

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

**PLANNING & ZONING AND
REGULAR SESSION
JULY 25, 2019**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, July 25, 2019, with ten members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. Commissioner Kane, Fifth District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Melissa Sieben and Emerick Cross, Assistant County Administrators; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Robin Richardson, Director of Planning; Byron Toy, Lead Planner; Janet Parker, Administrative Assistant; Kathleen VonAchen, Chief Financial Officer; Debbie Jonscher, Deputy Chief Financial Officer; Reginald Lindsey, Budget Manager; Katherine Carttar, Director of Economic Development; Shaya Lockett, Small Business Liaison; Chris Slaughter, Land Bank Manager; Wilba Miller, Director of Community Development; Jeff Fisher, Executive Director of Public Works; Lynn Melton, Assistant to the Mayor; Maureen Mahoney, Chief of Staff in Mayor's Office; and Captain Ronald Schumaker, Sergeant-at-Arms.

MAYOR ALVEY called the meeting to order.

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

INVOCATION was given by Reverend Jared Altic, Wyandotte Christian Church.

Mayor Alvey said we have a delegation from the nation of Bhutan here today. They spent a lot of the day here with us sharing their life and their government with us. I would ask that Phuntsho Rinzin please come up and just offer a few words. Mr. Rinzin is the District Planning Officer.

Phuntsho Rinzin, District Planning Officer of the Dzongkhag Planning Unit, said we are a group of seven from different districts from Bhutan here on an access visit on state and local government, funded by the Department of the U.S. on state and local government. We're here to learn how the local government in the United States of America functions and how you take into consideration taking decisions for communities. We got to learn so much about how the public is taken into consideration in decisionmaking; how they are taken into consideration hearing about their voices, taking their voices and likewise, similar in Bhutan.

All of us work on a local government level. We take our service to the lowest state to every citizen and we provide them, we guide them and we listen to their voices and include and mainstream in every planning period. You know a county that that has a 5-year plan. After 5 years, the democratic election changes and we are the regular civil servant who gives the momentum of the plan period and provide services to the people taking their needs and wants and listening to their needs and wants. Every time to come and we are the group of civil servants of Bhutan who provide from local economy to education to help, and we strengthen community validity and we take care of the environment. We take care of women and child issues at the local government level.

I would like to, on behalf of my team and from the country of Bhutan and on behalf of our king, we have great exposition of the people of the United States of America for sponsoring this program. We would like to appreciate all the

people and look forward to more collaboration in the future. Thank you so much!

Commissioner Markley said I just wanted to say that you said you came here to learn from us, but we learned a lot from you today as well, those of us that were blessed to have lunch with you. We appreciate getting to meet you and you sharing a lot about your country and how it works. We're glad to have met you. Thanks so much.

Commissioner Philbrook said yes, I want to echo the words of Commissioner Markley. I feel very blessed to be able to have lunch with you, to talk with you and for you to tell us about how you care for your people. It's just phenomenal. Thank you very much.

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Mayor Alvey said now I'd like to ask that our Finance and Budget staff, including Budget Director Reginald Lindsey, please come forward to accept our appreciation for the hard work they put in this year for the 800+ page budget document. That wasn't just assembling them, it was writing. Their analysis and close collaboration with our Unified Government departments all contribute to the success of this 2020 Budget. We look forward to continuing our collaboration this fall as part of the new priority based budgeting process.

We also would like to recognize the Finance Department and Budget Division for having won, again, the Government Finance Officers Association Distinguished Budget Presentation Award for the 2019 Budget. This is the fifth year of having won this award. To receive this award, a governmental unit must publish a budget document that meets program criteria as a policy document, an operations guide, a financial plan and a communications device. Congratulations Finance and Budget staff.

MAYOR ALVEY asked the Clerk if there are any revisions to tonight's agenda. **Bridgette Cobbins, UG Clerk**, said yes, a blue sheet has been distributed. Under the Administrator's Agenda we have additional information. It's regarding Item No. 1 for the Budget items. It's Attachment A, submitted as noted in D-4.

Mayor Alvey said tonight we have two distinct parts to our meeting. The Planning & Zoning portion will be handled first followed by the regular commission meeting. I'll ask the Clerk to read the statement required by state law governing the Planning & Zoning portion of our meeting followed by the items on our Planning & Zoning Consent Agenda.

PLANNING AND ZONING CONSENT AGENDA

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

Mayor Alvey asked do any members of the Commission have any disclosures, conversations of proponents and opponents of any of the items. There were none.

Mayor Alvey said asked if there are any set-asides. 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 & Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission.

Cindy Woodall, Hazelwood Villas, KCK said I'd like to set-aside Item No. 1 and it's #3196 for discussion.

Kathy Sellars said I would like to set-aside #3196, Change of Zone. **Mayor Alvey** said that's already been set-aside. Thank you.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the Planning and Zoning Consent Agenda, excluding the set-aside.** Roll call was taken on the motion and there were nine "Ayes," Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Markley.

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 19872...CHANGE OF ZONE APPLICATION #3196 – DANIEL FOSTER WITH SCHLAGEL & ASSOCIATES, P.A.

Synopsis: Change of zone from A-G Agriculture District to RP-1 Planned Single Family and RP-3 Planned Townhouse Districts for a single family and duplex development at 11234 Haskell Avenue, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 6 to 0 to recommend approval of Change of Zone Application #3196, subject to:

Urban Planning and Land Use Comments:

1. The placement of designated open spaces does not seem adequate to promote use by the neighborhood, much less by the public in general. Please follow best practices to create open space that is visually accessible to all residents of the subdivision.
Applicant Response: As discussed with staff, the layout of the project, including the open spaces, is similar to the layout of Hazelwood Subdivision, which is adjacent to the site. The layout has been modified to provide a private picnic area on the corner of Cleveland Avenue and 112th Street that is 10,000 square feet in size. We have also increased the width of the

areas used to access the open space (35'-70') so they are wider than provided in Hazelwood (30'-35'). We have added a trail network in the open space to improve access. Based on the discussion with staff, the open space on the revised plat is acceptable to staff.

Staff Response: The layout and accessibility of open space in the development has been increased. Staff thanks the applicant for their willingness to make adjustments to the preliminary development plan in order to better accommodate open spaces for the future residents.

2. Is there other land that will be set aside for other community uses?

Applicant Response: As discussed with staff, this project is not large enough to support a clubhouse. We have added a picnic area and trail to the plan.

Staff Response: The Prairie-Delaware-Piper Master Plan requires all new residential developments of 50 to 200 housing units to have at least two amenities, as defined by the Master Plan. Only one of these amenities may be a "small amenity." The walking trail proposed by the applicant would fulfill the "large" amenity requirement. Staff reiterates that for this amenity to qualify, it must fulfill the entire amenity description, including "connect[ing] to the overall trail network within the area." The picnic area proposed by the applicant would fulfill the "small" amenity option. Staff reiterates that for this amenity to qualify, it must be at least 5,000 square feet and contain at least two picnic tables, one shelter, and one barbeque grill/pit.

3. A traffic study showing the traffic distributions in and out of all entrances (North 113th Street, Rowland Avenue, Nogard Avenue, Haskell Avenue, and Cleveland Avenue) needs to be conducted.

Applicant Response: While single family projects generally do not require the preparation and submission of a traffic study, the developer has commissioned the preparation of a traffic study by a very experienced Professional Traffic Operations Engineer® (PTOE) with the nationally recognized firm of TranSystems. The traffic study is included with this submittal.

Staff Response: A Traffic Impact Study for the street entrances, conducted by TranSystems on June 4, 2019, has been submitted by the applicant to staff. Staff would note traffic studies are a regular part of most commercial and residential developments.

4. Please submit draft homeowners' association documents.

Applicant Response: The HOA document preparation is underway and will be submitted when complete. These are typically not required until final plan/plat.

Staff Response: Applicant has provided a draft of the homeowners' association restrictions.

5. The name of the subdivision will be changed.
6. All construction traffic will use Haskell Avenue and will not use Hazelwood streets.
7. The applicant will provide traffic calming mechanisms, one along Cleveland and one along the new street to make this less of a cut-through potential.

Fire Department Comments:

Continue to fulfill all requirements from the Fire Department

1. Compliance with the International Building Code -2012 Edition
2. Compliance with the International Fire Code – 2012 Edition
3. Compliance with current NFPA 101® Life Safety Code
4. Compliance with existing fire codes, all applicable City ordinances, State rules and regulations

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Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval:
 - a. Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
Applicant Response: Completed as requested.
 - b. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
Applicant Response: The developer and his consultants are aware of this requirement since this is required on every project in the UG. This note has been added to the plans.
 - c. The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents in accordance with County Surveyor comments.
Applicant Response: Completed as requested.
2. Items that are conditions of approval (stipulations):
The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents in accordance with County Surveyor comments.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: Final development plans/plat will have to be approved before going to Planning Commission with approval to obtain permits. This will include final engineering calculations, and complete drawings with construction notes and details. The final development plans/plat must meet the requirements of UG standards and criteria. Only preliminary drawings and studies are required at this time.

Robin Richardson, Director of Planning, said this item comes to you recommended for approval from the Planning Commission with several stipulations, including how the construction traffic would enter the site and traffic calming measures within this new proposed subdivision. I believe Mr. Foster is here and can present the rest of the case.

Dan Foster, Schlagel & Associates, P.A., 14920 W. 107th Street, Lenexa, KS, said we are here tonight requesting a rezoning for 48 single-family villas and 16 attached villas for a total of 64 units as part of this project. The site is an 18.28-acre infill site. If you're familiar with it, you've probably seen it on some of your information. We actually have five existing streets that have been stubbed to this property with the intent of those streets being extended through and connected through the middle of this property. Many of those streets are coming from adjacent subdivisions which you'll probably hear from the neighbors about that and some concerns that they have regarding the connectivity of those streets.

Again, those were all preplanned on future plats for those streets to extend through this property and interconnect. That's something that's commonly done throughout the city. In fact, we have to extend three streets from our subdivision into an adjacent undeveloped parcel for future extension of the streets and connectivity.

As Rob stated, we have agreed to doing some traffic calming measures. We have agreed to relocate the plan to that construction entrance on this.

We also had Jeff Wilke from TranSystems, who provided a traffic study for the project to show that there was very low traffic on these streets and there would be no impact on it in terms of severe impact at all. He is here available to answer any questions that you might have.

Mayor Alvey opened the public hearing and asked if anyone present who would like to speak in favor of #3196. No one appeared.

Mayor Alvey asked is there anyone present in opposition who would like to speak on this item.

Cindy Woodall, Hazelwood Villas, said we do not oppose the building of the new addition. As Rob Richardson's fond of telling me, we were never a closed community. I hope the Commission hears me say that the people who bought those homes on stubbed street or in a closed environment believe they were. We've been told that's our own fault for not researching it out.

I want to say that Hazelwood is "a star for the city" as we're a 55 and older neighborhood. The Piper, which is an assisted living and mental health facility, is inside our neighborhood. We have a great many walkers with different disabilities and needs. Many older folks who back out of the driveways without looking.

We have a real need for a slower, calmer community simply by definition of who we are and what we're proving to the city, which is a haven for the 55 and older people who are living out their golden years.

We've requested a couple of things, which is to understand what calming traffic is. As Rob keeps pointing out to me, we need to research it. We need to understand it. We keep hearing traffic calming, but no detail. We've asked for a 20-mile-an-hour speed limit and was told the minimum that you go is 25, but I have photographic. I took pictures of 20-mile-an-hour signs in all the neighborhoods around Hazelwood. Maybe we can't enforce it, but at least if the sign is

there, I can call Officer Vallejo and say, we've got this neighbor who won't slow down. We don't want him to run over our old people.

We only have sidewalks on one side of the street in the neighborhoods, and we're trying to utilize those and encourage the people to use them properly. I don't think I understand what traffic calming means. That's really all we're asking for is lower speed limits, a definition of traffic calming, an actual picture of the way they're going to design the streets, and to make sure that the water flow doesn't flow into the detention ponds that Hazelwood has to pay to keep up.

Maryanne Kancel, Hazelwood Homeowners Association, said I want to start off by thanking staff and thanking the developer for working with us. We appreciate some of the concessions that have already been given considering the nature of the Hazelwood Subdivision; however, we have some questions. We feel like this is really a window of opportunity for us to get as many questions as we can answered.

At the Planning Commission meeting, Mr. Richardson did say that there would be a requirement for traffic calming, as Cindy mentioned, but it hasn't been defined. It's one traffic calming something along Cleveland, and Cleveland runs through the new subdivision on the east side to 115th Street on the west side, which is through Hazelwood. The Hazelwood residents don't know what that traffic calming would be or where it would be located.

Fortunately, UG staff required a traffic study prior to this being before the Planning Commission, so there are some statistics and it showed that the traffic on Cleveland Avenue was somewhere around 375 cars a day. In the proposal, Mr. Foster, I'm sure correctly stated that anything under 1,000 cars a day is not disruptive, but in a 55+ community like Hazelwood, it would be. Hazelwood residents have asked for a 20-mile-an-hour speed limit. Mr. Richardson has set a 25-mile-an-hour speed limit. If you look, AAA in 2011, the AAA Foundation for traffic safety did a study. Just over 20-mile-an-hour there's a big uptick in the percentage of deaths of pedestrians who are hit by cars. If you are 70 or over, it's much greater. The 20-mile-an-hour speed limit would be very beneficial for the Hazelwood community.

Finally, Hazelwood has asked for local only signs because there's a hope and there's some statistical backing that if your streets are designated local only, they will not show up on traffic avoidance apps, which would be really beneficial to Hazelwood, especially during race weekends

because Cleveland will now be the only cut through between Parallel and Georgia so it is going to get increased traffic.

The prohibition of construction traffic to use Cleveland to have to come in through Haskell on the east is great. Hazelwood residents have a question about whether the staging area for construction is going to remain where it was, which is right up next to the east/west dividing line between Hazelwood. May I just make one more comment on the staging area? It not only will bring noise close to Hazelwood, it's also very near Connor Creek, which could have environmental issues if that staging area stays there.

Kathy Sellars, 11149 Nogard Avenue, said I live in Maywood Heights. We have attended all of the scheduled meetings. We were told when we bought the house on Nogard that that would stay a cul-de-sac. For safety reasons of traffic, that would leave—if we should have robberies or crime in the area, that gives them five ways to get out. If you leave that cul-de-sac there, that only gives them two ways out. Any fire, ambulance and police cars we have had them come in there and they've had no problem. They always come from Parallel being that the hospital and the emergency room is on Parallel. I don't think they're going to run through all the neighborhoods to get to one house. I do think that our concerns, when we brought it to the last meeting, I think it was already decided by the committee and it didn't really make a difference what the residents want.

These are our homes, our dream homes that we hope to retire in and less traffic. We have children that have parties and stuff at the end of the cul-de-sac and they block off the traffic, which keeps the children safe. I really don't understand why we have to shove one neighborhood into another neighborhood, to another neighborhood, into another neighborhood until you drive through them all. By the time you're done driving through them all, you don't even know what neighborhood you're in anymore.

Maywood is very quiet. All the neighbors watch out for one another. We like the quiet out there. I'm just afraid that if we go through all of this, I think a lot of people are going to end up moving out because that's why we moved there because it was a nice, quiet neighborhood with only two ways to get in and out.

I don't think anyone on the Commission considers the people here and their peace, quiet and safety. There's no way we can fight back. I wish we would have had a chance for us to vote on this as a neighborhood instead of being told this is what's going to happen.

Mayor Alvey closed the public hearing.

Mr. Foster said a couple of things brought up just really quick. Traffic calming can mean several different things. We haven't really worked that out yet because we have to work with city staff and Public Works. Options for us are traffic circle, like at the intersection of 112th & Cleveland, so those folks are going back and forth across that subdivision. They'd have to go around the traffic circle.

It could also mean some narrowing of the street where, I forget what it's called, but basically it becomes a narrower section and it widens back out which forces people to slow down. Those are just a couple of options. Again, we have to work with staff on those as we're moving through the plan process.

In regards to Nogard and that cul-de-sac, just to be clear, that was a temporary cul-de-sac. Actually, it is located on this property. It's not even located on the Maywood Heights property at all. In order for anything to happen with that, somebody would have to actually acquire that as part of the Maywood Heights because it is actually on this piece of property, as is the turnaround at the end of Cleveland that is part of Hazelwood. It was actually constructed onto this property as well as a temporary turnaround. Again, those were things that happened in the past and these streets were all planned to be connected through.

In terms of the stormwater flow, I stated this at the Planning Commission and I'm going to state it again; this site drains from east to west. It does not drain to any of the Hazelwood detention basins. We have our own detention basin and we're meeting the Unified Government's criteria for stormwater management.

Commissioner Philbrook said I don't drive through there regularly. I've been through there. Are there any speed limit signs through that development right now? **Mr. Richardson** said I don't believe there are in Hazelwood because it's at the standard city minimum speed limit. Ms. Woodall today showed me signs from an adjacent neighborhood of 20-mile-an-hour. I hadn't seen those

before tonight. I think that any other questions—that's as much as I can say on that. Mr. Fisher, with Public Works, is here. He can speak to that more definitely if you need more than that as an answer.

Commissioner Philbrook said yes, I can understand her concerns and why they bought in there. That is a very, very quiet area. I know the commissioner for that district is not here to say anything about that, but he's always about the safety of his community. He's pretty doggit on speed limits and such.

I don't have a problem with 20-mile-an-hour speed limits even though we set—the going rate is like 25, but if we're adding in, is it possible to amend this and put in a 20 or can you guys come to an agreement? **Mr. Richardson** said the request is really not on this subdivision. The request for that is on the adjacent subdivision. **Commissioner Philbrook** said I understand, but I'm saying is there a possibility to add that in as people are driving through. **Mr. Richardson** said I think that it requires a code amendment to do that now that the speed limits been changed for the city. We can do that through another process. If you direct us to do that, we'll bring that forward but it's not related to what's going on in this subdivision.

Mayor Alvey said but you're speaking to a code change. It would affect the entire city. We would go from a 25 to a—**Mr. Richardson** said no, you could limit it to the streets in Hazelwood. **Mayor Alvey** said got you. Thank you.

Mr. Richardson said it does give somewhat of a false sense of security because if they're not followed, people might think that that's being followed when it's really not. It could have other issues related to that. **Commissioner Philbrook** said yes. I don't know. It makes it very difficult. I understand why people want to be able to control what's going on in their community when you add extra folks who are going to be driving through it. They have concerns about what's going to happen, and it is their community.

How would I manage to get that moved forward to just get that changed in that one area? **Mr. Richardson** said I think that you would ask that of the city administrator and he would direct us to do that and then it wouldn't have to change the vote on this tonight.

Commissioner Philbrook asked would you take a look at that, Doug, please. **Doug Bach, County Administrator**, said your request is to bring forward a code amendment that would specifically address the streets on Haskell Avenue.

Commissioner Philbrook asked which streets, ma'am. Would you like to sit up forward and talk about what streets you have your major concern about? **Mr. Richardson** said I think it was the streets in Hazelwood. **Mayor Alvey** said this lady is from Maywood; those ladies are from Hazelwood. **Mr. Richardson** said I think it would be easiest to do it for the whole subdivision. **Commissioner Philbrook** said for that whole new subdivision. **Mr. Richardson** said no, for that existing Hazelwood.

Ms. Woodall said thank you for hearing me. I appreciate that. It is actually Parallel Parkway – Cleveland Avenue, 115th Street – 113th. It's a very closed in community in that area right there. Though we may not be able to affect everybody with the 20-miles-an-hour, we can at least call Officer Vallejo and say can you sit on the corner for a minute. It does make a difference. We already have people stopping at the stop sign after five tickets. **Commissioner Philbrook** said I understand what you're saying. I understand and I would ask that you still be careful with the people driving through there because you know how we are. Sometimes we don't pay attention. **Ms. Woodall** said we have coyotes in the back too but they haven't stolen my dogs. We're all good. **Commissioner Philbrook** said I know. If you don't mind, would you take a look at that? Is that possible, Doug? **Mr. Bach** said yes, it is.

Commissioner Bynum said I wanted to clarify and make sure I'm understanding Ms. Woodall. The request that you made in your comments was not for 20-miles-an-hour in the new subdivision but 20-miles-an-hour in the existing Hazelwood. That's what you're asking for? Okay.

I know that at Public Works & Safety Standing Committee, we have spent a good deal of time talking about speed limits. I will concur with Commissioner Philbrook and request that we do look at whether we can make the Hazelwood area 20. I imagine that would be something that would come forward to the Public Works & Safety Standing Committee separate from this deliberation. **Mr. Richardson** said that's correct.

Commissioner Bynum said the other request was understanding what the traffic calming measures would be. You spoke to that a little bit but I have to tell you, can you speak to it again, for me, sir? **Mr. Foster** said again, it's a matter of working with the Public Works staff and coming up with the options to put in traffic circles, which would be small circles in the intersections that people have to go around, or it would be a narrowing of the lanes in order to be able to take the

road from being like 28 feet down to like 26, so you have this physical narrowing so you end up basically people slow down because they see the road is narrowing and then it widens back out again. Those are just a couple of options.

There is some grade change right at our intersection where we're coming down into a valley or a sag in the road. That just naturally also kind of creates a slowing effect as people are trying to go through that particular road profile.

Commissioner Bynum said thank you. I would just ask that you continue to work with the residents in the existing area to identify what those traffic calming measures could be. Again, I'm guessing that's going to come through the standing committee. **Mr. Richardson** said well, that will come back, the actual design of the traffic calming will come back through Planning Commission with a final plat. The neighborhood will get notice of that.

Just a little bit more on traffic calming measures, it could be visual, it could be texture so you can go from asphalt to brick. You can have horizontal deflection, you can have vertical deflection and other visual things that happen to make the road look narrow so it doesn't look like a straight raceway through there. **Commissioner Bynum** said I don't think that's an unreasonable request.

I would let you know that the commissioner for this district, who's absent tonight, does not like traffic circles. Just for the record, he does not like traffic circles. **Mr. Foster** said okay. Duly noted. **Commissioner Bynum** said we've heard that many, many times so I'll just say it on his behalf since he's not here. Given that we're willing to work on a 20-mile-an-hour speed limit and traffic calling measures I will make a motion to approve.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Walters, to approve Change of Zone Application #3196, subject to the stipulations.** Roll call was taken on the motion and there were eight "Ayes," Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Markley; and one "No," Murguia.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 19873...SPECIAL USE PERMIT APPLICATION #SP-2019-51 – VENKATA S. MANTRI

Synopsis: Special use permit for packaged liquor sales at 9801 Parallel Parkway, submitted by Robin Richardson, Director of Planning. The applicant, owner of the convenience store at 9801 Parallel Parkway, wants to build a 1,600 square foot liquor store addition on the north side of the convenience store. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2019-51, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, special use permit shall be valid for two years.
2. Per Business Licensing: If approved, the applicant will need to file and maintain a current occupation tax application.
3. In 2015 and 2016, a plan review was submitted and approved for a convenience store and restaurant; however, only the convenience store, gas pumps and canopy were constructed. If approved, the proposed use will match the existing design and materials as the convenience store and will require a revised final plan review.
Applicant Response: A revised final plan will be submitted at a later date.
4. A variance for proposed liquor store's distance from the church has been submitted. In order for this special use permit to be heard, the variance must be approved by the Board of Zoning Appeals.
Applicant Response: Noted.
5. The utility plan says to reference the plans approved in 2016 submitted by Olsson Associates; however, we need a dimensioned site plan. As previously stated, a final plan review will need to be submitted and approved by the City Planning Commission prior to the Development Review Committee (DRC) and building permitting.
Applicant Response: Key dimensions have been added to the utility site plan.
6. Provide a dimensioned floor plan of the proposed liquor store.
Applicant Response: A dimensioned floor plan has been developed and is attached.
7. What are the proposed hours of operation of the liquor store?
Applicant Response: The store will be open seven days per week with the hours of operation as follows:
 - Monday – Saturday: 10:00 a.m. – 11:00 p.m.
 - Sunday: 11:00 a.m. – 8:00 p.m.
8. What days will you be open?
Applicant Response: See previous response.

Public Works Comments: none.

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Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2019-51 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Markley.

ITEM NO. 2 – 19869... SPECIAL USE PERMIT APPLICATION #SP-2019-73 – CARMEN CABIA-GARCIA

Synopsis: Renewal of a special use permit (#SP-2017-35 - expired 6/29/2019) for the temporary use of land to keep a food truck at the residence at 2932 South 8th Terrace, submitted by Robin Richardson, Director of Planning. The applicant of El Tenedor KC, LLC, is requesting a special use permit to park a food truck at her residence at 2932 South 8th Terrace. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2019-73, subject to:

Business License Comments:

Applicant has filed and maintained a current occupation tax application and vending vehicle license with this office.

Applicant Response: Agreed.

Urban Planning and Land Use Comments:

1. In the updated letter provided, the applicant notes that this arrangement is temporary until they can find a long-term solution for safe storage. In the last year, what progress has been made to find a potential solution for long-term storage of the vehicle?

Applicant Response: Have looked at approximately 6-8 different storage places; however, the style of this truck is too tall to fit in any of those. Still looking.

2. Have there been any issues with neighbors in the last year?

Applicant Response: None.

3. If approved, approved for two years.

Applicant Response: Agreed.

Public Works: none.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2019-73, for two years, subject to the stipulations. Roll call was taken on the motion and there

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

ITEM NO. 3 – 19870...SPECIAL USE PERMIT APPLICATION #SP-2019-74 – MARTHA MEDINA WITH MANHATTAN BAR & GRILL LLC

Synopsis: Renewal of a special use permit (#SP-2018-62 - expires 7/27/2019) for a restaurant/drinking establishment with live entertainment at 814 South 12th Street, submitted by Robin Richardson, Director of Planning. The applicant is requesting a special use permit for a drinking establishment, restaurant and live entertainment venue at 814 South 12th Street. This property was approved for a parking variance (#2223) on November 14, 2016 and a special use permit (#SP-2016-73) for a drinking establishment on December 1, 2016. An additional special use permit was approved in July 2018. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2019-74, subject to:

Business License Comments:

The applicant has filed and maintained license for drinking establishment. If live entertainment is approved, applicant will need to file application for annual entertainment license.

Applicant Response: If approved, the applicant will make application for an annual entertainment license.

Urban Planning and Land Use Comments:

1. This facility has a non-compliant Ansul fire suppression hood system. KCK Fire Department has recommended no renewal until compliance is obtained by submitting plans for review and approved inspection(s) completed by Fire Department and Building Inspections Department. Staff supports this requirement.

Applicant Response: The fire suppression hood system was updated on Friday, June 21, and a re-inspection scheduled for June 24, 2019.

Staff Response: The inspection passed on July 2, 2019.

2. Provide updated site photos to show the following:

- a. Condition of building (exterior)
- b. Condition of trash enclosure
- c. Landscaping
- d. Screening elements from adjacent properties

Applicant Response: Updated site photos are attached.

1. The original plan was to keep the grey color and add a dark burgundy accent; however, applicant has decided upon a color scheme similar to the sample photo attached. The exterior should be completed within the next 30 to 60 days, with cooperative weather conditions it should be within 30 days.

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2. The gates to the trash enclosure are being installed this week.
3. One of the two trees originally planted by the previous applicant was damaged and had to be removed and is being replaced this week.

Staff Response: Updated photos (provided in attachments) show there is non-compliant signage. In C-3 zoning, one banner sign is allowed per single tenant non-residential building. A maximum of three wall signs are allowed per single tenant building with a maximum sign area of 300 sf. Sign permits must be obtained for all signage. Proper permits and signage are required within 60 days of approval.

3. Have there been any police calls, issues with neighbors, or other disturbances within the last year?

Applicant Response: There was one call made to the police by the applicant because of an intoxicated man who was refused service, asked to leave and would not. The man left prior to the arrival of police.

4. If approved, previous stipulations shall still be applicable:
 - a. Hours of operation shall not exceed 10 a.m. – 2 a.m. daily.
 - b. Security measures outlined in the security camera shall remain in place.
 - c. Applicant must employ a card scanner for live entertainment events.
 - d. Doors and windows will remain closed when entertainment is provided in order to mitigate noise.
 - e. Building façade must be kept in good repair. Windows and doors must be kept in good repair.

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- f. Parking must be screened from adjacent streets by walls, shrubs, trees or other design elements. [Sec. 27-575(e)(4)]

- 1) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials 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 streets or adjacent land uses. All screening materials must be well maintained at all times.
- 2) Two trees are required to meet landscaping requirements. The applicant for #SP-2016-73 planted two trees to meet this requirement. Trees must remain and be healthy or replaced.

Applicant Response: Applicant will comply with all the stipulations outlined in the staff report.

5. If approved, approval is for two years.

Applicant Response: Noted that approval would be for two years.

Public Works: none.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2019-74 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Markley.

ITEM NO. 4 – 19875...SPECIAL USE PERMIT APPLICATION #SP-2019-75 – JACOB S. PATTON

Synopsis: Special use permit for an Airbnb at 819 Southwest Boulevard, submitted by Robin Richardson, Director of Planning. The applicant, Jacob S. Patton, has renovated the two units and would like to use both for short-term rentals/Airbnb at 819 Southwest Boulevard. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2019-75, subject to:

Business License Comments:

If approved, applicant will need to file occupation tax application with this office for the Airbnb business activity.

Urban Planning and Land Use Comments:

1. How will you communicate with the neighbors?
Applicant Response: We intend to give out our contact information at the neighborhood meeting as well as times that we meet neighbors face-to-face. We will also provide our contact information in the mailers for notification of the neighborhood meeting.
Staff Response: If a problem were to arise with guests or neighbors, who would be the primary point of contact? How long would a response take?
Applicant Response: Jake Patton will be the primary point of contact at 816-872-9619. The expected response time to the property is expected to be 10 minutes or less.
2. How will you pay appropriate lodging taxes?
Applicant Response: We will list our home through services that collect appropriate taxes for us i.e. Airbnb and VRBO.
3. How many rooms are rented?
Applicant Response: This property is a duplex and both units will be listed. Each unit consists of three bedrooms and two full bathrooms.
4. What is the maximum number of people that will be staying at any one time?
Applicant Response: We would prefer to list the maximum occupancy for each unit at six people.
5. What is the maximum number of vehicles and where will they park?
Applicant Response: We will request that guests bring no more than two vehicles per unit. We have three parking spaces available in our driveway which would require one vehicle to be parked on the street if the maximum number of vehicles are at the property.
6. How often are guests in the residence?
Applicant Response: The residence will not be rented until we've received the proper permits and until that time, we are unsure how often guests will be at the home.
7. Do you have a rental license from the Unified Government?
Applicant Response: We are currently in the process of obtaining this license. We have completed the application, paid the fee, and are waiting for our final inspection of the property.
8. Provide a detailed description of the areas rented for Airbnb.
Applicant Response: Each unit at 819 Southwest Boulevard consists of three bedrooms and two full bathrooms, a kitchen, living room, dining room and entry. Each bedroom has its own closet and each bathroom has a shower and vanity. The interior of the property has been completely remodeled to provide the modern amenities for safety and comfort. The only shared space between the two units is on the exterior including the yard, deck and private parking spaces attached to the home. Each unit has its own private entry with a coded, automatic deadbolt.
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

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- e. Windows must be operable, not blocked or boarded
- f. Handrails are required at sets of four 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: This property has undergone a full remodel. Building permits were pulled for the project and the building has been brought up to current building code requirements. Some updates include hardwired smoke detectors and CO2 detectors installed throughout the house per current code. GFCI outlets have been installed in kitchens and bathrooms. Exterior doors are not double keyed. All copper gas lines have been removed from the property and replaced with steel gas lines. All windows throughout the house have been refurbished so that they are operable, and all broken glass has been replaced. Handrails have been installed in appropriate locations. Each hot water tank and furnace have been recently serviced and proper venting has been verified. Each unit has had a brand-new electric service panel installed per current code.

10. Will the host remain on-site while guests are staying?

Applicant Response: The host may or may not be on-site. If not on-site, the host will likely be at their residence, approximately eight minutes away.

11. Provide photos of interior area where guests will stay.

Applicant Response: Photographs submitted.

12. If approved, approval for one year.

Public Works Comments: none.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2019-75 for one year, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Markley.

ITEM NO. 5 – 19871...SPECIAL USE PERMIT APPLICATION #SP-2019-78 – DENNIS ZOLOTOR

Synopsis: Renewal of a home occupation special use permit (#SP-2017-13 - expired 3/30/2019) for an in-home safety business (internet and in-person sales of firearms and supplies) and consulting services providing safety, security and firearms training at 3136 South 73rd Terrace, submitted by Robin Richardson, Director of Planning. The applicant seeks the renewal of a special use permit to continue operating his business from his primary residence. The applicant’s business, Safe & Sound Consultants, LLC, specializes in internet safety, security, and environmental health

consulting, as well as conducts firearms sales. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2019-78, subject to:

Urban Planning and Land Use Comments:

1. Proof of compliance with original stipulations, which were in effect for the most recent renewal, SP-2017-13. The applicant shall have:
 - a. No signs
 - b. No employees other than members of the immediate family residing on the premises
 - c. No more than two clients at any one time
 - d. Hours of operation being Monday through Friday from 6:00 a.m. – 9:00 p.m. and Saturday and Sunday from 10:00 a.m. – 6:00 p.m.
 - e. Ammunition on the premises shall be limited to the amount that is for the applicant's personal use only.

Applicant Response: Stipulations acknowledged.

2. Have there been any complaints by neighborhoods about the property or the home business since the last public hearing for renewal on March 30, 2017?

Applicant Response: I have not received any complaints from my neighbors, nor am I aware of any complaints regarding my home business made to the Unified Government.

3. Please provide updated photos of the business/office space.

Applicant Response: No photos have been sent.

4. Subject to approval, this special use permit shall be valid for five years.

Public Works Comments: none.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2019-78 for five years, subject to the stipulations. Roll call was taken on the motion and there were nine "Ayes," Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Markley.

ITEM NO. 6 – 19876...SPECIAL USE PERMIT APPLICATION #SP-2019-79 – MATT BRODINE

Synopsis: Home occupation special use permit for a short-term rental/Airbnb at 1316 North 20th Street, submitted by Robin Richardson, Director of Planning. The applicant, Matt Brodine, has requested a special use permit to operate as a short-term rental/Airbnb for up to six guests out of his primary residence at 1316 North 20th Street. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2019-79, subject to:

Business License Comments:

If approved, applicant will need to file occupation tax application with this office for the Airbnb business activity.

Applicant Response: We will do this. Please direct me to the application.

Urban Planning and Land Use Comments:

1. How will you communicate with the neighbors?

Applicant Response: We have already had a neighborhood meeting in which our neighbors were very supportive and offered to help us in any way. We have monthly HWNA meetings and have plenty of contact to be able to communicate with our neighbors.

2. How will you pay appropriate lodging taxes?

Applicant Response: We plan to file an occupation tax application to comply with this.

3. How many rooms are rented?

Applicant Response: We will rent the main floor, upper floor and garage area. This includes three bedrooms, kitchen, dining, living room, and single bay garage area.

4. What is the maximum number of people that will be staying at any one time?

Applicant Response: Max occupancy will be set at six people.

5. What is the maximum number of vehicles and where will they park?

Applicant Response: Two vehicles will be allowed. There will be space for one vehicle in the garage and ample space for one or two vehicles in the driveway.

6. How often are guests in the residence?

Applicant Response: We plan to set availability seven days a week when we are away from home.

7. Do you have a rental license from the Unified Government?

Applicant Response: If required, we will apply for this.

8. Provide a detailed description of the areas rented for Airbnb.

Applicant Response: See response to question #3.

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 four 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:

- a. Done
- b. Done
- c. Understood
- d. Understood
- e. Done

- f. Done
- g. Done
- h. Done

10. Will the host remain on-site while guests are staying?

Applicant Response: No.

11. Provide photos of interior area where guests will stay.

12. Maximum number of guests allowed is six.

13. Maximum number of vehicles for guests allowed is two.

14. If approved, approval for one year.

Public Works Comments: none.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2019-79 for one year, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Markley.

PLAN REVIEW APPLICATIONS

ITEM NO. 1 – 19877...PLAN REVIEW APPLICATION #PR-2019-11 - DAVE OLSON WITH SC INVESTORS KCK, LLC

Synopsis: Preliminary and final plan review for a primary care medical office facility at 9801 Parallel Parkway, submitted by Robin Richardson, Director of Planning. The applicant with SC Investors KCK, LLC, wants to build a 7,786 square foot primary care medical office facility, in conjunction with a lot split at 9801 Parallel Parkway. This includes a preliminary development plan for Lots 3A and 3B and a final development plan for Lot 3B only. The Planning Commission voted 6 to 0 to recommend approval of Plan Review Application #PR-2019-11, subject to:

Urban Planning and Land Use Comments:

General Planning:

1. A future final development plan shall be required for Lot 3A retail space at the time of development.
2. As a stipulation of approval, no development may commence until such time as the development agreement has been amended.

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3. Staff has been working with the applicant to develop drive entrances that do not cause conflicts with traffic along North 98th Street and Troup Avenue.
4. Review and respond to the attached comments from Conservation District.
Applicant Response: Acknowledged.
5. Update building and site data chart on Sheet C300 to indicate the following parking requirements: Sec. 27-668 Special Parking Needs, medical and dental clinics. One space for each 200 square feet of floor area. Building S.F. 7,786. Parking required: 39.
Applicant Response: Parking count on Sheet C300 has been updated per the above.
6. Parking lot shall be paved and striped.
 - Accessible spaces shall be ADA compliant
 - a. Symbols shall be painted on the ground.
 - b. Sign placards shall be installed in front of the stall at 60" above the finished floor or ground surface measured to the bottom of the sign.
 - c. Access aisle shall be a minimum of 60" wide and extend the full length of the parking stall.
 - d. One in every six accessible spaces shall be designated as "Van Accessible."*Applicant Response:* Accessible parking is ADA compliant per grading details and dimensions. Van accessible parking has been provided.
7. Identify location of dumpster enclosure.
Applicant Response: Dumpster enclosure shown on plans. Elevations provided by Architect.

Landscaping and Screening:

1. Commercial Design Guidelines call for a 75% multiplier of trees required. $55,756.8 \text{ total site area} / 7,000 \text{ sf} = 8 \text{ trees required}$ CDG 75% Multiplier: $8 \times .75 = 6 \text{ trees required}$ Total= 14 trees, this does not include the street trees that are required in comment 3 below but can include parking lot island trees.
Applicant Response: The above trees have been included with the revised landscape plan.
2. One shade tree is required per 20 stalls. 67 stalls = 4 shade trees.
Applicant Response: Shade trees have been added to the landscape plan per the requirement
3. Sec. 27-577(b)(3) Street trees are required to be provided for every 30 feet of street easement or frontage. As part of the previous final development plan for this site and the adjacent convenience store site street trees were calculated and approved along 98th Street and Troup Avenue. Redesign of this site shall not reduce the number of trees required per the previous approvals. Additional trees are needed for this site.
Applicant Response: Street trees have been added to the landscape plan per the requirement
4. New construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater. Revise along Troup Avenue.
Applicant Response: The parking lot has been modified to provide a 25' landscape buffer along Troup.

5. The Prairie Piper Delaware Master Plan states that all development shall have a streetscape that include street trees, pedestrian scale lighting along sidewalks and plantings. In addition to street trees, update to include pedestrian street lighting at regular interval along the sidewalks.

Applicant Response: The photometric plan has taken into account the requirement for pedestrian level lighting along the public sidewalks along with the light from 98th Street lighting, per your email regarding adequate lighting along public sidewalk in reference to the gas station.

6. The Commercial Development Overlay District requires a landscape buffer around all parking and paved areas. Provide a continuous row of shrubs not to exceed 30" in height and/or low architectural wall around all parking and pavement areas.

Applicant Response: A continuous row of shrubs not to exceed 30" in height has been added all around parking.

7. Sec. 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.

Applicant Response: Landscaping has been added to at least 75% of the building façade facing both 98th Street and Troup Avenue.

8. The master plant palette for this development, derived from the Legends Auto Plaza Conceptual Design Guide, is as follows:

Trees

- a. Autumn Blaze Maple
- b. Armstrong Columnar Maple
- c. Imperial Honey Locust
- d. Autumn Brilliance Serviceberry
- e. Eastern Redbud
- f. Summer Snow Japanese Tree Lilac
- g. Eastern White Pine

Native Grasses

- a. Little Bluestem
- b. Prairie Dropseed

Applicant Response: The plant palette has been updated to the above.

9. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the site and 3 gallons internal to the development when planted.

Applicant Response: This has been updated on the landscape plan.

Building and Architectural Design:

1. Provide material palette with sample materials.

Applicant Response: Sample material palette has been provided and includes:

- a. Beldon brick in black diamond velour
- b. Glen gery brick in aspen white
- c. Dryvit stucco & EIFS, color 612 Moonlight, textures quarzputz and sandpebble

Staff Response: Sheet A-201, the EIFS on the north elevation exceeds the maximum percentage per façade. Each façade is permitted to have 15%. The north elevation is 18% EIFS. Reduce to 15% for permitting.

Applicant Response: See attached revised Sheet A-201. The north elevation has been revised to remove EIFS 2 and replace with Stucco 2, the east and west have been revised as well as band wraps the corner of the building. Each façade now has 15% or less of EIFS reducing the total EIFS percentage to 10.25%.

2. Downspouts shall be internalized.

Applicant Response: All downspouts are internalized; all canopy awnings have scuppers in lieu of downspouts.

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

Applicant Response: Parking lot pole fixtures are 90-degree cutoff fixtures. Building wall packs are 90-degree cutoff and the decorative wall sconce is an up/down light. Please advise if this is acceptable.

4. 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: See attached Sheet A-201 for color elevations of trash enclosure. Enclosure provides screening on all four sides and is constructed of a CMU masonry wall clad with the same brick as the primary building structure. The enclosure provides screening that is more than 6'-0" tall on all sides with the gate facing the parking lot.

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: Utilities shall be screened with landscaping, please see revised landscape plan L100. Architectural plans and elevations have been revised to include a note which states, "Exterior wall-mounted equipment including, but not limited to, mechanical equipment, utilities and meter banks shall be painted to blend with the building, reference mechanical and electrical for locations."

Staff Response: The BPU transformer pad depicted on civil sheets, Sheet C500, shall be completely screened on three sides with 6-foot junipers setback three feet from the pad and 10 feet from the door opening. 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. If this cannot be accomplished, relocation of the transformer may be necessary for permitting.

Applicant Response: See attached Sheets C300, C500 and L100 for gate and 6' trees with 3' offset provided around the transformer. 10' setback has been provided to the edge of pavement from the enclosure gate.

6. Commercial development should take into account the architectural design of all building elevations- 360 degrees. Quality design should be expressed on all elevations of a building. The east and west facades are treated the same as the front façade. Revise to incorporate the same architectural detail on each façade.

Applicant Response: Large expanses of glazing as seen on the north and south faces are not possible along the east and west facades due to the program on the interior. The east and west sides of the building are lined with exam rooms which require privacy. The windows in the exam rooms have been revised to be taller to provide more glazing along

the east and west facades, but still provides privacy to the exam rooms. Canopies/awnings have been added to the south, east and west facades to mimic the north façade. Full height brick areas have also been added to the east and west facades to more closely resemble the north and south facades.

7. In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three of the following techniques:
 - a. Divisions or breaks in materials
 - b. Building offsets (projections, recesses, niches)
 - c. Window bays
 - d. Separate entrances and entry treatment
 - e. Variation of roofline.

Revise east and west facades.

Applicant Response: There are no continuous lengths of wall greater than 45 feet. All facades have been broken up with.

- a. Divisions or breaks in materials
- b. Building offsets
- c. And variation of roofline

See attached elevations for clarification.

8. Revise materials to match the Representative Materials Palette Summary in Legends Auto Plaza Conceptual Design Guide. See guide in attachments.

Applicant Response: Masonry material are a mix of full depth Glen Gery and Beldon brick, the colors black diamond velour and aspen white look similar to examples shown on the material palette summary provided. Storefront shall be a black anodized aluminum finish. EIFS and stucco materials have been reduced in quantity and will look similar to a concrete panel system. Please advise if this is acceptable.

9. Sec. 27-526h(1) For new construction, windows, windows with awnings and covered pedestrian walkways should total at least 60 percent of the building frontage along public streets or parking lots. Windows should be for display purposes or to allow viewing both into and out of the interior. Revise elevations to meet this requirement.

Applicant Response: Additional glazing and awnings have been added to accommodate this requirement, please see attached elevations with summary table.

Signage:

1. All signage shall comply with the sign code.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: none.
2. Items that are conditions of approval (stipulations):
 - a. Provide staff with a cross-access easement document for Lot 3B for future connection with Lot 2, the undeveloped parcel west of the proposed development i.e. Spira Care Medical Facility. The cross-access easement document shall be reviewed and approved by UG

- staff. Thereafter, on final approval, the easement document shall be signed, executed and recorded with the Wyandotte County Register of Deeds and a copy provided to UG staff prior to construction permit acquisition.
- b. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
 3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: none.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Plan Review Application #PR-2019-11, subject to the stipulations.** Roll call was taken on the motion and there were nine "Ayes," Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Markley.

ITEM NO. 2 – 19878...PLAN REVIEW APPLICATION #PR-2019-17 - RODRIGO RIVERA WITH IGLESIA PENTECOSTAL CASA DE DIOS

Synopsis: Preliminary and final plan review for interior remodel and parking improvements at 1010, 1014 and 1020 Armstrong Avenue, submitted by Robin Richardson, Director of Planning. The applicant is requesting a preliminary and final plan review for parking lot improvements and remodeling to the interior of the Casa de Dios building. Parcels lay within the Granada Theatre historical environs. The Planning Commission voted 6 to 0 to recommend approval of Plan Review Application #PR-2019-17, subject to:

Urban Planning and Land Use Comments:

1. How will the applicant incorporate downtown mixed-use characteristics, as defined by the Downtown Master Plan, into the property, especially the parking lot that will serve as the corner of Armstrong Avenue and North 10th Street?
Applicant Response: The building exterior will be upgraded and re-painted with existing windows being removed/replaced and new building entrances provided. The existing building, which is not currently being used, will become functional and usable again. The perimeter of the property and the parking lot areas will be upgraded with new landscaping per the proposed plan to meet the city's requirements and guidelines.
2. Follow the best management practices outlined in the Wyandotte County Conservation District letter.
Applicant Response: Please note that we have submitted erosion control plans in response to the Engineering's review comments under separate cover for review and approvals.

3. Per 27-676(a), a parking lot with 101 to 150 parking spots needs 5 ADA-accessible parking spots. The current plan only has four accessible spots. Applicant must either add an additional spot or apply for a variance.
Applicant Response: Please note that we have revised the plan to incorporate 5 ADA stalls.
4. Landscaping
 - a. Section 27-699(a)(6) requires one tree planted for every 20 parking spaces, in addition to any other landscaping requirements. Five trees are required for the 95 parking spaces located at 1020 Armstrong, and one tree is required for the parking lot at 1010 Armstrong. Applicant must either add the requisite six additional trees to the landscape plan or apply for a variance.
Applicant Response: The required trees have been added to the latest revised LS Plan.
 - b. Applicant is requesting only one tree be planted among the 123-foot western boundary of 1014 Armstrong. Applicant must either plant five trees along the buffer between Parcel 080432 (zoned C-O) and Parcel 080434 (zoned R-1(B)) or apply for a variance.
Applicant Response: The required trees have been added to the latest revised LS Plan.
 - c. Tree landscaping along Armstrong Avenue is sufficient for now, but staff may request trees to be concentrated on 1014 Armstrong, as per Section 27-700(a)(1).
Applicant Response: Acknowledged.
5. No overnight parking is allowed.
Applicant Response: Acknowledged.
6. An outdoor dumpster to service the property was not marked on site plans. Will there be an outdoor dumpster on the property? If so, a trash enclosure must be at least the height of the dumpster and shall remain locked at all times.
Applicant Response: No outdoor dumpster is planned for the project. Trash service is proposed to be provided via curbside, pick-up service.
7. All signs must be awarded a sign permit and shall conform to UG sign ordinances, unless a variance is first permitted.
Applicant Response: Acknowledged.
8. Provide photos of the current state of the property.
Applicant Response: See attached aerial and screen shots.
9. Church must immediately cease illegal parking on 1001, 1005 and 1007 Minnesota Avenue.
Applicant Response: Acknowledged.
10. What exterior renovations will be done to the existing building.
Applicant Response: The exterior of the building is proposed to be painted and the exterior windows will be removed/replaced. Also new building entrances will be installed.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval:

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

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Plan Review Application #PR-2019-17, subject to the stipulations. Roll call was taken on the motion and there were nine "Ayes," Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Markley.

ITEM NO. 3 – 19879...PLAN REVIEW APPLICATION #PR-2019-18 - BRIAN HILL WITH MKEC ENGINEERING, INC.

Synopsis: Preliminary and final plan review for construction of a maintenance storage facility at 2600 North 44th Street, submitted by Robin Richardson, Director of Planning. The applicant has previously received approval for a preliminary and final plan review for the demolition of the existing elementary and middle school. The school buildings will be replaced by a new elementary school being built in 2019-2020. This request is to build a maintenance equipment storage facility. The Planning Commission voted 6 to 0 to recommend approval of Plan Review Application #PR-2019-18, subject to:

Urban Planning and Land Use Comments:

1. Provide measurements for parking lot and parking spaces, to ensure compliance with parking lot ordinances.
Applicant Response: There will be no permanent parking spaces at the storage facility. This facility will not have any personnel assigned to work at this location so the only vehicles at this facility will either be stored in the buildings or coming through to pick up or drop off equipment or material from storage. Large overhead garage doors on the buildings will open to the inner paved courtyard area. Overall dimensions in the courtyard area are provided on Sheet C03 – Paving Plan.

Staff Response: Spoke with applicant about the parking situation. The nature of the facility and the ample paved spaced should be sufficient to contain any temporary parking that may need to occur.

2. Provide landscaping plan, including trees and shrubs that will be added.
 - a. Trees should be placed around in the exterior fencing in order to visually soften the view of the fence and storage facility buildings from the nearby residences.
 - b. One tree is required for every 7,000 square feet of non-residential use.
 - c. There must be landscaping around the parking lot.

Applicant Response: Sheet L01 – Landscape Plan, has been added to the plan set. a.) Trees have been added to complement the landscape plan prepared for West Park Elementary School, currently under construction at the same site (PR-2018-34). b.) The site measures approximately 37,500 square feet and six street trees have been added to meet the one tree per 7,000 square feet requirement. Trees in the proximity of the facility to be planted as part of the West Park Elementary School improvements are noted on the plan as existing trees for reference. c.) Shrubs and ornamental grasses are included at the entrances to the facility. The entire paved area of the facility is bordered by the buildings and cedar picket privacy fence.

Refer to Sheet L01 – Landscape Plan for additional information concerning the landscaping.

3. Lampposts should be constructed, and lighting directed, in a manner that does not disturb the neighborhood. Provide a light analysis.

Applicant Response: Sheet E01 – Site Photometrics Plan, was included in the original submittal. It includes a light analysis showing the impact of the lighting to be included in the storage facility. All exterior lighting is provided by wall-mounted fixtures on the storage buildings. Fixtures are LED meeting IES cutoff optic standards to direct the majority of light below nadir.

4. Please describe the construction materials, landscape and screening for this project.

Applicant Response: The construction materials of this project are as follows. The three buildings are steel framed and clad in insulated metal panels with a smooth finish. The roof is a standing seam panel that matches the vertical insulated metal panels. The storage buildings will have insulated metal garage doors and main doors that will be painted to match the exterior insulated metal panels. The salt storage shed is made of cast in place concrete that is integrally colored to match West Park Elementary and has the same standing seam roof panels as the three storage buildings. The screening for the project will be a cedar picket fence that will have a clear sealer on it and be 8'-0" high and align with masonry corner posts that are composed of a red brick blend that will match West Park Elementary. Landscaping is detailed in the response to comment 2 above. The material board was submitted to Byron Toy on June 13th at 12:30 p.m. A digital material board was also submitted in the combined PDP/FDP submittal on May 24, 2019.

Staff Response: Material board has been received.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: Construction plans shall meet UG standards and criteria and shall be reviewed and approved by the UG prior to construction permit acquisition.

July 25, 2019

Applicant Response: Comment acknowledged.

2. Items that are conditions of approval (stipulations):
Construction plans shall meet UG standards and criteria and shall be reviewed and approved by the 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 McKiernan made a motion, seconded by Commissioner Johnson, to approve Plan Review Application #PR-2019-18, subject to the stipulations. Roll call was taken on the motion and there were nine "Ayes," Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Markley.

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATION

ITEM NO. 1 – 19874...SPECIAL USE PERMIT APPLICATION #SP-2019-71 – DEBORAH JONES WITH JONES BAR-B-Q

Synopsis: Special use permit for live entertainment in conjunction with existing restaurant at 6706 Kaw Drive, submitted by Robin Richardson, Director of Planning. The applicant has requested a special use permit to have live jazz from 11:00 a.m. to 11:30 p.m. on Thursday and Friday, along with alcohol sales in conjunction with an existing barbecue restaurant, Jones BBQ, located in a strip center at 6706 Kaw Drive. The Planning Commission voted 5 to 1 to recommend approval of Special Use Permit Application #SP-2019-71, subject to:

Business License Comments:

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

Urban Planning and Land Use Comments:

1. Subject to approval, this special use permit shall be valid for one year.
Applicant Response: Yes.
2. The applicant has stated that the form of live entertainment will be jazz music on the patio. Staff has concerns that loud music or a dance club/lounge atmosphere would be a nuisance to nearby residences. Please explain how you will address these potential issues.
Applicant Response: The residential lot is not near us. No dance club atmosphere. There will just be a man on a keyboard.
3. What are the hours of operation for the restaurant? In addition to Thursday and Friday, 11:00 a.m. – 11:00 p.m., are any other days proposed for live events to be held?

Applicant Response: Hours of operation: Tue – Sat 10:45 a.m. to 3:00 p.m. Keyboard entertainment: Thursday, Friday and Saturday 11:00 a.m. to 1:00 p.m.

4. Is alcohol currently served on the premises? What hours are alcohol served?

Applicant Response: Beer only during open hours.

5. The business must use an ID card reader when live entertainment is occurring if alcohol is present.

Applicant Response: Yes, we check IDs.

6. Is on-site security being provided? If so, what security measures are being taken to ensure patron safety? Please provide a security plan.

Applicant Response: Staff will provide security. We are a very small business.

7. Please provide photos of the space where live events will be held.

Applicant Response: Photos provided in attachments.

Public Works Comments: none.

Robin Richardson, Director of Planning, said this request is to have jazz music at Jones Bar-B-Q on K-32 over the lunch hour. This does not extend into the evening whatsoever. I don't know that I've seen Ms. Jones in the audience this evening. Staff has recommended approval as well as the Planning Commission.

Mayor Alvey asked the applicant to come forward to present her application. She was not present.

Mayor Alvey opened the public hearing and asked if there is anyone present who would like to speak in favor of Special Use Permit #SP-2019-71. There were none.

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

Mayor Alvey closed the public hearing.

Commissioner Murguia said if the applicant is not here, why would—I'd be confused on why we would hold the hearing. Even if we had questions, if the applicant's not here to answer them, how would we get them answered? **Mayor Alvey** said I would assume that staff could answer some questions.

Action: Commissioner Murguia made a motion, seconded by Commissioner McKiernan, to return Special Use Permit Application #SP-2019-71 back to the Planning Commission until the applicant is able to attend.

Doug Bach, County Administrator, said, Mayor, I would like to make it clear that this item did go through Planning Commission. I think there was not any opposition that appeared during Planning Commission to it. One of the Planning Commissioners voted against it without any comments so we have no knowledge of why they voted against it otherwise, this would be on the Consent Agenda.

Ken Moore, Chief Legal Counsel, said, Mayor, also in order to refer it back to the Planning Commission, the Commission has to refer it there with specific questions for the Planning Commission to address. Without direction, there is nothing the Planning Commission could do. **Mr. Richardson** said it can also be held over at this level for her to appear. **Mayor Alvey** said so we can hold it over until the next Commission meeting.

Action: Commissioner Murguia amended her motion, seconded by Commissioner McKiernan, to hold Special Use Permit Application #SP-2019-71 until the next meeting.

Commissioner Philbrook asked is it possible for me to say something since it is my district. **Mayor Alvey** said yes. **Commissioner Philbrook** said I will tell you that that is a place that people really do enjoy going down and sitting and talking. I haven't heard any problems with it. They're very nice people. I don't see a problem with it, and that's all I have to say.

Roll call was taken on the motion and there were two "Ayes," McKiernan, Murguia; and seven "Nos," Walters, Philbrook, Bynum, Burroughs, Townsend, Johnson, Markley.

Mayor Alvey said I would entertain a motion to approve.

Action: Commissioner Philbrook made a motion, seconded by Commissioner Bynum, to approve Special Use Permit Application #SP-2019-71, for one year, subject to the stipulations. Roll call was taken on the motion and there were eight “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Markley; and one “No,” Murguia.

REGULAR CONSENT AGENDA

Mayor Alvey asked does any member of the Commission or anyone in attendance tonight wish to set-aside any item on the regular Consent Agenda. If an item is not set aside, all items on the Consent Agenda will be voted on by one vote.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to approve the Consent Agenda. Roll call was taken on the motion and there were eight “Ayes,” Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia, Johnson, Markley; and one “No,” Burroughs.

ITEM NO. 1 – 19850...ORDINANCE/RESOLUTION: HOME RULE ECONOMIC DEVELOPMENT INCENTIVE AND DEVELOPMENT AGREEMENT FOR THE BOULEVARD LOFTS PROJECT

Synopsis: Ordinance and resolution approving and adopting a Home Rule Economic Development Incentive and adopting the development agreement for the Boulevard Lofts Project, submitted by Katherine Carttar, Director of Economic Development. On July 8, 2019, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: ORDINANCE NO. O-48-19 and R-44-19, “An ordinance/resolution approving and adopting a home rule economic development incentive and adopting the development agreement for the Boulevard Lofts project.” Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to approve the ordinance/adopt the resolution. Roll call was taken on the motion and there

were eight “Ayes,” Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia, Johnson, Markley; and one “No,” Burroughs.

ITEM NO. 2 – 19858...ORDINANCE: TERMINATE 2007 MIDTOWN TIF PROJECT PLAN

Synopsis: An ordinance terminating the Redevelopment Project Plan for the Midtown Redevelopment District, repealing Ordinance No. O-29-07, submitted by Katherine Carttar, Director of Economic Development. On July 8, 2019, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **ORDINANCE NO. O-49-19**, “An ordinance of the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas, terminating the redevelopment project plan for the Midtown Redevelopment District, repealing Ordinance O-29-07 and removing certain property from the Midtown Redevelopment District.” **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to approve the ordinance.** Roll call was taken on the motion and there were eight “Ayes,” Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia, Johnson, Markley; and one “No,” Burroughs.

ITEM NO. 3 – 19859...RESOLUTION: SETTING A PUBLIC HEARING DATE REGARDING MIDTOWN REDEVELOPMENT DISTRICT

Synopsis: A resolution setting a public hearing date of August 29, 2019, to consider the following actions, submitted by Katherine Carttar, Director of Economic Development.

- Division of the Midtown Redevelopment District into four redevelopment project areas
- Amend the redevelopment district plan
- Adopt Project Area 1 Redevelopment Project Plan

On July 8, 2019, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-45-19**, “A resolution of the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas, establishing the date and time of a public hearing (August 29, 2019 at 7 p.m.) regarding the division of a redevelopment district into four redevelopment project areas, adoption of an amended redevelopment district plan and adoption of the Project Area 1 Redevelopment Project Plan pursuant to K.S.A 12-1770 et seq.” **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to adopt the resolution.** Roll call was taken on the motion and there were eight “Ayes,” Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia, Johnson, Markley; and one “No,” Burroughs.

ITEM NO. 4 – 19884...PLAT: KCKPS NUTRITION SERVICES

Synopsis: Plat of KCKPS Nutrition Services, located east of Meadowlark Lane along State Avenue, being developed by KCKPS Nutrition Services, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to approve and authorize Mayor to sign said plat.** Roll call was taken on the motion and there were eight “Ayes,” Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia, Johnson, Markley; and one “No,” Burroughs.

ITEM NO. 5 – 19882...PLAT: PRIMROSE AT KUMC

Synopsis: Primrose at KUMC final plat located at West 36th Avenue, east of Rainbow Boulevard, being developed by Kansas University of Endowment Association, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to approve and authorize Mayor to sign said plat.** Roll call was taken on the motion and there were eight “Ayes,” Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia, Johnson, Markley; and one “No,” Burroughs.

ITEM NO. 6 – MINUTES

Synopsis: Minutes from regular sessions of June 13 and June 27, 2019; and special sessions of June 27, July 8, and July 11, 2019.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to approve. Roll call was taken on the motion and there were eight “Ayes,” Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia, Johnson, Markley; and one “No,” Burroughs.

ITEM NO. 7 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated July 11 and 18, 2019.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to receive and file. Roll call was taken on the motion and there were eight “Ayes,” Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia, Johnson, Markley; and one “No,” Burroughs.

STANDING COMMITTEES’ AGENDA

ITEM NO. 1 – 19851...RESOLUTION: AMEND UG SMALL BUSINESS GRANT PROGRAM

Synopsis: A resolution amending the UG Small Business Grant Program, submitted by Katherine Carttar, Director of Economic Development. On July 8, 2019, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted 5 to 1 to approve and forward to full commission.

Mayor Alvey said under the Standing Committee’s Agenda, we’re amending the UG Small Business Grant Program. This item was presented to the Economic Development & Finance Committee on July 8th. It received a vote of 5 to 1 to approve and forward to full commission. I’d ask Commissioner Burroughs, that chaired the standing committee meeting, if he’d like to add anything.

Commissioner Burroughs said no, Mayor, I wouldn't. I believe there will be a discussion in reference to the 5 to 1 vote.

Commissioner Townsend said I am happy that we have a Small Business Grant Program, which is really a reimbursement program. We've had one for several years. With this latest addition, I am concerned and voted against this current version because there's a new addition that requires the applicant to have matching funds. This program is supposed to help small businesses advance and progress. If they are required to match funds, that kind of defeats the purpose. I just think with this new addition, we're going the wrong way; therefore, I cannot support it in this version.

Doug Bach, County Administrator, said, Mayor, we do have a presentation regarding this amended program. If you would like us to present that, we can do so at this time or if you just want to discuss it. I know half of the Commission has not seen the presentation.

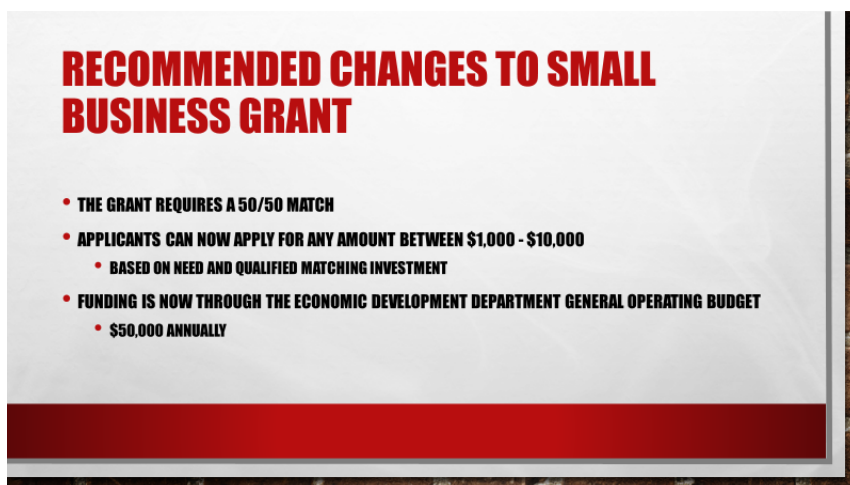
Mayor Alvey said it has been brought to our attention by Commissioner Townsend. I think that it's good for us to see the presentation. **Mr. Bach** said with that, I will recognize our Small Business Liaison, Shaya Lockett, to provide presentation.



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Shaya Lockett, Small Business Liaison, said I'm here today to discuss the changes we're recommending for our Small Business Grant. Just to give a little background, in 2018 we awarded five different grants. The awardees were Big Grill & More, KCK Dental Professionals, Union Press, Delores Home Training Center and Miguel's Catering. So far in 2019, we have awarded two grants to Slaps BBQ and Splitlog, with two pending applications.



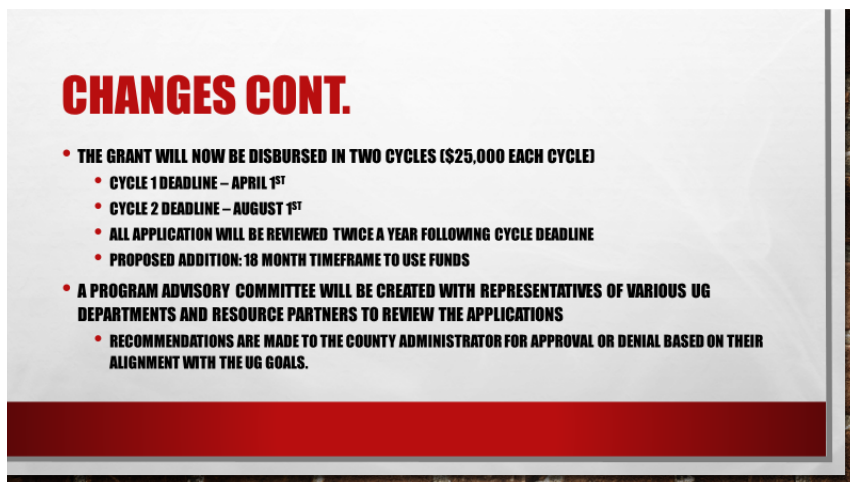
The changes are as follows. We are requiring a 50/50 match currently. Our reasoning for doing this, as we go through the presentation, we are removing the requirement to have an additional employee. A lot of small businesses came to us and said they would like to apply for their grant but they didn't need to hire an employee. It wouldn't be cost effective for them to hire an additional employee. This is one of the changes we recommended.

They can now apply for any amount between \$1,000 and \$10,000. Previously they could only apply for \$2,500, \$5,000 or \$10,000. This is rightsizing it so they can get the amount of

money that they actually need for the project they are going for. Funding is through the Economic Development Department general operating budget and it's currently funded for \$50,000 annually.



We will no longer cover lease rate subsidies. As I stated, we won't require the applicant to hire an additional employee. Some additions to the list of businesses that are excluded are pay day loans, hookah and vape shops. We made an amendment for sites with federal and state licenses for production and distribution of alcohol. They may apply for the grant. That would be microbreweries and things of that nature where they're actually making it but bars and establishments that sell alcohol with 50% less food sales are still excluded.



We are changing it to two cycles. Cycle deadlines will be April 1st and August 1st. All applications will be reviewed at the same time. We're also creating a program advisory committee that will

oversee this and it will be a group discussion in that. Those recommendations will be sent to the Administrator for final approval. Those are the major changes.

Mayor Alvey said we can tell a lot of thought was put into this. It seems to me, just looking at this, that certainly you can see the flexibility built into this. You can see the reflection that has been built into this to try to make sure that this serves those who are actually needing the funds.

Do you anticipate or is that part of the rationale that there will be more individuals able to access this? Rather than having what was five grantees last year, we would maybe perhaps see seven, ten or more since it is a smaller amount? Is that a likelihood or has that been the experience perhaps elsewhere? **Ms. Lockett** said I believe that there will be more applicants. I talked to a lot of different businesses and they're looking for a smaller grant, a \$2,000 grant to do marketing, or they might need a \$3,000 grant to get a piece of equipment. The biggest hinderance was getting that additional employee; the requirement of us for them to have an additional employee. **Mayor Alvey** said I see.

In conversations with some of these folks, did they take issue with the fact that there now is a match? **Ms. Lockett** said no. Currently, it's reimbursable. It's always been reimbursable, but a lot of them have a higher investment already when they're doing certain things. They may be doing interior renovations but then they need a piece of equipment that they just don't have enough funds to. We look at it as a whole, not just for one item. **Mayor Alvey** said so in other words, they're already doing work. They're already expending funds. That will function as the match to what we might be able to provide? **Ms. Lockett** said yes. **Mayor Alvey** said alright. Thank you.

Commissioner McKiernan said I do understand and I respect Commissioner Townsend's position on this but given the fact that these grants are not going to be the entirety of the funds that the small businesses need to either start, grow or expand, then I would move that we approve as submitted.

Action: **RESOLUTION NO. R-46-19**, "A resolution approving the amended UG Small Business Grant Program." **Commissioner McKiernan made a motion, seconded by Commissioner Philbrook, to adopt the resolution.**

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Commissioner Bynum said I cannot find in this packet the section of the revised application where it speaks to the match. Let me just, while you point me to that, I want to clarify that I understand. The question I was going to ask you was if I have expended funds on an item or the fees to get my utilities turned on or some such expenditure that I've already laid out money for, that will suffice as documentation of a match for this grant program. **Ms. Lockett** said right. If it's a project as a whole, then yes. We can't use funds that they've spent a year ago, but if it's an ongoing—**Commissioner Bynum** said if there's like a timeframe during this timeframe, I've expended—**Ms. Lockett** said or I'm going to expend. We can't count funds that they've already spent. If they have an upcoming project and they're going to expend \$20,000, it's a gap. We're trying to fill that gap for the small businesses. **Commissioner Bynum** said to that point, if I'm the small business owner, then I'm showing you that I have the financial capacity if I'm asking the Unified Government for \$2,000, that I have \$2,000. **Ms. Lockett** said right. **Commissioner Bynum** said okay.

Ms. Lockett said it's in Section 3 under Strategy. It shows that it's a matching. The award amount will be based on need and the qualified matching investment. **Commissioner Bynum** said its dollar for dollar. **Ms. Lockett** said yes.

Commissioner Townsend said I mentioned at the standing committee that I applaud the removal of something that I objected to when this program was revised a year ago and that was the person requirement, that someone needed a person. You may not need an extra body to grow your business. You may need some other asset that may not be a person, but these are not equivalents. Just because you don't need a person, doesn't mean you need a match.

Now, something I asked at the standing committee that seems a little bit different what I'm hearing here, if someone comes to us and says I need \$5,000, what are you considering the match? **Ms. Lockett** said we would at the project. If they are needing \$5,000 for a piece of equipment, that piece of equipment would need to cost at least \$10,000 or they could be purchasing a piece of equipment and doing a renovation. If the renovation costs are \$5,000 and the equipment is \$5,000, then that qualifies as well. It doesn't just have to be on one item. There are several costs that can be covered under the grant. It can be renovation, it can be equipment, it can be marketing, as long as it falls in those categories and it's at that time of the application, not previously done. If they're

going to do it in a year's timeframe, or they have 18 months to spend the funds. If they're doing it within that timeframe, then it qualifies.

Commissioner Townsend said so you're saying if they ask for \$5,000 and they show you that there's \$5,000 that they're going to put in as part of this project, you're considering that a match. **Ms. Lockett** said yes, and they have to show proof that they have done these things. It's a reimbursement. They have to show that they've spent the \$5,000 and then they also have to spend their \$5,000 that they will be reimbursed back through this grant program. **Commissioner Townsend** said I'm still thinking I'm hearing \$10,000.

The other issue that was brought up at the standing committee was that these people have to show an investment. They made an investment in Wyandotte County because they're here, they're trying to grow. This match, it still bothers me. If you need \$5,000, you need \$5,000. If you could get it from some other vehicle, you would do that or you'd have it already.

Again, I'm glad we have this program. We've had it several years now, but this match is giving me some concern. I would still have to vote against it. Thank you.

Roll call was taken on the motion and there were eight "Ayes," Walters, Philbrook, Bynum, Burroughs, McKiernan, Murguia, Johnson, Markley; and one "No," Townsend.

ADMINISTRATOR'S AGENDA

ITEM NO. 1 – 19883... BUDGET ITEMS

Synopsis: Request adoption of the following resolutions and ordinances regarding the Wyandotte County Library, the Self-Supported Municipal Improvement District, the Sewer Service Charge, Solid Waste Fee, the KCBPU PILOT, the 2019-2020 Annual Action Plan and the Citizen Participation Plan, 2019 Amended Budget, and the 2020 Proposed Budget.

Doug Bach, County Administrator, said on this item, there are four different items that move forward with this year's budget process. We have had many different meetings, I will say, over the course of the last year and then a couple of public meetings including one that was held at 5 o'clock this afternoon leading up to this. I'm happy to make any other statements. I believe we

have worked through all these items in great detail leading up to today, where we are. With that, I would request approval.

The four different items require four different motions starting with Item 1.a., which is regarding the Library levy.

Janice Witt asked is there any public comment on these? **Mayor Alvey** said I'm sorry; that's out of order. We've had public hearings for the past four months. This is beyond the public hearing stage. Now, this is for any commissioner comments or questions.

a. **RESOLUTION: LIBRARY BOARD TAX RATE**

A resolution expressing the property taxation policy of the Unified Government with respect to financing of the 2020 annual budget for the Wyandotte County Library; approving and adopting the 2020 budget of the Wyandotte County Library; levying a tax for the Library to fund the budget set by the Wyandotte County Library Board within the Wyandotte County Library District (Piper, Edwardsville, and Turner); and appropriating the funds on behalf of the Wyandotte County Library.

Action: **RESOLUTION NO. R-47-19**, "A resolution expressing the property taxation policy of the Unified Government of Wyandotte County/Kansas City, Kansas, with respect to financing the 2020 Annual Budget for the Wyandotte County Library and approving, adopting, and appropriating the budget of the Wyandotte County Library Board and levying a tax for the year beginning January 1, 2020." **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken on the motion and there were nine "Ayes," Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Markley.

b. **ORDINANCE**

An ordinance expressing the property taxation policy of the Unified Government with respect to financing of the 2020 annual budget for the Self-Supported Municipal

Improvement District (SSMID) and approving, adopting, and appropriating the budget of the SSMID and levying a tax for the year beginning January 1, 2020.

Commissioner Bynum said I move to approve Item 1.b. with the following amendment. I'd like to change Section 3 from 11.023 mills to 10 mills. That would change the statement to the 2020 Annual Budget for the Downtown Kansas City, Kansas Self-Supported Municipal Improvement District is hereby approved and adopted and a tax for the district is hereby levied in the amount of 10 mills within the limits of the district and the funds from such levy are hereby appropriated on behalf of the district. Just to clarify, that is in consultation and conversation with the Downtown Shareholders who manage the SSMID and are willing to lower that mill levy.

Action: **ORDINANCE NO. O-50-19**, "An ordinance expressing the property taxation policy of the Unified Government of Wyandotte County/Kansas City, Kansas, with respect to financing the 2020 Annual Budget for the Self-Supported Municipal Improvement District and approving, adopting and appropriating the budget of the Self-Supported Municipal Improvement District and levying a tax for the year beginning January 1, 2020."
Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to approve the ordinance. Roll call was taken on the motion and there were nine "Ayes," Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Markley.

c. **RESOLUTION**

A resolution approving and authorizing submission of the 2019-2020 Annual Action Plan which includes the Community Development Block Grant Program, the HOME Investment Partnership Program, and the Emergency Solutions Grant Program along with Certifications for Entitlement Grantees by the City of Kansas City, Kansas, to the U.S. Department of Housing and Urban Development and to implement the 2019-2020 Annual Action Plan upon approval.

Action: **RESOLUTION NO. R-48-19**, “A resolution that the Mayor/Chief Executive Officer of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby authorized and directed to execute in the name of the Unified Government, and the Unified Government Clerk is hereby authorized and directed to attest the signature of said Mayor/Chief Executive Officer and to attach the seal of the Unified Government thereto as the voluntary act of the Unified Government to the 2019-2020 Annual Action Plan which includes the Community Development Block Grant Program, the HOME Investment Partnership Program, and the Emergency Solutions Grant Program along with Certifications for Entitlement Grantees by the City of Kansas City, Kansas, to the U.S. Department of Housing and Urban Development and to implement the 2019-2020 Annual Action Plan upon approval.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken on the motion and there were nine “Ayes,” Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Markley.

d. VARIOUS RESOLUTIONS AND ORDINANCES SETTING UNIFIED GOVERNMENT FEES FOR SEWER SERVICE, SOLID WASTE, SETTING THE KCBPU PILOT, AND ADOPTING THE 2019 AMENDED BUDGET AND 2020 BUDGET

- 1) An ordinance adopting a regulation establishing the rate for sewer service charges effective January 1, 2020.

Action: **ORDINANCE NO. O-51-19**, “An ordinance relating to sewer service charges, approving the regulation establishing the rate, effective January 1, 2020, as authorized by Section 30-96 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, and repealing any previously adopted regulations establishing such rates.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken on the motion and there were eight “Ayes,” Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia, Johnson, Markley; and one “No,” Burroughs.

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- 2) An ordinance setting the solid waste fee for single family residences and residential units in buildings not containing more than four dwelling units.

Action: **ORDINANCE NO. O-52-19**, “An ordinance relating to the monthly fee on residential units in the City of Kansas City, Kansas, to fund the Unified Government's solid waste services, amending Section 31-17(b) of the Unified Government of Wyandotte County/Kansas City, Kansas Code and repealing original Section 31-17(b).” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken on the motion and there were eight “Ayes,” Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia, Johnson, Markley; and one “No,” Burroughs.

- 3) A resolution setting the percentage of gross revenues to be set over by the Board of Public Utilities to the Unified Government for 2020 (the PILOT).

Action: **RESOLUTION NO. R-49-19**, “A resolution setting the percentage of gross revenues to be set over by the Board of Public Utilities to the Unified Government for the year 2020.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken on the motion and there were eight “Ayes,” Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia, Johnson, Markley; and one “No,” Burroughs.

- 4) A resolution and an ordinance approving, adopting, and appropriating the budget of the Unified Government of Wyandotte County/Kansas City, Kansas, for the Amended 2019 Budget and the 2020 Budget for the year beginning January 1, 2020, as submitted by the County Administrator and amended by Attachment A.

Action: **RESOLUTION NO. R-50-19 and ORDINANCE NO. O-53-19**, “A resolution and an ordinance approving, adopting and appropriating the

Operating and Capital Maintenance Improvement Project Budgets of the Unified Government of Wyandotte County/Kansas City, Kansas, as submitted and amended by Attachment A, for the fiscal years beginning January 1, 2019 and the fiscal year beginning January 1, 2020; approving the Five Year Capital Maintenance Improvement Program for fiscal years 2019 through 2024.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to adopt the resolution and approve the ordinance.** Roll call was taken on the motion and there were eight “Ayes,” Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia, Johnson, Markley; and one “No,” Burroughs.

COMMISSIONERS' AGENDA

No items

Mayor Alvey said that concludes the portion of our regular meeting. I adjourn us in that capacity. I'll call us back to order as the Land Bank Board of Trustees.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Mayor Alvey asked does any member of the Commission or anyone in attendance tonight wish to set aside any item on the Land Bank Consent Agenda. There were no set-asides.

ITEM NO. 1 – 19853...LAND BANK BUSINESS – TRANSFERS FROM LAND BANK

Synopsis: Communication requesting consideration of the following Land Bank applications, submitted by Chris Slaughter, Land Bank Manager. On July 8, 2019, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.

Transfers from Land Bank

52 N. 12th St. - Community Housing of Wyandotte County

56 N. 12th St. - Community Housing of Wyandotte County

58 N. 12th St. - Community Housing of Wyandotte County

60 N. 12th St. - Community Housing of Wyandotte County

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64 N. 12th St. - Community Housing of Wyandotte County
 68 N. 12th St. - Community Housing of Wyandotte County
 72 N. 12th St. - Community Housing of Wyandotte County
 76 N. 12th St. - Community Housing of Wyandotte County
 80 N. 12th St. - Community Housing of Wyandotte County
 84 N. 12th St. - Community Housing of Wyandotte County
 88 N. 12th St. - Community Housing of Wyandotte County
 90 N. 12th St. - Community Housing of Wyandotte County
 1139 Riverview Ave. - Community Housing of Wyandotte County
 1134 Riverview Ave. - Community Housing of Wyandotte County
 1130 Riverview Ave. - Community Housing of Wyandotte County
 1126 Riverview Ave. - Community Housing of Wyandotte County
 1122 Riverview Ave. - Community Housing of Wyandotte County
 1118 Riverview Ave. - Community Housing of Wyandotte County
 1114 Riverview Ave. - Community Housing of Wyandotte County
 1110 Riverview Ave. - Community Housing of Wyandotte County
 1106 Riverview Ave. - Community Housing of Wyandotte County
 1102 Riverview Ave. - Community Housing of Wyandotte County
 (CHWC will be developing Panoramic Park at 12th and Riverview that will provide a wide variety of housing types that will benefit a wide variety of all income levels.)

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

ITEM NO. 2 – 19854...LAND BANK BUSINESS – DONATIONS TO LAND BANK

Synopsis: Communication requesting consideration of the following Land Bank applications, submitted by Chris Slaughter, Land Bank Manager. On July 8, 2019, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.

Donations to Land Bank (vacant lots unless noted otherwise)

6800 Speaker Rd. - Turner Woods, LLC

(Owner acquired property along with larger parcel which was later sold. They no longer own any adjacent parcels and the proposed development is not feasible due to existing roadway and parcel's narrow shape. The UG has ROW to the east of this property from Speaker Road from South 65th St. to South 72nd St.)

736 Splitlog Ave. - CHWC

846 Ohio Ave. - CHWC

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1305 Ann Ave. - CHWC
 1307 Ann Ave. - CHWC
 1309H Ann Ave. - CHWC
 1311 Ann Ave. - CHWC
 1315 Ann Ave. - CHWC
 1319 Ann Ave. - CHWC
 1325 Ann Ave. - CHWC

(Owner states that because of grading and possible buried foundations, the extra expenses will make single family builds difficult to complete.)

638 Winona Ave. - Charles Cunningham (structure)

(Owner states that he is not able to manage and maintain property.)

4011H Springfield St. - Sher Shah

(Owner purchased from a tax sale without realizing the property was not the house located adjacent to the property.)

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

PUBLIC ANNOUNCEMENTS

No items

MAYOR ALVEY
ADJOURNED THE MEETING AT 8:01 P.M.
July 25, 2019

Bridgette D. Cobbins
 Unified Government Clerk

tpl

July 25, 2019