

STATE OF KANSAS)
WYANDOTTE COUNTY)) SS
CITY OF KANSAS CITY, KS)

**PLANNING & ZONING AND
REGULAR SESSION
MAY 30, 2019**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, May 30, 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; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District (via conference call); Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. Johnson, Commissioner Fourth District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Emerick Cross, and Alan Howze, Assistant County Administrators; Carol Godsil, Deputy UG Clerk; Ken Moore, Chief Legal Counsel; Misty Brown, Deputy Chief Legal Counsel; Robin Richardson, Director of Planning; Byron Toy, Michael Farley and Kim Portillo, Planners; Janet Parker, Administrative Assistant; Lynn Melton, Assistant to the Mayor; Maureen Mahoney, Chief of Staff in Mayor's Office; and Captain Ronald Schumaker, Sergeant-at-Arms.

Mayor Alvey said we anticipate there'll be many people who would like to speak this evening. If you would like to speak, we ask that you sign up at either of the entrances. If you do not sign up, you will not be allowed to speak during this session.

Again, if you'd like to speak regarding the Pit Bull repeal, please sign up now. We will give you two minutes at that time.

Again, before we begin, I want to announce anyone who is interested in addressing the Commission on Item No. 3 regarding lifting the ban on Pit Bulls, you may sign up at either of the tables located by the chamber doors. If you have not signed up on your way in, please do so now. You will need to be signed in in order to be able to speak at that moment.

When the item is up for discussion, the Clerk will call the names in order according to the sign-up sheet. The Clerk will announce who's on deck, which means you'll be next to the podium. When you come to the podium, right up here by the railing, please state your name and city of residency for our record. You will be given two minutes to state your comments. The Clerk will announce after one minute letting you know you have one-minute remaining.

Mayor Alvey called the meeting to order.

Roll Call: Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Alvey.

Invocation was given by Mayor David Alvey.

Mayor Alvey said I'll ask the Clerk if there are any revisions to tonight's agenda. **Carol Godsil, Deputy UG Clerk**, said yes. We have two revisions under the Planning and Zoning Non-Consent Agenda. Being held over is Item No. A1: Special Use Permit #SP-2018-54 – R. Scott Beeler, regarding revocation of a 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. At the request of the permit holder, the Mayor has agreed to set this matter over until the June 27, 2019 Commission meeting.

The second revision is the addition of Item No. 1 under Miscellaneous: Certificate of Appropriateness #CA-2019-2 – Eighth Street Baptist Church appealing the denial of Certificate of Appropriateness #CA-2019-2 by the Kansas City, Kansas Landmarks Commission for the demolition of an existing home at 809 Oakland Avenue. The Landmarks Commission voted 7 to 0 to recommend approval to deny.

Mayor Alvey said just a note. I approved the hold over for the first item because the permit holder was not able to be in attendance tonight. To give him an opportunity to present his position, we agreed to set it aside until June 27th.

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.

PLANNING AND ZONING CONSENT AGENDA

Carol Godsil, Deputy UG Clerk, read the statement, required by law, governing the Planning and Zoning portion of the meeting.

Ms. Godsil 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 of A1: Change of Zone #3189. **Commissioner Philbrook** disclosed contact with (inaudible). **Commissioner Bynum** said I've been in contact with opponents of D1. **Mayor Alvey** said I also have been in contact with opponents and proponents of D1. **Commissioner Burroughs** said I've had contact with proponents of D13.

Ms. Godsil read the items on the Planning and Zoning Consent Agenda.

Mayor Alvey asked does any member of the Commission, or anyone in attendance tonight, wish 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.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve all items as submitted.**

Commissioner Townsend said I wanted to set-aside, just for clarification on a few points, the Miscellaneous Application concerning small box variety stores. **Mayor Alvey** said D1 is set-aside.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve all remaining items as submitted.** Roll call was taken and there were eight "Ayes," Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one "No," Burroughs.

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 19767...CHANGE OF ZONE APPLICATION #3188 – MICHAEL CLOUGHLEY

Synopsis: Change of zone from M-2 General Industrial District to C-3 Commercial District to continue to operate a rental property at 300 and 302 Kansas Avenue, submitted by Robin

Richardson, Director of Planning. The applicant wants to convert two two-story buildings, formerly ground floor artist studios and second floor apartments, into four-unit apartments at 300 – 302 Kansas Avenue. The Planning Commission voted 9 to 0 to recommend approval of Change of Zone Application #3188, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Unified Government Board of Commissioners meeting.
Applicant Response: \$50.00 will be fine.
2. For reference, three units will have one bedroom and one unit will have two bedrooms.
Applicant Response: Yes, three one-bedrooms and one two-bedroom unit.
3. In reviewing the Cole Directories dating back to the late 1980s, staff could not find any business or apartments on the second floor of 300 or 302 Kansas Avenue. There was a commercial business, B & B Merchandise, operating at 300 Kansas Avenue.
Applicant Response: I do not know.
4. How much parking will be made available for the tenants in the garages. Zero parking is proposed and a variance for parking reduction has been submitted, but it appears some off-street parking can be provided in these garages.
Applicant Response: 2 spaces per garage will be available.
5. How is egress provided for the upstairs units? There does not appear to be an exterior staircase for the occupants.
Applicant Response: On the east side of the building is the entrance for the second floor and on the front (south) of the building, the far west door, is marked 302½ Kansas Avenue is the second-floor entrance.
6. As a result of converting the ground floor tenant spaces to apartment units (occupancy conversion), upgrades to the building will be necessary which must comply with the International Building, International Fire and International Energy Codes. Staff suggests scheduling a Development Review Committee (DRC) meeting following the Board of Commissioners meeting to discuss in detail the project.
Applicant Response: I do not know.
Staff Response: You need to schedule a pre-application meeting with the Development Review Committee (DRC) to discuss the occupancy conversion of the building.

Public Works Comments: None.

Staff Conclusion:

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

Subject to approval, staff stipulates the following:

1. A \$50 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Unified Government Board of Commissioners meeting.
2. The C-3 Commercial District designation shall be CP-3 Planned District.
3. The applicant shall meet with the Development Review Committee (DRC) to discuss the occupancy conversion and after such meeting, shall submit the necessary permits to bring the building into compliance with the International Building, International Fire and International Energy Codes. The two-space garages at 300 and 302 Kansas Avenue shall be reserved for the tenants, one space for each unit (4).

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Change of Zone Application #3188, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 2 – 19768...CHANGE OF ZONE APPLICATION #3189 – MATT WATKINS WITH REECE COMMERCIAL REAL ESTATE

Synopsis: Request for change in previous approved stipulations for approved TND Traditional Neighborhood Design District to remove the no alcohol stipulation at 81 North Mill Street, submitted by Robin Richardson, Director of Planning. Dennis Edwards, with Original Corner Market & Deli, has applied for a change of zone from TND Traditional Neighborhood Design District T-5 to TND Traditional Neighborhood Design District T-5 in order to amend previously approved stipulations preventing the sale of alcohol. The applicant would like to sell packaged beer. The Planning Commission voted 9 to 0 to recommend approval of Change of Zone Application #3189, subject to:

Urban Planning and Land Use Comments:

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

3. Alcohol Sales

Alcohol sales were the key point for staff and the neighborhood. The neighborhood was very concerned that this store could become the local liquor store and bring all of the problems inherent to one. The applicant agreed to not sell liquor and received neighborhood support. The one negative with this case is that through this change of zone, the tight leash we have to make sure that liquor sales will never occur (the special use permit) will go away. That is not a big deal as long as this owner is still in possession of the store. However, a future owner would have no way of knowing alcohol sales are not allowed. To combat this, we are stipulating that alcohol sales

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

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

History

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

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

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

Ensuring that the comments and stipulations from the special use permits that allowed the business to fit into the neighborhood remain in place.

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

1. Noise and Light

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

2. Parking

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

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

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

3. Alcohol Sales

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

4. Pavement

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

Public Works Comments: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Change of Zone Application #3189, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 3 – 19769...CHANGE OF ZONE APPLICATION #3191 – ANDREA WEISHAUBT WITH ATLAS SURVEYORS

Synopsis: Change of zone from AG Agriculture (WYCO) District to A-G Agriculture (City) District at 2718 North 119th Street, submitted by Robin Richardson, Director of Planning. Andrea Weishaubt with Atlas Surveyors has applied to for a change of zone. The request is to split the current property into two parcels (Lot 1 and 2) and build a new house at 2718 North 119th Street (Lot 2). The applicant also requests a variance to the minimum frontage required by land zoned as an AG Agriculture District. The applicant seeks a frontage of 193 feet for Lot 2, a variance of

57 feet. (Appeal approved on May 13, 2019 by the Board of Zoning Appeals.) The Planning Commission voted 9 to 0 to recommend approval of Change of Zone Application #3191, subject to:

Urban Planning and Land Use Comments:

Did the current property owner build the house?

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

Public Works Comments: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Change of Zone Application #3191. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 19762...SPECIAL USE PERMIT APPLICATION #SP-2019-10 – JIM GORMAN WITH KANSAS GAS SERVICE, A DIVISION OF ONEGAS

Synopsis: Renewal of a special use permit (#SP-2016-86– expired 12/1/2018) for two concrete pits/sampling of a variety of pipes for training purposes at 8535 Riverview Avenue, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2019-1, subject to:

Urban Planning and Land Use Comments:

1. If approved, special use permit is valid for two years
2. How often do these trainings occur and during what time of day?
Applicant Response: The frequency of training can fluctuate but is normally only a few times a month at most. This training would only occur during working hours, 8:00 am – 4:00 pm.
3. Are you planning on constructing, or installing, any new training infrastructure that was not addressed in the original plan? If so, please provide plans of what and where these will be.
Applicant Response: There are no plans at this time for new construction or installation.
4. Please provide pictures of current site and landscaping.

Public Works Comments: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2019-10 for two years, subject

to the stipulations. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 2 – 19770...SPECIAL USE PERMIT APPLICATION #SP-2019-11 – HEATHER L. HAUCK WITH RESCUE ME KC

Synopsis: Special use permit for an animal shelter for up to 20 adult dogs at 4229 Swartz Road, submitted by Robin Richardson, Director of Planning. The applicant would like to use her home at 4229 Swartz Road as an animal shelter, housing up to 20 adult dogs, and doing adoptions out of the home. The Planning Commission voted 9 to 0 to recommend denial of Special Use Permit Application #SP-2019-11 based on testimony given at the meeting by those in opposition and the comments of the staff. It should be noted that the applicant has not concluded a neighborhood meeting and has not responded to staff’s draft comments in the report.

Urban Planning and Land Use Comments:

1. If approved, approval would be for one year.
2. Do you plan to live at the property?
3. How do you plan to dispose of the animal waste? How often will waste be removed? How will the smell of urine be controlled?
4. How will grass be maintained?
5. How will barking be controlled?
6. What is the expected number of potential adoptees coming and going from the home? How would you advertise that the animals are up for adoption?
7. What sort of shelter is to be provided for the dogs? Would they be left outside for extended periods of time?
 - a. Provide photos of the interior of the house along with areas proposed for animal living.
8. Please provide a business plan and include plans regarding the following:
 - a. Veterinary care
 - 1) Spaying and neutering of dogs
 - 2) Vaccinations
 - 3) General veterinary care
 - 4) Do you plan to have a veterinary professional on staff or contracted out?
 - 5) How often would the animals receive check-ups?
 - 6) How will animals that are ill or injured be treated and quarantined if necessary?
 - b. How will you handle removal of deceased animals?
 - c. How will you keep records for animals coming in and out, i.e. screening at intake to check for ownership, registration of persons bringing animals to the shelter?
 - d. Provide details on compliance with Chapters 7-215, 7-216 and 7-217 which relate to nuisance animal, dangerous animal, and vicious animal classifications. The shelter shall not handle such animals.

- e. Provide details on compliance with Chapter 7-219 which relates to Pit Bull dogs. The shelter shall not handle animals meeting this definition.
- 9. There is a concern with the number of dogs compared to the size of the parcel. This parcel is only .26 acres and contains a residence with a living area of 672 square feet as listed on the Unified Treasurers Parcel information sheet. Staff does not feel that this is an adequate amount of space for the proposed use. Even if the applicant were to reduce the number of animals proposed, the close proximity of adjacent properties and impact on them would be a concern. Issues with noise, smell and waste disposal arise.
- 10. Must comply with Chapter 7-Animals, of the Unified Government Code of Ordinances.

Public Works Comments: None.

Staff Conclusion:

Staff has not received responses to the draft staff report and questions sent to the applicant. The neighborhood meeting minutes, sign-in sheet and affidavit have also not been received. Staff has been contacted by multiple property owners in the area to express their opposition stating that there are already animals on site that are loud, cause an unbearable odor and routinely break out of the yard. Staff finds that this parcel is not suitable for activity of this type due to its size, location, and surrounding uses. Due to the concerns laid out above, staff recommends denial of this application

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to follow the recommendation of the Planning Commission to deny Special Use Permit Application #SP-2019-11. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 3 – 19771...SPECIAL USE PERMIT APPLICATION #SP-2019-29 – RYANN DORI WALLER WITH VILLA MULONDAYI

Synopsis: Special use permit for an Airbnb at 1600 North 21st Street, submitted by Byron Toy, Principal Planner. The request is to operate as a short-term rental through Airbnb and similar sites. The applicant will live at the property and rent out only a portion of the residence. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2019-29 for one year, subject to:

Urban Planning and Land Use Comments:

- 1. The Business plan states that operations are currently being run out of Ryann’s home office, and once the special use permit is approved, operations will be run from an on-site location. Will the applicant be residing at Villa Mulondayi full time, or will the applicant only have an office on-site?

- a. If the applicant is not proposing to live full time at Villa Mulondayi, how frequently will someone be at the office on-site?

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

2. The Business plan mentions that \$10,000 will be spent for bed and breakfast home upgrades. What upgrades will be done?

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

- a. New tile in kitchen walkway and butler room (\$2,500-complete)
- b. Insulation of attic (\$800-complete)
- c. Alarm system installation (\$2,500-complete)
- d. New garage door opener (\$700-complete)
- e. Replacement of shower head in guest bathroom (\$60-complete)
- f. Purchase of furnishings (\$2,000-complete)
- g. Replacement of roof tiles (\$1,000-future update)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. Master bedroom 1
- b. Sunporch off master 2
- c. Den off master 3

- d. Guest bedroom 4
- e. Sunporch off guest bedroom 5
- f. Dressing room (this room is private and not for rent) 6

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

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

Applicant Response: I have researched the Airbnbs in the area, and I have not seen any as large as 1600 N. 21st Street. The home is nearly 4,100 square feet, and can easily accommodate two guests in each bedroom, and 1 guest on each sleeping couch, totaling twelve guests. There is also a cot available for sleeping as well. I come from a large family myself, brothers and sisters. I would like for families to be able to book the home when visiting Kansas City so that they can have a cool and affordable place to stay. This home easily accommodates that number of people.

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

Public Works Comments: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2019-29 for one year, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 4 – 19772...SPECIAL USE PERMIT APPLICATION #SP-2019-36 – TYLER G. HARNETT

Synopsis: Renewal of a special use permit (#SP-2018-21 – expires 4/5/2019) for an Airbnb at 4521 Cambridge Street, submitted by Robin Richardson, Director of Planning. This property is not the applicant’s primary home and the entire structure is being rented out to visitors. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application

#SP-2019-36, subject to two years and the applicant secure a business license back to the date when he started his business prior to the May 30, 2019 Board of Commissioners meeting.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2019-36 for two years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 5 – 19763...SPECIAL USE PERMIT APPLICATION #SP-2019-39 – TERESA HERNANDEZ

Synopsis: Renewal of a special use permit (#SP-2017-19 – expires 5/25/2019) for a miniature horse at 840 Shawnee Road, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2019-39, subject to:

Urban Planning and Land Use Comments:

1. How is animal waste currently disposed of?
Applicant Response: I use a special rake that breaks up the waste and it helps it disintegrate into the ground.
2. Is the grass that the horse’s quarters reside on properly maintained?
Applicant Response: Yes.
3. Has there ever been any issue of the horse getting out of the fenced area?
Applicant Response: No.
4. Approval would be for ten years.

Public Works Comments: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2019-39 for ten years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 6 – 19773...SPECIAL USE PERMIT APPLICATION #SP-2019-40 – ROBERTA LAIRD

Synopsis: Special use permit for a commercial shop selling handmade items, gifts, antiques, etc. in the basement garage at 3704 North 99th Street, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2019-40, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, this special use permit shall be valid for two years.
2. What products are being handmade or refurbished and sold to the customer?
Applicant Response: The intent of this establishment is to offer a variety of gift and/or household décor goods, both handmade and market items, which may include, but not limited to doll clothing, linens, fashion accessories, wall, tabletop and floor décor. Small, refurbished decorative furniture items and antiques may be available on a limited basis. Alternations will also be offered.
3. Will customers come to the home to purchase, browse and/or pick-up items like a commercial storefront, or will customers be by appointment only to pick-up their item?
Applicant Response: Yes, it will be open as a commercial storefront where customers may come to purchase, browse or order items to be picked up at a later date. Appointments may be made for special circumstances. I have a secluded, private drive which is accessible solely to the special use area. Therefore, there will be no disturbances to surrounding homes/dwellings.
4. Will you make deliveries to customers and will they be shipped via USPS, UPS and FedEx, etc.?
Applicant Response: At this time there is no plan to deliver or ship goods from this location for the purpose of this special use permit request.
5. How do you intend on advertising your commercial shop?
Applicant Response: Advertising will be discrete and tasteful, consisting of mostly online, word of mouth and print media. I plan to post decorative type of signage near the gated premises to instruct customers where to enter the special use area as well as normal operational hours in the event the area is gated (closed) during non-operational hours.
6. What are your proposed days and hours of operation?
Applicant Response: Thursday through Saturday, 10:00 a.m. to 5:00 p.m. with option of additional days during peak shopping season.
7. The minimal structure changes you plan to make for the basement garage will require Building Inspection Department review and approval. As a result, the alterations will need to meet the International Building, International Fire and International Energy Codes in addition to any other regulations.
Applicant Response: Minimal structure changes will be made to the building/home to accommodate the establishment which will occupy the current basement garage. Exterior construction will be limited to the removal of the overhead garage doors and replacing them with windows and a patio-style door. Permits will be obtained as required.

Public Works Comments: None.

Staff Conclusion:

May 30, 2019

The applicant, Ms. Roberta Laird, has responded to staff's questions and comments. The majority of the discussion is centered around the products that are to be sold on site and the hours of operation which will be open to the public. While the residence is closer to the front property line, a lengthy frontage road to access the property appears to create a natural separation from other residences in the area. She stated the days and hours will be from Thursday to Saturday, 10:00 a.m. – 5:00 p.m., with additional days requested during peak season. The average distance between Ms. Laird's home and the abutting residences is 720 feet, so the proposed hours and days of operation should not be an issue for abutting property owners. There was no opposition at the neighborhood meeting.

Subject to approval, staff stipulates the following:

1. This special use permit shall be valid for two years.
2. Hours of operation shall be from Thursday – Saturday, 10:00 a.m. to 5:00 p.m., with the flexibility of staff to work with the applicant if Sunday through Wednesday, or some combination thereof is sought to operate the business during peak shopping season.
3. Ms. Laird will obtain the necessary building permits to build a patio-style door and windows, converting the basement garage.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2019-40 for two years, subject to the stipulations. Roll call was taken and there were eight "Ayes," Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one "No," Burroughs.

ITEM NO. 7 – 19764...SPECIAL USE PERMIT APPLICATION #SP-2019-42 – DICK BRYANT WITH RICHARD T. BRYANT & ASSOCIATES PC

Synopsis: Renewal of a special use permit (#SP-2017-25 – expired 4/27/2019) for live entertainment in conjunction with existing restaurant at 151 South 18th Street, submitted by Robin Richardson, Director of Planning. Applicant, Jorge Salazar, would like to renew a previously approved special use permit that adds live music, DJ, and dancing to the current Mexican music. The applicant has had live music, DJ, and dancing at the Mexican restaurant since at least 2014. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2019-42, subject to:

Urban Planning and Land Use Comments:

1. As is standard for all live entertainment SUPs, security will need to be provided by a dedicated individual who is serving in that role and that role alone. It is not permitted to have security provided by an employee who is also functioning in another capacity at that same time.

Applicant Response: Security officers are not required. Security is handled by the employees of the business. There have been no calls for police services associated with dancing or entertainment.

Staff Response: Must follow Unified Government code for security. Security officers may be required.

2. Based off your business plan, the DJ will stop 11:00 p.m. on Friday and Saturday. What will go on from 11:00 p.m. to close 2:00 a.m.?

Applicant Response: Since the original application for a special use permit, the applicant has provided entertainment on Fridays and Saturdays until 2:00 a.m. The applicant sees no need to enlarge the hours on those dates and on those days, and the hours of operation have met with the approval of the neighborhood. Persons can still secure food at the restaurant.

3. Have there been any incidents (neighbor complains, police, Codes, etc.) at this location since the last permit was approved?

Applicant Response: There have been no neighborhood complaints or police complaints at this location since the special use permit was first issued.

4. If approved, the special use permit would be valid for two years.

Applicant Response: Applicant understands the special use permit would be valid for two years.

Public Works Comments: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2019-42 for two years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 8 – 19774...SPECIAL USE PERMIT APPLICATION #SP-2019-46 – MARIA ELENA LEAL/M+MS AUTO SALES AND DETAIL

Synopsis: Special use permit for new and used auto sales, auto repair and auto detailing at 765 Cheyenne Avenue, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2019-46, subject to:

Urban Planning and Land Use Comments:

1. Is the property currently vacant? If so, how long has the property been vacant?
Applicant Response: The property is currently vacant and has been for 2 years.
2. Where will the customers park? Where will for-sale cars be stored? Where will cars in for service (repair and/or detailing) be kept? Please provide a more detailed site plan that gives

dimensions of the property boundaries as well as dimensions for parking spaces. The dimensions may be of the current parking spaces if there is no intention to re-stripe them.

Applicant Response: Customer parking will be located behind the building by the main office on the south side. There will be a total of eleven spaces including one handicap. Vehicles that will be for sale will be parked on the south side of the parking lot against the fence. Vehicles in for detailing service will be kept on the side of the building.

3. How will the fumes from the detailing paint be addressed and mitigated?

Applicant Response: There will be no painting at this site.

4. Applicant needs to provide a dimension site plan that designates and gives measurements for parking spaces, new and pre-existing buildings, and setbacks. Be sure to include the following:

- a. One parking space for employees or customers (not for used cars) for every 1,000 square feet of commercial space (Code of Ordinances, Sec. 27-464(e)). More parking requirements and guidelines can be found in Sec. 27-577(e).
- b. Dimensions and façade design of pre-existing buildings.
- c. Landscape design compliant with commercial landscaping requirements. Note that landscaping requirements shall exceed typical code requirements (found in Sec. 27-464(g)) by 75%. (Sec. 27-577(a)(5)). Full requirements can be found in the Code of Ordinances, Sec. 27-577.

Applicant Response: The dimensions site plan is provided. This includes parking space measurements. There are no plans for any new structures. Also attached is a diagram of an existing building nearby. Our area is separated with fences and each building has its own space.

- 1) A total of eleven parking spaces, including one handicap spot, will be designated for employees and customers. All parking areas are designed according to the measurements of the building's Code of Ordinances. Each parking spot is 9 ft. x 18 ft. as required. All other remaining spaces will be used for additional parking and parking of vehicles available for sale in the parking lot against the fence.
- 2) Photos of the interior and exterior are provided.
- 3) Landscape area is located in the area in the back of the building. This includes six trees that are designed in compliance with the commercial landscaping requirements.
5. Upon receiving the Special Use Permit, applicant must file and maintain a current occupation tax application.
6. The applicant must confirm that the building is up to code, or otherwise make the necessary renovations to get the building in compliance with all codes.
7. Approval is for two years.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval:
 - a. Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
 - b. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
2. Items that are conditions of approval (stipulations): None.

3. Comments that are not critical to engineering's recommendations for this specific submittal but may be helpful in preparing future documents: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2019-46 for two years, subject to the stipulations. Roll call was taken and there were eight "Ayes," Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one "No," Burroughs.

ITEM NO. 9 – 19775...SPECIAL USE PERMIT APPLICATION #SP-2019-52 – MICHAEL D. YEAGER

Synopsis: Home occupation special use permit for mobile welding and repair as well as general metal fabrication at 4855 Georgia Avenue, submitted by Robin Richardson, Director of Planning. The request is for the temporary use of the applicant's primary residence for commercial and industrial purposes in order to use a residential structure as a business office and welding shop. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2019-52, subject to:

Urban Planning and Land Use Comments:

1. Does "mobile welding" mean that you will be conducting welding projects off-site, presumably at your customer's location?
Applicant Response: "Mobile welding" does mean that welding will be conducted at customer's location.
2. What safety measures do you have in place to ensure your safety, the safety of others, and safety of the people and structures near your property? Please include measures that address at least all the following: fire prevention and safety, burn and electrocution prevention and safety, and ventilating fumes.
Applicant Response: For fire prevention and safety, I will have fire extinguishers and any other necessary measures in place. For burn and electrocution prevention, I have all needed personal protection equipment. For venting fumes, I am setting up an exhaust fan for my workshop.
Staff Response: Fire prevention and safety measures must follow all county building codes and standards.
3. Will there be any signs on your residence or property advertising or otherwise recognizing the business?
Applicant Response: There will be no signage on the property advertising there is a business here.
4. What time(s) of day will you be welding? Do you have a method to mitigate excessive illumination caused by welding?

Applicant Response: Normal operating hours will likely be between 8 a.m. and 5-6 p.m. In my shop, excess illumination will be contained within 4 stone walls with few windows. For mobile welding, illumination can be mitigated by a portable welding screen.

5. Please describe how materials will be delivered and how much noise is produced.

Applicant Response: If materials will be delivered, it will either be by FedEx or UPS, or a flatbed truck. Noise production should never be any louder than your average lawnmower.

6. Contact Building Inspection to see if any code modifications are required for the structure.

Applicant Response: In 2015, for SP-2015-51, my business plan was for all work to be in my shop. I was approved with no code modification necessary.

7. The Business Office could not find a business license on file. If the special use permit is approved, applicant must file and maintain a current occupation tax application.

8. Approval is for two years.

Public Works Comments: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2019-52 for two years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 10 – 19765...SPECIAL USE PERMIT APPLICATION #SP-2019-54 – RYAN DENK WITH MCANANY, VAN CLEAVE & PHILLIPS, P.A.

Synopsis: Renewal of a special use permit (#SP-2014-28 – expires 7/31/2019) for a dirt fill at 7751 South 73rd Street and 1500R South 73rd Street, submitted by Robin Richardson, Director of Planning. The applicant, on behalf of the property owner, Morris Land Development, L.L.C., wants to continue to operate a clean rubble fill site along the Kansas River on 40.39 acres. The proposed rubble being brought to the site will be concrete, dirt and bricks from construction sites. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2019-54, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, this special use permit shall be valid for five years.
2. As a note, in 2011, the applicant submitted a No-Rise certificate as required for the fill site in the floodplain.
3. Please describe the current state of the clean rubble fill site since the December 2011 approval.
Applicant Response: To date, we estimate we have filled approximately 40% of the hole. Based on this rate of fill, we estimate it to take an additional 10 years for Morris Land Development, LLC to complete the fill activities.

4. According to the applicant in response to the initial staff report comments that were issued in April 2011, the proposed truck traffic information is as follows:
 - a. Traffic frequency – It is variable, but probably an average 4 to 6 per day.
 - b. Hours of operation – 7:00 a.m. to 6:00 p.m.
 - c. Loaded truck weights – It is variable, but no more than the legal limits for the state of Kansas at 80,000 lbs.

Public Works Comments: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2019-54 for five years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 11 – 19766...SPECIAL USE PERMIT APPLICATION #SP-2019-55 – CASEY BOND

Synopsis: Renewal of a home occupation special use permit (#SP-2018-15 – expired 4/5/2019) for an Airbnb at 35 South 7th Street Trafficway, submitted by Robin Richardson, Director of Planning. This is the applicant’s primary residence, and the applicant is listing up to four bedrooms. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2019-55, subject to:

Urban Planning and Land Use Comments:

1. How have you complied with the stipulations of approval from the last special use permit?
 - a. Host will maintain a safe environment, including
 - 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.
 - 8) Electrical panel and circuits must be safe.
 - b. Host will obtain a business license with the city.
 - c. The maximum number of guests is limited to 5 people.

Applicant Response: The stipulations for approval have been met and maintained for the past year.

Updates 2018:

- Refinished hardwood floors throughout...\$8,000
- New kitchen appliances: fridge, dishwasher, stove, microwave/hood...\$6,000
- New washing machine & dryer...\$1,500
- New furniture: couch, kitchen table, bed frames, linens...\$3,000
- Installed granite countertops...\$1,500
- Updated cabinets/stain, new light fixtures, ceiling tile, trim...\$1,500
- New hot tub, cover, steps...\$9,000
- New pergola...\$1,000
- New patio furniture set...\$700
- Total: \$32,200

These improvements have been made and the Airbnb will continue to operate as usual in 2019. Operating my home as an Airbnb has enabled me to afford these improvements on my home. Thank you!

Public Works Comments: None.

Stipulations of Approval:

1. Host will maintain a safe environment described above.
2. Host will obtain a business license with the city.
3. Approval will be for two years.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2019-55 for two years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 12 – 19776...SPECIAL USE PERMIT APPLICATION #SP-2019-56 – BRYAN RUOFF WITH 3F30 ARCHITECTS

Synopsis: Special use permit to operate a liquor store with packaged liquor sales at 3801 Leavenworth Road, submitted by Robin Richardson, Director of Planning. The applicant, with 3F30 Architects, on behalf of the owner, has applied for a special use permit to operate a 1,568 square foot liquor store at 3801 Leavenworth Road. This property has previously been approved for a 4,000 square foot convenience store, eight pump gas station and two retail tenant spaces totaling 2,346 square feet at this location. (Change of Zone Petition #3159, 38Leavenworth Final

Plat, and #PR-2018-8). The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2019-56, subject to:

Urban Planning and Land Use Comments:

1. Please describe how the business will operate. Include the hours of operation, number of employees on the site, lighting and security, etc.
Applicant Response: The convenience store will be open 24 hours and liquor store will be open as allowed by law. The store will have one or two employees at a time. Typically, there will be a security guard during the evening.
2. Approval is for two years.

Public Works Comments: None.

Business License Comments:

If approved, applicant will need to file and maintain a current occupation tax application.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2019-56 for two years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 13 – 19777...SPECIAL USE PERMIT APPLICATION #SP-2019-57 – COREY HAMILTON WITH STRAWBERRY HILL BAR LLC

Synopsis: Special use permit for a restaurant and drinking establishment at 403 North 5th Street, submitted by Robin Richardson, Director of Planning. This building shares a lot with a mixed use commercial and residential property, 401 North 5th Street. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2019-57, subject to:

Urban Planning and Land Use Comments:

1. If approved, applicant will need to file and maintain a current occupation tax application.
Applicant Response: Of course all local licensing will be provided, as well as state liquor license prior to opening.
2. A parking variance must be approved prior to approval of this application.
 This parcel has two separate buildings, 401 North 5th Street and 403 North 5th Street. 401 North 5th Street is two-story building with commercial use on the first floor and one two-bedroom unit on the second floor. Parking behind the two buildings shall be reserved for the residential use. Based on square feet, the applicant is required to have 18 parking space. 0 spaces are proposed, a violation of 18 spaces.

Applicant Response: We have applied for the parking variance and understand that it is required as well as the SUP.

3. Offer an explanation as to where you will encourage patrons and employees to park, with no off-street parking being provided.

Applicant Response: The applicant believes that both employees and the public would be able to park on the west side of 5th Street, as the two corner buildings are not currently in use and believe that there is parking for about 20 vehicles on Orville between Thompson and 5th Street. The residences there have off-street parking.

4. Provide a business plan that explains how you will handle the following:
 - a. Hours and days of operation.
 - b. Breakdown of hours and days of food service and alcohol sales.
 - c. Security plan.
 - d. Site maintenance and upkeep plan.
 - e. Consideration of concerns relating to noise pollution onto neighboring properties.
 - f. Must utilize a card scanner to track everyone's entry.

Applicant Response: Item a. and b. The hours of operation are 11 a.m. to 12 midnight Sunday through Thursday, and 11 a.m. to 2 a.m. Friday and Saturday. Food service will be available until 10:30 Sunday thru Thursday, and until 12:30 Friday and Saturday.

Item c. The security will be provided by managers and staff. A security camera will be installed on the front of the building to record activity on the street. There will also be lighting installed on the front of the building and on the corners of the back patio to enlighten the rear of the building. The marketing plan is to be directed at an older clientele, who intend to not only have a drink, but also will be coming for food service. There will be no game tables, i.e. pool, shuffleboard that would serve as an encouragement for younger crowds who were only interested in the alcohol service.

Item d. There will be daily exterior maintenance and trash pickup by staff on the exterior and a private trash removal contract.

Item e. There are no speakers planned to be installed on the patio of the building, and due to the nature of the customer being marketed to, we do not expect exterior noise to be problematic. The exterior walls of the building are brick, and the interior are plaster with a layer of drywall over the plaster, which should serve as a significant sound barrier for activities inside the building.

Item f. The applicant has been pricing the cost of an ID scanner and is willing to purchase and use one but does have some reservations about the impact that may have on the clientele that is the target of the marketing plan.

5. Outdoor lighting must be installed so as not to shine onto neighboring properties. Provide detail on how you will accomplish this.

Applicant Response: The lighting will be installed on the corners of the back patio and will be directed inward to the area of the back of the building and the patio. The lights on the front will be directed to the street and sidewalk in front of the entrance.

6. To minimize impact on residential properties, a screening fence must be installed adjacent to all residential areas, with exception to the second story unit at 401 North 5th Street.

Applicant Response: There exists a six-foot privacy fence around the patio and it will be repaired and maintained as necessary. Due to the proximity of the structures north and south of 403 N. 5th, it may be impossible to erect and maintain fencing between the structures. On the north side, if you review the plans, it appears that 403 N. 5th is built directly on the property line leaving no room to build a fence on property controlled by the owner and applicant. The owner of 403 is also the owner of 401 and would not request that a fence be placed between the buildings. Again, the distance appears to be less than 3 feet between the buildings.

Staff Comment: Due to the site constraints, staff is okay with this as long as there is no neighbor opposition from adjacent property owners.

7. If approved, approval would be for two years.

Applicant Response: The owner and applicant would ask that consideration be given to a two-year license due to the capital investment being made to be able to install a kitchen and make the improvements necessary to begin to reuse this vacant property. The investment is expected to be in the 45 to 50K range, which is considerable to spend for a one-year license. We do understand the position of the UG in wanting to have the ability to review this decision in one year's time and will accept a one-year review for the SUP but would ask that consideration be given to a two-year review.

Public Works Comments: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2019-57 for two years, subject to the stipulations. Roll call was taken and there were eight "Ayes," Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one "No," Burroughs.

PLAN REVIEW APPLICATIONS

ITEM NO. 1 – 19778...PLAN REVIEW APPLICATION #PR-2019-9 - CHARLEY SEXTON WITH HTK ARCHITECTS

Synopsis: Preliminary and final plan review for a classroom addition to Delaware Ridge Elementary School at 1601 North 130th Street, submitted by Robin Richardson, Director of Planning. Delaware Ridge Elementary School is adding on two classrooms to each of its wings, for a total expansion of six additional classrooms. The exterior of the building will have materials matching the existing exterior materials in color and shape. The building height will match the existing building height. The Planning Commission voted 9 to 0 to recommend approval of Plan Review Application #PR-2019-9, subject to:

May 30, 2019

Urban Planning and Land Use Comments:

1. Will the addition of 6 more classrooms lead to more children being enrolled at the elementary school (which would presumably lead to more car and bus traffic around school start and end times)?

Applicant Response: There currently is no additional parking planned to be added. The additions will add approximately 6 new staff members to the school in the future. The existing parking lots are more than adequate to accommodate the current and future staff capacity. For after school events such as parent teacher nights, the playground is opened up for parent overflow parking. With a large number of students coming from the surrounding neighborhood, they have a lot of “walkers” which equates to fewer cars.

2. Are you adding any additional parking?

Applicant Response: Eventually there will be upwards of 120 new students. This will increase the amount of buses and car traffic in the future. The classrooms being added on to the school provided for one new classroom per grade level. For the first 5 or more years, the extra classroom will be used for overcrowding in the large bubble classes that move through the grade levels. The student capacity for Delaware Ridge has actually decreased slightly. The student enrollment historically increases 1% annually on average so it will be a very gradual change. There will not be any noticeable change in bus and vehicle traffic for several years after the additions are completed.

Staff Response: Any additional parking requires a final plan review. Gravel is not allowed.

Public Works Comments: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Plan Review Application #PR-2019-9, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 2 – 19779...PLAN REVIEW APPLICATION #PR-2019-10 - RUSSELL SAGE, III WITH SECURITY BANK OF KANSAS CITY

Synopsis: Preliminary and final plan review for renovation of the existing bank at 7364 State Avenue, submitted by Robin Richardson, Director of Planning. Renovation of interior spaces of the Security Bank building includes the addition of an IT room and new finishes throughout the interior of the building. In addition, a 2-foot curved canopy will be added along the exterior of the building’s east wall. Lastly, a faux tower ornamentation is being added to further the Security Bank building brand. The Planning Commission voted 9 to 0 to recommend approval of Plan Review Application #PR-2019-10, subject to:

Urban Planning and Land Use Comments:

What are the specific changes that will be made to the drive-through teller lanes? Will lanes be added, removed, lengthened, or shortened?

Applicant Response: The current drive-through configuration has 1 commercial drive-through lane with a drawer and 4 regular customer lanes with pneumatic tubes (total 5 lanes). The proposed drive-through configuration will have 1 commercial drive-through lane adjacent to the existing building with a pneumatic tube and 1 regular customer lane with a pneumatic tube. The drive-through lanes will be configured to allow wider drive lanes. The new layout is configured for one additional lane for future ATM or teller lane and a pass-by drive lane. This will eliminate one of the current drive-through lanes (total of 4 lanes, with 2 lanes of service). The new customer teller units are equipped with a modernized video interface.

Staff Response: The staff appreciates the applicant's response and would like to re-emphasize the importance of continuing to adhere to all county building codes and design guidelines, as per the applicant's submitted documents.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval:
 - a. Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
 - b. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
2. Items that are conditions of approval (stipulations): None.
3. Comments that are not critical to engineering's recommendations for this specific submittal but may be helpful in preparing future documents: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Plan Review Application #PR-2019-10, subject to the stipulations. Roll call was taken and there were eight "Ayes," Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one "No," Burroughs.

MISCELLANEOUS APPLICATIONS

ITEM NO. 1 – 19612...CONSIDERATION OF AMENDMENTS REQUIRING A SPECIAL USE PERMIT FOR SMALL BOX VARIETY STORES

Synopsis: Consideration of certain amendments to Section 27-340, Planning and Development of Kansas City, Kansas Code of Ordinances, generally concerning definitions and a new provision to Section 27-593(a) Planning and Development of Kansas City, Kansas Code of Ordinances, requiring a special use permit for small box variety stores, submitted by Robin Richardson, Director of Planning. It is recommended that this ordinance amendment be withdrawn and become

part of the zoning ordinance rewrite. This item was tabled from the February 28, 2019 full commission meeting.

Commissioner Townsend said it wasn't clear to me from this. I just want to be sure I understood where, if we followed this recommendation, where this would put us. Currently, we do not have a small box ordinance. Is that correct? **Rob Richardson, Director of Urban Planning**, said that is correct. **Commissioner Townsend** said so the recommendation is to send the amendment, what had been worked at on thus far, to roll that into the process under which we're going now to rewrite the zoning code. Correct? **Mr. Richardson** said not necessarily that specific amendment, but a version of it that we're able to work out over that period of time. **Commissioner Townsend** said but to take that issue up as part of the rewrite of the zoning code. **Mr. Richardson** said correct.

Commissioner Townsend said at this point, forgive me, I just do not recall because I know we had several weeks, maybe a month ago, a best estimate as to when that process, i.e. the zoning ordinance rewrite would conclude. Just your best estimate. **Mr. Richardson** said I think it would be before you in September. It will probably be largely due to the Commission itself and how comfortable you are with the study sessions we're able to have in advance of that, and how much time you want to spend with the code before we get to that adoption process. My best guess would be the September or October Board of Commissioners' meeting.

Commissioner Townsend said in the interim, presuming that we address the issues with the small box variety stores as part of the zoning ordinance rewrite, what would be the procedure if someone, say tomorrow, wanted to build an entirely new store that fits the definitions we know maybe referred to as dollar stores, not to be demeaning, small box stores, what would be the process for the Planning and Zoning Commission and/or us to review such an application? Would every application like that come before Planning and Zoning? **Mr. Richardson** said the only way one of those applications would come before the Planning and Zoning Commission or this body would be if they were rezoning a new location and you saw the zoning case. If it was already zoned C-1 or C-2 or C-3 and an existing building, they would just obtain a business license. **Commissioner Townsend** said that would be the current situation this is zoned. **Mr. Richardson** said correct. **Commissioner Townsend** said I have my answer. Thank you.

Mayor Alvey opened the public hearing and asked if anyone would like to speak in favor of D1.

Pete Peterson, Attorney, 748 Ann, said I'm here in favor of the withdrawal of this at the present time. I'm in favor of the Planning Commission's unanimous vote that was voted on at the Planning Commission. I believe that would be the fair and just thing at this point in time.

I've appeared in front of you before on this matter. Perhaps we can have some input as this goes along.

Mayor Alvey asked is there anyone who would like to speak in opposition. No one appeared in opposition.

Mayor Alvey closed the public hearing.

Mr. Richardson said that will give us time to look at a smaller area or other provisions that might be more palatable that would be citywide. One month was really just too short of time to even get a legal description—to develop an area, to get the legal description and everything ready to go for a smaller area or an overlay zone. I think this will give us time to do that.

Commissioner Townsend said just one last question to clarify. It is possible that if a vendor who wants to bring forward a small box type store, a Dollar Store that we're accustomed to seeing, could do so without coming through Planning and Zoning and without coming through this Commission. **Mr. Richardson** said currently, that is correct.

Commissioner Townsend said just for the record, that does give me pause that there would be no mechanism at all for the Planning Commission or this body to look at these new types of dollar stores or small box variety stores. I voted several years ago for the ordinance. I am not opposed to having commerce come to our city, particularly in District 1 and some of the others, there was a proliferation of them so close together that gave it the pause. I wanted to ask these questions so it was clear what would happen now that we don't have an ordinance and where this would go.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve this ordinance amendment be withdrawn and become part of the zoning ordinance rewrite. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Murguia; and one “No,” Townsend.

MISCELLANEOUS ORDINANCES (Final action on previously approved items)

ITEM NO. 1 – 19714...ORDINANCE: VENDING MACHINES

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, Kansas, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-32-19**, “An ordinance regarding vending machines, and exterior sales and modifying the regulations thereof; amending Sections 27-340 and 27-612(6) to Chapter 27, Article VIII, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 2 – 19783...ORDINANCE: REZONING PROPERTY

Synopsis: An ordinance rezoning property hereinafter described located at approximately 3214 Strong Avenue in Kansas City, Kansas, by changing the same from its present zoning of CP-1 Planned Limited Business District to CP-3 Planned Commercial District, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-33-19**, “An ordinance rezoning property hereinafter described located at approximately 3214 Strong Avenue in Kansas City, Kansas, by changing the same from its present zoning of CP-1 Planned Limited Business

District to CP-3 Planned Commercial District.” **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 3 – 19784...ORDINANCE: REZONING PROPERTY

Synopsis: An ordinance hereinafter described located at approximately 3201 Pomeroy Drive in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-34-19**, “An ordinance rezoning property hereinafter described located at approximately 3201 Pomeroy Drive in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.” **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 4 – 19785...ORDINANCE: REZONING PROPERTY

Synopsis: An ordinance vacating a utility easement at 5443 North 101st Terrace, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-35-19**, “An ordinance vacating the south 5.00 feet of Lot 62, Estates of Connor Creek, Second Plat, located at approximately 5443 North 101st Terrace, Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATION

ITEM NO. 1 – 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. The representative, R. Scott Beeler on behalf of the property owner, Ruffin Woodlands, LLC wants to store motor vehicles, SUV's, pick-up trucks and semi-trailer and/or vehicles to help companies in the area that need the space on a temporary basis on 56.27 acres at 9700 Leavenworth Road. The Planning Commission voted 7 to 2 to recommend continuation of Special Use Permit Application #SP-2018-54, subject to the original stipulations being amended to add the following:

1. Hours of operation are 7:30 a.m. to 7:30 p.m. The only exception is the changing of security shifts.
2. The approved time frame is not extended beyond the original two-year approval. The special use permit will need to be renewed on or before May 31, 2020.
3. The maximum number of trips in or out of the site combined is 420 no matter how they are delivered. This would not count up to 60 transport trucks leaving the site.
4. The Unified Government expects 100% compliance with all stipulations. Close is not sufficient.
5. Proper transport paperwork and insurance to drive Kansas Roads in all vehicles.

Mayor Alvey said as the Clerk announced, #SP-2018-54 will not be heard this evening. It will be held over to the June 27th meeting.

Mayor Alvey said we will now hear the item that was added to tonight's agenda, which is consideration of an appeal by the Eighth Street Baptist Church regarding denial of their Certificate of Appropriateness #CA-2019-2 by the Kansas City, KS Landmarks Commission for the demolition of an existing home at 809 Oakland Avenue. The Landmarks Commission voted 7 to 0 to recommend approval for the denial.

ITEM NO. 2 – 19786...CERTIFICATE OF APPROPRIATENESS #CA-2019-2-EIGHTH STEET BAPTIST CHURCH

Synopsis: Consideration of an appeal by the Eighth Street Baptist Church regarding denial of their Certificate of Appropriateness #CA-2019-2 by the Kansas City, Kansas Landmarks Commission for the demolition of an existing home at 809 Oakland Avenue, submitted by Robin Richardson,

Director of Planning. The Landmarks Commission voted 7 to 0 to recommend approval for the denial.

Rob Richardson, Director of Urban Planning, said this is the single-family bungalow style home adjacent to the church, which is directly across the street from Sumner High School. It's one of the few remaining structures that gives any context to the historic landmark that Sumner High School is and as they're designated nationally to be. The Landmarks Commission felt it was worthy of saving that structure rather than demolishing it.

It comes to you tonight with the Landmarks Commission recommendation not to allow it to be demolished. I would note that there are some members of the Landmarks Commission present this evening if you have questions.

Harold Simmons, 1712 N. 80th St., said we represent the Eighth Street Baptist Church. The house in question was the parsonage of the Eighth Street Baptist Church. It's been vacant for over ten years. Pastor died in 1985. His widow stayed there until a little over ten years ago.

The house is totally destructive on the inside. We've had to run people out because we've had people break-in; homeless. About four months ago, someone came and tore out all of the pipes in the basement and left the water running. Also, they tore out the gas pipes. We had to call in the Gas Service Company and the BPU to get everything cutoff from the outside.

The house currently is right next door to the church. We're no longer in the housing business and we really don't want anyone living next door to the church.

We have a contract with the school board that when we get the house demolished, the school board has a contract with us to use our parking lot. The school board is going to come in and pave it and put more parking spaces there. The house, literally, is not for any rehab of any kind.

Mayor Alvey opened the public hearing and asked if there is anyone present who would like to speak in favor of the Certificate of Appropriateness. No one appeared.

Mayor Alvey asked is anyone present in opposition. No one appeared in opposition.

Mayor Alvey closed the public hearing.

Commissioner Bynum said I had spoken briefly to Commissioner Johnson before he was called away from this meeting. It's his understanding that at the Landmarks Commission meeting, the minister and representatives from the church had been unable to be present to explain their position on why they were hoping to be able to demolish the house. With that, I would ask this body to consider returning this item to the Landmarks Commission so they can have that discussion.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Townsend, to return Certificate of Appropriateness #CA-2019-2 to the Landmarks Commission.**

Commissioner Murguia said I just have a process question. If you could clarify for me, Administrator Bach. Is this house owned by the church? **Mr. Bach** said I'd have to ask, I believe it—**Mr. Richardson** said yes, it's owned by the church. **Commissioner Murguia** asked is the church requesting permission to demo it or are they asking the government to demo it. **Mr. Bach** said they're asking to demo it themselves. **Commissioner Murguia** said they're asking us because it's on the historic registry and they have to get local government permission before they do that. **Mr. Bach** said yes. It went before the Landmarks Commission who denied their request to demolish the property. You, as a governing body, can override that.

Roll call was taken on the motion and there were nine "Ayes," Kane, Markley, Walters, Philbrook, 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.

Commissioner Bynum said the items that are appearing on the Regular Consent Agenda were the items that came forward from the Public Works and Safety Standing Committee on May 20th. All

of these items found their way onto this Consent Agenda because they had a unanimous vote of that standing committee. That being said, from what we can see by tonight's audience, Item No. 3 has brought out a number of folks from the public. We've already acknowledged by having them sign in that they would like to speak. With that being said, I'd like to pull Item No. 3, the ordinance repealing the ban on Pit Bulls.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve all remaining items on the Consent Agenda.** Roll call was taken and there were nine "Ayes," Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia.

ITEM NO. 1 – 19743...RESOLUTION: BPU BARBER-ROSEDALE 161KV TRANSMISSION LINE

Synopsis: A resolution declaring the BPU Barber-Rosedale 161kV Transmission Line to be a necessary and valid improvement project, and authorizing a survey of lands for said project, submitted by James Bain, Assistant Counsel. On May 20, 2019, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-31-19**, "A resolution declaring the necessity and authorizing a survey and descriptions of lands to be acquired by the right and power of eminent domain for the location, laying-out, construction, installation, expansion, repair, maintenance, operation and use of a Board of Public Utilities electrical transmission line between the Barber Road substation and the Rosedale substation, all in Kansas City, Wyandotte County, Kansas." **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to adopt the resolution.** Roll call was taken and there were nine "Ayes," Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia.

ITEM NO. 2 – 19744...RESOLUTION: BPU ARMOURDALE TO ROSEDALE 161KV TRANSMISSION LINE

Synopsis: A resolution declaring the BPU Armourdale to Rosedale 161kV Transmission Line to be a necessary and valid improvement project, and authorizing a survey of lands for said project, submitted by James Bain, Assistant Counsel. On May 20, 2019, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-32-19**, “A resolution declaring the necessity and authorizing a survey and descriptions of lands to be acquired by the right and power of eminent domain for the location, laying-out, construction, installation, expansion, repair, maintenance, operation and use of a Board of Public Utilities electrical transmission line between the Armourdale substation and the Rosedale substation, all in Kansas City, Wyandotte County, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia.

ITEM NO. 3 – 19745...ORDINANCE: REPEAL BAN ON PIT BULL DOGS

Synopsis: An ordinance repealing the existing prohibition on owning or possessing pit bull dogs within the city limits, submitted by Jeff Conway, Assistant Counsel. This ordinance is sponsored by Commissioners Bynum and Philbrook. On May 20, 2019, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Commissioner Bynum said this item did appear, again, at the standing committee level on May 20th. We heard from folks in support of the repeal. We also had questions at that time for our Animal Services Director, Jennifer Stewart, who is also here tonight. At that point, we did unanimously vote to bring this repeal forward. That being said, tonight’s audience shows us that we have folks here, I believe, both for and against repealing this ordinance.

I would say by way of opening remarks, I feel like we’re at a point in our work with animal services that we’ve not attained in not only just a few years, but possibly decades; that point is that with all due respect to anyone who ever tried to run this department or do this incredibly difficult

job of being an animal services officer, we now have an animal services director who is completely committed to doing the work that we have given her to do in this community.

This is a building that is not adequate. This is a department that is not adequately resourced. We do bear that responsibility; however, I will tell you that as I have told the numerous community groups that I've spoken to over the last few months, if you know anyone who would like to be an animal services officer, you can go on our website on almost any given day and see an opening for that job. We would certainly encourage anyone who would like to have that job, to apply for that job. I will tell you it is not an easy job, but we do need more of them. That shortage makes efficient work within this department more difficult.

What we have now in our community is an opportunity to work strategically, not by just putting band-aids on things. Sometimes band-aids heal nothing. What we have in front of us is an opportunity to be strategic.

Prior to my arrival on this Commission, and ever since my arrival on this Commission, what I have watched our Mayor and fellow commissioners do is work and think strategically around the use of our many scarce and precious resources. I view this opportunity as one piece of a puzzle toward being more strategic around the use of our limited animal services dollars, which is why we did ask Jennifer Stewart, our Director, to be here in case we had questions for her.

Not only that, we have for the first time that I know of, and I've been questioning the work of this department long before I ever made my way onto this Commission—and I'm sure everyone here did as well because we all know that this is a constant and continuous complaint that we hear in our community; the failings of this department.

For many, many years I had no concept of how to change that, how to make it better, how to make anything better for the very difficult work that our animal services' folks were trying to do for us.

Alongside us came a group, a committed group of volunteers, people who came together from animal rescue groups and formed a coalition because they recognized that they were spending their resources to help us do our work. They realized if they came together as a coalition and worked alongside us, that we could all do so, so much better for this community than we have been doing for, again, I dare say decades. That is what has been happening for the last several of years in this community.

We have a coalition of volunteers, I will say it again, using their own nonprofit resources that do not total a few thousand dollars, but rather total tens of thousands, possibly, I'm not sure, more than a hundred thousand dollars of their money coming alongside our animal services department to problem solve, to get out in our streets and do real pet owner education, to provide low-cost spay and neuter. I could go on and on about the work these folks are doing for and with us in Wyandotte County. If you ever have the chance to have them tell you what they're doing, you will not believe it. It is remarkable.

That is why I have come to the conclusion that we can repeal this Pit Bull ban. We've already put the dangerous dog ordinance in place. We did that in 2014. We can do better by this community. I'll leave it for the public and their comments and the questions that the commissioners might have. That's the opening statement that I want to make. It's the first opportunity that I know of in our community in a very long time that we have an extraordinary window of opportunity through those who stepped alongside us to help us.

Mayor Alvey said we will now take comments from the audience. Normally, we would ask for those in support to come forward first and those in opposition, but since everyone has signed up and we have the order in which you signed up, we're going to follow that order.

I'd ask the Clerk to please read those names off. The second name is the person who will be up next. You are given two minutes. At one minute, she will just make note to you that you have one-minute left.

Carol Godsil, Deputy UG Clerk, said I will note, we have 20 people who have signed up to speak.

Darrin Dillard said I've lived in District 5. I've lived in Kansas City, KS, for roughly 20 years. I also wanted to thank you guys for allowing us to get this chance to speak tonight on behalf of repealing BSL.

I've owned and interacted with dogs my entire life never having a problem with breed specifics. I strongly believe it is time repealing the BSL in our city is important. Pit Bull dogs are just like any other dog and should be treated as an individual. We shouldn't judge people by their looks, so why is it okay to judge a dog. It's impossible to predict if a dog is dangerous based on

its looks, not its behavior. Any breed of dog can be dangerous. We need to focus on dangerous dogs in our city, not just Pit Bulls.

KCK has a dangerous dog ordinance that is much more effective at addressing the behavior of all breeds of dogs regardless of how it looks. It does not make sense for the UG to have both ordinances. The dangerous dog ordinance is much easier to enforce, while the breed ban is expensive and does not work.

As a resident of Kansas City, KS, taxpayer and dog lover, I'm asking the commissioners tonight to repeal the BSL.

Joseph Nibert said I live here in Kansas City, KS, District 8. I'm here to speak on behalf of repealing the BSL in Kansas City, KS. Protecting the people of Kansas City from dangerous dogs should be, and always should be, a number one priority which is why our public safety laws should focus on the behavior of the individual dog and the owner, and not obtain misconceptions about certain dog breeds. I believe it is important to support ordinances that emphasize public safety, public responsibility, and individual acceptability, and repealing ordinances for a safer community.

In addition, overcrowding in the KCK animal services facilities caused by breed ban makes it difficult for our officers to do the job properly.

I'd like to thank you guys for listening tonight for your time.

Cori Williams said I'm a resident, a homeowner, a taxpayer in District 2. I want to thank all of you, Mayor, for coming out this evening and listening to us. I know this has been an emotional issue for a lot of people, but for me, it's a taxpayer issue. I know that animal services spends roughly \$250,000 a year just to house and deal with Pit Bulls. From what I understand, that's a fourth of their budget. I think that the resources that they have not only monetarily but space could be better used. I think that we should join our cities of Bonner Springs and Edwardsville, which are also in the Unified Government, and repeal the breed specific legislation. Thank you for your time.

Kate Fields said I represent the Humane Society of Greater Kansas City, 5445 Parallel. Thank you for this opportunity. I want to come to you with my background with how this affects the Humane Society. We are the veterinarian of license for KCK Animal Services. We're down there

five to six days a week taking care of all the dogs and cats that are there. Any hurt, abused, and neglected animals that come through our place, if they're broken, if they're hurt, if they're shot by a gun, then we take those dogs and those cats and we fixed them on our dime and then we find homes for them.

Currently, right now in our shelter, we have 45% Pit mixes. The problem with that is we can't adopt them out into our own community where they came from. What this does is also cut our ties with being able to help other people surrender their dogs and their cats to us.

Ten years ago, we did the Ray of Hope Program to be able to take animals out of KCK into Olathe to adopt at the Pets Mart in Olathe because we couldn't adopt Pit Bulls in our own community. I think that's a shame. This is archaic and outdated rule, and it needs to change. I thank you for your time and I really appreciate it.

Katie Thurbon, 5121 Melody Lane, said I'm a resident of District 6. I'd like to start by thanking you all for your time and consideration of this issue. I also work in an animal shelter. I work at Great Plains SPCH, just over the border on the Kansas City, KS, and Merriam, KS.

Every day, I get to see the passion that people have for the pets in their lives, for the homeless pets that are in my shelter. As I think you'll see and have seen here tonight, BSL legislation is no different. Emotions run high and opinions run very deep. However, tonight I strongly urge you to set emotions and opinions aside and consider the facts. The fact is, this law that we are considering tonight is unenforceable.

As you heard Commissioner Bynum say, and as I'm sure if you ask her, you'll hear Jennifer, the Animal Services Director, say the animal control officers—we do not have the resources to pick up every Bully breed that lives in Kansas City, KS. If we did, we would not have the space to hold them.

I hope that you all have been to our KCK holding facility. I know when I have been there, there has seldomly been any kennels open. We just don't have the resources to enforce this law.

Again, tonight, I would urge you to consider the facts. I do not believe it makes sense to have a law that is unenforceable. It does make sense to have a law that keeps our citizens safe and that is what we have in the dangerous dog ordinance from 2014. The breed specific legislation does not work and it is not needed. Thank you for your time.

Jimmie L. Banks said thank you to the Commission for allowing me this opportunity to speak. I have a flyer which I'm assuming all the commissioners have received. There are other copies for those who might want one.

Tonight, our Board of Commissioners will consider the repeal of the ban on Pit Bulls. The ban was originally imposed in 1990 and intervening efforts for repeal have all been defeated. The most recent repeal effort was proposed following the death of Mrs. Jimmie Mae McConnell.

On July 27, 2006, this is fact, Mrs. McConnell, a 71-year-old senior citizen, mother, grandmother, and beloved member of the community, was attacked by a pair of dogs, one being a Pit Bull, while gardening in her backyard. She had complained about these dogs on several occasions fearing that one day they would attack. She told her children that that was her fear that one day these dogs would attack. On July 27, 2006, they did. They jumped her fence. They mauled her. Emergency assistance people were called. When they got there, the Pit Bull was still engaged in tearing apart her body.

The owner of the dogs was convicted of involuntary manslaughter and sentenced to four years in prison. When they came upon her, they had to use an axe and a pole to remove the dog. In other cases where there's been graphic depictions of Pit Bull attacks, the only way to subdue them is to shoot them. Then, on occasions, because of the pounds per square inch strength of their jaws, they have often been removed by using the jaws of life, whatever they call those things that extricate people from serious accidents.

Mayor Alvey said, Rev. Banks, you've exceeded. Would there be a motion to extend the time for Rev. Banks?

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Townsend, to allow Mr. Banks to continue.** **Mayor Alvey** said you have two more minutes, sir.

Mr. Banks said the mother of the dogs' owner who was convicted stated that in her view, the government is negligent for failing to enforce its rule. Contrary to the current opinions of Pit Bull lovers and protectors of dogs in general, the Pit Bull is no less vicious, aggressive, and a potential killing machine than in was in the past.

The breed genesis is traced back to ancient times to the Molossian family of dogs, which included the Pit Bull and the Mastiff, breeds well known for their fierceness and ability to intimidate and dominant not just other dogs, but also humans. We're not talking about a dog bite; we're talking about a dog who attacks with the ability to kill. Kill children, kill adults, kill members of the family that raised and nurtured them spontaneously.

From a strategic standpoint, I don't understand how the addition of personnel will help deal with a situation that's been banned since 1999, and we still see a large number of Pit Bull owners who have come to the podium to speak and they own dogs that are prohibited in Wyandotte County or in Kansas City, KS.

The data that I have here speaks for itself. Out of all the dog fatalities, Pit Bulls represent 66 - 70% of the 471 deaths that have been caused by dog bite fatalities between the period of 2005, and there's a misprint, 2005 and 2018. In 2018, 39 dog bite fatalities occurred. Pit Bulls accounted for 70% of these deaths.

I'm emotional, but I'm also practical. I look to this body to be fair in developing an environment here where we're all safe. I'm not sure that we would ever put on the billboards coming into Kansas City, this is a city that welcomes Pit Bulls. Thank you for hearing me.

Marlyn Nevels said I come in opposition to the Pit Bull being allowed to be in our community. They are a very intuitive dog. Dogs, as a rule, I'm just saying, when they are loved and when they are feared—these dogs, they can and have preyed on people. I think you should retain the ban on Pit Bulls. Thank you.

Lark Brown (no show).

Cheryl Buell said I am a resident of KCK in District 1 and a homeowner. I wanted to share with you first-hand knowledge I have of how the Pit Bull ban is not contributing to public safety and it's costing taxpayers a ton of money.

Back in 2007, Kansas City, KS Animal Control vigorously enforced the ban and confiscated many pet owners' dogs. The owners were faced with destruction of their dogs, fines, and jail time. A group of us citizens and Kansas City dog advocates hired an attorney; helped these dog owners in court. In dozens of cases heard, the average court case dragged on for nine

months. Each time we went to court, Kansas City, KS Animal Control officers were not in the field, but in court, often two to four officers. In the cases, testimony was never about the behavior of the dogs because none of the dogs had exhibited dangerous behavior, but we were simply debating the dog's looks. We won every one of these cases. The city could never prove the dogs were 51% or more Pit Bull. They lost every case.

I wanted to let you know that I have been studying, ever since I lived here, what's been going on with animal control laws. It's been a great interest to me.

The Northeast Neighborhood Group met back in former Mayor Carol Marinovich's days. That's how long this has been going on. They approached her and wanted to meet about dangerous dogs; biting dogs. They didn't say Pit Bulls; dangerous dogs. Here we are again. We're still debating the same old issues. Emotional issues are coming into play. We're not using logic. We're not using sanity.

The laws are here. Please, please, I implore you to repeal the Pit Bull ban. Allow our officers to use their resources to vigorously enforce the dangerous dog laws we have on the books. Let's go after the bad dog owners, get their bad dogs out of this community, if need be, euthanize, and let's confiscate and go after the dog owners that are causing the problem. It won't be solved unless we go after all breeds of dogs. We can debate this until ad infinitum. Thank you for your time.

Cristina Acoste, 618 Vale St., said I'm in District 3, Commissioner Ann Murguia's district. My background with animals, particularly this breed, includes growing up volunteering in local animal shelters, working at a vet hospital, and watching several dogs when they had nowhere to go. I could go on and on about how wonderful this breed is, but particularly, a problem in my area that me and my neighbors and others feel is lack of support from the city.

There's a problem when we call several times for dogs at-large only to have a note stuck on our door the next day. A few days pass and sadly one of those incidents—one of my animals was mauled, not by a Pit Bull, but by a dangerous dog at-large. This could have been prevented had animal control had more resources given to them. I admit, it's gotten better since the dangerous dog ordinance, but we can't be at our best without the resources.

Fast forward to now, I find, and others find, that animal control is spending one to two hours knocking on responsible owners' doors because their neighbor said they have a Pit Bull for

a dog 30 - 55 pounds with a block head that looks like a Pit Bull. That's time from the city. Our money, approximately \$246,000 goes into ban enforcement, which we already know is not effective.

Today, I am asking for you to repeal the BSL ban and put our taxpayers' dollars and time toward supporting the dangerous dog ordinance and holding owners, not the breed, accountable. Thank you for your time, Commissioners.

Susan Kaufmann said I appreciate your time and the opportunity to speak in favor of repealing the ban on Pit Bulls. My husband and I own a business in Commissioner Kane's district, and I work at the University of Kansas health system as well.

I'm the program administrator for the KCK Pet Help Program, which Commissioner Bynum was speaking about in her remarks. We started this program almost three years ago by joining together a group of six different organizations that include: animal shelters, rescues, veterinarians, and outreach program. Our one mission is to work together with animal services side-by-side to help make KCK a better place for people and pets.

We are dedicated to reducing the homeless animal population in KCK as well as helping to make vet care more affordable for its residents. We know that the residents of KCK love their pets and sometimes they just need extra resources to take good care of them.

We're the people out there in the neighborhoods in the cold, and the rain, and the extreme heat. We're out catching dogs. We're out helping to trap cats.

In the past several years, we've raised \$239,000 since January 2018 in grants to help fund free spay/neuter services for owned pets as well as our Community Cat Program where we catch, spay/neuter, and release feral cats.

Our volunteers have spent about 10,000 hours trapping cats. We're working with colony caretakers who care of them. We've had more than eight colony caretaker open houses, and we've provided an average of 600 pounds of dry cat food and wet cat food for free. We built and distributed hundreds of feral cat shelters. May I have...

Mayor Alvey said I'll entertain a motion to extend.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Townsend, to extend for two minutes.**

Ms. Kaufmann said the outreach teams that we work with from both the Rescue Project and the Great Plains Hero Team, they spend about an average of 24 hours a week in KCK. Since January 2018, that's almost 2,800 hours spent out in the field doing outreach and education with dog owners. They've also distributed more than \$100,000 in supplies including: dog houses, cable tie outs, food and water bowls, straw, and more.

The KCK Pet Help Program opposes breed specific legislation because it doesn't work. It's time to trust Wyandotte County and KCK pet owners and believe that they can make the best decisions for their families. Breed-based restrictions do nothing to address the problem, but rather take away beloved dogs away from the families who want them. Trying to address problems in the community by targeting dogs by breed is a poor strategy and it does not improve public safety or animal welfare. In fact, no jurisdictions, state or local, with BSL has ever been able to demonstrate an increase in public safety or a significant reduction in population of banned dog breeds. Breed-based laws are costly and difficult to enforce. They contribute to overburdening and under resourcing animal services.

We really support having a safe community. We would not be advocating for this repeal. We think that that dangerous dog ordinance is excellent and we need the resources to reinforce it. For that reason, we ask you to please support repealing the ban.

Tracy Smith said thank you for this opportunity to speak. I live in District 4. I've been a resident of KCK for over 30 years. My wife and I are passionate about dogs. We believe the BSL should be repealed in KCK. Labeling a dog, a Pit Bull, is subjective and many times dogs are misidentified as Pit Bulls when they are not. When this happens, dog owners rack up thousands of dollars in legal bills, fighting citations, and possibly having to give up their dogs. This causes hardship for many people who cannot afford it. Many times, it results in having to make a hard decision to not fight an incorrect identification and abandon their pet at the shelter.

The breed ban is also bad for relationships among neighbors sometimes. It is not unheard of that one neighbor has a disagreement with another and out of spite, would call animal control services even though the dog is not a Pit Bull. Then animal services officers have to spend valuable

time investigating the complaint when his or her time would be better spent in the field picking up stray animals or enforcing the dangerous dog ordinance.

In conclusion, it is time to repeal the Pit Bull ban in KCK and stop wasting valuable resources on an ordinance that not only does not work, it causes harm and hardship in our community. We are all better off if we focus on enforcing the dangerous dog ordinance instead. Thank you for your time.

Modi Nichols (no show).

Ann Marie Wilson, 2500 S. 47th Dr., said I have lived there for the last 26 years. I've spent my entire life in KCK. Recently, I became aware of the Pit Bull ban because an officer came to my door to tell me that she had a report of a Pit Bull residing at this residence. I had to tell her, I do own one. I acquired this dog when my ex-husband was killed in a workplace accident in January. My three children, his children, one of the few things that he wanted was his dog because that dog was so attached to him. I couldn't tell my children no so we have this dog. I explained that to the officer and she felt horrible that she was having to give me a ticket because she understood that the dog probably wasn't—and here she was out there doing this.

I just want you to know, I absolutely support the dangerous dog. I want that to stay on. I just don't want it sectioned off for a breed. I think that's just uncalled for. I've grown up in this community and I'm considering selling my house now because I can't give this dog away. That's pretty sad but true. I know that's no big whim for anybody that one person is going to move out of the city, but I just want you to know that's where it is. That's where it stands for me. I can't do this to my children. They've lost their father. I can't take this dog away from them.

Angel Wilson is my daughter. I don't believe she's going to be able to come up so you can go on to the next person.

Theresa McConnell said I am a part of the McConnell family. Jimmie Mae McConnell was the victim that was killed in July 2006. As we were listening, one thing that I think that we need to see and understand is that God created everything for a specific purpose. The Pit Bull was designed to handle in the fields with animals and not necessarily with people.

As I was writing the letter and putting it together to bring before the commissioners, I checked and happened to look online. On that very day, a lady in Florida had been attacked by three Pit Bulls. The dogs were trained. It's been in the family for a long time; however, for some odd reason, it's innate nature to part and that woman was attacked.

At any given time, regardless of how much one has trained or has spent time, no one knows that day nor that hour when that dog is going to attack. I just ask that we be mindful of the very fact of creation, what the dog was actually created for. Thank you for your time.

James McConnell, 3209 N. 109th Pl., said I'm in District 5. Mike Kane is my commissioner. I stand before you tonight. Mrs. McConnell, Jimmie Mae was my sister-in-law. I want to make a point that this is not tonight. Tonight really is not about Mrs. McConnell. She's in heaven now. This unfortunate incident happened.

We are here in support of upholding the ban because of in fear that other individuals will, in fact, have the same kind of situation happen to them as it happened to my sister-in-law. We are here not to keep bringing this up, but for her because she's gone. Other children—children are—because of stray dogs that are out there, children are terrified in getting off of buses, school buses, because of stray dogs. Many of those stray dogs are Pit Bulls.

I grew up in the house. I grew up in the home with my sister-in-law. When my dad passed away when I was in the eighth grade, I lived with them for six years until I went away to college. When the district attorney allowed the close family members to see pictures, it was horrific, the fact that the Pit Bull went in there and just, it was just terrible.

We are here for the purpose of wanting to make sure this doesn't continue to happen with other individuals. Children—I really feel very, very sorry for the lady who spoke a few minutes ago, but those Pit Bulls can turn in an instant on those children. If it's a situation of economics, there's got to be something that can be done. Please, in fact, do not repeal the Pit Bull ordinance. Thank you.

Teresa Hernandez (no show).

Sydney Drysdale, 8121 Ella Ave., said I'm a representative from District 7. I'd first like to say thank you for hearing us out and thank you for your consideration of the breed ban repeal and your time, especially Commissioner Jim Walters from my district.

My husband and I recently bought our first home in Kansas City, KS, on Ella Ave. We love the diversity and vibrance our community fosters. We almost decided against moving here because of the breed ban. We ultimately made the choice to move here because this is a place we care about and we saw a commitment to change. I'd like to do my own part in cultivating change by being a part of this great movement to repeal the breed ban.

As a mother of two rescued hounds from the Rescue Project and Kansas City Pet Project, you may be wondering what my proverbial dogs is in this site. As a dog foster parent for Kansas City Pet Project and the Rescue Project, I've seen first-hand the impact of limited resources in the animal welfare community of Kansas City, KS.

With the dangerous dog ordinance in place, a breed ban is discriminatory, difficult to enforce, and ineffective, while utilizing resources that could be more effectively used to care for homeless and stray animals as well as being used to enforce the dangerous dog ordinance.

Repealing the breed ban would allow for more available space in Kansas City rescues and shelters while keeping beloved and well cared for pets in their home. Ultimately, this is about more than Pit Bulls and dangerous dog ordinances. This is about our chance to be a more inclusive and forward-thinking safe community that encourages responsible pet ownership and young professionals, like myself, to join in, to move into Kansas City, and to really make a change. Thank you for your time.

Joe Acosta (no show).

Mayor Alvey said I want to thank all the members of the public present today for bringing your thoughts and feelings to us. Public comments are closed.

Commissioner Kane said we often talk about these decisions are hard to make and that instead of two sides to the story, on this one here, there's probably eight sides to the story. My personal experience with Pit Bulls, my daughter had them in college. She had two. She brought them home

on weekends. They were just as good as any other dog. They were never out of line. They never did anything wrong. They were there to protect her.

I wasn't for the ban in 2006. I've never been for the ban. We're fighting as a community. We're fighting because somebody looks this way or somebody looks that way. The bottom line is, it's not the dog itself, it's the person that has the dog. This vote, it isn't good for either side. I'm going to make my vote based on my past experience.

She had those dogs for four years. When she came back from college, she had to give them up because she moved back to Wyandotte County. There was no good end to that. Like I said, I didn't want the ban in the first place and I don't want it now.

Commissioner Townsend said first of all, I agree with Commissioner Kane. This is a difficult decision. We're talking about emotions. We're also talking about facts. I want to thank everyone who came out tonight no matter what side of the issue you find yourself because it shows that you are participating in the deliberative process. I, as a commissioner, appreciate that. Your voice is and your appearance is vital to all of us here who have to make those decisions.

Having said that, as commissioner in District 1, the ban was in place when I came into office. I did support the continuation of the ban four years ago and I'll continue to support it tonight for a few of the following reasons. There are many, but here are a few.

Basically, I see it as an essential tool, not flawless, but still effective in helping to regulate and maintain public health and safety of our citizens. We've heard several owners tonight talk about how lovable their dogs are, but we're talking about situations where these dogs may be in the community not just with their owners. You can read any number of articles that talk about this breed as—some of us might view that this breed, particularly, even turning on the owner. Thank heaven for those who've not had this experience. However, there's documentation out there that show that that can happen.

In terms of the ineffectiveness of it, I think this discussion raises a good point that I think is better addressed by us as a budget issue. I've heard Commissioner McKiernan say it a number of times on various subjects, maybe we need to have—I'm paraphrasing, Commissioner. I'm not holding you to this—the rubber hits the road in money. It does sound like there are a lot of people who have volunteered their time to help us in Wyandotte County with the animal situation. Maybe it's time to give more money in our budget to those particular situations. I think it would be a

mistake to lift the ban. That is still a public safety issue that can work in concert with any other different type of hazardous dogs. Because of the unique particularity of that species, I do believe this ban specific legislation should stay in effect.

I don't know if all of us have read, I know there was any number of letters, emails sent to the Commission. I looked at some. Again, I'm thankful for those who chose to give their voice to both sides. One, in particular, caught my attention and I'd be happy to share with anyone who contacts me. It was an email from a doctor in Wisconsin who performs surgery, pediatrics particularly, and has come across any number of children who have been mauled, children and others, by a Pit Bull. She's also a member of the Counsel on Injuries, Violence, and Poison Prevention.

She talks about the particular level of destruction that when this type of breed bites, it's unlike any other. It talks about the fatalities, according to her article, Pit Bulls and other dangerous dogs have become an epidemic, her word, public safety issue over the last 10 – 20 years and it's only getting worse. According to this doctor, Pit Bulls killed 26 out of 36 people, killed by dogs in 2018 in the United States. Even in this article, it says that our US military, that's the best in the world, does not allow this breed on US military bases.

We want to continue to look at this, I do, as a public safety issue and one tool. It may not be flawless in the way we've executed it, again, I think there's another way to look at this. That's probably coming off some dollars to help our people who are doing the best job they can with it. That's another issue. That should be the economic burden put on us.

Speaking of economics, I talked with my insurance carrier four years ago and that position has not changed. We don't want another situation like a Ms. McConnell. I think a lot of us want to go to heaven, but I'll admit, I'm not particularly in a hurry to get there. We don't want to put the public at risk. I don't believe we need to with this ban. Even if we have a lot more of these mixes or the breed housed currently. I think that's still preferable to putting the public at a higher level of a risk than other dogs. Are these the only ones that are dangerous? No, but my insurance company, as a homeowner, would not cover me if I had this particular breed. Unfortunately, it did escape even at home, mauled, bit, killed, injured someone. To me, that's not satisfactory because it shifts the burden of government. What we're trying to do here is keep people safe and be fair to their particular likes. I believe that if we lift the ban, it would incorrectly shift an economic burden,

we haven't talked about really tonight, to those people who are the victim of a dog attack by a Pit Bull.

I did see an article, this is one I looked up just to find out what the general cost of a dog bite is. This is an article published by Insurance Info Institute and State Farm. It's called, "The Costs of a Dog Bite." This was published back in April 17, 2016. It said that dog bites and other dog related injuries accounted for more than one-third of all homeowner liability claims paid out in 2016. That's three years ago. The total amount was \$600M. The average cost of a claim nationally at that time, three years ago, was \$33,230. This was not breed specific, but just to give you some point of reference for what an insurance carrier paid out for any dog bite. Certainly, the nature of the bite described in some of the literature we've gotten from a Pit Bull is more serious, more grief if you survive it. Therefore, you can expect that the average cost would be higher than that.

Let me share a personal experience I had just recently, within the past three weeks, driving home and going to park my car. Out of nowhere in the alley adjacent to my house, this Pit Bull lunges out of nowhere. It's on a chain. My window was rolled down. I hastily rolled it up on the passenger side and then proceeded to call my neighbor, who's good people, and asked them was that their dog. They said it was. I didn't ask them if they knew, but I said you know, those breeds are not allowed in Wyandotte County. You have to remove the dog. They complied.

I hate to think what would have happened had that dog, who never seen me before, or I never had any contact before, gotten loose on kids that play in that alley all the time. According, again, to the article of Dr. Marusinec, that in that article it mentions that Pit Bull Terriers are relatively more likely to attack an unknown individual 31% of the time more than another breed, and without provocation 48% of the time. I know its emotional for all of us here, but those are what the numbers indicate.

I would just have to exercise what I was taught in law school, to error on the side of caution. If we repeal the ban, there's potentially more harm to the public at-large than if we leave it in place. I know it is not flawless, but that means, we, as a Commission, I think need to look at other ways to give our animal control people more financial help. That would be the way I would go without shifting the burden and increasing the probability which, I believe, is unacceptable for safety.

Commissioner Philbrook said I just wanted to wait until I got to hear from most everybody out there and up on the dais. Of course, it's been stated that I am supporting the repeal of the breed specific ban. That's true for multiple reasons. One of them is that we surveyed our community in 2016. About 82-83% of those surveyed said to repeal the ban. That's number one. Our community has spoken to us.

Then, the data collected since then shows us that 24% of our total budget for animal services is spent on breed specific services. We only have \$1,028,000 in our budget for animal services. That bothers me. I would like to see that money spent on dangerous dogs and eliminating the animals that are dangerous and have the folks that own these animals go in front of the judge and be dealt with that way instead of having folks going after animals that only look a certain way.

Now, am I saying that I don't believe certain animals are dangerous and that they have been raised to be certain ways? No, I'm not saying that. I, myself, have been attacked by several types of dogs and I have the scars to prove it, but we are not showing those tonight. What I'm telling you is, it's very scary; it's a very scary thing. My heart goes out. I can't image what it would be like to lose a loved one to an attack of any type. I understand that. I just wish that the ban that was put in in 1990 actually had accomplished something. It doesn't seem to have.

We're also losing a lot of grant money, OPM, other people's money because we have the ban. We could get a lot more money into our community to help out. We have a \$30,000 grant sitting out there waiting to help us get someone put in the animal shelter to help us move animals through, but they will not give it to us because of the ban. I know there's a lot of other money out there. There are folks who are doing all the volunteering, Pet Project folks and a lot of the other folks. There are plenty of different sources of money to help us take care of our community.

As I understand it, I just found out from Jennifer last week or the week before, I can't remember, time flies around here, that for the first time in I don't know how many years, we actually had an empty cat cage. What are the chances? You guys go what? What do you mean? How important is that? I'll tell you how important it is. It means that our animal control people and all of these volunteers have been working yeoman's job to take care of these problems. They are addressing a lot of them, but we are being warted by moving into dealing with exact actions by animals by looking at their creed, their race, their appearance. We're profiling animals. I have a problem with profiling. That's an issue for me.

When I was growing up, there was plenty of profiling going on in the 50s and the 60s. I'm telling you, it sucks. I know I'm speaking to folks who understand who were profiled. Nobody wants to be profiled. Folks who have these animals, they're being profiled too as being bad people. I'm not sure that's fair to them.

Going on about this, as I understand it, I heard a few amounts of money thrown around, the KC Pet Project and the Help Program have done. When they spoke the other night, I found out that when you add up all the time spent and all the money, that these two organizations have actually done a million dollars' worth of work for our community. That is an outside group coming in and helping take care of us. Thank you very much. I appreciate that. That is almost as much as what our budget is for animal services.

I'm not trying to shame my fellow commissioners in saying we need tons of more money. Yes, we do, but we have a limited amount of money to put out there. If we can have more help from folks who care about helping us take care of our community and the safety of our community, I don't want to run them away. I would like to have them with open arms, to be part of our community and be able to help us.

Commissioner Philbrook said after saying all that, I would like to ask Jennifer Stewart, who's head of our animal services, a few questions. I know you didn't opt to be here, but we need you for data.

How many animals, in percentage wise or numbers, however you want to represent it, are we dealing with on Pit Bull lookalikes or Pit Bulls versus any other dog? **Jennifer Stewart, Director of Animal Services**, asked you mean how many are in the shelter currently? Would that work? **Commissioner Philbrook** said yes, that would work. **Ms. Stewart** said I did an inventory before I came here tonight. Currently, we have 35% that are Pit Bulls or predominantly Pit Bull mixes. **Commissioner Philbrook** asked is that the average amount through the year, or do you have any idea. Do you know what it ran in 2018? **Ms. Stewart** said it varies anywhere from 25% - 35% generally.

Commissioner Philbrook said in talking about costing us around 24% of our budget dealing with these dogs now, what's the average stay between the two areas? **Ms. Stewart** said a Pit Bull's average stay in 2018 was 71 days. Non-ban breed was approximately 50 days. **Commissioner Philbrook** said so we've got an extra few days, needless to say, that we have to

take care of these animals so that's costing more. Plus, that fills up our animal shelter because we cannot move these animals on within our community. The people are not going to come back and get their dog because they're not supposed to have the dog in this county so that dog is left out there hanging. Then we have to find homes for these dogs. That fills up our shelters instead of giving us the opportunity to pick up dangerous dogs that we get calls on because it gets filled up.

I'm not sharing any names of any officers. I'm not going to do that. What I am going to tell you is that I have heard from some of the police officers that they're pretty upset with the fact that we are filled up with animals that didn't necessarily do anything so they can't get us to come pickup animals that we know are doing something. They're going out and killing cats and all that kind of stuff. It takes them weeks. I think we had a good outturn on one of those where people actually surrendered their animals that were killing cats, but it took weeks—**Ms. Stewart** said months. **Commissioner Philbrook** asked how long. **Ms. Stewart** said months. **Commissioner Philbrook** said okay, to get the people to finally—**Ms. Stewart** said to be transparent, it did take a while. The whole neighborhood was trying to help us catch two particular dogs that did a lot of damage. **Commissioner Philbrook** said I appreciate that work. That just goes to show you what kind of time and effort it takes to keep our community safe. We need to have your folks available.

While I'm up here testifying for you, if I understand it correctly, a town this size should have 20 officers and we have how many right now? **Ms. Stewart** said we're hiring three, so we'll have seven. **Commissioner Philbrook** said okay. That's better than what we had when we started this venture. That means we're woefully negligent of providing the number of people we need.

I want people out there to understand what kind of a fight this is. This is a fight to keep our community safe within the money that we have and being able to raise more money to take care of it.

How many of those Pit Bulls were picked up for bites? **Ms. Stewart** asked last year. **Commissioner Philbrook** said yes. **Ms. Stewart** said in 2018, there were 60 dogs picked up for bites, 12 of them were Bully breed. So 48 were not. To date, this was actually May 15th so I'm about two weeks off, we had 20 bites in 2019; 4 of them were Bully breed, 16 were not. **Commissioner Philbrook** said they're a smaller percentage. It doesn't make it good. All of those dogs are bad dogs, and I'm sure they'll have to go through their dangerous dog procedure to see what happens with them. I appreciate that information.

Is there anything else you want to tell me about? I know that all I need from you is facts. What facts have I forgotten to ask about as it affects us in working efficiently and effectively? **Ms. Stewart** said I think the most important thing for us is the length of stay being so long. It takes so long to find a home for a Pit Bull type dog. There are people in the community that want to either get their dog back, adopt, or even foster. We have a great relationship with a couple of different rescue groups who provide fostering before someone can adopt an animal or chose to. All of those people are in different counties and cities. They are helping ease that burden, but there are people in this county or city that would be more than willing to take a dog that currently is not allowed.

Commissioner Philbrook said I know what I forgot to ask you. How could we spend some of that money that we save by not chasing our tails, literally? What could we spend some of that money for that would help us get this stuff under control? **Ms. Stewart** said just the length of stay or—**Commissioner Philbrook** said no. For instance, what can we do with the dogs that come in that we pick up? How can we spend money, keep track of them, to move things along? We could pay for more spay and neutering.

We could chip every critter that came in the door. How much would it cost us to chip every critter that came in the door? **Ms. Stewart** said approximately \$18,000 - \$20,000. That also allows us to track recurring visitors. If one officer picks up a dog one month and a different officer picks up the dog the next month, we may not know it's the same dog. It's usually our kennel coordinator who says that dog has been here before and we realize it's been a second or third pickup.

We can use funding for an adoption coordinator or a volunteer coordinator that can help us feature those animals and reach out to different potential adopters and fosters. With the staffing, or lack thereof right now, I'm responsible for all of that in addition to all my other duties. I just don't have the time to work on finding adopters or fosters as much as we really need at the shelter.

Commissioner Philbrook said unless any of the other commissioners have any questions for you, I just want to make a list of comments here, and it's going to be pretty quick.

I started thinking about the issues around the fear of what would happen if we repealed this ban because there are fears, and rightfully so. Fear comes out of a lot of places. We all are afraid of something. I want to address this. This deals with the different communities around us that repealed the ban on Pit Bulls or any kind of breed specific law.

Bonner Springs repealed in 2014. There's been no increase in bites overall by Pit Bull type breeds since the ban was repealed. They also stated that the repeal has saved time and resources for the city. That was directly from the Bonner Springs people.

Edwardsville repealed in 2008. No increase in bites overall by Pit Bull type breeds since the ban was repealed. Lansing in 2015. No increase. Same thing. Tonganoxie repealed in 2016. There's been no increase since that's been repealed. Shawnee in 2018. That's only been a year's worth. They haven't had any increase. Roeland Park repealed in 2015 and there's been no increase in bites overall or by Pit Bull type breeds since the ban was repealed.

I felt it was necessary to share that information with everybody because of fear of the unknown, and fear that our families are going to be hurt. That's a very valid fear. I had to know for myself what the heck is going on around us and what the results of their repeal has done. I wanted to share that with you.

Other than that, thank you. I appreciate everybody indulging me with my two cents, or that's probably ten cents worth. I've been working on this for a long time. I can't tell you how much I appreciate everybody that has been doing their due diligence on trying to figure out what we can do and how we can help animal services make our community safer. That is one of our big complaints that we get from our folks in the city is not feeling safe because of animals running amuck.

Commissioner Townsend said just for clarity. My recollection when we did the survey that Commissioner Philbrook mentioned, in District 1, when that question was posed about the Pit Bull, it was in the high 30s, maybe 40 with regard to repealing the ban. The overwhelming numbers in District 1 did not support that.

The other thing is I know we may be missing out on money. There may be people who want to come in and give us money, but I still caution you. I don't think we need to go for that 30 pieces of silver, so to speak. The issue is more than just how much money you can get. As I said earlier, according to this institute and State Farm Insurance, the average cost of a dog bite is more than what we're talking about bringing in. I agree we have to do something to try to keep our people safe and lessen your burden, but I don't think it's appropriate to shift that burden to the public, which is what I think would happen if the ban was lifted.

Commissioner Burroughs said I, too, want to echo the appreciation for the public coming forward and expressing their issues. There's been much discussion about the repeal of the breed specific legislation or ordinance. I know that ordinance was significant when it was implemented. To the McConnell family, it's quite unfortunate. You have my utmost respect for how you handled yourself in this discussion this evening.

Emotional issues are going to divide the community no matter which way the vote comes down on this particular issue. I'm one that doesn't believe that we rescind an ordinance for noncompliance or for limited service or resources to ensure we comply with the ordinance. I just don't believe that is the reason to do away with an ordinance. That's what I'm hearing in some of the discussion this evening.

Now, we've heard about the statistics that came from other communities. What we haven't heard is how much resources, or additional resources, were put into those communities to address that concern. We've heard the challenges that we face fiscally, as a community. I would have a higher comfort level in assuring that any vicious animal, let alone a dangerous animal, was taken off the streets.

It's no secret that I've advocated for additional public facilities in a first-class community. We deserve first-class facilities. You deserve first-class service from a responsive government. If we're not fulfilling that obligation, that's on us but we need your help. I do not believe that rescinding this ordinance, with the limited amount of information that has come forward, is a significant reason to rescind the ordinance.

I'm going to stand with those who have been victimized by vicious animals; not just Bully breeds, but by vicious animals. I'm going to stand with them this evening for public safety reasons. I do hope, that as we move forward throughout our budget process, we find the additional dollars necessary and the opportunity to hire those that are committed to helping our animal loving community.

Commissioner McKiernan said as Commissioner Kane said when we first began this discussion, this is a very hard decision to make. As I was looking for guidance, I looked to the American Veterinarian and Medical Association that is a professional association that serves those men and women who chose to make it their life's work to care for the various animals that we all keep in our homes and in our communities. The American Veterinarian and Medical Association says that

while breed specific legislation may look good on the surface, it is not a reliable or effective solution for dog bite prevention. The AVMA and the American Veterinarian and Medical Association is opposed to breed specific legislation. I have taken my cue from them.

Commissioner Kane said we just pulled up 83% of the people in District 5 wanted the ban repealed. I think that's important too. When we talk about when we did the survey, I didn't realize it was that high. 83% of District 5 said they don't want the ban.

Commissioner Bynum said just to clarify, District 1—that particular survey is broken out by district. District 1 was also 83% in favor of repeal; and every district, 7 out of 7, that included that question were 83% or higher. I just went back to double check it because I had looked at it a month or so ago.

Action: **ORDINANCE NO. O-36-19**, “An ordinance relating to Pit Bull dogs; repealing original Section 7-219 of the Code of Ordinances of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner Philbrook made a motion, seconded by Commissioner Kane, to approve the ordinance to get rid of the BSL ban.** Roll call was taken and there were six “Ayes,” Kane, Markley, Philbrook, Bynum, McKiernan, Murguia; and three “Nos,” Walters, Burroughs, Townsend. Motion carries 6 to 3.

Mayor Alvey said I want to thank all of you for coming out this evening. I can assure you that our administration, our staff, and this Commission will continue to look at this, continue to explore the data and the experience because public safety is of the utmost concern and it is our responsibility. Thank you all for coming and telling us your stories.

ITEM NO. 4 – 19746...RESOLUTION: JOHNSON COUNTY 911 INTERLOCAL AGREEMENT

Synopsis: A resolution approving an interlocal agreement with Johnson County, Kansas, for usage of their Communications Center's existing 911 phone and radio communications equipment as emergency backup, submitted by Terry Ziegler, Police Chief. On May 20, 2019, the Public Works

and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTOIN NO. R-33-19**, “A resolution authorizing the approval of an agreement between the Unified Government of Wyandotte County/Kansas City, Kansas and Johnson County, Kansas, which the UG will contract for usage of existing 911 phone and radio communications equipment at the Johnson County Communications Center facility for the purpose of having emergency back-up communications center capability.” **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia.

ITEM NO. 5 – 19738...REAPPOINTMENT: REACH FOUNDATIONS BOARD

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

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia.

ITEM NO. 6 – 19782...PLAT: 2600 WEST 47Th AVENUE

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

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 and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia.

ITEM NO. 7 – MINUTES

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

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve. Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia.

ITEM NO. 8 – WEEKLY BUSINESS MATERIAL

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

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to receive and file. Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia.

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES' AGENDA

No items

ADMINISTRATOR'S AGENDA

No items

COMMISSIONERS' AGENDA

No items

LAND BANK BOARD OF TRUSTEES' AGENDA

No items

PUBLIC ANNOUNCEMENTS

No items

**MAYOR ALVEY
ADJOURNED THE MEETING AT 8:50 P.M.
May 30, 2019**

cg/tk/tpl

Carol Godsil
Deputy UG Clerk

May 30, 2019