

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

SPECIAL SESSION, THURSDAY, APRIL 25, 2019

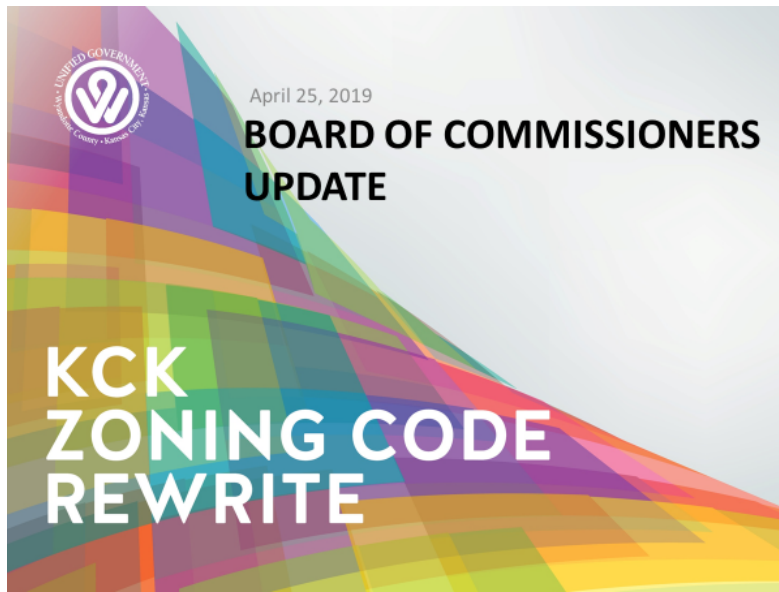
The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, April 25, 2019, with ten members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; and Alvey, Mayor/CEO, presiding. Philbrook, Commissioner Eighth District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Gordon Criswell and Melissa Sieben, Assistant County Administrators; Alan Howze, Knowledge Director; Rob Richardson, Director of Planning; Lynn Melton, Assistant to the Mayor; and Officer Doleshal, Sergeant-at-Arms.

MAYOR ALVEY called the meeting to order.

ROLL CALL: Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan, Murguia, Alvey.

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, April 25, 2019, at 5:00 p.m. in the 5th floor conference room of the Municipal Office Building, regarding the Zoning Code status. Immediately following, the Commission will reconvene to the 9th floor conference room for an executive session regarding litigation and labor.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.



Doug Bach, County Administrator, said as the Commission is aware, for the past several months, staff has been engaging in a rewrite of our zoning code in order to make it a more efficient document for use of others and our own use. Also, take into account and consideration some things we might want to modify or change.

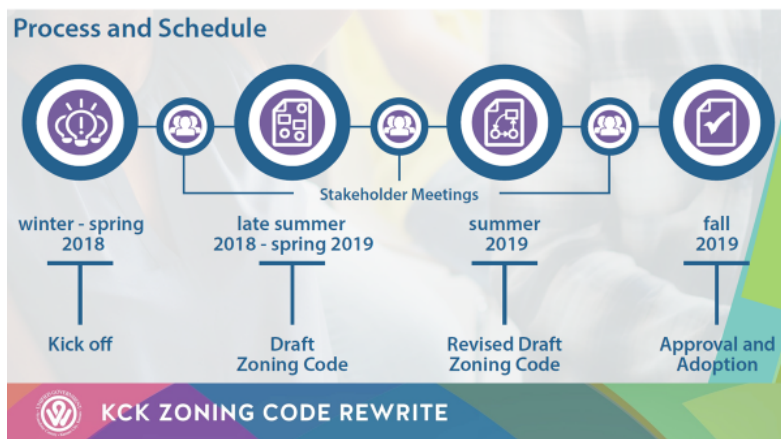
Tonight, we wanted to come before you and tell you a little bit about what's taken place over the past few months; steps we've taken to get us where we are. We are not in a position now where we're ready for any policy direction, though, in the coming months, we will be, that's why we wanted to start taking this off in chunks to kind of give you updates as to where we are. As we come back in future months, we'll be asking you some questions and for some direction from what we've been learning as we go through this process.

Rob Richardson, Director of Planning, said I want to start out with a little bit of a process overview about what we've been doing with this plan. Actually, before that, just as a reminder of where the zoning code has been. The last real major rewrite of the zoning code was in the '70s. There was a pretty big amendment to that in the '80s. Then it's just been piecemealed together since then.

In 2004, we did two major updates. One was the commercial design guidelines that guides our commercial development. The other was a procedures update that I'll talk about in a little bit.

Process Overview

last Commission update November 29, 2018



We kicked off in 2018. The consultant has been working on—it says drafting the code, but really, they’ve prepared white papers for our steering committee and given some draft alternatives to look at. We kind of delved into some deep policy discussions with them. I’ll kind of go through that tonight.

Our goal is to have a draft of the code this summer and work on adoption through the fall. It’s going to be a very large and significant document, so we wanted to get in early in the springtime to start this process. I feel like with something that affects this much of our community and the development, we’ll spend a lot of time together talking about the policies and the directions of the code.

Once we adopt the code, I would suggest that we have a time period where, before it goes into effect, for people to be able to use either code for a while and then move to the new code so that we have a transition process.

The other thing I would suggest, much like we’ve done with the sign code—we adopted the sign code about two years ago. As part of this, we went back and met with all the sign companies and other sign folks to see what issues were with the code. As the code comes forward, we’ll have a couple of fixes to the only two issues that we’ve had as we move forward with the new sign code. I think we ought to do that with this code as well. Give it a year or two for people to use it, have some more meetings, and make any adjustments we need at that time.



The broad goal is streamlining the process. Part of the process is encumbered by what the state requires us to do. Part of it is being able to have a small staff that is able to efficiently process all of the paperwork and all the applications that we have to process. We want to add clarity and definition to the code.

One of my assignments is to interpret the code so if something comes up and the code isn't specific enough on, the code says I have to interpret that. I would like to remove that part. You can't remove that completely, but that's not one of the parts of my job that is real fun. Typically, the interpretations aren't exactly what everybody else might think they would be based on what the code is and what past practices have been. We want to make it clear. We'll add definitions. There's a lot of things in our code that aren't defined, so we need to define more things.

We want to make it easier to use, not just for the folks that use it on a daily basis. We have several consulting firms that use it a lot. If somebody wants to do something with their home through a home occupation or something like that, we want to make it clearer and easier for them to use it as well. From the, I might use the zoning code once in my life people to the people who use it every day, we want it to work better for all of them.

We want to be able to accommodate new businesses. Obviously, we all know about a few of these new kinds of businesses that have come up since the '70s. We have check cashing companies, we have tiny homes, we have the sharing economy with the Airbnbs and things like that. We are actually going to use some national coding system so that when a new use comes in

and it gets coded, it will give us some guidance to where that would fit in our zoning code. I think that will be very helpful to us.

We want to preserve and enhance the quality of the community that we have, especially at the neighborhood level. We want this to be a quality place. We start developing quality as we go through the development process and we do city projects. We have several quality places and we want to make sure that we enhance and continue to develop that type of quality within the community.



Community Responses

- Walkability
- Development densities and metrics
- Transitions between development types
- Parking
- Building materials
- Health equity
- Streamline the development process
- Building renovations
- Short-term rentals (Airbnb)
- Tiny homes
- Housing (workforce housing)
- Little free libraries
- Drinking establishments (with live entertainment)
- Large animals
- Composting
- Accessory structures



We've been taking community feedback since last fall. We had our first large zoning public meetings last fall. We had another series a couple of weeks ago. Our attendance was much better in the fall, but we sent a postcard to every household last fall. We used social media and other UG marketing techniques to let people know about this one. We did invite everybody who had ever gave us interest or gave us an email. They got a direct invitation.

We've also been talking with the folks that you placed on the steering committee who represent the community. This is kind of a representative sample of the different types of things that we've been hearing fairly regularly throughout the process. You'll notice that one of the odd things—zoning is really a land use tool to a large degree. There's not much about land use on here like where commercial goes, where residential goes. It seems like that part of it, they feel like we're doing a pretty good job with it. It's the details of that that we want to get into and do a better job of how we make those processes work together.

Steering Committee

- Seven meetings so far...
- Diverse group with good mix of business, residents, geography and race
- Monthly meetings to delve into issues
- Electronic polling
- They challenge the consulting team and staff!
- Listening to the Community!

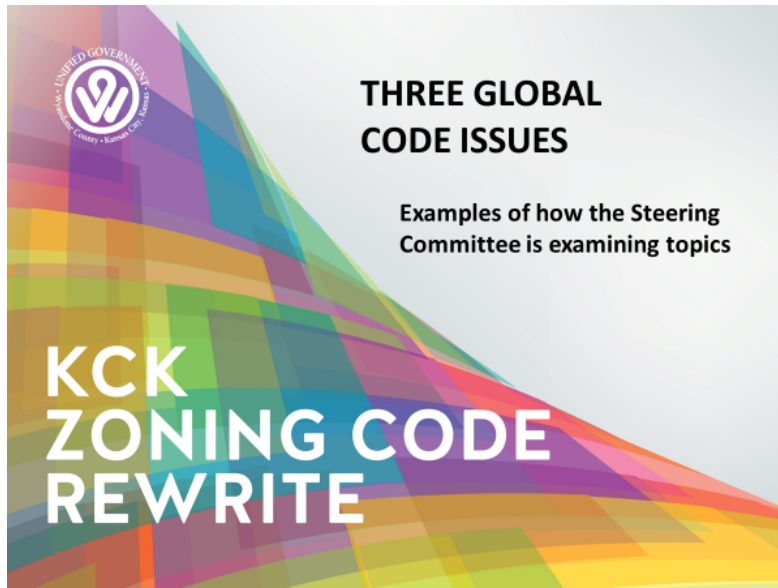


A little bit about the steering committee. The first time we met with the steering committee, they basically said this is too big. We need to meet more than you thought. We came back and started meeting monthly. We've had seven meetings with the steering committee. You appointed them. There's a diverse mix of residents and businesses. Every commissioner had an appointment that was representing the business community and the residents or neighborhoods.

I'm going to talk in a minute about some of the ways we've been going through the steering committee and helping them to learn about zoning, what it is, and how we've taken their

feedback. We use electronic polling in those meetings to see where they stand on different issues so you can kind of get a feel for the room and where we're in agreement and where we're not.

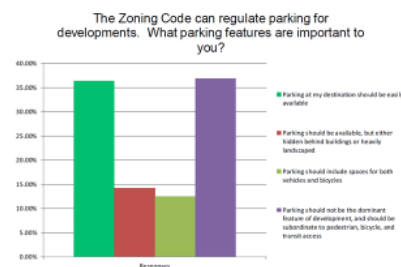
I will say, they challenge us, both myself, the rest of my staff, and the consulting team. They don't and they shouldn't accept what we say at face value all the time. They're also out listening to the community as well.



The next three issues I'm going to talk about are examples of how the steering committee looks at fixing a problem.

Parking

- Commercial/neighborhood boundaries
- How much is enough
- How much is too much
- How do we allow reuse of unused parking



The first one is parking. We know we have kind of these four issues related to parking. They're kind of national issues: commercial neighborhoods and the boundaries between commercial and residential and how those two intersect, to support business and the residential part of our community, how much parking is enough, and how much parking is too much. There are places around the Legends where it looks like we have more parking than we'd ever need, and some places where you can't ever park. We have both of those within short distances of each other in different parts of the community.

As we look to the future, we want to look at how do we reuse unused parking. This is going on with a little bit of the Cabela's parking lot and what they're looking at with some of the issues they've had with Sporting KC and other things. If we go to a more autonomous vehicle fleet, then we won't need as much parking in these areas and how are we going to use that parking. It might give us other opportunities. That's a long way in the future. I know there are all kinds of things about autonomous cars. That's one of those things that we want to think about a little bit. We're not going to build the code around that, but the more we have a sharing economy, if that holds up, it will be an issue we would want to face.

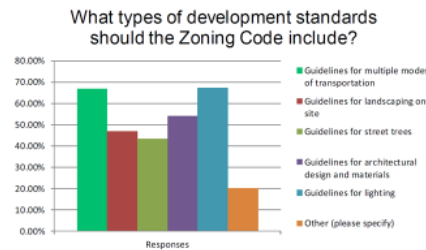
We asked them some questions: What's important to you about parking? Parking at my destination should be easily available. Parking should be available, but either hidden behind buildings or heavily landscaped. Parking should include spaces for both vehicles and bicycles. Parking should not be the dominate feature of a development; and should be subordinate to pedestrians, bicycles, and transit access. In the realm of the parking world, those are four pretty big questions.

You see that people said that parking ought to be convenient. 35% of people said that parking shouldn't be the dominate and we should allow for pedestrian, bicycles, and transit access as well. That gives us some guidance with them. That tells us that in the consultant world, take those questions and delve into them a little bit more to see where the steering committee would be. Do we need to have one global policy for the city, or do we need to have more subarea policies for the city, depending on where we are and what we're doing?

This discussion took about an hour and one-half to talk about parking with the steering committee. I think we still have some time left just on parking. We met with them for 14 hours so far. There are a lot of big issues. We have a lot of work left to do.

Landscaping

- Urban vs Suburban Standards
- Be more specific
- More specific buffer standards
- Residential landscape in new development



Related to landscaping, there're differences in the urban and suburban parts of the community like Downtown on Minnesota Avenue versus if you build a new pad site somewhere else in the community. We've heard comments about being more specific about landscape, screening, and the buffer standards. Also, what type of landscaping should be required in new residential developments. Like with the narrow lot design guidelines, we require shrubbery and a couple of trees per lot. Then we have some new subdivisions that maybe have one tree in the front yard, if it didn't die. What kind of neighborhoods do those build? What kind of quality does that build over time?

This isn't necessarily directed to landscaping, but this was another one of the questions. What should the zoning code include? Guidelines for transportation modes, guidelines for landscaping, guidelines for street trees, guidelines for architectural and design, guidelines for lighting—which actually was one of the highest scoring things—and then there were a few others that people commented on. We use that to see where we need to focus with the steering committee.

Preserve/Enhance Neighborhoods

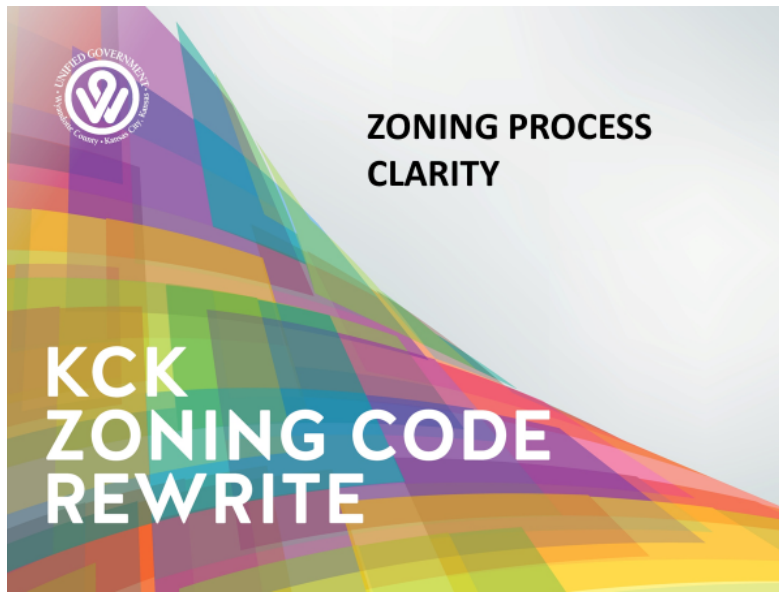
Conservation Overlay Districts

- Designation process
- What neighborhoods to “conserve”
- What to conserve in those neighborhoods
- Transition standards
- Design standards



Finally, we talked about preserving and enhancing neighborhoods, and possibly using a conservation district. Obviously, we have historic districts, but we have neighborhoods where there might be parts of those neighborhoods that conversation is a worthy goal for how do you create that neighborhood? How does it get adopted? What are the characteristics of the neighborhood? What parts of that neighborhood should be conserved? Those are all questions with that.

How do you transition out of that? What are those design standards? We've had interest from some parts of the community related to that so we're pursuing that as an alternative. It wouldn't be something that is necessarily mandated in the code, but we would put that as an option if a neighborhood wanted to pursue that.



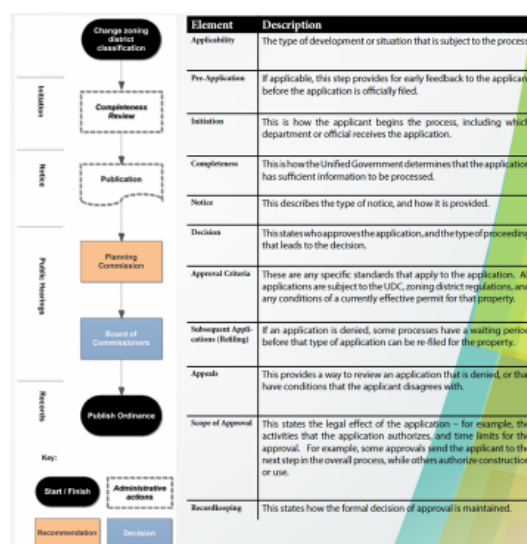
Current Process Summary

Application Process	Pre-application Conference	Neighborhood Meeting	Acting Body					Notices		
			Staff	PC	BC	BZA	LC	Pub.	Mail	Sign
Rezoning - Conventional	*	*	R	R	D			*	*	*
Rezoning - Planned	*	*	R	R	D			*	*	*
Landmark / Historic District designation					D		R	*	*	
Preliminary Plan	*	*	R	R	D			*	*	*
Final Plan			R	D	A			*	*	
Development Plan			D	A						
Zoning Text Amend			R	R	D			*		
Comprehensive Plan Amendment	*	*	R	R	D			*	*	*
Subdivision - Preliminary Plat	*		R	D					*	
Subdivision - Final Plat			R	D					*	
Special Use Permit	*	*	R	R	D			*	*	*
Certificate of Appropriateness					A		D	*	*	
Environs Review			D		A		A ^R			
Variance	*	*	R			D		*	*	*
Interpretation			D			A		*		



Related to process, this is kind of a current chart of our current process. This was kind of state-of-the-art 2004 when we went through and redid the zoning process. We talked about you need a preapplication conference; you need a neighborhood meeting. Who recommends, who decides, and who's the appellant body? Staff, Planning Commission, Board of Commissioners, Board of Zoning Appeals, and Landmarks Commission. What kind of notices? Do we publish it? Is there a mail notice? Is there a sign? We'll probably have something along these lines in the future. It may also talk about other parts of the zoning process in a chart form so it's easy to see.

Clear Efficient Process



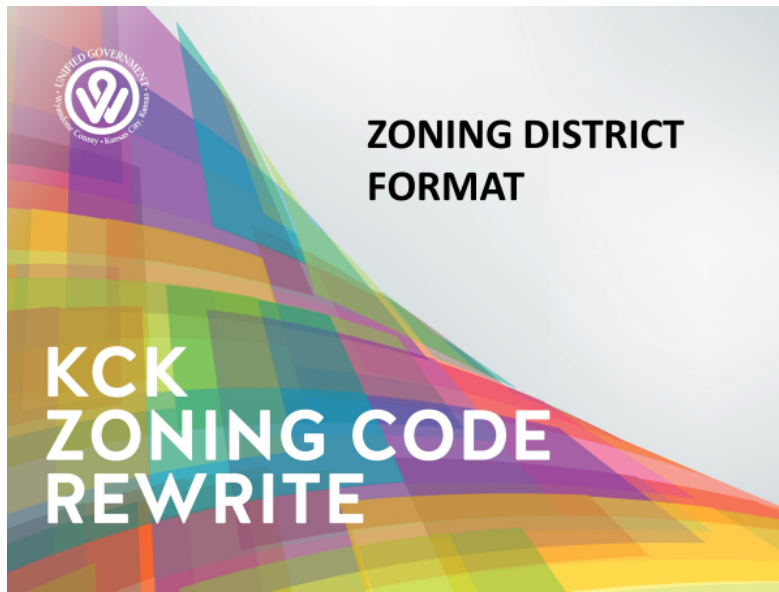
There are different parts of the process. You have the initiation of process. How do you initiate a process? That's important for that to be very clear, especially for those folks who may only use it once. How do you do the notices for that? Who needs to know about it? How do you conduct the public hearing process? How do you record the results? We're going to build our process further around those principles than we did before. That's kind of a graphic of what the process might be.

If you're going to do a change of zoning district, you have a preapplication meeting, you file your application and we'd see if it's complete or not, we publish the appropriate notices. It would go to one of the Planning Commission and Board of Commissioners for a decision; the Board of Zoning Appeals potentially, based on criteria.

What happens to subsequent applications related to that because we'll have preliminary plats and preliminary plans and then get a final plat or final plan, or how is that final plan amended. How do you appeal that decision? What's the scope of the approval and the legal effect on that?

One of the things our code doesn't address right now is, at what point does somebody have the right to continue the development. We have a little bit on that, but we probably need to be more specific on that.

Then, guidance on how is the Urban Planning & Land Use Department supposed to keep these records so everybody will be clear on that.



General Urban Neighborhood (GN)

Table 27-24-1
GN Dimensional Standards

Dwelling Type	Detached	Attached	Multiple	Mixed
Density (units per acre-max) ¹	9.75	11.25	15.50	2.0
Civic Space (%-min) ²	5	5	20	5
Building Height (ft-max)	35	35	55	55
Building Stories (#-max)	2.5	2.5	4.0	4.0
Min. Floor Area (sf)	750	750	380	--
Lot and Setback Dimensions				
A Lot Area (sf-min)	4,000	2,500	1,500	--
B Width (ft-min)	40	25	25	--
C Front Setback (ft-min) ³	Table Notes 3 and 4			
D Side Setback (ft-min)	5	5	5	0
E Corner Setback (ft-min) ³	10	10	10	0
F Rear Setback (ft-min)	10	10	10	0
G Building Coverage (%-max)	50	60	65	80

Figure 27-24-1, GN Detached



On zoning district format, you've seen a little bit of this before in my last presentation. Right now where it might say R-1 Residential and you have a whole bunch of text, we're going to describe graphically with charts and graphs what that district is so you get that initial picture before you get into the text. The house is in there just to show where the house would be on a lot so you can see underneath it, what part is the yard, and what part is the home there.

Uses

P = permitted by right | S = special use | C = accessory use | D = location determined by Use Regulations

	Neighborhood districts															
	CS	SN	SN	MN	EN	CN	LIN	CC	NC	DM	DN	SU	DR	AU	BC	UM
Adult care home		S	S	S	S	S	S	P	P	S	S	S				S
Retirement home or elderly housing								P								S
Short-term rental	P	P	P	P	P	P				P	P	P				P
Agriculture																
Agriculture	P	N														Special Use
Cann. Winery	P	S	S	S	S	S	S	S	S					S	S	S
Greenhouse / nursery		P														S
Fishing, Hunting and Trapping	P															
Golfing and Tugboing	P															
Community garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Community Supported Agriculture	P	P	S	S	S	S	S	P	P	P	P	P	P	P	P	P
Mixed Use																
Vertical mixed use								P	P	P	P	P	S	P	P	P
Horizontal mixed use - Attached								P	P	P	P	P	S	P	P	P
Horizontal mixed use - Detached								P	P	P	P	P	S	P	P	P
Live/Work Building			S	S	S	S	S	P	P	P	P	P	S			P
Commercial / Office																
Animal Services																
Kennels	S	P	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Veterinary clinics	P	P												P	P	P
Day Care																
Dog Care		S	S	S	S	S	S	S	P	S				S	S	S
Financial Services																
Automated teller machines, stand alone														P	P	P
Financial institutions										P	P			P	P	P
Food & Beverage Sales / Service																
Tavern	S						S	S	S				S	S	P	S
Restaurant / market		N	N										N	N		
Food preparation																
Bakery							P	P	P	P	S	P	P	P	P	
Food truck / mobile vending								N	N	N						
Retail food			S	S	P	P	P	P	P	P	P	P	P	P	P	P

Unified Government of Wyandotte County/Kansas City
Preliminary Discussion Draft - Under Staff Review

Unified Development Study

KCK ZONING CODE REWRITE

April 25, 2019



Use regulations simplification is something that's very important. Right now, when somebody comes in and they want a special use permit for live entertainment, to tell them what they should expect, we refer back to a past staff report that creates a history of the actions we've taken. We want to codify those things. We want to go through all the special use permits and say, do we need extra standards for those? If we have the extra standards for these, do they even need a special use permit? We're going to try to take some of them completely out of the process and make them, by right, so it's clearer about what folks can do.

Current Regulations for Specific Uses

Use	Embedded in District Regulations	Specific Sections	Special Use	District	Design Standards
Accessory uses		✓			
Adult uses			✓		
Agricultural	✓				
Churches	✓				
Commercial					✓
Heavy auto / truck service			✓		
Kennels	✓				
Liquor stores			✓		
Lottery gaming			✓		
Mobile homes				✓	
Multifamily					✓
Short term uses (events)			✓		
Signs		✓			
Used car / truck			✓		
Wireless communication			✓		



Right now, we have different uses. Is it imbedded in the regulations? Are there specific sections? Does it require a special use permit? Is it allowed in the district? Are there design standards? Rather than having it like this, we will have a list of the uses that have standards, in a separate section, and you can just go to that separate section on standards for that use. They'll be hyperlinked within the code. If you want to do beekeeping, you see the definition of beekeeping. It will also link you back to the standards for beekeeping, so the code on the computer document works much faster and much easier.

Potential New/Reduced/Modified Regulations

Residential

- Accessory structures
- Accessory dwellings
- Composting
- Home occupations
- Home agriculture
- Home energy
- Large animals
- Residential to commercial conversion
- RV/Boat storage
- Short term rentals
- Tiny homes/Tiny libraries

Commercial/Industrial

- Animal rendering
- Automotive uses
- Dirt/Rock
- Healthy food/Food access
- Live entertainment
- Sidewalk uses
- Retailers that impact health
- Sharing economy
- Telecommunications
- Urban agriculture
- We will review all SUP uses



Some of the things we thought about for new regulations on the residential side, there are a lot of things that we talked about. Some of them we've dealt with a little bit. We want to do a recheck on those and make sure we're still in the right place with those. A couple of them that we haven't really addressed before, we haven't ever addressed composting to any significant degree. We don't really have anything on home agriculture. Can you grow a row crop in your front yard? Some communities do allow that.

One in particular is large animals and how large animals are kept in non-agricultural areas. We want to address that as we move forward with this and likely using a standard that would say how many animals can be on this property before you would need to do some type of waste management on an ongoing basis. Not just define the area of the lot, because you can have a 3-acre lot that would mean you might be able to have three horses, but if you only have half an acre where your horses can go, you can't have three horses on half an acre kind of thing. We're going to look at those. We'll be presenting those options and alternatives to you. There are some

standards out there that I think are pretty widely recognized, and they relate back to keeping the environment clean, which is one of the things the conservation district always addresses anyway.

On the commercial side, you have some of the uses that might have more negative impacts. Obviously, we've dealt with a lot of other uses. With the new special use permit requirements, we're going to recheck that.

Animal rendering, we have kind of a smell issue in part of the community of an animal rendering plant. How do we use our sidewalks? What type of sidewalk you need before you can put some chairs out there and have sidewalk seating and things. We want to make those things easy so it tells people exactly how they can do those. Also, if sharing economy, I mentioned before—telecommunication is hard because the federal government and the state government seem to change those all the time. They're always making our code somewhat out of date. We're going to update that knowing that you'll probably see updates on that on a very regular basis as we move forward. We're also going to, as I mentioned before, review all the special use permit uses that we have currently.



I don't generally like to put up paragraphs, but I think one is really good. The standards for specific uses, I think, is one of the places where the code will become much simpler. We want to decide what things we shall allow by right, what ones we want case-by-case review on. We're going to test that with the steering committee, and then we'll present that to the Planning Commission and you all for final action. I think that part of what we're doing is going to make a huge difference in

how easy it is to use the code. I think when we do it this way, it will seem less arbitrary than it does now. We recognize that sometimes it looks arbitrary that we're trying to take a 40-year-old code and make it fit in today's times. That's difficult, especially when we're coordinating through the Development Review process, all the Public Works departments, Fire, Building Inspections, and BPU. We're trying to coordinate all that. We're trying to make this process work and coordinate it all together so we have a uniform process. I think it's pretty good now, but it will be better in the future with some of these.



I want to leave you with—these are the different things that we're doing to help gain public input. We haven't done a popup meeting in a while. We did right at the beginning. Once we get the draft of the plan done, we'll do more popup meetings, we'll have more public meetings. Obviously, I've talked about the steering committee. We've met with people who use the code on a regular basis. We use the Urban Planning & Land Use newsletters. If somebody gives us their email, they get on that so they can get updates. I'm the primary contact here. We have some Facebook and Twitter through the consulting team that we're using. We have a lot of methods out there for people to get in contact with us.

Even though zoning is not the most exciting topic in the world, we do have a lot of people who are interested in it. I had a couple of calls today relating to somebody who owns 20 acres and they wanted to know what we're doing with agriculture. I just don't know that the agricultural

zoning district is going to change in a way that affects many people. I told him what the process was, where we're going to be, when he should look for that, and review that for comment.

Mayor Alvey said you mentioned there would be a transition period where we would utilize both the current code and then what we would transition to. **Mr. Richardson** said that's a possibility. I think we'll talk about that as we move forward. You would either give—say we'll adopt the code then it will become effective in three or six months, or something like that, or you would give some kind of other transition. There are different ways to do the transition. I guess my main point was, we'll have some type of transition. We don't have that exactly laid out, but that's a possibility. Sometimes, it might be more beneficial to use the new code for somebody and they would want—why are you making me wait six months for this. **Mayor Alvey** said because there will be projects in the works as we transition, so you're going to have to make allowances.

Mayor Alvey said the second question I had is, as part of that transition, is there a beta test? Is there a time? I think what we're trying to get to is, what is the experience of those who are applying, or are going through the Planning & Zoning process? What is their experience going through the process? Is it something—did they experience that the Planning & Zoning thing as something which enhanced the process for them and made it easier and better for them, or did they feel as if it might have choked off? There might be things that will be choked off just because they don't fit the code. To really change how we look at this so that we're really looking at those who have to go through the Planning & Zoning process, how does it work for them or against them? Again, as you said, especially those places where you have discretion and have to interpret, that's where the darts come.

Mr. Richardson said right. Unfortunately, in a 40-year-old code, there are too many of those. We are going to beta test projects side by side with each other on things that we have. If we feel like we need a project of a type that we don't have actively with us, we will go back and find one to beta test just to see what the different outcome would be for that project. I think we're going to rely on the folks on the steering committee, as we go through the process, because many of them have been through that process to say this would help, this wouldn't help, this would be more—if you did it this way a little bit differently, it would be more helpful to us. We have, on the steering committee, folks who have used it a couple of times. We have folks who use it every

day. That's why we're going to use that part of the process. We'll probably use some stakeholder interviews with that as well to talk through that.

I think some of those things might become clearer as you look at the code. For instance, one of the ways we could streamline the code would be once your preliminary plan is approved, if you comply with the preliminary plan, you could go straight to DRC and not go through final plan review. That would, obviously, eliminate part of the process and that would make that shorter. I don't think anybody would say that that would make that a harder process. There will probably be things in there where we're going to be asking the steering committee if we did it this way, is it better; or if we do it that way, it's better. That's why, I think, we're also going to have a period where we're going to come back shortly, 18 months to 2 years, or sooner if we had to and ask those people has this been good. Did we miss something? Come we come back? It's hard to beta test that, how does it feel to you part, without going through it.

Like we knew with the sign code, we knew it was pretty good. We probably figured it wasn't exactly perfect. We needed to set that time in the future where we would come back in short order and look at that again. I think that's how we would deal with that.

Mayor Alvey said I think that ongoing discussion with, because things will develop—we know what we're reaching for here; what we're trying to achieve. We want to continue to survey that.

Commissioner Kane asked do we have any tiny houses. **Mr. Richardson** said we don't have any tiny houses yet. **Commissioner Kane** said when we get one, I want to know where it's at. **Mr. Richardson** said I do have a picture of one I took on I-70, just west of 78th Street, that was on wheels, rolling through the community. I didn't follow it to see where it stopped. **Mayor Alvey** said I think some people would say Highland Crest has some tiny houses, if 600 square feet is tiny.

Commissioner Markley said I have two concerns. One, we're doing this whole stormwater thing. Part of the stormwater rate change is there can be a benefit given to companies that do certain things. I just want to make sure that you guys are coordinating so that we don't say you can get a benefit for putting gravel here, and then our zoning code says you can't put gravel there. Let's just make sure that there's some coordination on that to make sure that the benefits we're saying

that we can give somebody are actually possible. **Mr. Richardson** said I'm on that committee so, yes, we're doing that.

Commissioner Markley said the other thing I was going to say is I hope that we are thinking about environmental impacts because we're not a community that can just go out and spend a billion dollars planting trees to improve the environment. The only control we have over that is our policy and what we can ask other people to do. As far as like some of our Johnson County neighbors that pay for rain gardens and they pay for trees, we can't do any of that. We don't have that money. Our policy can be, plant more than one tree in your new suburban neighborhood. That's the only way we can influence that situation because we don't have the money to do it ourselves. I just hope we're thinking about those impacts and trying to get people to step up and be environmentally friendly as they're coming to us with changes to their residence or business.

Commissioner Bynum asked is the committee grabbing with finding a way to universally correct or help correct all of the non-conforming uses, particularly in the older parts of town. You see that, I'm sure, all the time. I don't know if there's a universal way to deal with that. It seems like it would be a good time to look at things like that.

Commissioner Bynum asked are you looking at things like street widths. It kind of goes back to the stormwater conversation a little bit. Not only that, it also goes back to whatever that initiative is that's so great that talks about...**Mayor Alvey** said Complete Streets...**Commissioner Bynum** said Safe Streets and road diets. Right here between the courthouse and the new juvenile complex, on Ann and also on Armstrong, it amazes me that on both sides of that justice complex, we literally cut the size of the street in half, yet the cars go two directions just fine.

Mr. Richardson said on the first question, we are working on non-conforming uses. The consultant has brought forth some fairly unique cutting edgeways to do that. Typically, the old way to do non-conformities was you can't expand, you can't do anything but maintain it. If you violate any of this, you tear it down and go away. Some communities have been experimenting with, it may be a non-conformity, but do you want an empty, dead building, or do you want to allow them to expand a little bit to make it work for a more modern situation. We are working on non-conformities that way.

The other way we're working on non-conformities is we're trying not to create more. When you create a new zoning code, you have a tendency to create more non-conformities. We are trying to—that's probably the number one thing I gave to the consultants was, I can't handle 10,000 new non-conformities. I don't want 100 new non-conformities. We're trying to work through that issue in both of those ways. How do you allow a non-conformity to still be compatible with the neighborhood but change a little bit to change with the times a little bit, survive, thrive, and be a good part of the neighborhood, and don't create more?

We are looking at street widths. In fact, as you might imagine, within the different departments, we have different interests in the streets and the street widths. I've asked between Public Works, Fire, and Planning to get together and talk about that. Those are typically the three areas where the street widths have the most divergent use. We have a lot of work to do on that because the International Fire Code says one thing, our code says another thing, and Complete Streets says something else. We need to bring those together into a uniform policy that we all can support and work together on and is a benefit to our community as we build to the future.

Alan Howze, Knowledge Director, said if I could maybe just add one little piece to that, Rob, too. Commissioner, to your question, think also about the cost associated. Not only the public cost, but the private cost. When you think about road widths, there's a dollar attached to the width of the street. Likewise, when Rob was talking about parking, there's a dollar sign attached to businesses when you say here, you've got to add this much parking. Trying to sort of balance. This is all a lot of balancing of different needs and different interests. Thinking about, as we're trying to promote small business and entrepreneurship, how do those costs weigh against some of the other desires or requirements.

Mayor Alvey said thank you. We appreciate it. **Mr. Richardson** said thank you. We'll be back soon.

Mayor Alvey asked do we have a motion for executive session for consultation with our attorney to discuss matters related to litigation and to labor.

Executive Session: 5:36 p.m.

Commissioner McKiernan made a motion, seconded by Commissioner Markley, to go into executive session until 7:00 p.m. to consult with our attorneys and to discuss confidential matters related to pending claims and litigation and confidential matters regarding the status and future direction of labor negotiations, as justified under the Kansas Open Meetings Act under the attorney-client privilege and the employer-employee negotiations exceptions; and that staff designated by the County Administrator be present to participate in the discussion, and to reconvene in open session at 7:00 p.m. in the Commission Chambers located on the 1st floor. Roll call was taken and there were nine “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan, Murguia.

Present for the Executive Session: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; and Alvey, Mayor/CEO presiding. Philbrook, Commissioner Eight District; was absent. **Staff present:** Doug Bach, County Administrator; Ken Moore, Chief Legal Counsel; Melissa Sieben, Assistant County Administrator; Alan Howze, Knowledge Director; Kathleen VonAchen, Chief Financial Officer; Maureen Mahoney, Chief of Staff in Mayor’s Office; and Michael Callahan, Fire Chief.

MAYOR ALVEY ADJOURNED

THE MEETING AT 6:51 p.m.

cg

Bridgette D. Cobbins
Unified Government Clerk

April 25, 2019