participate as well.

The second item is the next Neighborhood and Community Development Standing Committee then would be scheduled for what date. Do you know? **Mr. Slaughter** said April 29. **Commissioner Bynum** said so we have a very short timeframe in which to hold this meeting in order to bring this back to the next Neighborhood Standing Committee meeting.

Number three, I have been working with Mr. Dyer and Mr. Marks on the proposal for the Land Bank parcels they wanted. We had a lease concept mutually agreed upon by what we thought were all parties so I'm going to request that we see that again at the April 29<sup>th</sup> meeting so that committee can consider that. Thank you.

**Angela Lawson, Deputy Chief Counsel**, said I got a little confused. I was trying to write and listen to the motion. If the motion was to send the hold back to the Land Bank for consideration, there could be a gap when there's not a moratorium. **Mayor Alvey** said I think it's a short-term. I don't see that that's an issue. **Ms. Lawson** said okay. I just wanted the Board to understand that there could be that gap that if it doesn't come back at the right time.

**Commissioner Johnson** said I don't want to complicate it, but I do want to make sure that Struggler's Hill is included in that process as well so that we can get back. There's no reason why we should hold them up if these properties are adjacent to the properties that are in that area that's fulfilled the purpose of the master plan. I just want to make sure that that's being stated.

Doug, it sounds like you might need some help over there. I'm not trying to put anybody on the spot, but it sounds like you're doing the best you can. I do appreciate the work that you've been doing, Chris. You're doing the best job that you can get done. I just want to make sure that we give you the kind of support that you need to make sure that all of these demands that we're making are met.

**Commissioner Bynum** said as far as any process, like you said, could temporarily lift the current hold—you're taking Land Bank applications now? **Mr. Slaughter** said we haven't stopped taking applications. They've just been communicated back that it's on hold. **Commissioner Bynum** said for this duration of time between now and April 29<sup>th</sup> nothing would be processed anyway.



Correct? **Mr. Slaughter** said I think to Ms. Lawson's point, by the time the 29<sup>th</sup> hits, the original 180 days would probably have expired. **Commissioner Bynum** said correct. **Mr. Slaughter** said I can bring the 50 plus applications and put them on the agenda for the 29<sup>th</sup> if this is what the Board wants.

**Commissioner Walters** said we have a motion and a second. I'd like to call for the question.

Roll call was taken and there were seven "Ayes," Kane, Markley, Walters, Bynum, Townsend, McKiernan, Murguia; and three "Nos", Johnson, Philbrook, Burroughs.

Prior to Commissioner Philbrooks' motion she said I'm so confused on what the heck I'm voting on. This is like—I'm sorry. I understand. No, since I don't understand.

**Mayor Alvey** said we have a motion and a second. If you would recount the motion.

**Commissioner Johnson** said shouldn't you have Commissioner McKiernan. **Mayor Alvey** said I think she has to record it. **Carol Godsil, Deputy UG Clerk**, said 7 to 3. **Mayor Alvey** said no, no. The original motion of Commissioner McKiernan. **Doug Bach, County Administrator**, said the motion that was made. **Ms. Godsil** said roll call on the motion made by Commissioner McKiernan, "Johnson...**Mr. Bach** said he wants the motion stated. Do you record the motion, or do we need to play it back? **Ms. Godsil** said I can read part of what I wrote down. The motion was to send the item back to Neighborhood and Community Development for consideration to extend the moratorium and for the community to engage and evaluate the proposals that are in the Land Bank, and to ensure the proposals are in conformance with the Master Plan and then to bring this back to the Land Bank to place a possible moratorium.

**Mayor Alvey** asked is that accurate. **Commissioner McKiernan** said I think there's a way simpler motion here, I really do, that avoids the laps, that avoids everything. I think, and I think Mr. Slaughter may have brought this up. I think if the hold stays in place and we just systematically engage and consider, as Commissioner Townsend said earlier, we have the possibility, the Committee has the authority to override the hold for any project that would come forward that we think is in the spirit and intent of realizing the master plan. We could leave the

hold in place and then request that Mr. Slaughter engage with the community to identify those projects or those applications that if realized, would contribute to the attainment of the master plan.

**Mayor Alvey** asked do we need a new motion. **Commissioner McKiernan** said I'm spitballing this out loud here at the moment because if we decide that this is a reasonable course of action, we can withdraw an original motion and state.

**Commissioner Walters** said we've already had a vote to vote on the original motion. We can't have a new motion until we vote on the first one.

**Commissioner Murguia** said I think this is way easier. Hopefully, I can explain better. **Mayor Alvey** said we have a call for the question. We can't have a new motion. **Commissioner Walters** said we've already voted. **Mayor Alvey** said no. We voted on the call for the question to bring a vote on the original motion. Let's take a vote on the original motion; the first motion.

**Commissioner McKiernan** said just to clarify, the original motion is the one we are voting on that stands to send it back, engage the public, identify projects, bring those back along with a request to extend the hold at that time.

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

**Commissioner Murguia** said, Mayor, I just want to make sure that the residents understand we're engaging at that meeting the moratorium hold as well as any projects that might fit within the master plan. Does everybody understand that? There's somebody shaking their head no. I'll give it a shot.

There's a moratorium on this area. We're entertaining a moratorium on this area. We're not releasing any property. If you were still—what we're saying is, we're still willing, as a committee, as a standing committee that hears this, to hear your projects at the same time. That committee has the authority to override that moratorium. At that meeting, as a committee member of that meeting, I would tell you that I would expect to hear about the moratorium, but at the same

time, hear about your projects. If we decide that your project fits within the master plan and it's what the community wants to see happen, we have the authority to move ahead with that at that meeting. Does that make sense to everyone? Okay. Thank you.

**PUBLIC ANNOUNCEMENTS**

No items

**MAYOR ALVEY**  
**ADJOURNED THE MEETING AT 8:00 P.M.**  
**April 11, 2019**

tk

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Carol Godsil  
Deputy Unified Government Clerk

**April 11, 2019**

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

**PLANNING & ZONING AND  
REGULAR SESSION  
APRIL 25, 2019**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, April 25, 2019, with ten members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; and Alvey, Mayor/CEO, presiding. Philbrook, Commissioner Eighth District was absent. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell and Melissa Sieben, Assistant County Administrators; 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; Jeff Fisher, Executive Director of Public Works; Lideana Laboy, Traffic Engineer; Janet Parker, Administrative Assistant; Misty Brown, Deputy Chief Counsel; Alan Howze, Knowledge Director; Lynn Melton, Assistant to the Mayor; Maureen Mahoney, Chief of Staff in Mayor's Office; and Captain Ronald Schumaker, Sergeant-at-Arms.

**MAYOR ALVEY** called the meeting to order.

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

**INVOCATION** was given by Reverend Ken Nettling of Faith Lutheran Church.

**Mayor Alvey** said I'll ask the Clerk if there are any revisions to tonight's agenda. **Bridgette Cobbins, UG Clerk,** said under the Tax Status Report, COZ #3183, 2014 taxes have been paid.

**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 McKiernan** disclosed contact with proponents and opponents of #SP-2019-30. **Commissioner Townsend** disclosed contact with proponents and opponents of #SP-2019-16. **Commissioner Burroughs** disclosed contact with opponents of #SP-2019-27 and proponents and opponents of #SP-2019-30. **Commissioner Bynum** disclosed contact with proponents of #SP-2019-16, and proponents and opponents of #SP-2019-30 and #SP-2018-54. **Commissioner Johnson** disclosed contact with proponents of #SP-2019-16. **Mayor Alvey** said I have had contact with opponents of #SP-2018-54. **Commissioner Kane** disclosed contact with proponents and opponents of #SP-2018-54.

**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 Murguia** said I would like to set aside the ordinance on the vending machines.

**Action:** **Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve, excluding the set-aside item.** Roll call was taken on the motion and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan, Murguia.

## CHANGE OF ZONE APPLICATIONS

### **ITEM NO. 1 – 19698...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, 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 to 7 to 0 to uphold its previous recommendation and recommends approval of Change of Zone Application #3183, subject to:

#### Urban Planning and Land Use Comments:

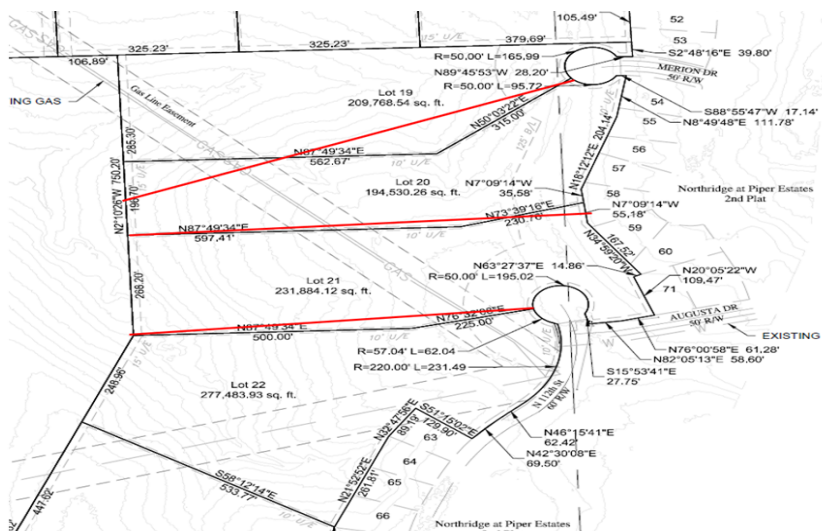
1. Please describe why it is necessary to have lots that have less than 300 feet of frontage and less than 5 acres on 115<sup>th</sup> Street as required by the code.

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

*Applicant Response:* The developer is proposing to make a series of nature trails 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:

1. Items that require plan revision or additional documentation before Engineering can recommend approval: none.
2. Items that are conditions of approval (stipulations):
  - a. 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.
  - b. 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.

- c. 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.

Additional Stipulations from City Planning Commission Meeting:

- 1. 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. The name of the subdivision shall be Woodridge Estates.
- 5. Tree preservation of at least half the area and then at final plat show what percentage larger than that (50%) they can preserve on each lot and record that.
- 6. Lot 25 will be removed and be incorporated in the existing subdivision.
- 7. Work with Public Works for signage on the cul-de-sac.
- 8. The lots on the east side of the subdivision will be served by gravity sewers without a grinder pump.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve Change of Zone Application #3183, subject to the stipulations. Roll call was taken on the motion and there were nine "Ayes," Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan, Murguia.

**ITEM NO. 2 – 19699...CHANGE OF ZONE APPLICATION #3184 – PETER AND LISA LORD WITH WAREHOUSE 647, LLC**

**Synopsis:** Change of zone from M-2 General Industrial District to CP-3 Planned Commercial District for a residential unit over a commercial business at 647 Southwest Boulevard, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application #3184, subject to:

Urban Planning and Land Use Comments:

1. Parking

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

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

Public Works Comments: none.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve Change of Zone Application #3184, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan, Murguia.

### **ITEM NO. 3 – 19700...CHANGE OF ZONE APPLICATION #3185 – BRANDON BECKER WITH BCB HOLDINGS**

**Synopsis:** Change of zone from A-G Agriculture District to R-1 Single Family District for a single-family residential development at 3316 North 131<sup>st</sup> Street, submitted by Robin Richardson, Director of Planning. The preliminary plat shows 66 residential lots to build 66 single-family homes on 32.34 acres. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application #3185, subject to:

#### Urban Planning and Land Use Comments:

1. Is parking going to be available one side of the street or both, as the street must be wide enough to accommodate passenger vehicles and EMS vehicles?  
*Applicant Response:* A standard 28’ wide street section is being proposed.  
*Staff Response:* One side will be signed “no parking” per the Fire Department.
2. The proposed turnaround for Lot 6 is not adequate for EMS vehicles. The platted right-of-way is 50 feet. The pavement width back of curb to back of curb is 40 feet. A temporary cul-de-sac must be added in between Lots 6 and 12. A restriction shall be added stating: Lots 6 and 12 are not buildable nor will building permits be issued until the street is extended to connect to another phase or development.  
*Applicant Response:* Please see revised turnaround, which meets IFC requirements. The developer would prefer not to construct a cul-de-sac that would limit lot sales on two lots. The revised configuration meets code requirements and would only restrict sale on one lot.  
*Staff Response:* Per the Kansas City Kansas Fire Department:
  - Revise the turning radii from 25’ to 28’.
  - Post the turn around and the portion of the street directly opposition “No Parking Fire Lane.”
3. The remainder of the subdivision based on the street width is still parking on one side only. Sec. 27-454. Lot width: Not less than 65 feet measured at the building line.  
*Applicant Response:* Understood. All lots comply with the minimum lot width of 65’ at the building line.
4. Per the Prairie Delaware Piper Master Plan: Within Area 1 lot width, the requirement for lots in the subdivision is as follows:
  - 80 – 100% 70 feet
  - 0 – 20% 50 feet

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

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

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

*Applicant Response:* Provided as requested.

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

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

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

*Applicant Response:* understood.

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

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

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

*Staff Response:* Two of the pedestrian transportation strategies, within the Prairie Delaware Piper Master Plan, is to connect key pedestrian corridors to schools, parks, recreation uses and activity centers and create pedestrian corridors that connect neighborhoods. Connecting to the Whispering Pines' trail meets the strategy set forth in the Master Plan. As part of the Leavenworth Road improvements, sidewalks will be installed both sides of the street, which the pedestrian trail can connect to and lead to the intersection and crosswalk at 131<sup>st</sup> and Leavenworth Road. The school district is aware of the possible mid-block crossing as it was

discussed during their plan review for the grade school. Not providing a pedestrian trail that extends beyond the boundary of the subdivision to connect to an existing trail (Whispering Pines neighborhood) or the future sidewalk on Leavenworth Road is a disservice to the future residents of the subdivision.

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

9. Per the Prairie Delaware Piper Master Plan—pedestrian transportation strategies include, but are not limited to:
  - a. Connect key pedestrian corridors to schools, parks, recreational uses and activity centers (public facilities, commercial areas, etc.).
  - b. Fill in gaps in the network where some sidewalks exist.
  - c. Create pedestrian corridors that connect neighborhoods.
  - d. Improve streets having sidewalks on one side to two sides.
  - e. Utilize utility corridors when possible.

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

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

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

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

*Staff Response:* Prairie trails as noted above.

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

*Applicant Response:* Understood.

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

*Applicant Response:* Understood.

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

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

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

#### Public Works Comments:

1. Items that require plan revision or additional documentation before Engineering can recommend approval: none.
2. Items that are conditions of approval (stipulations):

- a. Please coordinate with UG Public Works and Water Pollution Control regarding the final alignment for the proposed public sewer main extension running south of Lots 51, 52, 53 and 54. If the proposed sanitary sewer alignment is passing through the named lots, sanitary sewer easements, in accordance with UG standards and criteria, shall be required.
  - b. The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents in accordance with County Surveyor comments.
  - c. 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 Johnson, to approve Change of Zone Application #3185, subject to the stipulations. Roll call was taken on the motion and there were nine "Ayes," Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan, Murguia.

#### **ITEM NO. 4 – 19701...CHANGE OF ZONE APPLICATION # 3186 - KURT WINTERS WITH UG WATER POLLUTION CONTROL**

**Synopsis:** Change of zone from A-G Agriculture District to MP-3 Planned Heavy Industrial District for a wastewater treatment plant at 9407 Main Street, and

#### **MASTER PLAN AMENDMENT APPLICATION ITEM NO. 1 – 19702...#MP-2019-3 KURT WINTERS WITH UG WATER POLLUTION CONTROL**

**Synopsis:** Master Plan Amendment from Regional Commercial (City-Wide Master Plan) to Utilities (City-Wide Master Plan) at 9407 Main Street, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 7 to 0 to recommend approval of Master Plan Amendment #MP-2019-3. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application #3186, subject to:

##### Urban Planning and Land Use Comments:

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

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



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

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

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

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

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

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

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

*Applicant Response:*

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

5. Staff assumes buildings in future phases will be the same in style and architectural design as in Phase 1. A preliminary plan may be required for additional phases if design differs. Additional parking may be required as additional phases develop.  
*Applicant Response:* Understood.
6. Provide a 5' utility easement along all property lines abutting other property. Provide a 10' utility easement along all property lines abutting an alley or street.  
*Applicant Response:* The utility easements have been added to the plans and are called out on the Preliminary Site Plan/ Play (C04) and the Preliminary Utility Plan (C06).
7. Lots 18 through 22, Block 2 of Connor City Plat are deeded to remain as perpetual open space as part of the HMGP buyout.  
*Applicant Response:* The Folsom Property (9620 Elm KCK) is Block 8 (southwest of Wolcott Rd.) not Block 2 (within the plat site). See attached reference information. It appears the deed transferred from the Folsom's to UG incorrectly. A deed correction is underway.  
*Staff Comment:* Prior to approval for final plan review, the deed correction must be completed and accepted by FEMA.
8. The East 2 feet of Lot 26f and all of Lots 27, 28, 29, and 30, Block 3, of Connor City Plat are deeded to remain as perpetual open space as part of the HMGP buyout.  
*Applicant Response:* Understood, these lots will remain as open space.
9. 9401 Oak Street has been deeded to remain as perpetual open space as part of the HMGP buyout.  
*Applicant Response:* Understood, this lot will remain as open space.
10. This site is located within a floodplain. A floodplain development permit shall be required prior to construction.
  - a. Elevation certificates for new structures, to include buildings and tanks, shall be required at the time of review, based on proposed plans and again after finished construction, based on as-built elevations. Elevation certificates must be sealed by a Kansas licensed land surveyor or engineer.
  - b. New construction and attendant utility and sanitary facilities shall have the lowest floor, including basement, elevated a minimum of 18 inches above the base flood elevation or be dry floodproofed to a minimum of 18 inches above base flood elevation.
  - c. When fill is used, the top layer shall be above the BFE and in accordance with adopted building code standards. Fill shall not adversely affect the flow or surface drainage from or onto neighboring properties.*Applicant Response:* Understood.
11. Will there be any storage or processing of hazardous materials?  
The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal, or plant life is prohibited.  
*Applicant Response:* All chemicals will be stored above the 500-year flood elevation within secondary containments.
12. Must comply with Sec. 27-548 through 27-572, provisions for flood hazard reduction.  
*Applicants Response:* Understood, the lead designer on the project will be performing a no-risk analysis.
13. Address attached comments from Geospatial Services Department.

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

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

14. Submit a traffic impact letter.

*Applicant Response:* The traffic impact letter was included in the initial submittal.

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

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

16. Address attached comments from Conservation District.

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

#### Public Works Comments:

1. Items that require plan revision or additional documentation before Engineering can recommend approval: none.
2. Items that are conditions of approval (stipulations):
  - a. With the fuel tank capacity of the proposed generator being 1500 gallons, coordination with the Kansas Department of Health and Environment and the Office of the State Fire Marshal shall be required for any permits and approvals, as applicable. Provide staff with copies of applicable permits and/or approvals which shall be required prior final approvals.
  - b. The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents in accordance with County Surveyor comments.
  - c. 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 Johnson, to approve Change of Zone Application #3186 and Master Plan Amendment #MP-2019-3, subject to the stipulations. Roll call was taken on the motion and there were nine "Ayes," Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan, Murguia.

#### SPECIAL USE PERMIT APPLICATIONS

**ITEM NO. 1 – 19703...SPECIAL USE PERMIT APPLICATION #SP-2019-16 – JEFFREY E. HOLLINSHED**

**Synopsis:** Special use permit for live entertainment in conjunction with coffee shop (retail sales and barbershop) at 2005 North 5th Street, 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 during the weekday and on weekends. The Planning Commission voted 6 to 0 to uphold its previous recommendation and recommends approval of Special Use Permit Application #SP-2019-16, subject to:

Urban Planning and Land Use Comments:

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

**Action:** Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2019-16 for two years, subject to

**the stipulations.** Roll call was taken on the motion and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan, Murguia.

**ITEM NO. 2 – 19694...SPECIAL USE PERMIT APPLICATION #SP-2019-19 -- DANA AND PATTI MEIER**

**Synopsis:** Renewal of a special use permit (#SP-2018-36 – expired 4/5/2019) for an Airbnb at 3910 Springfield, submitted by Robin Richardson, Director of Planning. This is for continued use of a single-family home as a short-term rental space through sites such as AIRBNB and VRBO. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2019-19, subject to:

Urban Planning and Land Use Comments:

1. A synopsis from March 2018 approval:  
The applicants purchased the property in September 2017, began their short-term rental operations in spring 2018. The entire house is being rented to a total of five guests, under one name and a business license was obtained in May 2018.
2. The applicant has stated that there have not been any incidents or complaint from the neighbors regarding their short-term rental.
3. Has anything changed in your operation since your approval last year?  
*Applicant Response:* No.
4. If approved, the following will be stipulations of approval:
  - a. Host will maintain a safe environment including:
    - 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 people (not including an infant/child).
  - d. Only one additional (guest) car is permitted.
  - e. House rules must include provisions indicating no parties or events to be held on site.
  - f. Approval is for two years because there have been no issues brought to staff regarding their initial special use permit.

Public Works Comments: none.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2019-19 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan, Murguia.

**ITEM NO. 3 – 19704...SPECIAL USE PERMIT APPLICATION #SP-2019-26 MICHAEL GEKAS**

**Synopsis:** Special use permit for an Airbnb at 2716 North 119th Street, submitted by Robin Richardson, Director of Planning. This is to operate short-term rental property. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2019-26, subject to:

Urban Planning and Land Use Comments:

1. Approval for two years.
2. Who is responsible for issues that may arise while guests are present? How will you make yourself available to address guest and/or neighbor concerns in a timely manner?  
*Applicants Response:* My wife and I live next door and make ourselves available for our guests. We live next door and give both our neighbors and guests multiple forms of communication including face-to-face and our mobile phone numbers.
3. Describe how you will maintain a safe environment including:
  - a. Working smoke detectors in each bedroom plus each level of the unit/house.  
*Applicants Response:* yes.
  - b. GFCI outlets are required in bathrooms.  
*Applicants Response:* yes.
  - c. Double keyed locks are not allowed.  
*Applicants Response:* not present.
  - d. Copper cannot be used for gas supply lines.  
*Applicants Response:* not present.
  - e. Windows must be operable, not blocked or boarded.  
*Applicants Response:* All windows are operable.
  - f. Handrails are required at sets of 4 or more stairs/risers.  
*Applicants Response:* present.
  - g. Hot water tank and furnace must be vented properly and operational.  
*Applicants Response:* yes.
  - h. Electric panel and circuits must be safe.  
*Applicants Response:* yes.  
 The house just completed a remodel and final building inspection last year.

Public Works Comments: none.



**Action:** Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2019-26 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan, Murguia.

**ITEM NO. 4 – 19705...SPECIAL USE PERMIT APPLICATION #SP-2019-27 - RICH ECKERT WITH BETTIS ASPHALT & CONSTRUCTION, INC.**

**Synopsis:** Special use permit for a temporary asphalt plant at 1625 South 86th Street, submitted by Robin Richardson, Director of Planning. The asphalt is for the K-32 mill and overlay project that the Kansas Department of Transportation (KDOT) has been approved for on 9 acres. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2019-27, subject to:

Urban Planning and Land Use Comments:

1. Staff has significant concerns about the nature of this use with the residential properties in the vicinity and the relative benign industrial business west of the site in the West Hills Industrial Park. A temporary asphalt plant is better suited to be in M-3 Heavy Industrial District with direct street access to a Class A or B thoroughfare and not adjacent to residential dwellings.
2. This site is currently operating a dirt removal site and is in the renewal process of their special use permit to continue such operation. How do you intend on operating a temporary asphalt plant in conjunction with a dirt removal operation?  
*Applicant Response:* The owner and applicant have a contract that will allow the dirt removal site to co-exist.
3. What are the proposed hours and days for operation, again being sensitive to the issues typically associated with surrounding property owners?  
*Applicant Response:* KDOT will set the hours of operation of the project. We would ask for flexibility for the operational hours.
4. How many daily truck trips are anticipated to and from the site?  
*Applicant Response:* There will be an average of 20 truck trips per day.
5. What is the operational plan to ensure that noise, dust and odor will not be problems for adjacent property owners?  
*Applicant Response:* Dust will be contained by setting the plant on an aggregate base and daily water truck trips. Odor will not be a factor due to the bagging technology. Noise will be screened by the dirt walls and heavily forested buffers. The back-up beeping warnings can be turned off at the plant site.
6. While Ruby Avenue is classified as a local street, Kaw Drive is a Class A thoroughfare, what is the proposed hauling route?  
*Applicant Response:* Kaw Drive is literally the road we are milling and overlaying. No other roads will be utilized by our trucks.

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

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

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

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

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

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

Public Works Comments: none.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2019-27 for 100 days, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan, Murguia.

#### **ITEM NO. 5 – 19695...SPECIAL USE PERMIT APPLICATION #SP-2019-28 - JEFFREY STEINBERG WITH APEX CDL INSTITUTE**

**Synopsis:** Renewal of a special use permit (#SP-2016-81 – expired 10/27/2018) for a commercial driver’s license training facility and job placement program for graduating students at 6801 State Avenue, submitted by Robin Richardson, Director of Planning. This site is the former Raceway Auto Group car lot. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2019-28, subject to:

Urban Planning and Land Use Comments:

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

Public Works Comments: none.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2019-28 for five years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan, Murguia.

## **ITEM NO. 6 – 19707...SPECIAL USE PERMIT APPLICATION #SP-2019-32 – KEITH ORR**

**Synopsis:** Renewal of a special use permit (#SP-2016-90 - expired 12/1/2018) to keep two horses at 1715 South 94<sup>th</sup> Street, submitted by Robin Richardson, Director of Planning. The applicant’s former request was to keep his three horses on 3.5 acres at 1713-1715 South 94<sup>th</sup> Street. The Planning Commission voted 7 to 0 to recommend denial of Special Use Permit Application #SP-2019-32. He was previously approved for two horses in lieu of the three horses he requested, subject to:

### Urban Planning and Land Use Comments:

1. Please demonstrate how you have complied with the following stipulations from the previous special use permit renewal in 2016:
  - a. Mr. Orr must plant grass seed to ensure that when the horses are in the pasture, the grazing areas are rotated to safeguard that soil erosion does not occur as mentioned by the

Conservation District in their report. A plan provided by Mr. Orr will specify when the planting will occur.

- b. Staff believes that keeping three horses on the property is not sustainable and will be very taxing on the land. Staff agrees with the Conservation District's report that keeping three horses is too much. Staff requests that their 2014 stipulation continued to be upheld that only two horses are permitted to be boarded on the property.
2. How do you dispose of waste?
  - a. How often?
  - b. Where is it disposed?
3. Who is living at 1713 South 94<sup>th</sup> Street?
4. How do you bring feed and hay onto the property?
  - a. How often?
  - b. Is it picked up or delivered?
5. Both the pictures of the horses and comments from your neighbor give staff reason to be concerned over the health of the horses.
  - a. How often are they fed?
  - b. When is the last time they have received veterinary care?
6. How are you providing shelter for the horses?
7. The pictures you provided show an excess of trash in the horses' area. Please describe how you plan to clear the area in order to make it a suitable living space for the animals.

Public Works Comments: none.

Staff Conclusions:

The applicant did not respond to staff's comments in the report. Staff has concerns about the condition of the horses based on the applicant's photographs and the trash and debris that is within the grazing area. The applicant has not followed the recommendations from the 2016 Conservation District report and to date, the District's comments have not changed.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Johnson, to deny Special Use Permit Application #SP-2019-32, as recommended by the Planning Commission. Roll call was taken on the motion and there were nine "Ayes," Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan, Murguia.

**ITEM NO. 7 – 19708...SPECIAL USE PERMIT APPLICATION #SP-2019-33 - ANCHALEE CHANTARMONGKOL WITH AVC PROPERTIES, INC.**

**Synopsis:** Special use permit for a short-term rental at 2310 West 41st Avenue, submitted by Robin Richardson, Director of Planning. The applicant does not live at the property. The Planning

Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2019-33, subject to:

Urban Planning and Land Use Comments:

1. Does the property owner or manager live on-site or nearby?  
*Applicant Response:* The property manager or Airbnb host (Anchalee Chantaramongkol) lives in Waldo, KCMO, 15 minutes driving away from the property.
2. How often does the property owner/manager visit the site?  
*Applicant Response:* 2-3 times a week.
3. Who is responsible for issues that may arise while guests are present? How will you make yourself available to address guest and/or neighbor concerns in a timely fashion?  
*Applicant Response:* The property manager or Airbnb host (Anchalee Chantaramongkol) will be responsible for issues that may arise from guests. I will be available 24/7 via a cell phone or text messaging. I always respond to my message within a few minutes and can arrive at the property within 15-20 minutes if weather conditions allow.
4. If approved, approval is for one year.
5. See answers to additional questions in the stipulations.

Public Works Comments: none.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2019-33 for one year, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan, Murguia.

**ITEM NO. 8 – 19696...SPECIAL USE PERMIT APPLICATION #SP-2019-34 - JESSICA ZIEG WITH RZ PROPERTIES, LLC.**

**Synopsis:** Renewal of a special use permit (#SP-2018-33 – expires 4/26/2019) for an Airbnb at 625 Northrup Avenue, submitted by Robin Richardson, Director of Planning. This is a short-term rental/Airbnb. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2019-34, subject to:

Urban Planning and Land Use Comments:

1. Please comment on all, if any, issues you’ve come across with complying to the following stipulations:
  - a. Working smoke detectors in each bedroom plus each level of the unit/house.
  - b. GFCI outlets are required in bathrooms.
  - c. Double keyed locks are not allowed.
  - d. Copper cannot be used for gas supply lines.

- e. Windows must be operable, not blocked or boarded.
- f. Handrails are required at sets of 4 or more stairs/risers.
- g. Hot water tank and furnace must be vented properly and operational.
- h. Electric panel and circuits must be safe.
- i. Host will obtain a business license with the city.  
*Applicant Response:* We are in compliance with all items listed above.
- 2. Has anything changed with your short-term rental operation since your approval last year?  
*Applicant Response:* No changes to the short-term rental since last year's application/approval
- 3. Have you received any complaints from neighbors or had any incidents occur with renters since your approval last year?  
*Applicant Response:* No complaints from neighbors. No one attended the meeting. I did personally reach out to three neighbors all of which were in support of our short-term rental
- 4. Approval for two years.

Public Works Comments: none.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2019-34 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine "Ayes," Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan, Murguia.

#### **ITEM NO. 9 – 19697...SPECIAL USE PERMIT APPLICATION #SP-2019-37 - YOLA VAN LAANEN**

**Synopsis:** Renewal of a special use permit (#SP-2018-26 – expired 4/5/2019) for an Airbnb at 4440 Cambridge Street, submitted by Robin Richardson, Director of Planning. This is for short-term rental. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2019-37, subject to:

#### Urban Planning and Land Use Comments:

1. Please comment on all, if any, issues you've come across with complying to the following stipulations:
  - a. Working smoke detectors in each bedroom plus each level of the unit/house.
  - b. GFCI outlets are required in bathrooms.
  - c. Double keyed locks are not allowed.
  - d. Copper cannot be used for gas supply lines.
  - e. Windows must be operable, not blocked or boarded.
  - f. Handrails are required at sets of 4 or more stairs/risers.
  - g. Hot water tank and furnace must be vented properly and operational.
  - h. Electric panel and circuits must be safe.
  - i. Host will obtain a business license with the city.



*Applicant Response:* We have not had any issues complying with the items listed.

2. Has anything changed with your short-term rental operation since your approval last year?

*Applicant Response:* We have not had any changes regarding the short-term rental since last year.

3. Have you received any complaints from neighbors or had any incidents occur with renters since your approval last year?

*Applicant Response:* We have not had any complaints from anyone regarding the short-term rental.

4. Approval for two years.

Public Works Comments: none.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2019-37 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan, Murguia.

### **VACATION APPLICATION**

#### **ITEM NO. 1 – 19709...VACATION APPLICATION #U/E-2019-2 – ANDREA WEISHAUBT WITH ATLAS SURVEYORS**

**Synopsis:** Vacation of a utility easement at 5443 North 101st Terrace, submitted by Robin Richardson, Director of Planning. The applicant wants to vacate the utility easement on Lots 62 and 63 of Estates at Connor Creek, Second Plat. The Planning Commission voted 7 to 0 to recommend approval of Utility Easement Vacation Application #U/E-2019-2, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department following the Unified Government Board of Commissioners’ meeting.
2. What is the reason for vacating the easement?  
*Applicant Response:* The reason for the easement vacation is our client wants to build their house on both Lots 62 & 63.
3. Are there plans to combine Lot 62 and Lot 63? Please provide an explanation and timeline of planned future development.  
*Applicant Response:* Our plan is to have a plot plan completed once the easement is vacated.

Public Works Comments: none.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve Utility Easement Vacation Application #U/E-2019-2, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan, Murguia.

## PLAN REVIEW APPLICATION

### ITEM NO. 1 – 19710...PLAN REVIEW APPLICATION #PR-2019-6 –PETTY HARDIN WITH TW MACON LLC

**Synopsis:** Preliminary and final plan review for Tidal Wave Car Wash at 10760 Parallel Parkway, submitted by Robin Richardson, Director of Planning. The plan is for a 3,475 square foot express tunnel car wash located within Plaza at the Speedway. The Planning Commission voted 7 to 0 to recommend approval of Preliminary and Final Plan Review Application #PR-2019-6, subject to:

#### Urban Planning and Land Use Comments:

##### General Planning:

A 4' sidewalk shall be constructed on the north side of Lot 45 to connect the internal sidewalk within Plaza at the Speedway.

*Applicant Response:* A sidewalk is now shown on the east side of the site connecting to the north lot's future sidewalk.

#### Building Architecture and Design:

1. Per the Plaza at the Speedway Design Criteria, sloped roofing within the center is Monier Life Tile – Porto Cima (see the approved Building Materials List). The only standing seam that is used within the development are for canopies over the entrance into buildings. Most of the buildings have flat roofs with tall parapets to screen rooftop mechanical equipment. All roof slopes and configurations are subject to landlord approval. No standing seam metal or asphalt shingles will be allowed.

*Applicant Response:* The sloping metal roof has been approved by the landlord/seller. Please see attached documentation regarding approval. There is no roof mounted mechanical equipment on this project.

*Staff Response:* While the landlord/seller approved the preliminary design, they cannot waive the requirement that no standing seam metal or asphalt are prohibited as the primary roofing material. The landlord helped create the Plaza at the Speedway Design Manual, so unless the design criteria are going to be amended by submitting a new manual requiring its own plan review, the roofing material that will be used shall be tile or slate similar to Red Lobster or vacant building south of the proposed development.

2. All downspouts will be internalized. Overflow drains shall be at grade and not at the roof line.  
*Applicant Response:* An exterior gutter will be present in locations where only necessary. Any downspouts will not be visible on exterior of building but will be piped through back of gutter

and down interior face of exterior wall. No overflow scuppers are present. See detail 9 / A6. 1.

3. The steel vacuum canopy columns shall be wrapped in masonry that matches the building.

*Applicant Response:* Exterior columns to be covered with masonry to match the building. Please see attached revised exterior elevations sheet A2. 1. Please note the architectural elevations were previously noted incorrectly based on direction facing. Such has been corrected. Sheet A2. 0 has color exterior perspective views.

4. The painted steel columns along the east and west elevations shall be wrapped in masonry.

*Applicant Response:* Columns at vac canopy to be covered with masonry to match the building. Please see revised vac canopy elevations sheet AB. 2.

5. The overhead doors shall be painted to match the building.

*Applicant Response:* Overhead doors to be painted to match building veneer colors.

#### Landscaping and Screening:

1. Parking lot islands shall be landscaped with 2" caliper shade trees.

2. All shrubs shall be at least 5 gallons when planted.

*Applicant Response:* Shrubs are now shown as five-gallon container size.

3. All landscaping shall be irrigated.

*Applicant Response:* A note has been added in the Landscape Plan for the contractor to provide irrigation design for Engineer's review.

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

*Applicant Response:* There is no rooftop mechanical equipment.

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

*Applicant Response:* This is understood.

6. The BPU transformer pad depicted on the civil sheets shall be completely screened on three sides with 6-foot Junipers setback 3 feet from the pad. Additionally, the transformer doors shall face east, interior to the site towards the building.

The transformer may need to be relocated on site, as the island where the transformer currently sits is not conducive to meeting the screening requirements.

*Applicant Response:* The transformer has been moved to the west side of the building to allow space for screening. Screening as commented has been added.

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

*Applicant Response:* This is understood.

8. Per the design criteria, all trash enclosures and service areas shall be appropriately screened to reasonably hide them entirely from public view. All trash enclosure and service areas shall utilize the appropriate and approved masonry materials to match shopping center standards. All gates shall be metal/steel construction. All trash enclosure shall meet the city codes and Planning criteria and approvals.

*Applicant Response:* This is understood.

Signage:

1. A sign package has been submitted; however, they are general for various municipalities. All proposed signage shall comply with the sign code.

*Applicant Response:* A site-specific sign package can be sent as soon as possible.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: none.
2. Items that are conditions of approval (stipulations):
  - a. Provide a copy of the easement recorded with the Wyandotte County Register of Deeds for the 24" sanitary sewer easement as indicated on the Public Sanitary Main Extension Plans sealed on March 25, 2019, received on March 25, 2019. The copy of the recorded easements with book and page number shall be required prior to final Engineering approval and construction permit acquisition.
  - b. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
  - c. Comments that are not critical to engineering's recommendations for this specific submittal but may be helpful in preparing future documents: none.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve Plan Review Application #PR-2019-6, subject to the stipulations. Roll call was taken on the motion and there were nine "Ayes," Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan, Murguia.

**MASTER PLAN AMENDMENT**

**ITEM NO. 1 – 19702...MASTER PLAN AMENDMENT #MP-2019-3 KURT WINTERS WITH UG WATER POLLUTION CONTROL**

**Synopsis:** Master Plan Amendment from Regional Commercial (City-Wide Master Plan) to Utilities (City-Wide Master Plan) at 9407 Main Street, submitted by Robin Richardson, Director of Planning

**Action:** This item was previously heard with Change of Zone Application #3186.

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

**ITEM NO. 1 – 19711...ORDINANCE**

**Synopsis:** An ordinance rezoning property at 9731 and 9745 Leavenworth Road (#3178) from A-G Agriculture District to R-1 Single Family District, submitted by Robin Richardson, Director of Planning.

**Action:**       **ORDINANCE NO. O-27-19**, “An ordinance rezoning property hereinafter described located at approximately 9731 and 9745 Leavenworth Road in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture District to R-1 Single Family District.” **Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken on the motion and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan, Murguia.

#### **ITEM NO. 2 – 19712...ORDINANCE**

**Synopsis:** An ordinance rezoning property at 1620 South 45<sup>th</sup> Street (#3172) from M-2 General Industrial District to MP-3 Planned Heavy Industrial District, submitted by Robin Richardson, Director of Planning.

**Action:**       **ORDINANCE NO. O-28-19**, “An ordinance rezoning property hereinafter described located at approximately 1620 South 45<sup>th</sup> Street in Kansas City, Kansas, by changing the same from its present zoning of M-2 General Industrial District to MP-3 Planned Heavy Industrial District.” **Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken on the motion and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan, Murguia.

#### **ITEM NO. 3 – 19713...ORDINANCE**

**Synopsis:** An ordinance rezoning property at 732 North 57<sup>th</sup> Street (#3182) from R-1 Single Family District to A-G Agriculture District, submitted by Robin Richardson, Director of Planning.

**Action:**       **ORDINANCE NO. O-29-19**, “An ordinance rezoning property hereinafter described located at approximately 732 North 57<sup>th</sup> Street in Kansas City, Kansas,

by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.” **Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken on the motion and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan, Murguia.

#### **ITEM NO. 4 – 19714...ORDINANCE**

**Synopsis:** An ordinance regarding vending machines, and exterior sales and modifying the regulations thereof; amending Sections 27-340 and 27-612(6) to Chapter 27, Article VIII, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, submitted by Robin Richardson, Director of Planning.

**Rob Richardson, Director of Planning,** said this ordinance was before the Commission, I believe, last month. We had the report on the ordinance at that time. This is just the final action adopting the final version of the ordinance.

**Commissioner Murguia** said, Mayor I just have one question. The very last part of the ordinance, I believe, it is number 13(b), it says, “Exterior sales and vending machines are not permitted in the official commercial overlay zone area west of 94th Street.” Then it says, “...or on new projects in planned districts.” Can you explain what a planned district would be? **Mr. Richardson** said yes, Commissioner. The planned districts are the zoning it says like CP or CP-1 or CP-2 or MP-1 or MP-2, where the preliminary plan review would go before the Board of Commissioners and Planning Commission. The final plan would be approved by the Planning Commission. The issues related to this should be shown on the site plans so they can be resolved at that time in the official capacity as they move forward and not after the fact so to speak.

**Commissioner Murguia** said so if a project has plans to have vending machines on the exterior of their building, it can be addressed at the initial planning stages. It should be addressed then? They can’t be added at a later date? **Mr. Richardson** said correct. They could, but through the plan review process just like any site plan. We don’t allow significant changes to the architecture or the site plan without going back through the official process. They can come back through the process again and do that. **Commissioner Murguia** said okay.



The only reason I bring this up, Rob, is I actually sat in for another commissioner at a standing committee meeting on Monday, and I'll bring the subject up again. At least the parks, I can speak for on behalf in my district, have no water source. There are no drinking fountains in my particular area.

One of the things that our government has tried to encourage is more activity with people taking walks, enjoying our parks, getting out. One of the things that's difficult, based on the number of emails I received about pets and dogs lately, I think we have a number of pet lovers in our community. If you're out walking your dog and there is not a drinking fountain available at a public park or in a public space, then you're left to go to a vending machine since you can't take an animal in a store with you. So, my concern is, and I just happen to know because I live in an urban neighborhood, that if I'm walking my dog, I can go up to a vending machine and get something to drink as opposed to having to go home or carry something with me.

I just want to make sure that this ordinance doesn't impede if there is another retail development and they want to be able to put drinking vending machines on the outside of the building, that in the neighborhood that's very walkable like my district or in a lot of other urban neighborhood, that people have access to water or whatever else they choose to drink. **Mr. Richardson** said, Commissioner, I might recommend that you request this be held over for a month so I can answer those questions specifically. I don't want to do it on the fly tonight and run into a problem later. **Commissioner Murguia** said thank you. So, I'll just make a motion, so we don't have to belabor it.

**Action:**        **Commissioner Murguia made a motion, seconded by Commissioner Markley, to hold the vending machine ordinance over for a month.**

**Mayor Alvey** said we do have to have public hearing.

**Mayor Alvey** opened the public hearing and asked is there anyone present who would like to speak in support. No one in appeared in support.

**Mayor Alvey** asked does anyone want to speak in of opposition. No one appeared in opposition.

**Mayor Alvey** closed the public hearing.

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

#### **ITEM NO. 5 – 19725...ORDINANCE**

**Synopsis:** An ordinance rezoning property at 500 North 86<sup>th</sup> Street (#3176) from R-1 Single Family District to A-G Agriculture District, submitted by Robin Richardson, Director of Planning.

**Action:** **ORDINANCE NO. O-31-19**, “An ordinance rezoning property hereinafter described located at approximately 500 North 86<sup>th</sup> Street in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.” **Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken on the motion and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan, Murguia.

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

##### **SPECIAL USE PERMIT APPLICATIONS**

#### **ITEM NO. 1 – 19706...SPECIAL USE PERMIT APPLICATION #SP-2019-30 – ANGELA TURNER WITH SIMMONS SECURITY & PROTECTION SERVICES**

**Synopsis:** Special use permit for office space for a private security guard company at 428 North 5th Street, submitted by Robin Richardson, Director of Planning. Simmons Security would office on the first floor of an existing top-bottom duplex. The Planning Commission voted 6 to 1 to recommend approval of Special Use Permit Application #SP-2019-30, subject to:

##### **Urban Planning and Land Use Comments:**

1. The applicant indicated that only one person would generally be in the office when it is open, but what is the maximum number of employees that could be in the office?  
*Applicant Response:* Employees and/or potential employees only come to the administrative office for interviews and/or orientation. Employees report directly to their assigned post location/job site, and do not come to the office daily and/or a regular basis. Employees receive training and daily assignments at the post location/job site. Typically, there would be a maximum of three employees in the office at one time.

2. What are the hours of operation for the office?

Applicant Response: Our office is not open to the public. Interviews, meetings, and/or orientation is made by appointment only. We generally make appointments during the hours of 8:00 AM and 5:00 PM, Monday through Friday.

3. Where will the employee park, as this is a highly trafficked single-family neighborhood where on-street parking is scarce? Parking in the rear of the property is for the upstairs residence.

Applicant Response: There is space for two vehicles at the rear of the property. We have previously and will continue to designate one space for the downstairs unit and one space for the upstairs unit. The operations manager, who is in the office on a regular basis, will plan to typically park at the rear of the property.

4. Will the proposed sign be displayed in the window or on the front door?

Applicant Response: The proposed vinyl decal sign, if allowed, will be displayed on the front door of the downstairs unit.

Staff Response: A maximum of 25% of the window area may be covered by a sign.

5. How will you be advertising your business?

Applicant Response: Other than the vinyl decal, there will be no other signs or flyers advertising our business on the property. Our company posts information about our services and general safety tips on social media. Our business does not currently use any paid advertising methods, and typically responds to Requests for Proposal (RFP) to obtain new clients. We provide a business service and do not sell products or services to the general public.

Public Works Comments: none.

Staff Conclusion:

The applicant has answered staff's questions and comments. While this is a business office will operate in a residence, the office will not be highly trafficked by employees. The applicant maintains on keeping a parking space for the dwelling unit. The business will be open during normal business hours, typically when residents are at work themselves, from 8:00 AM to 5:00 PM, Monday through Friday.

Subject to approval, staff stipulates the following:

- a. This special use permit shall be valid for one year trial period.
- b. Hours of operation shall be Monday through Friday from 8:00 AM to 5:00 PM.
- c. The parking space required for the operations manager shall be in the rear of the building, off the alley along with the second designated parking stall for the second dwelling unit.
- d. Signage shall comply with the sign code.

**Robin Richardson, Director of Planning**, said this case s come to you recommended for approval. The request is to use the lower unit of a up and down duplex as an office for Simmons Security. The neighborhood group has expressed opposition to this proposal. Mrs. Simmons is here to talk more in depth about the case.

**Angela Turner, 4110 North 112th St.,** said she's also the owner of 428 North 5th St. Simmons Security has applied for a special use permit in order to operate our administrative office in the first unit at 428 North 5th St. My husband and I have owned the property since 1999 and work hard to be good neighbors.

Simmons Security has been in business since 2007. We'd like to maintain an office in downtown KCK. I'm the only employee that will be at the office on a regular basis. All of our other employees report directly to their post location. We're not open to the public. We do not sell any products or services directly to the public. We would occasionally use the office space to conduct interviews and orientation for prospective employees requiring two to three people to be in the office at that time. We would operate our office during office hours Monday through Friday, 8 to 5. We plan on parking in the back space behind the property.

Downtown KCK is important to us. One of our main focus is to help deter crime and improve the culture in downtown. We're excited about the economic growth and revitalization occurring in downtown. With growth, comes challenges for local, small businesses.

Simmons Security is proud to have operated our business in KCK for the past 11 years. Currently, 89% of our employees are KCK residents with 32% of those people living in downtown. We're proud to provide our community with quality security services while also providing KCK residents with employment opportunities that pay above minimum wage.

According to the authors of *Building Equitable Cities*, there is much cities can do to create systems and support for the growth of small businesses.

My opponents talk about gentrification. Gentrification affects homeowners and small businesses in areas where there is an increase in population and amenities due to economic growth. According to governing.com, the leading causes in increase rental rates in urban areas are revitalization of neighborhoods and the increase of Airbnbs in those neighborhoods. A study by *Urban Economics*, that was published in December of 2018, shows that Airbnbs that are located in revitalized urban areas have contributed to a 12% increase in rental rates and house prices in the past four years. Areas not affected by gentrification typically see a rental increase of 3 to 5% over that same time period.

Production and affordable housing units, additional traffic, crime, and excessive use of public services are also associated with short-term units. Illegally operated Airbnbs have even a greater impact on rental rates and crime.

Currently, short-term rental rates in Strawberry Hill are listed for an average of \$1,500 per month for a studio apartment; however, my opponents are not opposing these special use permits. One was just accepted tonight.

The addition of our office in Strawberry Hill will continue to support a local, small business that's providing jobs for the community. Our office will not provide any additional amenities for the residents and may have gone unnoticed if we had not been so committed to following the law.

I have spoken to several of the neighboring property owners, both commercial and residential, who are in support of this special use permit, and look forward to having a security company located in their area.

**Mayor Alvey** opened the public hearing and asked if anyone present would like to speak in favor.

**Abraham Santana, 1664 Holt Lane, KCK**, said I want to show my support. I've been with the small family home company for 10 years and I want to continue for other 10 or 20 years.

**Wil Anderson** said I'm the Vice President of BHC Rhodes, a local company. I'm also the Chair of the Downtown Shareholders. Simmons Security has been doing a wonderful job for the area and that's largely because of the people. I'm here to support them as people, as a business.

**Mayor Alvey** asked is anyone present in opposition who would like to speak.

**Justine Underwood Jones, KCK**, said I am the President of the Strawberry Hill Neighborhood Association. First, I would just like to say we have never been in favor of any Airbnb special use permit. We have not gone out and fought them. We wait for neighbors to contact us and let us know if they have issues with them. If they do, then we will oppose them and we do reserve that capacity, but we have never been in favor of an Airbnb. I just want to clarify that. Neutral is not the same as being in favor. Our Board is split on those issues.

We are in opposition of this special use permit, not because we have any concerns that Simmons Security would be a bad neighbor on 5<sup>th</sup> Street, not because of the way she's taking care of the property, no parking or noise concerns, but because of the precedent this would set for the future of Strawberry Hill, in particular, North 5<sup>th</sup> Street, which is not in the SSMID District.

5<sup>th</sup> Street is viewed by many as a great candidate for possible redevelopment. The street location and its southern end access to I-70, especially with the Merc and KU Med coming to Strawberry Hill, make it appealing to developers who see it as a potential all commercial street, despite the current prevalent of residential properties.

If Simmons Security is allowed to use it as an office, it will be obvious, due to the nature of the structure, that a residential unit has been repurposed into an office. This will send a message to future developers that they too can repurpose less expensive residential real estate into more lucrative office space. The burden will then fall on the Strawberry Hill Neighborhood Association to combat future special use permit requests and variance requests as they come up. This is a burden for our organization.

We're told that this isn't an issue because this license is temporary, but the applicant has not put forth any plan to the UG or to our neighborhood group for financing a more permanent office that is zoned as such. She's not laid out any plan to increase her office budget over the next year or set out a date when she intends to remove her office from the residence.

We anticipate that this will be renewed repeatedly until a variance request is ultimately submitted or until lengthier special use permits make it effectively permanent.

Approval of this application will send one of two messages. Either every business that is priced out of their office can repurpose a residence for office space, providing relief from gentrification and displacement for area businesses but not for residence; or only businesses that are connected to Downtown Shareholders are eligible for this relief. Either message is harmful for our community.

We do appreciate the work they've done downtown. We understand Downtown Shareholders' desire to help their contractor. What we propose is that they offer the use of the trailer that they are building on 6<sup>th</sup> Street, once it's installed, as the intended use of the trailer is to serve as temporary commercial space for businesses that cannot otherwise afford it.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2019-30 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine "Ayes," Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan, Murguia.



**ITEM NO. 2 – 19715...SPECIAL USE PERMIT APPLICATION #SP-2018-54 - R. SCOTT BEELER**

**Synopsis:** Revocation of special use permit for the temporary use of land for storage of motor vehicles, including cars, SUVs, pick-up trucks and semi-truck trailers at 9700 Leavenworth Road, submitted by Robin Richardson, Director of Planning. The applicant, on behalf of the property owner, Ruffin Woodlands, LLC, south the SUP to help companies in the area that need the space on a temporary basis on 56.27 acres.

**Rob Richardson, Director of Planning,** said first of all, it is actually from the staff, not from the Planning Commission. This item has not been to the Planning Commission. The way the code is set up, the revocation hearing comes to the body of action and so that is this body.

I received complaints from citizens several months ago about the routes the trucks were using and the use of jake brakes and things. I contacted the applicant, Mr. Beeler, about that. Those were primarily addressed. Then we've had recent issues with a large number of vehicles not being driven to the site on the trucks, as was approved by the special use permit. There was one case of damage to an adjacent property owner. I was receiving comments from a couple of commissioners and the Mayor's Office. I thought the best way to resolve this was to bring it to the public body for a discussion about this permit and whether or not it should continue. Mr. Beeler, the applicant, is here this evening.

**R. Scott Beeler, Lathrop Gage, LLP, 10851 Mastin, Overland Park, KS,** said I'm pleased to be here tonight in representation of my longtime client, the Woodlands. Jaime Maraca, who's our property manager, is also present.

Mr. Mayor, you indicated to present my application. Actually, I'm here just to respond to the comments of the staff. I'll begin by simply saying that this is a valued special use permit by the Woodlands. It has been used and operated since it was granted in May of 2018. It extends to May of 2020. The revocation of a special use permit that grants a property right or property use is an extreme remedy under the law. It's extreme because obviously the taking or the revocation of that permit is, in fact, a taking of a property right. As I mentioned, this is a property right that exists for a minimum of 2 years and is subject to being renewed after that period of time.

It's a very valuable asset to the Woodlands. As such, the holder of the permit, the Woodlands, Ruffin Woodlands, the owner, is very sensitive, obviously, to this proceeding and being brought here on a revocation by staff or otherwise. We're here to, hopefully, alleviate any fears and alleviate any existing fears that may exist with regard to this operation. In doing that, I think we have to understand what it is we're even here for, if you will.

When I made the application for this permit, I advised that the intent of The Woodlands was to store motor vehicles on its empty parking lots while we were continuing in our efforts to resume gaming at the facility. The concerns, both at the public meeting that I attended and presented at the Planning Commission and then again here before this body, were really limited. They were limited to how much truck traffic are you going to have? How much noise are you going to create? How are you going to enter and exit the property?

You may recall, there were some concerns that we would use the 99th Street entrance as the primary location to enter the property for storage. We agreed that we would not do that due to the fact that there are four or five homeowners that are between the intersection of Leavenworth and 99th to that entry. An additional some tens of homes that go north of that but, of course, the trucks wouldn't go beyond the entry point. There are also five total homes that exist between the main driveway off of Leavenworth Road and working back over to 99th Street. Several of those sit a long way back from Leavenworth, but several of them were quite close to Leavenworth. We agreed that we would use that entrance and staff asked us to do that. We would stipulate to using the main entrance as our access point.

The packet that you all have before you list the actual stipulations that were attached to this application and to the permit itself once issued. Those effectively are not being challenged here in this revocation proceeding. There is, in the packet, referenced to compliance with Stipulations 2, 3, 4, and 5. Subsequently, the statement in the packet, which is correct, is that there are no remaining issues nor have there really been in the extensive issues with 2, 3, and 4. That leaves 5 among the stipulations. I'll go through those real quick.

We were supposed to have appropriate direct lighting; we do. No use of jack brakes. Let's ask ourselves, why do we have that stipulation? The answer is because the anticipation was that these vehicles were going to be delivered on a semi-truck trailer over-the-road hauler with 7 cars per trailer and they didn't want those big jack breaks when those trucks were working. We agreed to that stipulation. There have been no reported violations.

The vehicles would only use Leavenworth Road. I have to admit that in the very early stages of this operation, a few of the truck drivers missed that instruction and did go over to the 99th Street exit to the point where Mr. Maraca stationed himself there in addition to the security that we have at the main entrance to make sure that that process was stopped. It was and that's all the way back last fall. There have been no violations since that time and here we are almost to May of 2019. That, of course, incorporates No. 4 that the vehicles will not use 99th Street.

There was, in fact, a complaint at one period of time, and this gets to part of my presentation. The complaint was that vehicles, trucks maybe staging at the entrance of 99th by parking there overnight and waiting for the 7:30 a.m. There was a report that there was such a truck. We immediately investigated that, as we have every complaint, and determined, in fact, ended up emailing the letter from the actual owner of that truck who is not associated with The Woodlands whatsoever, but actually lives right there in the area and was driving home from an over-the-road trip and had a breakdown of his own truck. He moved the physical cones that we put out to keep people from accessing there and parked his truck until the next morning so it would not be on the roadway. I bring that up because there have been a number of those types of complaints over time.

There was another one where a vehicle was parked at the end of our main entrance with its light shining directly to the south into a homeowner, that is actually here this evening, in the middle of the night. They actually complained, not only to us, but filed a report with the Police who investigated and it was ultimately determined that that too was not associated with The Woodlands but rather a member of the public who happened to just pull over there and for whatever reason, talk on the phone or do whatever they did, they just sat there for a very long period until they were ushered away. Again, we investigated that one as well as we did that truck parking overnight and everyone that has occurred since that time. We have essentially had a 100% compliance on all of those items since then.

There is also a reference to the special use permit being for passenger cars, pickups, and small passenger vans. That too we have complied with. There have been no objections otherwise, and the remainder of the stipulations the same.

Again, that takes us back to the 5th one. In actuality, folks, the permit, when it was ultimately issued and sent out in writing to the applicant, says absolutely nothing about how vehicles arrive at the facility except in the way of a restriction. That restriction being if you bring

those vehicles by virtue of a semi-truck trailer, you were limited to 60 of those a day. Obviously, a truck comes there and a truck leaves; that's one truck. 60 of those a day. As I said, 7 cars on each one of those and no more than 17 in an hour. Easy math is that means that truck is bringing in or taking out 420 vehicles. You multiply that out overtime, you have 1,800 trucks coming there per month, allowed under this permit and this property right. Over 3 months, that 5,400. Over 6 months, that's 10,600 and so on. We're up to 8 months into this now. Those are allowed trips pursuant to contract rights.

What we did not know was that over the course of the life of this permit due to Ford, who we had actually contracted with and its carriers deciding that there were cheaper ways of bringing the vehicles the 8 – 10 miles that they needed to come, they began to drive some of those vehicles by individual drivers.

I drive a pickup truck. It's sitting out in the parking lot just like that truck that any of you might have coming to work, coming home for lunch, going home from dinner. They just drove them and parked them and that's it. That reduced the number of our semi-truck trailer trips significantly. The driving of the vehicles was averaging 250 cars a day, on average.

Leavenworth Road, that sits out in front of the 5 houses there, is designed to handle 40,000 trips a day. We were driving 250 cars. It came up that well, you didn't tell us that you were going to drive a car to the facility. Two things. One, I didn't know that was going to happen, neither did Mr. Maraca, who, again, is here tonight. I don't believe they did either. That wasn't their intent at the time. I think cost came into the picture and they were upset with some of those drivers that had violated the stipulations early on, and they found this to be a more reliable way of doing it.

The second, I never would have dreamed to say it anyway. We're just talking about driving down the street in a passenger car, a passenger vehicle and parking it and 250 of them at that over that type of arterial. The bottom line is they were driving cars in. That left just one thing. Again, if you look at the permit it says nothing about time constraints on it. I'm not here to say that that's not applicable. I said, and stood before this body and the Planning Commission, and the public, in the public meeting before that and said, we would restrict those truck traffic, truck trips to the 7:30 to 7:30 p.m. time, to avoid the noise concerns that both people would have. Just like that jack brake reference is. We've done that. We restricted those trucks to those time frames. Were there out of the thousands of truck trips that have occurred during that time, were they're a handful where they arrived 10 minutes or 30 minutes early and were turned away, the answer is yes. They were

each time reported and taken care of by immediate reports to Ford and the carrier to say that cannot continue or happen and it has not. To my knowledge there hasn't been a report of that for months. So, when I began discussions with Mr. Richardson who was listening to the populace as he should, he said, well regardless of whether you're driving them or whatever we're concerned because cars are going in and out of there after 7:30, passenger vehicles. And they were because the permit did not restrict those types of trips to any time period. The only discussion was the trucks between 7:30 and 7:30. For lack of any other way of putting it, let's call that a change in circumstance or misunderstanding, whatever it was.

What I did was not that I tried to say by golly my permit, black and white does not have that restriction, you cannot do that. I didn't do that. I went back to my client first and said we've got a problem. That this is going in the direction that I don't think any of us intended and I'm not sure it should substantively matter, but it does matter to the Unified Government. Would it be okay if I went back under the contract to Ford and our carrier and say, and I need to add this, our contract originally said just trucks. You can drive anytime you want because we weren't restricted but I went back to them and said would you agree, actually I put it a little differently, I said we will not agree to extend your contract for another month unless you agree to limit all of your traffic 7:30 to 7:30 no matter how you get them in there, drive them or truck them. They need us, and they said okay. I have produced that change in the contract now signed by both parties, so there is no 7:30 to 7:30 issue anymore. That is an agreed stipulation, not only for trucks, but drive them, fly them, I don't care how they come in. We said you have to live by that time period and they've agreed. So, what's left. I would submit to you nothing. We have really, really tried to work hard here with the City in every respect whether it's a single complaint or a multitude of them which there are no multitudes.

We had an incident where a truck driver made a wrong turn and drove into a driveway thinking he was turning on the street and he did some damage to Ms. Bruner's yard. Mr. LaRocca was there before she was even able to type out her complaint. We not only fixed but paid for the damage to her yard and assessed that right on down the line as you might guess to fix that immediately. She had her new repairs within the week. We take the public's complaints seriously and we act on them in a very timely and efficient manner.

So, here's the new news. Well a couple of things, one I happened to notice on one of the documents for the packet tonight that our property is listed as having taxes in arrears. That is not

true. I have sent to Mayor's office, in fact copies of the tax invoice, that my client received on the 25th of March showing the payment of \$151,000 that was due in December for the first payment of '18 was in fact made. That very invoice reflects a due amount of \$151,000 and change by the second payment date required stated right on the notice of May 10 so we're right in compliance. All our taxes are on time and that payment will be made on time as well. So, I respectfully submit that' an error in that statement.

But, the new news is, you may recall me talking about this. This is only here because the rail system can't keep up with the plant. The plant pushes out more cars than there are rail cars to get these vehicles where they're sold to dealers, not to you or me the end user, but to a dealer, so they have to sit somewhere until there's a rail car to put them on to get them to their end destination. When the plant shuts down, as they do for various holidays and summer, they shut for a period of time, so obviously, the production slows, the supply caches up, the vehicles get on the trains and they're gone. As of today, there's not one vehicle on The Woodlands, other than the security folks because that process is happening as we get to the summer months. They have advised us they will be back in August or early September, but right now we got a quiet place. When they come back, I would expect all of these stipulations to be in place. I will tell you that I expect some semi-truck traffic as they bring them. We don't control that. We've limited them to the 60 as our permit does, but they may drive some of them if it suits them. I can't imagine that any of us would object to that. It's quieter, more efficient and certainly wouldn't cause any issue for any neighbor especially because they've also had to agree to the 7:30 to 7:30 time frame. So, they can't drive a car out in the middle of the night by example.

The one thing I have left out, and it reminds me since I see the badge on the officer, there were some complaints that the vehicles were not properly or legally tagged as they were being driven. That is incorrect. All of us jumped on that, did investigations including calls made to the highway patrol and to the local law enforcement who all said you can properly transit a vehicle like that, they simply have to have the required transit paperwork and we passed that along certainly to these folks. Then one day out of the blue I got a call that there has been a mass stop of these vehicles as they left The Woodlands out along Leavenworth Road. I thought to myself, why in the world would that be the case that multiple police officers stopping a grouping of 20 to 25 individually driven vehicles. Kind of troublesome, but I said, okay how did they come out. No tickets, all being transported legally. Since that time there was a police presence rather regularly,



out in front of The Woodlands and other stops made just not in quite the same manner of the multi-car stops. I'm advised, in fact, in staff report I noted, confirms what I have been told and that is there was a single vehicle out of all of these vehicles that have come and gone, where the driver had not properly displayed his transit paperwork. I don't know if that was a warning or a ticket but one incident, one. The staff report says things like, they had to go out there and that we ceased operations when we saw police officers. With all due respect, those kinds of allegation don't help anything. That's not true. It was business as usual. I don't know why the police came in the first place especially since it had been determined that these vehicles were properly there. It caused trouble for Ford and it caused trouble for the transit company. I hope we don't continue to see that. But the bottom line is, despite the fact that there are references to that in this revocation proceeding, this very important proceeding, that is very serious and extreme remedy. There are statements there that lead a person reading the packet to believe that there may be legal violations in terms of the paperwork and the vehicles, that is not true. They are being transited legally.

So, I've taken enough of your time. We do take this very seriously. We would respectfully request that your vote be to not take any action with regard to this permit and allow it to continue on as previously granted. As I indicated the stipulations with regards to 7:30 to 7:30, which I've already shown by way of a contract change, can be modified as necessary, to indicate that that pertains not only to trucked vehicles or delivered vehicles but also to driven, and I'm perfectly fine with that. Thank you.

**Mayor Alvey** said I'll now open the public hearing and ask if there's anyone present that would like to speak in favor of Special Use Permit SP-2018-54. If so, please step up to the podium at this time, give us your name and address for the record. So, again, this is in support of continuing the special use permit.

**Joy Gardner, 9625 Leavenworth Road**, said my driveway is directly across the street from the 95th Street entrance to The Woodlands. I initially was coming here to complain. I got to talk to Jayme and Mr. Beeler and now that they're going more to the 7:30 7:30 and not 2:30 in the morning and things like that, because whenever a truck or one of the vans would come out of The Woodlands, the headlights, which were blinking, would come right in my bedroom window. I have two great big dogs and if it didn't wake me up, it would wake them up and they woke me up.

It also went into my son's bedroom window which is on the north side of the house. It's not my intent to close the facility. They're working to try to get it open again. I used to work at The Woodlands when it was open. I think we can get this worked out as far as the lights coming in. The trucks aren't—there's not as many trucks. Like I said, my biggest complaint now, since it's slowed down so much especially, is the lights in my window, because they flash their lights, but it was late at night, sometimes as late as 2 or 3 in the morning. If they're going to do the 7:30 to 7:30, I can deal with that.

**Mayor Alvey** asked if anyone was present to speak in opposition.

**Laurie Torrez, 9828 Donahoo Road**, said I'm speaking in opposition of this. I have a little timetable on this. On February 21<sup>st</sup> I emailed Byron Toy and Zack Flanders regarding a semi-truck parked at the 99th Street entrance. Operation hours from 7:30 to 7:30 and 24 vehicles being on the road with no license plates. My email was then forwarded to Mr. Beeler and Mr. Beeler response was the semi parked in the entrance was a neighbor's semi. Okay, I'll deal with that, but The Woodlands is still responsible for what happens on their land. They're responsible for that. Mr. Beeler stated that the licenses, permits or plates are not part of this SUP, that was in his letter. The Woodlands did not care how the cars were delivered there with no license plates, whatever. It's a contract company that goes down to 51st and Kansas Avenue, get the cars off of BNSF Railway and they drive them, no tags, all the way out to 97th & Leavenworth Road. This has gone on for months and months and months.

On March 11th at 8:09, 29 box vans pulling into The Woodlands with no license plates, 8:28 p.m. 12 more box vans pulling in with no license plates. March 13, 38 box vans pulling in with no license plates, 17 more at 10:14 with no license plates. I'm worried about the 16-year-old that just got their driver's license, the elderly that are driving around out there, and you have 250 vehicles coming a day with no license plates on them. We do not know if they have—**Ms. Cobbins** said you have one minute. **Ms. Torrez** said oh, that's a bummer, anyway I don't want this to go. On March 26th the police stopped the vans because they did not have license plates. Currently they were driving with license plates, they are Kentucky plates though. Kentucky plates are only good from point A in Kentucky to point B in Kentucky. They're not good in Kansas. On March 26<sup>th</sup> all the white vans got stopped there because they didn't have the license plates.

There is such a thing as the Kansas Drive Away Plate. You do have to go to Topeka, Kansas and in the 13 years I worked for auto licensing, never did I sell a Drive Away Kansas permit. You can buy 60 days, you can buy 30 days, not a Drive Away plate. They're using (inaudible) and they're no good in Kansas.

**Mayor Alvey** asked would anyone else like to speak in opposition. Seeing none, would the applicant like to make any final closing comments?

**Mayor Alvey** said I want to be clear that the plates—there are papers that allow these vehicles to be driven legally. **Mr. Beeler** said yes sir.

**Commissioner Bynum** said it's nice to see Ms. Gardner, she was one of the residents in the area that had contacted me about the hours of operation. I've heard from five different homeowners in the area, so even if there's only five on Leavenworth Road or 10 total, I've heard from 50%. So, to me 50% of a densely populated area versus 50% of a less densely populated area still have half the neighbors. I have to pay attention to that and I have to try to try to work with what could be a solution for when I'm hearing from half the neighborhood. I want to thank Mr. LaRocca because it was made clear that when the damage was done to the ladies' property that it was immediately corrected and we do appreciate that. everybody appreciates that.

I understand that you're saying, Mr. Beeler, that the permit itself did not specify hours of operation. That's what I think I heard you say tonight. **Mr. Beeler** said it did not. We have adhered to that and---**Commissioner Bynum** said agreed to comply to those hours and now changed it one more step beyond trucks to cars too. **Commissioner Bynum** said I appreciate that too. So, I think I hear that you want to comply. **Mr. Beeler** said absolutely, we're not asking to not comply. **Commissioner Bynum** said my concern is that we all have a document that we've all agreed to in public, in writing. **Mr. Beeler** said sure. **Commissioner Bynum** said we don't have that right now. My understanding is we don't have such a document right now. **Mr. Beeler** said well we have a document. I am saying it probably ought to be modified. **Commissioner Bynum** said and I would agree that it needs to be modified. I would think modification of the current document might be the solution. So, to me, if I'm seeking a Legal remedy, then I would have to turn to Rob or Legal to ask the best way to attain that legal remedy. The remedy I seek which is a document

in writing that we've all agreed to here in a public setting. I'm guessing might be for this to go back to our Planning Board, I don't know that answer. I'm actually would be asking Rob or our legal counsel.

**Ken Moore, Chief Legal Counsel**, said since this is a revocation hearing, the Commission could take direct action, but your action should be based on a violation of one of the conditions of the special use permit. It's seems to me, and 90% of what I know I've heard here today, is that when the special use permit was initially granted, it was granted with the understanding, like everyone had, that these vehicles, these cars would be delivered there by semi-truck and so those conditions were geared towards that type of delivery. It didn't prevent vehicles being delivered by—driven there, but again, it wasn't contemplated either. I think it could be sent back to the Planning Commission to develop if there are any additional modifications to the special use permit to accommodate the additional facts or the true facts of how the operation is being handled.

**Mayor Alvey** said so to that point, I would entertain a motion to approve the Planning Commission's recommendation to revoke, we could deny the Planning Commission's recommendation and approve the special use permit and also refer it back to the Planning Commission.

**Commissioner Bynum** said so question, we refer back to the Planning Commission, we haven't revoked, we've referred the revocation back to the Planning. **Mayor Alvey** said I believe we can give them directions to add stipulations that more clearly spell out the mode of delivery, the limitations of those things, and what the remedies might be.

**Action:** **Commissioner Bynum made a motion, seconded by Commissioner Kane, to return Special Use Permit Application #SP-2018-54 to the Planning Commission with the direction to more specifically delineate in the agreement what the stipulations will be.**

**Mr. Beeler** asked may I have a clarification Mr. Mayor. **Mayor Alvey** said yes. **Mr. Beeler** said when it goes back to the Planning Commission and to clarify the stipulations, I understand that we

need to clarify the stipulation for 7:30 to 7:30 involves all vehicles. I have not heard anyone tonight say anything negative about the fact that a vehicle that makes no noise is going into the facility over a truck point including these folks. So, I want to know, are you asking the Planning Commission to look at that because, under the law, they are to receive specific instructions from the board as to what they are to look at. So, my clarification is, I heard about the 7:30 to 7:30 in the commissioner's question, I did not hear about any other issues and I want to be sure they're not confused. **Mr. Moore** said I think Mr. Beeler is correct, this isn't really to reopen the entire special use permit because unless there's been a fine that certain areas have been violated, that would be grounds for revocation. I think the issue is, and the question really is, is that the use is somewhat different than originally contemplated. Applying those conditions to that other use or extended use would be the question. I think it's probably limited to, should there be any other conditions because the cars are being driven directly.

**Mayor Alvey** said so the motion should include a direction for the Planning and Zoning Commission to consider whether additional stipulations ought to be added to regulate the delivery by single individuals. **Mr. Moore** said really, I think, should all these conditions apply to that, the ones previously granted or previously imposed.

**Mr. Richardson, Planning Director**, said this special use permit is for the industrial use of the property for industrial storage. I think the delivery—when we assumed that this was going to be delivered by trucks, cars were not contemplated, and I think that if it's sent back, the Planning Commission should open that part of the hearing up because we haven't had public comment on that part of how they're delivered and that would relate to if that's appropriate, than all the stipulations, should those stipulations or others apply to that method of delivery or are there other ones that would be more appropriate. This was never—there was a neighborhood meeting, there was a Planning Commission meeting, there was a Board of Commissioners' meeting; never were the words we're going to drive 250 cars a day to the site uttered. I think that's a material part of this case that ought to be discussed in public and just make sure that if these are the stipulations, they're the right ones. There might be other ones that would be more appropriate

**Mayor Alvey** said so, Mr. Moore, based upon your previous comments, we're not reopening the entire special use permit. What direction needs to be given to the Planning and Zoning Commission if we want to look at the delivery of singled vehicles?

**Mr. Moore** said I think the Planning Commission should, again, it's not reopening everything, it's just looking at what has changed that was not initially contemplated and if there should be any conditions relative to that change.

**Commissioner Bynum** said you had stated the permit says absolutely nothing except the restrictions speaking to how the vehicles come in. **Mr. Beeler** said no, except limiting the number of semi-truck trips per day to 60. **Commissioner Bynum** said correct, but this is almost a verbatim quote of what you said. That the permit says absolutely nothing except the restriction speaking to how the vehicles come in by semi-truck. So, my question is, do I need to amend my motion because we want clarification around how the vehicles will be transported in and clarification around the hours of operation? Again, what I seek is a stated in public agreement between the petitioner and the Unified Government as to what the stipulations will be and if we need to clarify on those two items, that's fine with me. **Mr. Beeler** said I'm happy to make that stipulation tonight if you care.

**Mayor Alvey** said I think it probably needs to go back to Planning and **Zoning** with the additional language. Do we need to modify the motion?

**Action:** **Commissioner Bynum made a motion, seconded by Commissioner Kane, so the motion will be that we return to Planning and Zoning for clarification around two items within the special use permit; one speaking to how vehicles will be delivered into the location and codifying the hours of operation.** Roll call was taken on the motion and there were nine "Ayes," Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan, Murguia.

### **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 Regular Consent Agenda will be voted on by one vote. There were no set-asides.

**Action:** **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve the Consent Agenda as submitted.** Roll call was taken on the motion



and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan, Murguia.

#### **ITEM NO. 1 - 19733...PLAT: BOULEVARD LOFTS**

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

**Action:** **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve the plat and authorize Mayor to sign said plat.** Roll call was taken on the motion and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan, Murguia.

#### **ITEM NO. 2 – 19734...PLAT: PIPER LANDING FOURTH PLAT**

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

**Action:** **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve the plat and authorize Mayor to sign said plat.** Roll call was taken on the motion and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan, Murguia.

#### **ITEM NO. 3 – MINUTES**

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

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

#### **ITEM NO. 4 – WEEKLY BUSINESS**

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

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

#### **PUBLIC HEARING AGENDA**

No items

#### **STANDING COMMITTEES' AGENDA**

No items

#### **ADMINISTRATOR'S AGENDA**

##### **ITEM NO 1 – 1972....RESOLUTION: KC LEVEE BETTERMENT PROJECT**

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

**Doug Bach, County Administrator,** said the first item on this is for the resolution whereby we’re asking that any monies we expend toward the KC Betterment Project on the levees be allowed for reimbursement back through any notes we may issue or bonds we may issue later on.

**Action:** **RESOLUTION NO. R-24-19,** “A resolution whereby any general obligation bonds and /or temporary notes issued for the Kansas City Levee Betterment Project, CMIP 5057, may be used to reimburse expenditures.” **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to adopt the resolution.** Roll call was taken on the motion and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan, Murguia.

**ITEM NO. 2 – 19735...RESOLUTION: OPERATION GREEN LIGHT TRAFFIC CONTROL SYSTEM**

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

**Doug Bach, County Administrator**, said Operation Green Light is a program within the Mid-America Regional Council that crosses over multiple jurisdictions to encourage different governments to move forward and have timing in their lighting system. This resolution does commit us to move forward with money in our budget to pay for our share of that, pay for our system changes. Lideana Laboy, our Traffic Engineer, is here if you would like her to make presentation or additional comments on this. **Mayor Alvey** said or we can approve.

**Action:** **RESOLUTION NO. R-25-19**, “A resolution authorizing the Unified Government to enter into a cooperative agreement for funding the Operation Green Light Traffic Control System.” **Commissioner Kane made a motion, seconded by Commissioner Johnson, to adopt the resolution.**

**Commissioner Burroughs** asked does this agreement include red light cameras in anyway. **Mayor Alvey** said no; this is just synchronization, I believe, now. **Commissioner Burroughs** said I just wanted to be sure.

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

**COMMISSIONERS' AGENDA**

No items

**LAND BANK BOARD OF TRUSTEES' AGENDA**

No items

**PUBLIC ANNOUNCEMENTS**

No items

**MAYOR ALVEY  
ADJOURNED THE MEETING AT 8:10 P.M.  
April 25, 2019**

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Bridgette D. Cobbins  
Unified Government Clerk

April 25, 2019

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

SPECIAL SESSION, THURSDAY, April 11, 2019

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, April 11, 2019, with ten members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; Murguia, Commissioner Third District (arrived at 5:05 p.m.); Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO presiding. McKiernan, Commissioner Second District; was absent. The following officials were also in attendance: Doug Bach, County Administrator; Angie Lawson, Deputy Chief Counsel; Carol Godsil, Deputy Unified Government Clerk; Gordon Criswell, Assistant County Administrator; Alan Howze, Knowledge Director; Jeremy Rogers, Director of Parks & Recreation; Tim Nick, Operation & Maintenance Superintendent in Buildings & Logistics; Emerick Cross, Commission Liaison; Matt Zayas, Intern in County Administrator's Office; Lynn Melton, Assistant to the Mayor; and Officer Doleshal, Sergeant-at-Arms.

**MAYOR ALVEY** called the meeting to order.

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

**NOTICE OF SPECIAL SESSION** of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, April 11, 2019, at 5:00 p.m. in the 5<sup>th</sup> floor conference room of the Municipal Office Building, for a presentation on the Inclusive Play Project.

**CONSENT TO MEETING** of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.



## Wyandotte County Parks and Recreation Inclusive Playground

PROJECTED COMPLETION: SUMMER/FALL 2019

**Doug Bach, County Administrator**, said tonight we're here to hopefully advance where we are with the Inclusive Playground Project. This is a project that's been in the works for a number of years. As the Commission approved some money and direction to go forward with this, it put staff on an objective to move forward then to go out and find other sources of revenue to add to this project. We've been able to get to that point today that we are ready to advance it and, of course, through that process was going through and evaluating sites for where we would put this. That is really the big question that we're bringing to you tonight with our recommendations.

I'm going to turn this over to Jeremy Rogers, Director of Parks & Recreation, and have him talk about the inclusive playground and then what our researchers told us.

## Inclusive Playground

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- What is a Universally Inclusive Playground?
  - A playground specifically designed to remove physical and social barriers so ALL children, with and without disabilities and/or critical illnesses, can play side by side with their peers and families.
  - Play is a critical part of the social, emotional, cognitive and physical development of every child. Unfortunately, the vast majority of playgrounds deny children with disabilities and critical illnesses the opportunity for exercise, entertainment and social interactions which other children enjoy.
- 17% of Wyandotte County citizens claim some form of disability. The national average according to the NRPA is 13%

**Jeremy Rogers, Director of Parks & Recreation**, said as Doug mentioned, I'm here to talk about the Inclusive Play Project that I've been working on. Most people ask what is an inclusive playground. An Inclusive Playground is specifically designed to remove physical and social barriers so all children with or without disabilities can play side by side. So, that's the fancy term. The basic term is that a child with a disability or in a wheelchair, for example, would never have to leave his wheelchair.

An ADA Playground says that a child in a wheelchair can wheel him or herself to that piece of playground, remove themselves from their wheelchair via transfer station and then navigate throughout the play system. Inclusive Play says that child never has to leave his/her wheelchair.

There have been several studies, university studies done on play and how it affects the brain and how it stimulates different aspects of growth and whatnot. Play is very critical to social, emotional and cognitive development in every child. That's very important that we provide those opportunities for all citizens.

The reason this is important, 17% of Wyandotte Countians claim some form of disability. That's according to the last census data. The national average is 13%. We're 4% above the national average on persons that claim disability, so it's very important that we provide those play



opportunities, not only for our citizens, but those individuals that are coming into our county to play.

## Unlimited Play

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I'm going to play this video that kind of talks about Inclusive Play and what it means to different individuals. (The video was shown). Obviously, play means different things to different people.

## Jake's Playground, Wentzville, MO

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Last spring the city of Wentzville, MO, which is in the St. Louis area, opened a playground of this nature and I travelled for the grand opening. I took some pictures of kind of what it looks like so you can see this isn't your average playground. This is not something you can open a catalog up and you can buy. I'm a baseball guy. I love baseball. The St. Louis Cardinals donated quite a bit of money to funding this, so it was built like a baseball stadium, which I thought was really cool.

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## Jake's Playground, Wentzville, MO



The different play pieces throughout, the stairs over there, the baseball bats and then the bases going up and then, of course, the slide right there I thought was really cool.

Obviously, you have to have some physical abilities, but I did see a child in a wheelchair that was able to use—they had to remove themselves from the wheelchair and their parents pushed them through and, of course, I had to give it a try myself.

## Jake's Playground, Wentzville, MO

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This particular playground, as you saw in one of the pictures, had the zip line that shaped on a football field, so it's like you're going into the goal post scoring a touchdown. Concession stand, within that concession stand area, there were several play pieces, interactive play pieces that individuals could use.

## What's Recommended

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- Specifications
  - 1-2 acres
    - About half the size of Huron Park
  - 50-60 parking spots
  - Access to water for water feature
  - Slight slopes in topography
  - Tiled surface
  - Fencing around entire playground
  - Access to restrooms

Obviously, this is not your average playground as I mentioned. Some of the specifications of what's recommended for a playground of this nature, one to two acres, that's about half the size of Huron Park which is right across the street here by the casino; 50 to 60 parking spots. This playground will bring in individuals from all over. People will drive in for this, so we need a place for them to park. Access to water, persons that can't control their body temperature needs water to play in, so like some kind of splash pad or fountain. Something like that. Something to help cool these individuals. Because of the ramps that are needed for wheelchairs, you have to have a slight slope in typography, that helps reduce construction costs.

The surfacing of these—I don't know if you guys noticed in the video, but it's a tiled—it's kind of like a—there's a supporting place surface that's spongy, but they also have tiles that connect together so that when they first started building these playgrounds, they were all poured in place. The bottom of the slide, those poured in place areas would get tore up and you had to replace the entire area. Now if something like that happens, you remove a tile, put a new tile in and that fixes the problem.

Fencing around the entire playground is very important. Persons with autism don't understand boundaries, so it's very important that we don't have kids running off or adults running off to where they don't need to be. It's very important to keep them enclosed or keep them within the play space.

Of course, access to restrooms is always nice when you have that many people in one area, you need some form of restroom.

## Wyandotte County's Inclusive Playground

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- Pricing
  - Total project estimate = \$500,000
    - Includes design and build of inclusive play pieces as well as water feature
  - Total funds committed to date = \$410,000
- Master Plan
  - Pierson Park
  - Wyandotte County Lake Park
  - Wyandotte County Park



I want to bring this project to Wyandotte County as I've spoken with many of you before. The total price of this project would be around \$500,000. That includes the design, the build of both the inclusive play as well as a water feature. So far to date, we've raised \$410,000 which is pretty good, but we're not there yet, so we still have a ways to go.

When we did the Master Plan it did talk about Inclusive Playground being a part of Wyandotte County and the three parks that they mentioned were Pierson Park, Wyandotte County Park, and Wyandotte County Lake Park.

## Pierson Park

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### **PROS:**

- Already has a spray park
- Close to the lake
- Close proximity to County's largest percent of population of persons with disabilities (17%)

### **CONS:**

- Park roads need repaired
- Flooding
- Vandalism
- Needs more parking (30)



Pierson Park; this is if you can see here, this is 51<sup>st</sup> St., that's 55<sup>th</sup> St., obviously, there's the lake. There is the skate park, there's the splash pad. This playground would go somewhere over there. That's the dam right there. It's a steep slope, so it would go on the other side of the splash pad which is a pro for this. That would reduce cost because it already has a splash pad in place. It's close to the lake which draws an enormous amount of people. We have quite a few fishermen there, we have people that come just for that lake feature. It's also close proximity to the county's largest percent of persons with disabilities, so I think that's a neat feature for this park according to the demographics.

Some cons; the roads throughout the park probably will need to be replaced sometime in the near future, especially if we're bringing in quite a few more people to this park, we would want to look at doing that, so that would be an added feature.

Because that splash pad is built at the bottom of the dam in a little drainage area, that does flood, so there would be—sometimes we have to close down the splash pad because of drainage there is an issue.

Vandalism; obviously vandalism does not discriminate. We get vandalism throughout the entire city, but we do have a high amount of vandalism at Pierson Park.

It needs more parking. Parking space right there and right there, combined about 30 parking spots. Okay, so that's Pierson Park.



## Wyandotte County Lake Park

### **PROS**

- Ample parking
- Access to waterlines
- Open space with room to grow

### **CONS:**

- Would require construction of new bridge by old tennis courts
- Disrupt the natural look of the lake
- Already have a large scale playground at the lake
- Lake is already considered an attraction



Next, Wyandotte County Lake Park. The place that this would go is right there. Here's the park offices, this is the entrance to Leavenworth Road, and right there is the old tennis courts/basketball courts. I've heard that there is varying of what was there at one time, but it would go in this area right here which is pretty big. There's ample parking. We have parking for the playground there, there's a trail, there's a shelter there, so plenty of parking. Access to waterlines. As you guys know in our CMIP we're redoing the waterlines there. This one was just done this last fall, so great waterlines. Obviously, it's open with room to grow.

The cons; that bridge right there would need to be rebuilt. One day the little train went across it, but we do not encourage pedestrians walking across that. Many would argue that would disrupt the natural look of the lake. A lot of people go to Wyandotte County Lake because of what it is. It's a rustic, natural lake and so that would disrupt that.

We already have the large scale playground right here. This is a playground that has been built on and built on as years have gone on. It's our largest playground in our park system, so we would have to either look at moving that or doing something. We don't want to compete with that playground.

The lake is already considered an attraction. If we're looking to bring new visitor's into Wyandotte County, we already have several visitor's to the lake so that could be viewed as a con that we already have people here.

## Wyandotte County Park

### **PROS:**

- Ample parking spaces (lowers construction cost)
- Easily accessible from I-70/435
- Close proximity to shopping, hotels, and events
- Additional open space for future growth
- Easy access to waterlines
- Creates a new destination location in our County

### **CONS:**

- Roads will need replaced over time



Finally, Wyandotte County Park. This is the George Meyn building, this is Shelter D right there, the A-frame shelter; a skate park and the ballfield is right here and there are tennis courts here. This, if proposed, the playground would go in this area right there. There's plenty of parking there, they're not dedicated parking. We would have to dedicate some handicap accessible parking; however, that's a very large parking spot that can hold up to 90 cars, so that's a plus. It's easily accessible from I-70 and I-435. This park is going to bring individuals into our community from outside, so it's very important that we have a way for them to get there.

It's in close proximity to shopping, hotels, events, Sporting KC, T-Bones, the racetrack. It's within a two-mile drive of those attractions. With all this area, I don't know the exact acreage of just that area, but it is plenty ample enough if we wanted to add-on to this playground in the future, we very well could.

Waterlines; there's water there as well as there, so it's easily accessible to waterlines, and again, it creates a new destination for our county that we want to bring people into.

The con with Wyandotte County Park is the roads will need to be replaced over time just like Pierson Park because it's one of our main attractions. It gets used a lot, so we would have to replace those roads over time.

## Recommendation

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# Wyandotte County Park



The firm that you saw the video of, Unlimited Play, they came and did a study and they're the ones that are designing and overseeing the building and construction of. They're recommendation, they're professional recommendation is Wyandotte County Park.

**Commissioner Bynum** said in Wentzville, what was nearby that park for other activities? **Mr. Rogers** said that was nearby a school. The city owned land next to a school, so they built it there. There's some athletic fields that were there, I think some soccer fields, and some baseball fields as well. **Commissioner Bynum** said if you get to your goal, it looks like you're \$90,000 away from the total money needed, so how long do you think before you would have the total money needed? **Mr. Rogers** said, hopefully, very soon. Unlimited Play, that's one thing that they do is fundraise and they're pretty confident that they could secure that money pretty quickly.

**Commissioner Bynum** said in some of your pros and cons you talked about certain other things that might need to happen in various places like the parking at Pierson. That's not included in the cost you're showing for the park, right? **Mr. Rogers** said correct. That's added additional funds that we would have to find within our Parks & Recreation budget.

**Commissioner Bynum** said I just wanted to comment that I think shade and shade structures are really important. **Mr. Rogers** said absolutely. **Commissioner Bynum** said it didn't

say it, but we know it. **Mr. Rogers** said absolutely, it is very important that we protect those individuals from the sun and provide shade for individuals that do want to play on this playground.

**Mayor Alvey** said, Jeremy, you mentioned that this is really a destination park and the expectation is that it would attract people from outside the community. Do they have any projections about the numbers? **Mr. Rogers** said Unlimited Play does have those numbers. I don't know them off the top of my head, but I know at that Wentzville one, I talked to someone that drove three hours just for that playground. They lived in a very remote area, but they do have numbers of what this would attract.

**Mayor Alvey** said my only thought would be that is if we look at this as a Wyandotte County project and how does it serve our citizens, my concern at that location is, again, it's a fairly long drive and I don't know how many people would need to use public transportation to access that, not that they could access Wyandotte County Park through bus service or Pierson Park. That would be a concern that how accessible will it be to our citizens. I do understand the concerns about other spots, but because we only looked at Wyandotte County parks, we did not look at the KCK parks because this is part—we have to serve the entire county, is that how—**Mr. Rogers** said that's correct and most of the KCK parks are not big enough, they're not regional draws to host a playground of this nature. **Mayor Alvey** said so, for instance, City Park would not be accessible. If what we're saying is there are other attractions at other parks and one of the selling points of Wyandotte County Park is it would help activate that park some more, we wouldn't have that same consideration let's say for City Park or any other park. **Mr. Rogers** said going to City Park, for example, having the amount of open space, an acre to two acres of open space that is close to parking, close to water would be—there is some open space there, but the typography it would be tough to navigate.

**Commissioner Markley** said as much as I would love to have this at Pierson Park, I would have concerns about the proposed location because both the flooding and because of the lack of visibility from the roads just the way that the lay of the land is. I like having the spray park there, but even with that, that's a concern. I understand why this is their recommendation. I was going to ask about bus service or some means of transportation as well, so the Mayor already hit on that. Making sure—you know you mentioned that the highest percentage of disabled people is in the

Turner community, so we need to make sure they have a way to get out there because although I understand wanting to attract outside residents, we want our residents to be able to use it as well.

Shade structures, you can get grants for that, so make sure that you go get a grant for the shade structures. I had one other thing, but I've forgotten it, so I will tell you later.

**Commissioner Kane** said well, I volunteer the Piper area to build a new park. This was Hal Walker's dream. I don't know where we should put it, but I think it's something that if we come up short of monies, we need to give them some monies to get this to go because I think more people will use it then you can imagine and the need is there. I don't care where you put it, but I would rather see you put it at Wyandotte County Lake, but then you would have to have some bus routes to wherever it's going to be.

**Commissioner Markley** said I remembered my one other thing. I think I have been seeing some of this happen already, but I would say we need to be cognizant of putting some play equipment at each of our playgrounds that meet this need. The whole playground might not be accessible, but some of those pieces should be so that people can utilize the playground nearest to their home. Like I said, I think I have been seeing some of that happen with the new play equipment we've been bringing in, but it's just important. **Mr. Rogers** said absolutely, I agree.

**Commissioner Johnson** asked the entirety of the \$500,000 is being raised outside of UG funds? **Mr. Rogers** said we have used some UG funds that was appropriated in 2017 towards this project. **Mr. Bach** said Casino funds that were allocated toward parks, \$100,000 in that one year and used that as kind of the seed money to start going out to leverage the additional money that he's used to bring in the other \$310,000 so far. **Commissioner Johnson** said so we are going then to look outside the county for the other \$90,000. **Mr. Rogers** said if that's what it takes. **Commissioner Johnson** said if that's what it takes, I mean, to your point we need to put some money and I think we already have. I like what the Mayor said about City Park or even Clifton Park. I think there's access to water. I think there's a spring over there at Clifton Park, so I've been told. I've not found it yet nor have I gone to look for it.

Have we entertained input from the Parks Board yet on this? **Mr. Rogers** said yes. I did present this exact same presentation to the Park Board and they did not come to a consensus on

where they suggest. **Commissioner Johnson** asked they are in support of doing something. **Mr. Rogers** said right, absolutely.

**Commissioner Philbrook** said the Park Foundation Board put a good chunk of change toward that. That's where a couple hundred thousand came from to go towards that. That plus the other hundred and then the rest of the money that the Inclusive Play people said that they would raise to make this work is how the money came about basically. Right? **Mr. Rogers** said yes. **Mr. Bach** said yes, that was directly the Foundation and through the TURF I think, big contributors.

**Mayor Alvey** said I want to be clear that perhaps because of the funding coming from the Parks Foundation, can we not look at other city parks, KCK parks as if there were other reasons why they might be more appropriate? **Mr. Rogers** said when they did the Master Plan, they did look at all our parks and this was their recommendation. If there are other parks that you guys want me to look at, I will be happy to. **Mr. Bach** said I will say we went through and looked at the different pros and cons there are. You can imagine many of the city parks are out because of the space. You don't want to come in and take out big chunks. You don't want to come in and take out big chunks if you throw in parking and stuff like that, so a lot of them were out from that standpoint. We looked at some of the bigger ones like Rosedale Park. That was one that you spent a little more time and went back to it. I don't recall all the reasons, but there were a number of cons that fell into it. You know how it stands up day to day and interaction with people at night was a very big issue with this park as well and the equipment and how long it would last.

**Commissioner Bynum** said I would voice some support for Wyandotte County Park. For the reasons you mentioned, but also just the fact that within that section that you identify, you're building some critical mass there. You have the museum, George Meyn, the ballfields and the tennis courts and the A-frame structure which is a really neat structure and I like the fact that this could add to some of the activity already going on there. Those roads—they also seem to be used a lot for runners and walkers. **Mr. Rogers** said they do. **Commissioner Bynum** said that just adds to something else we could do while we're out there. I like that and I agree about the access piece for any resident that needs transportation, but I know that with our UG transit and the ATA they both seem really amenable to working with groups and people to get them to where they want

to go. **Mr. Rogers** said correct. I have had preliminary discussions with Justus Welker, our Transit Director, and he's on board of supporting this project and finding a way to get public transportation out there. **Mr. Bach** said I might just add to that point too, as you can see any of these sites we're not going to have the mass transit bus line go right up to the park at any place, so it will be whenever we use our direct—when somebody calls for service to try to get to—particularly those individuals that are coming to use it, you know, with handicap, you need to get them right to the front door where the park is so it will be those specialized carrier services that we have.

**Commissioner Philbrook** said I need to correct what I said, what can I tell you, too many boards, too many sources of money. The big bulk came from the TURF fund. **Mr. Rogers** said correct. **Commissioner Philbrook** said then some from the Foundation and then the others. Thank you for letting me correct my mistake.

**Mayor Alvey** said I'm going to come back to this, it seems to me that part of the beauty of the Inclusive Play is it's not just those who have special needs, but other kids and that they play together and these locations seem to be—are other families going to make this a destination? I understand someone who has son and is disabled or special needs that they would travel there because it's the only place they could. The question is, will there be enough others who would then play with as we saw in the video. **Mr. Rogers** said yes, I believe there would be. There's one other of these playgrounds in the Kansas City metro area and it's in Independence and as you said, there's adults, there's persons—Veterans that like to use it so they can play with their kids or grandkids and whatnot. I'd take my kids to it. I see people of all walks of life with disabilities, non-disabilities use these playgrounds. When I went to the Wentzville grand opening, that's exactly what was there, not all of them were disabled. **Mayor Alvey** asked how many folks lived in walking proximity to the park at Wentzville or Independence. **Mr. Rogers** said I can speak on Independence. It's right across from the Truman Library on 24 Highway. There is a small neighborhood just to the east of that, not a whole lot, but it is on 24 Highway so that's why they chose to put it there. Wentzville, it was around a school. It was a Middle School, I assume there were probably some homes. I didn't venture out too much so I can't speak to that one.



**Commissioner Burroughs** said I'm really pleased to see our community has given this serious thought. There is a segment of our population, it's not inclusive, and to have an opportunity for them to join with our kids and others to enjoy the simple things in life, I'm very proud of our community for stepping up and taking this request quite seriously. No matter where it goes, it's highly needed in our community and I wish we had the funds today to start the project tomorrow. It's a tremendous opportunity. The park that's recommended, there's a lot of amenities already there and I believe it would allow a bus to be able to turnaround. You have day trips from the schools, you have local programs that could utilize the park, you're going to have a lot of visitors during the summer months that will be coming in from out-of-town. You have the frisbee golf, you have the Renaissance Festival, you will have families that will come in and actually if the parents want to divide up and take them different places, they can. I see why this park was favored among the others. I'm extremely supported of the program and I'm extremely proud of our community for giving it much consideration.

**Commissioner Johnson** said I'm having the conversation trying to figure out our lights out there. Take it however you want, I don't like being out there at that park in the evening time because it gets dark. **Mr. Rogers** said we do have lights connected to the shelter. **Commissioner Johnson** asked all the shelters? **Mr. Rogers** said to this shelter, right there. **Commissioner Johnson** said I've driven out there at night time and I get out to the street as quick as possible.

**Mr. Bach** said I'm just trying to get a sense; the recommendation was Wyandotte County Park and whether that's something we want to move forward with or that's the consensus or the Commission would like us to work on this and bring back for further discussion. I mean we can bring back more pros and cons, I can take it to Standing Committee and work through. But, as he said before, we're in a position that we would probably start breaking ground and moving through a construction cycle in this season. That's why I'm trying to understand if we're okay with this or we need to work on it a little bit more.

**Commissioner Burroughs** said I don't believe we need to study this to death. I believe that there are children in our community, they would do this tomorrow. So, if you're needing a motion or

some kind of action, I would be more than happy to make a recommendation that we move forward with this project in this location asap.

**Mayor Alvey** said I guess I'm still hesitant on the kinds of interaction that's going to happen at this site. I mean I see the pros. I think it helps activate that space, I think I understand we have access to the waterlines, we have the topography, we have those things; I'm still just concerned about just how accessible it's going to be to our community whether we have examined all the options. I'm just not certain of it yet. I don't know if others feel the same way.

**Commissioner Philbrook** said I'm ready to move forward on it because I've been working on this project since Jeremy showed up. I'm excited about it, I've been talking to a lot of people and yes, I understand your concerns. I think there's going to be a lot of people there that are visiting that area out there with their kids during the summertime for all the other activities. That's just one other way to bring people out to that park, from people out-of-town as well, to bring their kids to have a good time, to visit Wyandotte County Historical building and to promote other things that we want to out there. I see it like, as Commissioner Bynum said, creating even more, a little bit more activity right around out there. We already have a lot of activity out there. You see people out there flying their planes and all kinds of stuff out there in the summertime. I'm for moving it forward and I think that we need to take into account the transportation part of it that you were showing concern about. That's just my thing.

**Mayor Alvey** said my concern with the transportation is, I don't think we can assume that there would be transportation resources available to serve those who might try to access, but I'm not going to hold this up. I still have concerns that it will in fact attract sufficient numbers to this site. That's my concern.

**Commissioner Johnson** said I share your concern from a different vantage point. I was just wondering aloud, will kids from my district likely catch the bus out there to the park. I don't know. Somebody will have to bring them out there obviously. You can't catch a bus out there.

**Commissioner Kane** said if we're going to say where we want it, I would like to see it in Wyandotte County Park except we need to set up a system to say on such and such a day give us a call and we will take the folks out west. We have to have a plan that says this is what we're going to do because we don't want to leave out anybody in the community. We have those small buses. We might as well use them. I think any time we can attract outside people to this community and we have something to show, then let's show it and let's take care of our own first.

**Commissioner Walters** said I think this park is pretty accessible. I don't know that it's any less accessible than any of the other two choices. For a lot of the same reasons that other commissioners have mentioned, it seems like a strong candidate to me. I would agree with Commissioner Johnson, I don't think we should plan on it being used in the dark, but I wouldn't think that an accessible playground like this would be something that would be used after dark. It's very visible during the daylight hours. It seems to me that it's a very strong location.

**Commissioner Townsend** said I like the idea of this concept based on what I've heard here today. I like the idea of anything that's been submitted that Wyandotte County Park would be the place. I agree with what Commissioner Kane had said in relation to the concern raised by Commissioner Johnson that we set up some type of method that would have to be part of this plan to get those people from the eastern end or midtown who would want to take advantage of this service, have a means by which to do that. Now, the other part of that is if we don't go forward with this, they don't have any place to take care of it or to recreate anyway, so if we go forward with this, this would have to be a part of the plan so they could take advantage.

The other thing I've heard is that the roads will need to be replaced. Is this an immediate concern or a down the line concern and if so, how much money are we talking about. It looks like we're 85-90% of the cost there, but I've also heard a request for shade which makes sense, so what's the number we're really talking about? We don't have to know now, but I'm just saying—**Mr. Rogers** said the physical road is a down the road feature. Eventually that will need to be replaced. It's not an immediate issue. That \$500,000 does include shade for this. That's part of the play piece is shade.

**Commissioner Townsend** said one other thing, if memory serves me, maybe it doesn't, wasn't there also some plan to use property around that area where the upcoming American Royal

activities, and if so, what impact, if any, would that have? I'm thinking if that's true—**Mr. Rogers** said I'm going to defer to Doug on that one.

**Mr. Bach** said it was in one of the original thoughts we went through, but as that project has progressed and the STAR area that was approved is between 118<sup>th</sup> & 110<sup>th</sup> St. so it's not on this site. **Commissioner Townsend** said okay, well good. Even if it had been or it's farther away, I think that's another opportunity to showcase what is happening out here. That's why I mentioned it. It's good then that's not part of this plan or you won't have that encroaching upon what you're planning to do here.

**Commissioner Murguia** asked how big is this park that you're going to build in Wyandotte County. You showed us one from Wentzville, MO, but how big is it, the one that you're planning to build here? **Mr. Rogers** said the one in Wentzville was pretty large. It will not be that big. Ours will be about an acre. That's the tiled surface, that's within the fence, it will be about an acre. **Commissioner Murguia** asked do we know like if a child was going to go out there to play, what the average play time is on a size of the playground that you're choosing to build? **Mr. Rogers** said the stat that I was told is three plus hours of play. **Commissioner Murguia** said so they could be out there a long time. **Mr. Rogers** said yes. It's something that you would go to spend an afternoon or spend a longer time than you will at just a regular playground.

**Commissioner Kane** said I think it was Kelley Hrabe, you know I talked to him yesterday about hooking his sidewalks up with ours at the new park. What would be wrong if we went and asked him, because he said he's willing to work with us, what would be wrong with asking him would you donate this little spot here to go along with our little park? **Commissioner Bynum** said it would nearly bring to Hutton Road. **Commissioner Kane** said yes. I mean it wouldn't hurt to ask. He will be there Saturday. **Mr. Bach** said my first thing on that would be is if you put this there, you would pretty much take up—I think that park area was designed to be able 1.5 to 2 acres. **Someone** was speaking but was inaudible. **Mr. Bach** said okay.

**Mayor Alvey** said the only thing I would think, and I don't know if this is true, one consideration might be, especially for children who are autistic, loud noises, bright lights can really affect them

and so I don't know if the sirens might have an affect on them, but that might be something to consider.

**Commissioner Burroughs** said that's an entertainment corridor out there. There's a tremendous amount of amenities for a lot of diverse needs and wants out there and to have that park there be part of the entertainment for a group of individuals that don't have access to something like that, I mean I think it just puts icing on a very well decorated cake that is known as our leisuretainment community out there. Any type of investment that we can make in our parks and encourage visitation of those parks and encourage visitation to the entertain corridor that we have a tremendous amount of time, energy and money invested, I think it's a tremendous opportunity. I haven't seen any of the other—Mayor, any of your other concerns about the city parks or anything, but this at first blush fits pretty well and I just don't want to see it go by the wayside and we study it to death to the extent that we wait another two years and some of these kids don't have an opportunity to play. I'll just leave it at that.

**Commissioner Murguia** asked do we have a committee of families that have handicapped children that are reviewing this plan. **Mr. Rogers** said no, not yet. The UG used to have the Disability Board and I did present to them and I would go back before that group. I know the group is different now, has a different name, but I would go before that Board and revisit that and get their support again. **Commissioner Murguia** said so we haven't talked to families that have children with disabilities. I was just curious. Honestly, I'm fine with this the way it is. I don't want anyone to get the wrong idea. I'm just curious if a child that's handicapped lives in the city off 7<sup>th</sup> St., let's say, and we provide a bus service, I just know that I have three kids and when they were little and they don't have any disabilities, me getting the three of them anywhere was not easy. I can't imagine if some of them were handicapped. I would just be curious for people—and we could do this after I guess, but I would just be curious how people that have handicapped children, how much of an effort is it to get them to where a bus route would be and then how long would the bus route be to this location. So, from start to finish, how long does that take? **Mr. Rogers** said that's a great point Commissioner. I would be interested in hearing what some of those parents would say. That's a great point. **Commissioner Murguia** said or even from midtown or wherever. **Mr. Rogers** said I agree.

**Commissioner Bynum** said I just want to support the recommendation. The transit issue is an important one. You know as long as I feel like you made a commitment to the community to work on the transit issue, because I think you've got a variety of potential solutions to that not only in groups, but just day-to-day every day, again, working with our transit partners. **Mr. Rogers** said absolutely. I agree. **Commissioner Bynum** said I would just want to support the recommendation.

**Mayor Alvey** said I think the County Administrator would like to move forward on this unless someone would really like to bring this back maybe to a Standing Committee. I'm willing to see this move forward, but I would like to know what the consensus here is.

Again, my concern would be perhaps rather than assume that we're going to be able to solve the transit problems, maybe we need to work that through the providers to see what they could do and how and if that's really going to activate the playground. I understand it is a destination. I think it was important for you to know that the average playtime is three hours. That's significant and I think that's a qualitative difference here. That definitely allay's some of my concerns. I don't see really a groundswell of support to delay this, so I think this moves forward.

**Commissioner Townsend** said I think, Mayor, as you said, several around here have said move forward with a plan or some type of effort to determine how it's going to be done. That has to be part of it. **Mayor Alvey** said we could say we give you the green light, but let's solve that issue, let's have some strategy for getting access. **Mr. Bach** said okay, we will work on that.

**MAYOR ALVEY ADJOURNED**  
**THE MEETING AT 5:52 p.m.**

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Carol Godsil  
 Deputy Unified Government Clerk

April 11, 2019

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

SPECIAL SESSION, THURSDAY, MAY 9, 2019

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, May 9, 2019, with nine members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District (arrived at 6:18 p.m.); Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; and Alvey, Mayor/CEO, presiding. Murguia, Commissioner Third District; and Philbrook, Commissioner Eighth District, were absent. The following officials were also in attendance: Doug Bach, County Administrator; Misty Brown, Deputy Chief Counsel; Bridgette Cobbins, Unified Government Clerk; Melissa Sieben, Alan Howze, and Emerick Cross, Assistant County Administrators; Kathleen VonAchen, Chief Financial Officer; Debbie Jonscher, Deputy Chief Financial Officer; Reginald Lindsey, Budget Manager; Jeff Fisher, Executive Director of Public Works; Jeremy Rogers, Director of Parks & Recreation; and Officer Doleshal, Sergeant-at-Arms.

**MAYOR ALVEY** called the meeting to order.

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

**NOTICE OF SPECIAL SESSION** of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, May 9, 2019, at 5:00 p.m. in the 5<sup>th</sup> floor conference room of the Municipal Office Building, regarding Capital Maintenance Improvement Projects (CMIP).

**CONSENT TO MEETING** of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.



## 2020-2024 Capital Maintenance Improvement Program

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PRESENTED BY FINANCE ON MAY 9, 2019



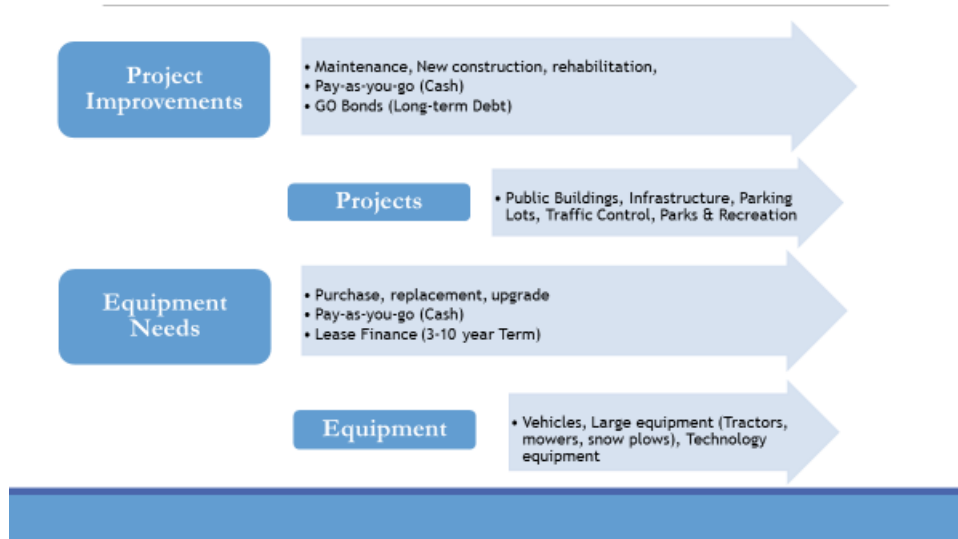
**Doug Bach, County Administrator,** said it's that time of year where we kickoff the budget process officially, so I know everybody is really excited about it. Tonight, is the Capital Projects side so we're going to walk through this, we're going to walk through kind of the process we have, hit the big projects that are coming out this year and next. We had a little bit of snafu in sending out. We sent the full list of what's in the proposed Capital Project list. If you got your hard copy of the budget, you've got it. Apparently, it didn't go out electronic, so that's going out now. It's not our intention to go through the listing of everything tonight anyway. We're going to go through what's in our PowerPoint and walk through the projects and then you will have the next two weeks to go through the list and we will walk back through that in two weeks any projects you want to talk about in the out-years and how that lays out from there.

**Debbie Jonscher, Deputy Chief Financial Officer,** said we're doing a joint presentation tonight between the Finance Department and the Public Works Department. I'm going to go through some basic information related to the CMIP and also talk about our debt projections for the Debt Projects and then I will turn it over to Public Works and they can talk about what projects they're working on.

May 9, 2019

## CMIP – The Basics

5-year plan for capital project improvements & equipment needs



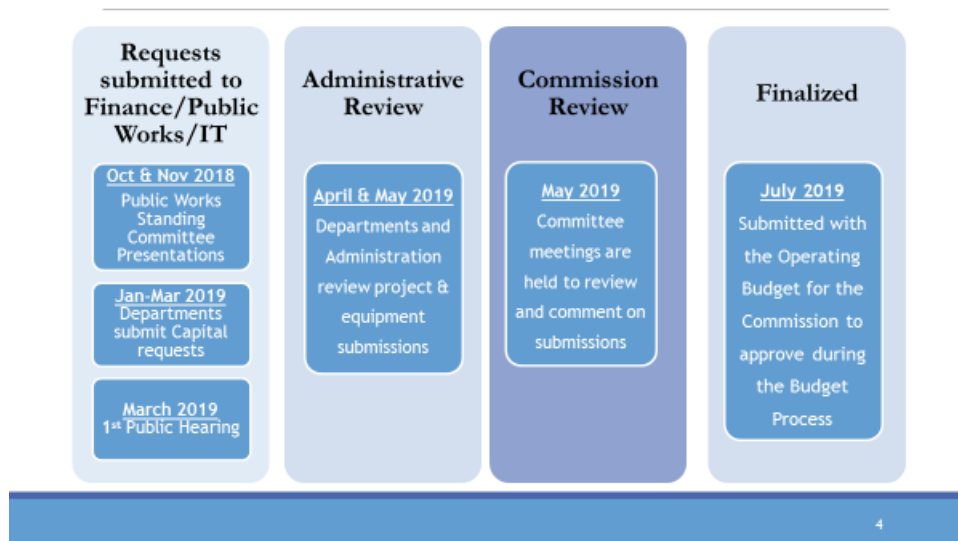
Just some preliminary information on CMIP. When we talk about the Capital Improvements, we're talking about both Capital Projects and Capital Equipment. Projects can be maintenance, new construction, rehabilitation, and we pay for those either with cash on hand or long-term financing which is usually General Obligation Bonds.

Projects could be any improvements to buildings, infrastructure, it could be streets and sidewalks or curb improvements, parking lots, traffic control and any Parks & Rec improvements.

Equipment needs are the purchase, replacement or upgrade of any equipment. We also either purchase those with cash or we usually do a lease—if it's long-term financing, it could be leased finance either 3 to 10 year terms. That would include all of our fleet vehicles, large equipment such as tractors, mowers, dump trucks, or any technology improvements.

I do want to note that even though I've mentioned equipment here, our plan tonight is to only go through the projects, the Capital Projects, both the cash and the debt.

## CURRENT CMIP PROCESS 2020 BUDGET



This just shows our current CMIP process for the 2020 Budget. Requests are submitted to the departments. We have been working on projects and have had several meetings in the past. Public Works usually comes to the Standing Committee in the fall and presents their ongoing projects as well as future projects. We've also had departments submit their information to us to amend the CMIP 5-Year Plan. We've had one public hearing back in March.

For the last month we've been working with the County Administrator's Office on reviewing all of the projects that have been submitted and now we're at the Commission review portion of the process where we're presenting the information to you to review and comment on any of the information that's provided.

The final step of that will be when the Capital Budget is approved along with the Operating Budget in July.

We do want to note that we do have a couple of changes that we're looking to put into place. One, in the past, normally you have approved all the Capital Projects with the budget and then in the fall we would come back with additional authorization on all of the debt projects. This year we're changing that process. Our intent is to include all the project descriptions in the budget document this year so that when you approve the budget in July, you will also be authorizing all of the debt projects. It will all be in one process instead of having to separate processes in one document.

May 9, 2019

The other change I wanted to note that for the 2021 Budget we are actually looking at starting the CMIP process a lot earlier. As soon as we approve the budget in July, in August we're going to start working on the next CMIP process so that we can have more time. We want more time to be able to review the projects and do more thorough look at what's being done.

**Commissioner Bynum** asked does that mean that presentation to the Standing Committee will come sooner than October and November. **Ms. Jonscher** said no. I don't think the plan is to change that, at least not at this point. We're just looking to start working on the requests for the next years' budget session. **Mr. Bach** said more from a management perspective. We know our projects that are out there and getting them all lined up and just having them all firm as we move along. Just as this is has become more smooth having it out in May rather than working it in the July timeframe. We will tweak things, but we know the projects in advance.

## Strategic Direction

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### Reduce reliance on debt funded projects

- Move to fund more projects with cash
- Keep City General Fund debt projects under \$15M per year

### Aligning to citizen survey results

- #1 result - Improve Streets

### Direction provided at Commission Retreats

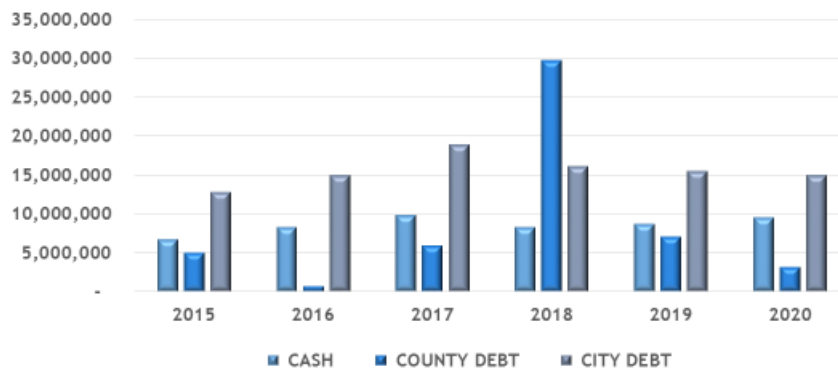
- November 1, 2018
- January 17, 2019



**Ms. Jonscher** said I want to talk a little bit about the strategic direction that we're applying in the budget. There have been two Commission Retreats held within the past year. One was in November 2018 and one in January 2019. Some of the emphasis has been to reduce the reliance on debt funded projects so as we review those we're looking to try to fund more projects with cash as well as keeping our City debt funded projects under \$15M per year. We're also aligning the

budget to the Citizen Survey results and the number one result of the last survey was to improve streets so we've incorporated some of that into the CMIP.

## 2015 – 2020 UNIFIED GOVERNMENT CMIP PROJECTS

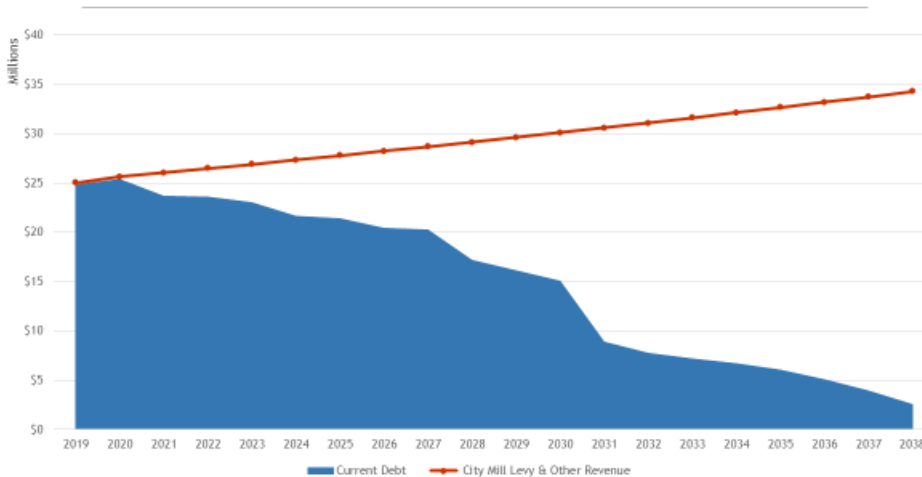


\*Sewer System Enterprise Fund not Included

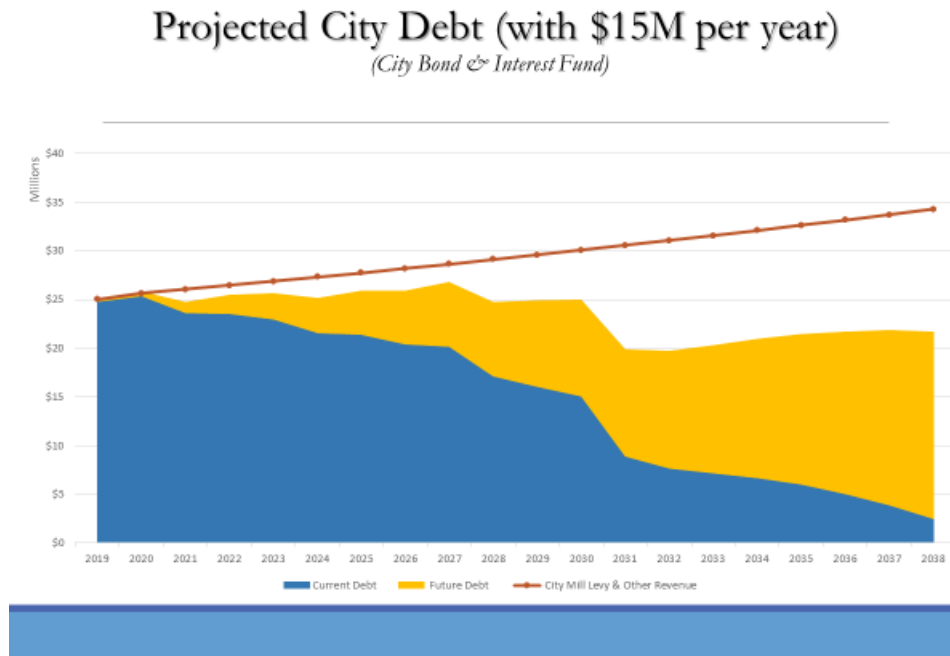
This graph shows CMIP Projects over the last five years or six years, 2015-2020. The light blue line represents the cash funded projects, the dark blue in the middle represents County debt and then the gray represents the City debt. If you look back in 2015, we funded cash projects at about \$6.7M and we were funding City debt at \$12.7M. Over the next several years we stayed pretty much within the 12-15M on debt with the exception of 2017 and we were at 18.8 and then in 2018 we were just a little over 16M. For 2020 we're proposing a total of 14.9M on City Debt Projects.

The one large one here on the County side in 2018 we funded the Juvenile Center as well as some Courthouse and Jail Improvements.

## Current City Debt (City Bond & Interest Fund)



The next couple of graphs look at the Debt Funds and the projections that we have. This graph shows the current debt service payments for the City Bond & Interest Fund. For 2019—the red line represents the property tax revenue for the fund and the projections that we have. Currently what we built in is a 3% growth for 2020 and then we’ve done just 1.9% for growth into the future years, so that’s what the red line here represents, that growth going out. This includes all debt issued up through 2019 so that will include this year’s debt.

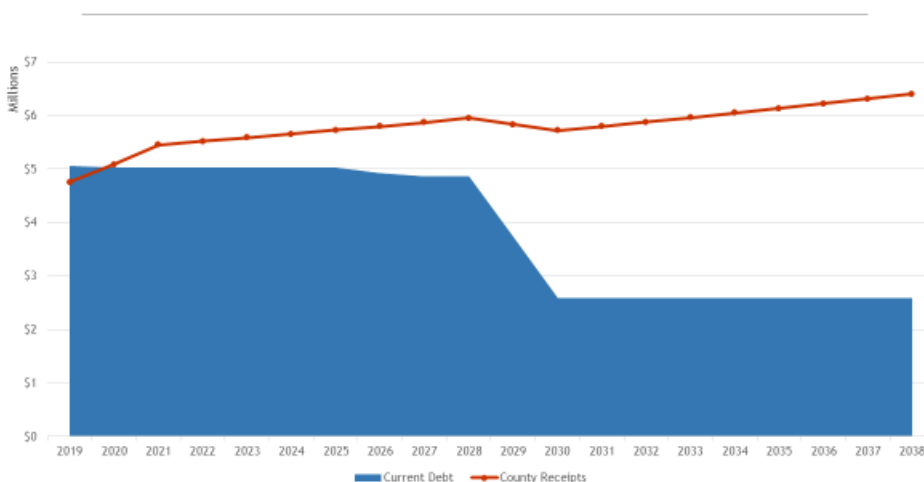


This shows the projected future debt continuing on keeping that issuing new debt of \$15M per year. The yellow represents all of the new debt and as you can see in 2020—for 2019 and 2020 we’ve got that number at \$15M and so we’ve projected out the future years. As you can see, there’s just a slight gap here in our debt service payments with our growth, so if our growth improves more than the 1.9% per year, then we would have a larger gap here. If it stays a lot more flat, then we could see that running fairly close to what the mill is bringing in.



## Current County Debt

(County Bond & Interest Fund)

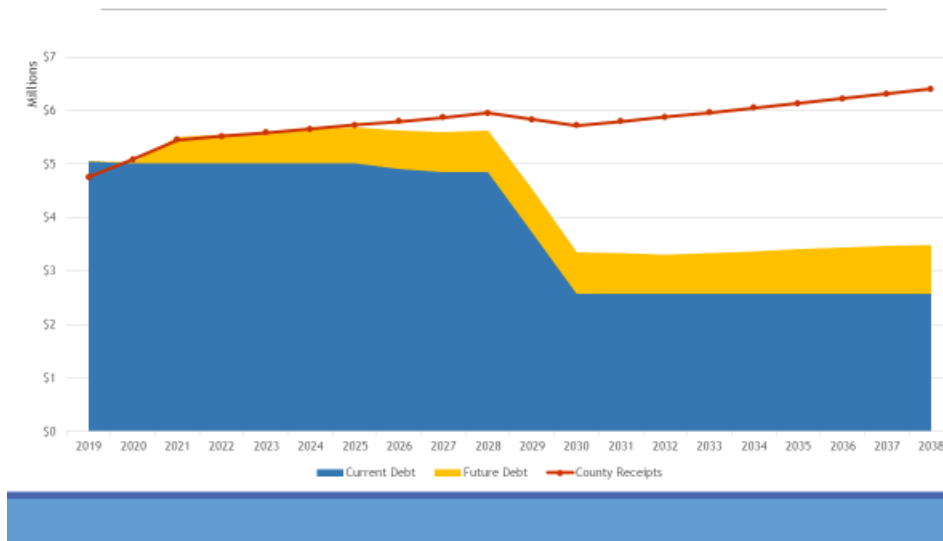


This is the County Debt Bond & Interest Fund. Same projections that we had on the City side, we're projecting 3% for 2020 and then 1.9% going out into all the future years. You will notice here in 2019 our revenue is below the total here, but we believe that with fund balance we won't have any problems making those payments. One of the assumptions that we did when we did the Juvenile Center debt, the idea was that we were going to transfer savings from the County General Fund, the savings from the farmouts inmate housing to pay for the debt, so we've got those transfers built in there. Over the past two years we've transferred savings of about \$2.5M and we have \$1M budgeted for 2019, so we believe that fund balance will take care of this gap here. For 2020 we budgeted a transfer of \$1.2M and then in the outer years we've budgeted \$1.5M of the transfer. This right here when you see the revenue drop here, some of the debt is PBC debt on the radio system projects of which BPU reimburses us a portion of that debt. This debt pays off between '28 and '30 and so that's why you see the drop in the debt payment—in the revenue collection.

**Commissioner Johnson** asked what is the assumption on the City mill levy and these numbers. Is it assuming that it's going up or is it staying flat? **Ms. Jonscher** said the mill rate is staying flat. **Commissioner Johnson** said I just wanted to make sure. **Ms. Jonscher** said the same assumption on the County.

## Projected Future County Debt

(County Bond & Interest Fund)

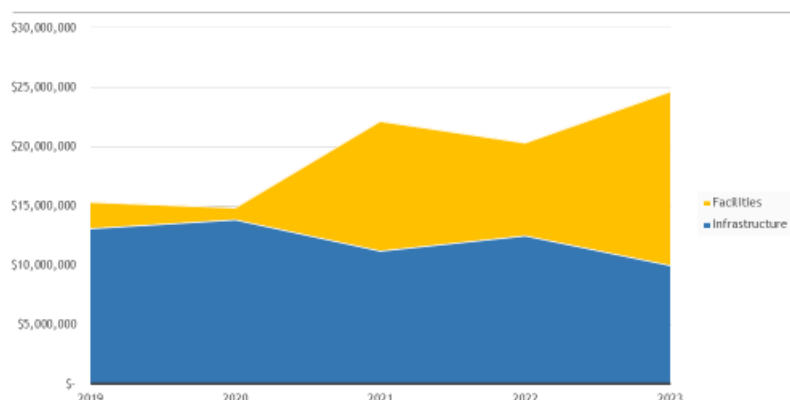


For projected Future County Debt, we've built in—there are three items in the 2019 Budget and there is one item in the 2020 Budget that we have included here in the projected future debt. We have an increase on the Juvenile Center, the Courthouse Roof Replacement and then there's a project for the Health Department Improvements as well in 2020 we have the Courthouse Fire Alarm System. We have not issued any of the additional money on the projects in 2019 yet. We were holding off for them to spend down the bond proceeds we had already issued on those projects and then we will issue them as we get closer to the end of the project.

You can see here that for the next several years when we issue that debt we will be riding right along with our projections. As I said, that includes the transferred savings from the County General Fund, so if our projections on growth are less than what we projected or if we are not able to transfer that savings, then our revenues would probably not meet our debt service requirements.

**Mr. Bach** said I think it's real critical in just going back over, she said that's a transfer. Remember, when we went into this project it was looked at from savings we would make back off jail operations so this whole debt structure is relying upon that. If we don't hit it, then we have to come up with other revenue sources to cover it.

## City Debt by Capital Category



**Mr. Bach** said the next chart up here really indicates the work that we have to do coming up because you can see as we've built the proposed budgets that are before you for '19 and '20, we have a debt structure for our infrastructure and facilities that stays below that \$15M mark. The problem I have in trying to do facilities going forward is that I can't build new facilities and continue to do the infrastructure and not have any additional money. That's where you see the line bump-up in '21, '22, and '23, so as we've gone through and worked with the departments to structure in adding—really the difference you don't see a big change in the infrastructure line. We're trying to—Jeff would like to increase that. I've pretty much left him flat or going down in regard to that and trying to see where we can do more areas of cash and other areas to come up with that, but then to layer in a City project that comes in with a facility and put in a \$5M project, that's puts me \$5M over.

Looking at, I will say after tonight because we're not focusing on the 2021 and beyond right now, but it's starting to look at those as you look at the out-years as we come in two weeks from now, we either have to look at a solution to say we're going to come up with revenues or different revenue sources or not do the facility projects or push them out in a different way.

**Commissioner Bynum** said I heard you say as we watch the facilities debt rise, projected rise, if you have an additional \$5M project, then that adds this \$5M to debt so what you're showing us

here are projects that aren't already planned for or are? **Mr. Bach** said these are projects we have not committed to. These are projects that start out in year '21. In going through the sheets when we look at our 5-Year CMIP Plan, for projects in 2021 I have a little over \$22.1M worth of debt in order to do all those projects.

**Commissioner Bynum** said so these are listed on our CMIP. **Mr. Bach** said they are listed on the sheet, but we haven't committed to any of them yet. I'm just showing you this is how we have to do them so somewhere I've got to give to either cutdown on infrastructure, not do the facilities, come up with revenue from some other source that we don't have identified today or increase the amount we're putting to debt. As Debbie just went through, she showed us that we stay flat, no increase to our level of revenue and they've got fairly conservative numbers on that. Say we stayed right at that 17 mills that we take out of debt every year, it's going to be worth more every year and it could bump, but it's not projected to bump this much, but it will move up some. It's a matter of not an immediate issue, I don't need it for a decision to adopt our 2020 Budget, but we have to look ahead to it and say is that really what our plan is for '21, '22, '23 and what direction do we want to go with it. That's what she said about starting Capital early. We've got a pretty good picture about what needs to be done and we can plan these out and we can take the time to plan for them, so this isn't a decision that has to be made. I mean if I put the CMIP in as it is in today, then it just shows we have to come up with a new solution before next year or accept that we're going to have more debt, so just highlight this point that the budget as it's presented or the CMIP as it's presented, will fit within the perimeters you set for the 2020 Budget. It does not fit within our funding perimeters for '21 and beyond and we will have to do some work on that.

**Ms. Jonscher** said I'm going to turn this over to Public Works for their portion.

# 2020-2024 Capital Maintenance Improvement Program

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PRESENTED BY PUBLIC WORKS ON MAY 9, 2019



## On-Going Projects



**Jeff Fisher, Executive Director of Public Works**, said let's take some time to highlight on-going projects much of which you have seen before, then we will hit on new projects and spend a little

May 9, 2019

time on Street Preservation and then an unfunded list of projects like you've seen before. Jeremy Rogers is here to speak to the three or four Parks & Rec slides.

## Leavenworth Rd. Modernization Projects

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### Phase I Update

- Completion in June 2019
- 4 months ahead of schedule

### Phase II Timeline

- ROW negotiations underway
- Utility relocations to begin in Fall of 2019
- Major construction in September 2020

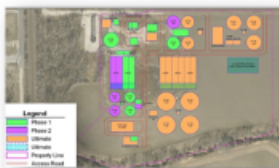
- Both projects funded with a combination of Federal Grant and Matching Local Funds(debt)
  - Phase I - \$13.3 Million
  - Phase II - \$9.0 Million (est.)



Again, these are on-going projects. These are the more significant ones, these are primarily ones that trends in multiple year because of the nature of the work, the scope, the complexity. Leavenworth Road, we've seen this several times. A great project adding walkability, wider driving lanes, bike. It's been a really solid project. This first phase is like three miles long, a big project. That one finishes up in June this year, so it's time to celebrate that project.

Phase II, Utility Relocations, will start this fall, major construction next year and then finish that up in 2021. That one is about a mile long total, about \$22M of projects. The County Engineer and Dave Clark, Project Manager, has done a fine job of managing this project I think.

## Wastewater Projects



### Wolcott Treatment Plant Expansion

- Project Est. \$45.5M
- Under CMAR contract
- Earthwork to begin in Summer 2019
- PS Elimination and Interceptor work to begin in early 2020

### Kaw Point BioSolids

- Current Project Est. \$70.5M
- Possible revenue sources for the future.
- Progressive Design/Build team selection Summer 2019



Wastewater Projects, I know we've reported recently to Standing Committee on the BioSolids. Wolcott, that is out off of Wolcott Road just west of 435. That project will adjust long-term needs out in the west and also lighten the burden on Plant 20. It's about a \$45M project. That is a Construction Manager at Risk project. You might recall, that is where the UG hires the architect for the engineering firm directly and then also hires the construction management partner and the three of them work together early on in the design process through the end of the project and it's working very well. That work begins 2020 with completion in 2022. Actually, we're moving dirt on that this summer.

Kaw Point, that based project is for the UG, it's near \$30M. If the KCMO component is viable and we add that, it gets up to a little bit over \$70M. We are actively working with KCMO. Those negotiations, those discussions are going well at this point. We believe we will be able to determine a go or no go late this summer or early fall on that with the KCMO component. Nevertheless, the UG is proceeding. We will have a design-build partner here in the next 30 to 60 days and then you might recall that if we partner with KCMO and take on their solids, there's a high potential it would create biogas and new revenues from that and would help us manage rates long-term, so it's a pretty exciting opportunity. We will complete that project in 2023. Kirk Winters and his team are doing a great job of managing these.





## Memorial Hall and Justice Complex A/C Project

New state-of-the-art chillers



Memorial Hall Cost \$3M

New cooling towers



Justice Complex Cost \$880,000

The Memorial Hall and Jail Justice Center Complex, John Kelly actually gave me a tour of the Memorial Hall HVAC system last week. It's very impressive. It's amazing how they fit this new system into that building, state-of-the-art. The UG has invested heavily in the Memorial Hall the last decade. It's something to be very proud of and definitely market it at a higher level now. John's crew also has a project at the jail, the HVAC project. That's ongoing and that will be a state-of-the-art system as well with lots of controls to address a number of issues at that facility. John and his crew is doing a nice job on the 90 facilities that they have to manage.

## New Fire Station Hutton & Leavenworth Rd

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Total Project Cost Est. \$4.7M

The Fire Station, John Kelly and his group is also responsible for delivering this and is working very closely with the Fire Department. It is also a CMAR Project, Construction Manager at Risk. Dirt is moving for the pad now. Heavy construction to begin in June and completion in early 2020.

## Juvenile Center Complex

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Total Project Cost Est. \$28M

The Justice Center Complex, another Building & Logistics project that's going very well. It is the first Construction Manager at Risk project for the UG. We expect this one to be complete in the spring of 2020. It also will be accompanied after that with some green infrastructure in the area to manage stormwater runoff around the 8<sup>th</sup> Street area with more to come on that.

**Commissioner Bynum** said the drawing of the Justice Center Complex, from what direction am I looking at that? **Mr. Fisher** said that is Ann. **Commissioner Bynum** said that is Ann Avenue, okay.

**Mr. Fisher** said lastly, of course, we have a new parking lot behind Memorial Hall as a result of that project. I think we're missing a project.

## Police Tow Lot/WPC Maintenance Facility

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- Seeking Centralized Location within Wyandotte County
- Site Near the Existing Fleet Complex
- Running Geotech Analysis
- Estimated Cost:
  - Police Tow Lot - \$5M
  - WPC Maintenance Facility - \$11M



I will report on the Police Tow Lot and Water Pollution Control Maintenance Facility. Right now, those two projects are—we've identified a site around the Fleet Center. We believe those two projects can coexist and get some economy of scale from that. We're doing some GO tech analysis on that site and should know in June whether or not it's going to be a viable site. At that time, if it is, then we will have a construction schedule for that and that's the Police Tow Lot and Water Pollution Control Maintenance Facility.

## New to the CMIP

### Public Works CMIP Structure

- Capital Projects
- Maintenance activities
- Legal mandates (ADA, and EPA)
- Grants, Economic Development, or Special Assessment Funds
- Citizen and Community Involvement



We've seen this before. The CMIP is structured such that it includes Capital, you know the big projects I just went through. Major maintenance activities like Street Preservation, federal mandates like American Disabilities, Environmental Protection Agency, some have grants like

Turner, some support economic development like Turner and special assessment funds which I don't think there are any in this portfolio. Then many of these projects include citizen and community engagement.

## New Annual Programs in the CMIP

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### **Annual Pavement Preservation Program (Debt and Cash)**

- Combination of Neighborhood Street Resurfacing, Annual Arterial/Collector Resurfacing, Annual Industrial District Resurfacing and Neighborhood Street Repair

### **Annual Concrete Repair Program (Debt)**

- New program that will allow for coordinated effort between curb/gutter and concrete pavement repairs before a pavement preservation application is done in the following year.

### **Annual Alley Improvement Program (Debt)**

- New program that will allow for the repairs and improvements to alley at the rate of approx. 4-5 blocks per year.

### **Annual Traffic Safety and Operations Program (Cash)**

- Combination of Neighborhood Intersection Safety Program and Neighborhood Signal Installation Program
- Allows for ability to make broader network improvements in efficiency and safety.

### **Asset Management System Renewal (Wastewater)**

- Annual debt funds required to maintain level of service with existing system

I won't spend a lot of time on these. We're going to talk a little bit more about Preservation. You might recall we added a Concrete Program last year. We are replacing curbs through contract and through an in-house crew, a new crew. We did a couple of alleys last year and we intend to try to do that every year, hopefully, three or four a year. Staff is working on some improvements around Traffic Operations, some strategies around that would afford us some improvements there. Then, we mentioned Asset Management a few times before that continues to evolve. I believe that will be foundational for future investment.

## New Projects in the CMIP

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### **Kansas City Levee Betterment – Estimated \$10.2 Million**

- In correlation with 450 M Projection from the Federal Government

**6<sup>th</sup> St. Improvements, Ann Ave. to Central Ave. - \$650,000 in 2020**

**7<sup>th</sup> St./US-69 and Central Ave. Reconstruction - \$3,000,000 in 2021**

**110<sup>th</sup> St. and Riverview Ave. Intersection Improvements - \$750,000 in 2022**

- Partnership with Edwardsville to make improvements to the intersections at Riverview Avenue and Village West Parkway, along 110<sup>th</sup> Street

### **Armourdale Sewer Separations**

- General location of “western Armourdale”, S. 12 to S. 14<sup>th</sup> Streets
  - Phase I - \$1,500,000 in 2023
  - Phase II - \$2,650,000 in 2024
- Efforts to reduce localized flooding and CSO volume



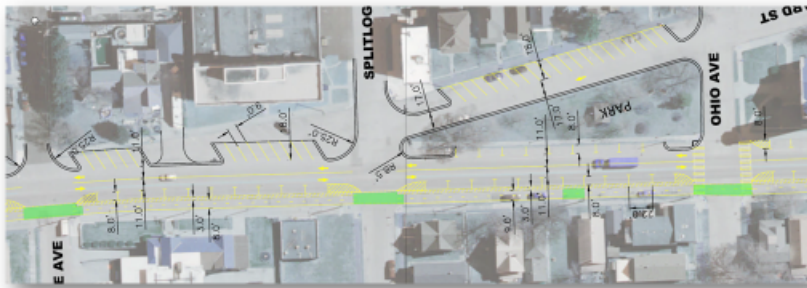
A few new projects. We have talked very recently about the Kansas City levees. We know last year the federal government allocated \$450M to Argentine, Armourdale and CID and it has to be spent and completed within five years, so we're moving fairly fast with the Corps of Engineers. We have a couple of pump stations that are impacted. We have utility impacts and property acquisition. After reimbursement we estimate a \$10.2M local match.

I have a slide for 6<sup>th</sup> Street and 7<sup>th</sup> Street right after this. 110<sup>th</sup> Street & Riverview, that is a partnership with Edwardsville to improve the corridor between Riverview and the race track. That will be a good project, that's in 2022.

Armourdale Sewer Separations, that is a sewer separation to improve localized flooding and reduce CSO volume between 12<sup>th</sup> St. and 14<sup>th</sup> St.



## 6<sup>th</sup> Street Improvements, Ann Ave. to Central Ave.



- \$650,000 in 2020
- Improve parking
- Decrease lane width
- Addition of bikeways

6<sup>th</sup> Street, this is sort of that Better Block concept. This is to make better use of the right-of-way and paved area for the community and walkability. It's primarily striping but does include some hard infrastructure improvements.

## 7<sup>th</sup> St./US-69 and Central Ave. Reconstruction

### \$3.0 M in 2021

- \$2.0M Local
- \$1.0M Grant

### CCLIP Grant from KDOT for Geometric Improvements

- Improve turning movements and corner radii
- Improve Signals
- Lane and roadway configuration changes



7<sup>th</sup> Street, Central Avenue, we received a \$1M grant, \$2M local, geometric improvements. If anybody has driven through this in the a.m. to p.m. peak hours, it can be kind of tough so improving turning movements and radii signalized improvements and then lane and roadway configuration changes.

## New Projects in the CMIP for Parks & Recreation

### Providence Medical Amphitheatre parking lot renovations

- Estimated \$480,000
- Two phases starting in 2020

### Restroom replacement

- \$115,000/ pre-fab unit
- Recommended by 2017 Master Plan to replace 2 restrooms annually starting in 2019

### West shop reconstruction

- Estimated \$175,000
- Construction to begin 2019

### HAVC Unit replacements

- \$115,000 in 2019
- Replacing Parkwood & Eisenhower units



**Jeremy Rogers, Director of Parks & Recreation**, said here are some of the projects that we're working on in Parks & Rec. Providence Medical Amphitheatre parking lot needs redone and it's a pretty large total. It's \$480K, so we're requesting \$240M beginning in 2020.

Restroom replacement, as you guys know I have spoken before this group many times. We are trying to rehab all the restrooms in Wyandotte County. We have 44. By the end of this year we will still need to do 37 of those restrooms so that's an ongoing issue.

Last year the West shop out at Wyandotte County Lake where we housed many equipment, tools and whatnot, it burnt down so we have to replace that and that's going to be about \$175K. We are going to start constructing that later this year in the fall.

**Mayor Alvey** said I'm sure you covered this before, on the prefab units, do they have the same longevity or are they actually cheaper to—because you can more easily replace them? **Mr. Rogers** said they're much easier to replace and to maintain. It's a very simple concept. It's a concrete

building, it slaps down on top of the existing. We do have to do some modifications, but for the most part we can do that in-house, so it's a very simple concept, very cut and dry.

**Mr. Rogers** said we have to replace the HVAC units at Eisenhower and Parkwood. Both of those buildings we're limping by on those, so those need replaced sooner than later.

## New Projects in the CMIP for Parks & Recreation

### CDBG (NRSA) improvements

- \$750,000 allocated for improvements in City Park area
- 3 ADA restrooms and drainage system for City Park
- Shade structure & protection for playground
- ADA entrance into the park
- Projected slated to begin 2019, on hold due to cultural resource survey requested by Osage Nation



The CDBG funds have been allocated to the City Park area. We have about \$750K this year to spend and I'm also told that we will have that equal amount next year and then going forth three years out.

**Commissioner Bynum** asked are there water fountains at City Park. **Mr. Rogers** said no, there are not. **Commissioner Bynum** asked can we use CDBG money to put water fountains in at City Park? **Mr. Rogers** said we do have access to water, so we can attach water to the restroom facility and we're proposing to put in three new restrooms there. **Commissioner Bynum** asked with water fountains. **Mr. Rogers** said yes.

**Commissioner Kane** said you get \$750K twice for City Park only? **Mr. Rogers** said correct. The next \$750K that we get next year will go towards Reagan Park as well as Clifton Park.

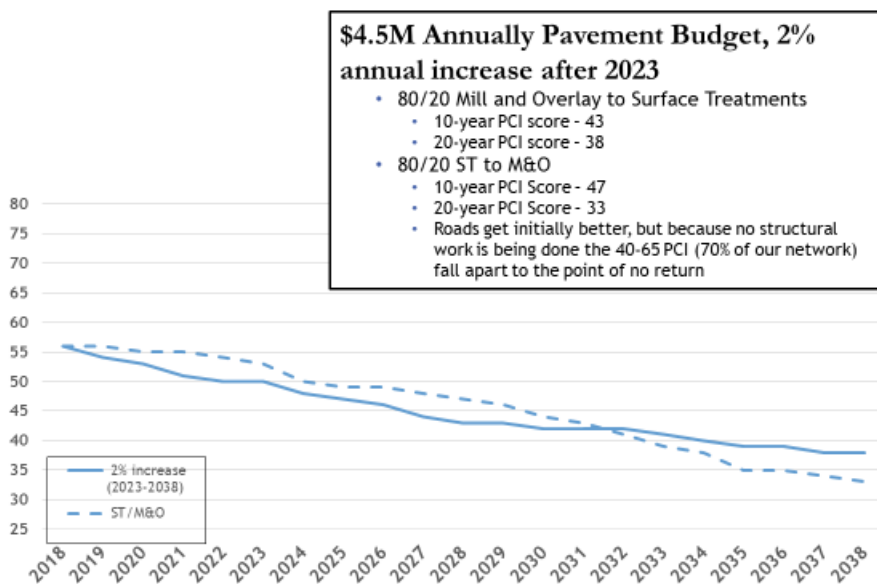
**Mr. Rogers** said some of those renovations that we will do, as I mentioned, the restrooms, a shade structure and protection for the playground. The current playground is in right field of field #3 and so it can be pretty dangerous so we have to add some protection there. The entire entrance into the ballfield area needs completely redone. It's collapsed, drains have collapsed, so we will redo that entrance, clean that up and then also shore up so when it rains field 3 ends up down in the drain and we have to scoop it back up and put it on the field. These improvements will take care of that issue. Right now, that project is currently on hold. We are required to do land survey by the Osage Indian Tribe. They are requiring us to do some land surveys there.

**Commissioner Johnson** said I'm going back a slide to the restrooms, these prefabs, and this is probably not the right time to ask it, but I will have forgotten when the right time comes. I've got one over at Heathwood Park I think already, so I appreciate you all putting that in over there. What I'm hearing is that they're not always open when people are there. Is there a process that has to happen when persons are using the park that they can get access to these restrooms so they can use them when they are there? **Mr. Rogers** said we open our restrooms somewhere in the middle of April, April 15<sup>th</sup>. This year it got warm in March and then it got cold again, so we don't open our restrooms to the public for freezing purposes. Unfortunately, we do keep all our restrooms closed. **Commissioner Johnson** said so it depends on the weather conditions. **Mr. Rogers** said right. **Commissioner Johnson** said once it warms up, do these remain unlocked? **Mr. Rogers** said yes. **Commissioner Johnson** asked 24/7? **Mr. Rogers** said yes.

**Commissioner Johnson** said thank you for the CDBG monies to City Park. My constituency appreciates it and I'm looking forward to the improvements.

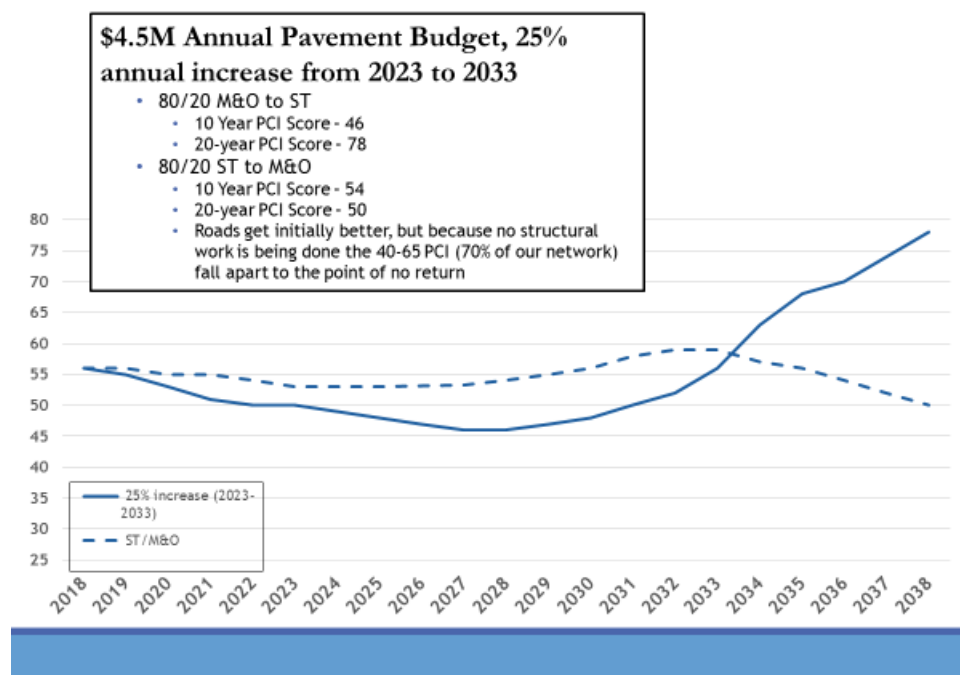
## Shortfall in Street Preservation Funding

**Mr. Fisher** said as Debbie mentioned earlier, the citizens in the last two surveys identified street maintenance as the highest priority and so I want to spend a little more time on that.



I made a few presentations last year at Standing Committee so a few of you might remember these. Really the next two slides are just trying to attempt to make a point that staffs ability to move the needle on the average PCI, the average Pavement Condition Index of 56 for KCK is largely dependent on the funding we have.

This slide shows the effect of a simple 2% increase annually and that it does not move the needle.



This slide, a little bit more commitment, 25% a year for 10 years and if we're going to move the needle, it's going to have to be something to this affect, but we will still need to use everything we have. It will be the overlays, it will be the surface treatments, it will be rebuilds and I will talk a little bit more about rebuilds a little later. In order to bend that curve, we're going to need a bigger commitment and use everything we've got to improve this system.

## Advancements in Street Preservation

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- Data Driven Decisions – Asset Management
- Coordinating “Street Maintenance” with “Street Preservation”
- Incorporation of surface treatments
- Reducing Contract Mobilization Costs
- Inclusion of Curb and Gutter Replacement
- Rebuild Streets
- Specification Updates
- In-House Street Maintenance
  - Equipment
  - Training/Techniques
  - Expanding Capabilities
  - Restructuring
  - Concrete Crew

Some things we have already done, advancements in street preservation here at the UG in the last couple of years. I’m not going to go through all of this. We’ve talked some about these things. One thing to note is this year we want to use that data that we’ve discussed in the past to help street maintenance work in advance of street preservation. Use the data and use Lucity, our maintenance management system, do work out there in the system in advance of the overlays and surface treatments and try to be more effective with the dollars.

**Commissioner Johnson** said I know I’m being more vocal than I usually am. Remind me and those that are watching, the overlays that you need on Quindaro and on Metropolitan, was it last year? **Mr. Fisher** said it was last year, right. **Commissioner Johnson** asked have you done any data on them in terms of how they’re holding up and how the wear and tear on that is being handled right now. **Mr. Fisher** said yes. **Commissioner Johnson** asked is that part of this right here? **Mr. Fisher** said yes, that’s the microsurfacing. That’s the thing we had not used in the past and we plan to use that more in the future. We use those types of applications along with the overlays and we would like to do some rebuilds and I’ll show you an example of a rebuild. With the street maintenance, that’s the Street Division out there doing work in advance of that street preservation.



We're working with—staff is kind of internally working together and then working with contracts to figure out how we can control contract mobilization costs and then, again, we started last year replacing curbs through contracts and through our new crew.

Rebuild Streets, I will talk a little bit about that. Troy Shaw, the County Engineer, has been working with his team to evaluate all of our specifications, all of the engineering specifications, details, standards and largely is adopting APWA which is a regional practice that will be effective.

A couple of things in the In-House Street Maintenance. I want to increase the level of training of our Street Division. They need to be trained to do the work we need them to do, using the techniques we need them use, and be consistent with it and have standard operating procedures around that. We are working on that now and then expand their capabilities. We should be able to go out replace a couple panels of concrete in a concrete street in-house. We are going to do that very soon on one street, so we will build confidence there.

**Mayor Alvey** said before you go on, can we go back two slides. I'm still trying to wrap my head around—the solid blue line presumes a 2% increase in expenditures or 2% increase in projects?

**Mr. Fisher** said expenditures. **Mayor Alvey** said the ST is surface treatment to—**Mr. Fisher** said surface treatment and mill and overlay. In the table above, the box above, right now if we do 80/20 mill and overlay to surface treatments, that's the affects and if we were to flip it, if we have more cash available to do more surface treatments, that would be the affect there. It's just showing that in either case, we're not going to have much of an impact at the current levels with a 2% increase.

**Mayor Alvey** said, again, so a road is going to initially be better but because no structural work is being done the 40-65 PCI fall apart to the point of no return. Should we go back to gravel roads?

**Mr. Fisher** said the next slide kind of does that too. We can have an initial impact with the surface treatments, but over time the rebuilds will start to add up. **Mayor Alvey** said so most of these are old township roads, right? **Mr. Fisher** said not necessarily. We have some in the residential areas, industrial areas. **Mayor Alvey** said, again, because where I am I don't know if Douglas—there's no subsurface there and it's completely destroyed. It might as well be gravel. **Mr. Fisher** said eventually in the lack of road you have to take it down to subgrade and treat the subgrade and rebuild it.

**Alan Howze, Assistant County Administrator**, said one quick point here, the funding source matters here as well in terms of cash versus bonding in terms of the types of treatments that Public Works can do on these streets. Jeff, I don't know if you want to mention that. **Mr. Fisher** said yes. Surface treatments are—it wouldn't be good practice to have a 20-year bond for surface treatments that only lasts 10 to 15 years, so we're limited on that. We could use 10-year bonds, but then they cost a little more, so it's a balancing act. Finance and Public Works have been working through those different scenarios but having more cash on-hand allows us to do those surface treatments that extend the life of the roads. If we capture those newer roads that are in relatively good shape and treat them early, we can buy more years out of them, extend the life with the fewest amount of dollars. **Mayor Alvey** said what you're suggesting is if you're going to go down to the subsurface, you're really going to bond those. **Mr. Fisher** said yes. **Mayor Alvey** said use much more Capital Improvement. The surface treatment is just simply pay-as-you-go or temporary notes. **Mr. Fisher** said just cash.

**Kathleen VonAchen, Chief Financial Officer**, said you can bond 10-year notes or General Fund bonds, but if you're doing a \$5M project and you only pay for it over 10 years instead of 20, then the annual debt service is basically double even though the interest rate will be lower is what he is saying there.

## Road Reconstruction Required

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275 of 2,400 lane miles need reconstruction

**Mr. Fisher** said rebuilds, I'll give you an example. This is a street right now in KCK that came through as a complaint here recently. There are a number of issues here, but this is a road that really just needs to be rebuilt. Between the curbs and between the grass line, take the concrete and asphalt out, treat the subgrade, rebuild it. There is some stormwater drainage issues here too. Of the 2,400 lane miles that the UG, KCK has, about 275 are in this condition, are in failed—that need to be rebuild.

**Commissioner Bynum** said when you say reconstruction, you mean down to the—**Mr. Fisher** said yes. **Commissioner Bynum** said rebuild. **Mr. Fisher** said this isn't the Merriam to the Leavenworth's where you're adding capacity and walkability, this is just taking the road back down to subgrade and bringing it back up.

**Commissioner Burroughs** asked is there a consideration given to light traffic roads versus the heavy industrial based roads that we have throughout our community? I know we're an industrial community, but those roads take a lot more infrastructure investment; however, some of our neighborhood roads that have just very little heavy equipment opportunities to go down, except maybe our fire trucks and garbage trucks or Waste Management trucks, those roads can be

maintained at a lower rate for a longer period of time with just mill and overlay, right? **Mr. Fisher** said absolutely, yes. This is an industrial example.

**Commissioner Burroughs** asked is there a priority as to how you stated your projections this evening. Are we looking at all of our heavy traffic roads for industrial use or are we looking at a combination of the two or is there a way to pull out the neighborhood aspect so that the majority of our citizens don't have to encounter these opticals as they come in and out of their home versus taking a tremendous amount of our budget money and doing the heavy construction work? **Mr. Fisher** said we definitely have to be strategic. The Standing Committee did give direction on the issue of level of service earlier this year or last year. Right now, our PCI is 56. Our average PCI is 56. The Standing Committee gave us direction that our residential target should be 60 and our collector 65 and arterial 7, so we will operate from that and prioritize based on that year to year.

## Unfunded Transportation Projects

- |                                                            |                                                                          |
|------------------------------------------------------------|--------------------------------------------------------------------------|
| • Street Light Network Upgrades and Modernization          | • Kansas Ave - 72nd Street to K-32                                       |
| • 11th St/McDowell Ln. Improvements                        | • Key Lane - Douglas Ave. to Gibbs Rd.                                   |
| • 18th St. and Metropolitan Ave. Reconstruction            | • Leavenworth Road - 78th St. to 91st St.                                |
| • 18th St. / 21st St. - Metropolitan Ave. to Merriam Ln.   | • Shawnee Road - 34th St. to 42nd St.                                    |
| • 34th St. /Woodland Ave. Metropolitan Ave. to Merriam Ln. | • 86 <sup>th</sup> Street Improvements - State Ave. to Parallel Pkwy.    |
| • 67th St. - Parallel Parkway to Leavenworth Rd            | • W. 36 <sup>th</sup> Ave. Improvements, Rainbow Blvd. to State Line Rd. |
| • At-Grade Intersection at 65th St. and Turner Diagonal    | • Central Ave. and Grandview Blvd. Intersection Improvements             |
| • Donahoo Road - Hutton Rd. to 115th St                    | • Annual Pavement Preservation Program - Request not fully funded        |
| • Traffic Signal Pre-emption                               | • Strawberry Hill Complete Street Project                                |
| • 118 <sup>th</sup> Street Lighting                        | • Chrysler Road Reconstruction                                           |
| • Douglas Ave - Key Ln to 55th St.                         |                                                                          |
| • Hollingsworth Road improvements, 115th St. to 123rd St.  |                                                                          |

**Mr. Fisher** said this is a list you've seen in the past. I don't know that there has been a lot of movement on this. We've added just to continue a conversation. Annual Street Preservation in here as underfunded. Chrysler Road is actually the road we just saw.

**Commissioner Kane** said I was going to wait, but I can tell you, first of all I think it's very important, Mayor, that you know that Jeff, Troy, Dave, Rob and Doug have attended us at some

of these neighborhood meetings and I really appreciate it. It cuts down the confusion between the neighborhood groups and the commissioners and they've done a great job, so I want to point that out first.

I don't see Leavenworth Road as a whole because as you get out further, it's a highway now and we're getting ready to build a school on it. I think we really need to take a tough look at that, but when you look at Donahoo & Hutton, the traffic there is unbelievable. At Donahoo & Hutton Road this morning it took me about eight minutes to get down the hill because there was so much traffic, so it's time we might want to look at a street light.

I noticed where you guys at Hollingworth Road you say you should fix it from 115<sup>th</sup> St. to 123<sup>rd</sup> St. At that neighborhood meeting the other day they wanted it fixed all the way to 7 Highway and I agree. We have so much traffic out there now that was not expected and the growth is tremendous that I think we need to start to fund some of these projects just to move around about where we're at and move around safely. When you go past 123<sup>rd</sup> St. as you're going to 7 Highway, that's one of the narrowest of streets we have out there and the traffic has probably tripled. I think we need to start funding these things and we need to start taking a look, and I think Commissioner Burroughs said it best, this would be a good one where we would do it and wouldn't have to worry about it for a while. We just got the trucks off of Donahoo here recently which is a big win. Lynn Melton really helped on that, but we have to start looking at this stuff and saying when are we going to fix it. **Mayor Alvey** said I agree and I think there are, again, there are streets all across the county. I look in Turner and I know that we've been waiting decades for improvements to some key roads.

**Commissioner Markley** said six of these on this list are in my district, so it is a proportionate number and maybe a half or a tiny piece of another one are in my district. I've always been an advocate of picking them off one at a time, but no one has ever been interested in backing that.

**Mayor Alvey** said it seems to me that what we're really talking about is if we're going to be staying with the \$15M limit on bonding projects, we're going to continue to have a lot of unfunded projects. I do think there is a way in which we have—it seems like we've always been behind the growth and tried to catch-up with our infrastructure and sometimes we bring infrastructure and it generates the growth. I think we've always played catch-up. When I drive Metropolitan in the

morning, there are no curbs, there are no sidewalks and there are kids walking up the street to go to school and you don't see them until you're on top of them. That's just one example and there are these kinds of projects all across the city. When we say we are committed to the \$15M limit on our bonding and we generate a whole lot more revenues or we borrow a lot more money which again then starts pushing up how much the mill levy is going to our debt service. These are tradeoffs, the choices, we're having to make.

**Commissioner Bynum** said, Commissioner Kane, on the Hutton & Donahoo example, I'm asking you; are you suggesting signalized? **Commissioner Kane** said that would be start because what you have now, this morning, I'm coming down the hill and all the traffic from the east was coming in. Very few people were coming from the south, but every morning before school, every afternoon after school and then at 5:00 I've been stuck, Doug you have been too, you've been stuck on the ramp coming down the hill and you turn left to go out there. You know we need to signalized that and make it more vehicle friendly. **Commissioner Bynum** said it seems to me that would be a fairly easy first thing to do. I'm not an engineer but—**Commissioner Kane** said I'll tell you what they did years ago, they took old refurbished stuff laying in the BPU barnyard and put up the stop light at Leavenworth Road & Hutton. They've got a big born yard. I think Mr. Alvey would know about that, so maybe we go dig up some bones Douglas. **Mayor Alvey** said no, they cleared all that stuff out.

**Commissioner Bynum** said some of this, is it sitting on the 5-Year CMIP but perhaps no funding identified? If you don't know, you can tell me later. **Mr. Bach** said just to clarify the difference, when I showed you the one chart I'm showing you everything that's put on that page to be funded, but we still have some bloopers on it that we don't have enough funding to cover it. This is not in it. **Commissioner Bynum** said okay. **Mr. Bach** said if we were to structure all of these into it, we would be up to 25-30M a year trying to fund all these projects.

**Commissioner Bynum** said the last comment that may or may not be a conversation for here, but possibly a conversation for Public Works Standing Committee, and that is, for example, Metropolitan as you speak of with the kids walking kind of in the road and I think every time we talk to the community they tell us a story of where sidewalks are needed because young people are walking in the street. Is there a temporary solution to that by using some of the Better Block techniques? It's just a question and it doesn't have to be answered tonight, but I wonder if there

are some safety things we could do that might create a walking lane along a Metropolitan or some other area that's not a sidewalk but it's painted with reflective paint, etc. Just a thought. **Mayor Alvey** said I don't know. It seems to me that you can't put people on the same surface as a vehicle even if it's painted. **Commissioner Bynum** said they are there now. I mean that's where they are. Anyway, just a conversation for another time. **Mr. Fisher** said I don't know about Metropolitan, but there's no room on Metropolitan for that.

**Mr. Fisher** said to all those points, staff would like to from a holistic asset management approach, engage the Commission, Planning Commission this fall about maybe designing a system with a set of criteria and selecting projects through that system that are weighted based on safety, ROI and things that come up. I think that's the direction we would like to go this fall.

## Unfunded Parks Master Plan Projects

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- |                                            |                                                  |
|--------------------------------------------|--------------------------------------------------|
| •Additional Parks Restroom Replacement     | •Community Center Maintenance & Improvements     |
| •Playground Replacements & Improvements    | •Tennis Court Renovations                        |
| •Wyandotte County Park Walking Trail       | •New Park in West Wyandotte                      |
| •WYCO Park Septic Replacements             | •Picnic Shelter Renovations                      |
| •Parks Lighting Maintenance & Improvements | •Parking Expansion at Leo Alvey Park             |
| •Athletic Field Renovations                | •Parks Entrance Signing & Landscape Improvements |

**Mr. Rogers** said let's talk about Unfunded Park Projects now. As you know, this Commission voted—adopted the Master Plan in 2017 and that Master Plan said there was \$63M worth of projects that needed to be completed and this is just a list of some of those projects. It's not all of them. Obviously, the restrooms, our playground infrastructure, we replace as we go year by year, but it's not enough to catch-up just like with the streets. Wyandotte County Park needs a walking trail. Individuals walk on the road now and that can be very dangerous. Septic replacements



within the restrooms were built in the 60's and 70's so that system is outdated and we have a lot of springs pop-up.

We need lights throughout our entire park system. Waterway Park, Jersey Creek, just to name a couple of ours heavier used trails, there are no lights so that's a huge issue. All of our athletic fields, we maintain them, but we don't improve them.

Obviously, we have seven community centers, none of them with the exception of Joe Amayo Argentine Community Center, have received any kind of renovations, major renovations. Tennis Courts, tennis is making a big push again throughout our community. We do have in our system, but the ones east of 635 need repaired.

Picnic Shelters, obviously, a new park in west Wyandotte County there's nothing really out there. Leo Alvey parking, that becomes an issue. We have hundreds of people at Leo Alvey every weekend playing soccer and when an individual got injured the first responders couldn't get through because there are so many cars just parked everywhere, so we need to create some kind of systematic parking at Leo Alvey.

Entrance, whenever you enter into a park you need to know you're in a park. We have three different park signs throughout our parks systems depending on when that park was built and we need to make it look nice. Our parks need to be inviting and need to be welcoming and we need to get more people in our parks.

**Commissioner Kane** said well here we are again. Is this my fifteenth budget? In 15 budgets I've been saying we need a park out west and yet we're going to spend, and I think it's great because that's where I hung out as a kid, City Park \$1.5M at City Park and that's fantastic. Last year we didn't even put money set-aside for the small park that's going to be next to the fire station, so we need to do that, but Douglas, Harmon, Wyandotte and Eisenhower all have multi-use things. I think it's time for you and I to sit down and talk to the Piper School District as they build the new property to see if we could put a small park inside their property and coexist like we do with the community centers. You know they got at Eisenhower the waterpark, you've got the futsal court at Harmon, and the same thing, they've got a futsal court at Wyandotte High School so there is no reason why we couldn't cohabitate with the Piper School District. My wife goes to Eisenhower every Wednesday night to do the ceramics.

They've got the property, maybe we supply the equipment, and we share the cost of keeping it up and running. It is something that we haven't thought about, but that is a complaint every single week just like the fire station was. I think it's time we do something, I think it's time we set money aside right now for that park, the small park that's going to be next to the fire station. I don't want to have the fire station built and nothing but grass there and I think poor planning on our part—when that fire station is done we should have everything in place to compliment that very expensive output that we're putting out there.

**Commissioner Bynum** said I will agree with you. The plan was to include a park space with the fire station, correct, and we did also talk briefly with the previous superintendent about including something at the school location. It would be nice to see something move forward for District 5. Is there any room near the Kane Center? That's a very active place. **Commissioner Kane** said north of the Kane Center there is an individual that owns some property that would hookup to the parking lot that would be extremely handy. He used to be a BPU Board Member and he clashed with the superintendent, but there is some acreage over there that could be purchased and it's just perfect. **Commissioner Bynum** said that is a highly used center. **Commissioner Kane** said yes and this summer it will be used every day from 7:30 in the morning to 5:30 at night and it is used constantly for Little Pee Wee basketball players during basketball season. The school uses it every day during their lunch period. I know Ann put out something that's there's only 4% use, but that building is used nonstop. All it needs now is a great big sign on the outside instead of no sign on the outside except a little bitty one. That's my next thing.

## Other Unfunded Projects

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- Carwash Improvements
- Police Department Headquarter Elevators
- CSI Lab
- Maintenance Facility KS Ave
- Strawberry Hill Revitalization Program

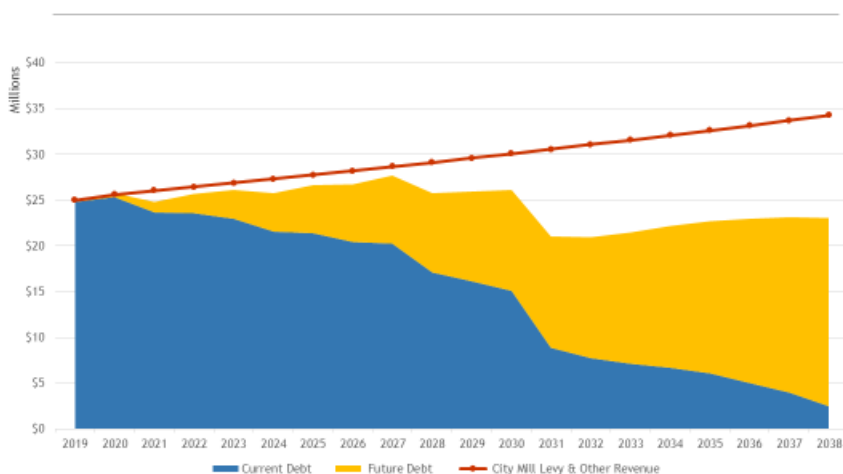


**Mr. Fisher** said there are a few other unfunded projects that are important. Carwash, there is a carwash at the Fleet Center that doesn't operate as well as it should, so the fleet is either not getting washed as often or we're paying others to wash it. The Police Department Headquarter Elevators, CSI Lab, Maintenance Facility is underfunded.

Strawberry Hill Revitalization Program; that is born out of a need for street lights and evolve into—we did a couple of examples of what you can do to not only improve street lights but walkability and parking and that kind of thing so there is a proposal in there that's unfunded.

That wraps-up our portion.

## Projected Future City Debt Current CMIP



**Ms. Jonscher** said this last slide we wanted to put in—this is a similar graph to the one you saw earlier on the City Debt side; however, we put in the additional projects that we have out in years ‘21 through ‘24. The graph previously showed \$15M in additional projects. This graph shows the CMIP as it’s currently in the document so in 2021 there’s 22M, in 2022 there’s 20M and in 2023 it’s 24M, so we done another graph just to show the impact. You don’t notice a whole lot in here but the gap does get slightly smaller out in these years starting in 2022.

**Mr. Bach** said I thought that was important to show. It shows that if our revenue continues to have some increase each year, we could fund it under that type of debt structure, but it clearly starts to issue more than 15 a year on an average in order to make that happen. I just wanted to show you how that does work as you go to start to look at all the projects in the out-years.

I know we have a couple other things to hit, but why don’t we talk about the project sheets first Debbie so you can explain just as they’re looking through those over the next couple of weeks. If anybody needs a copy of those, Emerick has a copy of those for the debt and cash. We can get them in front of you, but let’s talk about what’s in them so you can see changes or whatever without going through page by page. Just kind of an overview of what’s in that package.

**Ms. Jonscher** said you have Debt Projects and the Cash Capital Projects. On the Debt section I guess maybe I'll just note page 3, list the total on the city debt which we've been referring to. You can see that 2019 is 15.3M and 2020 is 14.9M and then we've got the projects in the outer years that I just talked about related to this graph. It also lists all of the Debt Projects related to the Other, the Sewer Systems, Stormwater, as well as the Public Building Commission projects that we talked about. Then, the last page of that is grants. Each one of these on these projects there is a column for new projects. If there is anything new that was not previously in the CMIP as well as there is a column the MSF means multiple source funding so if there is a project that has two sources of funding possibly debt, maybe there is a grant related to it or something, that box should be checked. As well, it's got the department priorities and the rankings for the projects.

Same information on the Cash projects. This one has a total by fund as well as a department total within each fund.

**Mr. Bach** said we just wanted to do that quick run through with you so you know what you have as you're looking through these. The emphasis tonight was to go through and highlight the projects that are out there for 2020 and that's what Jeff and Jeremy went through and spent most of their time on, what's coming on in those years. Then as you look ahead to '21, '22, '23, '24 input that you're going as we start to build these schedules for future years and recognizing there's a lot of different projects that are out there that make it hard but trying to add facilities in and stay under 15M is—well, it's not possible in noting the additional infrastructure demands. Those are things we want to think of. As I said, we don't necessarily have to make changes to anything in '21 and beyond at this point though we are sitting a road plan, framework, for what we plan to do in future years. We need to think about whether that's feasible to do what's up here on the chart and fund what's here or alternate other things in here or take them off and say no, we're staying at 15M and make sure it stays clear that way.

## Capital Project Status

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- Information requested at Economic Development/Finance meeting on April 1, 2019
- Balances on prior year on-going projects
- Packet includes:
  - Projects on-going prior to 2018
  - Projects started in 2018



**Mr. Bach** said Economic Development & Finance requested a listing of past projects that have been funded up in prior years. What we've done is gone through and pulled out all the projects that are still underway that were funded prior to 2018 so meaning they've taken us more than 12 months to get through. You will see that's a listing of about 20 projects that are on that list. Probably about five or six are in either Water Pollution Control or Stormwater. Another five of them are different types of technology projects so as you go through the memo that's provided for you we tried to do an explanation of what has caused the project to be drawn out over that timeframe. Many of them were planned to do that. Like the last one on the list shows Waterlines at Wyandotte County Lake starting in 2013. That's the first year it was funded, but then we added funding to it each going along so it's been an outstanding project going on over years but it's not like we haven't done whatever funding we get for each year Parks and Public Works staff get that project work done. Some of them take a little bit more time to go through and we try to explain them. Some of them require land acquisition, items like that.

**Commissioner Kane** said just a request. I'm old. Even my bifocals are having trying reading that. Could we next time make it bigger for us old folks. You younger folks can do what you want, but us old folks needs it a little bit bigger. **Mr. Bach** said we do have an electronic copy

that has been sent to you as well. We can have staff print it out in larger copies, but it has gone to all of you electronically.

**Commissioner Bynum** said when you say with greater than 25% of the budget remaining, do you mean remaining to be paid for? **Mr. Bach** said yes. Well, remaining—**Commissioner Bynum** said remaining unpaid. **Mr. Bach** said unpaid, right. It's funded, it's in the project, we just haven't moved forward with that piece of it.

**Commissioner Walters** asked how does the numbers that we approve in the CMIP relate to the debt numbers that you presented for a project that didn't happen. For example, let's say we had \$1M for a project in 2017, it didn't happen. Is that \$1M in your 2017 debt number? **Ms. Jonscher** said the numbers that we showed were bonded projects. That was the debt service on bonded projects so if we never bonded the projects, then no, it would not be in that number.

**Commissioner Walters** asked when we approve a project how do we know whether it gets bonded or not. **Ms. Jonscher** said we issue it as temp notes. **Commissioner Walters** asked how do we know whether a project is issued as a temp note or not issued or ignored altogether. **Ms. Jonscher** said it would be listed in the—when we do the project authorization for the bond and when we bring the sale resolution when we bond that project we bring a list of projects. I don't know that we compare that to what was budgeted. I think last year we did get some information on—we reconciled what was in our sale resolution and what we actually bonded. **Commissioner Walters** said so the Commissioner would go through that and compare it to the CMIP that we approved and see where the discrepancies were. **Ms. Jonscher** said or we could put on there which projects were not funded because we approve a whole list of them in the sale resolution, but if we determine that we don't want to fund a project if it gets put on hold for some reason, we can chose to pull that out.

**Commissioner Walters** said I guess that's my question because when the Commission approves a project I expect it to be done. I think the public, when they listen and pay attention and they see that we approve a project, I think they have every expectation that it would be done. Then I hear when we decide not to fund a project, it doesn't get funded. It seems like there's a disconnect there to me. **Ms. Jonscher** said one way you might see it if it's in the—if we funded a project for 2019, if you approved it in the budget last year and this year the department came to us and said



we're not doing that project, we don't want to issue the notes, in the Amended you would probably see on your debt spreadsheet you should see the project with an original amount and then for the amended amount you would see zero if they pulled the project out of the CMIP. If it was prior to that, if we actually funded temporary notes, did the design work and then determined that we weren't going to fund the project, you probably wouldn't see that on the spreadsheet. **Commissioner Walters** said that's where I guess there's a disconnect because I didn't realize staff decided whether to fund the project. I thought that was the Commission that did that. I think maybe we could review our processes a little bit to receive that communication.

**Ms. VonAchen** said when she says we're going to fund the project, what she means is issue the bonds to pay back the temp note that was already spent. That's what she is referring to. We wouldn't issue bonds for projects that we hadn't spent previously. **Mr. Bach** said thank you for the clarification because the terminology I think you're using, Debbie, is probably is what has confused the Commissioner because in the way you said it, it confused me. We don't make decisions not to fund projects. The only one I can think of in recent history is like we had a large project like for City Hall Plaza many years ago and it was slated at 8 or 9M and it came in at 20M so we came back to the Commission and said we don't have enough money to do this, we're not going to do it.

Funding, you're talking about the transfer between the temporary note to finish the project versus rolling it to the bonds so our typical process, Commissioner, when we come out as we'll decide we're going to go do this road project and we will start on it, and this list is a good example, we'll have issued the temp notes on these projects and how much money we need to fund every year to roll through that. They may need \$500K this year and then they're going to need another \$500K the next year and that's what they'll say they need to fund in that given year because that's all we can get done or that's all we can expend. Some projects by their very nature are going to take—like Wolcott, as a good example, I mean that's a \$20M project but we issue that over sequencing of so many years in order to do it because we can only spend so much money in the project to fund it out all in the end. Then, when the whole thing is done we roll it all into one big bond and then that project goes out so when Kathleen's staff is looking at the long-term projections, they know we already have out temp notes so she's got that all built into what's already committed. When she says this is already committed, you're showing all the committed temp

notes that are out there that those are going to turn into bonds and then assumes we're going to do another 15M in projects every year forward and that was the yellow line on top of that, if that helps clarify that.

**Commissioner Walters** said sorry to belabor this, but I'm looking at, for example, the tow lot which I just looked at the other day. We had 1.5M in 2016 and 3.5M in 2017. My question is, is that 5M in those calendar years or has it not been recognized anywhere yet or what? **Ms. Jonscher** said the tow lot is still in the temp note phase. There's \$5M in temp notes that we've issued for that project. It has not moved to permanent bond status yet. **Commissioner Walters** said so that debt shows up in those calendar years on the graph you showed earlier? **Ms. Jonscher** said no. It will later once we go to permanent bonding. **Commissioner Walters** said it doesn't show up. **Ms. Jonscher** said it's not in there now. **Commissioner Walters** said it doesn't show up. We borrowed the money but it doesn't show up as debt yet? **Ms. Jonscher** said right. The projection is—what we do is estimate that a third of the temp notes will get bonded every year so that is included in the projection.

**Mr. Bach** said yes, the estimate of the future years of permanent bonds—go back to that slide Debbie where you show the—like here. That's in part of the blue, right? **Ms. Jonscher** said the projection on temp notes would be in the yellow. **Mr. Bach** said okay, that would be in the yellow. **Ms. Jonscher** said the blue is everything that's been bonded through 2019 already. They're included in the section here. **Mayor Alvey** said which will then be rolled over into long-term debt once the project is complete. **Ms. Jonscher** said that's correct. **Mr. Bach** said and what we find—I mean projects just work like that on average. If you keep issuing the same amount of anticipated debt in total projects each year, the average that it works out some years will be higher, some are lower, it will vary. One year I think you were showing you're at 11, the next year you're at 20 some by looking at it, but that's just how it floats up and down to how they finish projects each year.

**Commissioner Johnson** said just for clarity to get what Commissioner Walters started out with, once the project has been approved and that project goes forward, there's not generally a decision not to fund a project once it's been approved by the Commission. **Mr. Bach** said right. We don't

make a decision not to do it without coming back to you all and say we're not going to do it. Something has to come up to say this is the reason why we can't move forward with that project.

**Commissioner Burroughs** said, Debbie, if I'm reading this chart correctly, the blue portion of the chart will not shrink in 2038 with the additional bonding that goes on, it will grow in 2038. **Ms. Jonscher** said right. This breakout is just to show what's already committed and this would be future. **Commissioner Burroughs** said so you actually show us taking on more debt, long-term debt, but at the same time addressing some of the major infrastructure and some of the concerns that we have expressed here this evening. **Ms. Jonscher** said right. **Commissioner Burroughs** said the real gap that we have available for funding is the white area that is available in the out-years, so if we were to be strategic, we would want to identify those projects that have a high priority and utilize what remaining resources we have available for those projects. Your graph from '29 to '30, that doesn't include deferred maintenance on any of these projects does it? **Ms. Jonscher** said no. This would just be the initial project funding.

**Commissioner Walters** said if I could just make another observation, I guess I look at it a little bit differently than Commission Burroughs. I don't think we should have a goal of trying to borrow as much money as we possibly can to stay under the red line. At least in our recent strategic conferences, there was some thought about actually trying to reduce the debt. Unless we just give up on that goal, I think we should be trying to look at ways to reduce the debt because it's becoming a bigger and bigger percentage of the taxes that our residents have to pay. As we lower the mill levy overall that mill levy does not lower, so we're paying a bigger and bigger percentage of our taxes just to payoff interest which has some downside.

**Mayor Alvey** said at the same time as we heard we have many, many unfunded projects in other capital improvement needs, especially street infrastructure, that unless we have the revenues either through taxation or bonded, we won't be able to accomplish. So, again, that's our trade-off.

**Commissioner Kane** said the next time we talk about this police lot, I want to see the numbers where it says when we start making our money back. Five million dollars is a lot of money and I

want to know how long it would take when we think we would break-even and we would start making money.

**Mr. Bach** said one thing too, I'm just clarifying and, Kathleen, correct me if I'm wrong. Any of the money we haven't expended we do have that invested so there's a positive and a negative. Our temp notes—on that temp note it's probably three-quarters of a percent in interest or do we go up to a percent and a half this year, but it's pretty low. Before I know we were less than a penny so we're able to invest even in our conservative rates and stay fairly equal. It's not like we're negative outside—we are spending some money on it because we've had to do a lot of—and that's what we're doing now is doing some site boring and testing on sites that we're looking at potentially buying to put it on. I understand what you're saying, it's how many years after you get it in play before you start to bring it back. One of the committee's we had that reported to you. Maybe it was the other committee. I know we had that analysis brought forward. Kathleen, do you remember? **Ms. VonAchen** said yes. I think it was in the fall we had a representative from CBC make a presentation on a proforma that he and I worked on together and we had that information and we're happy to provide it again. We are planning to do an update on the police tow lot in the coming month or two to our committee. We're making progress. It's been difficult to find a solid real estate location for it given the unique nature of the project.

To follow-up on what Doug was talking about, he was correct that previously temp notes used to be in the three-quarters of a percent range, but unfortunately, last year when the fed increased the rate, the fed rate so quickly, the temp note rate went up too, but fortunately our interest earnings on our investments also went up correspondingly. Any amounts that we issue in temp notes that are sitting in our bank account not being spent are also earning that same level of interest which is around 2%.

**Mr. Bach** said, Mayor, that concludes our presentation if there are no additional questions. We would plan to come back in a couple of weeks and we have some information to share on some of the new procedures that Jeff's team is working on and then if there are questions on the outstanding projects or discussion on that, we can do that as well.

**Commissioner Bynum** said with regard to scheduling, I mean I know we're moving into budget time, but that document with that schedule has not been produced yet. So, if we look at this again in two weeks, it would be at a 5:00 Special Session before our May 30 meeting, correct? **Mr. Bach** said we have this scheduled on the 22<sup>nd</sup>. I believe we've had this on the calendar for a while and all the budget workshops are scheduled as well. **Commissioner Bynum** said so those should all be on our calendars. **Mr. Bach** said they should be. **Commissioner Bynum** said the 22<sup>nd</sup>—**Mr. Bach** said whatever—**Commissioner Bynum** said whatever the Thursday is. **Mr. Bach** said Thursday at 5:00 Special Session, the 23<sup>rd</sup>.

**MAYOR ALVEY ADJOURNED**  
**THE MEETING AT 6:26 p.m.**

dt

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Bridgette D. Cobbins  
Unified Government Clerk

May 9, 2019



Suite 323  
Kansas City, Kansas 66101-3070

# Government Clerk's Office

Bridgette D. Cobbins  
Unified Government Clerk

Phone: 913-573-5260  
Fax: 913-573-5299  
<http://www.wycokck.org>

## Memorandum

**To:** Doug Bach  
County Administrator

**From:** Bridgette Cobbins  
UG Clerk

**Date:** May 9, 2019

**Re:** Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

tpl

Attachment

## 1. COMMUNICATIONS:

The Advisory Board of the Downtown Kansas City, Kansas Self-Supporting Municipal Improvement District (the District) met on April 30, 2019 to discuss the 2020 budget and the 2020 mill levy rate for the District. The Advisory Board voted to recommend a rate of no greater than 12.5 mills for the District in 2020.

Downtown Improvement District/Self-Supporting Municipal Improvement District (SSMID) recommended 2020 budget for the month of March 2019.

**Action:** Received and filed.

## 2. COMMUNICATION:

Bridgette Cobbins, UG Clerk, listing bids received May 8, 2019, for B29323 – Sewer Pipe Patch Repair Kits For WPC.

**Action:** Received and filed. Copies previously forwarded to the County Administrator, Emma Scovil, Legislative Auditor, and Public Works.

## 3. PUBLIC NOTICE:

Alandon Tow, 6224 Kansas Avenue, held a public auto auction on May 7, 2019 at 10:00 a.m.

**Action:** Received and filed.

## 4. COMMUNICATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

| <u>Warrant #</u> | <u>Issue Date</u> | <u>AMOUNT</u> | <u>FUND / ACD</u> | <u>Reason</u> | <u>Vendor Name</u>     | <u>Reissue Date</u> |
|------------------|-------------------|---------------|-------------------|---------------|------------------------|---------------------|
| 852188           | 2/1/2019          | \$979.16      | 750 2008          | Stale dated   | AFSCME Council 61      | Yes                 |
| 853985           | 3/1/2019          | \$941.50      | 750 2008          | Stale dated   | AFSCME Council 61      | Yes                 |
| 853014           | 2/15/2019         | \$31.76       | 790 2113          | Lost warrant  | Rosario, Alysha Denise | Yes                 |
|                  |                   | \$20.00       | 160 2125          |               | "                      |                     |

**Action:** Received and filed.

## 5. PERSONNEL ACTION COMMUNICATION, DATED MAY 7, 2019:



### Section I - Appointments

| Name                 | Department/Division | Eff. Date | Job Title              |
|----------------------|---------------------|-----------|------------------------|
| Travis W Atwood      | PW/WPC              | 5/2/19    | General Maint Worker   |
| Melissa A Epting     | Finance/Treasury    | 5/2/19    | Fiscal Supt Supervisor |
| Marco A Leal-Herrera | Parks/Rec           | 5/2/19    | Groundskeeper I        |
| Russell R Wilson     | PW/WPC              | 5/2/19    | General Maint Worker   |

### Section III - Separations

| Name               | Department/Division | Eff. Date | Job Title                |
|--------------------|---------------------|-----------|--------------------------|
| Deidra L Block     | Police/Comm         | 4/26/19   | Public Safety Dispatcher |
| Nicole C Ontiveros | Police              | 5/3/19    | OA III                   |
| Michaela L Ruffin  | Police/Comm         | 4/29/19   | Public Safety Dispatcher |

**Action:** Received and filed. Copy previously forwarded to Payroll.

### 6. CLAIMS FOR DAMAGES:

Jakob Harmon, 4737 Leavenworth Rd., KCK, alleging on April 16, 2019, he blew out his front tire and bent the front wheel of his motorcycle due to hitting a row of 6–8” wide potholes on Metropolitan Avenue.

Evelyn Huckaby, 8203 New Jersey Ave., KCK, alleging on March 30, 2019, she incurred property damage due to sewer drain.

JoBeth Roper, 12350 Donahoo Rd., KCK, alleging damage to mailbox due to a city snow plow running into it on January 12, 2019.

**Action:** Received and filed. Copies previously forwarded to Legal.

### 7. NOTICE OF HEARING:

Unified Government vs. Juan C. Aguilar et al, Case No. 2019PT1279.

**Action:** Received and filed. Copy previously forwarded to Legal.

### 8. TRAVEL REQUESTS:

Terry Brecheisen, Public Health, travel to Wichita, KS, May 29 – June 1, 2019, to attend the 2019 Kansas Association of Public Information Officers Conference, Employee Training & Travel.

Michael Callahan, Fire Department, travel to Nashville, TN, October 7 – 12, 2019, to attend the Firehouse Expo, Employee Training & Travel.

Katherine Carttar, Economic Development, travel to San Diego, CA, May 15 – 17, 2019, to attend the Sports & Entertainment Facilities Convention, Employee Training & Travel.

Bridgette Cobbins, Department of Administration/Clerk, travel to Topeka, KS, May 21, 2019, to attend the Tax Administration Solution Clerk Workshop, Employee Training & Travel.

James Letcher, KCKFD Administration, travel to Birmingham, AL, June 23 – 28, 2019, to attend BCOC Educational Symposium & Annual Meeting, Employee Training & Travel.

Nicole Ortego-Fulton, Police/Community Division, travel to Seattle, WA, August 25 – 28, 2019, to attend the 2019 CIT International Conference, Employee Training & Travel.

Jason Sutton and Kevin Wells, Police, travel to Miami, OK, May 1, 2019, to interview a witness for a homicide investigation, N/A.

Sharron Villegas, DA's Office, travel to Wichita, KS, May 19 – 24, 2019, to attend the KAVA Academy, VAWA Grant.

Chad Wiggans, Public Works/Engineering, travel to San Diego, CA, July 7 – 12, 2019, to attend the ESRI User Conference 2019, Employee Training & Travel.

Erik Wolf, Air Quality, travel to San Diego, CA June 9 – 14, 2019, to attend Teledyne Instruments Advanced Pollution Instrumentation Training, Employee Training & Travel.

**Action:** Approved by Administrator's Office and received and filed.

## **9. APPLICATIONS FOR MASSAGE THERAPIST LICENSE 2019-2020:**

Kelly Catlin DB/with Hollywood Casino, 777 Hollywood Casino  
Lauren Smith DB/with The Massage Studio, 11200 Delaware Pkwy.

**Action:** Referred to License.

## **10. CERTIFICATE OF INSURANCE:**

Beauty Health & Trade Alliance

**Action:** Referred to License.

## **11. BUSINESS BONDS:**

Electrical Contractor's Bonds:  
Anderson Electrical, LLC  
Safehouse Electric Company, LLC

Plumber's Bond:  
Prodigy Plumbing and Mechanical, LLC

**Action:** Referred to License.

## **12. CONTINUATION CERTIFICATES:**

Electrical Contractor's Bonds:

Jason O. Meinershagen DBA J & W Electric  
Steve's Electric, Inc.

Miscellaneous Bond:

Mid-America Sign, LLC

**Action:** Referred to License.

## **13. CANCELLATION NOTICES:**

Electrical Contractor's Bonds:

360 Electrical, LLC  
Steven R. Calliham DBA Calliham Handyman Service

HVAC/Mechanical Bond:

Steven R. Calliham DBA Calliham Handyman Service

Miscellaneous Bonds:

Glennon J. Durham DBA Lighting Resources USA Inc.  
The Solar Installers, LLC

**Action:** Referred to License.

## **14. NOTICE OF REINSTATEMENT:**

The Solar Installers, LLC

**Action:** Referred to License.



Suite 323  
Kansas City, Kansas 66101-3070

# Government Clerk's Office

Bridgette D. Cobbins  
Unified Government Clerk

Phone: 913-573-5260  
Fax: 913-573-5299  
<http://www.wycokck.org>

## Memorandum

**To:** Doug Bach  
County Administrator

**From:** Bridgette Cobbins  
UG Clerk

**Date:** May 16, 2019

**Re:** Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

mbb

Attachment

## 1. PUBLIC NOTICE:

All City Tow, 1015 S. Bethany, held a public auto auction on April 11, 2019, at 10:00 a.m.

**Action:** Received and filed.

## 2. COMMUNICATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

| <u>Warrant #</u> | <u>Reissue?</u> | <u>Date Issued</u> | <u>AMOUNT</u> | <u>FUND / ACD</u> | <u>Vendor Name</u>         | <u>Reason for void (dropdown)</u> |
|------------------|-----------------|--------------------|---------------|-------------------|----------------------------|-----------------------------------|
| 855125           | YES             | 3/22/2019          | \$583.00      | 267/43503195269   | KCK HUGGERS                | Lost warrant                      |
| 855126           | YES             | 3/22/2019          | \$320.00      | 267/43503195269   | KCK HUGGERS                | Lost warrant                      |
| 855127           | YES             | 3/22/2019          | \$320.00      | 267/43503195269   | KCK HUGGERS                | Lost warrant                      |
| 855128           | YES             | 3/22/2019          | \$355.00      | 267/43503195269   | KCK HUGGERS                | Lost warrant                      |
| 855129           | YES             | 3/22/2019          | \$548.00      | 267/43503195269   | KCK HUGGERS                | Lost warrant                      |
| 857976           | NO              | 5/10/2019          | \$125.00      | 160 7604205244    | Telefix Communications LLC | Issued in error                   |
| 850601           | YES             | 1/4/2019           | \$74.01       | 160 12100015210   | Espinosa, Guillermo F      | Stale dated                       |
| 854409           | YES             | 3/8/2019           | \$18.50       | 160 12100015210   | Wooten, Teresa             | Lost warrant                      |
| 857620           | YES             | 5/3/2019           | \$4,000.00    | 266/6120175443    | 29947                      | Wrong mailing address             |
| 853795           | YES             | 3/1/2019           | \$13.92       | 160/12100015210   | Clark-Mitchell, Antoinette | Stale dated                       |
| 853014           | Yes             | 2/15/2019          | \$ 31.76      | 790 2113          | Rosario, Alysha Denise     | Lost warrant                      |

**Action:** Received and filed.

## 3. PERSONNEL ACTION COMMUNICATION, DATED MAY 9, 2019

### Section II-Transfer

| <b>Name</b>    | <b>Department/Division</b> | <b>Eff. Date</b> | <b>Former Job Title</b> | <b>New Job Title</b> |
|----------------|----------------------------|------------------|-------------------------|----------------------|
| Mark A Zahnter | Sheriff                    | 4/25/19          | Deputy                  | Deputy               |

### Section III - Separations

| <b>Name</b>          | <b>Department/Division</b> | <b>Eff. Date</b> | <b>Job Title</b> |
|----------------------|----------------------------|------------------|------------------|
| Cheryl A Collier     | Election                   | 4/26/19          | Election Tech    |
| Michael W Jackson    | Election                   | 4/26/19          | Election Tech    |
| Cialan C Marshall    | Sheriff                    | 4/2/19           | Deputy           |
| Michelle E McFarlane | DA's Office                | 5/10/19          | ADA              |

### Section IV - Leave of Absence

| <b>Name</b>       | <b>Department/Division</b> | <b>Lv. Beg</b> | <b>Lv. Ends</b> | <b>Leave/Pay</b> |
|-------------------|----------------------------|----------------|-----------------|------------------|
| Daniel R Everhart | Sheriff                    | 5/11/19        | 6/10/19         | unpaid           |

### Section V - Increases per Memorandum of Understanding

| <b>Name</b> | <b>Department/Division</b> | <b>Eff. Date</b> | <b>Job Title</b> |
|-------------|----------------------------|------------------|------------------|
|-------------|----------------------------|------------------|------------------|

|                    |                |        |                    |
|--------------------|----------------|--------|--------------------|
| Eron J Carstensen  | Fire           | 5/7/19 | Master Fire Driver |
| Eric M Haines      | Sheriff        | 4/3/19 | Deputy             |
| Kassandra L Herron | Fire           | 5/7/19 | Master Fire Driver |
| Craig D Lunn       | Fire           | 5/7/19 | Master Fire Driver |
| Scott A Maleta     | Fire           | 5/7/19 | Master Fire Driver |
| Omar Quintero      | 311 Operations | 5/1/19 | Prog Tech I        |
| Joel J VonFange    | Fire           | 5/7/19 | Master Fire Driver |

**Action:** Received and filed. Copy previously forwarded to Payroll.

#### 4. PERSONNEL ACTION COMMUNICATION, DATED MAY 14, 2019:

##### Section I - Appointments

| Name              | Department/Division | Eff. Date | Job Title            |
|-------------------|---------------------|-----------|----------------------|
| Victoria M Arcano | Police              | 5/16/19   | Prof Programs Asst   |
| Jessica R Diaz    | Municipal Court     | 5/16/19   | Prog Coordinator     |
| Serena R Escobar  | Parks/Rec           | 5/16/19   | Rec Specialist       |
| Edward I Freeman  | B&L                 | 5/16/19   | Bldg Trades Laborer  |
| Steven D Greer    | Parks/Rec           | 5/16/19   | Groundskeeper I      |
| Derrick T Hill    | Sheriff/Detention   | 5/16/19   | Deputy               |
| Julie R Jun       | Health/PHS          | 5/16/19   | Dietitian            |
| Ryan M McFarland  | PW/WPC              | 5/16/19   | General Maint Worker |
| Mark C Rogers     | Parks/Rec           | 5/16/19   | Rec Specialist       |
| Billy J Tuia      | Sheriff/Detention   | 5/16/19   | Deputy               |
| Dazha S White     | Sheriff/Detention   | 5/16/19   | Deputy               |

##### Section II-Transfers

| Name               | Department/Division | Eff. Date | Former Job Title       | New Job Title         |
|--------------------|---------------------|-----------|------------------------|-----------------------|
| Theresa A Duke     | PSBO                | 5/2/19    | Real Estate Abstractor | Mgt Analyst           |
| Jeanette M Hendrix | Municipal Court     | 5/2/19    | Court Clerk II         | Prof Fiscal Assistant |

##### Section III - Separations

| Name              | Department/Division | Eff. Date | Job Title         |
|-------------------|---------------------|-----------|-------------------|
| Rachel R Green    | Sheriff/Detention   | 5/1/19    | Deputy            |
| Barbara J Kempf   | Health              | 5/22/19   | Manager           |
| Judith C McElwee  | Parking Control     | 5/2/19    | Parking Attendant |
| Chyann S Miller   | Sheriff/Admin       | 5/2/19    | Clerk             |
| Michael W Portley | Health              | 5/1/19    | Prog Coordinator  |
| Tim M Spoerl      | Sheriff/Detention   | 5/4/19    | Deputy            |

##### Section VIII - Other Requests

| Name               | Department/Division | Action Requested and Explanation                                                |
|--------------------|---------------------|---------------------------------------------------------------------------------|
| Tory Anderson      | Health              | ACD code change effective 5/2/19                                                |
| Vanessa Carrillo   | Health              | ACD code change effective 5/2/19                                                |
| Cristi Desimone    | Health              | ACD code change effective 5/2/19                                                |
| David B Evans      | PW/Street           | Amend PAC 5/2/19 to reflect change in separation                                |
| Edward Lewis       | PW/Fleet            | Amend PAC 5/2/19 to reflect change in status and reason to A/F effective 6/1/19 |
| LeslieLisa Lopez   | Health              | ACD code change to effective 5/2/19                                             |
| Anthony A McDaniel | Parking Control     | Out of class pay effective 5/8/19                                               |
| Juanita M Salas    | Health              | ACD code change effective 5/2/19                                                |
| Vacant             | Police              | Dept/Division change effective 5/16/19                                          |

**Action:** Received and filed. Copy previously forwarded to Payroll.

## 5. CLAIMS FOR DAMAGES:

Brenda Kay Spencer, 5026 Alma, alleging damage to tire and rim due to pot hole.

Deborah M. West, 4208 E. 52<sup>nd</sup> St., KCMO, alleging damage to vehicle due to pot hole.

Earnest Bailey, 920 Pleasant St., Tonganoxie, KS, alleging damage to tire due to pot hole.

Jacqueline Lynn Buselt, 915 Washington Blvd., Apt. 210, alleging bodily injuries due to rebar sticking out of concrete.

Nicole Weston, 9030 E. 52<sup>nd</sup> St., KCMO, alleging damage to tire due to pot hole.

Robert Davidson, 2412 N. 72<sup>nd</sup> St., alleging damage to mailbox due to a city snow plow.

**Action:** Received and filed. Copies previously forwarded to Legal.

## 6. MOTION TO SET ASIDE:

Heriberto Gurrola Castro vs. Unified Government, Case No. 2019 PTI (TS 343 COA152).

**Action:** Received and filed. Copy previously forwarded to Legal.

## 7. SUMMONSES:

Argentine Federal Savings vs. John G. Currie, Lenora S. Currie, Stephanie R. Currie, Wallis Lubricant, L.L.C. and Unified Government of Wyandotte County, KCK, Case No. 2019-CV-000342.

Unified Government of Wyandotte County, KCK vs. Gloria Abarca, et al., Case. No. 2019PT 000002. (3)

**Action:** Received and filed. Copies previously forwarded to Legal.

## 8. CERTIFICATES OF INSURANCE:



Bryan Nelson DBA Showtime Tree Service  
DCKC, LLC

Jason Sawyer DBA Show Me Tree Service  
Professional Escorts, Inc., Roy Timberman  
Securiguard, Inc., VendTech-SGI, LLC/Institute of Criminal Justice and Security, LLC  
Twin City Security, Inc.

**Action:** Referred to License.

## **9. BUSINESS BONDS:**

Electrical Contractor's Bond:  
Kansas City Electric Company, LLC

Mechanical Contractor's Bond:  
Eric Bush DBA 5 Star Heating & Cooling

**Action:** Referred to License.

## **10. CONTINUATION CERTIFICATE:**

Mechanical/HVAC Bond:  
Advantage 1 Heating & Cooling

**Action:** Referred to License.

## **11. CANCELLATION NOTICE:**

Mechanical/HVAC Bond:  
McGrath Heating & Cooling, LLC

**Action:** Referred to License.

## **12. RESCIND CANCELLATION NOTICES:**

Electrical Contractor's Bond:  
Pier Electric, LLC

Miscellaneous  
Glennon J. Durham DBA Lighting Resources USA, Inc.

**Action:** Referred to License.



Suite 323  
Kansas City, Kansas 66101-3070

# Government Clerk's Office

Bridgette D. Cobbins  
Unified Government Clerk

Phone: 913-573-5260  
Fax: 913-573-5299  
<http://www.wycokck.org>

## Memorandum

**To:** Doug Bach  
County Administrator

**From:** Bridgette Cobbins  
UG Clerk

**Date:** May 23, 2019

**Re:** Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

tpl

Attachment

## 1. REPORTS:

Audit report, financial statements and required communications for the Downtown Shareholders of Kansas City, Kansas, Inc. for the period of December 31, 2018 and 2017.

**Action:** Received and filed.

## 2. PUBLIC NOTICE:

All City Tow Service, 1015 S. Bethany, held a public auto auction on May 9, 2019 at 10:00 a.m.

**Action:** Received and filed.

## 3. COMMUNICATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

| <u>Warrant #</u> | <u>Issue Date</u> | <u>Amount</u> | <u>Fund</u>       | <u>Reason</u>   | <u>Vendor Name</u>        | <u>Reissue Date</u> |
|------------------|-------------------|---------------|-------------------|-----------------|---------------------------|---------------------|
| 854488           | 3/8/2019          | \$ 23.08      | 160 12100015210   | Stale dated     | Meyer, Kathleen           | Yes                 |
| 855955           | 4/5/2019          | \$ 300.00     | 113 2200          | Lost warrant    | Cherokee Nation           | Yes                 |
| 857532           | 5/3/2019          | \$2,478.26    | 110-046-0001-5340 | Lost warrant    | Asphalt Sales             | Yes                 |
| 829032           | 1/5/2019          | \$ 17.50      | 160 2125          | Stale dated     | Lara, Andreyana Elizabeth | Yes                 |
|                  |                   | \$ 198.70     | 790 2113          |                 |                           |                     |
| 851998           | 2/1/2019          | \$ 20.00      | 160 2125          | Stale dated     | Rivette, Julian Brandon   | Yes                 |
|                  |                   | \$ 124.06     | 790 2113          |                 |                           |                     |
| 858386           | 5/17/2019         | \$ 240.03     | 790 2191          | Issued in error | Warden, James or Margie   | No                  |

**Action:** Received and filed.

## 4. PERSONNEL ACTION COMMUNICATION, DATED MAY 21, 2019:

### Section I - Appointments

| <b>Name</b>       | <b>Department/Division</b> | <b>Eff. Date</b> | <b>Job Title</b>         |
|-------------------|----------------------------|------------------|--------------------------|
| Brianna E Andrade | Police                     | 6/6/19           | Police Outreach<br>Cadet |
| Keila E Avendano  | Police                     | 6/6/19           | Police Outreach<br>Cadet |
| Samuel Bates      | Police                     | 6/6/19           | Police Outreach<br>Cadet |
| Marilyn E Buff    | Police                     | 6/6/19           | Police Outreach<br>Cadet |
| Tynica L Gilmore  | Police                     | 6/6/19           | Police Outreach<br>Cadet |
| Esrom U Griffin   | Police                     | 6/6/19           | Police Outreach<br>Cadet |
| Jessica Hawj      | Police                     | 6/6/19           | Police Outreach<br>Cadet |
| Tracey D Johnson  | District Court             | 4/30/19          | Judge Pro Tem            |

|                          |        |        |                          |
|--------------------------|--------|--------|--------------------------|
| Yoselin Juarez           | Police | 6/6/19 | Police Outreach<br>Cadet |
| Keimonie D Madison       | Police | 6/6/19 | Police Outreach<br>Cadet |
| Nicholas W Mathia        | Police | 6/6/19 | Police Outreach<br>Cadet |
| Ezekiel H Mathias-Stokes | Police | 6/6/19 | Police Outreach<br>Cadet |
| Jordan M Merced          | Police | 6/6/19 | Police Outreach<br>Cadet |
| Charity A Monroe         | Police | 6/6/19 | Police Outreach<br>Cadet |
| Kameron L Phillips       | Police | 6/6/19 | Police Outreach<br>Cadet |
| Alexander J Perez        | Police | 6/6/19 | Police Outreach<br>Cadet |
| Valeria Robles           | Police | 6/6/19 | Police Outreach<br>Cadet |
| Kaytlyn V Stewart        | Police | 6/6/19 | Police Outreach<br>Cadet |
| Xavier A Straws          | Police | 6/6/19 | Police Outreach<br>Cadet |

## Section II-Transfers

| Name                  | Department/Division | Eff.<br>Date | Former Job Title | New Job Title      |
|-----------------------|---------------------|--------------|------------------|--------------------|
| Emerick J. Cross      | County Admin        | 5/2/19       | Director         | Executive Director |
| Anthony N Garcia      | Parks/Rec           | 5/16/19      | Groundskeeper I  | Groundskeeper II   |
| Mariana Luna          | Finance/Treasury    | 5/16/19      | Fiscal Supt Asst | Fiscal Supt Asst   |
| Yvette D Miller       | Comm Development    | 5/16/19      | Prof Fiscal Asst | Prog Coordinator   |
| Cleburne L Webb<br>Jr | Health              | 4/23/19      | Prog Coordinator | Prog Coordinator   |

## Section III - Separations

| Name              | Department/Division | Eff. Date | Job Title        |
|-------------------|---------------------|-----------|------------------|
| Gilbert T Chacon  | Police/Security     | 5/29/19   | Security Officer |
| Gregory L Collins | Police/Security     | 5/22/19   | Security Officer |
| Ashley D Daniels  | Parks/Rec           | 5/13/19   | Program Aide     |

## Section IV - Leave of Absence

| Name                | Department/Division | Lv. Beg | Lv.<br>Ends | Leave/Pay |
|---------------------|---------------------|---------|-------------|-----------|
| Brenda J<br>Botello | Del Real Estate     | 5/9/19  | 6/9/19      | unpaid    |

## Section V - Increases per Memorandum of Understanding

| Name              | Department/Division | Eff. Date | Job Title   |
|-------------------|---------------------|-----------|-------------|
| Richard Allen III | Police              | 6/22/19   | Patrolman I |
| Deotis A Brown    | Police              | 6/22/19   | Patrolman I |

|                      |         |         |                       |
|----------------------|---------|---------|-----------------------|
| Kaitlyn D Carter     | Police  | 6/22/19 | Patrolman I           |
| Nathaniel S Faulkner | Police  | 6/22/19 | Patrolman I           |
| Faisal L. Hassan     | Police  | 6/22/19 | Patrolman I           |
| Alan E Howze         | CKO     | 5/2/19  | Executive Director    |
| Brandon P Nemec      | Police  | 6/22/19 | Patrolman I           |
| Angela Silvestre     | Police  | 6/22/19 | Patrolman I           |
| Adelina Tabora       | Del Rev | 5/29/19 | Admin Supt Specialist |

**Action:** Received and filed. Copy previously forwarded to Payroll.

## 5. PERSONNEL ACTION COMMUNICATION, DATED MAY 23, 2019:

### Section III - Separation

| Name         | Department/Division | Eff. Date | Job Title        |
|--------------|---------------------|-----------|------------------|
| Erin E Davis | Finance/Treasury    | 5/13/19   | Fiscal Supt Asst |

### Section V - Increases per Memorandum of Understanding

| Name               | Department/Division | Eff. Date | Job Title                   |
|--------------------|---------------------|-----------|-----------------------------|
| Vincent F Alonzo   | Fire                | 5/12/19   | Firefighter II              |
| Dylan M Alexander  | Fire                | 5/12/19   | Firefighter II              |
| Darius J Anderson  | Fire                | 5/12/19   | Firefighter II              |
| Lars E Bernstrom   | Fire                | 5/12/19   | Firefighter<br>Paramedic I  |
| Vanessa Calderon   | Fire/Comm           | 5/16/19   | Fire Dispatcher             |
| Markas W Gonzales  | Fire                | 5/12/19   | Firefighter II              |
| Andrew D Lopez     | Fire                | 5/12/19   | Firefighter<br>Paramedic I  |
| Juan Machuca       | Fire                | 5/12/19   | Firefighter II              |
| Deron L Moore      | Fire                | 5/12/19   | Firefighter<br>Paramedic I  |
| Cody B Munoz       | Fire                | 5/12/19   | Firefighter II              |
| Kyle S Rees        | Fire                | 5/24/19   | Firefighter<br>Paramedic II |
| Brian N Shuker     | Fire                | 5/12/19   | Firefighter II              |
| Daniel R Tracy     | Fire                | 5/24/19   | Firefighter<br>Paramedic II |
| Andrew J Wainscott | PW/Fleet            | 5/29/19   | Fleet Tech II               |
| Carrie A Willmon   | Fire                | 5/12/19   | Firefighter II              |
| Tyler A Womble     | Fire                | 5/24/19   | Firefighter<br>Paramedic II |

## Section VII - Reclassifications

| Name            | Department/Division | Eff. Date | Former Job Title | New Job Title            |
|-----------------|---------------------|-----------|------------------|--------------------------|
| Marvin L Main   | Police/Security     | 5/16/19   | Security Officer | Unarmed Security Officer |
| Rickie L Martin | Police/Security     | 5/16/19   | Security Officer | Unarmed Security Officer |
| Royal L Rader   | Police/Security     | 5/16/19   | Security Officer | Unarmed Security Officer |
| Grady Wayne     | Police/Security     | 5/16/19   | Security Officer | Unarmed Security Officer |
| John D Wayne    | Police/Security     | 5/16/19   | Security Officer | Unarmed Security Officer |

**Action:** Received and filed. Copy previously forwarded to Payroll.

### 6. TRAVEL REQUESTS:

Robert Anderson and Chad Wiggans, Public Works/Engineering, travel San Diego, CA, July 7 – 12, 2019, to attend the ESRI User Conference 2019, Employee Training & Travel.

Jennifer Johnson, Fire Administration, travel to Leesburg, VA, June 21 – 27, 2019, to attend the IAFC Fire Service Executive Training Institute, Employee Training & Travel.

Michael Jones and Steve Zeljeznjak, Building & Logistics/Sheriff, travel to San Antonio, TX, June 10 – 14, 2019, to attend the Southern Steel Product Training, Employee Training & Travel/SCAAP.

James M. Letcher, KCKFD Administration, travel to Birmingham, AL, June 23 – 28, 2019, to attend BCOC Educational Symposium & Annual Meeting, Employee Training & Travel.

Josh Magaha, Fire Department/Suppression/HazMat, travel to Baltimore, MD, June 11 – 16, 2019, to attend the IAFC International Hazardous Materials 2019 Response Teams Conference, Employee Training & Travel.

Carlos Pacheco and Mike Young, Fire Department, travel to Christopher, IL, May 10, 2019, to serve as an honor guard at a funeral, N/A.

Janice Steffen, Community Corrections/Juvenile Services, travel to Oakland, CA, June 19 – 22, 2019, to attend the Site Visit Caught in the Crossfire Program, Juvenile Training/Travel (KDOC Grant).

James M. Zeeb, Fire/Training/HazMat, travel to Phoenix, AZ, June 16 – 21, 2019, to attend the National Homeland Security Conference, MARC.

**Action:** Approved by Administrator's Office and received and filed.

**7. APPLICATIONS FOR CMB LICENSE (PKG):**

Leavenworth Petroleum, LLC/Rick Rehorn DBA Shop N Go, 5531 Leavenworth Rd.  
Pakam Petroleum, Inc./Rick Rehorn DBA Short Stop 305 BP, 7647 Leavenworth Rd.  
Zee & Sons, Inc./Rick Rehorn DBA Zee & Son's LLC, 7347 Leavenworth Rd.

**Action:** Referred to License.

**8. APPLICATION FOR DRINKING ESTABLISHMENT/PUBLIC VENUE CATERER:**

William W. Hutton DBA Stix Restaurant, 1847 Village West Pkwy.

**Action:** Referred to License.

**9. APPLICATION FOR LIQUOR TEMPORARY LICENSE:**

Holy Name Catholic Church/Beth Lopez for a temporary permit for June 8, 2019, from 5:00 p.m. to 11 p.m., Holy Name parking lot, 16 S. Iowa Street.

**Action:** Referred to License.

**10. APPLICATION FOR PRIVATE CLUB CLASS A:**

Kerry Madrigal DBA American Legion Post 213, 1044 S. 26<sup>th</sup> St.

**Action:** Referred to License.

**11. APPLICATION FOR MASSAGE THERAPIST LICENSE:**

Alexandra Jean Heck DBA/with Chateau Avalon, 701 Village West Pkwy.

**Action:** Referred to License.

**12. APPLICATION FOR MASSAGE THERAPY BUSINESS LICENSE:**

Darryl Olive/Rick Rehorn DBA with KC Fitness Link, 541 Central Ave.

**Action:** Referred to License.

**13. BUSINESS BONDS:**

Electrical Contractor's Bonds:

FBC Electric, LLC

Marc Jones Construction, LLC DBA Sunpro Solar



HVAC Contractor's Bond:  
Foster Mechanical Consultants

Mechanical/HVAC Contractor's Bond:  
Even Temp, LLC

**14. CANCELLATION NOTICES:**

Electrical Contractor's Bond:  
Herman Electric, Inc.

HVAC/Mechanical Bond:  
JLB Services, LLC

Plumber's Bond:  
Garrison Plumbing, Inc.

Septic Tank & Cesspool Installer/Cleaner's Bond:  
Bill Shadden DBA Bill's Septic Service

**Action:** Referred to License.