

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

**PLANNING & ZONING AND
REGULAR SESSION
JUNE 27, 2019**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, June 27, 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; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. Commissioner Johnson, Fourth District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Melissa Sieben, and Emerick Cross, Assistant County Administrators; Bridgette Cobbins, Unified Government Clerk; Robin Richardson, Director of Planning; Janet Parker, Administrative Assistant; Misty Brown, Deputy Chief Counsel; Mike Taylor, Public Relations Director; James Bain, Assistant Counsel; John Droppelmann, Deputy Chief/Fire Marshal; Jeremy Rogers, Director of Parks & Recreation; Phyllis Wallace, Director of CDDO; and Captain Ronald Schumaker, Sergeant-at-Arms.

MAYOR ALVEY called the meeting to order.

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

Mayor Alvey said before we have our invocation, we will observe a moment of silence for Judge Phil Sieve, who recently passed away. Judge Sieve was appointed to the District Court in 1980. From 1985 – 2008, he served as Administrative Judge.

INVOCATION was given by Reverend Artrell Harris of Roswell Church of Christ.

Mayor Alvey asked the Clerk if there are any revisions to tonight's agenda. **Bridgette Cobbins, UG Clerk,** said it has been requested that Special Use Permit Application Item No. 1—this item

has been withdrawn at the request of the petitioner. Again, that's Special Use Permit Application Item No. 1.

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 law, governing the Planning and Zoning portion of our meeting, followed by the items on the Planning and Zoning Consent Agenda.

Bridgette Cobbins, UG Clerk, read the statement, required by law, governing the Planning and Zoning portion of the meeting.

Ms. Cobbins asked if any member of the Commission wished to disclose contact with proponents or opponents on any item on the Planning and Zoning Agenda.

Commissioner McKiernan said I've had contact with proponents of #SP-2019-48. **Commissioner Bynum** said I've had contact with opponents of Item A1, Change of Zone #3187 and the accompanying #SP-2019-47. **Commissioner Townsend** said I've had contact with proponents of #SP-2019-41 and #SP-2019-85. **Commissioner Markley** said I've had contact with parties for #SP-2019-72.

Ms. Cobbins 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. There were no set-asides.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the Planning and Zoning Consent Agenda, to approve all the items as submitted.** Roll call was taken on the motion and there were nine "Ayes,"

Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

PLANNING AND ZONING CONSENT AGENDA

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 19812...CHANGE OF ZONE APPLICATION #3187 - VERONICA WESSELHOFT

Synopsis: Change of zone from C-1 Limited Business District to C-2 General Business District for a used car lot at 2120 Park Drive,
and

SPECIAL USE PERMIT APPLICATION ITEM NO. 8 – 19822...#SP-2019-47 – VERONICA WESSELHOFT

Synopsis: Special use permit for a used car lot at 2120 Park Drive, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 5 to 0 to recommend denial of Change of Zone Application #3187 and Special Use Permit Application #SP-2019-47 due to mom-response and non-compliance from the applicant.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to deny Change of Zone Application #3187 and Special Use Permit Application #SP-2019-47. Roll call was taken on the motion and there were nine “Ayes,” Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

ITEM NO. 2 – 19813...CHANGE OF ZONE APPLICATION #3194 – TOM NOTTE WITH NOTTE AND ASSOCIATES, PA

Synopsis: Change of zone from C-1 Limited Business District to CP-3 Planned Commercial District for a contractor's office at 8525 Parallel Parkway,
and

MASTER PLAN AMENDMENT APPLICATION ITEM NO. 1 – 19839...#MP-2019-4

Synopsis: Master Plan Amendment from Low-Density Residential (City-Wide) to Community Commercial (City-Wide Master Plan) at 8525 Parallel Parkway, Director of Planning submitted

by Robin Richardson, Director of Planning. The Planning Commission voted 5 to 0 to recommend approval of Master Plan Amendment #MP-2019-4 and Change of Zone Application #3194, 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.
2. A variance for parking reduction has been applied for both buildings, 8525 and 8529 Parallel Parkway, even though the owner is only going to occupy 8525 Parallel Parkway.
Applicant Response: Agreed, the second will be leased or sold in the future and the owner wants to apply for variance on both lots to have them approved now instead of waiting.
3. The building has been vacant since 2014, where previously an automotive repair shop operated for 12 years.
Applicant Response: Agreed.
4. Please provide a floor plan of the buildings.
Applicant Response: Agreed. Refer to plans of buildings 8525 attached digitally sheet A-101, and A-102. There are no current plans for the building at 8529 because there is no work scheduled for that building at this time but will be at a future date.
5. What type of contractor's business will operate in the building?
Applicant Response: The contractor is a concrete contractor.
6. Will work vehicles be parked outside in front of the overhead doors during the day and/or overnight?
Applicant Response: Vehicles will be parked at various times during the day outside. They can be parked inside overnight.
7. Per Sec. 27-467(c)(6) Any outside storage or keeping of parts, equipment, inoperable vehicles or residual materials which is necessary, normally related and accessory to the principal use of the premises shall be screened from view from off the premises. Such outside storage shall be limited to areas directly adjacent to the main building, not including more than 20 percent of the area of the main building and not in a required yard.
The site plan depicts a gravel drive leading to the rear of the building. Do you intend to have any outside storage in the rear of the property?
A 6' privacy fence with masonry columns every 32' on center shall be constructed along the rear property line to screen any materials from the residences to the south.
Applicant Response: There shall be no storage of any kind at the rear of the building, therefore, no need for a screen wall.
8. The trash enclosure shall be comprised of a 6' solid architectural screen wall with masonry column posts.
Applicant Response: Refer to the digitally attached screen wall detail 4 / A-200 showing materials and height. Refer to digitally attached sheet AS-100 for location and size of closure.
9. Any lighting proposed on the building or in the parking lot shall have 90-degree cutoff fixtures and not exceed one foot-candle at the property line in all directions.
Applicant Response: Agreed. 90-degree cutoffs will have to be installed for compliance with lighting comment.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: none.
2. Items that are conditions of approval (stipulations):
Provide handrail calculations in accordance with UG retaining wall checklists i.e. guardrail shall resist overturning by 50 pounds per linear foot (plf) load and a 200-pound concentrated load applied at the top of the rail (42" above top of wall)

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #3194 and Master Plan Amendment #MP-2019-4, subject to the stipulations. Roll call was taken on the motion and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 19814...SPECIAL USE PERMIT APPLICATION #SP-2019-3 - BLAKELUND MORONEY WITH MORONEY MOTORS, LLC

Synopsis: Special use permit for automotive sales at 3131 Merriam Lane, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 5 to 0 to uphold its previous recommendation and recommends denial based on the failure of the applicant to meet with staff and submit engineering plans.

Action: The item has been withdrawn at the request of the petitioner.

ITEM NO. 2 – 19815... SPECIAL USE PERMIT APPLICATION #SP-2019-35 - LOLITA SANDERS

Synopsis: Special use permit for a child educational center (previous Special Use Permit #SP-2016-31 expired 5/26/2018) at 1316 Armstrong Avenue, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2019-35, subject to:

Urban Planning and Land Use Comments:

1. Since being granted the special use permit, have there been any complaints from the neighbors, especially related to excessive noise from cars or children, traffic congestion/street parking issues, or appearance of the yard or structure?

Applicant Response: After receiving the special use permit, and due to a change in my life, the daycare was not up and running. Unfortunately, I don't have any information regarding the traffic/congestion or any parking issues. As I stated before, I don't foresee an issue regarding traffic or parking since drop off and pick up will be staggered based on the parents work hours.

2. On the development application for renewal, applicant's comments regarding proposed uses (Question 4) and additional information (Question 6) were identical to the comments made on the original development application from 2016. In light of that, what is the current number of children attending the day care, and how many staff members/volunteers currently work at the day care?

Applicant Response: The capacity that I will be licensed for will be 10 to 12. I will be the only provider/worker and I may have 1 volunteer.

Staff Response: It should be noted that applicant never used the special use permit issued in 2016. This explains why her application responses were the same, and also allows for those answers to be used for this staff recommendation.

3. If renewed, application will be held to the following stipulations:
 - a. Applicant must be licensed by State of Kansas and approved by Wyandotte County Health Department.
 - b. Parking in designated areas only to minimize traffic issue.
 - c. Structure (outside and inside) and yard must be code complaint at all times (lawn mowed, free of debris, etc.).
 - d. Special Use Permit approval for two years.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #SP-2019-35 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

ITEM NO. 3 – 19816... SPECIAL USE PERMIT APPLICATION #SP-2019-38 - THOMAS W. MORGAN III

Synopsis: Home occupation special use permit for an Airbnb at 431 North Thompson Street, submitted by Robin Richardson, Director of Planning. This is the applicant's primary residence; however, he intends to rent out the entire home when he is out of town or not staying at the residence. The applicant lists both bedrooms (two-bedroom residence) are available for short-term

rental. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2019-38, subject to:

Urban Planning and Land Use Comments:

1. Describe how you will communicate with neighbors.
Applicant Response: I currently have contact information for the neighbors around me – they also have my contact information. I am sending out written notice to each of them regarding the status of the Airbnb and will include my contact information again in case they need it.
2. Describe how you will pay appropriate lodging taxes.
Applicant Response: Taxes are to be collected by Airbnb and HomeAway.
3. How many rooms are rented?
Applicant Response: The entire house, which includes two bedrooms will be rented.
4. What is the maximum number of vehicles and where will they park?
Applicant Response: Unknown due to the circumstances of each individual renter, however; a private parking space in my garage will be available for use as well as off-street parking, which is typically readily available.
Staff Response: The guests need to park in the garage and be offered one space on the street, where available, for a total of two spaces.
5. How often are guests in the residence?
Applicant Response: When I am out of town or not staying at the residence, which varies depending on month and my work schedule. Expecting a maximum of 10-15 days per month.
6. Do you have a rental license from the Unified Government for the facility?
Applicant Response: No, I spoke with the Unified Government regarding this issue and since I am not expecting anyone to be renting for 28 or more consecutive days, I did not need to obtain a rental license.
7. Provide a detailed description of the area(s) rented for Airbnb/other rental operations. Include bedrooms, bathrooms, common areas, etc.
Applicant Response: The entire single-family residence will be available to rent. This includes two bedrooms, two full bathrooms, a living room, dining area and kitchen. Also included is a back deck, fenced in private backyard and one detached garage. The property was recently renovated and is extremely safe and well-constructed, including an alarm system.
8. Describe how you will maintain a safe environment including:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house.
 - b. GFCI outlets are required in bathrooms.
 - c. Double keyed locks are not allowed.
 - d. Copper cannot be used for gas supply lines.
 - e. Windows must be operable, not blocked or boarded.
 - f. Handrails are required at sets of 4 or more stairs/risers.
 - g. Hot water tank and furnace must be vented properly and operational.
 - h. Electric panel and circuits must be safe.*Applicant Response:* Whole home was renovated from the studs out in 2017 and 2018 and all required permits and inspections were completed. This provides that the home is very

safe with modern upgrades including new electrical, new roof, new plumbing, new HVAC. All of the above requirements needed for a safe rental have been met.

9. Who is responsible for issues that may arise when tenants are renting the house, if neighbors have concerns, or to clean and prepare the house between tenants? Who is responsible when you are out of town or staying away from the home?

Applicant Response: I will be the go-to contact for this property if any issues arise. I am also in the process of finding a cleaner who will clean between tenants if I am unable to do it myself. I will personally try to do it as often as possible, though. If I am out-of-town and there is an issue, I have family who are willing to help out if necessary.

10. Per Business Licensing: If approved, the applicant will need to file the occupation tax application with our office for the business activity.

Applicant Response: Not a problem regarding the occupation tax application.

11. Approval for one year.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-35 for one year, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, and Kane.

ITEM NO. 4 – 19818...SPECIAL USE PERMIT APPLICATION #SP-2019-41 - IRVIN JACKSON, JR. WITH JACKSON TRUCKING

Synopsis: Special use permit for the temporary use of land to park two semi-trucks at 3232 Sewell Avenue, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2019-41, subject to:

Urban Planning and Land Use Comments:

1. Jackson Trucking has no current record for business activity located in the city. If approved, applicant will need to file and maintain a current occupation tax application. Jackson Trucking will file a current occupation tax application.

Applicant Response: Jackson Trucking has no current business activity located in the city.

2. Provide photos of the vehicles and photos of the area they will be parked.

Applicant Response: Photos provided.

3. With both semi-trucks parked on site, how many off-street spaces are available for passenger vehicles? Provide a site drawing to indicate proposed structures, truck parking, and passenger vehicle parking.

Applicant Response: Jackson Trucking has two spaces for trucks and six offsite vehicle parking spaces available.

4. Submit notarized signature of ownership applicant page.
Applicant Response: Submitted.
5. How often are the vehicles parked at the home?
Applicant Response: Two trucks are parked at the site every evening.
6. Staff has concerns about the volume of air-braking and general noise the trucks would make. What hours are you proposing for departure and returns? How will you combat potential noise concerns of neighbors?
Applicant Response: Air brake noise is small to minimum when brakes are applied, pre-trip inspections are required daily. Trucks are very well maintained. Trucks leave at 8:00 am, return time 5:00 pm. No noise complaints from neighbors in 25 plus years.
7. Vehicles must be parked on an improved hard surface.
Applicant Response: Vehicles are parked on hard asphalt surface.
8. What times do the trucks depart and arrive at the home.
Applicant Response: Trucks leave at 8:00 am from property and return by 5:00 pm.
9. Approval for one year, if approved.
Applicant Response: Jackson Trucking understands the one-year permit if approved.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-41 for one year, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

ITEM NO. 5 – 19819... SPECIAL USE PERMIT APPLICATION #SP-2019-43 - DENNIS COVINGTON WITH USD 500

Synopsis: Renewal of a special use permit (#SP-2017-15 - expired 3/30/2019) for modular classrooms for Lindbergh Elementary School at 641 North 57th Street, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2019-43, subject to:

Urban Planning and Land Use Comments:

1. Have the modular classrooms continued to remain in the same place since the issuing of your last special use permit in 2017?
Applicant Response: Yes, no revisions or modifications.
2. A modular classroom is typically temporary in nature, with this in mind, is there an anticipated end date? Are there currently any plans to add on to the school?
Applicant Response: There are currently no plans for additions; it will remain a desire of the District to remove modular units as resources allow.
3. Provide current pictures of the temporary classrooms.

Applicant Response: Pictures submitted.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-43 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

ITEM NO. 6 – 19820... SPECIAL USE PERMIT APPLICATION #SP-2019-44 - DENNIS COVINGTON WITH USD 500

Synopsis: Renewal of a special use permit (#SP-2017-16 - expired 3/30/3019) for modular classrooms for Eugene Ware Elementary School at 4820 Oakland Avenue, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2019-44, subject to:

Urban Planning and Land Use Comments:

1. Have the modular classrooms continued to remain in the same place since the issuing of your last special use permit in 2017?
Applicant Response: Yes, no revisions or modifications.
2. A modular classroom is typically temporary in nature, with this in mind is there an anticipated end date? Are there currently any plans to add on to the school?
Applicant Response: There are currently no plans for additions; it will remain a desire of the District to remove modular units as resources allows.
3. Could you please provide current pictures of the modular buildings?
Applicant Response: Pictures submitted.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-44 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

ITEM NO. 7 – 19821... SPECIAL USE PERMIT APPLICATION #SP-2019-45 - DENNIS COVINGTON WITH USD 500

Synopsis: Renewal of a special use permit (#SP-2017-17 - expired 3/30/2019) for modular classrooms for Sumner Academy at 1610 North 8th Street, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2019-45, subject to:

Urban Planning and Land Use Comments:

1. Have the modular classrooms continued to remain in the same place since the issuing of your last special use permit in 2017?
Applicant Response: Yes, no revisions or modifications.
2. A modular classroom is typically temporary in nature, with this in mind, is there an anticipated end date? Are there currently any plans to add on to the school?
Applicant Response: There are currently no plans for additions; it will remain a desire of the District to remove modular units as resources allow.
3. Could you please provide current pictures of the modular buildings?
Applicant Response: Pictures submitted.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-45 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

ITEM NO. 8 – 19822...SPECIAL USE PERMIT APPLICATION #SP-2019-47 - VERONICA WESSELHOFT

Synopsis: Special use permit for a used car lot at 2120 Park Drive, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 5 to 0 to recommend denial of Special Use Permit Application #SP-2019-47.

Action: This item was previously heard with Change of Zone #3187.

ITEM NO. 9 – 19823... SPECIAL USE PERMIT APPLICATION #SP-2019-48 - JOHN L. PETERSON WITH PETERSON LAW

Synopsis: Renewal/expansion of a special use permit (#SP-2009-38 - expires 6/30/2019) for a restaurant and bar at 412 North 5th Street, submitted by Robin Richardson, Director of Planning. The applicant, L & B Breit, Inc, have requested a special use permit for continuation of a bar and restaurant at 412 North 5th Street. This will be their fourth special use permit for this use. A variance application has also been filed to allow reduced parking requirements needed due to expansion of the seating area onto the back patio. The applicant The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2019-48, subject to:

Business License: Comments

Applicant has filed and maintained a current occupation tax application filing for the business activities since 2002.

Urban Planning and Land Use Comments:

1. Staff has become aware that there have been increased areas accessible to patrons. Please explain the use of the outdoor areas to the west and north of the building. A variance will likely be needed through Board of Zoning Appeals.

Applicant Response: There has been a minor increase in the accessible areas to patrons to the west and north of the existing building. The west area is used in conjunction with the existing patio; the north area is used perhaps once a year. A variance will be applied for as of this date for these areas.

Staff Comment: Variance application #2330 has been submitted for this issue.

2. Have there been any police calls or disturbances at the site within the term of the last special use permit?

Applicant Response: The term of the last renewal has been 10 years and there have been no police calls or disturbances during that time.

3. Provide updated photos showing the condition of the exterior of the property.

Applicant Response: Will be provided.

4. Provide an updated business plan that explains how you handle the following:

- a. Hours and days of operation
- b. Break down of hours and days of food service and alcohol sales
- c. Security plan
- d. Site maintenance and upkeep plan
- e. Consideration of concerns relating to noise pollution onto neighboring properties.
- f. Plans for expansion, i.e. outdoor seating area.

Applicant Response:

- a. Monday through Thursday, 11 am to 12 midnight. Friday and Saturday, 11am to 2 am.
- b. Referenced in a above.
- c. Provided if needed
- d. Will continue to maintain cleanliness and order of the patio area.

- e. Always aware of noise pollution but have had no complaints.
- f. No further plans other than what is described herein.
- 5. Outdoor lighting, if any, must be installed so as not to shine onto neighboring properties. Provide detail on how you will accomplish this. Lighting may not exceed 1-foot candle at the property line.
Applicant Response: Strings of patio lights sometimes illuminated, agree to any stipulation herein.
- 6. Recommended for approval for 10 years, not contingent on approval of variance application #2330 because the variance is for the patio expansion.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-48 for 10 years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

ITEM NO. 10 – 19829...SPECIAL USE PERMIT APPLICATION #SP-2019-49 - SYLVIA BEDOLLA

Synopsis: Special use permit for the temporary use of land to park a business truck at 835 Splitlog Avenue, submitted by Robin Richardson, Director of Planning. The commercial vehicle is for a mobile auto-detailing business parked at a residential property at 835 Splitlog Avenue. The Planning Commission meeting voted 5 to 0 to recommend denial of Special Use Permit Application #SP-2019-49, subject to:

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to deny Special Use Permit Application #SP-2019-49. Roll call was taken on the motion and there were nine “Ayes,” Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

ITEM NO. 11 – 19830...SPECIAL USE PERMIT APPLICATION #SP-2019-53 - JAMES ALLEN BOGERT

Synopsis: Home occupation special use permit for a short-term rental/Airbnb at 217 Orchard Street, submitted by Robin Richardson, Director of Planning. This is the applicants’ primary

residence. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2019-53, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, this special use permit shall be valid for one year.
2. Have you consulted the neighbors prior to applying for the special use permit?
Applicant Response: I have consulted with my immediate neighbors and there are no issues or concerns to report.
3. How many people can your rental accommodate?
Applicant Response: 2 – 6 people.
4. What is the maximum number of vehicles and where will they park?
Applicant Response: I'm going to limit the number of vehicles to two. They can park in my driveway in front of my two-car garage off the street. They could also park one vehicle on Orchard St. if needed.
5. Do you have a business license?
Applicant Response: No, it's going to be my primary residence. If I'm required to get one, then I will.
6. Have you paid the lodging taxes associated with a short-term rental?
Applicant Response: I've ran a short-term rental before and am familiar with the taxes, i.e. transit occupancy tax, associated with it.
7. How often do you anticipate renting out your residence?
Applicant Response: Probably just on the weekends and/or when its desired
8. Describe how you will maintain a safe environment including:
 - a. Working smoke detectors in each bedroom plus each level of the unit/home
 - b. GFCI outlets are required in bathrooms
 - c. Double keyed locks are not allowed
 - d. Copper cannot be used for gas supply lines
 - e. Windows must be operable, not blocked or boarded
 - f. Handrails are required at sets of 4 or more stairs/risers
 - g. Hot water tank and furnace must be vented properly and operational
 - h. Electric panel and circuits must be safe*Applicant Response:* All electrical and plumbing have been done to code by licensed professionals. Everything is in working order and I plan on mounting two cameras on the exterior of the house for security. Parties and any illegal activity are not going to be allowed according to the house rules.

Business Licensing Comments:

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

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-53 for one year, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,”

June 27, 2019

Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

ITEM NO. 12 – 19831...SPECIAL USE PERMIT APPLICATION #SP-2019-59 - KELLY AND JAMES HORMANN WITH A BILLION BUBBLES

Synopsis: Home occupation special use permit for a pet grooming operation at 7114 Parallel Parkway, submitted by Robin Richardson, Director of Planning. The operation will be in the basement of the residence. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2019-59, subject to:

Business License Comments:

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

Urban Planning and Land Use Comments

1. The operations letter states that you will have a kennel area. How many animals will be kenneled at a time, and for how long? Will there be any overnight kenneling or long-term boarding?
Applicant Response: I would only want to groom five animals a day. So only five would be kenneled. But not all five would be kenneled at the same time. I would book them on the hour starting at 8 am and the last appointment at 12 or 1 pm. Each dog may take up to 2 to 3 hours, and there would be only one customer dropping off at a time. No overnight or long-term boarding will be provided.
2. How many clients would you have per day?
Applicant Response: Four to five clients a day.
3. How will you dispose of animal waste, fur trimmings and soap/chemical runoff?
Applicant Response: Animal waste and fur trimmings will be disposed of in the weekly trash pickup. The grooming shop will have its own trash can. Soap runoff will be washed down the drain.
4. Will any hazardous materials or chemicals be used in the grooming process, clean up, or other operations?
Applicant Response: No hazardous materials will be used at any time.
5. Parallel Parkway is a Class A thoroughfare that experiences high traffic volume. The potential for loose animals in this area could be both dangerous for drivers and a nuisance for residents. Describe the drop-off and pick-up process and how you will ensure no animals are let loose at any time.
Applicant Response: Because Parallel is such a busy road, I will have a strict leash/travel kennel policy of all clients.
6. Describe how you will keep noise at a manageable level so as not to disturb neighboring residences.
Applicant Response: I truly believe noise will not be an issue because my neighbors on both sides are a great distance away from the kennel space.
7. All clients must park on the private property of the residence.

Applicant Response: Yes, all of my clients will park in the lower driveway and have access to use my turnaround for exiting.

If approved, recommended for one year, subject to:

1. No signs.
2. No employees other than members of the immediate family residing on the premises.
3. No more than two clients doing drop-off or pick-up at any one time.
4. Hours of operation being 8:00 a.m. to 5:00 p.m.
5. No overnight boarding of animals.
6. Applicant must file and maintain an occupation tax application.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-59 for one year, subject to stipulations. Roll call was taken on the motion and there were nine “Ayes,” Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

ITEM NO. 13 – 19832... SPECIAL USE PERMIT APPLICATION #SP-2019-60 - MATT GALLINGER WITH AMERICAN CONCRETE PRODUCTS

Synopsis: Special use permit for the temporary use of land for an office trailer at 6945 Inland Drive, submitted by Robin Richardson, Director of Planning. The trailer will support the precast concrete product manufacturing taking place on the property and adjacent properties owned by the applicant company. The site was developed in 2017, and a trailer office is a transitory step to a full constructed office building or addition to the current building. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2019-60, subject to:

Urban Planning and Land Use Comments:

1. How long does applicant expect to utilize the trailer office? Is there a timeline or current plan for construction of a permanent office space? When did this come about as it was not part of original discussions with staff?

Applicant Response: We expect to use the trailer office until the market demand for additional manufacturing space is required. The 2017, site development was Phase 1. Market conditions will dictate the timeline for Phase 2, which will include an expansion with permanent office space. Best forecasting would be a 2-3-year timeline for the development of an additional phase.

Managing deliveries is a challenge and logistically something needed to change. The office trailer will be in a much better position to monitor goods in and out. Another reason is to provide additional space for customers and visitors to feel welcome at our plant.

2. Is the trailer currently on site and in use?
Applicant Response: Yes, the trailer is onsite, but it is not in use. Final installation is waiting on consideration of the special use permit.
3. Records show that American Concrete Products is delinquent on its occupational taxes for the 2019 tax year. Taxes must be paid to the County in full, or the company must supply the County with a payment schedule. Full payment of outstanding taxes or compliance with the minimum requirements of an acceptable payment schedule is a stipulation of obtaining and maintaining a valid special use permit.
Applicant Response: Occupational tax payment was completed on May 23, 2019.
Staff Response: Applicant has provided receipt of payment.
4. Trailer office must be established on a structurally sound and level surface and a safe distance from all heavy machinery or concrete operations.
Applicant Response: Noted, and the proposed location complies with the request.
5. All power sources for the trailer office must be in compliance with all relevant electrical codes and county ordinances.
Applicant Response: Noted, permits will be obtained for power source to comply with the request.
6. Approval is for two years.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-60 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

ITEM NO. 14 – 19833...SPECIAL USE PERMIT APPLICATION #SP-2019-61 - DAVID AND DEBORAH BEAUCHAMP

Synopsis: Home occupation special use permit for an Airbnb at 11827 Marxen Road, submitted by Robin Richardson, Director of Planning. The applicants plan to rent two guest rooms in their primary residence through short-term rental services such as Airbnb. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2019-61, subject to:

Business License Comments:

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

Urban Planning and Land Use Comments

1. How will you communicate with the neighbors?

- Applicant Response:* We held a neighborhood information meeting on Monday, May 20, 2019. We also reached out to other neighbors in the area, other than the property owners that share our property line, to invite them to the meeting just to keep everyone informed. We posted the required sign in front of our home prior to the meeting. Our phone numbers are shared with our neighbors.
2. How will you pay appropriate lodging taxes?
Applicant Response: We will use the Airbnb application, not pay appropriate lodging taxes. We also will arrange to pay the required occupation tax through Business License Department.
 3. How many rooms are rented?
Applicant Response: Two. Specifically, our two downstairs bedrooms.
 4. What is the maximum number of people that will be staying at any one time?
Applicant Response: Four.
 5. What is the maximum number of vehicles and where will they park?
Applicant Response: Two vehicles in addition to our vehicles. We have available parking on our concrete driveway between our house and barn.
 6. How often are guests in the residence?
Applicant Response: We plan to make the rooms available approximately 80 percent of the year. We will see what the occupancy rate is after we open.
 7. Do you have a rental license from the Unified Government?
Applicant Response: We don't plan to have long-term guests of over 30 days. If that changes, we will make arrangements for a rental license.
 8. Provide a detailed description of the areas rented for Airbnb.
Applicant Response: Our two guest bedrooms on the lower level of our home will be the areas rented for Airbnb. Guests will also have use of common space on our lower level, lower patio, front porch, and property. Please see floor plans and pictures for additional information.
 9. Describe how you will maintain a safe environment including:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house
 - b. GFCI outlets are required in bathrooms
 - c. Double keyed locks are not allowed
 - d. Copper cannot be used for gas supply lines
 - e. Windows must be operable, not blocked or boarded
 - f. Handrails are required at sets of 4 or more stairs/risers
 - g. Hot water tank and furnace must be vented properly and operational
 - h. Electric panel and circuits must be safe
- Applicant Response:* Yes, to all.

If approved, recommended for two years, subject to:

1. No signs.
2. No employees other than members of the immediate family residing on the premises.
3. Applicant must file and maintain current occupation tax application.
4. Above responses made by applicant.

Public Works Comments: none.

June 27, 2019

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit #SP-2019-61 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

ITEM NO. 15 – 19824... SPECIAL USE PERMIT APPLICATION #SP-2019-63 - STEVE BEAUMONT WITH BEAUMONT ENTERPRISES LLC

Synopsis: Renewal of a special use permit (#SP-2017-29 - expired 5/25/2019) for live entertainment in conjunction with Chateau Avalon at 701 Village West Parkway, submitted by Robin Richardson, Director of Planning. The live entertainment will be on the patio from 11 a.m. to 11 p.m. on Friday and Saturday nights. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2019-63, subject to:

Urban Planning and Land Use Comments:

1. Will the types of entertainment performances (live bands) remain the same?
Applicant Response: Thank you for the review of Staff Report. The vast majority of the business activity at the Chateau Avalon is on the weekends. This is why our primary use of the SP entertainment is for Friday and Saturday. However, there are some occasions where we would need to have live entertainment on other days of the week. These include special events for customers like Cerner and others that visit us on weekdays. While we host events and live entertainment rarely on weekdays, we would ask that the permit be made for seven days a week to accommodate for these occasions.
2. Approval will be for two years.
3. Live entertainment shall be limited to the patio from 11 am to 11 pm all days for the week.

Public Works Comments: none.

Business License Comments:

Applicant has maintained a current license with this office for annual entertainment

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-63, for two years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

ITEM NO. 16 – 19834...SPEICAL USE PERMIT #SP-2019-64 - MICHAEL RHODES

Synopsis: Special use permit for a dirt fill at 13742 Polfer Road, submitted by Robin Richardson, Director of Planning. The applicant plans to add additional soil to the property in order to create a level pad, which is necessary in order to allow for future development. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2019-64, subject to:

Urban Planning and Land Use Comments:

1. Hauling permits are required for all trucks bringing in fill material or leaving the site with removed fill material.
Applicant Response: Emery Sapp will pull the necessary hauling permits before work commences.
Staff Response: Hauling permits for the trucks can be obtained through the Public Works Department.
2. The process of bringing in the soil and incorporating it into the property's existing soil composition brings up several questions.
 - a. How much soil (cubic feet) is expected to be brought in?
Applicant Response: Around 18,000 cubic yards will be imported to the site.
 - b. How will the soil be transported to the site, i.e. what is the expected axle weight of the vehicles coming to the site?
Applicant Response: The soil will be transported by end dumps and tandem axle dump trucks. The single axle weight will vary between 12k and 18K.
 - c. Will it be transported by several trucks in one day, or will it be brought in over the course of several weeks as more soil becomes available?
Applicant Response: The dirt import trucking operation should take several weeks to complete.
 - d. What times of day and days of the week would the soil be brought to the site?
Applicant Response: Daily operations will take place between 7:30 a.m. to 5:00 p.m.
 - e. Will the soil be dumped on-site and spread out at a later time, or will each load of soil be spread out right after it is dumped?
Applicant Response: The dirt will be dumped, spread and compacted daily.
3. What methods will be employed to ensure that no excessive dust caused by adding the soil will blow off the property and affect the neighbors?
Applicant Response: Emery Sapp will install a temporary construction entrance and water the dirt to prevent excess dust on the project.
4. If Applicant will charge entities for use of the site to drop fill loads, applicant will need to file an occupation tax application with this office for that business activity. However, if there is no charge made for entities to drop fill loads, there is considered to be no associated business activity.
Applicant Response: The 2019 Occupational Tax receipt has been provided.
5. Subject to approval, the applicant is required to obtain a grading permit from the Building Inspection Department.
6. Approval is for two years.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-64 for two years, subject to the stipulation. Roll call was taken on the motion and there were nine “Ayes,” Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

ITEM NO. 17 – 19835...SPECIAL USE PERMIT APPLICATION #SP-2019-65 - KAREN MOLLOY WITH WOODYARD SOUTHSIDE HOLDING, LLC

Synopsis: Special use permit for live entertainment in conjunction with existing restaurant at 3001 Merriam Lane, submitted by Robin Richardson, Director of Planning. The entertainment is planned for weekend nights on an outside patio area at the applicants BBQ restaurant, with performances from 8pm to 11pm. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2019-65, subject to:

Urban Planning and Land Use Comments:

1. Who do you anticipate will be performing (e.g. solo artists, bands, local artists, music students, relatives, open mic performers, etc.)?
Applicant Response: Performers will be local musicians from KC Metro, no open mics or students, etc.
2. Will live music performances be aided by any sound simplifiers (i.e. microphone, speakers, etc.)? What types and how many devices do you anticipate that there will be?
Applicant Response: Live performance will have a small PA system with mics. Again, this is really just to augment the sound so it can be heard clearly in an outside venue. We will not, by any means, be "blowing anybody out" (not what we want at all).
3. What are the dimensions of the stage/performance area?
Applicant Response: The stage is a low 1-foot stage, that is about 15 x 20 all wood, looks like a deck.
4. Is there a contingency plan in place for additional parking spaces in the event that live music nights become quite popular and attracts a large number of additional customers?
Applicant Response: We have in the past asked our neighbor to the east if we could use his big back lot for overflow and he is amenable to that. Again, I don't really see this being an issue with big crowds. These are small local acts.
5. Provide pictures of Woodyard Bar-B-Que, with particular focus on the outdoor patio area.
Applicant Response: Pictures of back patio attached.
6. Provide pictures or rendering of the stage/performance area.
Applicant Response: Pictures of stage attached.
7. Be sure to keep all performances acoustic, as per the application.
Applicant Response: All performances will not be strictly acoustic; I must have put that in app by mistake. However, 80-90% will be. Any electric guitar, again, will be in the quiet

style (think bluesy, for example). Not the loud rock and roll, to which I think that you may be concerned about. This is going to be cool, laid back, good music. NOT loud blow your face off rock and roll. We want a laid-back vibe to coincide with the nice setting and some good 'cue. I also don't want the type of crowd that would come with loud rock and roll type music.

Staff Response: The amendment to the special use permit has been noted. Not all performances will be acoustic.

8. Be sure to end all performances (including warmup and equipment testing) by 11 pm on Friday and Saturday. No performances are allowed Sunday through Thursday.

Applicant Response: All acts will be Fri. and Sat. and will all be done no later than 11:00, generally before that.

9. If approved, applicant will need to file and maintain current annual entertainment license.

Applicant Response: No direct response.

Staff Response: Applicant sent a thorough email responding to all other questions and comments. The email, as a whole, will be understood to be a response to and acceptance of all questions and comments.

10. Additional parking has been expanded in gravel without a permit; this must be improved to comply with City Code.

Applicant Response: We have added tons of gravel to back area for parking.

Staff Response: The issue with the additional gravel that has been used for parking is that it is not in compliance with City Code. Paving the gravel parking lot will be a stipulation of receiving the special use permit.

11. Approval would be for two years.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-65. Roll call was taken on the motion and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

ITEM NO. 18 – 19836... SPECIAL USE PERMIT APPLICATION #SP-2019-66 - AMBER HEATHER WITH PIPER UNIFIED SCHOOL DISTRICT #203

Synopsis: Special use permit for the temporary use of land for a greenhouse at 3131 North 122nd Street, submitted by Robin Richardson, Director of Planning. The greenhouse will be used for educational purposes at Piper Elementary School. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2019-66, subject to:

Business License Comments:

Agricultural and Public Educational entities are exempt from paying the occupation tax. If approved, applicant should still file with this office as an exempt entity.

Urban Planning and Land Use Comments:

1. Will any hazardous materials or chemicals be used in the growing process?
Applicant Response: No.
2. How will you handle water runoff so as to prevent the potential release of chemicals into the storm sewer system?
Applicant Response: We will not have any hazardous chemicals.
3. Provide further detail regarding what will be done with the items that are grown. Will there be any selling of products?
Applicant Response: We will not be selling any products grown, only for student use and learning.
4. Will anyone other than school employees or students participate in the greenhouse activities?
Applicant Response: No.
5. If approved, applicant must obtain necessary permits through Building Inspections Department.
6. Approval for two years.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-66 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

ITEM NO. 19 – 19825...SPECIAL USE PERMIT APPLICATION #SP-2019-67 - JOHN L. PETERSON FOR KAW VALLEY COMPANIES, INC.

Synopsis: Renewal of a special use permit (#SP-2009-17 - expired 6/25/2019) for a sand plant/dredging operation at 2400 South 78th Street, submitted by Robin Richardson, Director of Planning. Applicant states that no neighbors or anyone from the public attended the meeting; the only attendees were applicant and Dan Hays, a corporate representative. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2019-67, subject to:

Urban Planning and Land Use Comments:

1. Has applicant or landowner received any complaints in the past 10 years related to sand production or transportation? This includes complaints about truck, machinery, or equipment traffic in and out of the site, noise at excessive volumes or inappropriate times, excessive dust, or sand runoff?

Applicant Response: No.

Staff Response: Renewal of the special use permit relies on the fact that no complaints have been made. The discovery of complaints previously made may affect the status of the renewed special use permit, including revocation.

2. Has applicant or landowner received any citations or notices from the UG or other governments or government agencies related to sand runoff entering bodies of water, or related to other environmental issues?

Applicant Response: No.

Staff Response: Renewal of the special use permit relies on the fact that no citations or notices have been given. The discovery of previously undiscovered citations may affect the status of the renewed special use permit, including revocation.

3. Applicant and sand production operation must follow all applicable local, State, and Federal regulations regarding sand production, mining/mineral extraction, and by-product disposal.

Applicant Response: Yes.

4. Kaw Valley should ensure it continues to file and maintain a current occupation tax application with the County for the sale of sand and rock materials.

Applicant Response: Yes.

5. Provide current photographs from the sand operation site, including the sand plant building(s) and evidence of runoff prevention/mitigation techniques.

Applicant Response: Will provide.

Staff Response: Applicant has provided photos of the sand mining operation.

6. Renewal of a special use permit for 10 years.

Applicant Response: Yes.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-67 for ten years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

ITEM NO. 20 – 19826... SPECIAL USE PERMIT APPLICATION #SP-2019-68 - BILLY COBB WITH BEAR REAL ESTATE, LLC

Synopsis: Renewal of a home occupation special use permit (#SP-2018-60 - expires 6/28/2019) for an Airbnb at 2810 West 42nd Avenue, submitted by Robin Richardson, Director of Planning.

June 27, 2019

The applicant plans to use two studio units in a multi-family apartment building as short-term rentals through sites such as Airbnb and VRBO. The applicant does not live at the apartment building, located at 2810 West 42nd Avenue. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2019-68, subject to:

Business License Comments:

Bear Real Estate filed and renewed their occupation tax application for the Airbnb after their initial approval.

Urban Planning and Land Use Comments:

1. Have there been any issues with other tenants, neighbors or guests in the past year?
Applicant Response: We have not had many issues with these short-term rentals. The overwhelming majority of guests find our place to be a good value. It is well equipped, priced fairly and well maintained. The one guest we had an issue with did not affect anyone else in the building or neighborhood. They did not follow our rules regarding check-out time, they smoked cigarettes in the unit, left it very messy, and I think stole a few small items. Through this, we discovered that if we place our price too low, we increase our chance of getting a bad renter...rather than passing on a good deal to someone. The risk of getting a bad short-term tenant is not worth the extra income. In this specific instance, we dropped our price to around \$30-35/for the night because it was available and there was a major winter storm that wiped out power for many, many people in KC. We continued to hear about several people who did not have power for almost a week and needed a place to stay for a short time period. We ended up with a one-night rental from this individual that took advantage of our space. This is the only stay at either studios that I gave the tenant a one-star review. All other reviews have been five-star.
2. Describe how you have made yourself available to handle any concerns that arise in relation to the short-term rental units and how you will continue to do so.
Applicant Response: There have been very few instances that have required us to intervene because we maintain our property. However, when they have happened, we have responded quickly:
 - a. Smoke alarm beeping in the unit-we changed the battery within an hour of the tenant telling us about it.
 - b. Stopped up toilet-coordinated with the tenant about fixing it and repaired within the same day.
 - c. Parking-2 times in the last year we have had an Airbnb tenant park in one of our regular tenants' spots by mistake. These instances were both taken care of and this is not an issue.
 - d. We live locally and will continue our quick response to any issues that may arise. We take pride in what we do and want to be a great host, landlord and neighbor.
3. Applicant must continue to maintain occupation tax application through Business License Department.

Applicant Response: We will do this.

4. Have any tenants complained about the Airbnb?

Applicant Response: I have not had any complaints from long-term tenants about the Airbnb.

5. If approved, recommended for two years

Applicants Response: Agreed. Thank you.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-68 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

ITEM NO. 21 – 19827... SPECIAL USE PERMIT APPLICATION #SP-2019-69 - LAUREN LUECK WITH KVC FOUNDATION, INC.

Synopsis: Renewal of a special use permit (#SP-2017-64 - expired 5/31/2019) 12 non-violent adult patients at 4300 Brenner Road, submitted by Robin Richardson, Director of Planning. This property was approved in 1984 for an indefinite special use permit to provide residential and treatment care to older children and adolescents referred for care by the Social Rehabilitation Service of Kansas. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2019-69, subject to:

Urban Planning and Land Use Comments:

1. Please explain why the expansion of the time limits for adult patients is necessary.
Applicant Response: KVC is in partnership with the University of Kansas Health System to provide treatment for adults at our 4300 Brenner Dr. location. In late summer or early fall of 2019, KU intends to relocate their adult treatment beds to their Strawberry Hill campus. The beds are a necessity for the state of Kansas and the Northeast region. The expansion of time will allow us to ensure resources and access to appropriate treatment isn't disrupted while KU finishes construction at their new location.
2. Has anything changed in regards to the average length of stay for adults, the background and circumstances of the adults placed at this location, the area of the building for this use, how adults and youth are separated, or any other aspect of how this use is operated since the approval of the special use permit allowing adult patients was approved on January 11, 2018?

Applicant Response: There are currently no updates to provide regarding the treatment services or operating procedures between KVC and the University of Kansas Health System.

3. Have there been any complaints from neighbors since the original permit was approved?
Applicant Response: Neighbors continue to be concerned with providing treatment to adults at our 4300 Brenner location. We don't have specific complaints since the approval of the permit related to the adverse events directly impacting our neighbors.

Public Works Comments: none.

Business License Comments:

KVC is an exempt entity for paying the occupation tax. They have filed application with supporting documentation for their exempt status.

Staff Conclusion:

The extension of this permit is to allow KU to continue to treat 12 non-violent adults, while KU finishes their facility at 5th and Minnesota Avenue (formerly the EPA building.) Construction should conclude and be available Fall of 2019. Therefore, the special use permit shall expire on December 31, 2019.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-69 until December 31, 2019, subject to the stipulations. Roll call was taken on the motion and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

ITEM NO. 22 – 19828... SPECIAL USE PERMIT APPLICATION #SP-2019-72 - JOHN L. PETERSON FOR KAW VALLEY COMPANIES, INC.

Synopsis: Renewal of a special use permit (#SP-2008-30 - expired 6/25/2019) to continue extracting material and fill with State approved rubble and recycling at 8300 Gibbs Road and 8205 Kaw Drive, submitted by Robin Richardson, Director of Planning. The pit on the property was previously used for dredging for periods in the past 15 years. A fill operation is now necessary for the property and the applicant is requesting a renewal of the existing permit for a period of 10 years. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2019-72, subject to:

Urban Planning and Land Use Comments:

1. Has applicant or landowner received any complaints in the past 10 years related to the fill operation or transportation of fill material? This includes complaints about trucks, machinery, or equipment traffic in and out of the site, noise at excessive volumes or inappropriate times, excessive dust, or runoff?
Applicant Response: No.

Staff Response: Renewal of the special use permit relies on the fact that no complaints have been made. The discovery of complaints previously made may affect the status of the renewed special use permit, including revocation.

2. Has applicant or landowner received any citations or notices from the UG or other governments or government agencies related to fill material and runoff entering bodies of water, or related to other environmental issues?

Applicant Response: No.

Staff Response: Renewal of the special use permit relies on the fact that no citations or notices have been given. The discovery of previously undiscovered citations may affect the status of the renewed special use permit, including revocation.

3. Applicant and sand production operation must follow all applicable local, State, and Federal regulations regarding the fill operation, rubble, recyclable material, and by-product disposal.

Applicant Response: Yes.

4. Provide current photographs from the fill operation site.

Applicant Response: Will provide.

Staff Response: Applicant has provided photos of the fill operation site.

5. Kaw Valley should ensure it continues to file and maintain a current occupation tax application with the County for the sale of sand and rock materials.

Applicant Response: Yes.

6. Renewal of a Special Use Permit for 10 years.

Applicant Response: Yes.

7. Provide a plan to keep mud or dirt from tracking onto public streets.

Applicant Response: There will be a maintenance program in place.

Staff Response: Renewal of the special use permit relies on a maintenance program being in place and in use. The special use permit could be revoked if it is discovered that a maintenance program is not being followed.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: Provide staff with site plan that shows existing contours and proposed final contours
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 Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-72 for ten years, subject to the stipulations. Roll call was taken on the motion and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

VACATION APPLICATION

ITEM NO. 1 – 19837 UEVA...VACATION APPLICATION #U/E-2019-4 - AMY LUNGU WITH D & A HOMES, INC.

Synopsis: Vacation of utility easements at 11330 Webster Avenue, submitted by Robin H. Richardson, Director of Planning.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Vacation Application #U/E-2019-4 subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

PLAN REVIEW APPLICATION

ITEM NO. 1 – 19838...PLAN REVIEW APPLICATION #PR-2019-13 - MATT GIBBS WITH STATE4, LLC

Synopsis: Preliminary and final plan review for Aspen Dental at 7524 State Avenue, submitted by Robin Richardson, Director of Planning. The existing building will be demolished and replaced. The Planning Commission voted 5 to 0 to recommend approval of Plan Review Application #PR-2019-13, subject to:

Urban Planning and Land Use Comments:

Site/Parking

1. Review and respond to the attached Conservation District comments.
Applicant Response: Conservation requirements have been reviewed. We understand and acknowledge the comments and will incorporate as required.
2. Parking and paved areas are required to be not less than 6 feet from the property line. On the east side of the parking lot, the separation provided is 5’7”. Revise.
Applicant Response: Paved area has been revised to meet the 6’ requirement.
3. Provide a connection between the proposed internal sidewalks and the sidewalks along State Avenue and North 75th Place.
Applicant Response: Per email dated 24 May 2019 from Kimberly Portillo, this requirement has been waived.
Staff Comment: The applicant will make a connection to North 75th Place, but not State Avenue.

Landscaping

1. Update landscape data and plans to reflect the following:

June 27, 2019

- a. CP-2 Zoning requirement: 1 tree per 7,000 sq ft site area = 4 trees
- b. Commercial Design Guidelines 75% multiplier = 3 trees
- c. Total trees requirement per zoning: 7 trees

Applicant Response: 7 trees have been added.

- 2. New construction must provide at least a twenty-five-foot landscape zone between structures and/or parking lots and all public streets and access easements forty feet wide or greater.

In general, formal stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows and do not count towards required zoning tree count: One tree with a minimum caliper of 2 inches (ornamental) evergreen trees (must be at least 6 feet tall when planted) provided for every 30 feet of street easement or frontage.

Applicant Response: Additional trees have been added to Sheet L-1.

- 3. Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. Revise on north side of parking lot.

Applicant Response: Due to site triangle, distance constraints shrubs or any proposed plant material will be added.

- 4. All landscaping shall be irrigated.

Applicant Response: Landscape notes on Sheet L-1 reference the irrigation requirement.

Building

- 1. Provide material palette with sample materials.

Applicant Response: Digital palette was submitted. Samples have been ordered from all vendors and will be submitted once they have arrived.

- 2. For new construction, windows, windows with awnings, and covered pedestrian walkways should total at least 60% of the building frontage along public streets or parking lots. Revise north elevation to meet this requirement.

Applicant Response: Per email dated 24 May 2019 from Kimberly Portillo, this requirement has been waived.

Staff Comment: The applicant will use faux windows along the north façade to meet the intent of this requirement.

- 3. EIFS may comprise no more than 15% of any façade. Additionally, each façade shall be at least 50% masonry per the Commercial Design Guidelines. The City-Wide Master Plan requires that masonry materials shall be required on 65% of the sum total of all building facades. Please provide elevation material percentage breakdowns by façade and total building.

Applicant Response: Individual elevation breakdown has been added to sheet SD-1.

Staff Comment: The chart has been updated to show square feet of each material per façade, however, the percent values appear to be incorrect. (Example: North Façade is listed as 0sf of EIFS but listed as 16.8% EIFS). Since there is less than 50 percent EIFS on each façade, as calculated based on the square feet provided, staff gives approval. The percentages shown must be corrected prior to DRC submittal to reflect the numbers provided in square feet.

4. At least 75% of the length of building foundations facing public streets must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.

Applicant Response: Sheet L-1 shows additional plantings along foundation.

5. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building.

Applicant Response: Once final connections are determined; landscaping will be provided to screen as required.

Staff Comment: Screening must be approved prior to issuance of a DRC building permit. In addition, the BPU transformer pad shall be completely screened on all sides with 6-foot junipers setback 10 feet from the door opening and 3 feet from the remaining three sides of the pad. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore, the gate/enclosure shall be constructed in front of the transformer.

6. Rooftop mechanical equipment shall be screened from public view by an architectural screen.

Applicant Response: The building has parapets on four sides to provide screening for rooftop equipment.

7. Downspouts shall be internalized.

Applicant Response: All downspouts are internalized as designed.

8. All lighting shall have 90-degree cutoff fixtures.

Applicant Response: Photometric plan on SD-2 originally submitted was shown on the plan.

9. Provide color elevations and materials for dumpster enclosure. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same material(s) as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from the streets or adjacent land uses.

Applicant Response: Dumpster elevations have been added to sheet SD-1.

Signage

1. All signage shall comply with the Sign Code, Chapter 27 Planning and Development, Article VIII Zoning, Division 11 Signs.

Applicant Response: We understand and acknowledge this comment.

2. Per the City-Wide Master Plan, freestanding pole/pylon signs are not permitted.

Applicant Response: We understand and acknowledge this comment.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: none.
2. Items that are conditions of approval (stipulations): Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Plan Review Application #PR-2019-13, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

MISCELLANEOUS

ITEM NO. 1 – 19839...MISCELLANEOUS APPLICATION #MP-2019-4 - TOM NOLTE WITH NOLTE AND ASSOCIATES

Synopsis: Master plan amendment from Low-Density Residential (City-Wide) to Community Commercial (City-Wide Master Plan) at 8525 Parallel Parkway, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 5 to 0 to recommend approval of Miscellaneous Plan Application # MP-2019-4.

Action: This item was previously heard with Change of Zone #3194.

MISCELLANEOUS – ORDINANCE

ITEM NO. 1 – 19840...AN ORDINANCE rezoning property at 647 Southwest Boulevard (#3184) from M-2 General Industrial District to CP-3 Planned Commercial District, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-44-19**, “An ordinance rezoning property hereinafter described located at approximately 647 Southwest Boulevard in Kansas City, Kansas, by changing the same from its present zoning of M-2 General Industrial District to CP-3 Planned Commercial District.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

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, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 7 to 2 to recommend continuation of the special use permit, subject to 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 timeframe 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.

Robin Richardson, Director of Planning, said this comes to you recommended that the special use permit not be revoked; but that the vehicles be allowed to be parked on the site and be delivered either by driving them to the site with proper documentation required by the state to drive on our roads, or by a transport truck.

R. Scott Beeler, 10851 Mastin, Overland Park, KS, said I'm with Lathrop Gage and we represent Ruffin Woodlands Company. The matter comes back to you here. First, I want to say I appreciate very much that the matter was continued to tonight. I was in Birmingham, Alabama, the last of your scheduled meetings and could not appear.

You will recall, when we were here it, was to gain, and if I could use Commissioner Bynum's words, clarification on the stipulations that exists for the Woodlands' special use permit. As Mr. Richardson indicated, there was no revocation. There was no vote on a revocation taken here. It was simply remanded back under a theory that before any of the stipulations could change, they had to have direction from this body.

On page five, at least my version, page five of the staff report it even references the bullet at the top that says this application was referred to the Planning Commission on April 25 for

consideration/recommendation of two items. The very next session, in Key Issues No. 3A, codify all time of activity limited to 7:30 a.m. to 7:30 p.m.; and B, clarify how vehicles are delivered to the site. Those were the two issues. The Planning Commission did acknowledge that. We stipulated that the activity at the site in terms of delivery or removal of vehicles would be 7:30 a.m. to 7:30 p.m. We also clarified how delivery would occur. Mr. Richardson even indicated it will either be by truck, which is limited to the 60 semi trips a day, or by being driven and that number of cars is limited to 420. We've agreed to that stipulation as well. To be honest, I thought that was the end of it.

The middle of that page includes all of the adopted stipulations as originally adopted. You'll note, there is no reference to several of the stipulations that then appear at the bottom of the page and the Planning Commission recommendation. I want to reiterate that the Planning Commission, by law, is limited to the instructions you, as a body, give them. Those were to identify the time of activity and how the method of delivery would occur. I thought I'd be getting back the same list of the original adopted stipulations together with these two clarifications. Unfortunately, that is not what we got back. It now indicates the hours of operation are 7:30 a.m. to 7:30 p.m. The words, the only exception is the changing of security shifts. That wasn't anything taken up by this body or the Planning Commission. Now, I will offer that I responded to Mr. Richardson and said, what my concern is here, and Mr. Maracas sitting in the back of the room, you'll remember he's the general manager; he is not security. He goes to the site on a regular basis, night and day, to be sure that everything is okay. The last thing I wanted was some reference that even him traveling to the site is somehow a violation. It was not a stipulation. I respectfully asked that that be removed but we're here because it hasn't been.

No. 3 indicated—well, what we really don't need to even talk or bother you with No.3, but No. 4 was the real tripping point. The Unified Government expects 100% compliance with all stipulations. Close is not sufficient. That's not a stipulation. I object and I would object here and in every other form I was ever—that any client would be put to the task of some interpretation that something was a violation (in audible) because it was less than 100%, you automatically lose your property right under the Constitution and all the value that goes along with it. That was not a stipulation of this body. We've not even come under a vote for revocation, much less should we be under a zero-tolerance measure.

I want to remind that this is a large operation. We have never denied anything or said anything different. It can accommodate 12,000 and some cars a month, going in and out of there, under these stipulations. If they're five minutes earlier or they're five minutes late, we're going to hear about it. I can't agree. I would hope you would agree, I can't agree to say that it's a 100% compliance stipulation. Let me say out loud, we understand the expectation of compliance. Of course, we do. We have a special use permit that is subject to your review and a motion to revoke it. We understand.

When that allegation happens, it's not always true. We certainly want the opportunity to come in and state the facts and have you vote on those facts. What we don't want and cannot agree to, is that merely because we are alleged to have a technical violation of any sort that you don't have any say about it. You say it says right there, 100% compliance. I guess I'd have no choice in my vote. I have to vote to revoke. That does not belong here, ladies and gentlemen. I would dare say that you have not placed that stipulation in any special use permit you have issued. I am pretty confident when I say that and it doesn't belong here. I'm trying to avoid fights that we don't need to have. I've stipulated to all of the stipulations that were there before and the ones that we went back pursuant to Commissioner Bynum's request for clarification. That should be the end of it. I respectfully request that we move along.

Mayor Alvey opened the public hearing and asked if there is anyone present who would like to speak in favor.

Rebecca Joy Gardner, 9625 Leavenworth Rd., said I live directly across the street from the entrance to the Woodlands. My son and I live there. We're the only house that's actually affected by the ingoing and outcoming of cars. Lathrop engages a very good, a very successful, a very expensive large legal firm. I'm an individual and it seems sometimes like we speak different languages. I feel like David fighting Goliath. Their first agreement was broken. **Mayor Alvey** asked are you speaking in favor or in opposition. **Ms. Gardner** said both. **Mayor Alvey** said okay. **Ms. Gardner** said if that makes sense.

Their first agreement was broken. To Mr. Beeler, that wasn't a problem. To me, it was. The operating hours were broken, the vehicle numbers were off, the methods of transport were inconsistent; all three were broken. I am concerned about a new agreement for the same reasons.

They agreed to changes in the agreement. Verbally we were told that all driven transport cars would be counted, unlike last time. They agreed the 7:30 to 7:30 time was good. How do I know this is going to be true again?

The city should either monitor or ask for reports whether its monthly or quarterly or whatever to verify what's coming in and how they're coming in type of situation. I thought, and I may have misunderstood, that Mr. Beeler had said that last time that all the cars coming starting in August again, would be driven and no more transport trucks. They've changed that and now he says trucks and cars. He said 400. That's a lot of cars coming and turning right at your driveway. Especially, for me in the winter when its dark, the headlights come right into my house in my bedroom. If it doesn't wake me up, it wakes my dogs up and they wake me up.

I spoke with Mr. Beeler at one point about an abatement; a sound light abatement. A little wall that goes just across the front of my house. That would remedy the whole thing for me. If they can fix a lady's yard because a truck drove in it by mistake, I don't think that asking for that, which would remedy the whole situation—I just don't want to have the headlights coming in and I don't want the sound, especially not knowing how many are coming or by what means. I'm just a regular person. I can't afford a fancy lawyer like Mr. Beeler. I am not trying to squelch their making some money while they're waiting for other things to transpire be able to reopen the Woodlands.

Janice Witt, 2717 N. 88th Terrace, said I bet Scott Beeler is shocked to see me standing here in favor. I have a question. What is the amount of the taxes that are paid on the use of this property? Can we hold my time while we check? **Doug Bach, County Administrator**, said I believe the appraised value is somewhere around \$600,000 to \$700,000 on this property. **Ms. Witt** asked how much is coming in for this use that's being allowed on the property. **Mr. Bach** said nothing directly from this use. It would just be the property taxes that are paid for the property. **Ms. Witt** said just the standard property taxes. **Mr. Bach** said yes. **Janice Witt** said and the permits. So, how much are the permits costing? How much are the permits bringing in to the UG coffer? **Mr. Richardson** said the permit is under \$1,500 for the special use permit. **Ms. Witt** said under \$1,500. **Mr. Richardson** said yes. Their appraised value in 2019 was, I'm having trouble reading, it looks like eight, almost nine. Is that \$9M. Can you read that, Misty? I can't read that.

Ms. Witt said there's no financial benefit whatsoever for the UG or for the people of the UG, including the young lady that's in from of it. There is no benefit for the inconvenience that's being supported, that we're getting from the use of this, no taxes whatsoever, no funds are being offered. They pay their taxes. **Mr. Richardson** said they pay their taxes. **Ms. Witt** said 20 some thousand dollars a year on taxes. Okay, I would support—I think that we need to support our businesses, our small business. As well as we need to support our small businesses, it's very important that we take care of our citizens.

This young lady is asking for a wall. She is asking for a berm; she's asking for comfort in her home that has been there and she has lived there for quite some time. There are no taxes from the community coming in, no benefit for the community coming in. However, we are getting paid into for the regular tax base. I am asking that the wall for the citizen be allowed to be built and that Lathrop and Gage cover those fees with their client, and that the trucks stop until they give her a berm.

Mayor Alvey asked would anyone like to speak in opposition.

Laurie Torrez, 9828 Donahoo Rd., said I'm here in opposition. First of all, I think the Woodlands has appealed their taxes. That's first on the agenda. Second of all, on this paper you say that land storage for use of semi-tractor-trailers. That was never in there. If they're going to store tractor-trailers there, they're going to have all the neighbors sitting and listening to tractor-trailer trucks run all night long.

Second thing, the assumed insurance. When Mr. Beeler spoke April 25th at the Planning meeting, he was asked if there was insurance. He stated, assumed, I assume there's insurance on the vehicles. Again, I questioned the plates that are being ran on these vehicles on the roads. I question the insurance that is being, if there is insurance. He assumes there is; nobody knows. They haven't gone to the state and gotten their plates so nobody knows; nobody knows. One of your people, a senior citizen, a new 16-year-old driver that's out on the road.

Let's get into 100% of compliance. Mr. Beeler states there is nobody that's under that. If a bar stays open till 4' oclock in the morning, they're going to get zapped. They have to be in 100% compliance, just like the Woodlands should be. I think that's about it, but they do need to be in 100% compliance. If you let him say well, 7:45 p.m., no, they're going to take it to 8:45 p.m. It's

just like any bar, they have to close down at 1 or 3 o'clock in morning. They need to shut down at 3 a.m., not 3:05 am not 3:30 a.m. They do need to be in the high (inaudible) like they do need to be in 100% compliance.

Adrian Torrez, 9828 Donahoo Rd., said I haven't really done a lot of research to be able to give you a good idea of how I feel, but there was a commercial on recently called Captain Obvious. A gentleman dressed up like a captain would say, totally obvious and that's the way I feel right now. It's as if we wouldn't be here if the contracts were lived up to in the beginning. The only reason this all started was because we couldn't find a way to live by what was said. Now, we're told, let's move on. I can't live with a 100% compliance. No one does is what we were told. I think it's a good faith effort to try to live up to those things and not to come and make excuses to you as to why these can't happen. It's just logic. Keep your word.

The other thing that I'm bothered by, is that it seems that the violations that have happened are with the transport company, I guess its TLC Transport. We've never seen them here. It would seem that they should come up here and tell you look, we're sorry that it happened; we have new staff. Give me a reason. What we're expecting is to have Mr. Beeler hold TLC accountable, but does he have the authority? Can he get ahold of them and say look, I'm really tired of it. We're going to break our contract with you if you don't live up to it because I'm getting nailed at the commissioners' meeting. We haven't seen that. So, who are these people?

If they are that good and they do this for a living, because they are nationwide, they knew that traffic was going to come in. They knew they planned to drive the vehicles one at a time. It's not brand new. It's their business. Where are they? Are you able to hold them liable or do we expect Mr. Beeler to do that? If we do, you're going to be back here again.

Regardless of this in the end, it was up for revocation. How about we just make an agreement. Let's not do this again. We've had too much trouble with it.

Mayor Alvey closed the public hearing.

Mr. Beeler said I think everyone is aware of this, but if you notice there on the original adopted stipulations, No. 5 says withdrawal of the UPS truck trailer storage, that's never been part of this

application before this body. It was withdrawn before the very first hearing, and it is not part of it today.

The assumed insurance, I'm not for sure I understand the comments. The fact of the matter is, the stipulation which we've agreed to says that these cars will all have the appropriate paperwork, including insurance representation when the cars are moved by a driver. We understand that stipulation. It doesn't matter whether I know what it is, or I don't. That's a stipulation now that they will have it. They have to have it and we get that.

The plates, I'm not going to go back over that. Ms. Torrez brings that up a lot and good for her. A plate is not required. The Highway Patrol has verified that, so has your Police Department. With regard to the bar example, if I'm the bar owner, I control whether or not I lock the door at 4 o'clock. They've indicated here, we are dealing with third parties and transport companies. We are standing down on them and standing down hard. I'm the one who modified the contract to say 7:30 a.m. to 7:30 p.m., no matter how you get it there. That wasn't in there originally. It wasn't even in the stipulations originally, even though I've always said that's what we will try to adhere to.

Bottom line is, we've sort of been there, done that on this. The stipulations are now clarified and in place. We will do everything in our corporate power to make sure that they are adhered to. In the event that something comes out of the blue we're unaware of, I'm sure we'll be back here talking to you about it. We don't want that any more than you do, but that's what the system is and that's how you approach an alleged violation of an SUP.

Commissioner Kane asked, Mr. Beeler, can you come back up. First of all, they have to know where everyone of those vehicles is at every single time. They know how many that went in there and how many went out. That's surely not an issue. I do think it's a good idea, though, to build a berm with maybe some bushes so she wouldn't have that light coming into her room. I don't think a berm and bushes are that expensive to get pass this issue that we're at right now.

Mr. Beeler said, if you're asking me. **Commissioner Kane** said I am asking you. **Mr. Beeler** said the 7:30 a.m. to 7:30 p.m. change was done to be sure that it was daylight operation hours. In other words, to remove any concern that the cars were coming out and shining their lights in her window. That was the whole concern raised at the time and we agreed to the time. **Commissioner Kane** said in the wintertime it's still dark at 7:30. In the wintertime it's dark at

7:30 at night. **Mr. Beeler** said I can only—**Commissioner Kane** said I think it would be a really good suggestion on your part to take that as something just to ease the pain for the lady who lives across the street. **Mr. Beeler** said I will take that to my client, I promise. **Commissioner Kane** said I'm not sure I'm asking you to take this to your client. I think that's what part of the stipulations should be. **Mr. Beeler** said it's not the one back here now from the Planning Commission, so I don't know.

Commissioner Kane said we have the right to modify what they said. I think it would be a really good idea to put a berm there and some bushes to help the lady because she was semi for you and semi against you. You're only talking about a couple of thousand dollars. **Mr. Beeler** said I hear you loud and clear, Commissioner. I will pass that along. I will suggest to you, and please allow me to respectfully do that, that this body cannot order a member of the public to pay for an improvement on another public person's property. That's not within the authorization of this governing body. **Commissioner Kane** said I've been here 14 years and we've modified a lot of this for 14 years. I don't want to argue with you. What I want to do tell you is, in order to make this pass with the least amount of pain, I'm making that suggestion. As it comes around, it'll probably be a motion. I don't agree with what you said. We've made modifications on multiple things around here forever, and we always will because we're trying to make sure you get what you want and the people get what they want. **Mr. Beeler** said I'm not yelling, sir. **Commissioner Kane** said I'm not yelling yet. **Mr. Beeler** said sure. I will take it to the client.

Mayor Alvey asked, Rob, would you clarify legally. **Mr. Richardson** said I'm not an attorney, but we have required improvements on other properties in the past. They've not been challenged and other cities have as well. I'm not aware of anytime where that's been overturned, but like I said, it's not a legal opinion, it's just my experience in doing this in multiple cities.

Commissioner Bynum said I agree that Mr. Lathrop should be allowed to be on the site as he needs to. He may get there at 7 a.m., I don't know. I'm not sure how to modify that. I guess it would be in Item No. 1 of the Planning Commission's recommendation. If there would be a way to modify that. **Mr. Richardson** said, Commissioner, I believe the Planning Commission considered Mr. Lathrop a part of the security for the site. He would be in that. That's why that was stated that way.

Commissioner Bynum said I guess I need to understand what No. 1 means. It says hours of operations are 7:30 a.m. to 7:30 p.m., the only exception is security. **Mr. Richardson** said they probably won't have a 12-hour security shift. They will probably change security personnel during that 12 hours overnight at some point in time. We wanted them to be able to do that and wanted Mr. Lathrop to be able to visit the site. That would mean if they change—once a security guard leaves and another one comes in, that doesn't count against their total. We aren't going to penalize them for folks, for Mr. Lathrop or the security guards being changed between 7:30 p.m. and 7:30 a.m.

Commissioner Bynum said I'm just wondering if that needs clarification at all on our part. **Mr. Beeler** said I'm good with what Mr. Richardson is indicating. I just wanted it clear that if management was there, I don't know when securities will change and that kind of thing, but yes, the concept I agree with.

Mayor Alvey entertained a motion to approve Planning Commission's recommendation. I'm sorry, there is no recommendation to revoke. **Mr. Richardson** said correct. The recommendation are the five items on Page 5 of the staff report. Its been back and forth so six votes you can modify, you can approve, you can deny, you can revoke with six votes.

Commissioner Townsend said I did have a question, Mayor, and it goes to the issue that Commissioner Kane raised for the berm. I want to ask counsel, who is it that would have to agree to this? I understand that you're not agreeing because you have a client. So, who is the person or the entity that would have to agree to that one way or the other? **Mr. Richardson** said it's a stipulation. They don't have to agree; they just have to do it. **Commissioner Townsend** said okay, thank you. That's clarification enough for me.

Commissioner Bynum said what I heard Ms. Gardner ask for was a sound or light barrier. I guess I pictured something different, almost something that was attached to her window and whether that could be agreeable. **Mr. Richardson** said she described a wall, I believe. **Mr. Beeler** said part of the problem is just not knowing what to do; What's going to work. **Commissioner Bynum** asked what would work. **Mr. Beeler** said I just can't make that commitment.

Commissioner Kane said I accept what the Planning and Zoning did, with an addition of a berm and some bushes. It's not that expensive. I think it'll really work and will satisfy some of the people that are there. I know you don't like it, but I think that's the best thing to make this go forward.

Action: **Commissioner Kane made a motion, seconded by Commissioner Bynum, to approve Special Use Permit Application #SP-2018-54, subject to the stipulations and what he stated above to provide a berm and some bushes for the resident.**

Mr. Beeler said for clarification, is the 100% part of that or not, Commissioner? **Mayor Alvey** said yes, so far.

Roll call was taken on the motion and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

ITEM NO. 2 – 19841...SPECIAL USE PERMIT APPLICATION #SP-2019-85 - FRANK LAVENDER, JR.

Synopsis: Short-term special use permit to host the Kansas City, Kansas Street Blues Festival on June 29, 2019 at 3924 North 49th Drive, submitted by Robin Richardson, Director of Planning. The applicant has applied for a short-term special use permit (less than ten days) to host the Kansas City Kansas Street Blues Festival on his 44.1-acre property on Saturday, June 29, 2019 from 1:30 PM to 11:00 PM at 3924 North 49th Drive.

Urban Planning and Land Use Comments:

1. Subject to approval, this short-term special use permit shall be valid on Saturday, June 29, 2019, from 1:30 PM to 11:00 PM.
2. The applicant has provided a site plan indicating the location of the parking area, stage and audience. Because the audience is north of the stage in a north-south orientation, sound generated from the performers and bands will project towards the power plant and not in the direction of the residences to the south and east.
3. Alcohol will not be sold on the property.
4. As mentioned in the proposal, on-site security will be provided. Shall comply with the Code of Ordinances regarding security staff.
5. Performances shall end by 11:00 PM.

Public Works Comments: none.

Robin Richardson, Director of Planning, said this was an approved activity last year. Mr. Lavender has applied to do this again this year. He was a little confused that he—this is an annual process that he has to go through, that’s why we’re kind of here at the last minute.

I will also say that this is a very rarely used exception in the zoning code that allows for a short-term special use permit activity to be approved by the Board of Commissioners without notice to the neighbors. There’s been no notice on this because of the short-term nature of it. It’s before you recommended it for approval by the staff.

Frank Lavender, 3924 N. 49th Dr. (event address), said I’d like to say that this event is a community service, I consider, as well as the other members of the organization. This is a non-profit organization. We don’t make a dime on this. As a matter of fact, the last three years we’ve lost \$16,000 putting this on. We do this to honor and recognize our musicians in the community that the majority of the people don’t even know that they exist. We’re trying to keep the music and the blues heritage alive in Kansas City, KS, because this the only event that does that. We appreciate you guys support for us trying to make this happen. Like I say, it’s a community service. It’s a passion of ours because we love music. We do this because we love our community.

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

Mayor Alvey asked if anyone was present who would like to speak in opposition. No one appeared in opposition.

Mayor Alvey closed public hearing.

Mr. Lavender said I don’t have any closing comments other than the fact that I would like to thank you and this Commission for the past and present support that you’ve given this function because without your support, it wouldn’t happen. I just want you to know that we all appreciate you.

Commissioner Bynum said I don't have a question; I have a comment. It's a great festival.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Philbrook, to approve Special Use Permit Application #SP-2019-85.**

Commissioner Townsend said I would also like to echo my support for this event. Certainly, an organization that will risk going in the hole to continually promote this has at heart the best interest of the community, and also keeping the legacy of jazz, blues, and good entertainment alive on both sides of the river. I would also support this motion and ask that it be passed.

Commissioner Burroughs said I would ask that next year, should just be before us once again, as I assume it will be; that we have a more appropriate timeframe so that those that are bringing this issue forward don't have to wait until the eleventh hour in case there is an issue that we need to address. To have this brought forward in such a short amount of time, with the window coming up for the festival. I would hope that we would be a little more astute in bringing it forward earlier next year.

Mayor Alvey said I would assume that that was—**Mr. Richardson** said I spoke with Mr. Lavender at our Zoning meeting in April, I believe, up on Quindaro and notified him of the need for this. We did try.

Roll call was taken on the motion and there were nine "Ayes," Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

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.

Tscher Manck, 212 N. 38th St., asked to set-aside Item No. 7. **Doug Bach, County Administrator**, asked to set-aside Item No. 4.

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

ITEM NO. 1 – 19844... ADOPTION: 2019 FEDERAL LEGISLATIVE PROGRAM

Synopsis: Request adoption of the 2019 Federal Legislative Program, submitted by Mike Taylor, Public Relations Director.

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

ITEM NO. 2 – 19791...RESOLUTION: 131ST & LEAVENWORTH ROAD IMPROVEMENTS FOR PIPER ELEMENTARY SCHOOL - CMIP 1615

Synopsis: A resolution declaring the necessity and authorizing a survey of lands for the 131st & Leavenworth Road Improvements for Piper Elementary School, CMIP 1615, submitted by James Bain, Assistant Counsel. On June 17, 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-38-19**, “A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the construction, maintenance, operation, use and repair of the 131st St. & Leavenworth Road Improvements for Piper Elementary School (CMIP 1615), all in Wyandotte County, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken on the motion and there were nine “Ayes,” Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

ITEM NO. 3 – 19793...EASTERN KANSAS MULTI-COUNTY TASK FORCE AGREEMENT

Synopsis: A resolution approving a Reciprocal Investigation Intergovernmental Local Agreement with the Eastern Kansas Multi-County Task Force, submitted by John Droppelmann, Fire Marshal. This task force provides investigative assistance for large, complex fire incidents.

On June 17, 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-39-19**, “A resolution authorizing the Unified Government to enter into an agreement with Eastern Kansas Multi-County Task Force to provide investigative services.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken on the motion and there were nine “Ayes,” Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

ITEM NO. 4 – 19806...REQUEST: FISHER PARK FITNESS COURT

Synopsis: Request to construct a national fitness court at Fisher Park, located at 39th Street and Fisher Avenue, submitted by Jeremy Rogers, Director of Parks & Recreation. On June 17, 2019, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Doug Bach, County Administrator, said this is a request for a fitness court that we were looking at Fisher Park. We found out today that one of our funders for the grant funding for this project has some concerns regarding the park. We found need to have further dialogue with them before we advance this. I am asking for this item to be set-aside or held over to a future Commission meeting. We will bring it back at the point if we’re able to resolve our differences with that funder. If not, we will look for a new site.

Action: **Commissioner Markley made a motion, seconded by Commissioner McKiernan, to hold this item over.** Roll call was taken on the motion and there

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

ITEM NO. 5 – 19794...ORDINANCE: PURPOSES OF COMMISSION ON HUMAN RELATIONS & DISABILITIES ISSUES

Synopsis: An ordinance outlining the purposes of the Commission on Human Relations and Disabilities Issues, amending Section 18-23, submitted by Phyllis Wallace, Director of Human Services. On June 17, 2019, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Action: **ORDINANCE NO. O-45-19**, “An ordinance relating to Chapter 18, Human Relations, amending Section 18-23 of the Unified Government Code.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were nine “Ayes,” Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

ITEM NO. 6 – 19787...ORDINANCE: COMMISSION ON HUMAN RELATIONS & DISABILITIES ISSUES

Synopsis: An ordinance designating what constitutes a quorum for the Commission on Human Relations and Disabilities Issues meetings, amending Section 18-25, submitted by Phyllis Wallace, Director of Human Services. On June 17, 2019, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Action: **ORDINANCE NO. O-46-19**, “An ordinance relating to Chapter 18, Human Relations, amending Section 18-25 of the Unified Government Code.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were nine “Ayes,” Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Kane.

ITEM NO. 7 – 19808...NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and Commissions:

Mindy Janelle Wills Fugarino - Juvenile Corrections Advisory Board, 6/27/19 - 6/27/22
submitted by Mayor David Alvey

Matt Warner - UG Board of Park Commissioners, 6/27/19 - 3/31/20, submitted by
Commissioner Ann Murguia

Daniel Serda - Board of Zoning Appeals/City Planning Commission, 6/27/19 - 3/31/20,
submitted by Commissioner Melissa Bynum

Anne McDonald - Housing Authority Board, 6/27/19 - 3/31/20, submitted by Commissioner
Brian McKiernan

Tscher Manck, 212 N. 38th St., said its actually only one portion of Item No. 7. It is Commissioner Murguia's appointment of Matt Warner to the Parks and Recreation Board. We have been previously from March until now and currently still fighting or going and petitioning them to take Metro 24 out. We feel like its unethical for the owner of the Metro 24 to vote if his company gets to stay there with free rent, utilities and taxes.

Mayor Alvey said let's be clear that the members of the Parks and Recreation Board do not vote on anything. They are simply an advisory board. They have no fiduciary power. They have no authority over any personnel, over scheduling; they simply hear from the community then move that back and advise our Parks and Rec. There is no ethical conflict here. **Tscher Manck** said Ms. Wyatt is here, but we learned last month that they do vote and that they're a policy making board. They were under training for such things and so that who we were speaking with. They do vote and we were going to request a vote for that.

Misty Brown, Deputy Chief Counsel, said I can understand why there could be some confusion, but the Mayor is correct. The Parks Board is an advisory board to the Commission. They may amongst themselves vote on what they're going to advise the Commission; but as the Mayor said, they have no fiduciary responsibilities. They don't vote on who would stay in, like if Metro 24 would be in the facility or not, so they are merely advisory.

Mayor Alvey said if anybody would like to speak in favor of or in opposition to this appointment, please come forward and state your name and residency.

Faith Rivera, 908 Hagemann St., said I am a Rosedale resident, second generation actually. The reason why I oppose this is—actually what does the Parks and Rec Board do if they don't have

any policies. Can you explain that? Is that okay to do that right now? **Ms. Brown** said the Parks Board is there to give advice to the Parks and Recreation Department about how they think the parks should be done. Different things with hours of operation of the parks. To be clear on that, they do not—what they believe or how they might feel as what should be a policy, is subject to the authority of the Commission.

Ms. Rivera said the Commissioner in question, I mean, she is for the Metro 24 so, please, I'm begging you. We've contacted you; we've been diligent as a community and have stand up and made a voice here for our community and said please don't do this for us. We have gone to the Park and Rec Board meetings and been diligent in our community, came together as a unity to say this is not what our community wants. Please, I can't just express it enough that our community does not want this and we've come for this. I'm a Rosedale resident. It is my community center. My kids went there. My kids dance there. My kids partied there. Our community was there. Please think about that. If he has an advice, it's advice that he would give.

Doug Bach, County Administrator, said I might add too, just to clarify, Ms. Rivera, so you understand. Our ethics code or actually they've ruled on it before too regarding elected body members if they want to come up and, as long as there's a bid on an RFP process that we conduct, its allowable for even elected commissioners or such to come through and participate and bid back for an item.

Ms. Rivera said it doesn't matter. The community has spoken and we don't want this. We've asked you guys; we've reached out to you for this information. So please, I understand what you're saying, but if he has anything to do with this Board, you're tainting Wyandotte County. You're tainting the UG. You keep tainting it. That's just what I'm trying to say. If you guys don't see it and we're telling you and we're asking you not to do it—**Mayor Alvey** said it's also possible that we simply disagree. **Ms. Rivera** said yes, thank you.

Carolyn Wyatt, 359 Troup, said I am an active Parks Board member. I think that it's a conflict of interest. The reason I say that is because we do vote. We vote there when we're there. I think that someone who is making income, who is getting paid or whatever, I think that makes it a conflict of interest. They have no interest in the center. They have no interest in the community. They have no interest in the kids when they put them out or put people out of the center.

I think you actually need to go and see what's going on as you allow this to happen. You need to go yourself and see actually what's happening in the community. We have centers that aren't actually being ran correctly because you don't want to fund it. You don't want programs in there for the kids. That's just not Argentine; that's Beatrice Lee. You're actually not funding it. You don't want to put a program person in there to run programs to outreach.

Maybe this isn't your community, but it's our community. I think that you need to take a look at it and see what's working and what's not working and make a change. That you think is working but it's for-profit. For-profit, it's not for us. For-profit could be for you, whoever's benefiting from it, but it's not the community and the people that live in that area. You actually need to take a look at it because most of you all—I've been here so many times for programs for Beatrice Lee. So many times I've been up here and I brought programs, not even one has they put in there for the community, not even two.

I think that as you commissioners, you need to be responsible for what we put you here for. Fund the center. Put a person upstairs. We have kids going to jail. They have no place to go; nothing to do. They're not your kids because you go home, you have it. Think about our kids.

Jajuan Taylor, Hill Crest Transitional Housing, said my thing is with the Metro 24 is that I believe that it shouldn't be in the community center. I recommend that you all put them into buildings. There're so many vacant buildings around here in Wyandotte County in general. So, why do you choose the community centers where the kids go play at? If it's not beneficial for community at all, then I don't think it should be in the community center. You can choose one of these buildings, put it around there, but the community center is were a lot of kids go.

I'm there at the community center every day. I help these kids out with basketball, whatever they need. We try to lead them and guide them in the right path to keep them and steer them away from the streets. If this Metro 24 is not beneficial for them, then a lot of these kids are going to turn to the wrong path. I got my own beliefs that that's kind of why the new detention center was built in a sense. I don't know exactly what you all got planned, I don't care, to be honest, but don't put them in the community center because we need this. I went through a lot of these community centers since I done grew up, graduated college, did my thing and now I'm coming back to try to save this because I heard about it and it came across me a couple times. I just really don't believe that they should be—I don't want it at all.

Dianna Gary, 1311 S. 33rd St., said I have lived in Wyandotte County for 34 years. Out of that 34 years my husband and I have volunteered over 20 years in the community center. We made sure that the kids are safe. We did youth nights for kids that were in middle school and high school. We did trick-or-treat villages for the younger kids. We had over 1,700 kids that would come through there. Nobody else has ever been able to do the youth nights because they are hard to keep kids under control so that they have a safe place to stay.

I do know that I did speak to Ruth today because we made a complaint with the ethics commission, that this was unethical for you to appoint the owner of a for-profit company that is in a non-exempt building.

We made a complaint with Ruth. She did tell me that she sent a memo to the Mayor and to Doug Bach and asked you to table this request, this vote until she investigated it. Apparently, you guys said no, that you're going to keep it on the agenda. She is our Ethics Commissioner. She's over you guys. She says she is still going to do the investigation, and we're going to follow behind her to make sure that anybody that had part of this is going to be. **Commissioner Townsend** said held accountable. **Ms. Gary**, said definitely.

Mr. McKiernan, I hope you think this over. Ms. Philbrook, all of you commissioners. You have people out here that are really concerned about you taking away those community centers. You can't privatize and keep a tax-exempt building at one time. It just isn't right. That's why you guys have to reapply for a tax exemption for the Miles Center.

I have documentation, and I know that Ms. Bynum took it all. I don't know if anybody looked it over, but I have it and it's going to go to the media, to our radio stations because if you can't give our small businesses a handout like you guys are with this gentleman from Metro 24, I'll let them go ahead and have them call you and let them see if you guys can give them some money, free rent and utilities also. I hope you guys vote against Matt Warner's position.

Janice Witt, 2717 N. 88th Terrace, asked were you guys aware that the Ethics Commissioner had asked is this true. First, I have to ask if that's true. Did the Ethics Commissioner ask that this vote be held? **Mr. Bach** said I've spoken to the Legislative Auditor and then also to Ruth Benien, who is our Ethics Administrator. After review of the information that was given to her, she agreed that there was no apparent conflict in this based on past ethics rulings that have been in place and

agreed that we should move forward with the action at hand. Though, she did say she would take a further look at it, but we have previous ethics opinions on this that showed that there is no conflict of interest.

Ms. Witt said so you're saying that she did not ask you to table the vote. **Mr. Bach** said she sent something over and asked about tabling the vote. Then we clarified that she would take a look—informed her of the situation. She said she was not aware of the situation at all. After she reviewed the information, she agreed with it that we were moving forward with it tonight would be the right move to make. She said she would probably take an additional look at it. **Ms. Witt** said I posted today because there are a lot of people calling me asking me about ethics, what is this.

In the preamble of your Ethics it states that you all will ensure that things that appear to be, let's just say dirty, are not done. This thing kind of looks dirty. I am certain that it's not going to change your mind that I stand here and say, you know what, it just doesn't pass the smell test that this guy is now being put on the board, on a board that will then allow him to vote on benefits that fall directly to him. If it were one of you, I would be up here saying, you're going to need to recuse yourself from this particular vote.

I understand that you're going to go ahead and make you vote regardless, but if it were one of you, I would be saying, don't you think you should recuse yourself from this thing and let's consider it. I would like to ask you to reconsider it. I would like to ask you, Mayor Alvey, to please become more involved, become more active in making sure that people don't view our Commission as a bully pool pit or a joke.

I will tell you there are things in place right now. There are recall elections. If you can't get the thing under control, the people have the right and authority to petition for a recall. I would hate to see that happen. I'd love to see you finish out your term and see what we come up with. That's my take. I believe that if there was any question from the Ethics Commissioner or the Ethics Chair, it should have simply gone away and then we all talked about it again and came back to play on a better day.

Ms. Brown said, Commission, I would just like to clarify that if Mr. Warner is appointed to be on the Parks Board, he would be required to recuse himself from any votes that he would have a direct financial interest in or any interest in whatsoever. It's not as if he could go and vote to do anything

that would benefit him, just like all of you commissioners are required to recuse yourself in matters like that. **Mayor Alvey** said correct. We are simply going to follow the procedures and the stipulations of our charter and we're going to follow those. If there are any concerns that the Ethics Administrator does investigate and find, then we will have to abide by those. That's simply what we do. We cannot do anything more than that. We cannot do anything less than that.

Commissioner Burroughs said in listening to the discussion, I think there was some melding of two issues. One of them being that the Metro Fitness or Metro 24, whatever it's called, is utilizing a public facility; and two is the appointment of an individual to the Parks Board. I think that maybe during the discussion those two issues have gotten melded together. I just want to ensure that what we are taking action on now is the appointment of an individual to the Parks Board and not the resolution of the issue about Metro 24 within the public facility. Is that correct? **Mayor Alvey** said yes, that's correct. We're simply considering whether to approve these nominations to the boards.

Commissioner Bynum said I wanted to clarify that as well because I think we have a lot of topics around the parks and the Parks Board. We might be well served to also receive or be given the training that our Parks Board members received, I don't know, a few weeks or a month ago, at their last Parks Board meeting. It would be good, I think, maybe for us and the public to understand because there's been a lot of discussion about three things really. The Parks Board, their powers and duties, the community centers and now this appointment. To me, three entirely separate items might be worth spending some time on clarifying all ordinances, all policies around these issues.

I did go back and looked at the minutes of the Parks Board meetings on our website. I'm sad to say the current minutes are not there. I looked at every set of minutes I could find for 2018. The only votes of the Parks Board that I could see were votes to approve the agenda and votes to approve the minutes. There were no other votes taken by the members of the Parks Board in 2018, which is another reason why I think we and the public needs the clarification around the duties of the Parks Board.

Tonight's action is a group vote of more than one appointment to a board and commission. It is four or five, if I'm not mistaken, all to be taken as one vote. If I stand in opposition to that, I'm opposing my own appointment to another board, so that concerns me as well. I certainly do

not want to or plan to stand in opposition to my own appointment to a board. I just feel like maybe we have multiple things to unravel here. One of which might be the way we bring forward appointments to our boards and commissions.

Commissioner Burroughs said this is for Legal, a question in reference to this. Can we divide the question and vote on them individually? **Ms. Brown** said no, not at this point. The agenda has been set with them all out as one vote. **Commissioner Burroughs** asked could we make an amendment to the motion to exclude or to include a nominee? **Ms. Brown** said we need to vote on them all as one block because that's how the agenda went out with it. If you wish to do that in the future, that you put on a different agenda, but as it has been put on there, it needs to be one vote.

Commissioner Burroughs said this probably isn't going to be a favorable motion because I do know we have appointments that need to move forward, but I'm going to make a motion that we table this until we here back from ethics and would hope that we would have some more clarity. I do believe there's an opportunity to vet some of this out without making a good situation bad or a bad situation better by having to go with a group vote for all. I don't like having to divide questions out. I would like the opportunity to maybe vet this through the Ethics and there's been an ethics request. I think with the discussion that was had a minute ago, I'm just going to ask that we table this till the next meeting.

Action: **Commissioner Burroughs made a motion, seconded by Commissioner Bynum, to hold the item over.** Roll call was taken on the motion and there were four "Ayes," Bynum, Burroughs, Townsend, McKiernan; and five "Nos," Markley, Walters, Philbrook, Murguia, Kane.

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

ITEM NO. 8 – MINUTES

Synopsis: Minutes from regular session of May 30, 2019.

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

ITEM NO. 9 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated June 13 and 20, 2019.

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

COMMISSIONERS' AGENDA

ITEM NO. 1 – 19807... RECOMMENDATIONS: UG/HOLLYWOOD CASINO/SVV GRANTS

Synopsis: Recommendations from the Mayor and Commissioners for the 2019 UG/Hollywood Casino/Schlitterbahn Vacation Village grants, submitted by Emerick Cross, Assistant County Administrator.

Doug Bach, County Administrator, said this item comes to you as recommended by each commissioner as you’ve gone through, done your evaluation of the various applicants that have put in for this year’s awards. This item has been worked through and sent to the Commission for review. If you would like, we can have Mr. Cross come forward and present all the items in detail. If not, I would recommend this item for approval as presented.

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

Commissioner Kane said Mr. Bach, two questions. Can you tell us about the raccoons at the fire station, one. The other is I was told that the Department of Labor was at Fire Headquarters a couple of weeks ago. I’d like to know why they were here and what they came up with. **Mr. Bach** said raccoons at Fire Station 17, we discovered a few days ago. Our department took action to go in. We had contacted an outside agency, Animal Critters or something like that, to come in to make sure the facility was secure so nothing would come down into the living conditions or areas where our fire fighters are. We set out some traps to try to secure them. There’re also open areas for them to try to escape and leave the area. They’ll be up there a few days. We believe we have that situation being taken care of at this point.

Regarding the labor, they came in to take a look at a few different things throughout the Unified Government. I am not aware of findings. I have not been presented that information or what they have in hand at this time. **Commissioner Kane** said to my knowledge, they’ve only been here once in 14 years and we all knew about it. I would like to know when they’re here. I know it takes three or four weeks for them to get the answers, so whatever the answers that they give you, I’d like to get. **Mr. Bach** said certainly.

MAYOR ALVEY
ADJOURNED THE MEETING AT 8:17 P.M.
June 27, 2019

Bridgette D. Cobbins
 Unified Government Clerk

June 27, 2019