

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 115th 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:

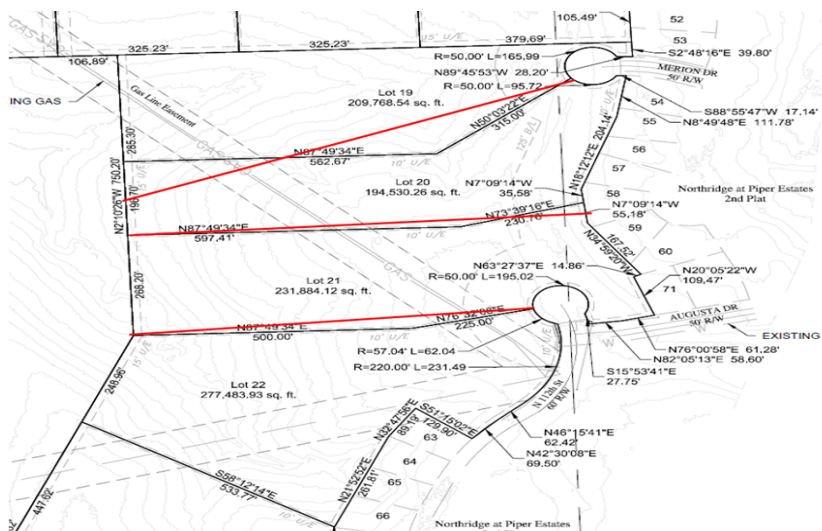
1. Please describe why it is necessary to have lots that have less than 300 feet of frontage and less than 5 acres on 115th Street as required by the code.

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

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

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

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



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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 115th Street to comply with Board of Zoning Appeals approval.
- 2. Animals and farm restrictions are included in the CCR.
- 3. Code-compliant access to the open space.
- 4. The name of the subdivision shall be Woodridge Estates.
- 5. Tree preservation of at least half the area and then at final plat show what percentage larger than that (50%) they can preserve on each lot and record that.
- 6. Lot 25 will be removed and be incorporated in the existing subdivision.
- 7. Work with Public Works for signage on the cul-de-sac.
- 8. The lots on the east side of the subdivision will be served by gravity sewers without a grinder pump.

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 131st 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 128th and Leavenworth Road.

Staff Response: Two of the pedestrian transportation strategies, within the Prairie Delaware Piper Master Plan, is to connect key pedestrian corridors to schools, parks, recreation uses and activity centers and create pedestrian corridors that connect neighborhoods. Connecting to the Whispering Pines' trail meets the strategy set forth in the Master Plan. As part of the Leavenworth Road improvements, sidewalks will be installed both sides of the street, which the pedestrian trail can connect to and lead to the intersection and crosswalk at 131st and Leavenworth Road. The school district is aware of the possible mid-block crossing as it was

discussed during their plan review for the grade school. Not providing a pedestrian trail that extends beyond the boundary of the subdivision to connect to an existing trail (Whispering Pines neighborhood) or the future sidewalk on Leavenworth Road is a disservice to the future residents of the subdivision.

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

9. Per the Prairie Delaware Piper Master Plan—pedestrian transportation strategies include, but are not limited to:
 - a. Connect key pedestrian corridors to schools, parks, recreational uses and activity centers (public facilities, commercial areas, etc.).
 - b. Fill in gaps in the network where some sidewalks exist.
 - c. Create pedestrian corridors that connect neighborhoods.
 - d. Improve streets having sidewalks on one side to two sides.
 - e. Utilize utility corridors when possible.

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

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

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

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

Staff Response: Prairie trails as noted above.

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

Applicant Response: Understood.

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

Applicant Response: Understood.

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

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

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

Public Works Comments:

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 95th Street and Main Street. 95th Street and Main Street are currently gravel and will be widened and constructed as collector streets. An interior road system will provide access to proposed buildings.

14. Submit a traffic impact letter.

Applicant Response: The traffic impact letter was included in the initial submittal.

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

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

16. Address attached comments from Conservation District.

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

Public Works Comments:

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 94th 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 94th 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 94th Street?
4. How do you bring feed and hay onto the property?
 - a. How often?
 - b. Is it picked up or delivered?
5. Both the pictures of the horses and comments from your neighbor give staff reason to be concerned over the health of the horses.
 - a. How often are they fed?
 - b. When is the last time they have received veterinary care?
6. How are you providing shelter for the horses?
7. The pictures you provided show an excess of trash in the horses' area. Please describe how you plan to clear the area in order to make it a suitable living space for the animals.

Public Works Comments: 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 45th 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 45th Street in Kansas City, Kansas, by changing the same from its present zoning of M-2 General Industrial District to MP-3 Planned Heavy Industrial District.” **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 57th 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 57th Street in Kansas City, Kansas,

by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.” **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 86th 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 86th Street in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.” **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 5th 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 5th Street, which is not in the SSMID District.

5th 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 6th 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 21st 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 26th 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**

de

Bridgette D. Cobbins
Unified Government Clerk

April 25, 2019