

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

**PLANNING & ZONING AND
REGULAR SESSION
AUGUST 29, 2019**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, August 29, 2019, with eight members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District (via conference call); Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; and Alvey, Mayor/CEO, presiding. McKiernan, Commissioner Second District; Walters, Commissioner Seventh District; and Philbrook, Commissioner Eighth District, were absent. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Melissa Sieben, and Emerick Cross, Assistant County Administrators; Carol Godsil, Deputy UG Clerk; Kimberly Portillo, Planner; Janet Parker, Administrative Assistant; Misty Brown, Deputy Chief Counsel; Mike Taylor, Public Relations Director; James Bain and Wendy Green, Assistant Counsel; Chris Slaughter, Land Bank Manager; and Captain Ronald Schumaker, Sergeant-at-Arms.

MAYOR ALVEY called the meeting to order.

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

INVOCATION was given by Reverend Cynthia Smart, Mason Memorial United Methodist Church.

Mayor Alvey asked the Clerk if there are any revisions to tonight's agenda. **Carol Godsil, Deputy UG Clerk,** said I'll note we do have a clerical error on the agenda. Master Plan Amendment #MP-2019-5, regarding property at 3301 Garfield Ave., appears twice on the P&Z Non-Consent Agenda. The item will be heard as Item A1 only and not C1.

Mayor Alvey said tonight, we have two distinct parts to our meeting. The Planning and Zoning portion will be handled first followed by the regular Commission meeting. I'd ask the Clerk to

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

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

Ms. Godsil asked if any member of the Commission wished to disclose contact with proponents or opponents on any item on the Planning and Zoning Agenda. **Commissioner Townsend** said I wish to disclose I have had contact with an opponent of Item #MP-2019-5 and a related matter B1-#3201. **Commissioner Burroughs** said I have had contact with proponents of #SP-2019-91. **Commissioner Bynum** said I've had contact with proponents on Non-Consent Agenda Item A1-#MP-2019-5 and it's related Item B1-#3201.

PLANNING AND ZONING CONSENT AGENDA

Carol Godsil, UG Clerk, read the items on the Planning and Zoning Consent Agenda.

Mayor Alvey asked does any member of the Commission or anyone in attendance tonight, wish to set-aside any item on the Planning and Zoning Consent Agenda. If an item is not set-aside, all items on the Planning and Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission. There were no set-asides.

Action: **Commissioner Kane made a motion, seconded by Commissioner Burroughs, to approve the Planning and Zoning Consent Agenda as submitted.** Roll call was taken on the motion and there were seven "Ayes," Bynum, Burroughs, Townsend, Murguia, Johnson, Kane, Markley.

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 19914...CHANGE OF ZONE APPLICATION #3199 - CHARLES MESTAGH

Synopsis: Change of zone from R-1 Single Family District to A-G Agriculture District for an accessory building at 7615 Swartz Road, submitted by Robin Richardson, Director of Planning. The applicant would like to rezone 14.88 acres to allow agricultural uses and accessory structures.

The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application #3199, subject to:

Urban Planning and Land Use Comments:

1. What will be proposed barn be used for?
Applicant Response: The barn is going to be used for equipment storage (tractor).
2. The adjacent parcel is zoned RP-M and is densely populated with mobile homes. How would you ensure separation from this population?
Applicant Response: A new fence will be put in, barbed wire 4 to 6 feet.
3. Are there currently, or have there in the past, been livestock living at this site? If yes, have there been any issues?
Applicant Response: There have been no issues. The property used to have cattle and horses, but they are no longer there.
4. What do you anticipate for future development at the site?
Applicant Response: I would like to leave the use agricultural. I will use the land for raising calves in spring, summer and fall to sell before winter. Not currently doing any farming, but it could be a possibility in the future. Currently trying to get a permit for 1 additional storage building, possibly would add a building for the calves in the future but unsure for now.
5. Subject to approval, a \$50.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department following the Unified Government Board of Commissioners' meeting.
6. Maximum of five cows plus their calves.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner Burroughs, to approve Change of Zone Application #3199, subject to the stipulations. Roll call was taken on the motion and there were seven "Ayes," Bynum, Burroughs, Townsend, Murguia, Johnson, Kane, Markley.

ITEM NO. 2 – 19915...CHANGE OF ZONE APPLICATION #3200 - MICHAEL D. FOSTER WITH FOSTER AND ASSOCIATES

Synopsis: Change of zone from CP-1 Planned Limited Business District to C-3 Commercial District to allow apartments over commercial space at 3101 Strong Avenue, submitted by Robin Richardson, Director of Planning. The applicant wants to rezone the property from CP-1 Planned Limited Business District to C-3 Commercial District to convert the second floor of a commercial building to a one-unit apartment and keep the ground floor commercial tenant space. Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application #3200, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, rezoning will be to CP-3 Planned Commercial District.
2. Subject to approval, a \$50.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department following the Unified Government Board of Commissioners' meeting.
3. For reference, the applicant wants to convert almost 2,300 square foot second floor for an apartment with a ground floor garage of a 4,800 square foot building and keep the ground floor commercial tenant space prepared for a tenant.
4. Per our DRC meeting, a building permit is required before remodeling can begin.
5. The ground floor depicts a "white box." What are your intentions for future ground floor tenants?

Depending on the proposed tenant, those that require a special parking ratio in Sec. 27-668 (medical office, restaurant, bar, etc.) will require additional parking that cannot be provided on site. Either a parking agreement with an adjacent property owner to use their lot for parking or a parking variance will be required.

Applicant Response: No initial decision on the front 1,400 square feet on the main level. Balance of space is tool and equipment storage for other future use on other owned properties. It is currently now furniture storage, may consider an antique shop, but again, no immediate plans. If parking is needed, I will consider an agreement with Walker Automotive, owner of the parking lot directly south of my building and currently not in use.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner Burroughs, to approve Change of Zone Application #3200 to CP-3 Planned Commercial District, subject to the stipulations. Roll call was taken on the motion and there were seven "Ayes," Bynum, Burroughs, Townsend, Murguia, Johnson, Kane, Markley.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 19909...SPECIAL USE PERMIT APPLICATION #SP-2019-83 - DARYL EVERS

Synopsis: Renewal of a special use permit (#SP-2017-47 - expired 8/27/2019) for a liquor store at 2862 West 47th Avenue, submitted by Robin Richardson, Director of Planning. The applicant is requesting renewal of the special use permit that allowed him to relocate his existing liquor store to another tenant space within the same facility. The business has been in operation since May 2004 and moved to the new location after receiving the special use permit in 2017. The applicant wishes to be granted permission to remain in the current location for an extended period of time.

The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2019-83, subject to:

Business License Comments:

Applicant has filed and maintained a current occupation tax application since 2014 when they were located at a different tenant space in the strip mall. They were required to obtain a special use permit when the property owner wanted them to relocate to accommodate a new tenant.

Urban Planning and Land Use Comments:

1. Subject to approval, Director of Planning is recommending approval of this application for 15 years.
2. Provide updated site photos.

Applicant Response: Updated site photos are attached.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner Burroughs, to approve Special Use Permit Application #SP-2019-83 for 15 years, subject to the stipulations. Roll call was taken on the motion and there were seven “Ayes,” Bynum, Burroughs, Townsend, Murguia, Johnson, Kane, Markley.

ITEM NO. 2 – 19910...SPECIAL USE PERMIT APPLICATION #SP-2019-86 - ANDREW MORGANS

Synopsis: Renewal of a home occupation special use permit (#SP-2018-63 - expires 8/30/2018) for an Airbnb at 616 Elizabeth Avenue, submitted by Robin Richardson, Director of Planning. The applicant with Marknology LLC, requests renewal of the special use permit that has allowed him to operate an Airbnb at his primary residence, 616 Elizabeth Avenue. Mr. Morgans lives in the house and rents one bedroom through Airbnb. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2019-86, subject to:

Business License Comments:

Applicant has filed and renewed the occupation tax application with this office.

Urban Planning and Land Use Comments:

1. Have there been any issues over the course of the previous special use permit?
Applicant Response: There have not been any issues to report over the course of the previous special use permit.
2. Staff recommends approval for two years.
3. Provide updated photos.
Applicant provided updated site photos.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner Burroughs, to approve Special Use Permit Application #SP-2019-86 for two years, subject to the stipulations. Roll call was taken on the motion and there were seven “Ayes,” Bynum, Burroughs, Townsend, Murguia, Johnson, Kane, Markley.

ITEM NO. 3 – 19921...SPECIAL USE PERMIT APPLICATION #SP-2019-90 - CHRISTI EATON AND KIM MAPLES WITH LITTLE LEADERS OF KCK, INC.

Synopsis: Special use permit for a childcare facility on the KCKCC campus at 7250 State Avenue, submitted by Robin Richardson, Director of Planning. Applicants are requesting a special use permit for the temporary use of land for commercial purposes in order to operate a child development center. The center will be exclusively operated in a stand-alone building on the Kansas City, Kansas Community College (KCKCC) campus. The building is located directly west of Bethel Lane and has access to Wyandot Drive through a shared parking lot. The building is internally designated at KCKCC as the “child care center” and is identified by the “Child Care” signage on the front exterior of the building. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2019-90, subject to:

Urban Planning and Land Use Comments:

1. Is there a designated parking area for drop-offs and pick-ups?
Applicant Response: There is a large parking lot (~175 spaces) for campus overflow use, the credit union, and the childcare center. The Lodge also shares the parking lot but is used irregularly. While there is sufficient parking available, the applicant intends to paint a sign on eight designated parking spaces for the childcare center drop-offs in the morning and pickups in the afternoon. Parents will typically drop-off between 7:00 and 9:30 and then pick up between 3:30 and 6:00, so these designated spaces will provide adequate parking. However, there are ample parking spaces available near the childcare center that can be used for additional parents if needed.
2. Have applicants’ acquired all necessary permits for the renovations to the inside of the childcare building, if any?
Applicant Response: We have applied for the necessary building permits and understand that the special use permit may be issued contingent on the completion of construction and final building inspection.
Staff Response: This is correct. Staff wanted to confirm these building permits had been issued for the reported construction.
3. How many children do you expect to be attending daycare? What are the age ranges?
Applicant Response: The childcare center intends to serve up to 80 children from one year old to six years old.
4. Are there any other renderings of the renovated childcare interior?

August 29, 2019

Applicant Response: WSKF Architects is not aware of any other renderings of the renovated childcare interior.

5. How many trained and licensed staff will be working during business hours?

Applicant Response: The childcare center expects to have 15 staff members working between the hours of 7 a.m. - 6 p.m.

6. If approved, application will be held to the following stipulations:

- a. Applicant must be licensed by State of Kansas and approved by Wyandotte County Health Department.
- b. Parking in designated areas only to minimize traffic issue.
- c. Special use permit approval for two years.

Applicant Response:

1. Noted, the applicant is aware of this requirement and is taking necessary steps to secure all licenses and approvals.
2. Noted, parking will be in designated areas.
3. Noted.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner Burroughs, to approve Special Use Permit Application #SP-2019-90 for two years, subject to the stipulations. Roll call was taken on the motion and there were seven “Ayes,” Bynum, Burroughs, Townsend, Murguia, Johnson, Kane, Markley.

ITEM NO. 4 – 19922...SPECIAL USE PERMIT APPLICATION #SP-2019-91 - LAURA L. SANCHEZ WITH HOMESTEAD MONTESSORI FARM SCHOOL

Synopsis: Home occupation special use permit to operate a private Montessori school for a maximum of 12 students (ages 6 to 15) at 3800 Weaver Court, submitted by Robin Richardson, Director of Planning. The day school is at the applicant’s personal residence. Applicant reports that the teaching model includes caring for chickens and bees as well as tending gardens.

The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2019-91, subject to:

Urban Planning and Land Use Comments:

1. In her business plan, applicant states her plan to “look for more acreage to grow the hobby farm aspect of the program.” Staff wants to remind applicant that if the Montessori school were to move locations within Kansas City, she would need to reapply for a special use permit, regardless of the timing of her most recent permit obtained or renewed.

Applicant Response: A business plan is drawn up as a tool to get funding and, therefore, should show growth. This applicant intends to keep her school small and peaceful in her home. Should it ever become more than that, the applicant would certainly abide by all the regulations required.

2. Has the applicant previously raised chickens and bees on the property?

Applicant Response: Applicant has had bees for three years. Animal Control has been out to inspect coop and take measurements. Fowl permit granted 6/26/19, Permit #2019-11.

Applicant has had a 10-acre farm in Texas with five horses, thirty chickens, two Blue Heelers, two Black African Swans and has done all her own veterinary care for those animals. Applicant cared for miniature horse and five goats at a previous school where she worked.

3. What relevant licenses and certifications does the applicant hold?

Applicant Response: The applicant is licensed for childcare for up to 99 children in the state of Kansas, 100+ children in the State of Missouri, is an American Montessori certified teacher and has three associate degrees. CPR and First Aid Certified. She has been teaching professionally for 15 years, 6 of which were at Christ Preparatory Academy in Lenexa, KS. She has taught or been a director in a Montessori environment since 2007. Attached are the applicant's director certifications.

4. Provide more photographs of the property and classroom facilities.

Applicant Response: We are setting up the classroom over the next couple of weeks and will forward pictures. It is a large investment for materials and the applicant is taking a huge risk financially to purchase materials that cannot be returned once opened and to move forward with plans while waiting for this approval. The main classroom is 13'5" x 27'.

Staff Response: Applicant has provided updated photos of the classroom.

5. Does the fence fully enclose the rear yard of the property? If not, do the students and animals have access to the unfenced area?

Applicant Response: Yes. The fence totally encloses the backyard. There is chain-link fencing around the entire backyard. The decorative fencing is in the middle as a wind break for the bees. The students will have access to the front yard during lunch or recess with supervision. The animals are in the fenced in area inside a coop in the backyard.

6. How many children will be involved?

Applicant Response: The applicant currently has 6 children enrolled and does not wish to have more than 12 students to keep the student to teacher ratio low for optimum interaction with students.

7. Subject to approval, this special use permit shall be valid for two years.

8. In the meeting minutes there is mention of an alleged rumor that Alex Sanchez, husband to the applicant and fellow resident at 3800 Weaver Court, was a registered sex offender. Applicant offers an explanation for the miscommunication and spoke with staff about this incident. Staff has consulted with the Public Offender Registry through the Kansas Bureau of Investigation and has found no record of any resident living at 3800 Weaver Court, based on the information provided in the Registry.

Public Works Comments: none.

Building Inspection Comments:

This is a change of occupancy from residential to commercial use. The structural aspects of the residence must be modified for the commercial structural loads.

Applicant Response: There is no change of occupancy. This is an "in-home" private school registered as such with the Kansas Board of Education. This will continue to be our residence. Current enrollment is 6 children with 2 adults present which would be no more than a family living in the dwelling with 4 bedrooms and 2 bathrooms. There will be less furnishings in the classroom than there would be with living room furniture as far as the weight load is concerned. Even with

12 students, the load would not be any more than having a family Christmas or Thanksgiving in the home with 14 adults and children or more which is common in a residence.

Staff Response: Agreed. A Home Occupancy Special Use Permit allows for limited commercial use of a residential building, but the use of the building and the property is fundamentally residential. This is proven by the fact that if the Special Use Permit was revoked, expired, or not renewed, use of the primary structure on the property would revert back and could only be residential.

Action: Commissioner Kane made a motion, seconded by Commissioner Burroughs, to approve Special Use Permit Application #SP-2019-91 for two years, subject to the stipulations. Roll call was taken on the motion and there were seven “Ayes,” Bynum, Burroughs, Townsend, Murguia, Johnson, Kane, Markley.

ITEM NO. 5 – 19911...SPECIAL USE PERMIT APPLICATION #SP-2019-92 - JOE HEIDRICK WITH CACTUS BED PROPERTIES, LLC

Synopsis: Renewal of a special use permit (#SP-2018-79 - expires 9/27/2019) for a short-term rental/Airbnb at 3841 Lloyd Street, submitted by Robin Richardson, Director of Planning.

The applicant will not live in the house and will rent the entire residence through short term rental websites. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2019-92, subject to:

Urban Planning and Land Use Comments:

1. Provide up-to-date photos of service.
Applicant Response: Pictures of the property have not changed since original permit 1 year ago.
2. How many tenants do you average a year?
Applicant Response: To date, we have had 22 different tenants ranging from 2 days to 6 months.
3. Describe the demographic of your typical tenants.
Applicant Response: From July 2018 to January 2019 the tenant was a 44-year old male going through a bone marrow transplant at KU Med. For the month of February, we provided housing for a family of 9 who did not have heat or hot water in their home during the coldest month of the winter. They stayed at the house on Lloyd St. until we were able to find them a permanent home in Grandview. This family was made up of 2 adults and 7 kids ranging from ages 5 to 12. From February to July we have had families in town for weddings, youth groups in town for a camp, soccer coaches from Canada working with Sporting KC, and some business travelers in town for conventions.
4. Have you received or filed any complaints?
Applicant Response: We have not had any complaints I am aware of.
5. Has your rental property had any adverse effects on the character of the neighborhood?
Applicant Response: Again, I am not aware of any adverse effects on the neighborhood. Because it is a short-term rental, we constantly clean and maintain the property. So, I would

say the property has had a positive impact on the neighborhood compared to a long-term tenant who may not maintain the property well.

6. How has your service affected the flow of traffic?

Applicant Response: All of our tenants park in the driveway having no impact on traffic.

7. Are there new neighbors to be consulted prior to continued operation?

Applicant Response: There are no new neighbors I am aware of.

8. Do you still maintain the proper licensing?

Applicant Response: Yes, we are current on all licensure.

9. Have the details of your rental operation changed?

Applicant Response: Nothing has changed since the original permit was granted.

10. Has maximum occupancy changed?

Applicant Response: No.

11. Has the point of contact changed? If so, has the contact information been updated and been provided to the neighbors?

Applicant Response: No.

12. Have you paid the appropriate lodging taxes?

Applicant Response: Yes, all lodging taxes have been paid.

13. In addition to no parties and events, as associated with Airbnb and other website bookings, no outside visitors, and only overnight guests who have a reservation are permitted to stay.

14. Weekday and weekend quiet time shall be at 10:00 p.m.

Applicant Response: It is specifically noted in all lease agreements that this is a neighborhood and all quiet times and curfews must be respected. There has been no issue to this point.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner Burroughs, to approve Special Use Permit Application #SP-2019-92 for two years, subject to the stipulations. Roll call was taken on the motion and there were seven “Ayes,” Bynum, Burroughs, Townsend, Murguia, Johnson, Kane, Markley.

ITEM NO. 6 – 19923...SPECIAL USE PERMIT APPLICATION #SP-2019-93 - CHERYL SNOPEK WITH CHERBEAR'S DOG GROOMING

Synopsis: Home occupation special use permit for a dog grooming business at 401 South 82nd Street, submitted by Robin Richardson, Director of Planning. This will be a full-service pet grooming salon in the garage of the applicant's home. Applicant will host one dog at a time, maximum of two per day. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2019-93, subject to:

Business License Comments:

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

Urban Planning and Land Use Comments:

Staff feels that this business could be a great asset to the community. The applicant seems to have a very thorough and well-planned operation proposed and a passion and dedication for caring for these dogs. Upon approval, applicant will host one dog at a time, no more than two per day. Dogs will be kept on a leash at all times when outside. Staff recommends approval for one year.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner Burroughs, to approve Special Use Permit Application #SP-2019-93 for one year, subject to the stipulations. Roll call was taken on the motion and there were seven “Ayes,” Bynum, Burroughs, Townsend, Murguia, Johnson, Kane, Markley.

ITEM NO. 7 – 19912...SPECIAL USE PERMIT APPLICATION #SP-2019-94 - WIL ANDERSON WITH BHC RHODES FOR FRANK PERRY

Synopsis: Renewal of a special use permit (#SP-2017-31 - expires 8/31/2019) for the temporary use of land for a security office trailer at 8130 Kaw Drive, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2019-94, subject to:

Urban Planning and Land Use Comments:

1. Can you provide updated pictures of the trailer on site?
Applicant Response: See attached photos.
2. Are there any changes being made to the trailer on site?
Applicant Response: There are no changes being made to the trailer on site.
3. Do you plan to use the trailer longer than the five-year timeframe originally stated?
Applicant Response: This is really dependent on approval of this SUP application for renewal and following that the economic situation to utilize the parcel of land for a use other than parking trailers in a secure location.
4. Has the intended use of the trailer changed in anyway?
Applicant Response: The trailer is being used as an office for security officers.
5. Has the location of the trailer on site changed?
Applicant Response: The location of the trailer is in its original location which closely approximates where it was shown on the original plans.
6. The trailer must be skirted.
Applicant Response: Trailer is and has been skirted since it was placed on site.
7. Approval is for two years.

Public Works and Engineering Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner Burroughs, to approve Special Use Permit Application #SP-2019-94 for two years, subject to the stipulations. Roll call was taken on the motion and there were seven “Ayes,” Bynum, Burroughs, Townsend, Murguia, Johnson, Kane, Markley.

PLAN REVIEW APPLICATION

ITEM NO. 1 – 19924...PLAN REVIEW APPLICATION #PR-2019-16 - DAVID CONTAG WITH DLR GROUP

Synopsis: Preliminary and final plan review for an athletic complex for Turner USD #202 at 2211 South 55th Street (Turner High School), submitted by Robin Richardson, Director of Planning. Applicant is requesting a final plat to create a single, contiguous lot at the Turner High School campus. Also, a preliminary and final plan review of the Turner District Athletic Complex, which will stretch over 14 acres and feature an outdoor stadium fitted with bleachers, containing a 400-meter track encircling an all-purpose field. The Planning Commission voted 7 to 0 to recommend approval of Plan Review Application #PR-2019-16, subject to:

Planning and Land Use Comments:

General Planning

1. Review and respond to the attached comments from Geospatial Services Department.
Applicant Response: Acknowledged. The comment regarding the forward slash will be corrected and removed in the title of the plat and the plat was revised. Separate comments were obtained during meetings with the County Surveyor were also addressed in the final plat.
2. Noise levels from P.A. systems are a concern for staff. Speakers should be positioned so that noise is not projected onto residential areas to the north and east. Provide location and orientation of speaker system as well as anticipated sound levels at the property lines.
Applicant Response: Common strategies for mitigating and controlling sound transmission include strategic placement and selection of speakers based on vertical/horizontal dispersion to focus on the areas targeted for sound reinforcement, and the use of DSP to both limit the maximum SPL (Sound Pressure Level) the system can produce by and end user as well as the use of low frequency filtering to reduce the output of low frequency signals that are not critical to program that propagate farther than high frequency audio content. If the UG development ordinances have a published target SPL for ambient noise in communities that are acceptable, it would be good to have as reference.
Staff Response: The UG Code of Ordinances does not currently have a published target SPL. Generally, the noise level is not to exceed a level so as to be a disturbance to the neighboring residential areas. Complaints from neighbors may be cause for staff to further specify the stipulations regarding speakers.
3. Lighting should be oriented to not project onto residential areas to the north and east or cause a driving hazard on South 55th Street. Provide lighting details.
Applicant Response: See attached preliminary sports lighting calculation plan for current design illuminance values. The “blue” line represents the spill light at 120-feet from the track

and field area. The luminescence table shows a calculation for a light level of 0.45 to 1.12 foot-candles. LED lights also have no spill and glare. The existing heavy vegetation to remain along the property lines will further screen the light from adjacent residential lots.

4. All signage must comply with the sign code, Chapter 27 Division 11.

Applicant Response: Acknowledged. Refer to building elevations for location and size of pin mounted letters on the press box building. The west elevation will have 30" height pin-mounted aluminum letters. The south elevation will have a 3'-0" diameter metal team logo and 9" height pin-mounted aluminum lettering.

Building

Provide a chart indicating the material types and percentages used for each façade.

All building facades shall be at least 50 percent masonry. Cementous siding may be used to meet 50 percent of the total masonry requirement.

Applicant Response: The following chart showing percentages of concrete masonry units (CMU) and glass will be added to the architectural Elevations:

Press Box

East elevation: 7% glass and 93% burnished CMU

West elevation: 9% glass and 91% burnished CMU

North elevation: 100% burnished CMU

South elevation: 100% burnished CMU

Field House

East elevation: 100% burnished CMU

West elevation: 100% burnished CMU

North elevation: 6% glass and 94% burnished CMU

South elevation: 100% burnished CMU

Ticket Booth

East elevation: 12% glass and 88% burnished CMU

West elevation: 12% glass and 88% burnished CMU

North elevation: 100% burnished CMU

South elevation: 12% glass and 88% burnished CMU

Site

1. The traffic impact study indicates that the maximum seating capacity at the stadium is 2000. Athletic stadiums are held to the standard of 1 parking space per 3 attendees, requiring 667 spaces for this facility. Sheet C04 indicates that 27 stalls are proposed in addition to those at the high school. Provide an explanation indicating how the proposed parking can be considered sufficient/shared parking with the school, etc. A variance application may be required. Please use the USD 500 stadium on Meadowlark Lane as an example.

Applicant Response: The existing and proposed parking for the high school totals 505 spaces. The proposed district athletic complex includes a total of 2000 seats for football and about 500 seats for the practice soccer field. The District currently only has about 500 to 600 persons attend football and athletic events which would only require about 200-250 cars at the most. The reason the stadium is being designed for 2,000-seats is to ensure that USD #203 can host regional and state events per the Kansas State High School Association. The District does not

plan to program simultaneous football and soccer events on the same night, so the largest seating capacity is 2000-seats and using the calculation for 1 car per 3-seats requires about 667-spaces. Based on this calculation, the high school may be short about 163 spaces.

The District has indicated they would be open to use school buses for shuttles to allow people to park at the elementary or middle schools for larger events as needed. Those two schools would offer adequate overflow parking. We understand a similar arrangement was approved by the Unified Government Planning staff for BPAC at USD #500 in KCKS.

2. Will there be times when school hours would overlap with use of the stadium? How will parking be accounted in such a situation?

Applicant Response: Turner School District staff have indicated that programmed activities at the DAC will begin near the end of the regular school day when students and staff at the school have left for the day.

Landscaping

Landscaping is required at 1 tree per 7,000 sf of site area, plus a 75% multiplier as required under the Commercial Design Guidelines. Update sheet L0.0 to include this requirement.

1. $609,840 \text{ sf} / 7000 = 87.12 \text{ trees}$
2. $87.12 * 0.75 = 65.34 \text{ trees}$
3. $\text{Total} = 87.12 + 65.34 = 153 \text{ trees}$

Applicant Response: Acknowledged. This summary of existing and proposed trees has been included on Sheet L0.0.

Additional Stipulations:

1. Public Works will further review the traffic study to determine if any additional traffic signaling is required.
2. The applicant will look at their entrances to determine if additional street lighting is necessary.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner Burroughs, to approve Plan Review Application #PR-2019-16. Roll call was taken on the motion and there were seven “Ayes,” Bynum, Burroughs, Townsend, Murguia, Johnson, Kane, Markley.

MISCELLANEOUS - ORDINANCES

ITEM NO. 1 – 19926...AN ORDINANCE rezoning property at 8525 Parallel Parkway (#3194) from C-1 Limited Business District to CP-3 Planned Commercial District.

Action: **ORDINANCE NO. O-57-19**, “An ordinance rezoning property hereinafter described located at approximately 8525 Parallel Parkway in Kansas City, Kansas, by changing the same from its present zoning of C-1 Limited Business District to

CP-3 Planned Commercial District.” **Commissioner Kane made a motion, seconded by Commissioner Burroughs, to approve the ordinance.** Roll call was taken on the motion and there were seven “Ayes,” Bynum, Burroughs, Townsend, Murguia, Johnson, Kane, Markley.

ITEM NO. 2 – 19927... AN ORDINANCE rezoning property at 2718 North 119th Street (#3191) from AG Agriculture (WYCO) District to A-G Agriculture (City) District, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-58-19**, “An ordinance rezoning property hereinafter described located at approximately 2718 North 119th Street in Kansas City, Kansas, by changing the same from its present zoning of AG Agriculture (WYCO) District to A-G Agriculture (City) District. **Commissioner Kane made a motion, seconded by Commissioner Burroughs, to approve the ordinance.** Roll call was taken on the motion and there were seven “Ayes,” Bynum, Burroughs, Townsend, Murguia, Johnson, Kane, Markley.

PLANNING AND ZONING NON-CONSENT AGENDA

MASTER PLAN AMENDMENT

ITEM NO. 1 – 19925...MASTER PLAN AMENDMENT #MP-2019-5 - MICHAEL OSBOURN WITH KAW VALLEY ENGINEERING

Synopsis: Master plan amendment from Public/Semi Public to Urban Residential (City-Wide Master Plan) at 3301 Garfield Avenue

and

ITEM NO. 1 – 19916...CHANGE OF ZONE APPLICATION #3201 – MICHAEL OSBOURN WITH KAW VALLEY ENGINEERING

Synopsis: Change of zone from R-1(B) Single Family District to RP-2(B) Two Family District for a residential duplex subdivision at 3301 Garfield Avenue, submitted by Robin Richardson, Director of Planning. The applicant has submitted a preliminary plat for 12 residential (duplex) lots in a vacant area of the current Parcel #913003. The development of the duplexes will be in the western portion of the parcel, in roughly the southeast corner of North 36th Street and Garfield

Avenue, and extending east along Garfield Avenue. In order for the preliminary plat to be compliant, applicant has also requested a master plan amendment of the City-Wide Master Plan land use designation for the property, from Public/Semi-Public to Medium Density Residential, and a change of zone from R-1(B) Single-Family District to R-2(B) Two-Family District. The Planning Commission voted 6 to 1 to recommend approval of Master Plan Amendment #MP-2019-5, subject to the staff's revised comments. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application #3201, subject to:

Urban Planning and Land Use Comments:

1. Will the duplexes be operated as rentals or sold to individual owners? Who will the residences be marketed to?

Applicant Response: The properties will be operated as rental properties and marketed to citizens meeting age/income requirements.

2. Will there be a homeowner's association? Will any portion of the development be designated as public space or otherwise held by a third party (including the Central States Conference of Seventh-Day Adventists)?

Applicant Response: There are no current plans for a homeowner's association or areas of public space.

3. Is the new road a private road or intended to be a public street to be maintained by the Unified Government? City policy is that streets built in a new development must connect to pre-existing streets. Staff suggest that the unnamed road be connected to Richmond Avenue or be designed with a future link to Richmond Avenue in mind.

Applicant Response: The new unnamed road is intended as a public road to be maintained by the Unified Government. Based on feedback from the neighborhood meeting, it would be unfavorable with the people living on Richmond Avenue.

4. Design and architectural features of the residences should conform to the architectural characteristics of the surrounding neighborhood and follow urban planning best practices for community development.

Applicant Response: We concur.

5. Provide a landscape plan for the development.

Applicant Response: This does not appear to be requirement for the preliminary plat application and only a conditional requirement for change of zone, as discussed in the pre-application meeting. We do not recall this item being discussed during our pre-application meeting.

Staff Response: Staff has spoken with applicant and Planning Department members in attendance of the DRC meeting before the preliminary plat was submitted. According to the DRC meeting minutes, a landscape plan was mentioned. Applicant has since submitted a landscape plan, which is an attachment of this report.

6. If more amenities than just the small playground and pavilion are available for residents on applicant's other properties or through the applicant's resources, provide a list and description of those amenities here.

Applicant Response: Not applicable for this project.

7. Satisfactorily respond to all comments from Public Works and the Fire Department.

Applicant Response: We concur.

8. Subject to approval, a \$50.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department following the Unified Government Board of Commissioners' meeting.
9. New homes must have masonry to match picture on page 17 of the Planning Commission staff report.
10. Prior to plat being signed by Director of Planning or Chairman of City Planning Commission, the existing building must have a certificate of occupancy.
11. No parking on grass.

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. On the preliminary plat/plans, please include the following note: "All work in public easements and right-of-way and all erosion control work must comply with the latest edition of the Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/Kansas City, Kansas. If any of the general notes conflict with the Technical Provisions & Standard Drawings for Roads and Sewers of the Unified Government of Wyandotte County/Kansas City, Kansas (the UG), the UG's standards shall override."
 - b. The preliminary plat/plans illustrate all proposed utility easements (sanitary sewer, storm sewer, and general utilities, etc.)
 - c. Provide a level 1 traffic impact study for the proposed subdivision in accordance with the UG Transportation Management Plan.
 - d. The proposed parking lot west of the cul-de-sac shall be separated by a valley gutter from the public right-of-way and shall be privately maintained. Further discussion with staff may be required.
 - e. For future reference, this project includes public street improvements. The public street improvement plans shall meet the UG standards and criteria and shall be a separate plan set with a separate cover sheet with applicable information, i.e., vicinity map, sheet index, benchmark, utility contacts, floodplain note, etc. The public street improvement plans shall include erosion control. This set of plans is not required at this time but will be required for final development plans.
 - f. Please schedule a meeting before resubmittal for final development plans to discuss the layout of the proposed storm sewer pipes within the proposed subdivision. Typically, storm infrastructure within the right-of-way is considered public infrastructure. In this case, the storm sewer within the right-of-way is collecting and conveying runoff from public streets and back of lots and discharging into a private detention pond. Although the runoff eventually discharges to the public storm sewer system, UG Public Works would like to discuss the proposed configuration considering runoff is detained in a private pond that will be privately maintained. Further discussion with staff is required.
 - g. For future reference, this project includes public storm sewer improvements. The public storm sewer improvement plans shall meet the UG standards and criteria and shall be a separate plan set with a separate cover sheet with applicable information, i.e., vicinity map, sheet index, benchmark, utility contacts, floodplain note, etc. The public storm sewer improvement plans shall include erosion control. This set of plans is not required at this time but will be required for final development plans.

- h. All public storm sewers will need to be in an easement meeting the UG standards and criteria (minimum of 15' wide or the depth of the sewer, whichever is greater).
 - i. The UG adopted a stormwater treatment ordinance in May of 2010, and if the development site disturbs an acre or more, plans must be in accordance with the August 2009 Second Edition of the MARC Manual of Best Management Practices for Stormwater Quality. In this regard, please revise the storm drainage study to address post construction stormwater quality BMPs. Further discussion with staff may be required.
 - j. 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.
 - k. 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.
3. Comments that are not critical to engineering's recommendations for this specific submittal but may be helpful in preparing future documents: none.

Fire Department Comments:

- 1) Compliance with the International Building Code -2012 Edition

Applicant Response: We concur.

- 2) Compliance with the International Fire Code – 2012 Edition

Applicant Response: We concur.

- 3) Compliance with current NFPA 101® Life Safety Code

Applicant Response: We concur.

- 4) Compliance with existing fire codes, all applicable City ordinances, State rules and regulations

Applicant Response: We concur.

* Code compliant 90' diameter turn around for dead end street over 150' per IFC D103.4, 2012 IFC.

Applicant Response: The current cul-de-sac at the end of our unnamed road, meets this requirement.

* Submit detailed dimensioned street paving plans, including hydrant locations, for review.

- Roads 20 to 26 feet wide (curb face to curb face) - posted NO on street parking either side

- Roads 26 to 32 feet wide (curb face to curb face) - on street parking on one side

- Roads over 32 feet wide (curb face to curb face) - on street parking allowed both sides

Applicant Response: The attached revised preliminary site plan shows proposed hydrant locations at the southeast corner of Garfield Ave. and Unnamed Rd. and at the south side of the cul-de-sac. In addition, the pavement width is shown at 27 ft (curb face to curb face) which will provide on-street parking on one side of the Unnamed Rd.

Geospatial Services Comments

- 1) We find that the plat is: Presently unacceptable for posting.

Please note the following comments.

- a. Preliminary- The plat is preliminary.

August 29, 2019

Mayor Alvey said Items A1 and B1 will be heard together. I'll note that a protest petition was filed against the change of zone; however, it did not meet the requirements, therefore, it has been deemed invalid. Communication was received today about that.

Kimberly Portillo, Planner, said the first remark we'd like to make is to remind everyone this conversation cannot involve at all the income status of potential residents or the age status of potential residents.

To begin with, staff did receive a protest petition. We received that on last Friday. We were able to look that over and review it by Monday and give the results back to the protest petitioner.

We did inform them that the petition was invalid. We had recommended a recommendation of approval to the Planning Commission and they had also recommended a unanimous approval for the change of zone and a 6 to 1 vote on the master plan amendment.

Michael Osbourn, Kaw Valley Engineering, 14700 W. 114th Terr., Lenexa, KS, said we're representing the development team consisting of the Central States Conference of the Seventh-Day Adventists, Mr. Bill Canton and Mr. Dave Osbourn, no relation, different operation, and myself.

As I said, I'm with Kaw Valley Engineering. We've provided the engineering services and initial planning associated with the project which is located at the southeast corner of 36th & Garfield. Currently, it has a vacant partial of land. The portion that we're dealing with is approximately 4.5 acres. We're proposing to put 24 dwelling units on the project. That would consist of 12 duplexes on what would be the current public street of 36th St.; 6 units on that side. Then, we will construct a new public street at what would be approximately 35th St., to the south of Garfield, terminating in a cul-de-sac within our property, so it's not continuing on. I know that at one point in staff's review, they considered would it be beneficial to tie on to Richmond to the south of us. I think through further conversations and looking at that, it was felt that the cul-de-sac maintained the best layout for the development itself.

18 of our dwelling units will be on the new proposed public street. I think you have seen—I don't know if there are pictures in your packets, I believe, of the duplexes themselves. They're fairly nice, new construction elements, and it will meet all of the Public Works' design guidelines

associated with the Unified Government of Kansas City, Kansas, and with that, our setbacks, so on and so forth. We would develop a plat that would have 12 duplex lots on it.

All infrastructure will be constructed as part of the development. We would construct new water lines, sewer lines, public street, and storm facilities. We have developed a preliminary storm drainage report showing that we can comply with the storm drainage ordinances of the Unified Government in addition to the best management practices for cleanliness of stormwater. With that, that's generally the jest of it.

One of the elements that did get brought up significantly at the Planning Commission dealt with was the maintenance of the development itself. One of the requirements was to submit information regarding the management company that would be managing the development as a whole. That is Universal Management. I believe we did submit that information to your Planning staff with resumes of the individuals that are associated with the organization and other projects that they've been a part of. A pretty simple development.

The one thing I would like to point out is obviously we're R-1(B) at this time. We're asking for R-2(B). The density we're proposing is significantly less than what we could actually build under R-1(B). With that, one may question, why go through the effort of attempting to rezone a property to allow the construction of duplexes.

With that, this is slated for 55 plus community. With that, the primary resident is required to be 55 or older. They can have other members that are less, but most of the developments of this nature that we've been a part of, and the development team has been a part of, show that you have a 90 - 95% of your residents meet that age restriction even though the state laws do allow others to live there. Many folks in that age bracket, and I'm one of them, tend to gravitate toward this housing—like to have attached dwellings. Many of these we've put together in a more townhome development. Many are duplex development. All are single-story, slab on grade structures.

Our typical resident would prefer to live in an attached home, that's why we're here before you tonight bringing forward the duplex request as opposed to just staying with single family. As we've shown, our density is much less than we could build in the current R-1 status. With that, we feel that this would be a good fit for the neighborhood.

Mayor Alvey opened the public hearing and asked is there anyone present who would like to speak in favor of Master Plan Amendment #MP-2019-5 or Change of Zone Application #3201. No one appeared in favor.

Mayor Alvey asked, is there anyone present in opposition who would like to speak? If so, now is your time to come to the podium and state your comments.

Mekaile Turner, 3313 Richmond Ave., said I'll try to be as brief as I can. I was the one who spearheaded the petition. I also want to put it on the record that when I called about the requirements for the petition, I was not given the pertinent information about the requirements for it. That's neither here nor there on that one.

There was a lot of talk going around at the last meeting about this, our opposition with our neighborhood on this project being a fair change. It isn't. This is not our first go around with the Central States Conference when it comes to their property and building things. This was apparently a nine-year project in the making. No one in our neighborhoods knew anything about it until one of our neighbors informed us.

It seems to me, looking at the last notes of the meeting, that they were ready to break ground on this, or wanting to break ground on this in late fall without having everything together. This, we do not feel, is going to be a good fit for our neighborhood. There was also talk about people being reached out on this project, particularly on N. 36th St. I've personally spoken to everybody in that neighborhood. No one knew anything about it.

The Neighborhood Association President, Ms. Donnie Thomas, who unfortunately couldn't be here tonight because of a family matter, was brought up in the last meeting stating as being behind this project, that's why I spoke with her earlier today. She was one, not happy that her name was brought up in this and two, did not support it either. I just feel like there is a lot of deception going on with this because it's yet, again, another example of you're saying this is for the community, but you're not doing a good job at reaching out on it. For those reasons, I do not want to see this here.

Nena Turner, 3313 Richmond Ave., said my concern is, at the last meeting they failed to say that in 15 years, Seventh-Day Adventists will completely own that property. My understanding is that okay, that's a church. If the church completely owns it after 15 years, I'm like, as far as I know, churches is like exempt from taxes and everything. Where does that leave Wyandotte County? In 15 years, the church will completely own that property that they're doing now, that means they're going to be exempt up under the church guideless. If they're not paying taxes, where do the taxes come from to cover that?

I'm looking at the residents surrounding that area. Our taxes most likely would go up and property value would go down because that is the reason why everyone moved in around there for the quietness, nothing in front of us, and the traffic is—unless you live up in there, you hardly get traffic coming up and down that area. That's what drew a lot of people there. I'm like, we were told unless you are the owner of that property, the person that is renting to own, most of them are renting to own or they're just renting there, they're actually living there. That's why they moved there. They don't count. We have to go to the owner even if the owner lives out of town. He said it was on record that he visited everyone up there and they were all for it. If it doesn't count for us, it doesn't count for him either, the president of the Seventh-Day Adventists. So those were my only concerns. Thank you.

Andrea Hicks, 3422 N. 39th St., said we were a little confused about this last situation that just happened. We thought that we would have this opportunity to come here to state why we don't want this particular Montessori farm school. **Mayor Alvey** said that's a different one. **Ms. Hicks** said so it's a different one. I know it. That's what I was saying. How, what—we cannot do anything about that at this time? We didn't know how you guys go about getting your votes. It was like, what's set aside. What's this? What's that? We thought we'd have this type of opportunity to be able to discuss what needed to be done and the next thing you know it, it's approved and they get up and walk. It's like, wait. That's a problem right now.

Mayor Alvey said that is the process. We have voted and it was—if you wanted to take something off the Consent Agenda, you needed to ask at that time to take it off the Consent Agenda. **Ms. Hicks** said I guess there was a misunderstanding because we didn't know where at in that process we do that. Then it was like votes, aye, aye, aye. It was like, what happened? We've got questions. We've got problems right now.

Mayor Alvey said at this point, I would recommend, since it has been approved, that you would need to reach out to the developer again to see what you—talk to them about what they intend to do at that site for the Montessori school.

Commissioner Bynum said I have seen this scenario play itself out more than one time with folks who didn't understand the process. I would just ask, especially on Planning and Zoning agendas, to do all that we can to be clear with our public about the process; as clear as we can possibly be. This is not the first time I've seen this. I would ask Planning staff to please talk with these folks

and try to identify what is the issue they have so that perhaps we can be an advocate for problem-solving on that issue.

Mayor Alvey asked if there is anyone who would like to speak in opposition to this particular item, please come forward. Seeing none, I would ask the applicant to come up to address some of the concerns that were raised.

Mr. Osbourn said I think the most significant concern that keeps being brought to the table is the apparent lack of communication. While I can't speak for the duration of this project, I can speak for the portion of it of which I've been a part of which started about March to April of this year. The project itself has been brought to the state of Kansas, my understanding, several times in the past, looking to attain financing and funding through the state that it has recently acquired. When that process is going through, many of you know that's preliminary; it's in its early infancy stages. Typically one does not go forth and discuss the project with the neighbors because at that time, in general, its not even a real project yet; it's just a concept.

We did follow all of the protocol of the Unified Government in public notifications and attending, and have hosted as part of their neighborhood meeting and presentation at their neighborhood meeting. We sent out all of the proper notices to all of the neighbors at that time. At that point is when we did get some resistance during the neighborhood meeting. I think that's outlined within the notes of the neighborhood meeting.

With that, the major pushback was: you're throwing this on us now, you're not involving us, you're not going down this road with us, we didn't know about this. I guess while it was presented that this had been a thought for quite a long time, as most of you know on the development side, until you have your financing setup, the project typically is not something that's moving forward in a positive direction.

Usually, and I deal with many of these types of projects in many communities, when we have the neighborhood meeting, my goal is to bring forth from the neighbors, what do you like or not like, or how could we augment the layout that we've chosen, the arrangement of the development itself. At the end of the neighborhood meeting, I did get up and asked that very specific question. I said, I appreciate that half a dozen families here are not necessarily in favor of this project going in their neighborhood. My concern, as the design engineer, is to address any technical issues, layout issues, or things of that nature that might make this development more

minimal to your neighborhood if it were to be put in. What suggestions do you have that you would like to see us adjust? The response I got was zero.

I did actually pull a gentleman aside and said, I'm not sure where you live, but what, in this development, could we do. He said make sure you don't connect that street. Again, one of the things that we have gone through with staff on that.

I don't have a lot I can say to: we don't want it in our neighborhood. I guess I'm not going to say I'm confused. I deal with this on a regular basis, as I said, with many municipalities; but at the end of the day, there is very little I can say to that other than in this instance, while we're asking for rezoning, and I emphasized this earlier, the number of housing units that we're requesting to be placed on this portion of land is significantly less dense than can be placed on the property as it exists today with the current zoning.

We're always happy, as development teams, to listen to the neighborhood and do what we can to make adjustments to our development to fit in with whatever the neighborhood may desire. We've not received any of that to date. All we've received is, we don't want this. I don't have much I can significantly address to that other than confirm again that: we've complied with all guidelines, we've met all mailings, we've met all notifications, we've held all meeting, and we've followed all the protocols that are put in place by the Unified Government, inclusive of all of our design elements. With that, that's about as much as I can outline on that.

Mayor Alvey closed the public hearing.

Commissioner Townsend said I do have a couple of questions for the developer/owner. Just so I'm clear, I understand that there will not be, as part of this project, any tie-up or tie into Richmond Street. Is that correct? I visited that area and that's a dead-end, so that would be quite problematic if more traffic, vehicular traffic was poured into Richmond. My understanding, from the systematic and from the plans that I read, is that there will not be a street tied into Richmond. Is that correct? **Mr. Osbourn** said yes; that is correct.

Commissioner Townsend asked, does this layout include lighting? **Mr. Osbourn** said yes. **Commissioner Townsend** asked that the developer put in—streetlights will be included? **Mr. Osbourn** said yes. We will construct the street in full accordance with the guidelines and

recommendations and requirements of the Unified Government. I do believe that does include streetlights for this length of street.

Commissioner Townsend said it was mentioned of the fact that this proposed development is not as dense as it could be. Is there any plan to come back later and add more units to this area? **Mr. Osbourn** said that would be no. The reason being is if you look at the current proposed layout and the plat proposed, there would not be an opportunity to do such. It's platted in 12 duplex lots, which would not afford the opportunity to change that especially once the duplexes are built upon the lots themselves.

Commissioner Townsend said I think you hit a major point, Mr. Osbourn, when you said there's the level of distrust here. If this goes forward, this would be a great opportunity for Central States to prove that they could be good neighbors and a positive addition assuming this goes through. I'd like to know, again, what the plan is for monitoring those people who rent these units to make sure that they're kept up and the neighborhood is, indeed, enhanced by what's being added there.

Mr. Osbourn said you have two components associated with that. Component one, I'll address the maintenance. As we discussed at the Planning Commission meeting, it's a common maintenance. The property manager will maintain the grounds. They'll get mowed at the same time continuously throughout so you don't have one lot looking different than the other lot. The landscaping throughout, again, will be maintained in the same manner as the mowing. All exterior upkeep will be handled by the management company.

As part of the program that this project is associated with, the tenants have to go through a very significant vetting process that is outlined by the state and administered through the management company itself, inclusive of state inspections on an annualized basis. With that, not only is it required to maintain the property in a condition that meets the standards of the state of Kansas, the residents also have to meet certain criteria that is outlined by the state of Kansas. If they don't or they violate those, they're automatically forced to leave the property itself and not continue to be rented.

I think you have a safeguard for the residents that will be there more so than you would in any privately owned even though this is a private endeavor, but individually owned development. You have the maintenance element in place that you're providing common maintenance to the

entire 24 units, as a whole, so they'll be kept up in an appropriate manner and on a regular basis. I don't know if that answers the questions you're looking for.

Commissioner Townsend said yes, I think that addresses some of the concerns that I had in mind.

Commissioner Townsend said if I took this down correctly, Universal Management Company will be the entity who's overseeing what? The upkeep? **Mr. Osbourn** said both the leasing and the property management inclusive of the maintenance, yes. **Commissioner Townsend** asked, does that company currently manage any other similar properties in KCK and Wyandotte County? **Mr. Osbourn** said I can't speak directly for Kansas City, Kansas, but I can speak for the Kansas City area. I'm being told yes. We did submit to staff a package outlining not only their representatives that would be working with us on this project, but some history and other information, background and other projects that they're associated with in the metropolitan area.

Commissioner Townsend said also, there were some concerns raised by some of the residents that you heard speak tonight, and others, about the tax situation. I believe there is concern that if this project goes forward, there will be a tax break given there that the current residents are not entitled to. Is there someone, staff, Mayor, that could address that situation or the applicant, if they can address it?

Doug Bach, County Administrator, said, Commissioner, regarding the tax status, a church has a tax-emption status. Properties are taxed at their use. While they may be under the ownership of the church, they'll be taxed as private, individual, residential units and will pay normal taxes. **Commissioner Townsend** said thank you, Mr. Administrator.

These are all the question that I had. Now, like I said, if this goes forward, this will certainly be an opportunity for the owners to prove that they can be good neighbors with the current residents there.

Commissioner Bynum said I have a couple of questions. We're going from R-1 to R-2 family housing. The comment is that you could basically build single-family housing there right now. **Mr. Osbourn** said that is correct. **Commissioner Bynum** asked, have you considered that? **Mr. Osbourn** said we have. I think I addressed that as part of my presentation in that this is set-aside as a 55 plus community. I have been associated with at least 50 to 155 plus communities, and

every one of them is attached housing. Most of the residents that populate the facilities associated with that feel more comfortable living in an attached housing element. That's why we've slated it as attached housing for this.

Commissioner Bynum said I think the two that I'm thinking of that would be similar is the 83rd St. area of Wyandotte County are also attached, so I do understand.

Commissioner Bynum said I would like staff to confirm the street lighting requirement. **Melissa Sieben, Assistant County Administrator**, said, Commissioner, yes, this is definitely a part of it. We realized there was an issue in a development that occurred a number of years ago, but that is definitely part of this plan. **Commissioner Bynum** said thank you.

Commissioner Bynum said I do know older adult housing is very much needed in Wyandotte County. We simply do not have enough. It tends to be attractive to me because of the 55 plus element that you're bringing forward.

Commissioner Bynum said on the map, that's not showing here on our big screen, the parcel where you're planning to develop, there's a very large parcel directly west of it after that youth center building. Is that also a parcel held by the church? **Mr. Osbourn** asked, are you referring east of it? We're developing...**Commissioner Bynum** said east. **Mr. Osbourn** said that's what I thought you meant. Yes, it is. That entire parcel from 33rd to 36th is owned by the church. **Commissioner Bynum** asked, what are the plans for that? **Mr. Osbourn** said I can't speak directly to that. We're only rezoning what would be the western half of the larger parcel. Even though they haven't shown the entire ownership because that has not been subdivided yet, which is part of the preliminary plat that we had approved at the Planning Commission before. By doing that subdivision of about half, that leaves the balance over.

Now, one of the issues that did get brought up at the Planning Commission—and I will address this, is that during some of the conferences and events that are hosted both through the church and through the public at the community center, there had been a question of parking and concern. One of the requirements we have, as part of our submission plan, is, I believe, it's prior to the filing of our plat, we have to submit a plan showing how utilization of that current community center can be facilitated with parking. They do, obviously, own the property to the north, on the north side of Garfield.

What we're going to come forward with, prior to filing of the plat, is a parking arrangement for the utilization of the community center. Whether or not that property to the east of the current community center, the large flat land, is converted into additional parking or other things, I can't answer today. That's part of what we're going to be doing a study on prior to filing the plat. That was one of the concerns the neighbors had at the Planning Commission meeting was. That statement has nothing to do with the rezoning matter in front of you. It does deal with the ownership and they're being good neighbors. One of the things we've agreed to is that prior to allowing us to file the plat, we will have shown how parking will be handled for events and occurrences at the community center.

Commissioner Bynum said, sir, just one last question. I apologize if you've answered it, but I was having some technical difficulties earlier. **Mr. Osbourn** said that's what I'm here for. **Commissioner Bynum** said we need to know and be assured of who within the local church environment would be the point of contact for any neighbor or staff or elected officials' concerns. We would want to make sure that we have got a go-to person who is authorized to take care of whatever issues might arise. **Mr. Osbourn** said generally that would be the management company that is being hired by the development team itself. Typically, as with any multifamily housing development that one may have, you have a management group that manages that and they take care of the issues.

Now, I understand your point. If something is not getting done through the management company, what's the next level you go to. I will let some representatives from Central States address that.

Roger Bernard, President of Central States Conference, said my other two officers are here as well: Elder Cryston Josiah, who's the Vice President, and Elder Tonya Anderson, who is our Vice President for Finance. We will be the individuals if the community had any concerns or what have you. They can always address us. Our office is right there on the property. They can feel free at any time to come and talk with us.

Commissioner Murguia said I just had a question. The ultimate owner of this affordable 55 and older property is who? **Mr. Osbourn** said it is the Central States Conference of the Seventh-Day Adventists. They are the landowner and they are the ultimate owner of the facility itself.

Commissioner Murguia asked, is the Central States Conference, all the other things he said, is that a non-for-profit? Okay, just confirming it's a not-for-profit. **Mr. Osbourn** said yes, ma'am. **Commissioner Murguia** asked, and they will be actively involved with the ongoing day-to-day operations of this property? **Mr. Osbourn** said in general, the landowner and/or the overall development team has hired, and in this instance did hire the Universal Management Company, and they do the day-to-day active management; both from a maintenance standpoint/a leasing standpoint. When I say maintenance, again, its not just yard maintenance, but building maintenance and other things of that nature. Who ultimately employees them? The development team, which the primary owner is Central States.

Commissioner Murguia said Central States is located—where is their office located? **Mr. Osbourn** said I believe they've indicated that, well, I'll let them speak to that. **Mr. Bernard** said we're located right there at 3301 Parallel Parkway. **Commissioner Murguia** asked, Universal Management is located where? **Mr. Osbourn** said I don't have their address. I know we had submitted it to staff. **A gentleman in the audience** said (inaudible) Kansas City, Kansas. **Mr. Osbourn** said sorry about that; coming from the crowd.

Action: **Commissioner Kane made a motion, seconded by Commissioner Townsend, to approve Master Plan Amendment #MP-2019-5 and Change of Zone Application #3201, subject to the stipulations.**

Ken Moore, Chief Legal Counsel, asked, is that for both items or separately? **Mayor Alvey** said I thought we were considering both of them at the same time, correct? **Mr. Moore** said yes. **Mayor Alvey** said for both items we have a motion.

Roll call was taken on the motion and there were seven "Ayes," Bynum, Burroughs, Townsend, Murguia, Johnson, Kane, Markley.

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 19916...#3201 - MICHAEL OSBOURN WITH KAW VALLEY ENGINEERING

Synopsis: Change of zone from R-1(B) Single Family District to RP-2(B) Two Family District for a residential duplex subdivision at 3301 Garfield Avenue, submitted by Robin Richardson, Director of Planning.

Action: This item was previously heard with Master Plan Amendment #PR-2019-5.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 19917...SPECIAL USE PERMIT APPLICATION #SP-2019-84 - ABDUL MAZID

Synopsis: Renewal of a special use permit (#SP-2017-28 - expires 9/28/2019) for a used car dealership at 1010 Merriam Lane, submitted by Robin Richardson, Director of Planning. This property was operated as an antique car sales business from 1987 to 2001. This that time, it has been operated as a variety of businesses, including an automobile repair business from 2004-2005, and a retail market (Kimo's Market) from 2005-2008. In 2016, the property was issued a court summons for being a residential rental property without a rental permit. This case was dismissed. The property has received numerous code citations for graffiti, trash, and abandoned vehicles in the past, prior to Mr. Mazid's ownership. In September 2017, Mr. Mazid was issued a special use permit, and A+ Auto Sales, Inc. was opened in April 2018. The site has been cleaned and maintained, new landscaping has been implemented in accordance with the plans submitted for the 2017 permit, and all property taxes have been paid and are up-to-date. The property was put up for sale, but there were no prospective buyers. The basis for renewal of this special use permit is continued use of the site as a used car dealership. The Planning Commission voted 6 to 1 to recommend denial of Special Use Permit Application #SP-2019-84 as it is not in compliance with the city ordinances and as it will not promote the public health, safety and welfare of the city of Kansas City, Kansas, is not in compliance with the master plan for the area, and the stipulations placed on the previous application have not been complied with.

Urban Planning and Land Use Comments:

1. Provide updated pictures of your property and the operation on site.

Applicant Response: Updated pictures of the property were already submitted with the renewal application.

2. Has the restoration of brick and repair of the façade including windows and doors taken place?

Applicant Response: Yes, before opening the dealership in 2018.

3. Has the parking lot been upgraded?

Applicant Response: Yes, before opening the dealership in 2018.

4. Has the amount of designated parking spaces changed?

Applicant Response: The parking spaces are as follows as previously approved by the Board of Commissioners with the special use permit:

- 6 spaces – cars for sale
- three spaces – customer parking
- one space – handicap parking

5. Have sidewalks been implemented?

Applicant Response: No, the sidewalk has not been implemented because not enough income was made for the sidewalk. All income went towards expenses such as inventory, utilities, taxes, and mortgage. If enough income is made in the next two years, I will implement the sidewalk.

Staff Response: The stipulation per the original special use permit (two-year period) was that upon renewal, the applicant would implement a sidewalk. This exception to the requirement was granted on the agreement that renewal would mandate the creation of a sidewalk.

6. How is trash being disposed of and cleanliness maintained?

Applicant Response: There are no trash cans or dumpsters outside of the building.

7. Is the screening of parking from the public right-of-way being maintained?

Applicant Response: Yes, with landscaping.

8. Has operation space been widened to 9 feet per the ADA standard?

Applicant Response: Yes, 9 ft. wide.

9. Has the signpost in the public right-of-way been removed?

Applicant Response: Yes, before opening the dealership in April 2018.

10. Average number of visitors in a year?

Applicant Response: 70-80 people.

11. It appears that the property owner attempted to sell this property. What was the reason for sale? Why did you decide to apply for renewal? Do you still intend to sell this property?

Applicant Response: One of the conditions was to put the property up for sale when the special use permit was approved in September 2017. This is why I put the property up for sale. There were no interested buyers for this property, therefore, I am applying for a renewal of the special use permit to continue operating a used car dealership. I still intend to sell the property.

Staff Response: It is unclear this “condition” of sale. Per the stipulations required by the Planning Department in the original application, there is no requirement of attempted sale.

12. If the property is sold, the associated special use permit cannot be transferred.

Applicant Response: OK.

13. No inoperable vehicles allowed on site.

Public Works Comments: none.

Mayor Alvey said the applicant has requested to hold this item; however, since the public hearing was noticed for this evening, we will proceed with the public hearing. I will say if there's anyone here regarding this item, if it is held over, the public hearing will be held over again until the next meeting.

Kimberly Portillo, Planner, said this petition was recommended for denial by the Planning Commission. Staff had recommended an approval for six months to give them a stipulation that they build a sidewalk within that six months. The Commission did decide to vote for denial. In order to overturn that recommendation, we must have a vote of eight commissioners.

Mayor Alvey said we do not have eight so we cannot take that action.

Mayor Alvey said I'd ask the applicant to come forward to make comments. The applicant did not come forward.

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

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

Mayor Alvey closed the public hearing.

Commissioner Murguia said I'd move for approval as the Planning Commission has recommended. **Mayor Alvey** said you're moving for approval of the denial. **Commissioner Murguia** said that's correct.

Action: **Commissioner Murguia made a motion, seconded by Commissioner Bynum, to approve Planning Commission's recommendation to deny Special Use Permit Application #SP-2019-84.** Roll call was taken on the motion and there were seven "Ayes," Bynum, Burroughs, Townsend, Murguia, Johnson, Kane, Markley.

ITEM NO. 2 – 19918...SPECIAL USE PERMIT APPLICATION #SP-2019-88 - JENNIFER PRIEST WITH SHOWALTER LAW FIRM

Synopsis: Special use permit for a short-term rental/Airbnb at 423 Ann Avenue, submitted by Robin Richardson, Director of Planning. The applicant, Jennifer Priest of Showalter Law Firm, is representing the property owners of 433 Ann Avenue. The property owners wish to operate a short-term rental/Airbnb at the property, with a maximum number of 4 guests. The Planning Commission voted 5 to 2 to recommend approval of Special Use Permit Application #SP-2019-88, subject to:

Business License Comments:

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

Urban Planning and Land Use Comments:

1. If approved, staff recommends approval for one year.
2. Maximum number of guests shall be four, maximum number of guest vehicles shall be two.
3. How will you communicate with the neighbors?
Applicant Response: Magda Born will be the contact person.
4. How will you pay appropriate lodging taxes?
Applicant Response: Any and all lodging taxes will be paid as necessary.
5. How many rooms are rented?
Applicant Response: There are two bedrooms, and each could be used by the renters.
6. What is the maximum number of people that will be staying at any one time?
Applicant Response: The proposed short-term rental will allow for up to four vacationers and two vehicles to stay on the property during a given rental.
7. What is the maximum number of vehicles and where will they park?
Applicant Response: The proposed short-term rental will allow for up to four vacationers and two vehicles to stay on the property during a given rental. Rentals are expected to be on weekends when parking is more readily available. The adjacent house to the west is boarded and the next three neighbors to the west use off-alley parking, therefore, neighbors consulted have stated they are not worried that parking will be an issue. We will tailor our policies to keep neighbors happy as much as possible.
8. How often are guests in the residence?
Applicant Response: The property will be rented via Airbnb and based on past rental experiences of one of these properties, most renting happens during weekends.
9. Do you have a rental license from the Unified Government?
Applicant Response: We are currently seeking a short-term rental license.
10. Provide a detailed description of the areas rented for Airbnb.
Applicant Response: The single-family residence is 742 square feet. It is a one bedroom, one bathroom, with a fully equipped kitchen with dining area and living room. The property boasts a covered front porch.
11. Describe how you will maintain a safe environment including:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house

- b. GFCI outlets are required in bathrooms
- c. Double keyed locks are not allowed
- d. Copper cannot be used for gas supply lines
- e. Windows must be operable, not blocked or boarded
- f. Handrails are required at sets of 4 or more stairs/risers
- g. Hot water tank and furnace must be vented properly and operational
- h. Electric panel and circuits must be safe

Applicant Response: The property manager will ensure working smoke detectors are in the bedroom, kitchen and living area of the home. The home is in compliance with GFCI outlets in the bathroom, single keyed locks. The front and rear entry of the home has safety rails on the porch and stairs to ensure renters' safety. All windows can be opened and used to enjoy the outdoors. The electrical panel and hot water heater are in compliance with all city codes.

Public Works Comments: none.

Kimberly Portillo, Planner, said staff agrees with Planning Commission; recommended for approval.

Magda Born, 8121 Tomahawk Road, Prairie Village, Kansas, said I'm here representing Mr. Showalter in two of his properties on Ann Street and 5th Street. He's applying for one year only for permission to run bed and breakfast. **Mayor Alvey** asked, bed and breakfast or Airbnb? **Ms. Born** said Airbnb, I guess.

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

Justine Underwood Jones, Kansas City, Kansas, said I am the President of the Strawberry Hill Neighborhood Association; however, I'm here in my personal capacity as the next-door neighbor to the Ann property. Normally, I wouldn't be in favor of an out-of-state landlord owning Airbnbs in Strawberry Hill, but in this case, because he renovated the properties prior to applying for special use permits and because its, according to him, maybe going to be around eight months before he lists the properties for sale. He's not interested in having a lease of a very short term for a renter and then trying to sell the property while it's occupied because there are mitigating circumstances.

I personally would support approval of both of these on the condition that it is temporary. I believe the neighbors I've spoken with are of the same mind. If its temporary, then that's okay

as long as we're keeping an eye on it and making sure that they're not just saying it's temporary to get their foot in the door and that sort of thing.

Mayor Alvey asked, would anyone like to speak in opposition? No one appeared in opposition.

Mayor Alvey closed the public hearing.

Action: Commissioner Kane made a motion, seconded by Commissioner Murguia, to approve Special Use Permit Application #SP-2019-88 for one year, subject to the stipulations. Roll call was taken on the motion and there were seven "Ayes," Bynum, Burroughs, Townsend, Murguia, Johnson, Kane, Markley.

ITEM NO. 3 – 19920...SPECIAL USE PERMIT APPLICATION #SP-2019-89 - JENNIFER PRIEST WITH SHOWALTER LAW FIRM

Synopsis: Special use permit for a short-term rental/Airbnb at 709 North 5th Street, submitted by Robin Richardson, Director of Planning. The property owners wish to operate a short-term rental/Airbnb at the property with a maximum number of four guests. The Planning Commission voted 6 to 1 to recommend approval of Special Use Permit Application #SP-2019-89, subject to:

Business License Comments:

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

Urban Planning and Land Use Comments:

1. If approved, staff recommends approval for one year.
2. Maximum number of guests shall be four, maximum number of guest vehicles shall be two.
3. How will you communicate with the neighbors?
Applicant Response: Magda Born will be the contact person.
4. How will you pay appropriate lodging taxes?
Applicant Response: Any and all lodging taxes will be paid as necessary.
5. How many rooms are rented?
Applicants Response: There are two bedrooms and each could be used by the renters.
6. What is the maximum number of people that will be staying at any one time?
Applicant Response: The proposed short-term rental will allow for up to four vacationers and two vehicles to stay on the property during a given rental.
7. What is the maximum number of vehicles and where will they park?
Applicant Response: The proposed short-term rental will allow for up to four vacationers and two vehicles to stay on the property during a given rental. Rentals are expected to be on weekends when parking is more readily available. We will tailor our policies to keep neighbors happy as much as possible.

Staff Response: Where will guests park?

Applicant Response: It has a basement garage that is too small for a car, you are able to use it for a motorcycle though. It has a small driveway so it has off-street parking for one or two cars.

8. How often are guests in the residence?

Applicants Response: The property will be rented via Airbnb and based on past rental experiences of one of these properties, most renting happens during weekends.

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

Applicant Response: We are currently seeking a short-term rental license.

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

Applicant Response: The single-family residence is 2178 square feet. It has two bedrooms, one bathroom, with a fully equipped kitchen with dining area and living room. The property boasts a covered front porch.

11. Describe how you will maintain a safe environment including:

- a. Working smoke detectors in each bedroom plus each level of the unit/house
- b. GFCI outlets are required in bathrooms
- c. Double keyed locks are not allowed
- d. Copper cannot be used for gas supply lines
- e. Windows must be operable, not blocked or boarded
- f. Handrails are required at sets of 4 or more stairs/risers
- g. Hot water tank and furnace must be vented properly and operational
- h. Electric panel and circuits must be safe

Applicant Response: The property manager will ensure working smoke detectors are in the bedroom, kitchen and living area of the home. The home is in compliance with GFCI outlets in the bathroom, single keyed locks. The front and rear entry of the home has safety rails on the porch and stairs to ensure renters' safety. All windows can be opened and used to enjoy the outdoors. The electrical panel and hot water heater are in compliance with all city codes.

Public Works Comments: none.

Kimberly Portillo, Planner, said staff agrees with Planning Commission and recommendation is for approval.

Magda Born, 8121 Tomahawk Road, Prairie Village, Kansas, said I'm representing Mr. Showalter who applied for an Airbnb for one year only.

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

Justine Underwood Jones, Kansas City, Kansas, said same thing as last time.

Mayor Alvey asked, anyone in opposition? No one appeared in opposition.

Mayor Alvey closed the public hearing.

Action: **Commissioner Murguia made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2019-89 for one year, subject to the stipulations.** Roll call was taken on the motion and there were seven “Ayes,” Bynum, Burroughs, Townsend, Murguia, Johnson, Kane, Markley.

REGULAR AGENDA

REGULAR CONSENT AGENDA

Mayor Alvey said that concludes the Planning and Zoning portion of tonight’s meeting. We’ll now move to the regular portion of our agenda. 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 now, all items on the regular Consent Agenda will be voted on by one vote.

Commissioner Bynum said I just want to clarify that by regular Consent Agenda, you do not mean Land Bank Board of Trustees Consent Agenda. **Mayor Alvey** said that’s correct. **Commissioner Bynum** said that would be separate. **Mayor Alvey** said that’s correct. **Commissioner Bynum** said that would be separate. I don’t have anything to pull off this agenda.

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

ITEM NO. 1 – 19929... PLAT: 38LEAVENWORTH FINAL PLAT

Synopsis: Plat of 38Leavenworth Final Plat located at 38th and Leavenworth Road, being developed by Farrukh Jamal, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Action: **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve and authorize the Mayor to sign said plat.** Roll call was taken on the

motion and there were seven “Ayes,” Bynum, Burroughs, Townsend, Murguia, Johnson, Kane, Markley.

ITEM NO. 2 – MINUTES

Synopsis: Minutes from regular session of July 25, 2019; and special session of August 15, 2019.

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

ITEM NO. 3 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated August 15 and 22, 2019.

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

ADMINISTRATOR'S AGENDA

ITEM NO. 1 – 19902...RESOLUTION: MEMORANDUM OF UNDERSTANDING (MOU) WITH AFSCME

Synopsis: A resolution authorizing the County Administrator to execute a Memorandum of Understanding (MOU) with American Federation of State, County, and Municipal Employees (AFSCME), effective January 1, 2018 through December 31, 2019, submitted by Melissa Sieben, Assistant County Administrator.

Doug Bach, County Administrator, said the first item on the agenda is a memorandum of understanding with our American Federation of State, County, and Municipal Employees, otherwise known as AFSCME. This represents a group of employees that are scattered across various departments within the Unified Government. It's for contract year 2018 through 2019. I will say the terms of this are in accordance with the terms discussed with the Commission during executive session, and I would recommend for approval.

August 29, 2019

Action: **RESOLUTION NO. R-57-19**, “A resolution authorizing the County Administrator to execute a Memorandum of Understanding (MOU) with American Federation of State, County, and Municipal Employees (AFSCME), effective January 1, 2018 through December 31, 2019.” **Commissioner Kane made a motion, seconded by Commissioner Bynum, to adopt the resolution.** Roll call was taken on the motion and there were seven “Ayes,” Bynum, Burroughs, Townsend, Murguia, Johnson, Kane, Markley.

ITEM NO. 2 – 19928...RESOLUTION: PREMIER AUTOMOTIVE

Synopsis: A resolution authorizing three assignment and assumption agreements between SVV 1, LLC, and Premier Automotive at the Legends, LLC; Premier Automotive of Bonner Springs, LLC; and Premier Automotive of Kansas City, LLC, submitted by Katherine Carttar, Director of Economic Development.

Doug Bach, County Administrator, said this item is an assignment and assumption between SVV1 and Premier Automotive at the Legends. It is done in accordance with some others that we’ve seen similar to this with the transfer of property from Schlitterbahn no longer being in ownership of these to go to those agencies or companies that are operating on those departments, so they have full ownership and they are assuming the terms of our agreement as they move through this. I would recommend for approval.

Action: **RESOLUTION NO. R-58-19**, “A resolution authorizing the assignment and assumption agreements between SVV I, LLC and Premier Automotive at the Legends, LLC, Premier Automotive of Bonner Springs, LLC, and Premier Automotive of Kansas City, LLC.” **Commissioner Markley made a motion, seconded by Commissioner Murguia, to adopt the resolution.** Roll call was taken on the motion and there were seven “Ayes,” Bynum, Burroughs, Townsend, Murguia, Johnson, Kane, Markley.

Mayor Alvey said that concludes the regular portion of our meeting. We are adjourned in that capacity. Now I’ll call us back to order as the Land Bank Board of Trustees.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

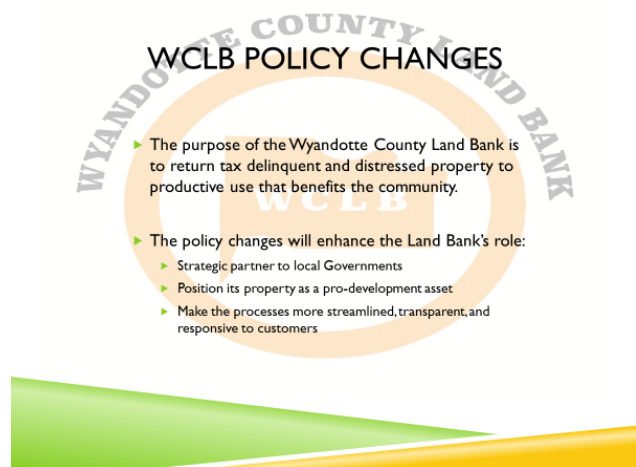
Mayor Alvey asked, does any member of the Commission or anyone in attendance tonight wish to set aside any item on the Land Bank Consent Agenda? If an item is not set aside, all items on the Consent Agenda will be voted on by one vote.

Elnora Teles Jefferson said I'd like to set aside Item No. 1, Land Bank Business Policy Changes. **Commissioner Bynum** said that was the same item I would ask.

Action: **Commissioner Murguia made a motion, seconded by Commissioner Markley, to approve the Land Bank Consent Agenda, excluding the set-aside.** Roll call was taken and there were seven "Ayes," Bynum, Burroughs, Townsend, Murguia, Johnson, Kane, Markley.

ITEM NO. 1 – 19892...LAND BANK BUSINESS: POLICY CHANGES

Synopsis: Request consideration of proposed changes to the UG's Land Bank Policy, submitted by Chris Slaughter, Land Bank Manager. On August 19, 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.



Chris Slaughter, Land Bank Manager, said the presentation tonight for the policy changes—the purpose, as we all know the Land Bank is to take problem properties, distressed properties, and get them back to productive use. What we're going to highlight tonight with the policy changes is number one, to become even a more strategic partner with our local governments. We want the

August 29, 2019

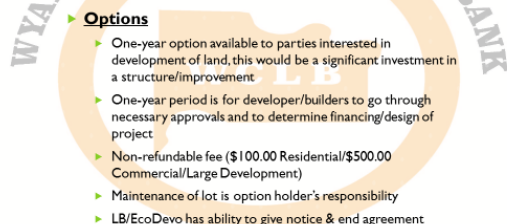
Land Bank to become a pro-development asset. We want to also be more streamlined and transparent.

WCLB POLICY CHANGES - HIGHLIGHTS

- 
- ▶ **Holds**
 - ▶ Abolish all holds, effective upon approval
 - ▶ Reserve property only for local Government Development or Infrastructure projects
 - ▶ One-year option agreement to replace

First thing that we're going to highlight is holds. As you've known in the past, holds were areas of land that someone would come in and ask to be held for them until their project got off the ground. We are going to do away with that. In a minute, we'll talk about an option for them which is an option agreement.

WCLB POLICY CHANGES - HIGHLIGHTS

- 
- ▶ **Options**
 - ▶ One-year option available to parties interested in development of land, this would be a significant investment in a structure/improvement
 - ▶ One-year period is for developer/builders to go through necessary approvals and to determine financing/design of project
 - ▶ Non-refundable fee (\$100.00 Residential/\$500.00 Commercial/Large Development)
 - ▶ Maintenance of lot is option holder's responsibility
 - ▶ LB/EcoDevo has ability to give notice & end agreement

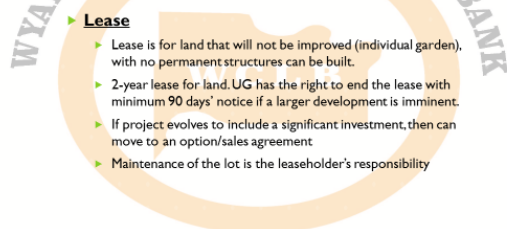
The option agreement would give someone an opportunity that wants to come in and develop, whether it's a single-family or a large-scale development, to put a nonrefundable fee down and have control of the property for a year. This is very instrumental with developments whether its large or small. They can take this to their lender. They can show their partners that they have control of the property.

WCLB POLICY CHANGES - HIGHLIGHTS



Sales, we're going to ask that the sales turnaround really go to a non-buildable stage. There are still options for people in the community to use the property that we'll get to, but really what we want to do is, again, be pro-development, pro-strategic. We will have an agreement for them for any kind of development.

WCLB POLICY CHANGES - HIGHLIGHTS



Again, lease, which you guys have already approved. One of the things we did add is the language about giving them 90-days' notice if we did have some other development that came in. That would give them plenty of time to prepare anything that they're already using the property for.

WCLB POLICY CHANGES - HIGHLIGHTS

Yard Extensions

- ▶ Requester must own/reside in the residence adjacent to the proposed yard extension LB lot;
- ▶ If non-buildable, LBM has authority to sell and report to N/DC Standing Committee
- ▶ If buildable, application will go to SAT for recommendation, LBAB for comment & N/CD

Yard extensions, the biggest change in this is if you want a yard extension, you have to be the owner and the resident of the house next to it. Landlords that want to come in and get property, we will no longer entertain those. There's still an option to lease that property.

WCLB POLICY CHANGES - HIGHLIGHTS

Land Bank Categorization

- ▶ Non-Buildable Definition
 - ▶ Less than 2,000 sq ft/under 19.99 linear ft (frontage)
 - ▶ flood plain
 - ▶ landlocked
 - ▶ ROW
 - ▶ Undermined
 - ▶ Severe topography

This slide here is our new definition of non-buildable. Anything under 2,000 sq. ft. or basically under 20 ft. of frontage, anything in a flood plain, anything landlocked, right-of-way property, undermined property, or anything with just truly severe topography.

WCLB POLICY CHANGES - HIGHLIGHTS

Community Gardens

- ▶ Garden must be a partnership supported by Neighborhood Group verified through Liveable Neighborhoods
- ▶ May be affiliated with Larger Gardening group (Cultivate KC, Giving Grove)
- ▶ Must work with Land Bank, UG for location of garden

Community gardens, we're really excited about this. We would like to see community gardens, and we're talking the larger scale gardens here. Work with our Livable Neighborhoods and the neighborhood groups. We'd like to see an association with one of the larger garden groups throughout the metropolitan area. We'd also just ask for some assistance from staff to turnaround and find what's the best location for those neighborhoods to have those gardens.

WCLB POLICY CHANGES - HIGHLIGHTS

Proposed edits after meeting with SAT and the LBAB :

- ▶ Reorganized the document to improve flow and clarity
- ▶ Clarified the role of the Land Bank Advisory Board
- ▶ Clarified the recommendation and approval process
- ▶ Cannot accept a transfer into and out of land bank during the same approval cycle

Again, we're trying to improve the flow and clarity of the process. We have clarified the role with the Advisory Board. We've clarified some of the recommendation processes. Another thing is, is any property that's transferred into the Land Bank, we will wait one meeting cycle before we ask to transfer that out. That is our request for tonight on the policy changes.

Elnora Teles Jefferson said before I start, I want to say a thank you to Chris. He does a lot of hard work to make this—it's a very complicated process, very involved to try to make it easy and understandable, so thank you, Chris.

August 29, 2019

I am the Chair of the Northeast NBR HNMA and I come to you tonight to request two changes to the proposed Land Bank Policy. The first request is to include HNMA, which is named as an the implemented of the Northeast Area Master Plan as a bonified member of the team that develops Land Bank policies and procedures.

The second request is to eliminate the two-step approval process, which is on page 5 of the policy. A Land Bank application in favor of a one-step approval process that causes the Staff Advisory Team and the Land Bank Advisory Board to meet as one.

Approving my request provides synergy, elevates the collective knowledge level of all, establishes a climate for process innovation, and reduces the time and labor costs. It also provides a more analytical power should issues and circumstances require. Finally, reduce our expenses than you will have in a two-step process.

The two requests comport with the commissioners' five-year strategic plan, specifically Goal 5, increase employee innovation and problem-solving. Goal 6, increase community cohesion.

The approval of the 2018 Northeast Master Plan signal for the first time that an official masterplan was created by Northeast area citizens. Faith and hope in the government process rose and even today, citizens talk about the masterplan with great anticipation. Nearly a year after the approval of the masterplan, tonight's proposed Land Bank Policy and procedures come before you for approval. However, in contrast to the masterplan, the Land Bank Policy is void of current citizen input. Because the majority of Land Bank and vacant properties are located in the masterplan area, there's a connection between the Land Bank Policy and procedures and the masterplan's land use plan.

Currently, using the current zoning rewrite, as an example, the UG formed a steering committee for the purpose of data gathering and validation. Members bring a wide variety of expertise, interest, and concerns to the causes of assuming that the rewrite will be relevant, functional, easy to use, and comprehensive.

Equitable development is an essential ingredient to restoring health, equity-Strategic Goal No. 3. Zoning can be an active player in this process.

While it may be impractical and unnecessary to engage in citizens over many months and monthly meetings to draft updates to the Land Bank Policy and procedures, the exclusion of any meaningful engagement could be an unfortunate oversight. By providing additional information and insight to the customer facing MBR, it becomes more adept to serving the respect of

commissioners' constituency. With gained deficiencies in customer service, reduced UG overhead, and perhaps even more assured is the policy and procedures enacted do not inadvertently cause harm.

Action: **Commissioner Kane made a motion, seconded by Commissioner Markley, to allow Ms. Jefferson additional time.** Motion carried unanimously.

Ms. Jefferson said neither of my request negatively impacts the purpose of the Wyandotte County Land Bank. To return tax delinquent and distress properties to productive use that benefits the community. The guiding principles on pages 2 and 3, or the neighborhood Land Use planning conformance on page 2. However, granting my request will have positive impacts. It'll raise the knowledge of the NBR in development and other areas. It'll increase the efficiency with which the service area commissioners' constituencies are served, and reduce UG overhead. Finally, hope to ensure the creation of a unified and consistent approach to the disposal of real properties owned by the Land Bank.

Mayor Alvey said I'm wondering, Mr. Slaughter, if this is possible for us to take this into consideration what Ms. Jefferson is proposing. I would certainly need more time to look it over to even know what position I would take on it. I'm not opposed, but I don't understand it enough how this would work. What I would like to see are those two proposals—actually imagine how this would play out and whether it would be conducive to the process.

Mr. Slaughter said I think the way the policy has been presented to you tonight and is written, is HNMA and all the other NBRs are still part of the process. We have created the staff team. We think that's very vital. We also will have more and complete input from the Advisory boards. The plan is all comments, all information necessary will be presented to this Board for consideration and approval. I think we have that covered. I think it's been there. We're just hoping that these changes in this policy strengthen that. Yes, we are always welcoming any input from the Advisory Board. I think we feel that the policy is already set for those recommendations.

Mayor Alvey said my concern in this would be that Ms. Jefferson does not seem convinced that it's been covered. I think that'd be correct. I would rather that we hold this over for another, no. Sorry. What's the problem?

Melissa Sieben, Assistant County Administrator, said can you please recognize Wendy Green, from UG Legal, to explain one of our issues and why it was addressed the way it was in the policy.

Wendy Green, Assistant Counsel, said I'd like to address the last point she made about the Staff Advisory Team and the Land Bank Board joining together as one. Unfortunately, the statutes simply don't allow for that. The statutes are very clear as to what makeup the Land Bank Advisory Board has to be, and that does not include staff. Unfortunately, we can't meet that accommodation. **Mayor Alvey** said thank you. Good clarification.

Ms. Green said the other reason that we're talking about as far as making up the policy, we have to be very careful to be inclusive and not exclusive. A lot goes into that consideration as well. We want to make sure that we're not violating any Title VII issues. Our thought process into what goes behind that was also very thought out. We tried to follow along the rules of the law that we're supposed to.

Mayor Alvey asked would you explain what is Title VII. **Ms. Green** said Title VII is just any type of discrimination based off of gender, based off of religion, based off of any type of discrimination whatsoever. You can't exclude. We just want to make sure that we follow along and try to keep this as inclusive as we possibly can. I think Melissa is getting ready to address that even more.

Ms. Sieben said the other issues with fair housing, also another federal delegation, down to the states to execute in local governments. Again, having the neighborhoods participate is very important, but how they participate. This is just a very slippery slope. I'm happy if you want to set it aside. That does domino to a whole series of issues after this in the weeks and months to come.

What I would suggest is if you did consider passing this tonight, we can come back. We already had some other recommendations from Commissioner Brian McKiernan to address some other things that he wanted to look at. We had already talked to him about sitting down with Rachel Jefferson because she had been at the previous meeting to work through these things. I think if we can do that—but the need to get the update done is obviously important because of several pending requests before this body that have been held off for a number of months.

With what we've put together, I think it's a good step in the right direction. I think some clarification around what Ms. Jefferson has brought forward tonight is important. Those meetings are going to progress based on the standing committee's recommendations to the governing body.

Mayor Alvey said with the commitment to continue to look at other items that might need to be added. **Ms. Sieben** said yes, which includes the issues with not only fair housing, but also Title VII.

Commissioner Bynum said a couple of comments. Ms. Jefferson noted that the majority of Land Bank properties currently are in Districts 1 and 4. That comprises two of the four districts in the at-large district that I serve. That is of importance to me, an interest to me. I can understand the desire for a voice. Districts 1 and 4 are basically the boundaries of the Historic Northeast Midtown Associations, so I understand that. I have a number of items myself in the policy which I'm sure doesn't surprise anyone.

Two of my four districts have the majority of the Land Bank property, yet I do not sit as a serving member of the standing committee that meets on this item or votes on these changes. When the committee met last, I was trying to livestream it because I wasn't able to be there in person. I appreciate Commissioner McKiernan saying he still believes changes are in the works and need to be made. I would echo that because I've got a whole document full of them. In terms of nothing overly dramatic, but just questions about certain words. Also, a general concern that we do not lose the neighborhood level voice within the Land Bank Advisory Board.

I know watching it livestream, Rachel Jefferson had made a comment that night about changing a shall to a may. Those tiny little words mean big different things. I see on page 5; Land Bank Advisory Board may advise the Board of Trustees. I would also agree that should go back to being the word shall. I have lots of other questions and comments like that.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve the policy in its current form knowing that at the standing committee level, that chair did request the ability to basically see and utilize this as a living document that twill change. Commissioner Bynum said I guess I would, for the record, within my motion make the motion to approve and note that it is a living policy document that we all agree, upon approving this, will change.**

Commissioner Bynum said I would ask, if the appropriate way for me to participate in that is to attend that standing committee meeting, or what is the best way for me to participate in the crafting of the policy from here out?

Commissioner Burroughs said will that be—you said the living document will, it will be a may, a shall, or a will? **Commissioner Bynum** said in that case, will. **Commissioner Burroughs** said I just wanted clarification.

Commissioner Townsend said I did have a comment. As a member of that standing committee, not the last, the very last meeting, but the time before that when these changes were first put on the table, I know quite a bit of discussion. An explanation from Mr. Slaughter and counsel was about the role of Advisory and all that. At the heart of it, I did believe that there was no chance of loss of the voice of the community. I think it was made clear and Counselor Green, I think, addressed this issue a few minutes ago about the role of Advisory.

I think all of our ordinances are living documents. I don't know that has to be said because as the needs of the community changes or concerns arise, we're always free to go back and look at those and parse over them again if we need to.

I would support the passage of this. Whether it will or won't change, depends on how we look at it later, but all our documents are living documents.

Roll call was taken on the motion and there were seven "Ayes," Bynum, Burroughs, Townsend, Murguia, Johnson, Kane, Markley.

ITEM NO. 2 – 19893...LAND BANK BUSINESS: NORTHEAST HOLD AREA LIFT

Synopsis: Request to lift the current hold on all Land Bank properties within the boundaries of the Northeast Master Plan area, submitted by Chris Slaughter, Land Bank Manager. On August 19, 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.

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

ITEM NO. 3 – 19894...LAND BANK BUSINESS: APPLICATIONS

Synopsis: Request consideration of the following applications, submitted by Chris Slaughter, Land Bank Manager. On August 19, 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.

1109 State Ave. - Leon Means, yard extension
 1051 Ella Ave. - Maria Hernandez, yard extension
 1508 Armstrong Ave. - Maverick Rodriquez, yard extension
 2436 S. 18th St. - Michael Walker, yard extension
 717 S. 19th St. - Ahmad Noory, yard extension
 1043 Armstrong Ave. - Gobe Corporation, Inc., yard extension
 1129 Osage Ave. - Hector Gonzalez, property acquisition
 1258 SW Blvd. - Israel Garcia, art garden
 20 Kansas Ave. - Pillar KC, LLC, new construction
 1824 N. 13th St. - M Star Holdings, LLC, parking lot
 1308 Wood Ave. - M Star Holdings, LLC, parking lot

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

ITEM NO. 4 – 19895...LAND BANK BUSINESS: SALE OF FORMER WHITTIER SCHOOL

Synopsis: Recommending the sale of the former Whittier School, 290 S. 10th St., to KC Casas, LLC, who plans to rehab the building for apartments and retail business, submitted by Chris Slaughter, Land Bank Manager. On August 19, 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.

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

ITEM NO. 5 – 19896...LAND BANK BUSINESS: TRANSFERS FROM LAND BANK

Synopsis: Request consideration of the following transfers from the Land Bank, submitted by Chris Slaughter, Land Bank Manager. On August 19, 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.

2521 Hiawatha St. to Community Housing of Wyandotte County

2523 Hiawatha St. to Community Housing of Wyandotte County

(These properties are part of the YouthBuild KCK Model Block Project to support neighborhood beautification and the building of safe and affordable housing. CHWC will be the non-profit home builder for the project.)

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

ITEM NO. 6 – 19897...LAND BANK BUSINESS: DONATION TO LAND BANK

Synopsis: Request consideration of the following donation to the Land Bank, submitted by Chris Slaughter, Land Bank Manager. On August 19, 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.

271 S. 12th St. (vacant lot) from Robot Automation Integration, Inc. c/o David Heaston

(Bought property at tax sale and was going to resell property. The deal did not proceed and owner states he cannot take care of property. Property has back taxes from 1988 totaling \$5,078.05).

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

**MAYOR ALVEY
ADJOURNED THE MEETING AT 8:32 P.M.
August 29, 2019**

Carol Godsil
Unified Government Deputy Clerk

mbb

August 29, 2019