

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

**PLANNING & ZONING AND
REGULAR SESSION
SEPTEMBER 26, 2019**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, September 26, 2019, with eleven members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District, Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. The following officials were also in attendance: Doug Bach, County Administrator; Emerick Cross and Alan Howze, Assistant County Administrators; Angie Lawson, Deputy Chief Counsel; Carol Godsil, Deputy Unified Government Clerk; Patrick Waters, Senior Attorney; Robin Richardson, Director of Planning; Byron Toy, Lead Planner; Janet Parker, Administrative Assistant; Kim Portillo, Planner; Katherine Carttar, Director of Economic Development; Chris Slaughter, Land Bank Manager; Edwin Birch, Public Information Officer; Lynn Melton, Assistant to the Mayor; and Captain Ronald Schumaker, Sergeant-at-Arms.

MAYOR ALVEY called the meeting to order.

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

INVOCATION was given by Sister Therese Bangert, Our Lady and St. Rose Catholic Church.

MAYOR ALVEY asked the Clerk if there are any revisions to tonight's agenda. **Carol Godsil, Deputy U.G. Clerk,** said there are no revisions.

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

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

PLANNING AND ZONING CONSENT AGENDA

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

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

Mayor Alvey asked do any of the Commissioners have any disclosures.

Commissioner Bynum said I've had contact with a community member unsure of whether proponent or opponent on #SP-2019-87.

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

Mayor Alvey said asked if there are any set-asides. Does any member of the Commission or anyone in attendance tonight wish to set-aside any item on the Planning and Zoning Consent Agenda? If an item is not set-aside at this time, all items on the Planning & Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission.

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

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 19952...CHANGE OF ZONE APPLICATION #3197 – GERALD ST. PETER WITH DAPS, LLC

Synopsis: Change of Zone from A-G Agriculture District to R-1 Single Family District for a single-family residential subdivision at 10525 Nelson Lane, submitted by Robin Richardson, Director of Planning. The applicant wants to rezone the preliminary plat fifty-five residential lots to build fifty-five single family homes on 32.23 acres. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3197, subject to:

Urban Planning and Land Use Comments:

General Planning:

1. Geospatial Services Department finds the plat currently unacceptable for posting. Review and respond to the attached comments from Geospatial Services Department.
Applicants Response: Comments from the Geospatial Services Department have been addressed with the revised plat and Preliminary Development Plan.
2. Review and respond to the concerns outlined in the attached Conservation District comments.
Applicants Response: Comments from the Geospatial Services Department have been addressed with the revised plat and Preliminary Development Plan.
3. If the change of zone is approved, this shall be a planned district (RP-1).
Applicants Response: Acknowledged.
4. The legal description and plat boundary do not match. There are calls with deed bearings and measured distances intertwined, wrong measured distances shown, etc. Needs to be corrected.
Applicants Response: Legal description and plat boundary have been corrected.
5. Show on the plat a 10-foot utility easement along the outside boundary of the plat.
Applicants Response: Easements have been added.
Staff Response: 10-foot utility easement must also continue along the western edge of tract A, as this is an outside boundary of the plat.
6. Show on the plat a 5-foot utility easement on either side of the interior lot lines.
Applicants Response: Easements have been added.
Staff Response: 5-foot utility easement must be added along the interior lot lines of Tract A.
7. Upon submittal of final plat, the applicant shall provide a copy of the Homeowners Association document and Covenants and Restrictions.
 - a. Prairie Delaware Piper Master Plan has a square foot minimum of 1600 square feet for single-family detached residential units in this site. If buildings are less than the recommended square footage, architectural design review shall be required for permitting. Add this requirement to covenants and restrictions.
 - b. Residential building materials shall be as follows:
 - i. Primary materials for the fronts of homes should be masonry, stucco, cement board, and wood siding.
 - ii. Accent materials should include real or cultured masonry materials.

- iii. For side and rear building facades the use of horizontal lap siding and vertical lap vinyl (minimum 42 gauge) siding is acceptable.
- iv. Roof materials should be a composite shingle (35-year minimum) or approved equal.
- v. Use of plain, flat siding is discouraged as a primary siding material. Use of horizontal siding on the front of the home with panel siding on the sides and rear is discouraged.

Applicants Response: Acknowledged

8. Prairie Delaware Piper Master Plan requires residential developments with 50 to 200 dwelling units to have two amenities. Only one of the required amenities may be a small amenity. See below amenity chart. Show proposed amenities on plat.

Table 7: Residential Amenity Guidelines

Small:	
	Basketball, volleyball, or other court sport.
	Open play area of at least 15,000 square feet with maximum of three (3) percent slope and two benches and one play structure.
	One picnic area with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter, and one (1) barbeque grill/pit per area.
	Option provided by owner, but must be considered equal to one of the other small options.
Regular:	
	Swimming pool.
	Golf course.
	Residential clubhouse.
	Two (2) basketball, volleyball, or other court sports.
	Two (2) tot lots with a minimum size of four-thousand (4,000) square feet per area, one (1) play structure per tot lot, one (1) bench per tot lot.
	Two (2) picnic areas with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter, and one (1) barbeque grill/pit per area.
	Trail(s) for pedestrian and/or bicycles that connect(s) to the overall trail network within the area. This trail may be within preserved natural corridor.
	Option provided by owner, but must be considered equal to one of the other regular options.

Applicants Response: The residential development is proposing a trail through the site as well as a picnic area.

Staff Comment: The proposed picnic area must meet the requirements as listed in the amenity chart above; minimum size of five-thousand square feet and including a minimum of two picnic tables, one shelter, and one barbeque grill pit per area.

9. Residential developments are required to have entry features. These features may include:
- a. Neighborhood name within a landscape feature
 - b. Monuments
 - c. Special lighting feature
 - d. Enhanced bus stop
 - e. Fountain
 - f. Special landscape

Applicants Response: A 10'x10' pad at the subdivision entrance has been designated for a monument sign.

10. Provide a preliminary development plan for the change of zone application. Include at a minimum the following:
- a. Name, address, phone number, cell phone number, and e-mail address of record of landowner and architect, engineer, surveyor, planner, and/or contractor, and an

affidavit from the property owner acknowledging and approving of the application.

- b. Date, north arrow, scale, existing zoning classification and proposed classification.
- c. Vicinity map at a scale of not less than 1 inch = 2,000 feet.
- d. Location and size by survey of existing and proposed rights-of-way, easements, and infrastructure-sewer, water mains, gas mains, culverts, or other underground installations, with pipe size, grade, and location shown.
- e. Size, use and location of existing and proposed structures and drives on the subject property, and existing zoning, structures, and drives within 200 feet of the property;
- f. A legal description of the property, showing the location and type of boundary evidenced and including a statement of the total area of the property.
- g. Existing topography with a maximum contour interval of two feet, except where existing ground is on a slope of less than two percent, then either one-foot contours or spot elevations shall be provided.
- h. Location of floodplain areas subject to flooding, centerlines of drainage courses, and finished floor elevations of proposed buildings.
- i. The height, number of floors, proposed square footage of buildings, both above and below or partially below the finished grade.
- j. The yard dimensions from the development boundaries and adjacent streets and alleys.
- k. The traffic and pedestrian circulations system, including the location and width of all streets, driveways, entrances to parking areas and parking structures, walkways and bicycle paths;
- l. Off-street parking and loading areas, including dimensions or proposed drives and parking spaces, and structures and landscaping for parking areas.
- m. Green belt and other active recreation space areas, together with proposed private recreation areas, specifying the proposed improvement of all such areas, and delineating those areas proposed for specific types of recreation facilities.
- n. When the development is to be constructed in stages or units, a final sequence of development schedule showing the order of construction of such stages or units and approximate completion date for the construction of each stage or unit. In any case, subsequent phases shall be initiated within 24 months of the issuance of a certificate of occupancy on the entire preceding phase.
- o. Preliminary architectural elevations of proposed structures and an initial list of proposed building materials.
- p. A master sign plan, detailing all proposed signage for the site.
- q. A conceptual landscape and screening plan that includes basic sizes and quantities.
- r. Preliminary drainage and erosion control information sufficient to meet unified government requirements.
- s. A chart describing the following, as applicable:
 - i. Total number of dwelling units
 - ii. Residential density and units per acre
 - iii. Total floor area (in square feet) and floor area ratio for each structure
 - iv. Total area in open space
 - v. Total number of off-street parking spaces required, and number provided.

Applicants Response: A Preliminary Development Plan has been prepared and submitted with the revised Preliminary Plat.

Landscaping:

For the landscaping plan provided with the preliminary development plan, per the Prairie Delaware Piper Master Plan all residential lots shall have two trees per 5,000 square-feet per lot, up to five trees per lot. One tree shall be in the front or corner side of the lot. All residential lots shall have foundation plant materials. These shrubs should be planted along the front yard foundation of a building. Sides of residential units that are visible from the public right-of-way such as those units on a corner lot should also have some foundation plant materials. Foundation plant materials means those shrubs that normally attain a height greater than 36 inches at maturity and shall be a minimum of 18 inches in height at time of planting.

Applicants Response: A Landscape Plan has been provided in the Preliminary Development Plan.

Staff Comment: The landscape plan provided does not meet the requirements listed above. All lots are required to have two trees on the lot, one of which shall be in the front or side corner of the lot. It appears that what is shown on the landscape plan are part of the streetscape rather than on the lots.

Streetscape:

1. Identify the location of all special site features and amenities; i.e. gateways, entry monuments, entry medians, special light fixtures, development identification signs, club house, pool, trails, all open space features, buffers, etc.

Applicants Response: Special features have been added to the proposed plan.

2. All developments are required to have a streetscape. Streetscape elements typically include trees, street lighting, sidewalks and plants. Show streetscape elements on the development plan.

Applicants Response: A Landscape Plan has been provided with the Preliminary Development Plan.

Site Design and Layout:

1. Sec. 27-314 Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural residential. Sidewalks shall be no less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted right-of-way abutting the property line.

Applicants Response: Sidewalks have been designated within the proposed subdivision.

2. Per the Prairie Delaware Piper Master Plan, all major arterial roadways should include sidewalks and crosswalks in order to encourage pedestrian use. Areas where bicycle/pedestrian trails cross major arterials should have special design treatment to warn both user groups of the forthcoming intersection.

Applicants Response: Sidewalks have been designated within the proposed subdivision.

3. Nelson Lane shall be improved to accommodate increased traffic in accordance with Public Works Engineering comments.

Applicants Response: Nelson Lane is included in this development to be improved to a newly paved road with curb and gutter and sidewalks on both sides of the road.

Additional Stipulations From Meeting:

1. Consider traffic calming on the main street that comes off Nelson Lane as they work through final plat review.
2. Provide a connection to the subdivision to the east and a potential connection to the subdivision to the south provided the southern property would develop in a similar manner. It would not connect to multi-family or commercial.
3. Provide landscaping screening along the proposed Lots 26 through 31 in the current proposal that correspond with the testimony by the three gentlemen. He stated that he thinks that they need to look at the tree area and work with the three gentlemen property owners to see if it would be easier to preserve a certain area of trees (and check utilities) or if they would prefer to have a fence with some landscaping.

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) Proposed public improvements, i.e., street, storm sewer, and sanitary sewer main extension shall be submitted with final plans as separate plan sets in accordance with UG standards and criteria and shall be reviewed and approved by UG.
 - b) Final development plans shall include final engineering, calculations, studies, and complete construction level drawings with construction notes and details, in accordance with UG standards and criteria and shall be reviewed and approved by UG prior to being placed on the Planning Commission agenda.
 - c) The County Surveyor makes separate technical review of the plat and will submit comments directly to the preparer of the plat. Provide preliminary and final plats in accordance with Engineering and County Surveyor comments.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None

Action: Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #3197, subject to the stipulations. Roll call was taken on the motion and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

CHANGE OF ZONE APPLICATION

ITEM NO. 2 – 19953...CHANGE OF ZONE APPLICATION #3198 – ORACIO PEREZ

Synopsis: Change of Zone from R-1(B) Single Family District to A-G Agriculture District for accessory structures and animals at 3605 Bell Crossing Drive, submitted by Robin Richardson, Director of Planning. The applicant has requested a change of zone for 5.41 acres of land. This change of zone would allow for multiple accessory structures and the keeping of livestock. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3198, subject to:

Building Inspection Comments:

1. Building Inspections Department does not support this application. No permits, plan reviews or inspections have been conducted for the structures on site. Building permits are required for all structures equal to or greater than 120 square feet. Applicant must coordinate with Building Inspections Department, at 913 573-8620, to obtain necessary permits prior to zoning publication.

Code Enforcement Comments:

1. Code Enforcement has an open case regarding junk and trash on the property. Photos submitted by the applicant and provided in the attachments also show piles of debris and structures that need repair. Please provide a maintenance plan outlining who will maintain the property as well as who will care for animals. Explain how frequently you will visit the property.

Staff Comment: The applicant reached out to the code enforcement officer in the area for guidance on question 1 and 2. The following email message was received from Inspector Matt Smith with Code Enforcement. Please note Todd Yergovich, mentioned below, is with Building Inspections Department. A copy of the email is also included in the attachments:

“Mr. Perez came into the NRC yesterday with the list of staff questions and suggestions for his zoning change to AG. On my code case, Mr. Perez has made good progress on the clean up on the property. He is also aware of the need for the repairs on the structures at the property. Todd Yergovich and I have informed him not to do the work on these structures until the zoning change is approved. Mr. Perez is more than willing to take any steps needed to correct the issues. However, the work required for the repairs and the required engineer report to obtain the BI permits for the structures will be costly. If the zoning change is not approved this would be a waste as he would then be required to remove the structures. Will this be an issue with his application?

I personally support his application as he has taken every step I have suggested and maintained contact with me along the way. I will be setting up a meeting with Mr. Perez at the property to make sure we have addressed all the issues and to check on his progress. He will be submitting the answers to the rest of the questions you gave him, but he was struggling with understanding

what was needed due to the language barrier. If you have any further questions on this property, feel free to contact me any time.”

Urban Planning and Land Use Comments:

1. How many structures are currently on the property? When was each structure constructed?
Applicant Response: I have 7 structures; 2 were there already when I bought it, 4 I built like 5 years ago, 1 was built last year.
2. How many, and what type of animals are at the property?
Applicant Response: 30 baby chicks, 10 hens, 20 doves, 1 cow, 2 bulls, 2 ponies, 2 horses, 2 sheep, 2 goats
3. Since the initiation of the code enforcement case, what has been done, other than this application, to bring the property up to code?
Applicant Response: Cleaned and everything the City told me.
4. All items stored on the property, not used for agricultural uses must be removed.
Applicant Response: I’m already taking them out.

Additional Stipulations from Meeting:

1. The applicant will need to provide staff with a manure removal plan.
2. The applicant will need to obtain building permits for all the buildings on-site.
3. All the buildings on the site will need to have uniform siding and paint.
4. The site needs to be cleaned up (and continue to be kept cleaned) per the Code Enforcement recommendations.

Public Works Comments: none.

Action: Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #3198, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 3 – 19954...CHANGE OF ZONE APPLICATION #3202 – F. PETER KOVAC

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District to raise cattle at 4251 North 60th Street, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3202, subject to:

Urban Planning and Land Use Comments:

1. Review and respond to the attached Conservation District comments.

Applicants Response: Mr. Richardson, I have read the WyCo Conservation District Report. I have no issues with any of their findings.

2. A portion of this property is located within the FEMA designated Special Flood Hazard Area (SFHA). Development in this area requires a floodplain development permit as well as a building permit.

Applicants Response: I have discussed the extreme northern boundary area along the railroad tracks with a member of staff focused on flood insurance. I told them that area was at the bottom of a 200' bluff and was very narrow, too narrow, for any productive use. When they looked at the actual map they agreed. She said I did not need to buy insurance or a development permit.

Staff Response: We are unsure who Mr. Kovac spoke with regarding this. Staff would like to clarify that a floodplain development permit is required for all development within the floodplain. If Mr. Kovac were to choose to develop, including dirt fill, in the portion of land that is within the floodplain boundaries, he would be required to obtain a floodplain development permit. If he chooses to do any development work outside of the floodplain boundaries, a floodplain development permit is not required.

3. Are there currently any structures on the property? What is the property being used for and what has it historically been used for?

Applicants Response: There is a very small shed on the property. Historically it has been used to provide weatherproof storage for livestock food. I grew up in the area and (I'm 73) it has always been used for pasture with the exception of the extreme southern 5+/- acres which was an alfalfa field. Now it serves as pasture.

The property since I've owned it has been used to graze livestock. I have limited the number of beef animals to no more than 12 to avoid overgrazing, etc. I bring yearlings (500 to 600 lb. cattle) in the spring after the grass starts growing and sell them off in late summer or early fall when they are in the 750 to 800 lb. range. I have seeded the open areas with native prairie grass every 2 years. The grass needs to be grazed. I am very wildlife and conservation centered.

Staff Response: It appears that there is nowhere near the necessary 2 acres per head of pasture land necessary to maintain an environmentally-friendly operation. This must be explained at the Planning Commission meeting. Additionally, the applicant must plan measures to protect the creek and floodplain.

4. How many cattle are there?

Applicants Response: Never more than 10 to 12 yearlings.

5. How will the cattle be contained?

Applicants Response: The property is fenced (new wire 6-7 years old) and cross fenced for pasture management.

6. We need a manure management and a run-off management plan.

Applicants Response: We have never had a manure/run off problem. By my feeding and management practices I move the cattle around to "fertilize" the pasture areas. Since they are put on in April, and removed in September, and we don't have a feed yard, manure/runoff has never been an issue. If we confined as in doing a feed yard, it would be.

7. Who is responsible for care of the land and animals?

Applicants Response: I take care of the land and animals with the help of my son and daughter. This land is respected and well looked after. Without doubt it is one of the prettiest areas in WyCo. I have been carefully eliminating the brush and "trash" trees for

the past 8 years (since I retired from my real job). Everyone comments on how pretty it has become and productive. I may be adding a vegetable garden and orchard soon.

Thank you!

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.

Public Works Comments: none.

Action: Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #3202, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 4 – 19955...CHANGE OF ZONE APPLICATION #3203 – SUMEY MOHAMAMDRABIE WITH MY THREE S LLC

Synopsis: Change of Zone from R-1 Single Family District to R-2(B) Two Family District for continuation of a duplex at 1028 Sandusky Avenue, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3203, subject to:

Urban Planning and Land Use Comments:

1. To what extent has the home been converted for two units? Were permits applied for to convert this property to a two-family home?
Applicants Response: The property was purchased from Wyandotte County sales tax auction. Since we have purchased it as is. As for the property originally was two units- permits had to been required in the past. In order to have two different utilities and other lines drawn and pass code inspection. During the interior renovation upgrade after purchase, Mr. Todd came along to check the codes property already had two of everything ran into the building, we were having to bring it to code rules to have Mr. Todd pass it.
Staff Response: The existence of what appears to be 2 units does not was done with permits.
2. This property was part of the Bethany Neighborhood downzoning, approved August 31, 2006. This property, along with the rest of the block, was rezoned from RP-5 to R-1(B).
Applicants Response: I am unaware of the downzoning as properties around the neighborhood are duplex.
3. It appears the off-street parking in the back of the structure is poorly maintained gravel. This must be improved to be a paved surface.

Applicants Response: Correct, we are in process of paving the driveway as we have cleaned up the area 08/18/2019 and now are waiting on the company to come and gravel the back.

Staff Response: To clarify, staff considers paved to be a hard surface; i.e. concrete or asphalt. No more than 30% of the rear yard may be paved. The rezoning will not be published until this is inspected and approved by staff.

4. This property has previously held a rental license for two units; however it received a rental license for only one unit prior to the neighborhood downzoning. This was not considered an existing non-conforming use at the time of the downzoning because it was being used as a single-family home. See below timeline of licensing:

99990-12626 Approved for 2 units 10/22/1998, terminated 4/30/2002

02990-00413 Approved for 1 unit 5/6/2002, terminated 1/16/2009

No rental license from 2009 to 2019 19990-00330 Application for 2 units submitted 5/8/2019

Applicants Response: Correct we were unaware as we were beginning the process, always has been a two unit. Looking to correct this matter to have an up to date accurate rental license. As you have mentioned it was issued back in 1998.

5. Was the property used as a single-family home when there was no rental license from 2009 to 2019, or was it vacant?

Applicants Response: The property has been rented.

Staff Response: If the change of zone application is denied, the property owner must still obtain a rental license for 1 unit if renting.

6. 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.

Applicants Response: Check of \$50.00 will be submitted.

7. Applicant must work with staff to improve landscape, fix bowing siding and add shutters or other aesthetic features to the home prior to publication of the zoning change.

Public Works Comments: none.

Action: Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #3203, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 5 – 19956...CHANGE OF ZONE APPLICATION #3204 – ELIOT ARNOLD WITH BEACHWOOD HOLDINGS, LLC

Synopsis: Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District for a multi-family development at 3002, 3004 and 3014 West 43rd Street and 4225 Mission Road,

submitted by Robin Richardson, Director of Planning. The Planning Commission voted 9 to 0 to recommend approval of Change of Zone Application #3202, subject to:

Urban Planning and Land Use Comments:

1. 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.
2. What is the floor area of each unit?
Applicant Response: The square footage on the proposed duplex is 780.9 square feet for the west unit and 828.375 square feet for the east unit.
3. The proposed gravel driveway is not permitted per code. The driveway must be a permanent hard surface, comprised of asphalt or concrete.
Applicant Response: See plan.
4. The driveway may not exceed 24 feet in width and more than 40 percent of the front yard.
Applicant Response: See plan.
5. For a carport (detached accessory structure/buildings), the standards are as follows:
 - a. Such building shall not be located in front of the house, nor closer than three feet to any side or rear yard property line.
 - b. The total area shall not exceed 1,000 square feet.
 - c. In any residential district on lots or tracts of less than three acres, the following conditions shall apply to any detached accessory building of greater than 120 square feet in floor area:
 - i. The exterior wall materials shall be limited to customary residential finish materials. These specifically include: horizontal clapboard siding of all materials; wood and plywood siding; stone and brick, both actual and artificial, and textured finishes such as stucco and stucco board which visually cover the underlying material regardless of the underlying material. These specifically exclude preformed, corrugated or ribbed metal, fiberglass or plastic sheets or panels. Also, excluded as an exterior material are standard concrete masonry units. Exception: Metal can be used for the walls of the unit provided they have a factory applied and painted finish closely matching the color of the primary structure. Also, excluded as an exterior material are standard concrete masonry units except when the walls of the building are painted the exact color of the primary structure.
 - ii. The exterior roofing materials for roofs sloped more than two in 12 shall be shingles or tiles and not metal, fiberglass or plastic sheets. Exception: If using a metal roof, the color must be a factory applied and painted finish that closely matches the roof color of the primary structure or the color of the primary structure itself if the roof and walls of the accessory structure are to be the same color.
 - d. Any accessory structure located in the front yard must obtain a variance from the Board of Zoning Appeals.

Applicant Response: The carport will be made of similar materials to the house. 4" x 4" posts, with exterior cement siding of the same color and make as we plan to add to the house.

6. Because more units are proposed in the future, the overall development shall comply with the Rosedale Master Plan Urban Multi-Family Residential Design Guidelines (see in attachments).

Applicant Response: We will comply with the Rosedale Master Plan.

Public Works Comments: none.

Additional Stipulation at Meeting:

Prior to any additional development of new structures, the applicant provides a final plan review to the Commission that shows the layout of the lots and traffic circulation.

Action: Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #3204, subject to the stipulations. Roll call was taken on the motion and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 19957...SPECIAL USE PERMIT APPLICATION #SP-2019-50 – LOYD A.

CLAY Synopsis: Special Use Permit for the Temporary Use of Land to park salt plow trucks when not in use at 7852 Leavenworth Road, submitted by Robin Richardson, Director of Planning. The applicant, has requested a special use permit to park a fleet of salt plow trucks and equipment, used for a business, at a residential property at 7852 Leavenworth Road. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2019-50, subject to:

Urban Planning and Land Use Comments:

1. Business License Department has commented that no current business license record is found for the applicant. If approved, applicant will need to file and maintain a current occupation tax application.

Applicants Response: A business license will be applied and maintained.

2. Does anyone live in the home? The applicant listed a different property as their address on the application.

Applicants Response: The adopted disabled son of the applicant lives in the house.

3. Provide photos and size information of the trucks and equipment to be stored onsite.
Applicants Response: Photos of the four trucks are attached to this submission.
4. Who is the owner of the trucks and equipment?
Applicants Response: Curtis Clay, the son of the owner is the owner of the trucks and equipment.
5. Are all vehicles and equipment properly licensed and registered?
Applicants Response: Yes, licensed, registered and operable.
6. Provide photos of the area the vehicle will be parked.
Applicants Response: A photo of the parking area is attached to this submission.
Staff Response: The parking area must be paved in asphalt or concrete according to code.
7. Provide a site layout drawing indicating location of structures, proposed truck parking, and proposed passenger vehicle parking.
Applicants Response: A site drawing, the shaded area being the parking that will be used, is attached to the back of this submission.
8. How many vehicles/equipment would be kept at the residence?
Applicants Response: Four. See statement under Key Issues.
9. With the trucks parked on site, how many off-street parking spaces are available for residents and their guests?
Applicants Response: Three
10. How often are the vehicles parked at the home? How frequently and at what times of day are they used?
Applicants Response: The vehicles will be parked when not in use, as the use of the vehicles in our climate is seasonal and intermittent. The vehicles will be used after a snowfall begins and reaches over two inches in accumulation. They could be called out any time that happens over the course of a day.
11. Vehicles must be parked on an improved hard surface.
Applicants Response: The plan is to park the vehicles on a gravel surface, probably AB-3 gravel.
Staff Comment: The trucks must be parked on a hard surface (asphalt or concrete), not gravel.
12. If approved, approval would be for one year.
Applicants Response: Two-year approval is agreeable.

Staff Conclusion: The Urban Planning and Land Use Department does not require a special use permit for trucks under 10,000 GWR. The pick-up trucks, as shown in photos, are not over 10,000 GWR; however, staff has determined that a special use permit would be required due to the equipment on and off the trucks as well as the fact that the trucks and equipment are being used as a business fleet. In response to staff comments, the applicant has referred to this as a fleet for their snow removal business. The special use permit is thence to keep a business fleet and equipment at a residential property.

This special use permit submittal came as a result of a code enforcement and zoning enforcement complaint. Both had concerns, based on the number of vehicles on site, the size of the accessory building and neighbor complaints that an automotive repair facility was being operated at the site. This is not allowed within the zoning district. The Code Enforcement officer for this area did send an updated email stating on August 28th, 2019 indicating that she has not seen any recent activity that appears to be of the commercial operation.

Although the applicant has also applied for a variance for an oversized accessory building and concrete parking pad, in responses to the draft staff report it was indicated that the proposed fleet and equipment would be parked on a gravel lot. If approved, the applicant must park the equipment on an improved hard surface such as asphalt or concrete. If the variance application for oversized parking pad is denied, the availability of hard-surface parking should be considered with regard to this application.

Staff would support approval of the special use permit to keep only the equipment and trucks related to the salt-spreading business on the condition that adequate hard-surface parking is provided.

If the application were to be approved, staff recommends an approval for one year to assess the impact on neighboring properties and compliance with zoning and code enforcement issues. Per the zoning ordinance, no inoperable or unregistered vehicles may be stored on site.

Additional Stipulation from Meeting:

The applicant coming into compliance with the result of the Board of Zoning Appeals meeting (appeal denied) and the small building and a portion of the concrete is removed.

Public Works Comments: none.

Action: Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to approve to approve Special Use Permit Application #SP-2019-50 for one year, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 2 – 19958... SPECIAL USE PERMIT APPLICATION #SP-2019-82 – PRABHJOT SINGH PADDA WITH MSS FREIGHT SERVICES LLC

Synopsis: Special Use Permit for the Temporary Use of Land for an inspection and light maintenance facility at 451 South 14th Street, submitted by Robin Richardson, Director of Planning. The applicant, has requested a special use permit for the temporary use of land to operate a maintenance facility for MSS Freight Services trucking. Additionally, truck storage and maintenance services will be available to the public. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2019-82, subject to:

Geospatial Services Comments:

1. The diagram attached with the petition shows the entrance to the property using what we show as platted McAlpine Avenue. The property owners have fenced in the north half of McAlpine Avenue right-of-way; however, we can't find any ordinance that vacates this right-of-way. They have also fenced in the west half of 13th Street adjacent to the east Block 185 of Armourdale. We also can't find any ordinance vacating this either.

Staff Comment: The surveyor working on behalf of the applicant was able to locate an ordinance that vacated McAlpine Avenue and 13th Street. This was presented to GSS Department. A follow-up email from GSS Department is attached, indicating that they have no further issues and acknowledge the streets have been vacated.

Business License Comments:

1. There is no current business activity filed at the location and no business record is found for MSS Freight. If approved, applicant will need to file to maintain a current occupation tax application.

Applicants Response: Yes, we will apply for all required business license as soon as we get an approval.

Urban Planning and Land Use Comments:

1. Provide a dimensioned site plan sealed by a professional engineer, surveyor or other design professional that includes parking, drive aisles, proposed landscaping, utilities, property boundaries, easements and building square feet, outdoor storage areas, proposed truck parking, screening fence and other information as necessary.

Applicants Response: We already hired the survey company from Kansas City, KS. They are going to finish everything by Thursday August 1, 2019 and we will submit the entire plan on Friday morning, already talked to Martin the senior engineer about this last week.

Staff Comment: A revised site plan was received. Staff also met with the applicant and his surveyor to review the comments and requirements.

2. Customer and employee parking are required at ratio of 4 per 1,000 square feet of building area. Parking must be code compliant and parking lot shall be striped with drive aisles. At this time, the required parking cannot be determined. A detailed site plan, as requested above, is required to determine the amount of parking needed. All parking must be on an improved hard surface. Gravel as a parking surface is not allowed.

Applicants Response: We are marking up the lines for parking for employees and customers on Wednesday this week and will be done on same day. We are creating 9-10 parking.

3. Landscaping is required at a ratio of 1 tree per 7,000 square feet of site area. Landscaping requirements cannot be determined at this time without a site plan.

Applicants Response: Yes, we are planting around total 19 trees as per city guidelines for 1.72 acres lot and will be done by end of this week.

4. Façade improvements are required to bring the building closer into compliance with the Commercial Design Guidelines. A 4-foot brick wainscot is required along the exterior building facades.

Applicants Response: Yes, we talked with one construction contractor he will work by Friday, will be done within 3 days.

5. Per Section 27-470(d)(2) No equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height. The zoning district regulations call for a fence between 6 and 8 feet in height. Provide screening fence details.

Applicants Response: Yes, our lot fence is between 6 and 8 feet and we will go according to City Council saying us to do and our site plans will include the fence details too.

6. Aerial imagery appears to show the existing fencing extends beyond the property limits and into public right-of-way on the east and south sides. All development not within property lines must be removed.

Applicants Response: Yes, this will be done on this weekend and all out of property fence will be removed.

7. Dismantled, wrecked, and/or salvage vehicles and salvage parts are not permitted and would require an additional special use permit for salvage operations.

Applicants Response: Yes, I understand and will not bring any kind of vehicle that violate the rules and regulations under our special use permit.

8. Provide proposed business hours for the shop and the parking operation.

Applicants Response: We are planning to operate our business hours from 8a.m. to 5p.m.

9. What volume of customers would you anticipate for both the shop and parking portions?

Applicants Response: We are expecting 4 trucks a day or less for shop and 4 to 6 trucks for parking.

10. If approved, staff recommends approval for two years.

Applicants Response: Yes, we will work along according to Planning Commission staff and local rules and regulations.

Staff Conclusion: A dimensioned site plan was submitted. With a building floor area of 2,432 sf, 10 parking spaces are required. The applicant has proposed 12 spaces; 2 of which are handicap designated. With a site area of 72,947.25 sf, 10.42 trees are required, with a .75 multiplier from Commercial Design Guidelines, a total of 19 trees required. The applicant has also agreed to update the building façade with a brick wainscot in accordance with Commercial Design Guidelines. Staff believes this use at this location would be appropriate and recommends approval.

Public Works: none.

Action: Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-82, for two years, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 3 – 19959...SPECIAL USE PERMIT APPLICATION #SP-2019-87 – NIKOLE HENSON

Synopsis: Special Use Permit for a car dealership with automotive repair, auto detailing and auto stereo installation at 1830 Quindaro Boulevard, submitted by Robin Richardson, Director of Planning. The applicant is requesting a Special Use Permit to operate a car dealership on the property. Besides selling cars, the dealership will also engage in automotive repair, auto detailing, and auto stereo installation. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2019-87, subject to:

Urban Planning and Land Use Comments:

1. How long has the property been vacant?
Applicant Response: The property was active and non-vacant when acquired. Previous owner didn't have the financial resources to perform steps necessary to obtain permits to legally open business.
2. Provide a parking plan, including parking stripes, that sufficiently allows parking for all employees, customers, cars to be sold, and cars being repaired. Note that the parking plan cannot take into account any street parking, and that absolutely no cars in the procession of the business (whether for sale or for repair) may be parked on the public right of ways.
Applicant Response: Updated site plans provided.
Staff Response: Updated site plan found in Attachments.
3. What steps has or will applicant take to prevent automotive fluids from contaminating the groundwater?
Applicant Response: Spill prevention plan has been developed that all shop staff will be trained to address as daily preventative maintenance and larger spills (see attached). Oil/water separator has been identified on the property that has been cleaned and serviced by reputable waste disposal company. Oil pans/mats will be used at location with proper waste disposal procedures in place to contain hazardous, flammable, and nonflammable materials.
4. What steps has or will applicant take to mitigate any potential ill effects of the gases from detailing paint?
Applicant Response: There will not be any paint related services taking place on the property. Detailing will consist primarily of internal cleaning with the use of EPA approved cleaning detergents.
5. What is the business plan for the car dealership? For the automotive-related services business?
Applicant Response: Car dealership will be for used car sales. Applicant will apply to obtain dealer license to which, if approved, will purchase vehicles from auctions then fix and repair as necessary. Applicant has years of experience in the automotive industry. Applicant plans to work closely with industry contacts for guidance during the start-up and set up.
6. Provide a design plan for the building. Be sure that it is in compliance with the Commercial District Design Guidelines.
Applicant Response: Applicant will not make any internal structural changes to the existing building. When the property was acquired, the property was pretty much already established

for use per the requested actions by way of special use permit. Painting and cleanout are the only changes made to the building. Building has been approved for Zone 3 Commercial establishment for quite some time. Due to the lack of action by previous owner we're now in need of being approved for Zone 3 Commercial. In compliance with district design guidelines, applicant will obtain a list of UG approved trees/shrubs that will be planted in accordance to the Commercial District Design Guidelines.

7. Provide a landscaping plan for the building. Be sure that it is in compliance with the Commercial District Landscape Guidelines.

Applicant Response: Landscaping and tree requirements is identified within site plans.

8. Please provide photos (or a description, if the space is not yet ready) of the interior of the building.

Applicant Response: Photos provided.

Staff Response: Photos can be found in the Attachments section. Applicant had not acquired a sign permit before commissioning the front mural. Applicant had erected a fence without a masonry pillar/column every 32 feet on center as per the Commercial Design Guidelines. Approval of the special use permit is contingent on the successful acquiring of a sign permit and have fence plans approved by the DRC.

9. In order to maintain the special use permit, Applicant and the business must remain in compliance with all local, State, and Federal business and automotive sales, and repair-related laws and regulations.

Applicant Response: Understood.

10. Special Use Permit may be approved for two years

Applicant Response: Understood.

11. All cars parked in code compliant parking spaces.

Public Works:

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

Action: Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-87 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 4 – 19951...SPECIAL USE PERMIT APPLICATION #SP-2019-95 – DAN SPENCER WITH CZ-USA

Synopsis: Renewal of a Special Use Permit (#SP-2017-53 - expires 10/26/2019) for office space, assembly space and test firing range at 3327 North 7th Street Trafficway, submitted by Robin Richardson, Director of Planning. The applicant is seeking the renewal of a special use permit allowing the operation of a private firearm shooting range at 3327 North 7th Street Trafficway. The applicant use was originally approved in October of 2017. To date, the operation has been run without incident and has maintained compliance with federal, state, and local laws. There is no stated intention to change the current operation. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2019-95, subject to:

Urban Planning and Land Use Comments:

1. Provide updated pictures of operation/site.
Applicant Response: Please find the requested pictures attached.
2. Is this operation to remain closed to the public?
Applicant Response: Yes.
3. Has there been any change in security measures taken?
Applicant Response: No. All CZ-USA Facilities, including the facility at 3327 N 7th St Trafficway are locked at all times. Employee access is achieved through a secure electronic key fob system. Security cameras are positioned throughout the building, both inside and out. The building has an alarm system provided by Tyco Integrated Security. CZ-USA also maintains close communication with Kansas City, Kansas Police Department.
4. What are the hours of operation?
Applicant Response: The first staff arrive at 7:30 a.m. and the last staff leave at 6:00 p.m.
5. Has the way in which you dispose of excess material, and clean the site changed in anyway?
Applicant Response: No. CZ-USA plans to contract with a company who specializes in cleaning ranges and disposing of lead waste in a safe, legal, and environmentally friendly manner.
6. If approved, you will need to file and maintain a current occupation tax application per the Business Licensing Departments comments.
Applicant Response: CZ-USA is in possession of a current occupational tax receipt for the activity at this location, attached. CZ-USA will maintain this registration.

Public Works Comments: none.

Business Licensing Comments:

1. If approved, applicant will need to file and maintain a current occupation tax application. Applicant has received similar SUP at other property and did file the required occupation tax.

Applicant Response: CZ-USA is in possession of a current occupational tax receipt for the activity at this location, attached. CZ-USA will maintain this registration.

Action: Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to approve to approve Special Use Permit Application #SP-2019-95 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

PLAN REVIEW APPLICATION

ITEM NO. 1 – 19960...PLAN REVIEW APPLICATION #PR-2019-21 - DAVID CONTAG WITH DLR GROUP

Synopsis: Preliminary and Final Plan Review for an addition and renovation to the Turner Middle School at 1312 South 55th Street, submitted by Robin Richardson, Director of Planning. The applicant, David Contag with DLR Group, on behalf of Turner USD 202 wants to build a 48,800 square foot building addition onto Turner Middle School and interior remodel at 1312 South 55th Street. The Planning Commission voted 8 to 0 to recommend approval of Plan Review Application #PR-2019-21, subject to:

Urban Planning and Land Use Comments:

1. The retaining wall on the west side of the building addition is in excess of eight feet in height, approximately fifteen feet tall. The Planning Commission must approve a deviation in the Commercial Design Guidelines which requires retaining walls taller than eight feet are required to be terraced.

Applicant Response: The total retaining wall length is about 275 feet. The section of retaining wall that is about 15-feet high is only about 24-feet in length at the southwest corner of the new educational classroom building. The retaining wall needs to tie into the building as shown to maintain the lower level classroom window that is needed to provide natural daylight. The window system also needs to line up architecturally for the two-story classroom building and cannot be relocated due to the size of the classroom.

Staff Response: As it is only visible internally, this is acceptable.

2. While the existing parking lot will need to be resurfaced and restriped where necessary during construction, all new areas for staff and parent parking shall be curbed, landscaped and striped accordingly.

Applicant Response: Acknowledged. Refer to submitted plans.

3. The sidewalk along South 55th Street shall be repaired where necessary during construction of the building addition.

Applicant Response: The existing concrete sidewalk in the right-of-way will be repaired if damaged during construction, or in locations where the new construction requires replacement of the walkway to ensure connectivity into the site.

4. All rooftop mechanical equipment shall be screened from public view by the parapet of the building. The public view extends to the boundary of the property line and public right-of-way.

Applicant Response: Acknowledged. The drawings show extended parapet walls with metal wall panels matching the building for all new mechanical equipment. The metal wall panel system is incorporated in various locations around the new building. There are existing mechanical units and duct work system mounted on the existing building at the north end of the gymnasium building that need to remain. The existing gym structure is not being modified in this project and was not engineered for the loading of additional parapet walls.

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

Applicant Response: Acknowledged.

6. All downspouts shall be internalized.

Applicant Response: Acknowledged. The drawings show internal downspouts for the proposed buildings with the exception of the four small triangular architectural flared building structures on the west side of the proposed classroom building that have small external drains that will be picked up with the storm drain system.

Staff Response: This is acceptable as this is almost entirely concealed by the large retaining wall.

7. All lighting, whether mounted on the wall or installed in the parking lot shall have 90-degree cutoff fixtures. Light fixtures mounted on the wall shall be decorative, including those above egress doors.

Applicant Response: Acknowledged and provided per the drawings.

8. The trash enclosure shall be comprised of the same materials as the building and shall not face the public street. The gates shall be comprised of wood or metal panel.

Applicant Response: Acknowledged. Will revise the drawing to include a masonry side wall. The gates will be metal or composite wood screen wall system that architecturally complements the buildings.

9. Shade trees shall be at least 2-1/2" caliper when planted. Evergreen trees shall be at least six feet in height when planted. Shrubs shall be at least three gallons when planted.

- a. Landscaping shall be irrigated.

Applicant Response: Acknowledged and provided per the drawings.

10. In order to have legitimate signage, a sign permit must be filed with the Urban Planning and Land Use Department. Wall sign standard is one per façade, maximum of four feet in height, and cumulative maximum of 50 square feet in sign area for the building. If any wall sign is not visible from the public street, such as an internal courtyard, the sign does not require a sign permit and therefore does not count towards the sign allocation for the property.

Applicant Response: Acknowledged. The final sign permit will include one allowable wall sign and one detached monument sign facing South 55th Street. This information is also shown in the final development plan.

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. Future plans to make any changes to the proposed traffic patterns according to the Traffic Impact Study shall be coordinated with the UG Public Works Department i.e. County Engineer and the City Traffic Engineer.
 - b. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
3. Comments that are not critical to engineering's recommendations for this specific submittal but may be helpful in preparing future documents: none.

Action: Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to approve Plan Review Application #PR-2019-21, subject to the stipulations. Roll call was taken on the motion and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

MAYOR'S AGENDA

ITEM NO. 1 – 19972...VOTING DELEGATES: LKM CONFERENCE

Synopsis: Designation of Melissa Sieben and Mike Taylor as voting delegates for the League of Kansas Municipalities Annual Conference in Overland Park, KS.

Action: Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to approve.

Mayor Alvey asked do we have any commissioners or other staff who plan to attend? There were none.

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

REGULAR CONSENT AGENDA

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

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

ITEM NO. 1 – 19969...ORDINANCE: LEAVENWORTH ROAD, 78TH TO 63RD STREET

Synopsis: An ordinance authorizing the Chief Counsel to institute legal proceedings to acquire property for the Leavenworth Road, 78th to 63rd Street (CMIP 1224) Improvement Project, submitted by E. James Bain, Assistant Counsel. (KDOT Project No. 105 N-0640-01). On September 12, 2019, the Commission unanimously adopted Resolution No. R-59-19 authorizing a survey of lands for said project.

Action: **ORDINANCE NO. O-61-19**, “An ordinance condemning land for the Leavenworth Road – 78th to 63rd Street – (CMIP 1224) Improvement Project (KDOT Project No. 105 N-0677-01), and acquiring easements for such purposes, and directing the Chief Counsel to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land described in this ordinance.” **Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 2 – 19973...PLAT: COPART

Synopsis: Plat of Copart on Kansas Avenue, located west of the Kansas River, being developed by Copart of Kansas Inc., submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Action: Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to approve and authorize Mayor to sign said plat. Roll call was

taken on the motion and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

ITEM NO. 3 – 19974...PLAT: PHILLIPS SW STORAGE LLC

Synopsis: Plat of Phillips SW Storage LLC, located at Southwest Boulevard and Marshall Street, being developed by Phillips SW Storage LLC, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

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

ITEM NO. 4 – 19975...PLAT: PIPER SCHOOL COMPLEX

Synopsis: Plat of Piper School Complex, located at 131st and Leavenworth Road, being developed by USD #203 Piper School District, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

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

ITEM NO. 5 – MINUTES

Synopsis: Minutes from regular session of August 29, 2019; and special sessions of August 29 and September 5, 2019.

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

ITEM NO. 6 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated September 12 and 19, 2019.

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

PUBLIC HEARING AGENDA

ITEM NO. 1 – 19934...MIDTOWN REDEVELOPMENT/FOODIE PARK

Synopsis: A proposal to redevelop the former Indian Springs shopping center at 47th and State Avenue into a 266k sq. ft. food service center, at least 3 retail pad sites along State Avenue and up to an additional 45k sq. ft. of commercial users, and a 60k sq. ft office building which will serve as the headquarters of Scavuzzo’s who the developer of this project is.

Project anticipates completion of the food service center in 2021 with the other projects being completed in subsequent years. On September 9, 2019, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Mayor Alvey said next, we have our public hearing agenda and we have a public hearing to consider three actions regarding Scavuzzo’s proposed Foodie Park Development at the former Indian Springs site. Before we take public comments, I’ll ask staff to make some opening remarks

Commissioner Murguia asked will it be three separate motions or one. **Mayor Alvey** said yes, it will be three separate motions.

Katherine Carttar, Director of Economic Development, said as you all have probably heard, this is a pretty significant site as well as an exciting project. We decided that we’re going to give you the whole presentation that we gave to Economic Development and the Finance Committee. Apologies to those that have already heard it, but we want to make sure that this gets the attention and the public is well aware of what’s going on. I’m going to first turn it over to Rick Scavuzzo and Curt Petersen to give a little presentation.

Unified Government
Full Commission

KC Foodie Park

September 26, 2019



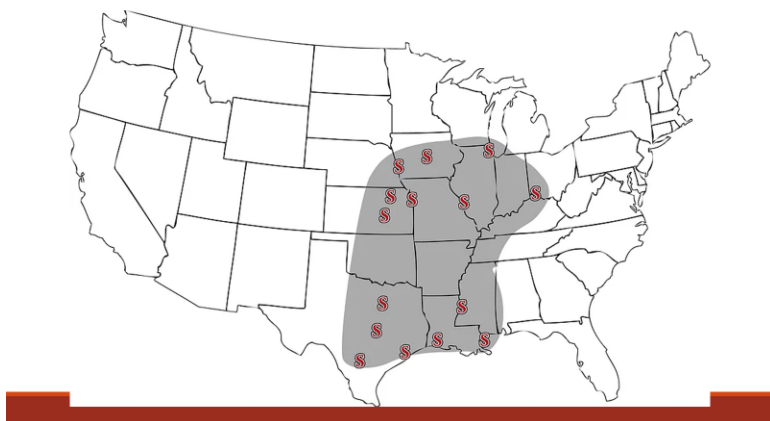
Richard Scuvuzzo, Scuvuzzo's Food Services CEO, 6550 Kansas Avenue, KCK, and Curt Petersen, Polsinelli, 900 W. 48th Place, KCMO.

Mr. Scuvuzzo said we're here today to present our plan for the KC Foodie Park. We wanted to start with who we are, what Scuvuzzo's does and kind of a brief history of our company. We are a 5th generation food service, full broadline distributor. Basically, what that means is we sell restaurants, casinos and hotels.

My mom, Pam Scuvuzzo, who is here today is 100% owner of Scuvuzzo's making us a WB, woman business enterprise-owned company. We're local, we're independent and we're really excited about this project. We've been in Kansas City for 80 years now. We've been in business for over 100 years. Our company started as a meat processing facility in Chicago. In the 20's we moved—my great-grandfather moved it to Omaha for a couple of years and then into Kansas City in the mid 1920's and we've been here ever since. I guess we've been here for almost 90 years.

September 26, 2019

We specialize in restaurant sales and we have a history and a reputation of being a high-quality food service distributor as well as our processing facility. We actually three other companies; two of those are in meat processing, which was our heritage. About 8 years ago now we switched from being a processor and distributor to separating those companies and becoming full broadline; which means that if a restaurant buys it, they can buy it from us. We're full broadline is what that means. That's a little brief history of what Scavuzzo's does.



Our territory, although we're Kansas City based and the majority of our business and our customers are in Kansas City, we actually have a pretty far reach. We're in about 14 states and some of our larger clients take us into those states. 54th Street Bar & Grill is a very well known and very good customer of ours and we go to several states just for them and then we also sell to about 37 casinos now, which also stretches us into multiple states.



The project itself, the master project plan is actually in four stages and we've separated those. Phase I, which we're ready to start in Q4 of this year, is the food distribution facility, which is depicted in the yellow. It will be a state-of-the-art facility, zero consumption. We are shooting for lead certification of platinum. It will be an almost fully automated food service distribution center, one of a kind and leading the industry. Basically, a Wyandotte County, an independent, locally owned food service distribution company and the state of Kansas will be leading the way in our industry.

We've had multi-billion-dollar companies in our door over the last few months looking at what we're about to do and trying to figure out how they're going to do it as well. Phase I is in the yellow. Phase II, which is the State Avenue retail, restaurant and convenience stores. We're going to focus on locally owned, independent, our customers, restaurants and bringing very well-known established restaurants into this complex, as well as a convenience store, which we believe would fit very well onsite. I believe the timeline on that is within 12 months of taking down the land for Phase I. **Mr. Petersen** said yes, we've already started. **Mr. Scavuzzo** said not to get too much into the weeds. Phase III, which is the second row past the retail sites. This will be dedicated to the more neighborhood amenities that fit the site overall. For instance, daycare, workout facility, stuff that the neighborhood can get behind and also that will service the hundreds of employees that we're going to have on the site, possibly even a hotel which is actually depicted in there, the triangle type red square there.

The fourth phase is the office complex which we've had several—before I get into that, this is dedicated to our world headquarters. We want it to be a food focused office complex, where we will actually have our headquarters no matter where we expand to. It'll also be—the ground floor will be a tusk kitchen and we will be engaging with culinary institutes around the area to bring the next generation of workforce into our customers and help them find jobs.

This part of the project is what we spent a lot of time on in the last couple of weeks and it may be a lot bigger than we initially thought it would as far as the amount of employees that this facility or multiple facilities will actually bring to the site. The overall jobs that we're looking to have onsite, not just on our property for the food service distribution could range anywhere from 400–900 employees onsite. Obviously, that could be a very good thing for Wyandotte County.



This is one of my favorite pictures because I think it looks a lot different than what currently is onsite and it just gets me excited every time I look at that. You can see the mass transit station is

still there. The police station is still there and then everything else is conceptual right now but we spent a lot of time planning the site and we're really excited about how it looks.

Unified Government / Community Benefits

- Activating a highly visible gateway site
- Restaurants/Retail/Services to the neighborhood
- Igniting State Avenue redevelopment east/west
- Construction investment (\$33 million) and significant jobs
- Long-term jobs (68 jobs relocated initially & 70 new jobs created at Food Service Center)
 - Partnership with Wyandotte High School
 - New jobs created for the retail and commercial areas

Benefits to the UG and the citizens of Wyandotte County, activating the highway visible gateway. Just like I said before, on that site plan and the picture that I got all excited about, that's going to be the catalyst to what we think will be developing all that area around there, not just the site that we're on. I've actually taken a few phone calls over the last couple of weeks on people that are interested in buying land around it and they're wanting to know when we're going to start—**Mr. Mr. Petersen** asked did you sell it to them? **Mr. Scavuzzo** said no. **Mr. Petersen** said oh, you don't own it, that's right. **Mr. Scavuzzo** said people are getting excited and activity, brief activity and we're pretty excited about this whole project.

The restaurant, retail and services to the neighborhood, basically Phase II and Phase III, all are centered around those, igniting State Avenue Redevelopment. What Curt and I have always talked is you guys have done a great job with the Legends and starting on the other side of State and we want this project to be the catalyst to redevelopment going the other direction. Hopefully, it will meet in the middle at some point in time.

Construction investment, \$33M, we've contracted with Primus Builders and we've given them instructions to really engage with the local community and the jobs and money that will go to Wyandotte County construction firms and companies. They've already sent out over 2,200, I believe, mailers and reached out to those independent Wyandotte County firms to really engage because they have instructions from us that this is a very important piece of this whole puzzle. \$33M is what we are—that's our goal. We think we can easily get to that goal.

Long-term jobs, this is just for Phase I, the long-term jobs for just our company as it sits right now. We're estimating that 68 jobs and that is for the food service center. We've already partnered with Wyandotte High School in our after-school program which has been very successful. I believe we had six or seven kids go through that program and they're all either still with us or they've graduated and gone on to college. We're pretty excited about that. We actually had one kid that we had to talk into going to college because he liked working for us so much and we told him that his job will still be there when he gets done and he can always come back. Obviously, the new jobs created for the retail and commercial areas. With that, any questions.

There were none.

Ms. Carttar asked, Rich, did you bring some guests? **Mr. Scavuzzo** said, oh yes. We brought a few. I thought there was a whole zoning thing before this so we told everyone that it was 8 o'clock that we'd get to the actual presentation. These are the people that showed up at the beginning.

Unified Government / Community Benefits

- \$1,000,000+ payment for land
- Long-term substantial tax revenues
 - \$6.7 million in sales tax from 2022 to 2042 (life of public assistance period)
 - \$1.3 million in property tax during the public assistance period
 - \$1.2 million ANNUALLY after the public assistance period
- Growing our local companies
- Utilizing our investment in transit hub
- Fostering KCK's nationally recognized focus on food production and distribution

Ms. Carttar said just to kind of backtrack a little bit and reiterate a couple of things that Rich talked about, in the fact that the redevelopment of this site has been a 20+ year journey for the Unified Government and we are really excited that we feel like it has really come into fruition with the right project that puts a culmination of bringing quality jobs to the area; growing a local company, including retail and utilizing the investment in the transit hub as well as generally meeting all the goals that the community set forth for the redevelopment of this site. With that, go into some of the numbers.

Phased Schedule & Investments

Phase	Investment	Square Footage	Construction Start	Completed
I. Food Service Center	\$110,000,000	266,000	12/31/2019	12/31/2021
II. Retail Improvements	\$5,000,000	12,000	07/15/2021	12/31/2022
III. Additional Commercial Buildings	\$7,000,000	30,000	07/15/2022	12/31/2025
IV. Office Building	\$18,000,000	60,000	07/15/2024	12/31/2026

The development agreement for this project is incredibly complex for each of the four phases. There are investment goals. There are square footage goals as well as construction starting and completion deadlines. All of the different public assistance mechanisms that I'm going to go through all depend on each of these things being hit. The only way that the maximum public assistance is if all of these minimums are hit. It's a lot of moving parts.

Incentive Financing Provided

- Tax Increment Financing (TIF)
 - Provides incremental real property taxes from the TIF District on a pay-as-you-go basis for TIF eligible expenses (i.e. site work and infrastructure)
 - Financing is capped on each phase and tied to delivery of minimum improvements
- Community Improvement District (CID)
 - Agreement contemplates the creation of a CID sales tax of 1% on retail sales with proceeds being used for pay-as-you-go financing (i.e. site work, infrastructure improvements, and other hard construction costs for retail improvements)

There are four different items that I will briefly go through and happy if there are any questions. TIF will be involved for the real property tax. This will be pay-as-you-go, so no UG backed bonds or any other funding and all of this financing is capped and tied to delivery of those minimum improvements. Again, the amount of increment that is provided when the food service center is completed, that will not be eligible immediately, it's only upon the further phases being completed as we see most of those as the ones that really are the focus for the community.

Additionally, a community improvement district will be in place with 1% on the retail sales. We see that this will be—this is a good incentive to have more sales on the property and

more retail. We see that the amount of money that we're kind of conservatively estimating for this is really a minimum and kind of the sky's is the limit in that respect.

Incentive Financing Provided

- Sales Tax Exemption via Industrial Revenue Bonds (IRB)
 - Provides sales tax exemption on construction materials for the Food Service Center.
- Home Rule Sales Tax Rebates
 - Developer to recover eligible costs to be paid through the UG's portion of sales tax generated by the Project with a cap in place.

The two other items are a sales tax exemption via industrial revenue bonds. This is on the construction materials as well a sales tax rebate for a portion of the sales tax generated by the project and there is a cap in place for that as well. If again, all of those phases are hit with the minimum investments, minimum square footage and in the right time, the maximum assistance that can be provided is about 24% of the total cost. Again, that this is only future development tax dollars and no general fund contribution, no UG backed bonds. It's a 20-year period and again, only achievable once all phases are built and within the timeframe.

Project Assumptions

	Investment	% of Total
Total Project Cost	\$140,210,023	75.3%
Maximum Public Assistance	\$34,700,000	24.7%

Maximum Public Assistance:

- Only future development tax dollars – No general fund contribution or UG-backed bonds
- Over a 20 year period
- Only achievable if all phases are built and within the time frame

Ongoing and Other Tax Revenue:

- \$6.7 million in sales tax during public assistance period
- \$1.3 million in property tax during public assistance period
- \$1.2 million ANNUALLY after the public assistance period

On the ongoing basis they'll be about nearly \$10M and we again think that's probably pretty conservative due to what type of retail gets put out there in the sales tax that's able to be generated between just over a million dollar in land cost as well as sales tax generated during the public assistance period, as well as the fact that they will continue to pay the current property taxes that are owed on the property. That will be about a little over \$9M during the public assistance period. Then, once that has expired, then we're looking at close to \$1.2M annually just in property tax.

Action Requested

- ORDINANCE: KC Foodie Park Development Agreement
 - An ordinance approving a home rule economic development sales tax rebate and the KC Foodie Park development agreement
- ORDINANCE: Midtown TIF Redevelopment District
 - Division of the Midtown Redevelopment District into four redevelopment project areas
 - Amend the redevelopment district plan
 - Amend the redevelopment district plan
- RESOLUTION: Intent to Issue IRBs for Scavuzzo's Foodie Campus
 - A resolution of intent to issue an amount not to exceed \$20 million of industrial revenue bonds



These are the three items that we are requesting that you vote on this evening. I believe there's also a public hearing but just to kind of reiterate, staff really recommends this and thinks that the fact that we're putting over \$140M of investment into a site that we've been working on for many decades as well as a large number of jobs and a mixed use development that really hits the goals of the community, kind of hits all the things we've been working on. I'd be happy to answer any questions or move to the public hearing.

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

Greg Kindle, President of the Wyandotte Economic Development Counsel, said I'm here in support of the ordinances and resolution related to the redevelopment of the former Indian Springs Mall as detailed in the development agreement. We are supportive of this project for a variety of reasons. We're impressed by the excitement expressed by the Scavuzzo's family. This is a local KCK company who chose to not only stay in KCK to do this expansion but has specifically selected this site as a way to start a new chapter for their company and for this location.

For Scavuzzo's this location isn't a default location but rather a place to showcase their capabilities, highlight the prominence of the food industry in Wyandotte County and to grow their national footprint from our community to the nation. As you know WYEDC looks for opportunities to connect good waged jobs to our residents. We know Scavuzzo's already employs a number of local residents and are committed to seeking additional qualified Wyandotte Countians for the 70 new positions being created with above average wages. We appreciate that this company already has a relationship with the KCK School District and is working with students

to become more engaged in the culinary arts industry. We need more companies to work alongside our students to help prepare them for their career pathways. We look forward to future opportunities through the office phase which will likely afford opportunities through the food lab to support entrepreneurial efforts in conjunction with higher education and a potential childcare facility to better utilize the transit center and better meet the community needs in this area.

Finally, we support this project because Scavuzzo's has the relationships to bring retail to this location, while some will argue that the entire site should be retail, I will tell you that the approximately 15 acres being developed for retail commercial use is in line with the majority of our retail developments in KCK. For example, Prescott Plaza, Westfield Plaza and Tower Plaza are all 10 acres in size. La Plaza Argentine is 11 acres. Wyandotte Plaza is fairly large in this community at 17 acres, while Northwood Shopping Center and 39Rainbow sit on about 44 acres each. WYEDC is pleased to be a partner alongside the Scavuzzo's family and the UG team to support the redevelopment of the site, retain, create new jobs and write a new chapter of this location. We hope that you will support this as well.

Mayor Alvey asked is there anyone present that would like to speak in favor of this. There were none.

Mayor Alvey asked is there anyone present who would like to speak in opposition? If so, please come forward.

Edward DeSpain said I lived in Wyandotte County for 50 years, all my life, just hearing the plans and kind of getting pieces and bits and I haven't followed it 100% through but as a whole, people, that live in the neighborhood and area I've talked to kind of was on the same idea of what we wanted back here and then this kind of came up and about.

I'm 50. I know as a kid I used to go to Indian Springs. I know during the mornings a lot of the elderly used to walk in there for exercise and indoor, not something to just park in a leisure one day but year-round in a safe way but I was curious of what you bought the property for and I think we have an estimate of what it was paid for. The scale of the site seems a lot bigger on there than it does on what's offered out there.

How many homes from that point on will get the boot or bought out like they did in the Legends area? That's my thing. Is this more office or is it more trucking and shipping for a meat distribution? How many trucks are going to be up and down State Avenue dieseling, gasing, whatever? Does it hurt my house? Does it help my house? I've got 20 years into my house. What's going to be on the outturn of this wanting to sell it?

Right now, I've gained \$1,100 in 20 years living there paying out for my house. Is it going to increase to how much are we paying out 24% of that bill in the next how many years? Yes, in the neighborhood of \$27M. \$27M is going to get bumped up.

Then, we were getting the idea it was going to be 4 store fronts but now it's 3 and the total job count was close to 100 but they're only down to about 60-70 roughly and then you had the storefronts that you said were coming in high end food chains. Is that something that you're talking with? Have you got promised on who's coming? Is it a hope? I mean we've been hoping for 20 years. In my vote, no, I can't say I'm behind you. I don't see something for the elderly, the trafficking and how many houses are going to be forced out from that point out. The site, it's not just for me for that size, so no.

Faith Rivera, 908 Hagemann St., KCK, said I have a really good friend who this is her back yard. Our concern is—I do visit her quite often and it's a great program or whatever you want to call it. Anyways, but what the situation is that this is a about food and stuff like that. These people in this community are looking for grocery stores, fresh food and stuff like that. It'd be great if you good would even think about putting a grocery store there with fresh food because we're going to—when I visit her and where she has to go to the grocery is Wild Woody's on 51st or K-32 and Sun Fresh on 18th Street. It'd be really nice if it be—since it is a food place to get fresh fruit and food there for the community. Maybe that's one of the storefronts. That's just what my opinion is on that.

Also, too, like the other gentleman was saying, trucks. This poor lady, I mean she's got three, she's got foster kids and she's got young adults and I'm worried about the trucks. Is there going to be an issue with the trucks for her family. Are they going to go up and down their street all the time? With that, then what's her housing going to be like. Is it going to raise her property value or is it going to lower her property value? Those are just my concerns on this information

with you guys, with the commissioners and stuff like that as a resident but again, if there's a grocery store, I think that would be great.

Mayor Alvey closed the public hearing.

Mayor Alvey said we are considering three actions regarding Scavuzzo's proposed Foodie Park, the former Indian Springs site. If there are any questions or comments from the Commission, I'll take those now.

Commissioner Kane said the gentleman with the blue shirt, could you please step up here? You're going to trying to hire as many contractors in Wyandotte County as possible? **Mr. Scavuzzo** said that is—**Commissioner Kane** said I want you to say it real loud. Come on. **Mr. Scavuzzo** said we are going to try. **Commissioner Kane** said I want you to say it loud because I want the people to hear it because I'm going to hold you to it. **Mr. Scavuzzo** said that is a focus of ours for sure and we've already talked to Primus about our focus and I've assured the Commission that is definitely a focus. **Commissioner Kane** said and I'm going to hold you to it.

Mayor Alvey said I just have a few comments. I think first of all, I'm very impressed with the family commitment to Kansas City, KS, the family pride in this enterprise and your vision for moving forward, that really you will become, already the leader in this industry. That's very significant. I think it helps to showcase what is available here in Kansas City, KS.

I'm very encouraged to hear you speak to the issue of daycare. We have a desperate need for quality daycare in Wyandotte County and that location by the Transit Center is an important piece of that because it's for folks of limited means, it's hard to get to daycare and to afford it, even if it's available and a lot of it is not available. That's really important and I really think we want to see that happen on that site.

I think, importantly activating this site beyond a large gravel field is important. We've been on this property for a long time. We've invested a lot of money into it. We need to activate this. It's encouraging to hear that there is interest by others in the surrounding area and if we look just across the freeway, across 635 that's prime property that I think should—this should generate even more interest in that property just as the original Indian Springs did. As much as so many

people would like a return to Indian Springs, it's not coming. That's not just the retail environment anymore. Malls are closing, shutting down and being demolished all over the place. There's only a few left in the Kansas City area but this is, I think, a great use of this property and I think that I'm really impressed frankly by the family pride and your commitment to our community.

Commissioner Philbrook said thank you Mayor. You've helped me out with a lot of things I wanted to say. I want to thank the family and our folks here at City Hall with all the hard work they've done putting this together because it was not easy. I think that the lawyers got the biggest workout that they've had in I don't know how long trying to put together this very complicated agreement and that's because we the people want to know that you're going to carry through and that you don't get rewarded to an extent unless you do come through and we appreciate you stepping up to the bar on this. I know this wasn't easy. I know you guys probably lost a lot of sleep putting this together, but I so look forward to seeing this campus done and a lot of this retail coming forward and you helping that area grow significantly.

I do believe that there's already been some interest in property, like you said around there, to clean up the area and put in some additional business. Thank you, thank you, thank you. Thanks, mom, for having such great kids.

Action:

1. Ordinance approving development agreement and home rule economic development sales tax rebate
2. Ordinance approving:
 - a. Division of the Midtown Redevelopment TIF District into four redevelopment project areas.
 - b. Amend the redevelopment TIF district plan
 - c. Adopt TIF Project Area 1 Redevelopment Project Plan
3. Resolution of intent to issue sales tax construction IRBs in an amount not to exceed \$20M.

Action: **ORDINANCE NO. O-62-19**, "An ordinance approving and adopting a Home Rule Economic Development Sales Tax Rebate and approving the KC Foodie Park Development Agreement." **Commissioner Johnson made a motion, seconded**

by Commissioner Philbrook, to approve the ordinance. Roll call was taken on the motion and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

ORDINANCE NO. O-63-19, “An ordinance of the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas approving the division of a redevelopment district into four redevelopment project areas; adopting an amended redevelopment district plan; and adopting the Project Area 1 Redevelopment Project Plan, all pursuant to K.S.A. 12-1770 et seq.” **Commissioner Johnson made a motion, seconded by Commissioner Philbrook, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

RESOLUTION NO. R-63-19, “A resolution determining the intent of the Unified Government of Wyandotte County/Kansas City, Kansas to issue its Industrial Revenue Bonds in the amount not to exceed \$20,000,000 to finance the costs of acquiring, purchasing, installing, constructing and equipping a commercial facility for the benefit of Scavuzzo’s Foodie Campus, LLC and its successors and assigns (Foodie Park – sales tax exemption only).” **Commissioner Philbrook made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken on the motion and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Murguia, Johnson, Kane, Markley, Walters, Philbrook.

STANDING COMMITTEES’ AGENDA

No items

ADMINISTRATOR’S AGENDA

No items

COMMISSIONERS' AGENDA

No items

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

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

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

ITEM NO. 1 – 19937...LAND BANK BUSINESS – APPLICATIONS

Synopsis: Communication requesting consideration of the following Land Bank applications, submitted by Chris Slaughter, Land Bank Manager. On September 9, 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.

418 Haskell Ave. - Rachel Jefferson, property acquisition
 1137 Everett Ave. - Strugglers Hill Neighborhood Group, property acquisition
 1139 Everett Ave. - Strugglers Hill Neighborhood Group, property acquisition
 405 Cleveland - Benjamin Caruthers, property acquisition
 3745 N. 35th St. - Lorenzo Garcia, property acquisition
 3743 N. 35th St. - Lorenzo Garcia, property acquisition
 1131 Rowland Ave. - Alberto Ortega, yard extension
 1131 Rowland Ave. - Innovating Renovations, LLC, yard extension

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

ITEM NO. 2 – 19938...LAND BANK BUSINESS – TRANSFER FROM LAND BANK

Synopsis: Communication requesting consideration of the following transfer from the Land Bank, submitted by Chris Slaughter, Land Bank Manager. On September 9, 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.

641 Parallel Ave. to Edrus, LLC

(Recipient recently completed the rehab of 639 Parallel Ave. through the Rehab Program.)

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

PUBLIC ANNOUNCEMENTS

Mayor Alvey said we have one last item before we are adjourned and that is a public announcement. I’ll pass this on to Mr. Bach.

Doug Bach, County Administrator, said I reluctantly will give this announcement this evening but I want to recognize, and I’m happy to recognize Edwin Birch, who’s been our longtime Public Relations Officer for the Unified Government. He’s done a lot of great work for us. He’s accepted a job with USD 500 as their new Executive Director of Communications for the district. Congratulations Edwin. He’s going to be with us about two more weeks. Good job!

MAYOR ALVEY

ADJOURNED THE MEETING AT 7:51 P.M.

September 26, 2019

Carol Godsil
Deputy Unified Government Clerk

tpl

September 26, 2019