

**DECEMBER 5, 2019 UNIFIED GOVERNMENT BOARD OF
COMMISSIONERS MEETING
ORDER OF BUSINESS
MEETING TO CONVENE AT 7:00 PM**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY REVEREND BRYAN W. MANN, BETHEL SEVENTH DAY ADVENTIST CHURCH**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, DECEMBER 5, 2019 AGENDA**
- VI. CLERK'S STATEMENT**
(Anyone wishing to speak about a particular item on the Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)
- VII. PLANNING AND ZONING CONSENT AGENDA**
- VIII. PLANNING AND ZONING NON-CONSENT AGENDA**
- IX. MAYOR'S AGENDA**
- X. REGULAR CONSENT AGENDA**
- XI. PUBLIC HEARING AGENDA**
- XII. STANDING COMMITTEES' AGENDA**
- XIII. ADMINISTRATOR'S AGENDA**
- XIV. COMMISSIONERS' AGENDA**
- XV. LAND BANK BOARD OF TRUSTEES' AGENDA**
- XVI. PUBLIC ANNOUNCEMENTS**
- XVII. ADJOURN**

SERGEANT-AT-ARMS: CAPTAIN RONALD SCHUMAKER

PLANNING AND ZONING AGENDA

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. **#3207 - ERIC SCHEELE WITH KC PROPERTY GUYS LLC.**

Synopsis: Change of Zone from R-1 Single Family District to R-2 Two Family District for an existing duplex at 1815 North 78th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 191077

2. **#3208 - SCOTT CONFER WITH PHELPS ENGINEERING**

Synopsis: Change of Zone from A-G Agriculture (WYCO) and R-1A (WYCO) Residential Districts to A-G Agriculture (City) District to divide the lot and build an additional house at 12525 Leavenworth Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 191078

3. **#3209 - MATT SCHLICHT WITH ENGINEERING SOLUTIONS**

Synopsis: Change of Zone from RP-1 Planned Single Family District to R-1 Single Family District to revise the previously approved plan in order to better identify and modify the site amenities for West Ridge Estates at 4401 North 115th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 191079

B. SPECIAL USE PERMIT APPLICATIONS

1. **#SP-2019-62 - MICHAEL JOHNSON WITH 7TH STREET EVENT CENTER**

Synopsis: Renewal of a Special Use Permit (#SP-2017-22 - expired 6/29/2019) for an event hall in conjunction with specialty dress shop and office space/storage at 733-735 Minnesota Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

Tracking #: 191076

2. **#SP-2019-99 - WENDY AND LARRY FOLAND**

Synopsis: Special Use Permit for a short-term rental/AIRBNB at 528 Ann Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 191080

3. **#SP-2019-105 - MEGAN DUMA**

Synopsis: Special Use Permit for a short-term rental/AIRBNB at 2706 Espenlaub Lane, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774
(RECOMMENDED FOR APPROVAL FOR 1 YEAR)

Tracking #: 191081

4. **#SP-2019-106 - MEGAN M. DUMA**

Synopsis: Special Use Permit for a short-term rental/AIRBNB at 408 Sandusky Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774
(RECOMMENDED FOR APPROVAL FOR 1 YEAR)

Tracking #: 191082

5. **#SP-2019-109 - EFRAIN CARERRA**

Synopsis: Special Use Permit to keep horses on the property at 5124 Sloan Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774
(RECOMMENDED FOR APPROVAL FOR 2 YEARS)

Tracking #: 191083

C. VACATION APPLICATION

1. **#U/E-2019-6 - MELISSA VANCURUM**

Synopsis: Vacation of utility easements at 2600 Bi-State Drive, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 191084

D. MISCELLANEOUS - ORDINANCES (Final action on previously approved items)

1. AN ORDINANCE rezoning property at 5604 State Avenue (#3168) from CP-1 Planned Limited Business District to B-P Planned Business Park District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**
2. AN ORDINANCE rezoning property at 3605 Bell Crossing (#3198) from R-1(B) Single Family District to A-G Agriculture District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**
3. AN ORDINANCE rezoning property at 4251 North 60th Street (#3202) from R-1 Single Family District to A-G Agriculture District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**
4. AN ORDINANCE rezoning property at 4225 Mission Road, 3002-3004 West 43rd Avenue and 3014 West 43rd Avenue (#3204) from R-1(B) Single Family District to R-2(B) Two

Family District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774
(RECOMMENDED FOR APPROVAL)

5. AN ORDINANCE rezoning property at 1847 South 14th Street (#3206) from C-1 Limited Business District to CP-3 Planned Commercial District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**
6. AN ORDINANCE vacating right-of-way between 5205 and 5159 Farrow (#R/W-2017-12), submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**
7. AN ORDINANCE vacating an alley at 4141 and 4151 Fairbanks Avenue (#A-2019-5), submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

TAX STATUS REPORT BOARD OF COMMISSIONERS AGENDA FOR DECEMBER 5, 2019

None of the properties included in applications to be considered on the Planning & Zoning agenda have delinquent taxes prior to 2017.

NOTE: This information cannot serve as the basis for approval or denial of an application. It is not among the factors to be considered as set by ordinance or among accepted zoning factors and criteria. However, such information in certain cases might be relevant to evaluating accepted factors or as an accompaniment to other valid purposes and/or factors.

REGULAR AGENDA

IX. MAYOR'S AGENDA

X. REGULAR CONSENT AGENDA

1. **RESOLUTION: AGREEMENT WITH KCK PUBLIC SCHOOLS FOR NEW BRUNE ELEMENTARY SCHOOL INFRASTRUCTURE IMPROVEMENTS**
Synopsis: A resolution approving an agreement with the Kansas City, Kansas Public School District for the construction of infrastructure improvements related to the construction of Brune Elementary School, submitted by Susan Alig, Assistant Counsel.

*On November 18, 2019, the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.*

Tracking #: 191054

2. RESOLUTION: SIDEWALKS FOR BRUNE ELEMENTARY

Synopsis: A resolution declaring the necessity and authorizing a survey of lands for the Access Pedestrian Easement to Brune Elementary project, submitted by James Bain, Assistant Counsel. The project consists of new sidewalks to run west from Waverly Avenue to Brune Elementary.

*On November 18, 2019, the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.*

Tracking #: 191041

3. RESOLUTION: WATER POLLUTION MAINTENANCE FACILITY AND POLICE DEPARTMENT TOW LOT AND CRIME LAB PROJECT

Synopsis: A resolution declaring the necessity and authorizing a survey of lands for the Water Pollution Maintenance Facility (CMIP 6039) and KCK Police Department Tow Lot and Crime Lab Project (CMIP 8212), submitted by James Bain, Assistant Counsel.

*On November 18, 2019, the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.*

Tracking #: 191052

4. RESOLUTION: SUPPORT OF RESPONSIBLE BIDDER REQUIREMENTS

Synopsis: A resolution supporting responsible bidder requirements and authorizing additional development of responsible bidder requirements, submitted by Misty Brown, Deputy Chief Counsel.

*On November 18, 2019, the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.*

Tracking #: 191046

5. REPORT: SOLID WASTE PLANNING COMMITTEE

Synopsis: Request approval of the Solid Waste Planning Committee's annual report of the Wyandotte County Solid Waste Plan, as required by the Kansas Department of Health and Environment (KDHE), submitted by Jeff Fisher, Executive Director of Public Works.

*On November 18, 2019, the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.*

Tracking #: 191044

6. RESOLUTION: ADDENDUM TO THE AGREEMENT WITH BONNER SPRINGS

Synopsis: A resolution amending the 1996 agreement with the City of Bonner Springs, Kansas, regarding street maintenance and emergency services in Loring, the unincorporated areas of Delaware township south of Bonner Springs, submitted by Jeff Fisher, Executive Director of Public Works.

*On November 18, 2019, the **Public Works and Safety Standing Committee**, chaired by*

Commissioner Bynum, voted unanimously to approve and forward to full commission.

Tracking #: 191047

7. PLAT: THE ACRES OF PIPER

Synopsis: Plat of The Acres of Piper located at K-7 Highway and Marxen, being developed by The Acres of Piper LLC, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Tracking #: 191075

8. MINUTES

Synopsis: Minutes from regular session of October 31, 2019; and special session of November 14, 2019.

Tracking #: MINUTES

9. WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated November 21 and 27, 2019.

Tracking #: WEEKLY BUSINESS MATERIAL

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

1. ADOPTION: 2020 STATE AND FEDERAL LEGISLATIVE PROGRAMS

Synopsis: Request adoption of the 2020 State and Federal Legislative Programs, submitted by Mike Taylor, Public Relations Director.

The legislative programs were presented to the Commission and Wyandotte County Legislative Delegation during a special session on November 21, 2019.

Tracking #: 191085

2. TWO ORDINANCES: AUTHORIZE THE ISSUANCE OF TAXABLE INDUSTRIAL REVENUE BONDS FOR THE PQ CORP

Synopsis: Two ordinances authorizing the issuance of taxable industrial revenue bonds for the PQ Corporation Project, located at 1700 Kansas Avenue, submitted by Katherine Carttar, Director of Economic Development.

Series 2019A, amount not to exceed \$25M

Series 2019B, amount not to exceed \$1M

On November 21, 2019, the commission unanimously adopted Resolution No. R-68-19

indicating the UG's intent to issue said bonds.

Tracking #: 191100

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' AGENDA

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: December 5, 2019
Re: **Change of Zone Petition #3207**

GENERAL INFORMATION

Applicant:

Eric Sheele with KC Property Guys, LLC

Status of Applicant:

Owner
7735 Kansas Avenue
Kansas City, KS 66111

Requested Actions:

Change of Zone from
R-1 Single Family District to R-2 Two
Family District

Date of Application:

August 30, 2019

Purpose:

To continue to use the property as a
duplex

Property Location:

1815 – 1817 North 78th Street

Commission Districts: 1. Commissioner At Large: Melissa Bynum
2. District Commissioner: Michael Kane



Existing Zoning: R-1 Single Family District

Surrounding Zoning:

North:	R-2 Two Family District
South:	R-1 Single Family District
East:	R-2 Two Family District
West:	R-1 Single Family District

Existing Uses:

North:	Duplex
South:	Single family home
East:	Duplex
West:	Duplex

Total Tract Size: .42 acres

Master Plan Designation: The City-Wide Master Plan designates this property as Low Density Residential.

Major Street Plan: The Major Street Plan classifies North 78th Street as a Class A Thoroughfare.

Advertisement: The Wyandotte Echo – September 19, 2019
Letters to Property Owners – September 12, 2019, October 3, 2019 and November 25, 2019

Public Hearings: November 12, 2019 and December 5, 2019

Public Opposition: No one appeared in opposition at the November 12, 2019 City Planning Commission meeting

PROPOSAL

Detailed Outline of Requested Action: The applicant, Eric Sheele with KC Property Guys, LLC wants to rezone the property from R-1 Single Family District to R-2 Two Family District at 1815 – 1817 North 78th Street to sale the property which was being used as a duplex and correct the zoning of the property to reflect the use.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-245 – 27-339

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The character of the neighborhood is primarily comprised of duplexes to the north and east along North 78th Street. This area, south of Parallel Parkway is an established neighborhood

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.*

The zoning and uses of properties nearby are set out above. The proposed use is compatible with them.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?*

The removal of the restrictions will detrimentally affect nearby property.

4. *The length of time the property has remained vacant as zoned.*

The property has been vacant since 2016, as that was last license issued by Rental Licensing.

5. *The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.*

The proposed use is not reasonably necessary for the convenience and welfare of the public and it will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.

6. *The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.*

The proposed use will not increase the traffic or parking demand in ways that will adversely affect road capacity, safety, or create parking problems.

7. *The degree of conformance of the proposed use to the Master Plan.*

The proposed use conforms to the Master Plan.

8. *The extent to which the proposed use could cause environmental harm or enhance the environment.*

This is not applicable.

9. *The extent to which utilities and public services are available and adequate to serve the proposed use.*

a. *Water service*

Existing

b. Sanitary sewer service

Existing

c. Storm water control

Meets City Code

d. Police

Police service is provided by West Patrol, District #222

e. Fire

Fire service is provided by Station #19

f. Transit

Kansas City ATA provides transit service along Parallel Parkway, Route #116

g. Schools

Kansas City, Kansas USD 500

h. Streets

See item #6 above

10. The economic impact of the proposed use on the community.

The proposed use will have a minimal economic impact on the community.

11. The capability of the proposed use to meet applicable ordinance requirements.

The proposed use is capable of meeting applicable ordinance requirements.

12. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners. If the application is denied, the property will need be converted to a single-family home.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on October 16, 2019. According to the applicant, the one attendee did not oppose the rezoning petition.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application #3207, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Unified Government Board of Commissioners meeting.
2. The structure as built in 1965 and this portion of the county was annexed into the city in 1966. The 1977 Polk's Kansas City Directory lists two occupants and two phone numbers for 1815 – 1817 North 78th Street. A rental license was issued in 1996 and continued with different owners until 2016.
3. Subject to approval, if rented, a rental license from Rental Licensing shall be obtained for the two dwelling units.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
- 1) None
- B) Items that are conditions of approval (stipulations):
- 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition #3207 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

November 12, 2019 City Planning Commission Minutes
Neighborhood Meeting Minutes
Zoning Map
Floor Plan
Site Photographs

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	November 12, 2019	December 5, 2019
Rezoning	Approval	

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **#3207** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **#3207**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

November 12, 2019 City Planning Commission Minutes:

Hearing Starts At 29:00 and was recalled at 2:49:35 and the applicant was not present at either time:

CHANGE OF ZONE APPLICATION #3207 – ERIC SCHEELE WITH KC PROPERTY GUYS LLC – SYNOPSIS: Change of Zone from R-1 Single Family District to R-2 Two Family District for an existing duplex at 1815 North 78th Street. *Detailed Outline of Requested Action:* The applicant, Eric Sheele with KC Property Guys, LLC wants to rezone the property from R-1 Single Family District to R-2 Two Family District at 1815 – 1817 North 78th Street to sale the property which was being used as a duplex and correct the zoning of the property to reflect the use.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 12, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated September 19, 2019; and
7. The Notices to property owners dated September 12, 2019 and October 3, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- ❖ No one appeared

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts 2:50:02: Planning Director Richardson stated that thee staff would recommend approval of this non-controversial case subject to the stipulations in the staff report or the Commission could hold over the application.

Motion and Vote Starts 2:50:13:

On motion by Ms. Connelly, seconded by Mr. Miller, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application #3207:**

Carson	Chairman
Connelly	Aye
Miller	Aye
Pauley	Aye
Reasons	Aye
Serda	Aye

Cho	Not Present
Ernst	Not Present
Huey	Not Present
Jones	Not Present
Neal	Not Present

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Unified Government Board of Commissioners meeting.
2. The structure as built in 1965 and this portion of the county was annexed into the city in 1966. The 1977 Polk's Kansas City Directory lists two occupants and two phone numbers for 1815 – 1817 North 78th Street. A rental license was issued in 1996 and continued with different owners until 2016.
3. Subject to approval, if rented, a rental license from Rental Licensing shall be obtained for the two dwelling units.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
- 1) None
- B) Items that are conditions of approval (stipulations):
- 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

Eric Scheele
KC Property Guys
(913) 730 - 0086
kcpropertyguys@gmail.com

1815 - 1817 N 78th St
Rezoning Neighborhood Meeting
COZ #3207

Meeting Minutes -

Our change of zoning meeting was held on October 16, 2019, 4 pm at the duplex as the subject of the change of zone located at 1815 - 17 N 78th St, Kansas City, KS.

We had one attendant right before we were leaving at 4.30 pm which was the neighbor Mary L Swayne - 913.334.7157.

We informed her of our change of zone request which she responded that she actually did the same change of zone procedure when she took possession of the property originally.

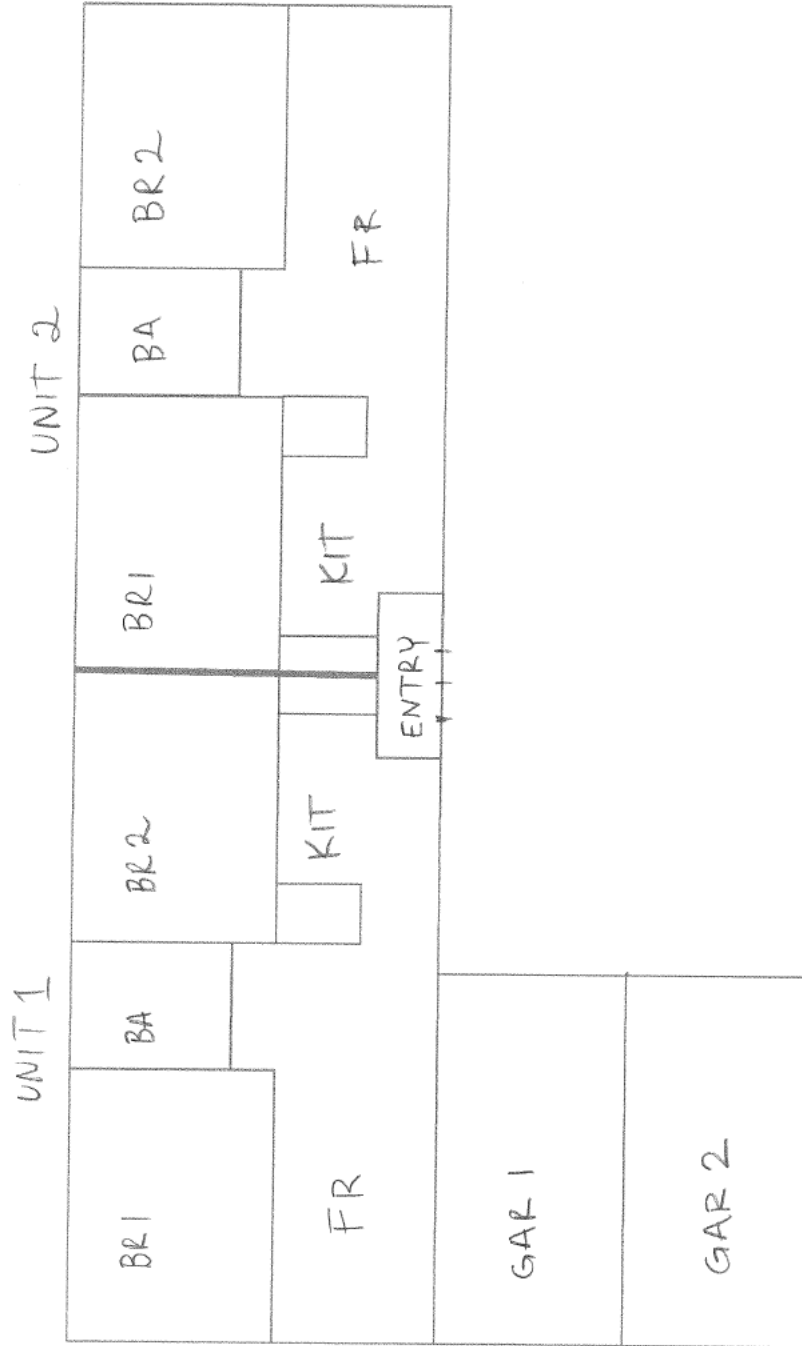
From there, we basically just chatted off subject and greetings. She wished us luck and we closed the meeting from our conversation at 4:40 pm.

Meeting adjourned at 4:40 pm.



Figure 1. Zoning Map of 1815 - 1817 North 78th Street, Parcel #005302 (provided by UG Maps).

TOP FLOOR



BASEMENT

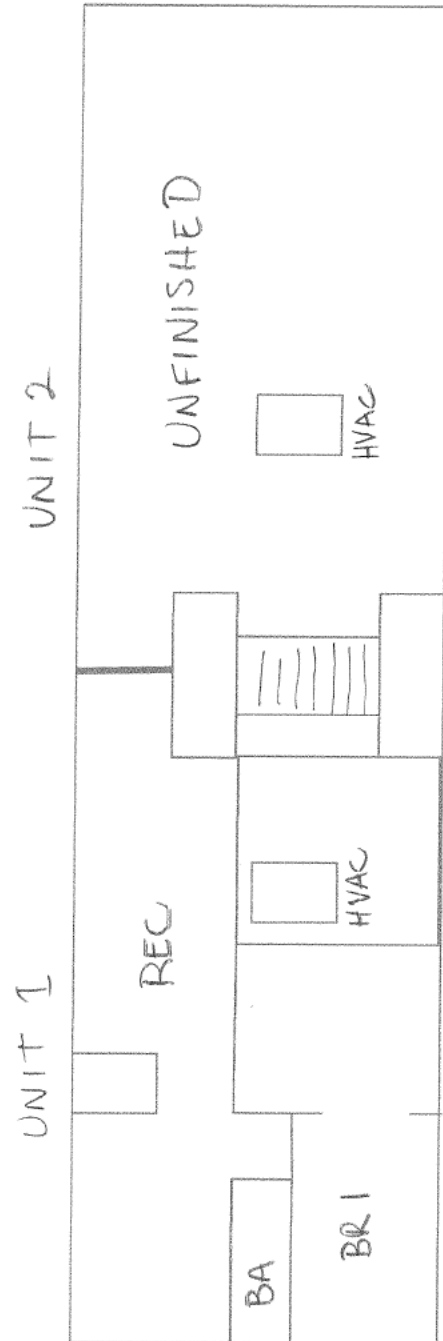


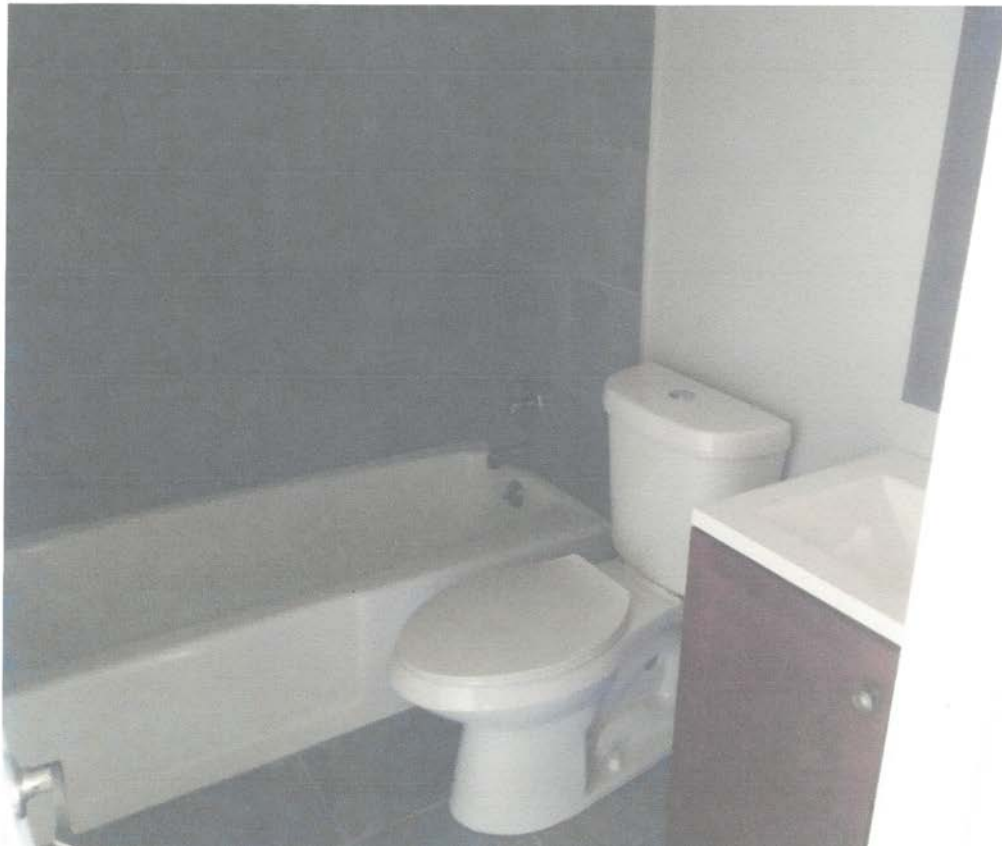


Figure 2. Photograph of 1815 - 1817 North 78th Street (provided by Google Street View).











Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: December 5, 2019
Re: **Change of Zone Petition #3208**

GENERAL INFORMATION

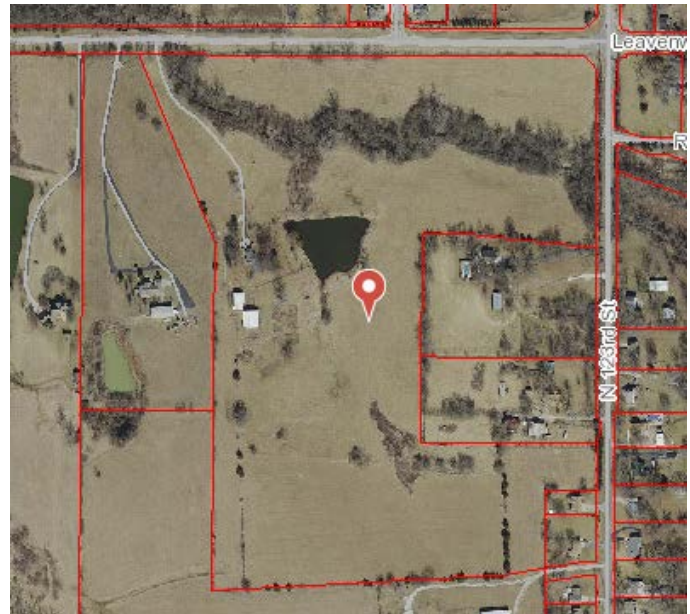
Applicant:
Scott Confer

Status of Applicant:
Representative
Phelps Engineering
1270 North Winchester
Olathe, Kansas 66061

Requested Actions:
Change of zone to allow for a second residence

Date of Application:
September 30, 2019

Purpose:
Change of zone from A-G (WYCO)
Agriculture District and R-1A (WYCO) Suburban Residential District to A-G (City)
Agriculture District to allow a lot division for a second residence.



Property Location: 12525 Leavenworth Road

Existing Zoning: A-G (WYCO) Agriculture District and R-1A (WYCO) Suburban Residential District.

Surrounding Zoning:

North:	A-G (WYCO) Agriculture District and R-1 Single Family District
South:	A-G (WYCO) Agriculture District
East:	R-1B (WYCO) Standard Single Family District, R-1A (WYCO) Suburban Residential District
West:	A-G (WYCO) Agriculture District

Existing Uses:

North:	Single family homes
South:	Large lot single family homes and agricultural uses
East:	Large lot single family homes and agricultural uses
West:	Large lot single family homes and agricultural uses

Total Tract Size: 14.4 acres

Master Plan Designation: The Prairie Delaware Piper Master Plan designates this property as Planned Suburban Residential.

Major Street Plan: The Major Street Plan classifies Leavenworth Road as a Class B Thoroughfare and North 123rd Street as a local road.

Advertisement: The Wyandotte Echo – October 17, 2019
Letters to Property Owners – October 17, 2019 and November 25, 2019

Public Hearings: November 12, 2019 and December 5, 2019

Public Opposition: No one appeared in opposition at the November 12, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant has requested a change of zone from A-G (WYCO) Agriculture District and R-1A (WYCO) Residential District to A-G (City) Agriculture District in conjunction with a variance for lot frontage and depth. The applicant is proposing to split one parcel into two to allow a second home to be built. The change of zone will apply to the newly created Tract 2.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-245 – 27-339

FACTORS TO BE CONSIDERED

1. Neighborhood character.

This is a low-density neighborhood that has seen some growth in residential development. There is a single-family subdivision to the north of Leavenworth Road, with large lot agricultural uses common as well.

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.*

The proposed use would allow for division of one 49-acre lot into two lots; one of which would be 35 acres and one of which would be 14 acres. This proposed use would be compatible and cohesive with surrounding uses.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?*

A-G (WYCO) zoning district requires a minimum lot area of twenty acres and minimum street frontage of six-hundred sixty (660) feet if a residential structure is to be built. The applicant has requested this change of zone to A-G (City) which has a minimum lot size of 5 acres. The proposed lot is 14 acres, which greatly exceeds the City requirement but does not meet the WYCO requirement. Removal of this restriction would not detrimentally affect nearby property.

4. *The length of time the property has remained vacant as zoned.*

The property is used for agricultural purposes and has one single family residence.

5. *The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.*

The proposed use will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.

6. *The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.*

The proposed use would not increase traffic or parking demand in ways that would adversely affect road capacity, safety or create parking problems.

7. *The degree of conformance of the proposed use to the Master Plan.*

The proposal conforms to the Master Plan.

8. *The extent to which the proposed use could cause environmental harm or enhance the environment.*

The proposed use would have no significant impact on the environment.

9. *The extent to which utilities and public services are available and adequate to serve the proposed use.*

a. Water service

Available

b. Sanitary sewer service

Sanitary sewer is available on the north side of Leavenworth Road. The two lots proposed would meet requirements for septic service.

c. Storm water control

To meet code

d. Police

Police service is provided by West Patrol, District #224

e. Fire

Fire service is provided by Station #8

f. Transit

Kansas City ATA does not provide service in this area.

g. Schools

Piper USD 203

h. Streets

See item #6 above

10. The economic impact of the proposed use on the community.

The economic impact would be minimal. This proposal would split one large lot agricultural piece of land into two.

11. The capability of the proposed use to meet applicable ordinance requirements.

The proposed use is capable of meeting applicable ordinance requirements.

12. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowner would be minimal.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on October 28, 2019. A copy of the meeting sign-in, minutes, and affidavit are attached.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application #3208, subject to:

Urban Planning and Land Use Comments:

1. Approval of this application is dependent on approval of the concurrent Board of Zoning Appeals application #2351 for reduced frontage and lot depth requirements. If the variance is denied, this application cannot be approved. (Appeal was approved.)

Applicants Response: Ok.

2. Subject to approval, a \$50 ordinance publication fee must be paid to the Department of Urban Planning and Land Use.

Applicants Response: Ok.

3. Proposed drive entrances and curb cuts must be approved by Public Works Department prior to construction.

Applicants Response: Ok.

4. New residential construction must meet the following setbacks as set forth in Sec. 27-452 Agriculture District
 - a. Front yard: Not less than 50 feet
 - b. Side yard: Not less than 20 feet
 - c. Rear yard: Not less than 50 feet

Applicants Response: Ok.

5. Submit photos of existing area and structures

Applicants Response: Attached. No structures exist on the property. It is currently pasture and hay ground.

Public Works Comments:

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

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **#3208** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

November 12, 2019 City Planning Commission Minutes
Conservation District Comments
Survey
Zoning Map
Neighborhood Meeting Sign-In, Minutes and Affidavit
Photos provided by the applicant

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	November 12, 2019	December 5, 2019
Rezoning	Approval	

STAFF CONTACT: **Kimberly Portillo**
 kportillo@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **#3208** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #3208 as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

November 12, 2019 City Planning Commission Minutes:

Hearing Starts At 30:18:

CHANGE OF ZONE APPLICATION #3208 – SCOTT CONFER WITH PHELPS ENGINEERING – SYNOPSIS: Change of Zone from A-G Agriculture (WYCO) and R-1A Residential (WYCO) Districts to A-G Agriculture (City) District to divide the lot and build an additional house at 12525 Leavenworth Road. Detailed Outline of Requested Action: The applicant has requested a change of zone from A-G (WYCO) Agriculture District and R-1A (WYCO) Residential District to A-G (City) Agriculture District in conjunction with a variance for lot frontage and depth. The applicant is proposing to split one parcel into two to allow a second home to be built. The change of zone will apply to the newly created Tract 2.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 12, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated October 17, 2019;
7. The Notices to property owners dated October 17, 2019; and,
8. The testimony from the November 12, 2019 Board of Zoning Appeals meeting.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Present in Support:

- ❖ Scott Confer, applicant, Phelps Engineering, 1270 North Winchester, Olathe, Kansas 66061

Present in Opposition:

❖ No one appeared

Staff Recommendation Starts 33:10: Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts 33:20:

On motion by Mr. Miller, seconded by Dr. Serda, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application #3208:**

Carson	Chairman
Connelly	Aye
Miller	Aye
Pauley	Aye
Reasons	Aye
Serda	Aye
Cho	Not Present
Ernst	Not Present
Huey	Not Present
Jones	Not Present
Neal	Not Present

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Approval of this application is dependent on approval of the concurrent Board of Zoning Appeals application #2351 for reduced frontage and lot depth requirements. If the variance is denied, this application cannot be approved.

Applicants Response: Ok.

2. Subject to approval, a \$50 ordinance publication fee must be paid to the Department of Urban Planning and Land Use.

Applicants Response: Ok.

3. Proposed drive entrances and curb cuts must be approved by Public Works Department prior to construction.

Applicants Response: Ok.

4. New residential construction must meet the following setbacks as set forth in Sec. 27-452 Agriculture District
 - a. Front yard: Not less than 50 feet
 - b. Side yard: Not less than 20 feet
 - c. Rear yard: Not less than 50 feet

Applicants Response: Ok.

5. Submit photos of existing area and structures

Applicants Response: Attached. No structures exist on the property. It is currently pasture and hay ground.

Public Works Comments:

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



Wyandotte County Conservation District
1204 N. 79th Street - Kansas City, KS 66112 - Phone (913)-334-6329 -
wyco.conservation@gmail.com

Rob Richardson
Director of Planning
701 North 7th Street Rm. 423
Kansas City, KS 66101
913-573-5750

October 15, 2019

RE: COZ #3208 and BOZA 2351, 12525 Leavenworth Road

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the Change of Zoning for BOZA 2351 for 12525 Leavenworth Road.

In addition to the site review the following reports were generated from the Wyandotte County Soil Survey to assess the limitations for development and/or natural resources concerns for this site.

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Soil Features

In summary, the following limitations and resource concerns were noted for this plat:

- There were three soil types that were identified: Grundy silty clay loam 3-7% slope, Sharpsburg silty clay loam 4-8% slope, Shelby loam 3-7 slope.
- We would not recommend further development on this site until we are able to review the erosion control plan.

Technical assistance is available from our office. Limitation maps, detail soil reports and a conservation plan can also be requested for this site from our office.

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern have been changed in

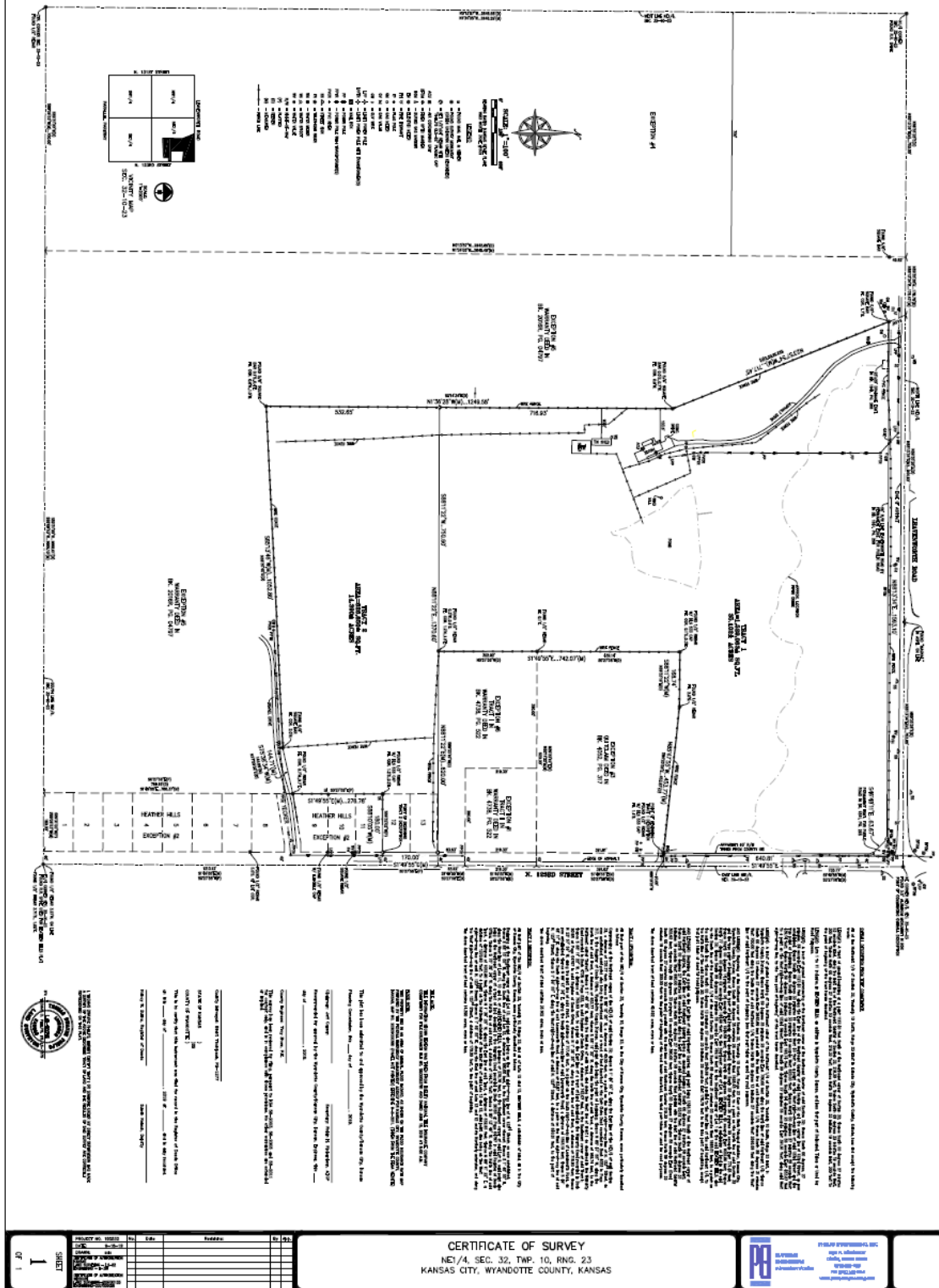
this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however, some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineations on the maps include soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

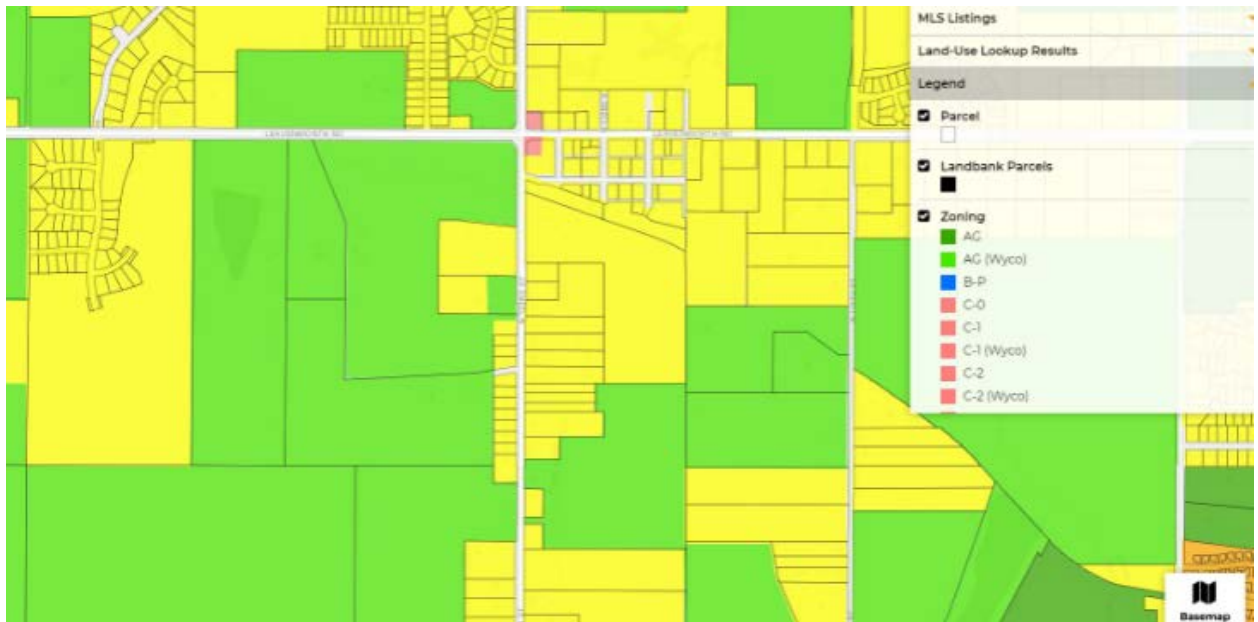
If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures





NEIGHBORHOOD MEETING

OCTOBER 28, 2019

SUBJECT:

URBAN PLANNING AND LAND USE CHANGE OF ZONE PETITION #3208

URBAN PLANNING AND LAND USE ZONING APPEAL PETITION #2350

PARTICIPANT SIGN-IN SHEET

Teresa Ellis

Braden Koprivica

Andrent Robert Ringel

Elaine Bennett

NEIGHBORHOOD MEETING MINUTES

OCTOBER 28, 2019

SUBJECT:

URBAN PLANNING AND LAND USE CHANGE OF ZONE PETITION #3208

URBAN PLANNING AND LAND USE ZONING APPEAL PETITION #2350

List of attendees:

Scott Confer, PS, Phelps Engineering - Host

Tonya Koprivica and Braden Koprivica - Owner

Adjacent Property owners: Richard and Terresa Ellis, Robert and Andrea Ringel and Elaine Bennett

Scott Confer: Called meeting to order at 5:30 pm

Scott Confer: Described the background of the property and the survey, and discussed the process of splitting the property and what impact it may or may not have on the neighborhood should this request be approved. Then briefly described the differences between the current AG (WYCO) zoning verses the AG (KCKS) zoning, and why the property split is creating the need for this rezone request. Then opened the floor for discussion and questions.

Teresa Ellis: Asked if anyone knew who the proposed owner is, where the they would be placing the house, and how big it would be.

Braden Koprivica: Answered the questions about the new owner and pointed on the map the intended placement and square footage of the house.

There was general discussion amongst the property owners regarding the sale of the property, current traffic load on 123rd, proposed driveway placement and intended use of the property. There were no further questions following the discussion and everyone was in agreement with the request.

Scott Confer: Adjourned at 6:15 pm

By: Scott Confer October 29, 2019



AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

Comes now Scott D. Confer, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #COZ 3208 and BOZA 2350.
2. That I conducted a neighborhood meeting on October 28, 2019.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

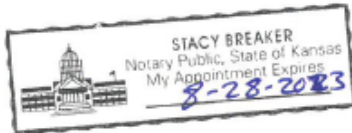
Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29th day of October, 2019.

My commission expires 28 of August, 2023.





Notary Public







Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: December 5, 2019
Re: **Change of Zone Petition #3209**

GENERAL INFORMATION

Applicant:
Matt Schlicht, P.E., P.L.S.

Status of Applicant:
Representative
Engineering Solutions
50 Southwest 30th Street
Lee's Summit, MO 64082

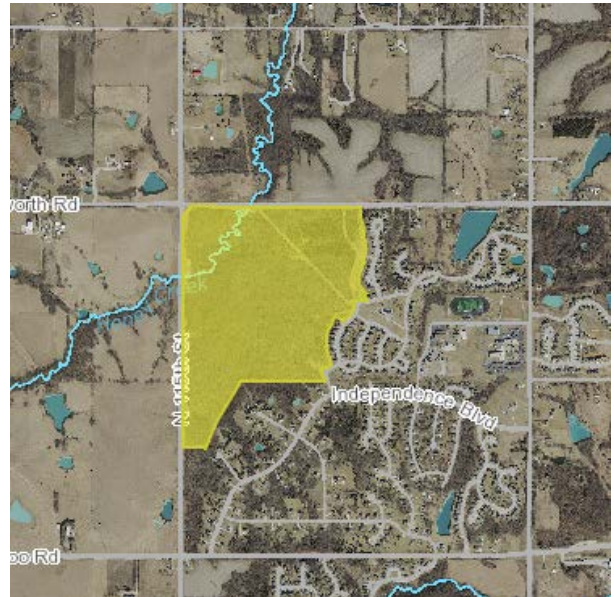
Requested Actions:
Change of Zone from
RP-1 Planned Single Family District to R-1
Single Family District

Date of Application:
September 30, 2019

Purpose:
To amend a rezoning stipulation to change the site amenity

Property Location: 4401 North 115th Street

Commission Districts: 1. Commissioner At Large: Melissa Bynum
2. District Commissioner: Michael Kane



Existing Zoning: RP-1 Planned Single Family District

Surrounding Zoning:

North:	A-G Agriculture District
South:	R-1 Single Family District
East:	RP-1 Planned Single Family District
West:	A-G (WYCO) Agriculture District

Existing Uses:

North:	Undeveloped, farmland
South:	Platted single family subdivision
East:	Platted single family subdivision
West:	Agriculture, farmland

Total Tract Size: 163.3 acres

Master Plan Designation: The majority of the property is designated Planned Low Density Residential in the Prairie Delaware Piper Master Plan. The southern portion is designated Planned Suburban Residential.

Major Street Plan: The Major Street Plan designates 115th Street as a Class C Thoroughfare and Hollingsworth Road as a Collector.

Advertisement: The Wyandotte Echo – Change of Zone - September 19, 2019 and October 17, 2019
Letters to Property Owners – Change of Zone – September 12, 2019, October 16, 2019 and November 25, 2019; Plat – July 9, 2019, August 8, 2019, September 2, 2019, and October 4, 2019

Public Hearings: November 12, 2019 and December 5, 2019

Public Opposition: There was one person present at the November 12, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: Matt Schlicht with Engineering Solutions has applied for a change of zone to amend a previously approved stipulation for the site amenity from walking trails to a 5,000 square foot picnic area with two (2) tables, one (1) shelter and one (1) barbeque grill/pit and plat eleven (11) single family lots for Phase 1 on 60.57 acres; the total acreage is 163.3 acres.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-245 – 27-339

FACTORS TO BE CONSIDERED

1. *Neighborhood character*

The area is surrounded by single family subdivisions with agricultural uses to the north and west.

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.*

The zoning and uses of properties nearby are set out above. The proposed use is expected to be compatible with them.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?*

Removal of restrictions will not detrimentally affect nearby property.

4. *The length of time the property has remained vacant as zoned.*

The property has not been developed in the past.

5. *The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.*

The proposed use will provide additional single family lots and housing options for the community.

6. *The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.*

The proposed use will increase traffic along 115th Street, but not in ways that would adversely affect road capacity, safety, or create parking problems.

7. *The degree of conformance of the proposed use to the Master Plan.*

The Prairie Delaware Piper Master Plan designates this property as Low Density Residential. A small portion of the property in the south is designated Planned Suburban Residential. The lot sizes are larger than the 3 acres to 1/3-acre range stated in the land use plan. The Low Density Residential land use district also discourages development proposals for lots that front a major arterial. The district does encourage clustering of units to allow for open space and other community amenities.

8. *The extent to which the proposed use could cause environmental harm or enhance the environment.*

The proposed use is not foreseen to cause environmental harm or enhance the environment.

9. *The extent to which utilities and public services are available and adequate to serve the proposed use.*

a. *Water service*

Available

b. *Sanitary sewer service*

Septic

c. *Storm water control*

To be designed to meet City Code

d. *Police*

Police service is provided by West Patrol, District #223

e. *Fire*

Fire service is provided by Fire Station #4

f. *Transit*

Kansas City ATA does not provide transit service near this property.

g. *Schools*

Piper USD 203

h. *Streets*

See item #6 above

10. *The economic impact of the proposed use on the community.*

The low density of the development may not result in lower tax revenue overall for the amount of land. However, the ability to develop septic and the lack of internal local streets may provide a cost benefit for future maintenance.

11. *The capability of the proposed use to meet applicable ordinance requirements.*

The proposed use is capable of meeting applicable ordinance requirements.

12. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

The proposed use will provide additional housing lots and will not impose a hardship on individual landowners.

13. Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.

In general, the development is of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity. The lots that do not meet the requirements for lot frontage or size on a major thoroughfare may pose a safety risk due to excessive number of driveway or inadequate spacing of driveways on a major thoroughfare.

14. Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

This development has limited internal street circulation; the lots are largely served from the existing streets. The lots that do not meet the requirements for lot frontage or size on a major thoroughfare may pose a safety risk due to excessive number of driveways or inadequate spacing of driveways on a major thoroughfare. Additionally, the Prairie Delaware Piper Master Plan discourages developments that have lot frontages on major thoroughfares.

15. Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

The buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

16. Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.

The development is designed with due regard to topography. The large common lot is largely a response to the topography of the site.

17. Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.

This development is near Piper Elementary, Middle School and High School. The area does not have great access to parks and playgrounds. It is unclear what

amenities will be available in the subdivision and whether all lots will access to amenities, such as the lots that do not have access to the large common area.

PREVIOUS ACTIONS

Change of Zone Petition #3183 was approved by the Board of Commissioners on April 25, 2019.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on October 29, 2019. According to the applicant, there was no opposition to the change in the amenity, although there were questions pertaining to the change, cul-de-sacs and price point of the future homes.

KEY ISSUES

Site Amenity Access

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application #3209, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Unified Government Board of Commissioners meeting.
2. Subject to approval, the development amenity shall be built during the beginning of construction Phase 1, not at the end when the last home in Phase 1 is constructed.
3. Subject to approval, the existing built public street, North 112th Street shall be the public (resident) connection to the development amenity. A path shall be constructed to connect the site amenity to the public right-of-way, south of Lot 23. The cul-de-sac in front of Lot 23 shall be constructed ultimately providing access directly to the site amenity north of Lot 23. The phasing schedule shall be as follows:
 - Phase 1 Lots 1 – 11
 - Phase 2 Lots 12 – 17
 - Phase 3 Lots 18 – 23 and with Phase 3 the public roadways/cul-de-sacs will be constructed
4. How will a resident access common space in Tract A if the access point is a non-constructed Wingfoot Drive? To get access, people will need to cross private property via Piper Estates Replat, which is not associated with this plat.

Applicant Response: The connection to the non-constructed Wingfoot Drive was a result of a previous request that all lots have direct access to the Common Area and was not intended as an access point. Access is from a 65' access point onto 112th Street, south of Lot 23.

Staff Response: North 112th Street exists and does not need to be constructed to physically connect the site amenity to the public right-of-way.

5. Please explain the request to amend the change of zone stipulation regarding the approved walking trails.

Applicant Response: The developer is requesting to modify the previously approved amenity because the walking trails being requested by the UG staff are not in keeping with the natural use of the common area and would cause a significant reduction in the amount of trees, existing characteristics and overall feel of the existing natural element of the 40 acre common space. The developer had intended a more natural trail along a windier path that would have been minimally invasive to the existing character of the common area.

6. The plat indicates nature trails will be constructed within Tract A. Are these trails going to be cut and maintained by the HOA?

Applicant Response: These trails will not be maintained by the HOA but will be constructed and maintained by the individual homeowner's as they will use them. Because this is not part of the proposed site amenity if the UG staff would prefer we can remove this note and let the future residents know this is acceptable to utilize the common area in this fashion.

Staff Response: The trail is an additional amenity to the development that should not be omitted.

7. Stipulations from the previous rezoning shall not be modified. The only stipulation to be discussed is the change in site amenity.

Applicant Response: See below.

- a. The lot have been increased to all be 300 feet and 5-acre minimum.***
- b. The lot lines have been updated per Staff's request.***
- c. Updated the preliminary and final plat to provide a 65' wide access along the south side of Lot 23. Lot 23 will be constructed in Phase 2, but the public right-of-way is existing, and Tract A will be platted in Phase 1.***
- d. CC&R's have been provided for review.***
- e. Name of the proposed development is West Ridge Estates.***
- f. Tree preservation of at least half the area and then at final plat show what larger than that (50%) they can preserve on each lot and record that.***

- g. *Repair any damage that occurs to adjacent property owners, curbs, sidewalks and utilities.*
- h. *A grading permit shall be issued by the Building Inspection Department during the Development Review Committee review process (DRC) prior to earthen material being brought onto the site.*
- 8. This plat approves Lots 1-11.
- 9. The CFCRs will address ad-hoc trail building in the open space.
- 10. A grass or mulch path to the amenity is acceptable.
- 11. The amenity as proposed is acceptable.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) The County Surveyor makes separate technical review of the plat and submits comments directly to the preparer of the plat.
 - 2) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #3209, subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

November 12, 2019 City Planning Commission Minutes
 Applicant Response Letter
 Neighborhood Meeting Minutes

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	November 12, 2019	December 5, 2019
Rezoning	Approval	

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #3209 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #3209 as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

November 12, 2019 City Planning Commission Minutes:

Hearing Starts At 34:00

CHANGE OF ZONE APPLICATION #3209 – MATT SCHLICHT WITH ENGINEERING SOLUTIONS – SYNOPSIS: Change of Zone from RP-1 Planned Single Family District to R-1 Single Family District to revise the previously approved plan in order to better identify and modify the site amenities for West Ridge Estates at 4401 North 115th Street.

WEST RIDGE ESTATES – SYNOPSIS: Final Plat for eleven (11) single-family lots at 4401 North 115th Street.

Detailed Outline of Requested Action: Matt Schlicht with Engineering Solutions has applied for a change of zone to amend a previously approved stipulation for the site amenity from walking trails to a 5,000 square foot picnic area with two (2) tables, one (1) shelter and one (1) barbeque grill/pit and plat eleven (11) single family lots for Phase 1 on 60.57 acres; the total acreage is 163.3 acres.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 12, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated September 19, 2019 and October 17, 2019; and,
7. The Notices to property owners dated September 12, 2019 and October 16, 2019 for the Change of Zone Application and July 9, 2019, August 8, 2019, September 2, 2019 and October 4, 2019 for the Plat.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Chairman Carson stated that he was contacted today by Dana Bly about the apartment situation in the area.

Present in Support:

- ❖ Matt Schlicht, applicant, Engineering Solutions 50 Southwest 30th Street, Lee's Summit Missouri 64082

Present in Opposition:

- ❖ Dana Bly, 10708 Augusta Drive, Kansas City, Kansas

Staff Recommendation Starts 59:25: Planning Director Richardson stated that this was brought before the Commission because of the trail; there are definitions of trails in the sidewalks and trails master plan and everything is paved. They did not want to do that, so they came up with another option to do that. They will only be approved for 11 lots on Hollingsworth so the document before the Commission will be modified. Within the 40 acres and he recommends they cover that on the plat, he thinks that will be fine as he does not think that anyone will build a trail back there and use. He stated that there are 25 lots and a couple of picnic tables compared to larger subdivisions seems appropriate. He showed the Commission three or four spots where parking can occur on the pavement and not affect the street. Before the cul-de-sac is built there will be 17 houses that might use this facility and he showed the Commission where 3 or 4 cars should be parked and that would be sufficient given what the use is, and the trails will be connected as well. The staff recommends approval subject to the revised modifications and stipulations in the staff report.

Director Richardson answered questions from the Commission.

Motion and Vote Starts 1:04:08:

On motion by Dr. Serda, seconded by Ms. Pauley, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application #3209:**

Carson **Chairman**

Connelly	Aye
Miller	Aye
Pauley	Aye
Reasons	Aye
Serda	Aye
Cho	Not Present
Ernst	Not Present
Huey	Not Present
Jones	Not Present
Neal	Not Present

Motion to recommend APPROVAL Passed: 5 to 0
Subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Unified Government Board of Commissioners meeting.
2. Subject to approval, the development amenity shall be built during the beginning of construction Phase 1, not at the end when the last home in Phase 1 is constructed.
3. Subject to approval, the existing built public street, North 112th Street shall be the public (resident) connection to the development amenity. A path shall be constructed to connect the site amenity to the public right-of-way, south of Lot 23. The cul-de-sac in front of Lot 23 shall be constructed ultimately providing access directly to the site amenity north of Lot 23. The phasing schedule shall be as follows:
 - Phase 1 Lots 1 – 11
 - Phase 2 Lots 12 – 17
 - Phase 3 Lots 18 – 23 and with Phase 3 the public roadways/cul-de-sacs will be constructed
4. How will a resident access common space in Tract A if the access point is a non-constructed Wingfoot Drive? To get access, people will need to cross private property via Piper Estates Replat, which is not associated with this plat.

Applicant Response: The connection to the non-constructed Wingfoot Drive was a result of a previous request that all lots have direct access to the Common Area and was not intended as an access point. Access is from a 65' access point onto 112th Street, south of Lot 23.

Staff Response: North 112th Street exists and does not need to be constructed to physically connect the site amenity to the public right-of-way.

5. Please explain the request to amend the change of zone stipulation regarding the approved walking trails.

Applicant Response: The developer is requesting to modify the previously approved amenity because the walking trails being requested by the UG staff are not in keeping with the natural use of the common area and would cause a significant reduction in the amount of trees, existing characteristics and overall feel of the existing natural element of the 40 acre common space. The developer had intended a more natural trail along a windier path that would have been minimally invasive to the existing character of the common area.

6. The plat indicates nature trails will be constructed within Tract A. Are these trails going to be cut and maintained by the HOA?

Applicant Response: These trails will not be maintained by the HOA but will be constructed and maintained by the individual homeowner's as they will use them. Because this is not part of the proposed site amenity if the UG staff would prefer we can remove this note and let the future residents know this is acceptable to utilize the common area in this fashion.

Staff Response: The trail is an additional amenity to the development that should not be omitted.

7. Stipulations from the previous rezoning shall not be modified. The only stipulation to be discussed is the change in site amenity.

Applicant Response: See below.

- a. The lot have been increased to all be 300 feet and 5-acre minimum.***
 - b. The lot lines have been updated per Staff's request.***
 - c. Updated the preliminary and final plat to provide a 65' wide access along the south side of Lot 23. Lot 23 will be constructed in Phase 2, but the public right-of-way is existing, and Tract A will be platted in Phase 1.***
 - d. CC&R's have been provided for review.***
 - e. Name of the proposed development is West Ridge Estates.***
 - f. Tree preservation of at least half the area and then at final plat show what larger than that (50%) they can preserve on each lot and record that.***
 - g. Repair any damage that occurs to adjacent property owners, curbs, sidewalks and utilities.***
 - h. A grading permit shall be issued by the Building Inspection Department during the Development Review Committee review process (DRC) prior to earthen material being brought onto the site.***
8. This plat approves Lots 1-11.
9. The CFCRs will address ad-hoc trail building in the open space.
10. A grass or mulch path to the amenity is acceptable.
11. The amenity as proposed is acceptable.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) The County Surveyor makes separate technical review of the plat and submits comments directly to the preparer of the plat.
 - 2) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

Planning Commissioner Connelly asked the applicant if everything he requested was addressed. Mr. Schlicht stated yes.

On motion by Dr. Serda, seconded by Mr. Reasons, the Planning Commission voted as follows to **APPROVE West Ridge Estates Final Plat for the 11 lots on 115th Street:**

Carson	Chairman
Connelly	Aye
Miller	Aye
Pauley	Aye
Reasons	Aye
Serda	Aye
Cho	Not Present
Ernst	Not Present
Huey	Not Present
Jones	Not Present
Neal	Not Present

Motion to APPROVE Passed: 5 to 0
Subject to the above stipulations.



Project: West Ridge Estates, Lots 1 – 23 & Tract A
Case No #3209

Urban Planning and Land Use Comments:

1. How will a resident access common space in Tract A if the access point is a non-constructed Wingfoot Drive? To get access, people will need to cross private property via Piper Estates Replat, which is not associated with this plat.
 - **The connection to the non-constructed Wingfoot Drive was a result of the previous request that all lots have direct access to the Common Area and was not intended as an access point**
 - **Access is from a 65' access point onto 112th Street, south of Lot 23**
2. Please explain the request to amend the change of zone stipulation regarding the approved walking trails.
 - **The developer is requesting to modify the previously approved amenity because the walking trails being requested by the UG Staff are not in keeping with the natural use of the common area and would cause a significant reduction in the amount of trees, existing characteristics and overall feel of the existing natural element of the 40 acre common space. The Developer had intended a more natural trail along a more windy path that would have been minimally invasive to the existing character of the common area.**
3. The plat indicates nature trails will be constructed within Tract A. Are these trails going to be cut and maintained by the HOA?
 - **These trails will not be maintained by the HOA but will be constructed and maintained by the individual home owner's as they use them. Because this is not part of the proposed site amenity if the UG Staff would prefer we can remove this note and let the future residents know this is acceptable to utilize the common area in this fashion**
4. Stipulations from the previous rezoning shall not be modified. The only stipulation to be discussed is the change in site amenity.

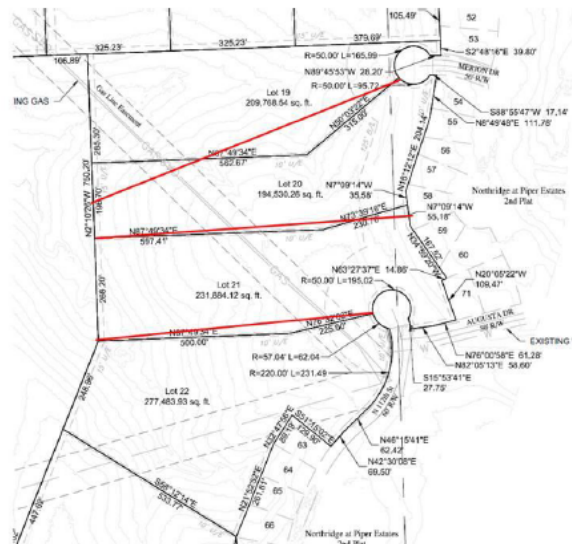


Stipulations provided by the Unified Government for the previous COZ #3183

1. Please describe why it is necessary to have lots that have less than 300 feet of frontage and less than 5 acres on 115th Street as required by the code.
 - a. **The lots have been increased to all be 300 feet and 5 acre minimum**
2. The cul-de-sac lots should have side lot lines that are radial to the cul-de-sac and do not have bends in the side lot lines. Please adjust the lines between lots 19 and 20, and 21 and 22.

Staff Response: The above comment was meant to remove the bends in the side lot lines to provide side lot lines that are straight and radial to the cul-de-sac. The diagram below provides a visual example.

- a. **The lot lines have been updated per Staff's request**



3. How will lots with no common property line with the common area be able to access and use the common area?

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City Comments
October 25, 2019
West Ridge Estates
Kansas City, KS

Staff Response: The tract must access to a public street meeting the minimum lot width of the zoning district.

Updated the Preliminary Plat to provide 65' wide access along the south side of Lot 23. Lot 23 will be constructed in Phase 2 but the public right of way is existing and Tract A will be platted in phase 1

4. What are the proposed covenants and restrictions?

CC&R's have been provided for review

5. What are the proposed amenities? Developers with less than 50 lots shall provide one amenity such as those listed in the table below:

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 tow 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 trial may be within preserved natural corridor.
	Option provided by owner, but must be considered equal to one of the other regular options.

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Updated Amenity Proposal

This application is a modification to the previously approved Change of Zoning / Preliminary Plan & Plat request for 4401 N 115th St, Case Number 3183.

The application has reduced the number of lots to 23 single family and modified the site amenity to an approved small amenity from the Prairie Delaware Piper Master Plan consisting of

- 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.

The area will be seventy-five (75') feet by sixty-seven (67') feet of 6" deep brown mulch outside the shelter area.

The amenity will be located within Tract A and constructed with the first phase. The location will be on the easterly side of Tract A.



10' x 12' Shelter over a 10' x 12' concrete pad



City Comments
October 25, 2019
West Ridge Estates
Kansas City, KS



2 Wooden Picnic Tables



BBQ Pit

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6. Applicant must change the subdivision name so it will not be confused with the existing adjacent subdivision and its amenities.

Name of the proposed development is West Ridge Estates

Public Works Comments: (The developer acknowledges all of the Public Works Comments will be met)

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
1) None.
- B) Items that are conditions of approval (stipulations):
1) Final development plans and a final plat will have to be approved by UG staff and Planning Commission prior to construction permit acquisition. This will include final engineering, calculations, and complete drawings with construction notes and details. The Final Development Plans/Plat must meet the requirements of UG standards and criteria.
2) The County Surveyor makes separate technical review of the plat and submits comments directly to the preparer of the plat. Provide revised plat in accordance with engineering and County Surveyor comments.
3) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
1) None

Additional Stipulations from City Planning Commission Meeting:

- Eleven lots on 115th Street to comply with Board of Zoning Appeals approval.
Preliminary Plat has been updated to have 11 lots on 115th St
- Animals and farm restrictions are included in the CCR.
These restrictions will be added the CC&R's
- Code-compliant access to the open space.
This access has been added south of Lot 23 onto 112th Street Right of Way
- The name of the subdivision shall be Woodridge Estates.
Name has been changed to West Ridge Estates
- Tree preservation of at least half the area and then at final plat show what percentage larger than that (50%) they can preserve on each lot and record that.
Noted on the Preliminary Plat and will be on the Final Plat for a 50% preservation
- Lot 25 will be removed and be incorporated in the existing subdivision.
Lot has been removed
- Work with Public Works for signage on the cul-de-sac.
Noted
- The lots on the east side of the subdivision will be served by gravity sewers without a grinder pump.
Noted



Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval:
 - It appears the 65' wide area on the rear of Lots 1 and 2 to the common area i.e. Tract 1 does not have access to North 115th Street because Wingfoot Drive is not constructed. Further discussion with UG staff may be necessary to evaluate the connection requirements at this location.
 - This access point has been moved to 112th Street south of Lot 23
 - 25' access easements are referenced but not shown on the plat. Please revise plat or remove the notes as necessary.
 - Note has been removed
 - The County Surveyor makes separate technical review of the plat and submits comments directly to the preparer of the plat. Provide revised plat in accordance with County Surveyor comments.
 - Noted but none provided
 - Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
 - Noted
2. Items that are conditions of approval (stipulations):
 1. None
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 1. None



Neighborhood Meeting was held at 10824 Northridge Drive, Kansas City, KS

Date of Meeting 10-29-19

Start of Meeting 6:00pm

The name, address and email of the attendees are provided on the attachment.

The meeting began by Matt Schlicht describing the process of Rezoning the property from RP-1 to R-1, Preliminary Platting the property for the 23 single family homes. A background was provided describing the previous application for a small lot subdivision and the reasons this plan was not continued, with the primary reason being the offsite improvements required. The previous 25 lot preliminary plat was discussed and the change in amenity and reduction to 23 lots was shown the current Preliminary Plat. It was described that the home types and sizes would be similar to the homes that Higdon Construction was building in the current phase of Northridge at Pipe Estates. The attendees were then allowed to ask questions and below is a representation of the questions asked and the answers provided.

#1 The preliminary plat illustrates the existing cul-de-sac at the end of the existing public roads, why are they being extended and a new road not constructed elsewhere onsite?

-The process of the previous developer extending those public roads to the existing plat boundary and how this developer has the requirement to properly terminate that road way with a cul-de-sac. It was then asked why the roads don't extend further into the site to provide more distance from the current development and it was explained that the developer did not see that as an improvement to either the existing or proposed development.

#2 What will the size, quality, type, cost and style of the homes in this new phase of the development?

-The homes will be the same or similar to the homes being built by Higdon Construction in Northridge at Piper Estates.

#3 Will outbuildings be allowed and what type of agricultural use can take place on these lots?

-The accessory use buildings will be required to meet the City's Zoning requirement which Matt Schlicht stated was less than 1,000 square feet. The lots are zoned R-1 so the future residents will not be allowed to have livestock on these lots.

#4 Will the trees remain?

-The developer will not remove any of the existing trees and the only trees that will be removed will be the ones selected by the future residents and a note has been added to the preliminary plat stating that at least 50% of the existing trees will remain.

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#5 When will the construction begin?

-The first phase will be along 115th Street and Hollingsworth and if all goes well the eastern lots will be developed in approximately 3 to 5 years.

#6 Why was the amenity changed and how will it be accessed?

-It was described that last year the site amenity was a "Nature Trail" and the UG staff requested the trail be a paved trail with a much larger corridor which would have significantly changed the natural setting of the common area and that the developer's intent was to provide a more secluded natural grass trail throughout the common area. This Nature Trail is still allowed to be constructed throughout the common area however the HOA will not be responsible for the trail and that the developer will install a shelter, picnic table and BBQ pit as shown the Preliminary Plat

#7 Why doesn't the developer install a sidewalk or parking lot for the site amenity?

-The developer is proposing this site amenity in this location because it is intended to be part of the future Nature Trail developed by the residence and they is expected to be little vehicular travel to access the site amenity, however a plan was provided that illustrates the location of 8 parking spaces within the phase 2 cul-de-sac and during the interim the residents can park on the common area, which is currently being done by residents to access the open space.

#8 Why didn't the developer install a buffer between the proposed development and the existing?

-It was explained that the proposed lots are large enough that the lot will serve as a buffer from the existing development.

General comments were made to Matt Schlicht by several attendees that this estate plan is more favorable to the existing plan prepared by the previous developer.

To the best of my knowledge and belief the above comments accurately describe the neighborhood meeting and conversations that occurred at the meeting.

Matthew J. Schlicht, PE, PLS

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Project Name: West Ridge Estates
Date: 10/29/19
By: _____
Description: Neighborhood Mtg
SIGN IN SHEET

Anthony Vallejo 4612 N. 111th St
Allison Thomas 4614 N. 111th St
Mitch Richardson 4616 N. 111th St.
Karen Wright 4522 N 111th St
Dana Bye 10708 Augusta Drive



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: December 5, 2019
Re: **Petition #SP-2019-62**

GENERAL INFORMATION

Applicant:
Michael Johnson

Status of Applicant:
Owner
735 Minnesota Avenue
Kansas City, KS 66101

Requested Action:
Approve Special Use Permit (Renewal)

Date of Application:
April 12, 2019

Purpose:
To continue to operate an event hall in
conjunction with a specialty dress shop
and office space/storage

Property Location:
733 – 735 Minnesota Avenue

Commission Districts:
Commissioner At Large: Tom Burroughs
District Commissioner: Brian McKiernan



Existing Zoning: C-D Central Business District

Existing Surrounding Zoning: **North:** C-D Central Business District
South: C-D Central Business District
East: C-D Central Business District
West: C-D Central Business District

Existing Uses: **North:** Commercial businesses
South: Commercial businesses
East: Commercial businesses
West: Commercial businesses

Total Tract Size: .21 acre

Master Plan Designation: The Downtown Master Plan designates this property as Downtown Mixed Use.

Major Street Plan: The Major Street Plan classifies Minnesota Avenue as a Class C Thoroughfare.

Advertisement: The Wyandotte Echo – May 16, 2019
Letters to Property Owner – May 16, 2019, June 3, 2019, July 2, 2019, August 7, 2019, September 2, 2019, October 10, 2019 and November 25, 2019

Public Hearings: November 12, 2019 and December 5, 2019

Public Opposition: No one appeared in opposition at the November 12, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Michael Johnson owner of 7th Street Event Center requests a renewal of a special use permit (#SP-2017-22) that allows them to continue to operate an event hall in addition to a specialty dress shop and office space at 733 – 735 Minnesota Avenue.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is entirely commercial, where there is a mixture of business and vacant tenant spaces. Some of the businesses include a restaurant, small storefronts, and office space.

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.*

The zoning and its uses of properties are set out above. The proposed uses are relatively compatible with the surrounding properties.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?*

The removal of restrictions should not detrimentally affect nearby property due mainly to the area's commercial nature.

4. *The length of time the property has remained vacant as zoned.*

The property is not vacant; the business has been operating since 2013.

5. *The degree of conformance of the proposed use to the Master Plan.*

Special use permits are not addressed in the Master Plan. The other general uses, such as retail and office space conform to the Master Plan.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The use does result in increasing the amount of vehicular traffic in the downtown area, but not to the point where it exceeds the capacity of the street network.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use is not reasonably necessary for the convenience and welfare of the public, as those who benefit will be those who patronize the building and the owners. The use will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjacent property.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

The noise that is associated with the use is not expected to create problems for adjacent property given the evening and weekend hours of operation as the businesses along Minnesota Avenue are commercial in nature.

9. *Whether the proposed use will pollute the air, land or water.*

This should not continue to be an issue.

10. Whether the use would damage or destroy an irreplaceable natural resource.

This is not an issue.

11. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowners is minimal. Those who attend events will benefit, but if this petition is denied, the building could be repurposed as retail or office space.

12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

When evaluating overcrowding, event halls and/or places of assembly are always a concern for staff. If not properly managed, overcrowding could be an issue as individuals typically congregate outside the entrance of the building at the conclusion of an event.

PREVIOUS ACTIONS

#SP-2013-2, #SP-2014-74 and #SP-2017-22: Special use permit for event hall in conjunction with dress shop and office space/storage.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting June 5, 2019. According to the applicant, there was one attendee at the meeting who did not oppose the special use permit.

KEY ISSUES

Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP2019-62, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, this special use permit shall be valid for five (5) years.
2. The applicant has provided recorded parking agreements to fulfill code compliant parking. The parking agreements have allotted 173 parking space for the event center.

3. Are there any requested changes to the event space either in terms of physical alterations or the operation of the space.

Applicant Response: I was approved to stay open until 1:00 AM. I would like to keep it the same if possible.

4. Have there been any problems associated with events held at the center?

Applicant Response: The only issues that comes to mind is a Somalian wedding where some ladies had a disagreement. My officer called KCKPD to help clear guests at the end of their event night to prevent any other uses. There was no alcohol served at this event, it was religion based. There were no other issues I am aware of in the last two years.

Staff Response: Staff has called KCKPD to verify calls for response; we did not receive any conflicting information.

5. Have you received any complaints regarding your operations here?

Applicant Response: In the last two years I have never been confronted with any complaints concerning the operation of the 7th Street Event Center. We expect no changes to be made in the operation of running the 7th Street Event Center.

Prior stipulations (will carry forward, if approved):

1. Complete fulfillment of their business plan as mandated by the first set of stipulations.
2. Events larger than 250 people shall have a pre-determined number of security officers in the building, greater than two (2).
3. All doors shall remain closed during an event.
4. All events shall conclude by 1:00 AM.
5. Add an ID scanner and scan all IDs of those entering the facility (revised stipulation – replacing an advance guest list).
6. No gambling.
7. No music over 65 DBA before 6:00 PM.
8. An understanding by the applicant that simply shoving a troubled situation out the door is not acceptable. They need to control and detain until on-duty officers arrive and take control of any situation.
9. A complete copy of the business plan is up-to-date and on file in the Unified Government Planning and Land Use office.
10. Completion of appendixes of I (signage which will be handled by permit), (staffing plan – needs to be completed and reviewed with Director Richardson and the Downtown Shareholders) and S (safety grant documentation provided to Director Richardson).
11. All alcohol will be provided by the facility or one of its approved caterers. Catering list must be up-to-date and on file in the Planning Department.
12. Security as outlined on page 23 of their plan.

13. In addition to that security one (1) non-security adult chaperon for every twenty-five (25) children for events focused on youth under 18 years old (provided by the client).
14. Verify all parking agreements.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

Staff Conclusion:

The applicant has responded to staff questions and comments. The applicant, Mr. Michael Johnson delayed his petition five (5) months before the City Planning Commission in order to obtain all the necessary parking agreements to retain code complaint parking for the event center.

The new recorded parking agreements have been submitted to staff, in which 173 parking spaces have been allocated for event center, 172 spaces are required.

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2019-62 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

November 12, 2019 City Planning Commission Minutes
Applicant Response E-mail
Neighborhood Meeting Minutes
Recorded Parking Agreements
Site Photographs

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	November 12, 2019	December 5, 2019
Special Use	Approval	

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-62** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-62**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

November 12, 2019 City Planning Commission Minutes:

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items?" (No one responded in the affirmative.)

"Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 12, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publication in The ECHO for the Special Use Permit; and,
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone comes forward and asks that an item be removed from the Consent Agenda.”

Chairman Carson asked if anyone wished to remove an item from the Consent Agenda. Charles Cavanaugh, attorney for the applicant, requested that item B-6 for Honey Creek Estates Replat be removed from the Consent Agenda. Planning Commissioner Connelly requested that Item A-1 #SP-2019-62 for Michael Johnson with 7th Street Event Center be removed from the Consent Agenda.

SPECIAL USE PERMIT APPLICATION #SP-2019-62 – MICHAEL JOHNSON WITH 7TH STREET EVENT CENTER – SYNOPSIS: Renewal of a Special Use Permit (#SP-2017-22 – expired 6/29/2019) for an event hall in conjunction with specialty dress shop and office space/storage at 733-735 Minnesota Avenue. Detailed Outline of Requested Action: The applicant, Michael Johnson owner of 7th Street Event Center requests a renewal of a special use permit (#SP-2017-22) that allows them to continue to operate an event hall in addition to a specialty dress shop and office space at 733 – 735 Minnesota Avenue.

Present in Support:

- ❖ Michael Johnson, applicant and owner of 7th Street Event Center

Planning Commissioner Connelly stated that he removed this item from the Consent Agenda as it was filed in April and expired June 29, 2019 and wanted to know why it took so long to have it heard before the Commission. Mr. Johnson stated that it took longer than expected to get the parking agreements in place. He had to work with a new owner concerning the parking agreements and it took some time.

Present in Opposition:

- ❖ No one appeared

Staff Recommendation: Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

On motion by Dr. Serda, seconded by Mr. Reasons, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2019-62:**

Carson	Chairman
Connelly	Aye
Miller	Aye
Pauley	Aye
Reasons	Aye
Serda	Aye
Cho	Not Present
Ernst	Not Present
Huey	Not Present
Jones	Not Present
Neal	Not Present

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, this special use permit shall be valid for five (5) years.
2. The applicant has provided recorded parking agreements to fulfill code compliant parking. The parking agreements have allotted 173 parking space for the event center.
3. Are there any requested changes to the event space either in terms of physical alterations or the operation of the space.

Applicant Response: I was approved to stay open until 1:00 AM. I would like to keep it the same if possible.

4. Have there been any problems associated with events held at the center?

Applicant Response: The only issues that comes to mind is a Somalian wedding where some ladies had a disagreement. My officer called KCKPD to help clear guests at the end of their event night to prevent any other uses. There was no alcohol served at this event, it was religion based. There were no other issues I am aware of in the last two years.

Staff Response: Staff has called KCKPD to verify calls for response; we did not receive any conflicting information.

5. Have you received any complaints regarding your operations here?

Applicant Response: In the last two years I have never been confronted with any complaints concerning the operation of the 7th Street Event Center. We expect no changes to be made in the operation of running the 7th Street Event Center.

Prior stipulations (will carry forward, if approved):

1. Complete fulfillment of their business plan as mandated by the first set of stipulations.
2. Events larger than 250 people shall have a pre-determined number of security officers in the building, greater than two (2).
3. All doors shall remain closed during an event.
4. All events shall conclude by 1:00 AM.
5. Add an ID scanner and scan all IDs of those entering the facility (revised stipulation – replacing an advance guest list).
6. No gambling.
7. No music over 65 DBA before 6:00 PM.
8. An understanding by the applicant that simply shoving a troubled situation out the door is not acceptable. They need to control and detain until on-duty officers arrive and take control of any situation.
9. A complete copy of the business plan is up-to-date and on file in the Unified Government Planning and Land Use office.

10. Completion of appendixes of I (signage which will be handled by permit), (staffing plan – needs to be completed and reviewed with Director Richardson and the Downtown Shareholders) and S (safety grant documentation provided to Director Richardson).
11. All alcohol will be provided by the facility or one of its approved caterers. Catering list must be up-to-date and on file in the Planning Department.
12. Security as outlined on page 23 of their plan.
13. In addition to that security one (1) non-security adult chaperon for every twenty-five (25) children for events focused on youth under 18 years old (provided by the client).
14. Verify all parking agreements.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

Staff Conclusion:

The applicant has responded to staff questions and comments. The applicant, Mr. Michael Johnson delayed his petition five (5) months before the City Planning Commission in order to obtain all the necessary parking agreements to retain code complaint parking for the event center.

The new recorded parking agreements have been submitted to staff, in which 173 parking spaces have been allocated for event center, 172 spaces are required.

Toy, Byron

From: 7th Street Event Center <sales@eventcenterkck.com>
Sent: Wednesday, June 26, 2019 6:17 PM
To: Toy, Byron
Subject: Re: #SP-2019-62 Draft Staff Report

Importance: High

Byron this is mike, I dropped off the minutes an affidavit on june 7th at the front desk, that mike rosenhaw made up for me for the neighborhood meeting. Nobody showed but him an I. I dropped a copy of what I had at the desk at 2:00 pm today. Thanks for working with me, I will get the info as quickly as possible. I did talk to martin, answered what he asked, he seemed ok with everything. #1-parking hasn't changed any, iam rushing to update the agreements as you request. #2-sorry for blurry pitchers I had someone else send pitchers, I took new ones try to get them to you better. #3- I have one question about stipulation #5 had closing at 12:00 2017 I was approved to stay open till 1:00 am, I would like to keep it the same if possible. #4- the only issue that comes to mind is a Somalian wedding some ladies had a disagreement, my officer called kcpd to help clean guest at the end of there event night to prevent any other issues, there was no alcohol at this event served, it was religion based. Their were no other issues I am aware of in the last two years #5- in the last two years I have never been confronted with any complaints concerning the operation of the 7th street event center. WE expect no changes to be made in the operation of running the 7th street event center. Please let me know of anything else you may need from me, an thanks again for your help on the renewal

From: "Toy, Byron" <btoy@wycokck.org>
Date: Tue, 25 Jun 2019 19:57:49 +0000
To: Michael Johnson <sales@eventcenterkck.com>
Subject: FW: #SP-2019-62 Draft Staff Report

Mr. Johnson,

Could you please response to the draft staff report question on pages 4-5 of this document? I would like to keep this on the agenda, but I am unable to if we do not receive the answers to our questions. Below you will find the original email sent on May 21, 2019.

Thank you,

Byron Toy, AICP

Our goal is to serve you with excellence! Please click the following link and take a moment to complete this short customer survey to help us better serve you!

<https://www.surveymonkey.com/s/UBPLUCS>



6/6/2019

Neighborhood Meeting
7th Street Event Center
735 Minnesota Ave.
Kansas City Kansas 66101

Subject: Neighborhood Meeting Minutes
Application # SP2019-62

Agenda:

- History and Overview of 7th street Event Center
- Problems and Challenges in 2017 - 2018
- Safety and Security
- Improvements and changes to facility over the past year
- Operations and Staffing

Summary Minutes

We made arrangements to receive neighbors and citizens of Kansas City Kansas at 6:00pm on June 5, 2019.

Several invitations were sent out, however to our disappointment we had only 1 show in attendance. We discussed a general overview of the above topics and focused on ideas and aspirations for 2019 and beyond.

Meeting was adjourned at 7:15pm

Michael Johnson
7th Street Event Center.

1081407



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Tx:4153137

2019R-13948

NANCY BURNS

REGISTER OF DEEDS

WYANDOTTE COUNTY, KS

10/08/2019 03:15:10 PM

REC FEE 38.00

PAGES: 2

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PLEASE TYPE OR PRINT

TYPE OF DOCUMENT: Parking agreement

GRANTOR: Michael & Maria Johnson

GRANTEE: Public

LEGAL DESCRIPTION: Block 128 L37 to L44
Subdivision 0801 WYANDOTTE CITY Block 128
LOTS 0037 - 0046

Parking Agreement
Event center at 735 Minnesota Ave. Kansas City, Kansas

01st April 2019
Michael and Maria Johnson
Owners and Managers of The Event Center
735 Minnesota Ave. Kansas City, Kansas 66101

Event Center operational hours for evening events will be from 6:00 pm the day of an event, to 1:00am the following day. Use of the parking facility will be from 6:00 pm the day of an event, to 1:30 am the following day.

There will be Event Center security (uniformed police or private security) at and during the every Event Center function in need of such security. The security will be present at the parking lot and throughout the route to and from the parking lot.
The event center will also be providing cleanup of any Event trash that might be left in the parking lot and also along the route to and from the parking lot. This cleanup will be completed prior to 7:00 am the next day.

In accordance with the above conditions, the owner of this parking lot agrees to allocate 82 parking stalls to The Event Center starting at 6:pm and ending at 1:30 am the next day.

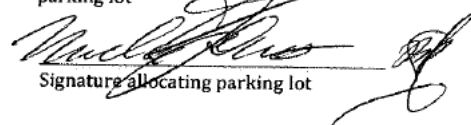
Address and Legals of parking lot 924 Armstrong
B128 L37 to L46
Subdivision 0801 WYANDOTTE CITY BLOCK 128 LOTS
0037 - 0046


Michael Johnson Owner/Manager
Event Center at 735 Minnesota Ave.


Maria Johnson Owner/Manager
Event Center at 735 Minnesota Av.

Michael & Maria Johnson
Printed name and allocating parking lot

7th Street Event Center
Name of business owning or management of parking lot


Signature allocating parking lot

State of Kansas, County of Wyandotte.

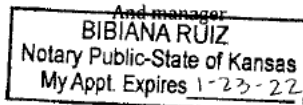
This document was acknowledge before me Bibiana Ruiz

Notary Public in and for the above on the 30 day of August 201 19
by Michael & Maria Johnson

Parking lot owner

and

Michael and Maria Johnson
Owner/Manager of The Event Center



Mv commission expires 01-23-2022


Notary Public

✓ 087621



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Tx: 4153137

2019R-13949

NANCY BURNS

REGISTER OF DEEDS

WYANDOTTE COUNTY, KS

10/08/2019 03:15:10 PM

REC FEE 38.00

PAGES: 2

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PAGE ONE MUST HAVE A TOP MARGIN OF THREE (3) INCHES. If a document does not comply with these requirements, then K.S.A. 28-115 authorizes the use of a cover sheet for the recording information.

PLEASE TYPE OR PRINT

TYPE OF DOCUMENT: Parking agreement

GRANTOR: Michael & Maria Johnson

GRANTEE: Public

LEGAL DESCRIPTION: ALL Lots 20 and 21 Block 130, in Northrup's part of
WYANDOTTE CITY, an addition in Kansas City
WYANDOTTE County Kansas

Parking Agreement
Event center at 735 Minnesota Ave. Kansas City, Kansas

01st April 2019
Michael and Maria Johnson
Owners and Managers of The Event Center
735 Minnesota Ave. Kansas City, Kansas 66101

Event Center operational hours for evening events will be from 6:00 pm the day of an event, to 1:00am the following day. Use of the parking facility will be from 6:00 pm the day of an event, to 1:30 am the following day.

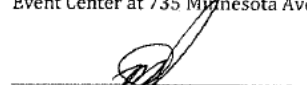
There will be Event Center security (uniformed police or private security) at and during the every Event Center function in need of such security. The security will be present at the parking lot and throughout the route to and from the parking lot.

The event center will also be providing cleanup of any Event trash that might be left in the parking lot and also along the route to and from the parking lot. This cleanup will be completed weekly all year prior to 7:00 am the next day.

In accordance with the above conditions, the owner of this parking lot agrees to allocate 24 parking stalls to The Event Center starting at 6:pm and ending at 1:30 am the next day.

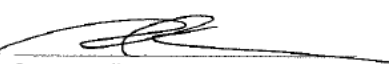
Address and Legals of parking lot 739 MINNESOTA AVENUE PARCEL # 087621
ALL LOTS 20 and 21, BLOCK 130, in Northrup's part of
WYANDOTTE CITY, an addition in Kansas City, Wyandotte
County Kansas


Michael Johnson Owner/Manager
Event Center at 735 Minnesota Ave.


Maria Johnson Owner/Manager
Event Center at 735 Minnesota Av.

SUSAN CRAIN LEWIS, Pres/CEO
Printed name and allocating parking lot

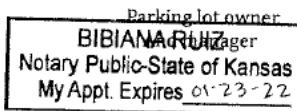
MENTAL HEALTH AMERICA of Wyandotte
Name of business owning or management of
parking lot


Signature allocating parking lot

State of Kansas, County of Wyandotte.

This document was acknowledge before me Bibiana Ruiz

Notary Public in and for the above on the 30 day of August 201 9
by Susan Crain Lewis & Michael and Maria Johnson



Parking lot owner and Michael and Maria Johnson
Owner/Manager of The Event Center


Notary Public

My commission expires 01-23-2022

10/08/2019



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Tx:4153137

2019R-13950
NANCY BURNS
REGISTER OF DEEDS
WYANDOTTE COUNTY, KS
10/08/2019 03:15:10 PM
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PLEASE TYPE OR PRINT

TYPE OF DOCUMENT: Parking Agreement

GRANTOR: Michael & Maria Johnson

GRANTEE: Public

LEGAL DESCRIPTION:
TRACT 11: ALL Lots 7, 8, 9, 10 and 11 BLOCK 107 Wyandotte city also known as Northrup's Part of Wyandotte city, now in and a part of Kansas City Wyandotte County, Kansas

Parking Agreement
Event center at 735 Minnesota Ave. Kansas City, Kansas

01st April 2019
Michael and Maria Johnson
Owners and Managers of The Event Center
735 Minnesota Ave. Kansas City, Kansas 66101

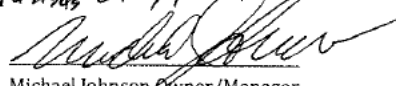
Event Center operational hours for evening events will be from 6:00 pm the day of an event, to 1:00am the following day. Use of the parking facility will be from 6:00 pm the day of an event, to 1:30 am the following day.

There will be Event Center security (uniformed police or private security) at and during the every Event Center function in need of such security. The security will be present at the parking lot and throughout the route to and from the parking lot.

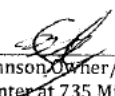
The event center will also be providing cleanup of any Event trash that might be left in the parking lot and also along the route to and from the parking lot. This cleanup will be completed prior to 7:00 am the next day.

In accordance with the above conditions, the owner of this parking lot agrees to allocate 54 parking stalls to The Event Center starting at 6:pm and ending at 1:30 am the next day.

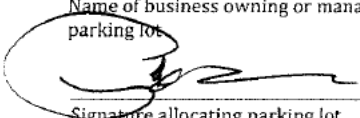
Address and Legals of parking lot 815 NEBRASKA AVE
KANSAS CITY, KS 66101
TRACT 11. ALL Lots 3, 8, 9, 10 and 11 BLOCK 107 W Wyandotte City
also known as Northrup's Part of Wyandotte City, now in and a part of
Kansas City, Wyandotte County, Kansas.


Michael Johnson Owner/Manager
Event Center at 735 Minnesota Ave.

PATRICK KEARNS
Printed name and allocating parking lot


Maria Johnson Owner/Manager
Event Center at 735 Minnesota Av.

KDG LLC
Name of business owning or management of
parking lot


Signature allocating parking lot

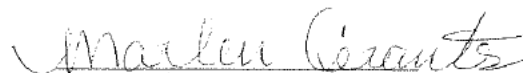
State of Kansas, County of Wyandotte.

This document was acknowledge before me NICHOLE CORRENTES

Notary Public in and for the above on the 21 day of August 2019
by _____

Parking lot owner and
MARLENE CORRENTES
Notary Public-State of Kansas
My Appt. Expires 2/5/20

Michael and Maria Johnson
Owner/Manager of The Event Center


Notary Public

My commission expires 2/5/20

1081304



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Tx:4153137

2019R-13951
NANCY BURNS
REGISTER OF DEEDS
WYANDOTTE COUNTY, KS
10/08/2019 03:15:10 PM
REC FEE 55.00
PAGES: 3

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PLEASE TYPE OR PRINT

TYPE OF DOCUMENT: Parking agreement

GRANTOR: Michael & Maria Johnson

GRANTEE: Public

LEGAL DESCRIPTION:
THE west half of 13 and ALL LOTS 14, 15, 16 and South 20 Feet
of Vacated STATE Ave. Lying North of Adjacent Block 118
Northrup's part of WYANDOTTE City, A subdivision in Kansas City,
Wyandotte Kansas

Parking Agreement
Event center at 735 Minnesota Ave. Kansas City, Kansas

01st April 2019
Michael and Maria Johnson
Owners and Managers of The Event Center
735 Minnesota Ave. Kansas City, Kansas 66101

Event Center operational hours for evening events will be from 6:00 pm the day of an event, to 1:00am the following day. Use of the parking facility will be from 6:00 pm the day of an event, to 1:30 am the following day.

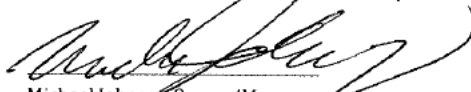
There will be Event Center security (uniformed police or private security) at and during the every Event Center function in need of such security. The security will be present at the parking lot and throughout the route to and from the parking lot.

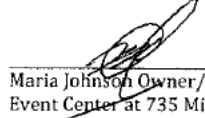
The event center will also be providing cleanup of any Event trash that might be left in the parking lot and also along the route to and from the parking lot. This cleanup will be completed weekly all year prior to 7:00 am the next day. Mc Donalds wont be resposable for any damages to the cars or customers from the Event Center.

In accordance with the above conditions, the owner of this parking lot agrees to allocate 7 parking stalls to The Event Center starting at 6:pm and ending at 1:30 am the next day.

Address and Legals of parking lot 831 STATE AVE

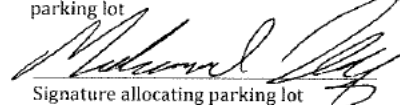
*THE west half of Lot 13 and ALL LOTS 14, 15, 16 and south 20 Feet
of vacated State Ave. Lying North of Adjacent, Block 118 Northrup's
part of WYANDOTTE CITY, A SUBDIVISION IN KANSAS CITY, WYANDOTTE,
KANSAS*


Michael Johnson Owner/Manager
Event Center at 735 Minnesota Ave.


Maria Johnson Owner/Manager
Event Center at 735 Minnesota Av.

Muhammad Haq
Printed name and allocating parking lot

Savage group
Name of business owning or management of
parking lot


Signature allocating parking lot

State of Kansas, County of Wyandotte.

This document was acknowledge before me Marlen Cervantes

Notary Public in and for the above on the 8th day of October 2019
by

Parking lot owner
And manager

and

Michael and Maria Johnson
Owner/Manager of The Event Center

Marlen Cervantes
Notary Public

M _____

MARLEN CERVANTES
Notary Public-State of Kansas
My Appt. Expires 2/5/20







Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: December 5, 2019
Re: Petition #SP-2019-99

GENERAL INFORMATION

Applicant:
Wendy and Larry Foland

Status of Applicant:
Property Owner 528 Ann
Avenue
Kansas City, Kansas

Requested Action:
Approval of
Special Use Permit

Date of Application:
August 26, 2019

Purpose:
To obtain a Special Use Permit
to allow the operation of an
AirBnB in applicant's residence.

Property Location:
528 Ann Avenue



Commission Districts:

1. Commissioner At Large: Melissa Bynum
2. District Commissioner: Harold L Johnson, Jr.

Existing Zoning: R-1(B) Single Family District

Existing Surrounding Zoning: **North:** R-1(B) Single Family District
South: R-1(B) Single Family District
East: R-1(B) Single Family District
West: R-1(B) Single Family District

Existing Uses: **North:** Single Family Residential
South: Single Family Residential
East: Single Family Residential, Community Garden, Church
West: Single Family Residential, Loft Apartments

Total Tract Size: .09 acre

Master Plan Designation: The City-Wide Master Plan Designates this area as Urban Residential

Major Street Plan: The Major Street Plan designates Ann Avenue as a local street.

Advertisement: The Wyandotte Echo – September 19, 2019
Letters to Property Owner – September 12, 2019, October 4, 2019
and November 25, 2019

Public Hearings: November 12, 2019 and December 5, 2019

Public Opposition: No one appeared in opposition at the November 12, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicants, Wendy and Larry Foland, seek to obtain a Special Use Permit that would allow them to operate an AirBnB at their primary residence, 528 Ann Avenue. They would continue to live at the residence and rent it out during the times when they are not there. The number of guests would range between two and six. Rentals would last between two to four days at a time.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is primarily residential in nature, with single family homes and loft apartments, as well as a community garden and a church along Ann Avenue.

The property is within proximity to 6th Street, which has small commercial businesses.

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.*

The zoning and uses of properties nearby are residential in nature. The proposed use should be compatible with surrounding uses and zoning, so long as the AirBnB unit is managed properly. AirBnB operations have the potential to create issues related to parking and noise, of which the applicant will have to continue to manage.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?*

Removal of restrictions should not detrimentally affect nearby property if the applicant manages the property well.

4. *The length of time the property has remained vacant as zoned.*

The property is not vacant.

5. *The degree of conformance of the proposed use to the Master Plan.*

Special Use Permits are not addressed in the master plan.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

There is potential for an increase in vehicular traffic to the applicant's residence, however, vehicular traffic should not exceed the capacity of the street network to accommodate it. According to the applicant, the property has an off-street parking area, accessible through an alley.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use provides convenience in the form of lodging to the public and will not likely substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

The proposed use should not create excessive noise, vibration, dust, or illumination.

9. *Whether the proposed use will pollute the air, land or water.*

The proposed use will not pollute the air, land, or water.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

The proposed use would not damage or destroy an irreplaceable natural resource.

11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.*

The relative gain or loss to the public health, safety, and welfare is likely to be minimal. If denied, the applicant will not be able to use his home as an AirBnB unit, however, he will still be able to reside in his home as he has previously done.

12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

The proposed use would not result in overcrowding of land or cause undue concentrations of population.

PREVIOUS ACTIONS

No previous actions

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on **September 24, 2019**. One neighbor attended. There were no objections.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-99 subject to:

Urban Planning and Land Use Comments:

1. How will you communicate with the neighbors?
Applicant: Via Neighborhood Meeting. We will also occupy the property, so we will know our neighbors and have exchanged contact information.
2. How will you pay appropriate lodging taxes?
Applicant: Taxes will be collected and paid via AirBNB and/or Homeaway apps.
3. How many rooms are rented?
Applicant intends to rent the house as one unit. There are three bedrooms in the home.
4. *What is the maximum number of people that will be staying at any one time?*
Applicant has stated that the maximum number of guests staying at any one time will be six.
5. What is the maximum number of vehicles and where will they park?
Applicant has stated that there is parking available on the property accessible through an alleyway behind the house.
Staff would like to note that this area appears to only be able to successfully accommodate two cars.
6. *How often are guests in the residence?*
Applicant: Less than 50% of the month.
7. Do you have a rental license from the Unified Government?
Applicant: No. Stays of more than 28 days will be prohibited.
8. Provide a detailed description of the areas rented for AirBNB.
Applicant: A maximum of 8 rooms (entire home).
9. Describe how you will maintain a safe environment including:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house. Provided
 - b. GFCI outlets re required in bathrooms. Provided
 - c. Double keyed locks are not allowed. None
 - d. Copper cannot be used for gas supply lines. None
 - e. Windows must be operable, not blocked or boarded. Provided
 - f. Handrails are required at sets of 4 or more stairs/ risers. Provided
 - g. Hot water tank and furnace must be vented properly and operational. Provided and serviced in August.
 - h. Electric panel and circuits must be safe. Provided

Applicant has expressed willingness to comply with all safety regulations and overall maintenance of the property in a timely manner.

Staff would like to note that this property exists within the Historic Landmark Environs Zone, however, no changes are being proposed to be made to the exterior of the building. Approval would be for one (1) year.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None.
- B) Items that are conditions of approval (stipulations):
 - 1) None.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

Additional Stipulation from the meeting:

1. The applicant answer the remaining question in the staff report by Friday, November 15, 2019. **(Applicant completed on 11/12/2019)**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2019-99** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

November 12, 2019 City Planning Commission Minutes
Zoning Map
Statement from Applicant
Site Photos
Neighborhood Meeting Invitation

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	November 12, 2019	December 5, 2019
	Approval	

STAFF CONTACT:

Shana Shanteau
sshanteau@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-99** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____ ;
2. _____ ; And
3. _____ .

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-99**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

November 12, 2019 City Planning Commission Minutes:

Hearing Starts At 1:23:00:

SPECIAL USE PERMIT APPLICATION #SP-2019-99 – WENDY AND LARRY

FOLAND – SYNOPSIS: Special Use Permit for a short-term rental/AIRBNB at 528 Ann Avenue. Detailed Outline of Requested Action: The applicants, Wendy and Larry Foland, seek to obtain a Special Use Permit that would allow them to operate an AirBnB at their primary residence, 528 Ann Avenue. They would continue to live at the residence and rent it out during the times when they are not there. The number of guests would range between two and six. Rentals would last between two to four days at a time.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 12, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated September 19, 2019; and
7. The Notices to property owners dated September 12, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- ❖ Larry and Wendy Foland, applicants, 14504 Shannon Street, Olathe Kansas
- ❖ Richard Kuklenski, owner of 526 Ann Avenue, Kansas City, Kansas
- ❖ Megan Duma (has two AIRBNB applications on the agenda this evening)

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts 1:31: Planning Director Richardson stated that the staff recommends approval subject to the applicant providing answers in writing to the remaining questions in the staff report by Friday so they can be included in the information to the Board of Commissioners.

Motion and Vote Starts 1:31:46:

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of **Special Use Permit Application #SP-2019-99:**

Carson	Chairman
Connelly	Aye
Miller	Aye
Pauley	Aye
Reasons	Aye
Serda	Aye
Cho	Not Present
Ernst	Not Present
Huey	Not Present
Jones	Not Present
Neal	Not Present

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

Urban Planning and Land Use Comments:

1. How will you communicate with the neighbors?
Applicant: Via Neighborhood Meeting. We will also occupy the property, so we will know our neighbors and have exchanged contact information.
2. How will you pay appropriate lodging taxes?
Applicant: Taxes will be collected and paid via AirBNB and/or Homeaway apps.
3. How many rooms are rented?
Applicant intends to rent the house as one unit. There are three bedrooms in the home.
4. *What is the maximum number of people that will be staying at any one time?*
Applicant has stated that the maximum number of guests staying at any

- one time will be six.
5. What is the maximum number of vehicles and where will they park?
Applicant has stated that there is parking available on the property accessible through an alleyway behind the house.
Staff would like to note that this area appears to only be able to successfully accommodate two cars.
6. *How often are guests in the residence?*
Applicant: Less than 50% of the month.
7. Do you have a rental license from the Unified Government?
Applicant: No. Stays of more than 28 days will be prohibited.
8. Provide a detailed description of the areas rented for AirBNB.
Applicant: A maximum of 8 rooms (entire home).
9. Describe how you will maintain a safe environment including:
- a. Working smoke detectors in each bedroom plus each level of the unit/house. Provided
 - b. GFCI outlets re required in bathrooms. Provided
 - c. Double keyed locks are not allowed. None
 - d. Copper cannot be used for gas supply lines. None
 - e. Windows must be operable, not blocked or boarded. Provided
 - f. Handrails are required at sets of 4 or more stairs/ risers. Provided
 - g. Hot water tank and furnace must be vented properly and operational. Provided and serviced in August.
 - h. Electric panel and circuits must be safe. Provided

Applicant has expressed willingness to comply with all safety regulations and overall maintenance of the property in a timely manner.

Staff would like to note that this property exists within the Historic Landmark Environs Zone, however, no changes are being proposed to be made to the exterior of the building. Approval would be for one (1) year.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
1) None.
- B) Items that are conditions of approval (stipulations):
1) None.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
1) None

Additional Stipulation from the meeting:

1. The applicant answer the remaining question in the staff report by Friday, November 15, 2019. **(Applicant completed on 11/12/2019)**



State why, in your opinion, the requested action(s) is justified:

We plan on staying at the home, with occasional short-term rentals. It has its own off-street parking area, entering from the alley. Since we will be at the home, safety concerns will be consistently addressed and the lawn and home will be maintained properly. Smoke and carbon monoxide detectors are present. A fire extinguisher and first aid kit are also provided. Emergency numbers and instructions will be provided to the guests.

The house is located on a street that is not congested and has ample available street parking. The estimated number of guests would be 2-6. We expect it to be adult couples or a small family. Rental policies will be stated prior to booking, and will also be located in the rental instruction book. An example of the policies include: (1) There is absolutely no vaping or smoking permitted in the home or anywhere on the property. (2) Pets are not permitted in the home or anywhere on the property. (3) Absolutely no parties! Noise travels easily in our peaceful neighborhood.

We want to be an active part of the community. The people who live here are invested in the neighborhood. There has been an effort to revitalize the area, while maintaining pride in its history. These ideals have attracted a diverse and inclusive community, which is why we purchased a home here. It was important to us to invest in downtown KCK, instead of Missouri. My stepdaughter is in school in Olathe. We want to be able to stay at the house, but have short term renters when we aren't there. The income from short term rentals will help us continue to maintain and improve the home, adding to its value. We believe there will be no negative impact of a short-term rental on the neighboring homes.















Date: 9/12/2019

SUBJECT: Neighborhood Meeting

Hello! We have filed an application with the Department of Urban Planning and Land Use #SP-2019-99.

The purpose of this special use permit is to authorize short-term rentals at 528 Ann Avenue. Per the Department requirements, we are having a neighborhood meeting on Tuesday, 9/24/19 at 5:30 pm at the following address:

Strawberry Hill Museum & Cultural Center
Tea Room
720 N. 4th Street
Kansas City, KS 66101

There has been an effort to revitalize the Strawberry Hill area, while maintaining pride in its history. These ideals have attracted a diverse and inclusive community, which is why we invested in a home here. We want to be able to stay at the house, but have short term renters when we aren't there. We've had investment property with long term tenants before. This may be more work, but we feel like short term rental will allow us to better maintain and improve the home. And, we get to enjoy the area ourselves.

We've included a few photos of the property. The house has its own off-street parking area, entering from the alley. We will not have a rental license, because we do not want stays that are longer than 28 days. We want to be able to use the property. This is why we require the special use permit. Since we will be at the home, safety concerns will be consistently addressed and the lawn and home will be maintained properly.

With short term rentals, we are able to establish house rules and have a deposit collected from all guests. We also have the added security of vetting and approving any guests that will stay here. We expect it to be adult couples or small families, with a maximum of 6 people. We believe there will be no negative impact of a short-term rental on the neighboring homes.

We understand how busy life can be, so I've tried to address quite a bit in this letter. The purpose of this required meeting is to answer any other questions. If you are unable to attend, please contact me at wfoland@yahoo.com. I am happy to reply to any questions that you may have.

We look forward to seeing you at the neighborhood meeting.

Sincerely,

Wendy and Larry Foland
528 Ann Avenue
Kansas City, KS 66101
wfoland@yahoo.com



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: December 5, 2019
Re: Petition #SP-2019-105

GENERAL INFORMATION

Applicant:
Megan Duma

Status of Applicant:
Property Owner
4520 West 65th Street
Prairie Village, KS 66208

Requested Action:
Special use permit

Date of Application:
September 25, 2019

Purpose:
Special use permit for short-term rental/AIRBNB (This is not their primary residence)

Property Location:
2706 Espenlaub Lane



Commission Districts:

1. Commissioner At Large: Tom Burroughs
2. District Commissioner: Ann Brandau Murguia

Existing Zoning: R-1 Single Family District

Existing Surrounding Zoning: **North:** R-1 Single Family District
South: R-1 Single Family District
East: R-1 Single Family District
West: R-5 Apartment District

Existing Uses: **North:** Single Family Residence
South: Single Family Residence; Vacant Lot
East: Single Family Residence
West: Vacant Lot

Total Tract Size: 1.36 acres

Master Plan Designation: The City-Wide Master Plan designates this location as low-density residential.

Major Street Plan: The Major Street Plan designates 2706 Espenlaub Lane as a Local Street.

Advertisement: The Wyandotte Echo – October 17, 2019
Letters to Property Owner – October 17, 2019 and November 25, 2019

Public Hearings: November 12, 2019 and December 5, 2019

Public Opposition: No one appeared in opposition at the November 12, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant has requested the approval of a special use permit for the purpose of a short-term rental/AIRBNB at the address of 2706 Espenlaub Lane. The property is zoned R-1, Single Family Residential, and is surrounded by a majority residentially zoned properties. The applicant owns other short-term rental properties in the area and has stated they will uphold the highest standards of respect for neighbors and quiet hours. The applicant has indicated that they have spoken with neighboring properties prior to filing this application. Additionally, the applicant has addressed other important details pertaining to the environment, safety, taxation, and obtaining the proper licensure. The applicant has stated that the property will maintain a maximum occupancy of 6 persons and will only be rented out to a single renter of the time. The applicant has approximated that the property will be rented out around 60% of the time it is available (year-round), most significantly on the weekends. Additional to the two parking spaces provided, the applicant has accommodated off-street parking and therefore the density should be unaffected.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The character of the neighborhood is entirely residential in nature.

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.*

The zoning and uses of properties nearby are set out above. The majority of the nearby uses are residential in nature. This use is not expected to be incompatible.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?*

The removal of restrictions will not detrimentally affect nearby properties.

4. *The length of time the property has remained vacant as zoned.*

The property is not vacant.

5. *The degree of conformance of the proposed use to the Master Plan.*

Special use permits are not addressed in the Master Plan.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The proposed use is not expected to see a dramatic increase in the flow of traffic and is not expected to exceed the capacity of the street network.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use is not reasonably necessary for the convenience and welfare of the public. It should not have an effect on nearby properties.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

The intended use should not be a source of such problems.

9. *Whether the proposed use will pollute the air, land or water.*

The proposed use will not pollute the air, land or water.

10. Whether the use would damage or destroy an irreplaceable natural resource.

This is not applicable.

11. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

The relative gain to the public health, safety, and welfare as compared to hardship imposed on the landowners is minimal.

12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

The proposed use will not result in overcrowding of land.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on October 28, 2019; according to the applicant no one attended.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-105, subject to:

Urban Planning and Land Use Comments:

1. Provide any updated pictures.

Applicant Response: I do not have any, because I do not own it yet.

Staff Response: You indicated that you will have access to the house as of October 29, 2019. Please provide pictures. Pictures have been received.

2. Have you received any complaints thus far?

Applicant Response: No.

3. How often do you plan on visiting the site?

Applicant Response: My staff will visit multiple times a week. This includes my cleaning service, and property management team.

4. If you cannot be contacted, will occupants be provided with another point of contact?

Applicant Response: The occupants have 24-7 property management service from my team at Brown Bear Property Management. He is listed as the primary contact for guests.

Staff Response: Please provide the contact information to immediate neighbors as well.

5. Approval will be for one (1) year.

6. Responses to Short-term Rental Application Questions:

1) How will you communicate with the neighbors?

Applicant Response: I typically meet my neighbors face-to-face and get their phone numbers so they can have direct contact with me and my property manager 24-7. If any issues ever arise.

2) How will you pay appropriate lodging taxes?

Applicant Response: I employ a part time book-keeper and accountant to make sure all of my Short Term Rental dues are paid. In KCK, where the City has not made a tax deal directly with the STR companies, it will be my responsibility to account for, and pay all necessary taxes.

3) How many rooms are rented?

Applicant Response: The entire house, made up of 3 bedrooms, will be rented together to the same party at the same time. (I.E. single family, or a group traveling together). I do not rent out single rooms. And I do not rent to separate groups at once.

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

Applicant Response: The maximum occupancy for this property is 6.

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

Applicant Response: Parking will be limited to 2 vehicles. This is a drive way with plenty of off-street parking to accommodate 2 vehicles.

6) How often are guests in the residence?

Applicant Response: Based on the other STRs that I operate, there is about 60% occupancy, most occurring on the weekends.

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

Applicant Response: When I take ownership and possession of the property on October 29, 2019, I will apply for necessary rental license.

Staff Response: Update as progress is made.

8) Provide a detailed description of the areas rented for AirBNB

Applicant Response: The entire home.

9) Describe how you will maintain a safe environment including:

Applicant Response: The safety of our guests and neighbors is of the utmost priority. All homes are fully inspected and brought up to code on anything that is deemed “unsafe” by the property inspector. We install cameras on exterior of the home for the safety of our guests and neighbors. We also install brand new smoke detectors on every floor outside the bedrooms, we also provide fire extinguishers.

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

Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) None.

B) Items that are conditions of approval (stipulations):

- 1) None.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

Business License Comments:

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2019-105** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

November 12, 2019 City Planning Commission Minutes
Neighborhood Meeting Information
Short-Term Rental Application Questions and Answers
Pictures
Aerial Photograph

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	November 12, 2019	December 5, 2019
Special Use	Approval	

STAFF CONTACT: Jacob Pellegrino
jpellegrino@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-105** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;

2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-105**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

November 12, 2019 City Planning Commission Minutes:

Hearing Starts At 1:32:22:

SPECIAL USE PERMIT APPLICATION #SP-2019-105 – MEGAN DUMA –

SYNOPSIS: Special Use Permit for a short-term rental/AIRBNB at 2706 Espenlaub Lane. ***Detailed Outline of Requested Action:*** The applicant has requested the approval of a special use permit for the purpose of a short-term rental/AIRBNB at the address of 2706 Espenlaub Lane. The property is zoned R-1, Single Family Residential, and is surrounded by a majority residentially zoned properties. The applicant owns other short-term rental properties in the area and has stated they will uphold the highest standards of respect for neighbors and quiet hours. The applicant has indicated that they have spoken with neighboring properties prior to filing this application. Additionally, the applicant has addressed other important details pertaining to the environment, safety, taxation, and obtaining the proper licensure. The applicant has stated that the property will maintain a maximum occupancy of 6 persons and will only be rented out to a single renter of the time. The applicant has approximated that the property will be rented out around 60% of the time it is available (year-round), most significantly on the weekends. Additional to the two parking spaces provided, the applicant has accommodated off-street parking and therefore the density should be unaffected.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 12, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated October 17, 2019; and
7. The Notices to property owners dated October 17, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Present in Support:

- ❖ Megan Duma, applicant, 4520 West 65th Street, Prairie Village, Kansas
- ❖ Larry Foland, 14504 Shannon Street, Olathe Kansas

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts 1:35:08: Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts 1:35:15:

On motion by Dr. Serda, seconded by Ms. Pauley, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit #SP-2019-105:**

Carson	Chairman
Connelly	Aye
Miller	Aye
Pauley	Aye
Reasons	Aye
Serda	Aye
Cho	Not Present
Ernst	Not Present
Huey	Not Present
Jones	Not Present
Neal	Not Present

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Provide any updated pictures.

Applicant Response: I do not have any, because I do not own it yet.

Staff Response: You indicated that you will have access to the house as of October 29, 2019. Please provide pictures. Pictures have been received.

2. Have you received any complaints thus far?

Applicant Response: No.

3. How often do you plan on visiting the site?

Applicant Response: My staff will visit multiple times a week. This includes my cleaning service, and property management team.

4. If you cannot be contacted, will occupants be provided with another point of contact?

Applicant Response: The occupants have 24-7 property management service from my team at Brown Bear Property Management. He is listed as the primary contact for guests.

Staff Response: Please provide the contact information to immediate neighbors as well.

5. Approval will be for one (1) year.

6. Responses to Short-term Rental Application Questions:

1) How will you communicate with the neighbors?

Applicant Response: I typically meet my neighbors face-to-face and get their phone numbers so they can have direct contact with me and my property manager 24-7. If any issues ever arise.

2) How will you pay appropriate lodging taxes?

Applicant Response: I employ a part time book-keeper and accountant to make sure all of my Short Term Rental dues are paid. In KCK, where the City has not made a tax deal directly with the STR companies, it will be my responsibility to account for, and pay all necessary taxes.

3) How many rooms are rented?

Applicant Response: The entire house, made up of 3 bedrooms, will be rented together to the same party at the same time. (I.E. single family, or a group traveling together). I do not rent out single rooms. And I do not rent to separate groups at once.

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

Applicant Response: The maximum occupancy for this property is 6.

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

Applicant Response: Parking will be limited to 2 vehicles. This is a drive way with plenty of off-street parking to accommodate 2 vehicles.

6) How often are guests in the residence?

Applicant Response: Based on the other STRs that I operate, there is about 60% occupancy, most occurring on the weekends.

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

Applicant Response: When I take ownership and possession of the property on October 29, 2019, I will apply for necessary rental license.

Staff Response: Update as progress is made.

8) Provide a detailed description of the areas rented for AirBNB

Applicant Response: The entire home.

9) Describe how you will maintain a safe environment including:

Applicant Response: The safety of our guests and neighbors is of the utmost priority. All homes are fully inspected and brought up to code on anything that is deemed “unsafe” by the property inspector. We install cameras on exterior of the home for the safety of our guests and neighbors. We also install brand new smoke detectors on every floor outside the bedrooms, we also provide fire extinguishers.

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

Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) None.

B) Items that are conditions of approval (stipulations):

1) None.

C) Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents:

1) None

Business License Comments:

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

Megan Duma

4520 W. 65th Street Prairie Village, KS 66208
Phone: 619-871-3201 • E-Mail: MeganDuma@gmail.com

DATE: October 15, 2019

Re: Neighborhood Meeting

I have filed an application with the Department of Urban Planning and Land Use #SP-2019-106. The purpose of this special use permit is to operate a Short term rental at the following address: 2706 Espenlaub Avenue, Kansas City, KS 66106.

I am having a neighborhood meeting on October 28, 2019 at 5:00 p.m. in the First Floor Meeting Room at the KCK Public Library. Located at 625 Minnesota Avenue, Kansas City Kansas 66101. Please reference the Argentine Special Use Permit Neighborhood Meeting. I have reserved a room so I can answer any questions you have.

The purpose of this meeting is to explain the proposal and to answer any questions / concerns you may have.

I look forward to seeing you at the neighborhood meeting. I take pride in operating all my short term rentals with the neighbors, community, and my guests in mind.

My contact details are above should you have questions.

Sincerely,

Megan Duma

Minutes From Neighborhood Meeting for Special Use Permit # 19402-00097

Re: 2706 Espenlaub Lane, Kansas 66106 meeting held on October 28, 2019 at 5:00 p.m.
at the Kansas City Kansas Public Library Main Branch located at 625 Minnesota Avenue,
66101.

In attendance was Megan Duma, the Petitioner.

No one showed up. Ms. Duma stayed until 5:30 p.m.

RE: SPECIAL PERMIT PETITION #SP-19402-00097 (2706 ESPENLAUB LANE,
KANSAS CITY, KS 66106)

DATE: OCTOBER 28, 2019 AT 5:00 P.M.

[illegible]

BROWN BEAR PROPERTY MANAGEMENT NUMBER: (816) 465-1252

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)

) SS:

COUNTY OF WYANDOTTE)

Comes now Megan M. Duma, of lawful age, sound mind and upon
his/her oath states as follows:

1. That I am the petitioner for Petition #SP-19402-00097.
2. That I conducted a neighborhood meeting on October 28, 2019 at 5:00 p.m. at the Kansas City Kansas Public Library Main Branch located at 625 Minnesota Avenue, 66101.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.



Affiant, Megan M. Duma

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 19TH day of
October, 2019.

My commission expires 23RD of AUGUST, ~~200~~^{SF} 2023

Signed

SARAH FIELDS
Notary Public-State of Kansas
My Appt. Expires 8/23/23

SHORT TERM RENTAL SPECIAL USE PERMIT QUESTIONS:

2706 Espanola
Lane
KC, KS
66106

1. HOW WILL YOU COMMUNICATE WITH THE NEIGHBORS?

Answer: I typically meet my neighbors face-to-face, and get their phone numbers so they can have direct contact with me and my property manager 24-7. If any issue ever arises.

2. HOW WILL YOU PAY APPROPRIATE LODGING TAXES?

Answer: I employ a part time book-keeper and accountant to make sure all of my Short Term Rental Dues are paid. In KCK, where the City has not made a tax deal directly with the STR companies, it will be my responsibility to account for, and pay all necessary taxes.

3. HOW MANY ROOMS ARE RENTED?

Answer: The entire house, made up of 3 bedrooms, will be rented together to the same party at the same time. (I.E. single family, or a group traveling together). I do not rent out single rooms. And I do not rent to separate groups at once.

4. WHAT IS THE MAXIMUM NUMBER OF PEOPLE THAT WILL BE STAYING AT ANY ONE TIME?

Answer: The maximum occupancy for this property is 6.

5. WHAT IS THE MAXIMUM NUMBER OF VEHICLES AND WHERE WILL THEY PARK?

Answer: Parking will be limited to 2 vehicles. There is a drive way with plenty of off-street parking to accommodate 2 vehicles.

6. HOW OFTEN ARE GUESTS IN THE RESIDENCE?

Answer: Based on the other STRs that I operate, there is about 60% occupancy, mostly occurring on the weekends.

7. DO YOU HAVE A RENTAL LICENSE FROM THE UNIFIED GOVERNEMENT?

Answer: When I take ownership and possession of the property on October 29, 2019, I will apply for the necessary rental license.

8. PRODICE A DETAILED DESCRIPTION OF THE AREAS RENTED FOR AIRBNB:

Answer: The entire home.

9. DESCRIBE HOW YOU WILL MAINTAIN A SAFE ENVIRONMENT INCLUDING:

Answer: The safety of our guests and neighbors is of the utmost priority. All homes are fully inspected, and brought up to code on anything that is deemed "unsafe" by the property inspector. We install cameras on exterior of the home for the safety of our guests and neighbors.

We also install brand new smoke detectors on every floor outside the bedrooms, we also provide fire extinguishers.

a. WORKING SMOKE DETECTORS IN EACH BEDROOM PLUS EACH LEVEL OF THE UNIT / HOUSE.

Answer: Done.

b. GFCI OUTLETS REQUIRED IN BATHROOMS

Answer: Done.

c. DOUBLE KEYED LOCKS NOT ON DOORS:

Answer: N/A.

d. COPPER CANNOT BE USED FOR GAS SUPPLY LINES

Answer: N/A

e. WINDOWS MUST BE OPEABLE, NOT BLOCKED OR BOARDED

Answer: Newer vinyl and operable windows

- f. HANDRAILS ARE REQUIRED AT SETS FO 4 OR MORE STAIRS /
RISERS

Answer: Done.

- g. HOT WATER TANK AND FURNACE MUST BE VENTED
PROPERTLY AND OPERATIONAL

Answer: Done.

- h. ELECTRIC PANEL AND CIRCUITS MUST BE SAFE.

Answer: They are.







Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: December 5, 2019
Re: Petition #SP-2019-106

GENERAL INFORMATION

Applicant:
Megan Duma

Status of Applicant:
Property Owner
4520 West 65th Street
Prairie Village, KS 66208

Requested Action:
Special use permit

Date of Application:
September 25, 2019

Purpose:
Special use permit for short-term rental/AIRBNB
(This is not their primary residence)

Property Location:
408 Sandusky Avenue

Commission Districts:
1. Commissioner At Large: Tom Burroughs
2. District Commissioner: Brian McKiernan



Existing Zoning: R-1 (B) Single Family District with Narrow Lot Design

Existing Surrounding Zoning: **North:** R-1 (B) Single Family District
South: R-1(B) Single Family District
East: CP-1 Planned Limited Business District
West: R-1(B) Single Family District

Existing Uses: **North:** Single Family Residence
South: Single Family Residence
East: Vacant lot; Commercial Use (Sunrise Acupuncture Studio)
West: Single Family Residence

Total Tract Size: 0.08 acre

Master Plan Designation: The City-Wide Master Plan designates this location as Urban Density.

Major Street Plan: The Major Street Plan designates 408 Sandusky Avenue as a Local Street.

Advertisement: The Wyandotte Echo – October 17, 2019
Letters to Property Owner – October 17, 2019 and November 25, 2019

Public Hearings: November 12, 2019 and December 5, 2019

Public Opposition:

- A complaint was made by a neighboring property that the applicant was operating the short-term rental outside of a special use permit. Violations issued by code enforcement support said claim. The applicant was contacted and stated they would cease operation until further approval.
- Concern over the use of gravel on the property has also been expressed. Stipulations concerning further operation are outlined in the comments section.
- One person appeared with concerns at the November 12, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant has requested the approval of a special use permit for the purpose of a short-term rental/AIRBNB at the address of 408 Sandusky Avenue. The property is zoned R-1(B) Single Family Residential with narrow lot design. The property is surrounded by a majority residentially zoned properties, and a few commercially zoned properties. The applicant owns other short-term rental properties in the area and has stated they will uphold the highest standards of respect for neighbors and quiet hours. The applicant has indicated that they have spoken with neighboring properties prior to filing this application. Additionally, the applicant has addressed other important details pertaining to the environment, safety, taxation, and

obtaining the proper licenses. The applicant has stated that the property will maintain a maximum occupancy of 6 persons and will only be rented out to a single renter at a time. The applicant has approximated that the property will be rented out around 60% of the time it is available (year-round), most significantly on the weekends. Additional to the two parking spaces provided, the applicant has accommodated extra parking off the rear alley of the property. The parking that is said to be accommodated features material that is in violation of city ordinances. The applicant was made aware of said violation and informed of the requirement to implement an improved service. Applicant was also reportedly operating desired use prior to being granted a special use permit. Applicant was contacted and made aware of said violation and asked to cease all operations. Applicant stated they would comply and cease operation.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the surrounding neighborhood is both residential and commercial in nature.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.

The zoning and uses of properties nearby are set out above. The majority of the nearby uses are residential in nature. This use is not expected to be incompatible.

3. The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?

The removal of restrictions will not detrimentally affect nearby properties.

4. The length of time the property has remained vacant as zoned.

The property is not vacant.

5. The degree of conformance of the proposed use to the Master Plan.

Special use permits are not addressed in the Master Plan.

6. Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

The proposed use is not expected to see a dramatic increase in the flow of traffic and is not expected to exceed the capacity of the street network.

- 7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.***

The proposed use is not reasonably necessary for the convenience and welfare of the public. It should not have an effect on nearby properties.

- 8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.***

The intended use should not be a source of such problems.

- 9. *Whether the proposed use will pollute the air, land or water.***

The proposed use will not pollute the air, land, or water.

- 10. *Whether the use would damage or destroy an irreplaceable natural resource.***

This is not applicable.

- 11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.***

The relative gain to the public health, safety, and welfare as compared to hardship imposed on the landowners is minimal.

- 12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.***

The proposed use will not result in overcrowding of land.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on October 28; according to the applicant one person attended. See attachments.

KEY ISSUES

- Operation prior to approval of special use permit.
- Use of Gravel on site.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-106, subject to:

Urban Planning and Land Use Comments:

1. See attachments; Short-term rental application questions and answers.
2. Provide any updated pictures.

Applicant Response: I have spent \$60,000 improving the property.

3. Have you received any complaints thus far?

Applicant Response: Not the actual use as an STR. Leo Elits, the only one with any concerns, called the city in October. I have resolved most of the issues with him – which were more about a driveway.

Staff Response: Please explain what issue remain unresolved.

4. How often do you plan on visiting the site?

Applicant Response: My staff will visit multiple times a week. This includes my cleaning service, and property management team.

5. If you cannot be contacted, will occupants be provided with another point of contact?

Applicant Response: The occupants have 24-7 property management service from my team at Brown Bear Property Management. He is listed as the primary contact for guests.

Staff Response: Please provide the contact information to the immediate neighbors as well.

6. *Family* means one or more persons who are related by blood or marriage, and including any foster children, or a group of not more than five persons living together by joint agreement on a nonprofit cost sharing basis, or a combination of persons related by blood or marriage along with no more than two unrelated adults to a maximum number of five persons, living together and occupying a single housekeeping unit with single kitchen facilities.

7. Responses to Short-term Rental Application Questions:

- 1) How will you communicate with the neighbors?

Applicant Response: I typically meet my neighbors face-to-face and get their phone numbers so they can have direct contact with me and my property manager 24-7. If any issues ever arise. Here, I have made friends with all my neighbors, and have all surrounding neighbors' numbers, (and they have mine) with the exception of the abandoned house next to my property.

2) How will you pay appropriate lodging taxes?

Applicant Response: I employ a part time book-keeper and accountant to make sure all of my Short Term Rental dues are paid. In KCK, where the City has not made a tax deal directly with the STR companies, it will be my responsibility to account for, and pay all necessary taxes.

3) How many rooms are rented?

Applicant Response: The entire house, made up of 3 bedrooms, will be rented together to the same party at the same time. (I.E. single family, or a group traveling together). I do not rent out single rooms. And I do not rent to separate groups at once.

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

Applicant Response: The maximum occupancy for this property is 6.

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

Applicant Response: Parking will be limited to 2 vehicles. I have added a large parking spot at the rear of the property for guests to access off the alley.

Staff Response: Parking spot violates code. See stipulations.

6) How often are guests in the residence?

Applicant Response: Based on the other STRs that I operate, there is about 60% occupancy, most occurring on the weekends.

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

Applicant Response: It is pending. I will likely have it in hand by the time you read this.

8) Provide a detailed description of the areas rented for AirBNB

Applicant Response: The entire home.

9) Describe how you will maintain a safe environment including:

Applicant Response: The safety of our guests and neighbors is of the utmost priority. All homes are fully inspected and brought up to code on anything that is deemed “unsafe” by the property inspector. We install cameras on exterior of the home for the safety of our guests and neighbors. We also install brand new smoke detectors on every floor outside the bedrooms, we also provide fire extinguishers.

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

Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) None.

B) Items that are conditions of approval (stipulations):

1) None.

C) Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents:

1) None

Business License Comments:

- 1. If approved, applicant will need to file and maintain a current occupation tax application with this office.

Staff Conclusion:

Pending and subject to approval, the applicant must meet the following stipulations:

- 1. All short-term rental operations related to the address of 408 Sandusky Avenue shall cease prior to and pending a special use permit. Advertising profiles should reflect such stipulations and be updated as such. Including taking no reservations prior to approval, and not enabling reservations to be made.

Applicant was made aware of said stipulation having previously been in violation. The applicant stated they will comply.

2. Subject to approval, the applicant shall replace gravel drive and parking pad with an improved surface. The applicant must do so in order to begin operation of short-term rental.

Applicant was made aware of said violation. The stipulations as articulated are required to begin operation.

3. Subject to approval, improvements to the driveway and parking pad will be subject to an environs review by the Urban Planning Department Staff.

Additional Stipulations From Meeting:

1. The driveway must be improved within the first year to meet City requirements.
2. The location of the shed must meet the setback requirements of the City or a variance will need to be filed.
3. Contact number for the property manager must be given to the neighbors.
4. Commercial storage on a residential property is prohibited.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2019-106 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

November 12, 2019 City Planning Commission Minutes
Neighborhood Meeting Information
Short-Term Rental Application Questions and Answers
Rental License
Aerial Photograph

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	November 12, 2019	December 5, 2019
Special Use	Approval	

STAFF CONTACT: Jacob Pellegrino
jpellegrino@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-106** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-106**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

November 12, 2019 City Planning Commission Minutes:

Hearing Starts At 1:35:46:

SPECIAL USE PERMIT APPLICATION #SP-2019-106 – MEGAN M. DUMA – SYNOPSIS: Special Use Permit for a short term rental/AIRBNB at 408 Sandusky Avenue. ***Detailed Outline of Requested Action:*** The applicant has requested the approval of a special use permit for the purpose of a short-term rental/AIRBNB at the address of 408 Sandusky Avenue. The property is zoned R-1(B) Single Family Residential with narrow lot design. The property is surrounded by a majority residentially zoned properties, and a few commercially zoned properties. The applicant owns other short-term rental properties in the area and has stated they will uphold the highest standards of respect for neighbors and quiet hours. The applicant has indicated that they have spoken with neighboring properties prior to filing this application. Additionally, the applicant has addressed other important details pertaining to the environment, safety, taxation, and obtaining the proper licenses. The applicant has stated that the property will maintain a maximum occupancy of 6 persons and will only be rented out to a single renter at a time. The applicant has approximated that the property will be rented out around 60% of the time it is available (year-round), most significantly on the weekends. Additional to the two parking spaces provided, the applicant has accommodated extra parking off the rear alley of the property. The parking that is said to be accommodated features material that is in violation of city ordinances. The applicant was made aware of said violation and informed of the requirement to implement an improved service. Applicant was also reportedly operating desired use

prior to being granted a special use permit. Applicant was contacted and made aware of said violation and asked to cease all operations. Applicant stated they would comply and cease operation.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 12, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated October 17, 2019; and
7. The Notices to property owners dated October 17, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Present in Support:

- ❖ Megan Duma, applicant, 4520 West 65th Street, Prairie Village, Kansas

Present in Support/Questions:

- ❖ Rose Eilts, 506 North 4th Street, Kansas City, Kansas 66101

Staff Recommendation Starts 1:50:35: Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report and the following additional stipulations:

1. The driveway must be improved within the first year to meet City requirements.
2. The location of the shed must meet the setback requirements of the City or a variance will need to be filed.
3. Contact number for the property manager must be given to the neighbors.
4. Commercial storage on a residential property is prohibited.

Motion and Vote Starts 1:51:43:

On motion by Dr. Serda, seconded by Mr. Reasons, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit #SP-2019-106:**

Carson	Chairman
Connelly	Aye
Miller	Aye
Pauley	Aye
Reasons	Aye
Serda	Aye
Cho	Not Present
Ernst	Not Present
Huey	Not Present
Jones	Not Present

Neal Not Present
Motion to recommend APPROVAL Passed: 5 to 0
Subject to:

Urban Planning and Land Use Comments:

1. See attachments; Short-term rental application questions and answers.
2. Provide any updated pictures.

Applicant Response: I have spent \$60,000 improving the property.

3. Have you received any complaints thus far?

Applicant Response: Not the actual use as an STR. Leo Elits, the only one with any concerns, called the city in October. I have resolved most of the issues with him – which were more about a driveway.

Staff Response: Please explain what issue remain unresolved.

4. How often do you plan on visiting the site?

Applicant Response: My staff will visit multiple times a week. This includes my cleaning service, and property management team.

5. If you cannot be contacted, will occupants be provided with another point of contact?

Applicant Response: The occupants have 24-7 property management service from my team at Brown Bear Property Management. He is listed as the primary contact for guests.

Staff Response: Please provide the contact information to the immediate neighbors as well.

6. *Family* means one or more persons who are related by blood or marriage, and including any foster children, or a group of not more than five persons living together by joint agreement on a nonprofit cost sharing basis, or a combination of persons related by blood or marriage along with no more than two unrelated adults to a maximum number of five persons, living together and occupying a single housekeeping unit with single kitchen facilities.

7. Responses to Short-term Rental Application Questions:

- 1) How will you communicate with the neighbors?

Applicant Response: I typically meet my neighbors face-to-face and get their phone numbers so they can have direct contact with me and

my property manager 24-7. If any issues ever arise. Here, I have made friends with all my neighbors, and have all surrounding neighbors' numbers, (and they have mine) with the exception of the abandoned house next to my property.

2) How will you pay appropriate lodging taxes?

Applicant Response: I employ a part time book-keeper and accountant to make sure all of my Short Term Rental dues are paid. In KCK, where the City has not made a tax deal directly with the STR companies, it will be my responsibility to account for, and pay all necessary taxes.

3) How many rooms are rented?

Applicant Response: The entire house, made up of 3 bedrooms, will be rented together to the same party at the same time. (I.E. single family, or a group traveling together). I do not rent out single rooms. And I do not rent to separate groups at once.

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

Applicant Response: The maximum occupancy for this property is 6.

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

Applicant Response: Parking will be limited to 2 vehicles. I have added a large parking spot at the rear of the property for guests to access off the alley.

Staff Response: Parking spot violates code. See stipulations.

6) How often are guests in the residence?

Applicant Response: Based on the other STRs that I operate, there is about 60% occupancy, most occurring on the weekends.

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

Applicant Response: It is pending. I will likely have it in hand by the time you read this.

8) Provide a detailed description of the areas rented for AirBNB

Applicant Response: The entire home.

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Applicant Response: The safety of our guests and neighbors is of the utmost priority. All homes are fully inspected and brought up to code on anything that is deemed “unsafe” by the property inspector. We install cameras on exterior of the home for the safety of our guests and neighbors. We also install brand new smoke detectors on every floor outside the bedrooms, we also provide fire extinguishers.

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

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None.
- B) Items that are conditions of approval (stipulations):
 - 1) None.
- C) Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

Business License Comments:

- 1. If approved, applicant will need to file and maintain a current occupation tax application with this office.

Staff Conclusion:

Pending and subject to approval, the applicant must meet the following stipulations:

- 1. All short-term rental operations related to the address of 408 Sandusky Avenue shall cease prior to and pending a special use permit. Advertising profiles should reflect such stipulations and be updated as such. Including taking no reservations prior to approval, and not enabling reservations to be made.

Applicant was made aware of said stipulation having previously been in violation. The applicant stated they will comply.

- 2. Subject to approval, the applicant shall replace gravel drive and parking pad with an improved surface. The applicant must do so in order to begin operation of short-term rental.**

Applicant was made aware of said violation. The stipulations as articulated are required to begin operation.

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Additional Stipulations From Meeting:

- 1. The driveway must be improved within the first year to meet City requirements.**
- 2. The location of the shed must meet the setback requirements of the City or a variance will need to be filed.**
- 3. Contact number for the property manager must be given to the neighbors.**
- 4. Commercial storage on a residential property is prohibited.**

Megan Duma

4520 W. 65th Street Prairie Village, KS 66208
Phone: 619-871-3201 • E-Mail: MeganDuma@gmail.com

DATE: October 15, 2019

Re: Neighborhood Meeting

I have filed an application with the Department of Urban Planning and Land Use #SP-2019-106. The purpose of this special use permit is to operate a Short term rental at the following address: 408 Sandusky Avenue, Kansas City, KS 66101.

I am having a neighborhood meeting on October 28, 2019 at 4:00 p.m. in the First Floor Meeting Room at the KCK Public Library. Located at 625 Minnesota Avenue, Kansas City Kansas 66101. Please reference the Strawberry Hill Special Use Permit Neighborhood Meeting. I have reserved a room so I can answer any questions you may have.

The purpose of this meeting is to explain the proposal and to answer any questions / concerns you may have.

I look forward to seeing you at the neighborhood meeting. I take pride in operating all my short term rentals with the neighbors, community, and my guests in mind.

My contact details are above should you have questions.

Sincerely,

Megan Duma

Minutes From Neighborhood Meeting for Special Use Permit # 19402-00097

Re: 2706 Espenlaub, Kansas 66106 meeting held on October 28, 2019 at 5:00 p.m. at the Kansas City Kansas Public Library Main Branch located at 625 Minnesota Avenue, 66101.

In attendance was Megan Duma, the Petitioner.

No one showed up. Ms. Duma stayed until 5:30 p.m.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)

) SS:

COUNTY OF WYANDOTTE)

Comes now Megan M. Duma, of lawful age, sound mind and upon
his/her oath states as follows:

1. That I am the petitioner for Petition #SP-19402-00097.
2. That I conducted a neighborhood meeting on October 28, 2019 at 5:00 p.m. at the Kansas City Kansas Public Library Main Branch located at 625 Minnesota Avenue, 66101.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

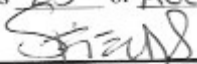
Further affiant saith not.



Affiant, Megan M. Duma

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29TH day of
OCTOBER 2019.

My commission expires 23RD of AUGUST, 2023



SHORT TERM RENTAL SPECIAL USE PERMIT QUESTIONS:

1. HOW WILL YOU COMMUNICATE WITH THE NEIGHBORS?

Answer: I typically meet my neighbors face-to-face, and get their phone numbers so they can have direct contact with me and my property manager 24-7. If any issue ever arises. Here, I have made friends with all my neighbors, and have all surrounding neighbors numbers, (and they have mine) with the exception of the abandoned house next to my property.

2. HOW WILL YOU PAY APPROPRIATE LODGING TAXES?

Answer: I employ a part time book-keeper and accountant to make sure all of my Short Term Rental Dues are paid. In KCK, where the City has not made a tax deal directly with the STR companies, it will be my responsibility to account for, and pay all necessary taxes.

3. HOW MANY ROOMS ARE RENTED?

Answer: The entire house, made up of 3 bedrooms, will be rented together to the same party at the same time. (I.E. single family, or a group traveling together). I do not rent out single rooms. And I do not rent to separate groups at once.

4. WHAT IS THE MAXIMUM NUMBER OF PEOPLE THAT WILL BE STAYING AT ANY ONE TIME?

Answer: The maximum occupancy for this property is 6.

5. WHAT IS THE MAXIMUM NUMBER OF VEHICLES AND WHERE WILL THEY PARK?

Answer: Parking will be limited to 2 vehicles. I have added a large parking spot at the rear of the property for guests to access off of the alley.

6. HOW OFTEN ARE GUESTS IN THE RESIDENCE?

Answer: Based on the other STRs that I operate, there is about 60% occupancy, mostly occurring on the weekends.

7. DO YOU HAVE A RENTAL LICENSE FROM THE UNIFIED GOVERNEMENT?

Answer: It is pending. I will likely have it in hand by the time you read this.

8. PRODICE A DETAILED DESCRIPTION OF THE AREAS RENTED FOR AIRBNB:

Answer: The entire home.

9. DESCRIBE HOW YOU WILL MAINTAIN A SAFE ENVIRONMENT INCLUDING:

Answer: The safety of our guests and neighbors is of the utmost priority. All homes are fully inspected, and brought up to code on anything that is deemed "unsafe" by the property inspector. We install cameras on exterior of the home for the safety of our guests and neighbors.

We also install brand new smoke detectors on every floor outside the bedrooms, we also provide fire extinguishers.

a. WORKING SMOKE DETECTORS IN EACH BEDROOM PLUS EACH LEVEL OF THE UNIT / HOUSE.

Answer: Done.

b. GFCI OUTLETS REQUIRED IN BATHROOMS

Answer: Done.

c. DOUBLE KEYED LOCKS NOT ON DOORS:

Answer: N/A.

d. COPPER CANNOT BE USED FOR GAS SUPPLY LINES

Answer: N/A

- e. WINDOWS MUST BE OPERABLE, NOT BLOCKED OR BOARDED

Answer: Newer vinyl and operable windows

- f. HANDRAILS ARE REQUIRED AT SETS OF 4 OR MORE STAIRS /
RISERS

Answer: Done.

- g. HOT WATER TANK AND FURNACE MUST BE VENTED
PROPERLY AND OPERATIONAL

Answer: Done.

- h. ELECTRIC PANEL AND CIRCUITS MUST BE SAFE.

Answer: They are.



UNIFIED GOVERNMENT RENTAL LICENSE/INSPECTION
4953 State Avenue
Kansas City, Kansas 66102
(913) 573-8649
(913) 573-8622 (Fax)



RESIDENTIAL RENTAL LICENSE APPLICATION

OWNER INFORMATION

Owner/Partnership/Corp/LLC Name: Megan Duma
Managing Partner/CEO Name: _____ Date of Birth: 4/16/1982
Owner's Mailing Address: 4520 W 65th St. Phone# (913) 871-3201
City: Prairie Village State: KS Zip: 66208
Email address: meganduma@gmail.com

RESIDENT AGENT/MANAGEMENT (If owner does not reside in Kansas City, Kansas, a Kansas City, Kansas resident agent must be appointed for service of process.)

Resident Agent/Manager: Tracy Duma Date of Birth: _____
Agent/Manager Mailing Address: 3405 N 128th Ter. Phone# (913) 807-2247
City: KC, KS State: KS Zip: 66109
Email address: jhawk44@hotmail.com

	<u>RENTAL PROPERTY ADDRESS</u>	<u>UNIT #</u>	<u># OF UNITS</u>	<u>TOTAL FEE</u>	<u>REAL ESTATE TAXES CURRENT?</u>
(1)	<u>408 Sandusky Ave.</u>	_____	<u>1</u>	<u>\$55</u>	<u>Yes</u>
(2)	_____	_____	_____	_____	_____
(3)	_____	_____	_____	_____	_____
(4)	_____	_____	_____	_____	_____
(5)	_____	_____	_____	_____	_____

Total Fee for All Properties _____

(If licensing more than 5 properties please attach additional application form)

I, Megan Duma, declare under penalty of false statement, that to the best of my knowledge and belief, the above information is correct and true. This 23rd day of September, 2019

Signature [Signature] Title _____

The filing of this statement neither confirms or denies the use of land as regulated by the zoning ordinances of the Unified Government, nor relieves the applicant from compliance with any other regulating ordinance (#65072).

Please see other side (page 2) for additional information.

Page 1























Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: December 5, 2019
Re: Petition #SP-2019-109

GENERAL INFORMATION

Applicant:
Efrain Carrera

Status of Applicant:
Property Owner
5124 Sloan Ave
Kansas City, KS 66104

Requested Action:
Approval of special use permit

Date of Application:
September 27, 2019

Purpose:
Special use permit for keeping horses on property

Property Location:
5124 Sloan Avenue

Commission Districts:
1. Commissioner At Large: Gayle Townsend
2. District Commissioner: Melissa Bynum



Existing Zoning: R-1 Single Family District

Existing Surrounding Zoning: **North:** R-1 Single Family District
South: R-1 Single Family District
East: R-1(B) Single Family District
West: R-1 Single Family District

Existing Uses: **North:** Single Family Residential Development
South: Single Family Residential Development
East: Single Family Residential Development
West: Single Family Residential Development

Total Tract Size: 1.13 acres

Master Plan Designation: The City-Wide Master Plan designates this location as Low-Density Residential.

Major Street Plan: The Major Street Plan designates 5124 Sloan Avenue as a Local Street.

Advertisement: The Wyandotte Echo – October 17, 2019
Letters to Property Owner – October 17, 2019 and November 25, 2019

Public Hearings: November 12, 2019 and December 5, 2019

Public Opposition: No one appeared in opposition at the November 12, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant is seeking the approval of a special use permit for the purpose of keeping horses on their personal property at the address of 5124 Sloan Avenue. The property is currently zoned as an R-1 Single Family District and is approximately 1.13 acres. Similarly, the surrounding properties are residential in nature. A barn exists on the property for the purpose of proper maintenance, care and security. Additionally, the property is surrounded by a fence. The applicant has stated per their justification that they have lived at the address of 5124 Sloan Avenue for over seven years and moved there with the desire of keeping animals. They have kept horses on site for about the last six or seven years and have never had problems as far as security, proper care, or related to their neighbors. The horses have been a highlight of living at this property and a source of family fun. The applicant believes that having to remove the horses from the property would present an unnecessary emotional burden for the entirety of the family.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The surrounding neighborhood is primarily residential in nature.

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.*

The zoning and uses of priorities nearby are set out above. The majority of the nearby uses are residential in nature. This use is not expected to be incompatible.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?*

The removal of restrictions will not detrimentally affect nearby properties.

4. *The length of time the property has remained vacant as zoned.*

The property is not vacant.

5. *The degree of conformance of the proposed use to the Master Plan.*

Special use permits are not addressed in the Master Plan.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The proposed use is not expected to see an increase in the flow of traffic and is not expected to exceed the capacity of the street network.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use is not reasonably necessary for the convenience and welfare of the public. It should not have an affect on nearby properties so long as the operation is conducted in a safe and secure manner.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

The intended use should not be the source of such problems.

9. Whether the proposed use will pollute the air, land or water.

The proposed use will not pollute the air, land, or water.

10. Whether the use would damage or destroy an irreplaceable natural resource.

This is not applicable.

11. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

The relative gain to the public health, safety, and welfare as compared to hardship imposed on the landowners is minimal. Assuming proper security measures are in place, this operation should not cause a public safety threat.

12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

The proposed use will not result in the overcrowding of the land.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on October 26, 2019; the meeting information is attached.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-109, subject to:

Urban Planning and Land Use Comments:

1. Please provide pictures of site, security measures taken, and the facilities used for animal care and housing.

Applicant Response: Pics are attached.

2. Please detail how the property is maintained to accommodate the animals.

Applicant Response: When we first moved to this property there were stalls already there, in the time we have lived there we have done some accommodations for the horses, also there is a lined fence to keep them inside safe and secure.

3. How many horses are being kept on the property?

Applicant Response: 2 horses are being kept on the property.

4. Are other animals being kept on site?

Applicant Response: No other animals besides our dog.

5. Have you ever received complaints from neighbors or elsewhere?

Applicant Response: For the time we have lived at 5124 Sloan Ave, until this date we have not received any complaints.

6. How much area is available for the animals?

Applicant Response: There is approximately 1.13 acres.

7. Must maintain ground cover.

8. Must keep barn uniformly painted with no peeling paint.

9. Approval for two (2) years.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) None.

- B) Items that are conditions of approval (stipulations):

1) None.

- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

1) None

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2019-109** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

November 12, 2019 City Planning Commission Minutes
Neighborhood Meeting Information
Pictures
Aerial View
Justification for SUP per Applicant
Conservation Comments – Soil Assessment

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	November 12, 2019	December 5, 2019
Special Use	Approval	

STAFF CONTACT: **Jacob Pellegrino**
 jpellegrino@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-109** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-109**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

November 12, 2019 City Planning Commission Minutes:

Hearing Starts At 1:52:16:

SPECIAL USE PERMIT APPLICATION #SP-2019-109 – EFRAIN CARERRA –

SYNOPSIS: Special Use Permit to keep horses on the property at 5124 Sloan Avenue.

Detailed Outline of Requested Action: The applicant is seeking the approval of a special use permit for the purpose of keeping horses on their personal property at the address of 5124 Sloan Avenue. The property is currently zoned as an R-1 Single Family District and is approximately 1.13 acres. Similarly, the surrounding properties are residential in nature. A barn exists on the property for the purpose of proper maintenance, care and security. Additionally, the property is surrounded by a fence. The applicant has stated per their justification that they have lived at the address of 5124 Sloan Avenue for over seven years and moved there with the desire of keeping animals. They have kept horses on site for about the last six or seven years and have never had problems as far as security, proper care, or related to their neighbors. The horses have been a highlight of living at this property and a source of family fun. The applicant believes that having to remove the horses from the property would present an unnecessary emotional burden for the entirety of the family.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 12, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated October 17, 2019; and
7. The Notices to property owners dated October 17, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

The Commission took a recess from 1:53:35 to 1:58:10

Present in Support:

- ❖ Efrain Carrera, applicant, 5124 Sloan Avenue, Kansas City, Kansas 66104
- ❖ Donna Turley, 3408 North 51st Street, Kansas City, Kansas 66104

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts 2:00:20: Planning Director Richardson stated that he would note that stipulation 8. should be barn and not berm. With that change the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts 2:00:45:

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit #SP-2019-109:**

Carson	Chairman
Connelly	Aye
Miller	Aye
Pauley	Aye
Reasons	Aye
Serda	Aye
Cho	Not Present
Ernst	Not Present
Huey	Not Present
Jones	Not Present
Neal	Not Present

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Please provide pictures of site, security measures taken, and the facilities used for animal care and housing.

Applicant Response: Pics are attached.

2. Please detail how the property is maintained to accommodate the animals.

Applicant Response: When we first moved to this property there were stalls already there, in the time we have lived there we have done some accommodations for the horses, also there is a lined fence to keep them inside safe and secure.

3. How many horses are being kept on the property?

Applicant Response: 2 horses are being kept on the property.

4. Are other animals being kept on site?

Applicant Response: No other animals besides our dog.

5. Have you ever received complaints from neighbors or elsewhere?

Applicant Response: For the time we have lived at 5124 Sloan Ave, until this date we have not received any complaints.

6. How much area is available for the animals?

Applicant Response: There is approximately 1.13 acres.

7. Must maintain ground cover.
8. Must keep barn uniformly painted with no peeling paint.
9. Approval for two (2) years.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None.
- B) Items that are conditions of approval (stipulations):
 - 1) None.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

10/15/2019

Efrain and Maria Carrera
5124 Sloan Ave
Kansas City Kansas, 66104

Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use # SP-2019-109. The purpose of this is for a Permit to keep horses on property. At the following address: 5124 Sloan Ave Kansas City Kansas, 66104.

I/We will be having a neighborhood meeting on Saturday October 26, 2019 at 9:00a.m at the following address:
5124 Sloan Ave Kansas City Kansas 66104.

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.

Sincerely,

Efrain and Maria Carrera
5124 Sloan Ave
Kansas City Kansas 66104
(913)206-8526

5124 Sloan Ave Kansas City, KS 66104

Neighborhood meeting 10/26/19 @ 9:00 AM

start time: At 9:00am — End At 10:00am

- Cathy Drew (Mary)

Cathy Drew 5139 Sloan Ave

Q? How big ~~barn~~ is the barn going to be?

A= Neighbor concerned on how big new barn would be? However we will not build new barn. MJK

petitioner: Efrain Carrera

Efrain Carrera

MJK

Total Neighborhood Meeting minutes

60 minutes = 1 hr

Efrain Carrera

HEATHER R STEDMAN-RUIZ
Notary Public - State of Kansas
My Commission Expires Feb 27, 2023

Heather R Stedman-Ruiz

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas City KS
COUNTY OF Wyandotte) SS:

Comes now Efrain Carrera, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP-2019-109
2. That I conducted a neighborhood meeting on 10/26/19 at 9:00am
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

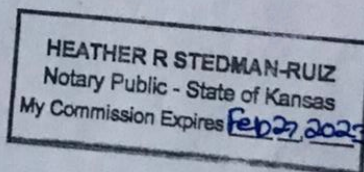
Further affiant saith not.

Efrain Carrera
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26th day of October, 2019.

My commission expires 27 of Feb, 2023

Heather R Stedman-Ruiz
Notary Public

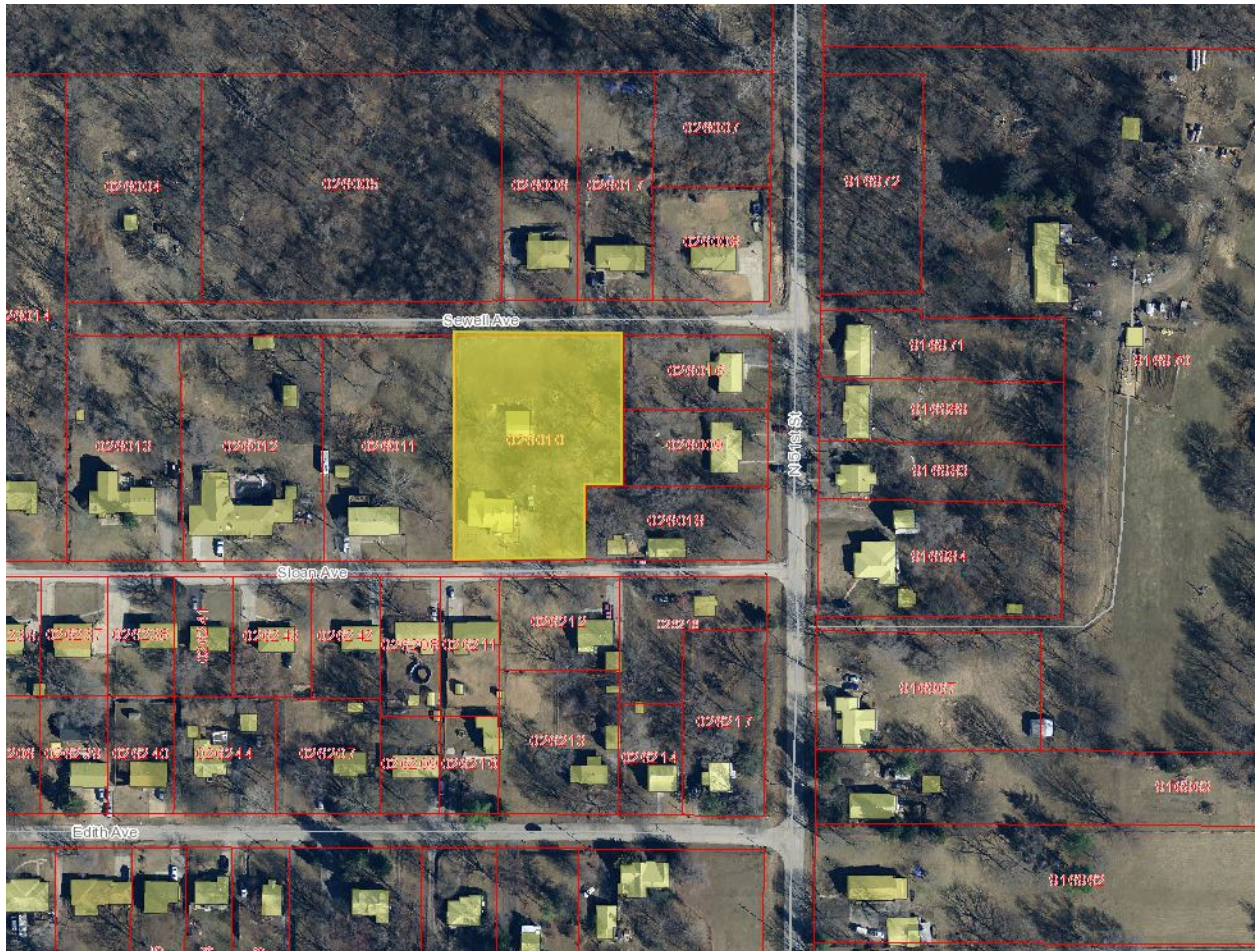












My family and I have lived at 5124 Sloan for over 7 years. Moving here we saw the built in barn attached to the home and thought it was a perfect opportunity for having some animals. We decided to buy animals / horses for our family. In the time we had our horses since about 6 years now. We have never had any issues or problems. ~~But~~ I have made sure I have equipt so it is safe to have them and it doesn't interfere with any neighbors. I have my barns and yard all fenced wired. My kids love and entertain themselves with the horses. We ride them on our street and never have bothered anyone. I believe if I have to get rid of my horses myself and my kids will be devastated.

Best regards
Carrera family.



Wyandotte County Conservation District
1204 N. 79th Street - Kansas City, KS 66112 - Phone (913)-334-6329 -
wyco.conservation@gmail.com

Rob Richardson
Director of Planning
701 North 7th Street Rm. 423
Kansas City, KS 66101
913-573-5750

October 15, 2019

RE: #SP-2019-109

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review Special Use Permit, #SP-2019-109 5124 Sloan Avenue.

In addition to the site review the following reports were generated from the Wyandotte County Soil Survey to assess the limitations for development and/or natural resources concerns for this site.

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Soil Features

In summary, the following limitations and resource concerns were noted for this plat:

- There are three soil types that were identified: Ladoga silt loam, 3 to 8 percent slopes, Knox silt loam, 7 to 12 percent slopes, and Knox silt loam, 12 to 18 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- Good management practices are in dire need. Horses need good areas for exercise to maintain good health. The east side of the property is completely denuded of vegetation. The property needs to be reseeded and maintained to prevent erosion and provide a healthy environment for the animal and people living on the property.
- Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.

Technical assistance is available from our office. Limitation maps, detail soil reports and a conservation plan can also be requested for this site from our office.

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern have been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however, some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineations on the maps include soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

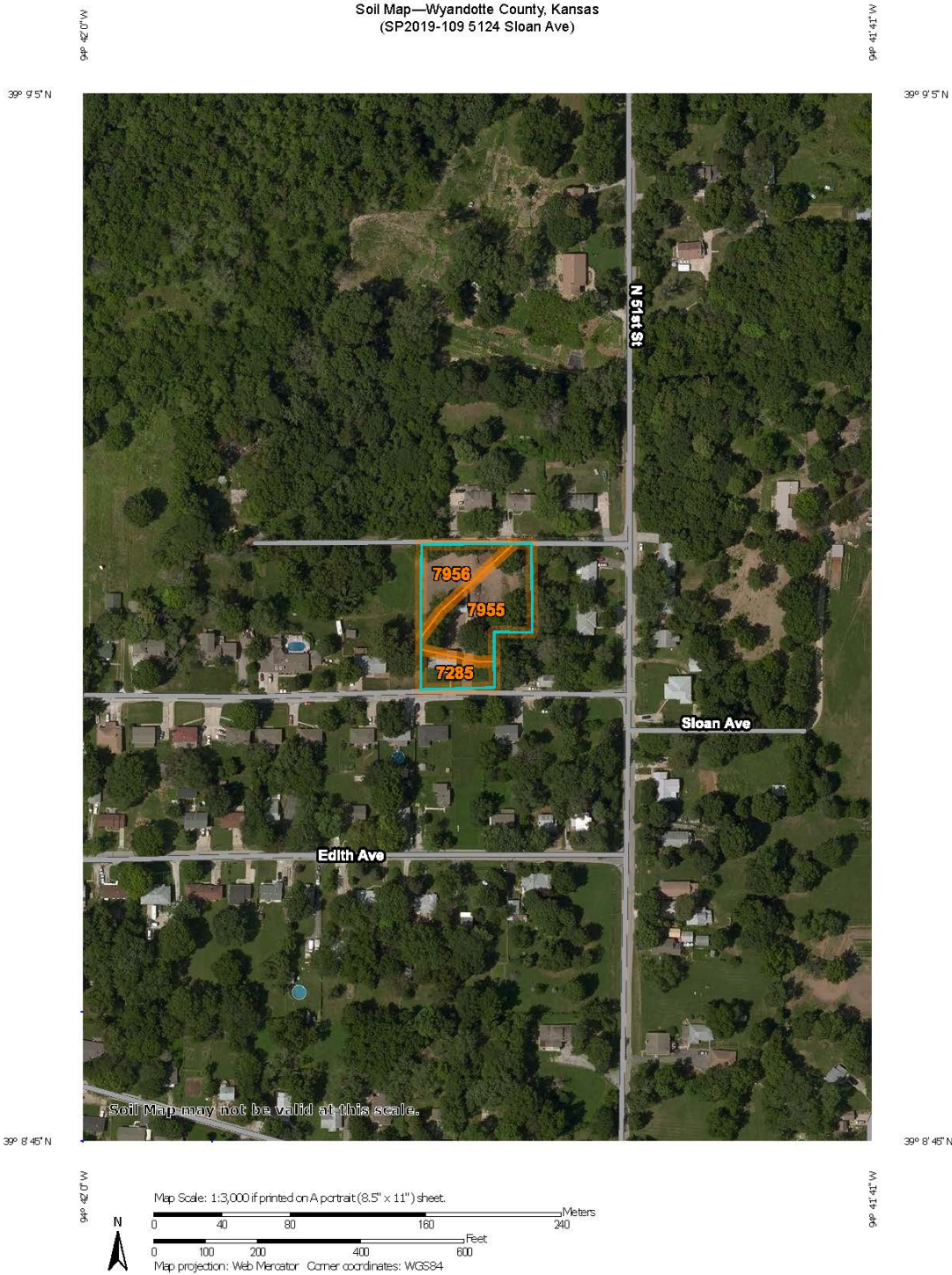
If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures

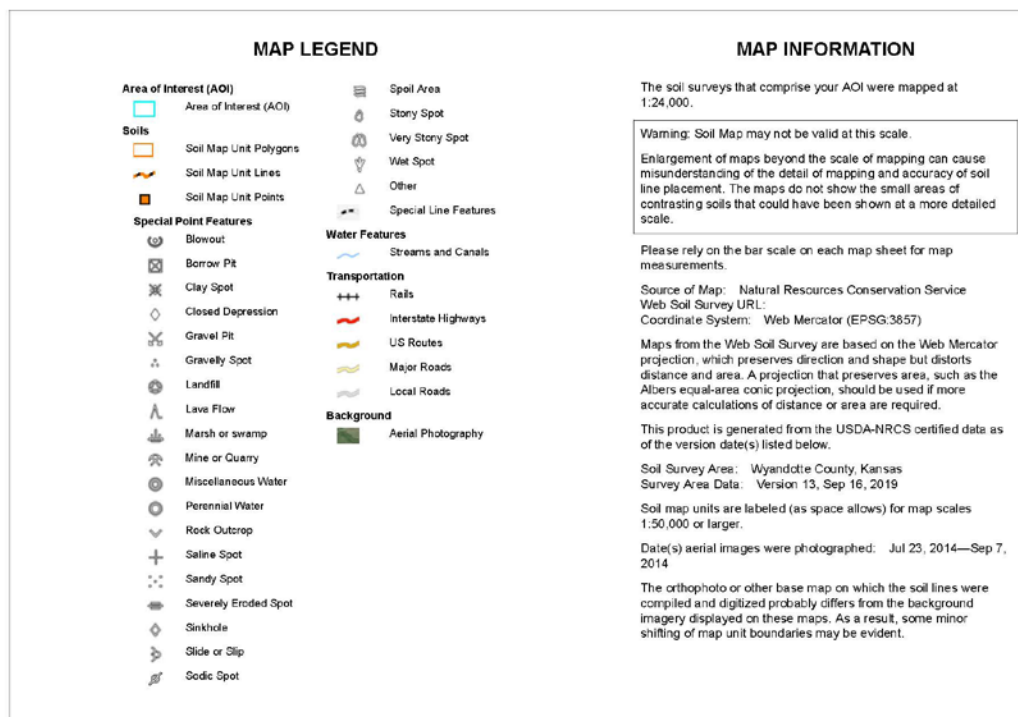
Soil Map—Wyandotte County, Kansas
(SP2019-109 5124 Sloan Ave)



USDA
Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

10/3/2019
Page 1 of 3



Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
7285	Ladoga silt loam, 3 to 8 percent slopes	0.2	16.6%
7955	Knox silt loam, 7 to 12 percent slopes	0.7	54.6%
7956	Knox silt loam, 12 to 18 percent slopes	0.3	28.8%
Totals for Area of Interest		1.2	100.0%

Map Unit Description (Brief, Generated)

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions in this report, along with the maps, provide information on the composition of map units and properties of their components.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

The Map Unit Description (Brief, Generated) report displays a generated description of the major soils that occur in a map unit. Descriptions of non-soil (miscellaneous areas) and minor map unit components are not included. This description is generated from the underlying soil attribute data.

Additional information about the map units described in this report is available in other Soil Data Mart reports, which give properties of the soils and the limitations, capabilities, and potentials for many uses. Also, the narratives that accompany the Soil Data Mart reports define some of the properties included in the map unit descriptions.

Report—Map Unit Description (Brief, Generated)

Wyandotte County, Kansas

Map Unit: 7285—Ladoga silt loam, 3 to 8 percent slopes

Component: Ladoga (80%)

The Ladoga component makes up 80 percent of the map unit. Slopes are 4 to 7 percent. This component is on hillslopes on uplands. The parent material consists of silty and clayey loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 3 percent. This component is in the R106XY015KS Loamy Upland (pe 30-37) ecological site. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria.

Component: Knox (10%)

Generated brief soil descriptions are created for major soil components. The Knox soil is a minor component.

Component: Sharpsburg (10%)

Generated brief soil descriptions are created for major soil components. The Sharpsburg soil is a minor component.

Map Unit: 7955—Knox silt loam, 7 to 12 percent slopes**Component: Knox (80%)**

The Knox component makes up 80 percent of the map unit. Slopes are 7 to 12 percent. This component is on hillslopes on uplands. The parent material consists of fine-silty loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R107BY003MO Deep Loess Exposed Backslope Savanna, Deep Loess Protected Backslope Woodland ecological site. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria.

Component: Welda (5%)

Generated brief soil descriptions are created for major soil components. The Welda soil is a minor component.

Component: Similar soil (5%)

Generated brief soil descriptions are created for major soil components. The Similar soil is a minor component.

Component: Armster, eroded (5%)

Generated brief soil descriptions are created for major soil components. The Armster, eroded soil is a minor component.

Component: Ladoga (5%)

Generated brief soil descriptions are created for major soil components. The Ladoga soil is a minor component.

Map Unit: 7956—Knox silt loam, 12 to 18 percent slopes**Component: Knox (90%)**

The Knox component makes up 90 percent of the map unit. Slopes are 12 to 18 percent. This component is on hillslopes on uplands. The parent material consists of fine-silty loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R107BY003MO Deep Loess Exposed Backslope Savanna, Deep Loess Protected Backslope Woodland ecological site. Nonirrigated land capability classification is 4e. This soil does not meet hydric criteria.

Component: Similar soil (10%)

Generated brief soil descriptions are created for major soil components. The Similar soil soil is a minor component.

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 13, Sep 16, 2019



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: December 5, 2019
Re: Vacation Petition #U/E-2019-6

GENERAL INFORMATION

Applicant:

Melissa Vancrum of Rouse
Frets White Goss

Status of Applicant:

Representative
Dean Realty Co.
1201 West 31st St. Ste. 3
Kansas City, MO 64108

Requested Action:

Vacation of utility easements

Date of Application:

September 26, 2019

Purpose:

Vacation of a utility
easement

Property Location:

2600 Bi-State Drive



Existing Zoning: M-3 Heavy Industrial District

Existing Surrounding Zoning: **North:** M-3 Heavy Industrial District
South: M-3 Heavy Industrial District
East: Missouri State Line
West: M-3 Heavy Industrial District

Existing Uses: **North:** Wooded area, BSNF Railroad
South: Business Park
East: Wooded area, state of Missouri
West: Business Park

Neighborhood Characteristics: The neighborhood consists predominantly of business parks. North and east of the property are heavily wooded areas. Railroad tracks are to the north and the highway infrastructure of I-35 is to the south.

Total Tract Size: 4.9 acres

Master Plan Designation: The City-Wide Master Plan designates this area as Business Park

Major Street Plan: The Major Street Plan designates Bi-State Drive as a local street

Advertisement: Wyandotte Echo – October 17, 2019
Letters to Property Owners – October 17, 2019 and November 25, 2019

Public Hearings: November 12, 2019 and December 5, 2019

Public Opposition: No one appeared in opposition at the November 12, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Melissa Vancrum, of Rouse Frets White Goss, acting as an agent for Dean Realty Co., has applied to vacate an unused portion of the utility easement in order to resolve a building encroachment issue.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709 and K.S.A. 12-504 to 12-506 and 12-512b.

FACTORS TO BE CONSIDERED

1. ***Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.***

This action will not create these issues.

2. *The extent to which utilities and public services are available and adequate to serve the proposed use.*

a. *Water service*

Available

b. *Sanitary sewer service*

Available

c. *Storm water control*

Designed to meet city code

d. *Police*

Police service provided by the South Patrol, District #335

e. *Fire*

Fire service provided by Station #10

f. *Transit*

The KCATA does not provide service near this area

g. *Schools*

Kansas City, Kansas USD 500

3. *Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.*

Streets are already designed as to provide a safe, convenient and functional system for vehicular traffic as to accommodate prospective traffic as determined by existing and probable future land and building uses.

4. *Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.*

This action will not affect these issues.

5. *Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected*

and enhanced.

This action will not affect these issues.

- 6. *Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.***

This action will not affect these issues.

- 7. *Vacation will not create utility conflicts.***

This response is pending comments from the utility departments.

KEY ISSUES

The property extends across state line. Decisions can only be made by this body regarding the property that is within the limits of Wyandotte County, Kansas.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Utility Easement Vacation Application #U/E-2019-6, subject to:

Urban Planning and Land Use Comments:

No Comments

Public Works Comments:

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Vacation Petition #U/E-2019-6 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

November 12, 2019 City Planning Commission Minutes
Zoning Map
Easement Vacation Exhibit

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	November 12, 2019	December 5, 2019
Vacation	Approval	

STAFF CONTACT: Shana Shanteau
 sshanteau@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #U/E-2019-6, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition U/E-2019-6, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

November 12, 2019 City Planning Commission Minutes:

Hearing Starts 2:01:25:

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-6 – MELISSA VANCNUM WITH ROUSE FRETS WHITE GOSS, Vacation of utility easements at 2600 Bi-State Drive. **Detailed Outline of Requested Action:** The applicant, Melissa Vancnum, of Rouse Frets White Goss, acting as an agent for Dean Realty Co., has applied to vacate an unused portion of the utility easement in order to resolve a building encroachment issue.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 12, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publication in The Echo dated October 17, 2019, and
7. The Notices to property owners dated October 17, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Present in Support:

- ❖ Melissa Vancnum, applicant/attorney, Rouse Frets White Goss, 4510 Bellevue Avenue, Kansas City, Missouri

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts 2:03:20: Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts 2:03:29:

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to **recommend APPROVAL of Utility Easement Vacation Application #U/E-2019-6:**

Carson	Chairman
Connelly	Aye
Miller	Aye
Pauley	Aye
Reasons	Aye
Serda	Aye

Cho	Not Present
Ernst	Not Present
Huey	Not Present
Jones	Not Present
Neal	Not Present

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

Urban Planning and Land Use Comments:

No Comments

Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

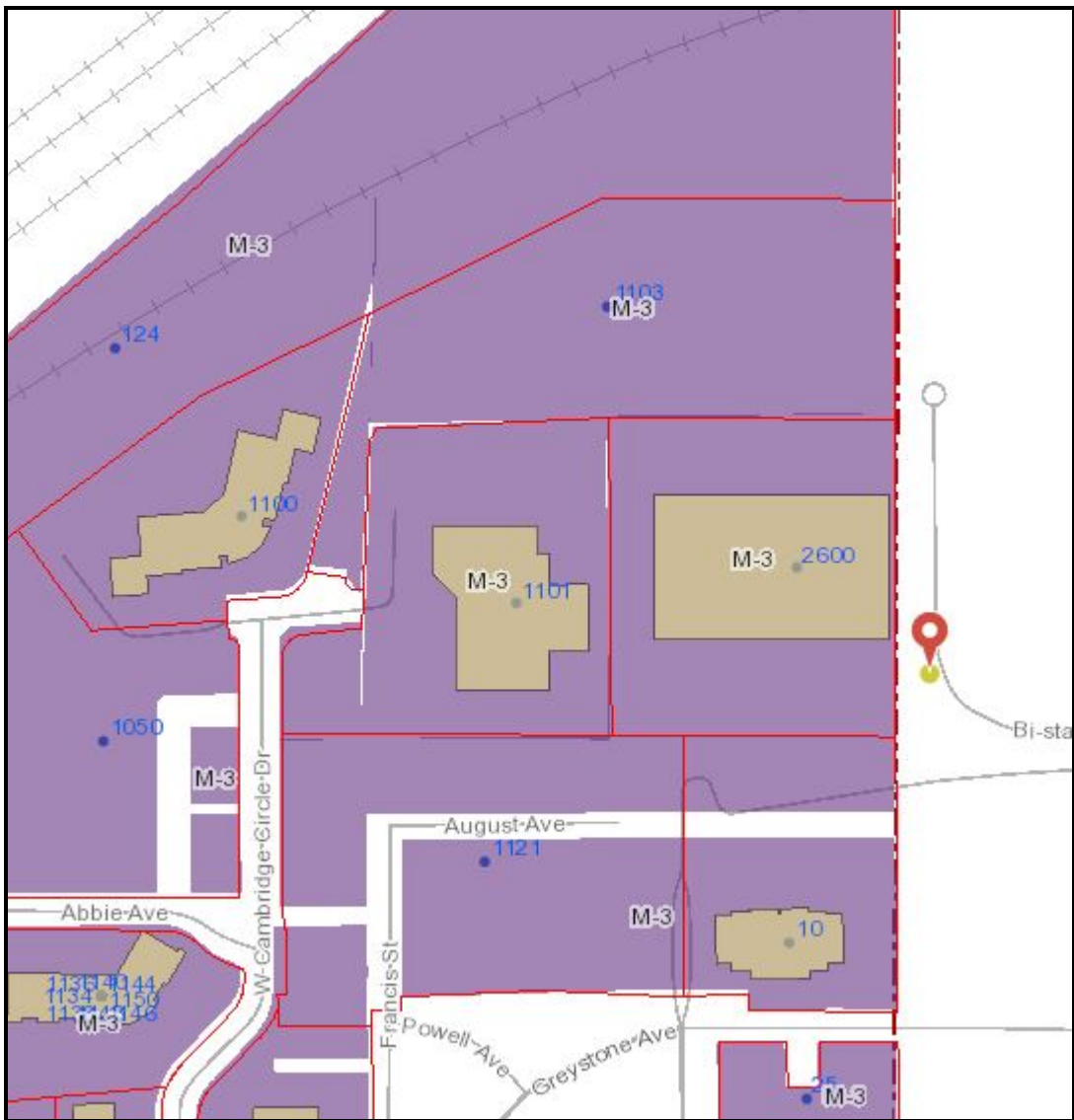
1) None.

A) Items that are conditions of approval (stipulations):

1) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.

B) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

1) None



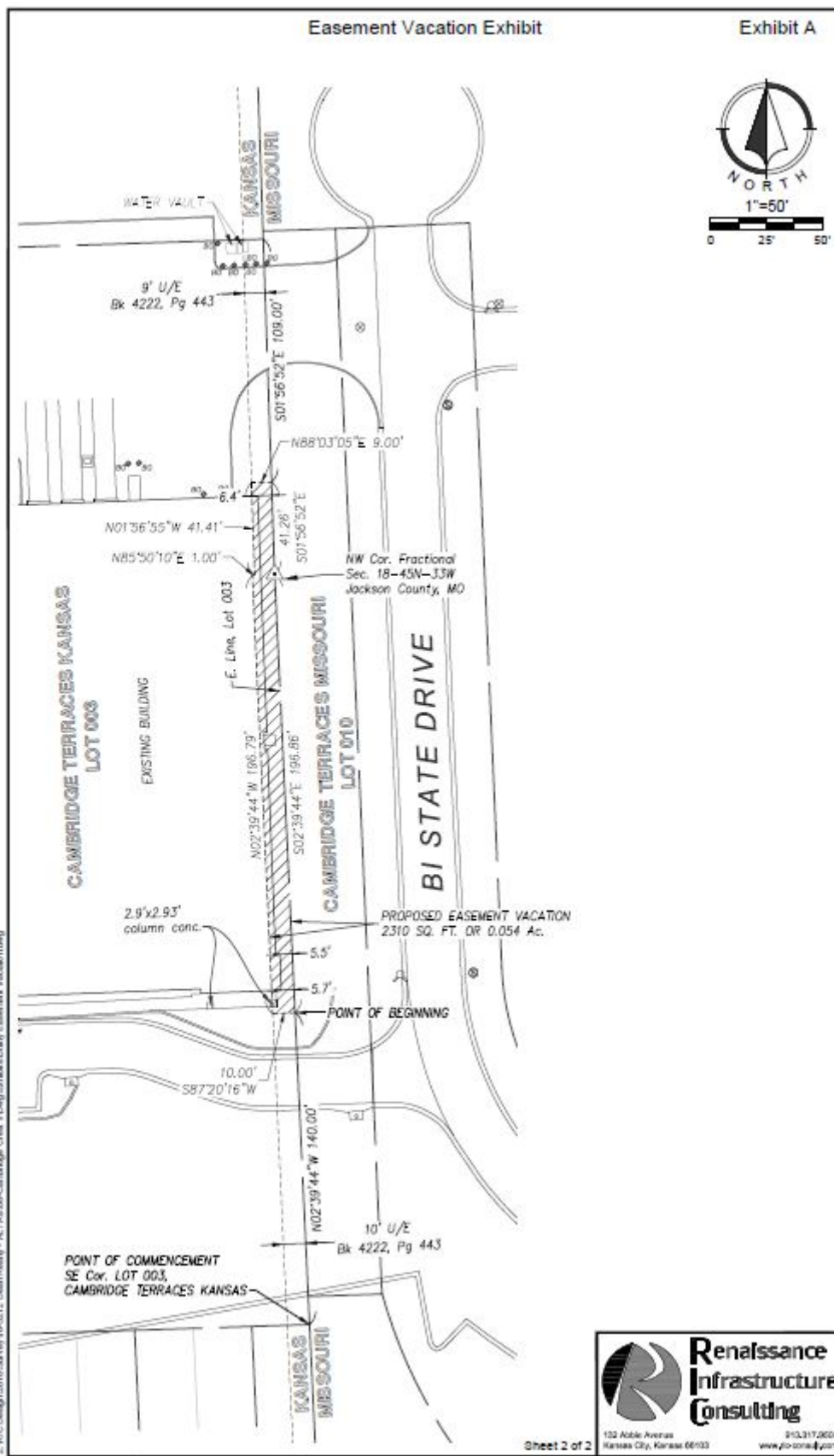


EXHIBIT A
UTILITY EASEMENT VACATION

An easement to be vacated being that part of the Corporation Right of Way Easement granted to the Unified Government of Wyandotte County, Kansas City, Kansas, as recorded by the Register of Deeds, Wyandotte County, as Document No. 2000R-21018 in Book 4222, Page 443, lying in that part of Lot 003, CAMBRIDGE TERRACES KANSAS, a subdivision in the City of Kansas City, Wyandotte County, Kansas more particularly described as follows:

Commencing at the Southeast corner of said Lot 003; thence along the East line of said Lot 003, North 02°39'44" West a distance of 140.00 feet, to the POINT OF BEGINNING;
thence South 87°20'16" West a distance of 10.00 feet, to a point on the West line of the Corporation Right of Way Easement granted to the Unified Government of Wyandotte County, Kansas City, Kansas, as recorded by the Register of Deeds, Wyandotte County, as Document No. 2000R-21018 in Book 4222, Page 443;
thence along said West line, North 02°39'44" West a distance of 196.79 feet;
thence continuing along said West line, North 85°50'10" East a distance of 1.00 feet;
thence continuing along said West line, North 01°56'55" West a distance of 41.41 feet;
thence leaving said West line, North 88°03'05" East a distance of 9.00 feet, to a point on the East line of said Lot 003, said point also being on the East line of said Corporation Right of Way Easement;
thence along said East line, South 01°56'52" East a distance of 41.26 feet to the Northwest corner of Fractional Section 18, Township 45 North, Range 33 West, Jackson County, Missouri;
thence continuing along said East line, South 02°39'44" East a distance of 196.86 feet to the POINT OF BEGINNING, containing 2,340 square feet, or 0.054 acres, more or less.



Sheet 1 of 2
Prepared 10-22-19
Prepared By: LAD
18-3212 Utility Easement Vacation

(First published _____)

#3168

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 5604 State Avenue in Kansas City, Kansas, by changing the same from its present zoning of CP-1 Planned Limited Business District to B-P Planned Business Park District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on July 26, 2018, by the owners of property to have the zoning of said property changed from its present zoning of CP-1 Planned Limited Business District to B-P Planned Business Park District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

Description Per Title Commitment:

TRACT 1:

A TRACT OF LAND IN BEGINNING AT THE SOUTHEAST CORNER OF SECTION 2, TOWNSHIP 11, RANGE 24, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, THENCE SOUTH 89°58'30" WEST 507.43 FEET ALONG THE SOUTHLINE OF SAID SECTION 2; THENCE NORTH 0°22'54" EAST 137.47 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; THENCE NORTH 89°47'06" WEST 139.50 FEET; THENCE SOUTH 0°22'54" WEST 70.0 FEET; THENCE NORTH 89°37'06" WEST 38.68 FEET; THENCE NORTH 04°47'30" EAST 164.55 FEET; THENCE NORTHEASTERLY ALONG A 200.03 RADIUS CURVE TO THE RIGHT 57.97 FEET; THENCE SOUTH

89°37'06" EAST 153.95 FEET; THENCE SOUTH 0°22'54" WEST 150.0 FEET TO THE TRUE POINT OF BEGINNING, EXCEPT THAT PART IN STREETS AND ROADS.

TRACT IA:

A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 11 SOUTH, RANGE 24 EAST OF THE SIXTH PRINCIPAL MERIDIAN IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS SOUTH 89°58'30" WEST 507.43 FEET (AS MEASURED ALONG THE SOUTH LINE OF SAID SECTION 2) AND NORTH 0°22'54" EAST 137.47 FEET FROM THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 2 SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THE FIRST TRACT OF LAND CONVEYED IN BOOK 2043 ON PAGE 394 IN WYANDOTTE COUNTY REGISTER OF DEEDS OFFICE; THENCE NORTH 89°37'06" WEST 139.50 FEET, ALONG THE NORTH RIGHT-OF-WAY LINE ON STATE AVENUE AS NOW ESTABLISHED; THENCE SOUTH 0°22'54" WEST 40.00 FEET; THENCE SOUTH 89°37'06" EAST 139.50 FEET ALONG THE LINE WHICH IS PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST CORNER OF SAID SECTION 2; THENCE NORTH 0°22'54" EAST 40.00 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED, EXCEPT THAT PART IN STREETS AND ROADS.

TRACT 2:

A TRACT OF LAND BEGINNING AT THE SOUTHEAST CORNER OF SECTION 2, TOWNSHIP 11, RANGE 24, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, THENCE SOUTH 89°58'30" WEST 744.74 FEET ALONG THE SOUTH LINE OF SAID SECTION 2; THENCE NORTH 17°18'20" WEST 398.0 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; THENCE NORTH 75°50'50" WEST 188.65 FEET; THENCE NORTH 0°03'30" EAST 177.70 FEET; THENCE NORTH 70°47'40" EAST 71.91 FEET; THENCE NORTH 59°23'40" EAST 252.0 FEET; THENCE NORTH 70°32'40" EAST 95.58 FEET; THENCE SOUTH 78°48'20" EAST 171.81 FEET; THENCE SOUTH 0°22'54" WEST 308.20 FEET; THENCE NORTH 48°19'06" WEST 288.62 FEET; THENCE SOUTH 41°43'20" WEST 220.0 FEET; THENCE SOUTH 2°00'25" EAST 93.95 FEET TO THE TRUE POINT OF BEGINNING, LESS THAT PART THEREOF CONVEYED IN BOOK 2047, PAGE 133, AS DOCUMENT NO. 711872, EXCEPT THAT PART IN STREETS AND ROADS.

TRACT 3:

A TRACT OF LAND BEGINNING AT THE SOUTHEAST CORNER OF SECTION 2, TOWNSHIP 11, RANGE 24, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, THENCE SOUTH 89°48'30" WEST, ALONG THE SOUTH LINE OF SAID SECTION 2, 744.74 FEET; THENCE NORTH 17°18'20" WEST 230.23 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; THENCE SOUTH 85°12'30" EAST, 139.08 FEET; THENCE NORTH 4°47'30" EAST, 24.55 FEET; THENCE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 200.03 FEET, AN ARC DISTANCE OF 57.97 FEET; THENCE SOUTH 89°37'06" EAST, 153.95 FEET; THENCE NORTH 0°22'54" EAST 157.98 FEET TO A POINT; THENCE NORTH 48°19'06" WEST 288.62 FEET; THENCE SOUTH 41 DEGREES 43'20" WEST, 220.0 FEET; THENCE SOUTH 2°00'25" EAST, 93.95 FEET; THENCE SOUTH 17°18'20" EAST, 167.77 FEET, TO THE TRUE POINT OF BEGINNING, EXCEPT THAT PART IN STREETS AND ROADS.

TRACT 4:

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 11, RANGE 24 IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF SECTION 2-11-24, SAID POINT BEING 470.00 FEET (BY SURVEY 469.65 FEET) NORTH OF THE SOUTHEAST CORNER OF SAID SECTION; THENCE NORTH 57°51' WEST, 356.03 FEET; THENCE NORTH 80°18'45" WEST, 52.06 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT TO BE HEREIN DESCRIBED; THENCE SOUTH 34°15' WEST, 269.54 FEET; THENCE NORTH, located at approximately 5604 State Avenue, Kansas City, Kansas,

be changed from its present zoning of CP-1 Planned Limited Business District to B-P Planned Business Park District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-472, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Urban Planning and Land Use Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for B-P Planned Business Park District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2019.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(First published _____)

#3198

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 3605 Bell Crossing in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to A-G Agriculture District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on June 5, 2019, by the owners of property to have the zoning of said property changed from its present zoning of R-1(B) Single Family District to A-G Agriculture District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

TRACT I: BEGINNING 1230 FEET NORTH AND 638.6 FEET WEST OF THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 10, RANGE 25, EAST; THENCE SOUTH 303.9 FEET, THENCE WEST 432.4 FEET TO THE CENTER OF SORTOR ROAD, THENCE NORTH 2 DEG. 50' WEST 104.8 FEET, THENCE EAST 228.7 FEET, THENCE NORTH 199.2 FEET, THENCE EAST 208.7 FEET TO THE PLACE OF BEGINNING, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS. LESS THAT PART TAKEN OR USED FOR ROAD PURPOSES.

TRACT II: COMMENCING 692 FEET NORTH AND 608 ½ FEET WEST OF THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 10, RANGE 25; THENCE NORTH 249.1 FEET; THENCE WEST 471 FEET TO SORTOR ROAD; THENCE SOUTHEAST ON SAID ROAD TO A POINT WEST OF BEGINNING; THENCE EAST 397.1 FEET TO POINT OF BEGINNING, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS. LESS THAT PART TAKEN OR

USED FOR ROAD PURPOSES. Located at approximately 3605 Bell Crossing Drive, Kansas City, Kansas,

be changed from its present zoning of R-1(B) Single Family District to A-G Agriculture District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for A-G Agriculture District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2019.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(First published _____)

#3202

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 4251 North 60th Street in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on July 26, 2019, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to A-G Agriculture District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

TRACT 1

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 22: THENCE NORTH 87°52'21" EAST, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22. 297.00 FEET; THENCE NORTH 52°53'23" EAST, 477.47 FEET; THENCE NORTH 78°42'56" EAST, 346.50 FEET TO THE SOUTHERLY END OF THE NORTHWEST SIDE MORRISON'S SUBDIVISION: THENCE NORTH 15°12'56" EAST, ALONG SAID SIDE OF MORRISON'S SUBDIVISION, 299.87 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE MISSOURI PACIFIC RAILROAD AND THE NORTH LINE OF LOT 6 OF MORRISON'S SUBDIVISION; THENCE CONTINUING NORTH 15°12'56" EAST, 51.72 FEET TO THE CENTERLINE OF SAID RAILROAD RIGHT-OF-WAY; THENCE NORTH 89°35'32" WEST, ALONG THE CENTERLINE OF SAID RAILROAD RIGHT-OF-WAY, 502.70 FEET; THENCE NORTH 00°24'28" EAST, 50.00

FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF THE MISSOURI PACIFIC RAILROAD AND THE POINT OF BEGINNING.

THENCE NORTH 00°24'28" EAST, 192.00 FEET TO THE EXISTING HIGH BANK OF THE MISSOURI RIVER; THENCE NORTH 82°24'28" EAST, ALONG THE HIGH BANK OF THE MISSOURI RIVER 404.13 FEET; THENCE SOUTH 00°24'28" WEST, 248.24 FEET TO THE NORTH RIGHT-OF-WAY LINE OF THE MISSOURI PACIFIC RAILROAD; THENCE NORTH 89°35'32" WEST ALONG THE NORTH LINE OF SAID RIGHT-OF-WAY, 400.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 88,089 SQUARE FEET OR 2.02 ACRES, MORE OR LESS.

TRACT 2

COMMENCING AT THE SOUTHEAST CORNER OF LOT 6, OF MORRISON'S SUBDIVISION, SAID POINT BEING ON THE WESTERLY LINE, AND ITS PROLONGATION, OF TRACT A OF SAID SUBDIVISION; THENCE SOUTH 87°56'11" WEST, ALONG THE SOUTHERLY LINE OF SAID LOT 6, 20.00 FEET, TO THE WEST LINE OF 60TH STREET, (PER BOOK H, AT PAGE 445); THENCE NORTH 1°47'04" WEST, ALONG THE WEST LINE OF 60TH STREET, 534.52 FEET TO THE POINT OF BEGINNING.

THENCE SOUTH 73°12'56" WEST, 185.00 FEET; THENCE SOUTH 88°12'56" WEST, 170.00 FEET; THENCE NORTH 1°47'04" WEST, 506.03 FEET; THENCE NORTH 89°35'32" WEST, 344.89 FEET TO A POINT ON THE NORTHWEST SIDE OF MORRISON'S SUBDIVISION; THENCE CONTINUING NORTH 89°35'32" WEST, 278.10 FEET; THENCE NORTH 00°24'28" EAST, 222.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE MISSOURI PACIFIC RAILROAD; THENCE SOUTH 89°35'32" EAST, ALONG SAID RIGHT-OF-WAY, 336.78 FEET TO THE NORTHWEST CORNER OF LOT 6; THENCE CONTINUING SOUTH 89°35'32" EAST, ALONG SAID RIGHT-OF-WAY AND THE NORTHERLY LINE OF LOT 6, 626.67 FEET TO THE NORTHWEST END OF 60TH STREET (PER ROAD BOOK H, AT PAGE 445); THENCE SOUTH 1°47'04" EAST, ALONG THE WEST LINE OF 60TH STREET, 666.96 FEET TO THE POINT OF BEGINNING.

CONTAINING 316,422 SQUARE FEET OR 7.26 ACRES, MORE OR LESS.

TRACT 3

COMMENCING AT A POINT ON THE SOUTH LINE OF LOT 6 MORRISON'S SUBDIVISION, SAID POINT BEING ON THE WESTERLY LINE, AND ITS PROLONGATION, OF TRACT A OF SAID SUBDIVISION;

THENCE SOUTH 87°56'11" WEST, ALONG THE SOUTHERLY LINE OF LOT 6, 20.00 FEET TO THE WEST LINE OF 60TH STREET; THENCE NORTH 1°47'04" WEST, ALONG THE WEST LINE OF 60TH STREET, 534.52 FEET; THENCE NORTH 87°56'11" EAST, 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 210,936 SQUARE FEET OR 4.84 ACRES, MORE OR LESS. Located at approximately 4251 North 60th Street, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family District to A-G Agriculture District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for A-G Agriculture District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2019.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(First published _____)

#3204

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 4225 Mission Road, 3002-3004 West 43rd Avenue and 3014 West 43rd Avenue in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to R-2(B) Two Family District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on July 26, 2019, by the owners of property to have the zoning of said property changed from its present zoning of R-1(B) Single Family District to R-2(B) Two Family District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

PARCEL I - All of lot 6, except the North 10 feet and all of lots 7, 8, and 9, Block 1, LOMBARD PARK ADDITION and the East 15 feet of Lot 11, except the South 10 feet and all of Lot 12, except the South 10 feet, Block 1, LOMBARD PARK ADDITION, an addition in Kansas City, Wyandotte County, Kansas.

PARCEL II - Lot 14, Block 1, LOMBARD PARK ADDITION, an addition in Kansas City, Wyandotte County, Kansas .

PARCEL III - Lot 13, Block 1, LOMBARD PARK ADDITION, an addition in Kansas City, Wyandotte County, Kansas.

PARCEL IV- Lot 10 and the West 25 feet of Lot 11, Block 1, LOMBARD PARK ADDITION, an addition in Kansas City, Wyandotte County, Kansas.

Located at approximately 4225 Mission Road, 3002-3004 West 43rd Avenue and 3014 West 43rd Avenue, Kansas City, Kansas,

be changed from its present zoning of R-1(B) Single Family District to R-2(B) Two Family District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for R-2(B) Two Family District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2019.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(First published _____)

#3206

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 1847 South 14th Street in Kansas City, Kansas, by changing the same from its present zoning of C-1 Limited Business District to CP-3 Planned Commercial District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on August 30, 2019, by the owners of property to have the zoning of said property changed from its present zoning of C-1 Limited Business District to CP-3 Planned Commercial District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

SEC 28 TWN 11S RNG 25E FRANKLIN HEIGHTS, S28, T11, R25,
ACRES 0.36, B2 L13 & L14, Located at approximately 1847 South 14th
Street, Kansas City, Kansas,

be changed from its present zoning of C-1 Limited Business District to CP-3 Planned Commercial District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-467, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Urban Planning and Land Use Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for CP-3 Planned Commercial District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2019.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(Published _____)

#R/W-2017-12

ORDINANCE NO. _____

AN ORDINANCE vacating all of a 10 foot right-of-way between Lot 15 and Lot 16, MILGARDEN, a subdivision in the City of Kansas City, Wyandotte, County, Kansas, located at (Lot 15 - 5205 FARROW AVE) and (Lot 16 - 5169 FARROW AVE). The entire right-of-way should be retained as a utility easement to the Unified Government of Kansas City, KS and the north half of the right-of-way as an access easement to the adjacent residential lots, located at approximately between 5205 and 5159 Farrow Avenue.

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. That the following described pedestrian right-of-way in Kansas City, Kansas be and the same is hereby vacated:

Vacating all of a 10 foot right-of-way between Lot 15 and Lot 16, MILGARDEN, a subdivision in the City of Kansas City, Wyandotte, County, Kansas, located at (Lot 15 - 5205 FARROW AVE) and (Lot 16 - 5169 FARROW AVE). The entire right-of-way should be retained as a utility easement to the Unified Government of Kansas City, KS and the north half of the right-of-way as an access easement to the adjacent residential lots, located at approximately between 5205 and 5159 Farrow Avenue.

Section 2. The City of Kansas City, Kansas, reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing, installing, constructing or reconstructing any public utilities, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF
_____, 2019

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

ORDINANCE NO. _____

AN ORDINANCE vacating a strip of land 70.00 feet in width located in the Southeast Quarter of Section 18 and the Northeast Quarter of Section 19, Township 11 South, Range 25 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas, said strip being portions of deeds for road purposes conveyed to Wyandotte County, Kansas and filed in Book 344 at Page 467 and in Book 347 at Page 135, said strip being more particularly described as follows: Beginning at the point of intersection of the South line of the Southeast Quarter of said Section 18 with the East right-of-way line of 42nd Street, as now established, said point being 30.00 feet East of the Southwest corner of the Southeast Quarter of said Section 18; Thence North 0° 01' 29" West 35.00 feet, along said East right-of-way line; Thence North 89° 03' 43" East 590.00 feet, along a line 35.00 feet North of and parallel with the South line of the Southeast Quarter of said Section 18; Thence South 0° 01' 29" East 35.00 feet to a point on the North line of the Northeast Quarter of said Section 19; Thence South 0° 03' 13" East 35.00 feet; Thence South 89° 03' 43" West 590.00 feet, along a line 35.00 feet South of and parallel with said North line, to a point on the East right-of-way line of said 42nd Street; Thence North 0° 03' 13" West 35.00 feet, along said East right-of-way line, to the point of beginning of the tract herein described, containing 41,300 square feet or 0.9481 acres more or less. Subject to all easements and restrictions of record. Located at approximately 4141 and 4151 Fairbanks Avenue, Kansas City, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. That the following described alley in Kansas City, Kansas be and the same is hereby vacated:

A strip of land 70.00 feet in width located in the Southeast Quarter of Section 18 and the Northeast Quarter of Section 19, Township 11 South, Range 25 East of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas, said strip being portions of deeds for road purposes conveyed to Wyandotte County, Kansas and filed in Book 344 at Page 467 and in Book 347 at Page 135, said strip being more particularly described as follows: Beginning at the point of intersection of the South line of the Southeast Quarter of said Section 18 with the East right-of-way line of 42nd Street, as now established, said point being 30.00 feet East of the Southwest corner of the Southeast Quarter of said

Section 18; Thence North 0° 01' 29" West 35.00 feet, along said East right-of-way line; Thence North 89° 03' 43" East 590.00 feet, along a line 35.00 feet North of and parallel with the South line of the Southeast Quarter of said Section 18; Thence South 0° 01' 29" East 35.00 feet to a point on the North line of the Northeast Quarter of said Section 19; Thence South 0° 03' 13" East 35.00 feet; Thence South 89° 03' 43" West 590.00 feet, along a line 35.00 feet South of and parallel with said North line, to a point on the East right-of-way line of said 42nd Street; Thence North 0° 03' 13" West 35.00 feet, along said East right-of-way line, to the point of beginning of the tract herein described, containing 41,300 square feet or 0.9481 acres more or less. Subject to all easements and restrictions of record. Located at approximately 4141 and 4151 Fairbanks Avenue, Kansas City, Kansas.

Section 2. The City of Kansas City, Kansas, reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing, installing, constructing or reconstructing any public utilities, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF
_____, 2019

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

BY:

DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK



Staff Request for Commission Action

Tracking No. 191054

Full Commission Meeting Date: 12/5/19

Committee: Public Works & Safety

Date of Standing Committee Action: 11/18/19

(If none, please explain):

Publication Required: No

<u>Date:</u> 11/26/2019	<u>Contact Name:</u> Susan Alig	<u>Contact Phone:</u> x5085	<u>Contact Email:</u> salig@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> Request approval to enter into an agreement with Kansas City, Kansas Public Schools for the construction of infrastructure improvements related to the construction of the Brune Elementary School, and authorizing Doug Bach, County Administrator to sign the agreement, submitted by Susan Alig.				
<u>Action Requested:</u> Approve the resolution and authorize entry into the agreement.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Authorizing resolution Brune school improvements, 7AM6274-Intergovernmental Development Agreement - UG redline 11062019				

RESOLUTION NO. _____

A RESOLUTION APPROVING THE AGREEMENT BETWEEN THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY, KANSAS AND THE KANSAS CITY,
KANSAS PUBLIC SCHOOLS

Whereas, the Kansas City, Kansas Public School District (“District”) and the Unified Government of Wyandotte County/ Kansas City, Kansas (“Unified Government”) are empowered by the laws of Kansas to enter into agreements with each other to perform any governmental service, activity, or undertaking which each is authorized by law to perform; and

Whereas, the District and the Unified Government desire to enter into an Agreement to provide for infrastructure improvements necessitated by the construction of a new school at 8833 Waverly Avenue in Kansas City, Kansas; and

Whereas, an agreement has been prepared describing the parties’ cooperation and responsibilities regarding such improvements; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT AS FOLLOWS: That the Unified Government is hereby authorized to enter into a substantial conforming agreement by signature of the County Administrator.

THIS RESOLUTION IS ADOPTED by the Governing Body of the Unified Government of Wyandotte County/ Kansas City, Kansas, this ____ day of _____, 2019.

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/ KANSAS CITY, KANSAS

By: _____

David Alvey

Mayor/ CEO

(SEAL)
ATTEST

Unified Government Clerk

**INTERGOVERNMENTAL DEVELOPMENT AGREEMENT BETWEEN THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS THE
KANSAS CITY, KANSAS PUBLIC SCHOOL DISTRICT FOR THE CONSTRUCTION
OF ADDITIONAL IMPROVEMENTS RELATED TO THE BRUNE ELEMENTARY
SCHOOL**

THIS INTERGOVERNMENTAL AGREEMENT (the “Agreement”) is made and entered into as of the Effective Date (as define in Section 1.5) by and between the Unified Government of Wyandotte County/ Kansas City, Kansas (“Unified Government”) and the Kansas City, Kansas Public School District (“the District”)(collectively, the “Parties”), both Parties having been organized under the laws of the State of Kansas.

WHEREAS, the District owns property located at 8833 Waverly Avenue, Kansas City, Kansas, on which it intends to construct the new Brune Elementary school building (“Brune Elementary”); and

WHEREAS, the Unified Government owns property located at 8910 Parallel Parkway, Kansas City, Kansas, on which it intends to build a public road which will connect Parallel Parkway and 91st Street to Brune Elementary; and

WHEREAS, the development of Brune Elementary will contribute to the need for improved transportation, storm, and sanitary infrastructure in the area (the “Improvements”); and

WHEREAS, the definition of “municipality” in K.S.A. 12-2908 includes both the Unified Government and the District; and

WHEREAS, K.S.A. 12-2908 authorizes municipalities to contract with other municipalities to perform any governmental service, activity or undertaking which each contracting municipality is authorized to perform by law.

NOW, THEREFORE, in consideration of the above recitals, the mutual covenants and agreements contained herein, and for other good and valuable consideration, the Parties agree as follows:

1. PURPOSE AND CONSTRUCTION

- 1.1. PURPOSE OF THE AGREEMENT. The Parties enter into this Agreement for the purposes of clarifying how funding and construction of the Project will be handled between the Parties.
- 1.2. AMENDMENTS. This Agreement may not be modified or changed by any verbal statement, promise or agreement, and no modification, change or amendment shall be binding on the Parties unless it has been agreed to in writing and signed by both Parties.
- 1.3. JURISDICTION. This Agreement shall be construed according to the laws of the State of Kansas and may be enforced in any court of competent jurisdiction.
- 1.4. CASH BASIS LAW. This Agreement is subject to the Kansas Cash Basis Law, K.S.A. 10-1101 et seq. and amendments thereto. This Agreement shall be construed and interpreted so as to ensure that the Parties shall at all times stay in conformity with such laws and, as a condition of this Agreement, either party reserves the right to unilaterally terminate this Agreement if the Agreement is deemed to violate the terms of such law. The Parties are obligated only to make payments under the Agreement as may lawfully be made from: (a) funds budgeted and appropriated for that purpose during each party's current budget year; or (b) funds made available from any lawfully operated revenue producing source.
- 1.5. EFFECTIVE DATE. This Agreement shall become effective upon its adoption by the governing bodies of the Unified Government and the District, and upon the signing of the Agreement by the authorized representatives of the Unified Government and the District.
- 1.6. DURATION AND TERMINATION OF AGREEMENT. This Agreement shall be effective from the date of the last signatory as set forth below, until the completion of the Improvements, so long as the Improvements are completed by January 1, 2021. If the Improvements are not completed by January 1, 2021, the Parties may enter into a new agreement extending the time for completion.

2. THE PROJECT AND IMPROVEMENTS

- 2.1. The Parties hereby agree that the "Project" shall include the design, construction, and development of the Brune Elementary school building, parking lots, streets and related

infrastructure providing transportation access to Brune Elementary, and recreation areas, as depicted in the plans and drawings in the December 10, 2018 City Staff Submission to City Planning Commission Re: Final Plat of Lowell Brune Elementary and Petition #PR-2018-31, a copy of which is attached as Exhibit A. The District hereby contemplates that the Project as generally depicted on Exhibit A attached hereto shall be developed, constructed, completed and operated on the Project Site in substantial accordance and compliance with the terms and conditions of this Agreement and the final site plan approvals as may be granted or amended from time to time by the Unified Government's Planning Commission or other relevant bodies if any.

2.1.1. The Project shall include parking improvements containing the number of spaces, islands, and landscaping as required by the applicable laws and Requirements for the Project and as required by the Unified Government Planning Commission.

2.2. The Parties hereby agree that the "Improvements" shall include the design, construction, development, and/or financing of the infrastructure improvements herein described and depicted in Exhibit A. The Parties agree that all such Improvements shall be developed, constructed, completed, and maintained in substantial accordance and compliance with the terms and conditions of this Agreement.

2.2.1. The signage for the Improvements shall be subject to all applicable laws and Requirements, and any special use permits granted by the Unified Government Planning Commission.

2.3. General Agreements. The Parties agree to promptly and completely perform each and all of its obligations under this Agreement.

3. TRANSPORTATION IMPROVEMENTS

3.1. A new public road shall be constructed that extends 90th Street north from Parallel Parkway which connects to the District property to provide access for Brune Elementary and allows for a future connection with 91st Street. The approximate location of the public road is the shaded portion shown on the following:



3.2. The road and driveway design shall be completed by the engineering firm providing design services for the District.

3.2.1. The design shall be consistent with a future four-way intersection at 90th and Parallel Parkway and future demolition of the existing intersection at 91st and Parallel Parkway.

3.2.2. The design shall include sidewalks.

3.2.3. The road design shall be overseen and approved by the Unified Government.

3.3. The Unified Government shall acquire the property necessary to complete the road.

3.4. The Unified Government shall competitively bid out the road work as provided for in the requirements set forth in the Unified Government's Procurement Code and all other applicable laws.

3.4.1. The Unified Government shall have the right to provide project management and inspect the public roadway portion of the project.

3.5. The design shall comply with Unified Government design standards and include ADA sidewalk ramps and sidewalks. The parties anticipate a future agreement regarding pedestrian access.

- 3.6. The District shall pay the Unified Government for a portion of the road work costs by paying the Unified Government Six Hundred Thousand Dollars and NO/100 (\$600,000.00). The Unified Government shall invoice the District upon its selection of the lowest responsible bidder(s) for the work. The District shall make the payment in a lump sum within fifteen (15) days of its receipt of the invoice. In no event shall the Unified Government's share of the Project exceed \$2,000,000.00, including land acquisition costs.
- 3.7. Any roads on the Unified Government's property shall be owned and maintained by the Unified Government. Any road on the District's property shall be owned and maintained by the District.
4. REQUIREMENTS IMPOSED BY UNIFIED GOVERNMENT PLANNING AND FULL COMMISSIONS HEREIN INCORPORATED
- 4.1. The Parties hereby incorporate the final requirements imposed the Unified Government Board of Commissioners and their duly authorized appointees on the Planning Commission into this Agreement ("Requirements").
5. RESERVATION OF UNIFIED GOVERNMENT'S AUTHORITY; NO WAIVER. Nothing in this Agreement is intended to limit or waive the Unified Government's authority to perform additional public works projects or to develop additional projects on the Unified Government's property on or near the area described in herein.

IN WITNESS WHEREOF, the above and foregoing Agreement has been executed in duplicate by each of the Parties hereto on the day and year first above written.

THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

By _____
Douglas G. Bach
County Administrator
UNIFIED GOVERNMENT

ATTEST:

Bridgette Cobbins
Clerk of the Unified Government

KANSAS CITY, KANSAS PUBLIC SCHOOLS

By _____

ATTEST:



Staff Request for Commission Action

Tracking No. 191041

Full Commission Meeting Date: 12/5/19

Committee: Public Works & Safety

Date of Standing Committee Action: 11/18/19

(If none, please explain):

Publication Required: Yes

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
11/26/2019	James Bain	x5077	jbain@wycokck.org	Legal

Item Description:

Project Name: Assess Pedestrian Easement to Brune Elementary

A resolution declaring that this project is necessary and valid improvement project, submitted by James Bain, Assistant Counsel. This project is the construction of new sidewalks for Brune Elementary school. The sidewalks will run west from Waverly Avenue to Brune Elementary. This Resolution directs the Chief Counsel to cause a survey and description of such parcels to be undertaken and prepared by a licensed land surveyor or a professional engineer to identify and describe the property to be acquired for this project, and to submit an Ordinance authorizing the exercise of eminent domain and to undertake all other necessary actions to complete the acquisition of such parcels.

Action Requested:

To adopt the resolution.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

1. Resolution.Brune Elementary

(Published _____)

RESOLUTION NO. _____

A RESOLUTION declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the construction, maintenance, operation, use and repair of the **Access Pedestrian Easement to Brune Elementary** all in Wyandotte County, Kansas.

**BE IT RESOLVED BY THE COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

SECTION 1. It is hereby found and determined necessary that certain lands be condemned for public use providing for land necessary for construction, maintenance, operation, use and repair of the **Access Pedestrian Easement to Brune Elementary**. The project is the construction of new sidewalks for Brune Elementary school. The sidewalks will run west from Waverly Avenue to Brune Elementary. This project is all in Wyandotte County, Kansas.

SECTION 2. The Board of Commissioners hereby directs and authorizes its Chief Counsel to cause a survey and description of such parcels to be undertaken and filed with the Clerk of Wyandotte County/Kansas City, Kansas; to thereafter prepare and submit to the Board of Commissioners an ordinance authorizing the exercise of eminent domain with respect to such parcels; and upon approval of the same by the Board of Commissioners to initiate eminent domain proceedings in the District Court of Wyandotte County, and to undertake all other necessary actions to complete acquisition of such parcels.

SECTION 3. This resolution shall be published once in the official County, newspaper, The Wyandotte Echo.

**ADOPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

THIS _____ DAY OF _____, 2019.

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

James Bain
Assistant Counsel



Staff Request for Commission Action

Tracking No. 191052

Full Commission Meeting Date: 12/5/19

Committee: Public Works & Safety

Date of Standing Committee Action: 11/18/19

(If none, please explain):

Publication Required: Yes

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
11/26/2019	James Bain	x5077	jbain@wycokck.org	Legal

Item Description:

Project Name: Water Pollution Maintenance Facility (CMIP 6039) and Kansas City, Kansas Police Department Tow Lot and Crime Lab Project (CMIP 8212)

A resolution declaring that this project is necessary and valid improvement project, submitted by James Bain, Assistant Counsel. This project is regarding the construction of a new water pollution control maintenance and fleet facility and the construction of a new police tow lot and crime lab for the purpose of providing for public health, welfare and safety. This Resolution directs the Chief Counsel to cause a survey and description of such parcels to be undertaken and prepared by a licensed land surveyor or a professional engineer to identify and describe the property to be acquired for this project, and to submit an Ordinance authorizing the exercise of eminent domain and to undertake all other necessary actions to complete the acquisition of such parcels.

Action Requested:

To adopt the resolution.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Condemnation.Resolution

(Published _____)

RESOLUTION NO. _____

A RESOLUTION declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the construction, maintenance, operation, use and repair of the **Water Pollution Maintenance Facility (CMIP 6039) and Kansas City, Kansas Police Department Tow Lot and Crime Lab Project (CMIP 8212)**, all in Wyandotte County, Kansas.

**BE IT RESOLVED BY THE COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

SECTION 1. It is hereby found and determined necessary that certain lands be condemned for public use providing for land necessary for construction, maintenance, operation, use and repair of the **Water Pollution Maintenance Facility (CMIP 6039) and the Kansas City, Kansas Police Department Tow Lot and Crime Lab Project (CMIP 8212)**. The project is regarding the construction of a new water pollution control maintenance and fleet facility and the construction of a new police tow lot and crime lab for the purpose of providing for public health, welfare and safety. This project is all in Wyandotte County, Kansas.

SECTION 2. The Board of Commissioners hereby directs and authorizes its Chief Counsel to cause a survey and description of such parcels to be undertaken and filed with the Clerk of Wyandotte County/Kansas City, Kansas; to thereafter prepare and submit to the Board of Commissioners an ordinance authorizing the exercise of eminent domain with respect to such parcels; and upon approval of the same by the Board of Commissioners to initiate eminent domain proceedings in the District Court of Wyandotte County, and to undertake all other necessary actions to complete acquisition of such parcels.

SECTION 3. This resolution shall be published once in the official County, newspaper, The Wyandotte Echo.

**ADOPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

THIS _____ DAY OF _____, 2018.

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

James Bain
Assistant Counsel



Staff Request for Commission Action

Tracking No. 191046

Full Commission Meeting Date: 12/5/19

Committee: Public Works & Safety

Date of Standing Committee Action: 11/18/19

(If none, please explain):

Publication Required: No

<u>Date:</u> 11/26/2019	<u>Contact Name:</u> Misty Brown	<u>Contact Phone:</u> x5067	<u>Contact Email:</u> mbrown@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> A resolution in support of responsible bidder requirements and authorizing additional development of responsible bidder requirements.				
<u>Action Requested:</u> To adopt the resolution.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Responsible bidder resolution				

RESOLUTION NO. _____

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (hereinafter "Unified Government") wishes to ensure that Unified Government construction contracts are awarded in an atmosphere that invites competition and guards against favoritism, arbitrary conduct, and fraud; and

WHEREAS, the Unified Government desires to encourage contractors to train a skilled workforce, provide a safe workplace, and invest locally; and

WHEREAS, responsible bidder requirements set minimal requirements for contractors bidding on publicly funded construction projects; and

WHEREAS, the Unified Government wishes further analysis and review of potential responsible bidder requirements for Unified Government construction projects.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

1. That the Unified Government Board of Commission of Wyandotte County/Kansas City, Kansas supports the concept of responsible bidder requirements.
2. That the Unified Government Board of Commission of Wyandotte County/Kansas City, Kansas authorizes additional development of responsible bidder requirements.
3. The Mayor, the County Administrator, and the Unified Government's other officers, agents, and employees are hereby authorized and directed to take such further action, and execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

ADOPTED BY THE COMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS _____ DAY OF _____, 2019.

David Alvey, Mayor/CEO

ATTEST:

Unified Government Clerk

Approved as to Form:

Misty S. Brown, Deputy Chief Counsel



Staff Request for Commission Action

Tracking No. 191044

Full Commission Meeting Date: 12/5/19

Committee: Public Works & Safety

Date of Standing Committee Action: 11/18/19

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
11/26/2019	Jeff Fisher	x5415	jfisher@wycokck.org	Public Works

Item Description:

It is required by the Kansas Department of Health and Environment (KDHE) that each county has a Solid Waste Planning Committee. KDHE requires the Solid Waste Plan be reviewed on an annual basis by the Committee and be approved by the Board of Commissioners. The review addresses any changes in the solid waste management system since the last plan review and include any recommendations of the committee.

Action Requested:

Approval

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

2019 Wyandotte County Solid Waste Minute Summary (002)

Wyandotte County Solid Waste Committee Minutes of Annual Meeting on September 27, 2019

Attending: Zack Daniel, Maureen Mahoney, Greg Talkin, Ingrid Seltzer, Richard Mabion, Norman Scott, and Kirk Suther.

1. *Approval of May 9, 2018 Minutes.* Norman made a motion to accept the minutes. Maureen the motion. Motion approved.

2. *Review of Solid Waste Plan.* A Power Point presentation giving an overview of the Wyandotte County Solid Waste Plan was presented. The infrastructure of the systems in place to manage solid waste were discussed such as residential trash services, curbside recycling services, drop off recycling centers, glass recycling, electronics recycling, business and governmental recycling, yard waste programming, food waste programming, and household hazardous waste programming.

3. *Review of Goals.* As part of the PowerPoint presentation we looked at results of our 2015 adopted goals. When evaluating the types of strategies to incorporate in order to reduce the amount solid waste disposed of, the major waste reduction strategies are reduce, reuse, recycle, yard and food waste reduction, and special waste reduction. The following goals were adopted as part of the Wyandotte County's Solid Waste Plan 5-year update conducted in 2015.

Reduce and Reuse Strategies:

1. *Continuation of education for Local Government employees with reduce, reuse, and recycling strategies.*
2. Continue operation of the Unified Government SWAP: Surplus with a Purpose. This program collects extra office supplies and has them available for reuse by other departments.
3. Educate residents and businesses about waste reduction ideas.
4. Educate and encourage public to utilize reuse facilities, e.g. thrift shops etc.
5. Educational information to encourage grass-cycling.
6. Encourage government, schools, and business procurement policies for promoting source reduction.

Recycling Strategies for Residents:

1. Continue on-going efforts to educate residents about solid waste disposal and recycling services available to them.
2. Continue the curbside recycling program in Kansas City and Bonner Springs.
3. *Curbside recycling for Edwardsville.*
4. Continue providing containers for special events recycling.
5. *Continue on-going office recycling program for Local Governments.*
6. *Encourage and promote participation from the community to utilize recycling centers and drop off containers.*
7. Encourage and promote the participation of residents and businesses with the glass recycling drop off containers of Ripple Glass.

Recycling Strategies for Businesses:

1. Identify the current infrastructure available for businesses and apartment complexes for recycling.
2. Develop recycling educational resources for businesses and apartment complexes.
3. Promote and encourage recycling for businesses and apartment complexes.

Yard Waste Reduction Strategies:

1. Continue to promote Wyandotte County Yard Waste drop off center.
2. Cooperative educational programming with K-State Extension on composting.
3. Identify the infrastructure in place to handle a higher volume of dead trees as a result of diseases or pests such as the emerald ash borer.

Food Waste Strategies:

1. Investigate to see what type of infrastructure and/or programming is available to address food waste in both the residential and business waste streams.

Special Wastes:

1. Continuation of the household hazardous waste collection days for residents of Wyandotte County, if budget allows.
2. As long as resources are available, implement e-waste drop off events for the public.
3. Development and implementation of programming to address the problem with illegal dumping and illegal tire dumping in Wyandotte County.

4. *Changes to Solid Waste Infrastructure.* In 2018, the Unified Government worked with Waste Management to come up with some operational changes to improve the manual trash and recycling infrastructure. Re-routes for both trash and recycling for Kansas City, Kansas were developed and were implemented in 2019. The re-route evened out the house count per day, increased the number of trash and recycling trucks each day, decreased the number of houses per route, and reduced the projected pickup times.

5. *Other.* In 2020, the Wyandotte County Solid Waste Management Plan is due to be updated as per regulations of the Kansas Department of Health and Environment.



Staff Request for Commission Action

Tracking No. 191047

Full Commission Meeting Date: 12/5/19

Committee: Public Works & Safety

Date of Standing Committee Action: 11/18/19

(If none, please explain):

Publication Required: No

<u>Date:</u> 11/26/2019	<u>Contact Name:</u> Jeff Fisher	<u>Contact Phone:</u> x5415	<u>Contact Email:</u> jfisher@wycokck.org	<u>Department/Division:</u> Public Works
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Item Description:

The attached resolution authorizes the Mayor to amend the 1996 agreement with the City of Bonner Springs, Kansas regarding street maintenance and emergency services in Loring, the unincorporated areas of Delaware township south of Bonner Springs. This agreement is for one year and authorizes the Unified Government to pay \$111,229.68 to the City of Bonner Springs for street maintenance, traffic control signs and devices, snow removal, right-of-way mowing, pavement markings and guardrail maintenance in Loring and an additional \$28,502.60. for police, fire, and ambulances services for 2018.

Action Requested:

To adopt the resolution.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Loring Reso, UG.BonnerSprings.1Year.Agreement(2019.2020)

RESOLUTION NO. _____

**BE IT RESOLVED BY THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

That the Mayor of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby authorized and directed to execute in the name of the Unified Government and to attach the seal of the Unified Government thereto as the voluntary act of the Unified Government as Addendum to the Interlocal Cooperation Agreement among the Unified Government of Wyandotte County/Kansas City, Kansas and Bonner Springs, Kansas for street maintenance and police services to the unincorporated area of Loring being dated _____.

The County Administrator and Unified Government employees are directed to take any action required and to execute any instruments necessary to satisfy the intent of this Resolution.

THIS RESOLUTION IS ADOPTED by the Governing Body of the Unified Government of Wyandotte County/Kansas City, Kansas, this ____ of _____ 2019.

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

By:

David Alvey
Mayor/Chief Executive

(SEAL)
ATTEST

Unified Government Clerk

Approved as To Form:

Misty S. Brown, Deputy Chief Counsel

ADDENDUM TO INTERLOCAL COOPERATION AGREEMENT

THIS ADDENDUM is made and entered into this ____ day of _____, 2019, by and between the Unified Government County/Kansas City, Kansas, the City of Bonner Springs, Kansas, adding additional terms to the Interlocal Cooperation Agreement entered into by and among the parties and the City of Edwardsville and dated May 16, 1996, and to the 1997, 1998, 1999, 2001, 2002, 2003, 2007, 2013, 2018, and 2019 Addenda to the Agreement.

WHEREAS, the parties wish to amend certain provision of the Agreement and addenda.

NOW THEREFORE, the parties agree as follows:

1. Paragraph 8 of the Agreement is amended to read as follows:

8. Street Maintenance. Bonner Springs will provide for a one (1) year period street maintenance, traffic control signs and devices, snow removal, right-of-way mowing, pavement markings and guardrail maintenance for the Loring area, the unincorporated areas of Delaware township south of Bonner Springs. The Unified Government agrees to pay in each fiscal year \$111,229.68 beginning in fiscal year 2020. Bonner Springs shall perform, pursuant to its ordinances and state laws, noxious and general weed control within the Loring area, as well as within Bonner Springs. The Unified Government agrees to provide storage and sale of weed control chemicals. The Unified Government does further agree to use whatever authority it has under Kansas law to assist Bonner Springs in the above noted responsibilities. The Unified Government will be responsible for property maintenance of Unified Government owned properties in Bonner Springs and the Loring Area.

2. Paragraph 10 of the Agreement is amended to read as follows:

10. Emergency Services. Bonner Springs will provide police, fire, and ambulance services to the Loring area for a one (1) year period, beginning January 1, 2020 for the annual sum of \$28,502.60.

3. Paragraph 11 of the Agreement is amended to read as follows:

11. Payments. All annual payments to be made pursuant to this agreement shall be made no later than February 3, 2020.

4. The Interlocal Cooperation Agreement dated 1996, subsequent addenda and their terms re incorporated herein.
5. All other provisions of the Interlocal Cooperation Agreement and the 1998 addendum shall remain as previously agreed to, consistent with this addendum.

IN WITNESS WHEREOF, the parties hereto have executed the above and foregoing Addendum the day and year and written above.

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

David Alvey
Mayor/CEO

Attest:

Unified Government Clerk

Date: _____

(Seal)

CITY OF BONNER SPRINGS, KANSAS

By: _____
Jeff Harrington
Mayor

Attest:

Christina Brake, City Clerk

Date: _____

(Seal)

191075



CONSENT AGENDA ITEM NO.

**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

November 20, 2019

Mrs. Bridgette D. Cobbins
Unified Government Clerk
East Building

Re: Subdivision Plat Approval THE ACRES OF PIPER

Dear Mrs. Cobbins:

Please be advised that the Engineering Division has reviewed the attached plat of THE ACRES OF PIPER located at K-7 Highway and Marxen being developed by The Acres of Piper LLC.

At this time, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, PS., CPM
County Surveyor

Troy Shaw, P.E.
County Engineer

Attachments

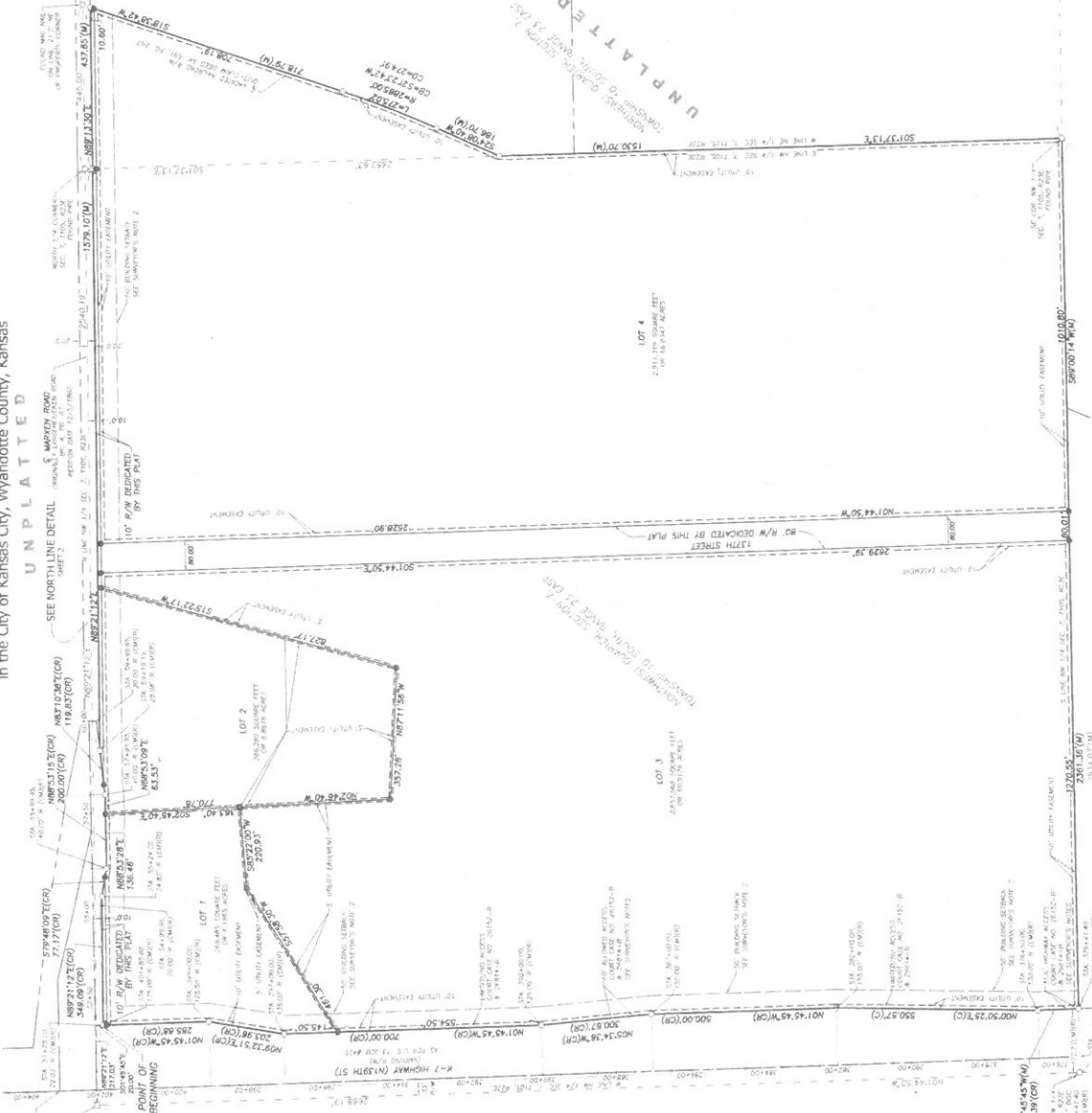
FILED
NOV 20 2019
UNIFIED GOVERNMENT CLERK

Final Plat of:

THE ACRES OF PIPER

a Subdivision of Land in the Northwest Quarter and the Northeast Quarter of Section 7, Township 10 South, Range 23 East, in the City of Kansas City, Wyandotte County, Kansas

UNPLATTED



UNPLATTED

OWNER
The Acres of Piper, LLC
4807 N. 124th Court
Kansas City, MO 64116

SURVEYOR
BHC Rhodes
712 State Avenue
Kansas City, MO 64101

SURVEYOR'S CERTIFICATION

I, the undersigned, being a duly qualified and licensed Surveyor in the State of Missouri, do hereby certify that the foregoing is a true and correct copy of the original survey as the same appears in my records, and that the same was made by me or under my direct supervision and that said survey was conducted in accordance with the 'MISSOURI MEASUREMENT STANDARDS' for boundary surveys pursuant to L.S.A. 24-3037.

(See the back of this case, and any other pages)

BHC Rhodes, L.S. 2522
Steven C. Staley, L.S. 2522

THE ACRES OF PIPER
A SUBDIVISION IN THE NW 1/4 & NE 1/4
SECTION 7, TOWNSHIP 10 SOUTH, RANGE 23 EAST
KANSAS CITY, WYANDOTTE COUNTY, KANSAS

THE ACRES OF PIPER, LLC
4807 N. 124TH COURT
KANSAS CITY, KANSAS 64109

BHC RHODES
Civil Engineering • Surveying • Mapping
Kansas City, Kansas 64101
P (913) 731-5300 F (913) 731-4877



Rev.	Date	Description
1	10/23/2010	Final Plat

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

**PLANNING & ZONING AND
REGULAR SESSION
OCTOBER 31, 2019**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, October 31, 2019, with seven members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; Johnson, Commissioner Fourth District; Walters, Commissioner Seventh District, Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Kane, Commissioner Fifth District; and Markley, Commissioner Sixth District; were absent. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Melissa Sieben, and Emerick Cross, Assistant County Administrators; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Robin Richardson, Director of Planning; Janet Parker, Administrative Assistant; Lynn Melton, Assistant to the Mayor; Captain Ronald Schumaker, Sergeant-at-Arms.

MAYOR ALVEY called the meeting to order.

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

INVOCATION was given by Reverend George Kemper of Ebenezer Ministries.

Mayor Alvey said I'll ask the Clerk if there are any revisions to tonight's agenda. **Bridgette Cobbins, UG Clerk**, said there are no revisions, Mayor.

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

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

Ms. Cobbins asked if any members of the Commission wished to disclose any contact with proponents or opponents on any item on the Planning and Zoning Agenda. **Commissioner Bynum** disclosed contact with proponents of #SP-2019-100. **Commissioner Philbrook** disclosed contact regarding #SP-2019-100 also. **Commissioner Johnson** disclosed (inaudible).

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

Mayor Alvey asked if any member of the Commission or anyone in attendance tonight wished to set-aside any item on the Planning and Zoning Consent Agenda. If an item is not set-aside, all items on the Planning and Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission. **Commissioner Philbrook** said I would like to pull #SP-2019-100; not that I'm against it. I would like the community to hear about this project.

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

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 191022...CHANGE OF ZONE APPLICATION #3205 - JOE MCCLAUGHLIN WITH BHC RHODES

Synopsis: Change of zone from A-G Agriculture (WYCO) District to A-G Agriculture (City) District to subdivide the property into four lots at 13841 Marxen Road, submitted by Robin Richardson, Director of Planning. 13838 and 13841 Marxen Road consists of 147.99 acres. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application #3205, subject to:

Urban Planning and Land Use Comments:

1. Lot 4 does not appear to have access to a public street. Because K-7 Highway is as state highway, Kansas Department of Transportation (KDOT) must approve an access point onto their right-of-way.

The plat says Access Court Case No. 26152-B; however, in the future when K-7 is improved and right-of-way access is restricted, the lot will become landlocked, which violates the subdivision code.

Applicant Response: Lot 4 has been removed from the plat.

2. The plat needs to address the K-7 Corridor Study and Access Management Plan, which affects the west property lines of Lots 1, 3 and 4. Please revise the plat accordingly that includes the proposed right-of-way along K-7.

K-7 Corridor Study and Access Management Plan: <http://www.ksdot.org/projects.asp>

Applicant Response: The K-7 Corridor Study and Access Management concept is shown on the revised preliminary plat. Per the Corridor Study, the exact location, design and right-of-way cannot be determined from these concepts and could be different from what is shown. Due to the inexact and conceptual nature of the Corridor Study, it is not shown on the final plat. Plats, which become part of the historic public record, show facts (current to the date of the survey) as they relate to the property, they should not display concepts or preliminary plans.

Staff Response: The plat must show an 80' collector right-of-way in the location shown on the 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. The plat shall be revised to address the K-7 Corridor Study and Access Management Plan. Further discussion with staff is required.
 - b. The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents in accordance with County Surveyor comments.
 - c. 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.

Staff Conclusion:

The 2008 City-Wide Master Plan specifically references the K-7 Corridor Access Management Plan because it was developed after the 2004 Prairie Delaware Piper Master Plan. It states property owners along K-7 should review the Corridor Management Plan to understand how future improvements may impact future development. Because the Corridor Plan is referenced in the Master Plan, the final plat must include right-of-way that is proposed in the plan.

Subject to approval, 60' right-of-way dedication shall be depicted on the plat, dividing Lot 3 in two, creating a new Lot 4 on the final plat. Staff will not record the final plat until the right-of-way is dedicated on the plat and GeoSpatial Services comments are corrected.

Action: Commissioner Philbrook made a motion, seconded by Commissioner Johnson, to approve Change of Zone Application #3205, subject to the stipulations. Roll call was taken on the motion and there were six “Ayes,” Burroughs, Townsend, Johnson, Walters, Philbrook, Bynum.

ITEM NO. 2 – 191023...CHANGE OF ZONE APPLICATION #3206 - TRAVIS WILSON WITH VERITAS ARCHITECTURE + DESIGN

Synopsis: Change of zone from C-1 Limited Business District to C-3 Commercial District for a mixed use, single-family residential with leasable commercial space at 1847 South 14th Street, submitted by Robin Richardson, Director of Planning. The applicant Jason Carter-Solomon with Invicta Real Estate is requesting the zoning for the .37 acres. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application #3206 to CP-3 Planned Commercial District, subject to:

Urban Planning and Land Use Comments:

1. Review and respond to the attached Conservation District comments.
Applicant Response: The Conservation District comments have been reviewed. There are not specific requirements within the comments, just a general note that “this site needs some major maintenance work done to it.” We will work with the UG to determine the scope of the required maintenance.
2. Subject to approval, rezoning will be to CP-3 Planned Commercial District.
Applicant Response: Noted.
3. Subject to approval, a \$50 ordinance publication fee must be submitted to the Urban Planning and Land Use Department following the Unified Government Board of Commissioners’ meeting.
Applicant Response: Noted.
4. Sheet A001 under site zoning notes lists XXXX Feet. Correct these notes to reflect the accurate information.
Applicant Response: Notes on Sheet A001 have been updated.
5. Elevation views appear to be mislabeled on sheets A201 and A202. Correct this error on the elevation plans.
Applicant Response: The elevations have been relabeled on A201 and A202.
6. The rendering of the “south” elevation on sheet A201 “Painted hardie-board fascia board” appears to look different than what is shown in the rendering on G101. Confirm if this is the same material shown on both sheets. Will the actual design be a smooth finish as shown on A201 or a honeycomb finish as shown on G101? The window by the main door of the commercial portion also appears different in these two renderings. Correct to show what is actually being proposed.
Applicant Response: The honeycomb siding is existing to remain and will be painted, the elevations show the honeycomb now.

7. C-3 District regulations requires that trees are provided at a ratio of one per 7,000 square feet of site area. Based on the Unified Government Base Mapping system, this property is 16,328.75 square feet; requiring 3 trees, 2 of which must be shade trees with 2-inch caliper at the time of planting.
Applicant Response: Existing trees on site have been called out on Sheet A001 and should meet stated requirements.
8. Landscape notes are provided on sheet A001. Update these to call out specific varieties and sizes. Indicate landscaping location on the site plan. The rendering on G101 shows additional shrubbery and greenery that is not shown on the site plan. Update site plan to include these features.
Applicant Response: The landscape notes on Sheet A001 have been removed. The landscaping shown in the renderings is conceptual - if it were real, it would be located outside of the property line. This can be coordinated with the UG, should some of the “major site maintenance” fall within the UG ROW.
Staff Comment: Specific landscaping information, to include size and variety, will be required as part of the building permit process.
9. Six-foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned parking. Provide screening of the parking area for the residential uses to the east and north.
Applicant Response: Notes for screening have been added to Sheet A001.
10. Provide the square feet of the commercial portion. Parking is required at a standard of 4 spaces per 1,000 square feet of floor area.
Applicant Response: Per conversation with Anthony Hutchingson, we believe the commercial parking can be accommodated by on-street parking.
Staff Comment: Zoning regulations for C-3/CP-3 District requires off-street parking at a ratio of 4 spaces per 1,000 square feet. The commercial footprint is 822 square feet, requiring 4 off-street parking.
11. On the site plan, add dimensions of the proposed parking. Standard parking stall dimensions shall be not less than 9 feet by 19 feet, plus the necessary space for maneuvering into and out of the space.
Applicant Response: The previously shown off-street parking has been removed.
12. Parking shall be setback not less than six feet from any property line and not less than ten feet from any street right-of-way line.
Applicant Response: If it is determined that on-street parking is required, we will show new parking per the UG guidelines.
Staff Comment: See response to #10, regarding required parking ratio.
13. This appears to be a great re-use project for the community.

Additional stipulations from meeting:

1. The uses will be limited to the ones in the C-1 Limited Business District on the commercial side or a maker space created as the applicant described.
2. There will be no alcohol or tobacco sales, night club or four-plex.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: none.

2. Items that are conditions of approval (stipulations): construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
3. Comments that are not critical to engineering's recommendations for this specific submittal but may be helpful in preparing future documents: none.
Applicant Response: Complete, engineered plans will be submitted for permitting, assuming rezoning is approved.

Action: Commissioner Philbrook made a motion, seconded by Commissioner Johnson, to approve Change of Zone Application #3206 to CP-3 Planned Commercial District, subject to the stipulations. Roll call was taken on the motion and there were six "Ayes," Burroughs, Townsend, Johnson, Walters, Philbrook, Bynum.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 191024...SPECIAL USE PERMIT APPLICATION #SP-2019-77 - AURANGZEB KHAN WITH JAHAN ENTERPRISES, LLC

Synopsis: Special use permit for a dirt fill at 1215 Merriam Lane, submitted by Robin Richardson, Director of Planning. This application comes as a result of Building Inspection and Zoning enforcement action. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2019-77, subject to:

Business License Comments: If approved and the site charges any fee to dump fill dirt, the applicant would need to file the occupation tax application with this office for the landfill business activity.

Applicant Response: N/A - We already have the dirt on the site from previous contractor. They will be responsible to take care of that.

Urban Planning and Land Use Comments:

1. Review and respond to the attached Conservation District comments.
Applicant Response: OK.
Staff Response: Both the applicant and the contractor will need business licenses.
2. A Stop-Work Order was issued for 1215 and 1233 Merriam Lane in September of 2018 for demolition and fill without permits.
Applicant Response: I have already pulled permits.
Staff Comment: The applicant has applied for a grading and floodplain development permit. Those applications are still under review. The special use permit for fill must be approved and then the applicant must complete review for the additional permits.
3. A portion of this parcel is located within the floodplain and floodway of Turkey Creek. If any work, including dirt fill, is to be done in the floodplain or floodway, a Floodplain Development Permit shall be required. Photos taken by UG staff appear to show that fill material has been placed within portions of the floodplain and along the steep slope. Update site plan to reflect

this. Provide a detailed description of work that has been done in the floodplain or adjacent to the floodplain and the impact on Turkey Creek.

Applicant Response: Prints or plans already submitted to the City.

4. What are the hours of construction at the site?

Applicants Response: 7 am to 5 pm, Mon. to Fri.

5. How many daily truck trips are there to the site?

Applicants Response: I don't know, depends on contractor.

Staff Response: This question must be answered for the Planning Commission. Contact your contractor.

6. How long will it take to achieve the final grades needed to close the permit?

Applicant Response: 3 months.

7. Per the International Building Code, Appendix J, Section J107.4 Fill material shall not include organic, frozen or other deleterious materials. No rock or similar irreducible material greater than 12 inches (305 mm) in any dimension shall be included in fills. Photos taken by staff show that the material used does not meet this requirement. How do you intend to resolve this issue?

Applicant Response: Will either be removed or broken down.

8. Provide hauling routes.

Applicant Response: Part of Phillips/Hardy contract.

Staff Response: This question must be answered for the Planning Commission. Contact your contractor.

9. May also need to coordinate with the Kansas Department of Natural Resources and other state agencies and FEMA.

Applicant Response: We are in the process. R&B Architecture and Engineering to have communication and any permitting they need we will follow.

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. Third party inspection shall be provided during the proposed remediation work. Prior to construction or starting any remediation work, the contractor and engineer shall coordinate with UG regarding third party inspection & requirements.
 - b. The UG will inspect the site as necessary during remediation work to ensure that erosion and sediment control measures are installed and effectively maintained in compliance with approved plans and permit.
 - c. Please note that work within or near Turkey Creek shall require the US Army Corps of Engineers notification, permit and/or approval. Please provide UG staff with the approval or permit documents, as applicable. The approval or notification documents shall be required prior to grading permit acquisition.
 - d. 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 Philbrook made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2019-77 for two years, subject

to the stipulations. Roll call was taken on the motion and there were six “Ayes,” Burroughs, Townsend, Johnson, Walters, Philbrook, Bynum.

ITEM NO. 2 – 191025...SPECIAL USE PERMIT APPLICATION #SP-2019-96 - JOE HEIDRICK WITH CACTUS BED PROPERTIES, LLC

Synopsis: Special use permit for a short-term rental/Airbnb at 3147 West 45th Avenue, submitted by Robin Richardson, Director of Planning. Mr. Heidrick and his wife wish to provide lodging for patients and hospital staff needing to remain within close proximity to KU Med Center. The maximum number of renters allowed to stay at the house will be limited to five and the maximum number of cars will be three. There is a long driveway on the property for the cars to park on. Street parking will not be necessary. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2019-96, subject to:

Urban Planning and Land Use Comments:

1. How will you communicate with the neighbors?
2. How will you pay appropriate lodging taxes?
3. How many rooms are rented?
Applicant has stated that there are two bedrooms in the house.
4. What is the maximum number of people that will be staying at any one time?
Applicant has stated that there will be a maximum of five guests staying at the house at any given time.
5. What is the maximum number of vehicles and where will they park?
Applicant has stated that there will be a maximum of three vehicles. They will park on the driveway. Street parking will not be necessary.
6. How often are guests in the residence?
Applicant has expressed intention to rent to patients and staff of the hospital, so presence in the residence would be as needed.
7. Do you have a rental license from the Unified Government?
Applicant has stated that they are in the process of obtaining a rental license for this property. They are waiting on inspection dates.
8. Provide a detailed description of the areas rented for Airbnb.

Describe how you will maintain a safe environment including:

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

- h. Electric panel and circuits must be safe
- 9. Approval for one year.

Public Works Comments: none.

Action: Commissioner Philbrook made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2019-96 for one year, subject to the stipulations. Roll call was taken on the motion and there were six “Ayes,” Burroughs, Townsend, Johnson, Walters, Philbrook, Bynum.

ITEM NO. 3 – 191026...SPECIAL USE PERMIT APPLICATION #SP-2019-100 - DESIREE MONZIE WITH AVENUE OF LIFE, INC.

Synopsis: Special use permit for a transitional group home for teenagers at 3535 Wood Avenue, submitted by Robin Richardson, Director of Planning. The teens are referred by USD 500 as needed. This property has previously been used as a home for teens under different ownership (SP-2016-37 and renewal SP-2018-46). The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2019-100, subject to:

Urban Planning and Land Use Comments:

1. What is the maximum number of children that will be living in the home?
Applicant Response: The first year there will be between 5 and 12 girls, determined by the need and through referral from Kansas City, Kansas public schools. The home will house up to 30 youths, including boys. There are separate doors and housing for boys and girls. There is common space for meals and programs before and after school, as well as a large fenced backyard for recreation and activities.
2. What are the ages of the children that will be living there?
Applicant Response: The teens will be referred to the Avenue Youth House by the school district’s McKinney-Vento liaison. These youth will be high school students on pace toward graduation with a desire to move toward career/college. They will be high-school age, 16-18 years old.
3. Are there any staff members that will be living there as well? If so, how many?
Applicant Response: We do not currently plan to have any staff members living on site. Both approaches can be very effective with youth transitional housing. We have opted to have multiple shifts of staff rotating to ensure 24/7 oversight with a minimum of two staff on site at all times.
4. Will there be at least one staff member present at all times? How many staff members will be there on a regular basis?
Applicant Response: We will have two staff members on site at all times and sometimes more, depending on the programming designed for the development of the youth. There will also be

multiple high capacity professional volunteers on campus providing after school activities. During waking hours, one of the staff members will be from our case management team (social workers, therapists, etc.) and the other staff member will be a tech who will assist with the logistics of the program as well as providing a secure environment for our youth. Our staff and volunteers will have interior and exterior cameras and sensors on the windows to ensure the safety of the teens. The backyard has a 10 foot fence to ensure privacy and additional security. The home is ADA compliant, with fire sprinklers and magnetic doors throughout, as well as provided separate living areas for boys, girls, and/or individuals with disabilities.

5. In addition to going to school, will residents have jobs outside of the home? If so, what will be the mode of transportation?

Applicant Response: Our goal is to provide the stability and encouragement of what a youth would experience in a traditional home. The youth living at the house desire to graduate high school and move forward to career/college. If they would like to work part-time, we would encourage them toward that as an area of growth as well as help them understand the importance of time management, budgeting, and financial management. They could utilize public transportation or, if they have a vehicle, they would use their own vehicle.

6. Please explain how you intend to handle issues that may arise such as property damage, runaway youth, battery, etc.

Applicant Response: The youth living at the youth house will have ‘opted-in’ to live at the youth house and will have been vetted by the school district for being a good fit for the program of development that is being provided for them. The youth that will live in this home are not foster children nor are they required to live at the youth house through any state guardianship. Moving into this home will be their choice and it is being to provide them the stability they need to achieve their goals. Upon making the decision to live at the youth house, they will have agreed to the rules of the house such as treating one another with kindness and respect, and appropriate curfew, etc. While teenagers can make poor decisions from time to time, certain behaviors such as property damage or battery would be grounds for dismissal from the house.

7. Where will staff park?

Applicant Response: Applicant has stated that staff parking will be available in the parking lot of the church next door, Grace Lutheran Church. Applicant has provided a Shared Parking Agreement signed by the church representative.

8. Approved period for two years.

Business License Comments:

After SUP approval in 2016, application was filed with our office for group home operated as “THE BLUE DOOR PROJECT Inc.” If this application is made under that same organization, they have filed required supporting IRS documentation. If this application is being made under a different entity, they would need to file their own occupation tax application with this office.

Public Works Comments: none.

Ken Moore, Chief Legal Counsel, said, Mayor, I’d like to just remind the Commission that given the number of commissioners we have present here today, we only have seven. The only three alternatives that are available to you tonight on this action are one, to approve as recommended by

the Planning Commission with six votes. You have insufficient votes to change the recommendation of the Planning Commission or to deny the recommendation of the Planning Commission. The other two available actions would be six votes to refer it back to the Planning Commission with instructions. If it comes back, then it would only take six votes to adopt the Commission's recommendations. Or, to hold it over to the December meeting with six votes.

Commissioner Philbrook said, Mr. Moore, the only point of pulling the one off is for information and presentation so the community can see what it's about. It's not to vote it down or change it, so how does that affect? **Mayor Alvey** said we have sufficient votes. **Mr. Moore** said you have sufficient votes to approve it. **Commissioner Philbrook** said we're okay with that. **Mr. Moore** said you don't have sufficient votes to change it. **Commissioner Philbrook** said good. I just wanted to make sure.

Mayor Alvey asked staff to make some opening remarks.

Rob Richardson, Director of Planning, said this is an application for a youth group home. They're working with USD 500 and homeless teens in the district. It comes to you recommended unanimously by the Planning Commission.

Mayor Alvey asked the applicant to come forward to present the application.

Evelyn Hill, 640 Washington Blvd., said thank you for this opportunity to share a little bit about Avenue of Life and the youth home. As many of you know me, I am the former president of the Board of Education here in Kansas City, Kansas. While I was on the Board of Education, we discovered that we had 1,400 homeless youth. We, being the community, got together and we called ourselves KCLE, which is Kansas Community Leadership Enterprise. It also included the school district and other agencies here in KCK. We tried to come up with one thing we could do in the community that would really make an impact.

We decided that one thing we would do would be to decrease homelessness in the KCK school district. I am happy to say we were able to get that accomplished. We decreased homelessness in the school district by over 50%. It was not just our organization. Avenue of Life

was the anchor organization, but all the other organizations in the community that worked with us, we worked together to make a difference for these kids. Of course, it improved attendance. It improved many, many things by kids being and having a home.

In the midst of that whole process, we also discovered we had unaccompanied youth meaning we had kids who were couch surfing, spending the night at Walmart, getting up in the morning brushing their teeth at McDonald's. We tried to figure out what could we do to help these youths. We don't have any family shelters here in Wyandotte County. Again, here we are, Avenue of Life and other agencies, trying to figure out what can we do. We came up with the idea—the school district, Avenue of Life, and others, came up with the idea of let's have a youth home; not a youth shelter. Very different perspective. A youth home where they could call this home. We wanted to decorate it like a home. You get to eat quality meals, but not only that. The opportunity to learn entrepreneurial opportunities to learn how to sew, if you like; learn how to cook, just many, many other opportunities.

We would also have a licensed counselor on site. We'd have proper security on site. This is not necessarily for kids who are having behavioral problems. This is for kids who need a home. They would not come to Avenue of Life youth home unless they were referred to us from the school district.

I'm going to leave a few minutes also for our school district individual, Ms. Lisa Garcia, to share a few words with you. Thank you.

Lisa Garcia Stewart, 12817 Lathrop Ave., said just as Dr. Hill has shared, this partnership with Avenue of Life and KCLE is critical for our youth in our district. Our trajectory to keep them on time and on track to graduate is imperative that they have a stable home.

When a student enrolls into the district, they have to provide, or the family does, proof of residency through a utility bill; obviously have a guardian. We have unaccompanied youth, by no fault of their own, without a living parent or guardian perhaps because of a death or incarceration or if their family was deported, they're here living without a home. Any shelters that we—because we provide transportation—are in Missouri. This will provide them a stable home, a stable meal. They will be able to continue in their school of origin. They'll be able to maintain their education. From an educational standpoint, our role is to remove all those barriers if they qualify from a

McKinney-Vento event so they can stay in their school of origin. That is what we can provide in terms of their stability.

We are looking forward to maintaining this partnership for our unaccompanied youth so they can continue in their education, they can graduate, and we can provide them a stable place to live for our youth. Those scenarios that Dr. Hill provided are very real and very true for our families. We want to do everything we can to maintain their education and graduation.

Mayor Alvey opened the public hearing and asked is there anyone else who would like to speak in favor. (No one stepped forward.)

Mayor Alvey asked is anyone present in opposition who would like to speak to this. (No one stepped forward.)

Mayor Alvey closed the public hearing.

Mayor Alvey asked any comments or questions from the Commission.

Commissioner Philbrook said I want to thank you for coming forward. I want to tell folks that if they listen to this meeting, they need to go back to the Planning and Zoning meeting, pull that up and listen, and they'll be able to hear a more comprehensive example of what you are doing. Thank you so very much for your work.

Commissioner Johnson said I'd like to just also reiterate that. I certainly—beyond what they are apparently doing right now. Avenue of Life has been a positive change in Wyandotte County for many years. I've always said they have done a whole lot with a little bit of money. I'm just surprised with Dr. Hill coming here and just hearing her, she speaks very passionately. Desiree should be up here with them because she is the leader of the ship, so to speak. I want to acknowledge her as well. I have no doubt that this program will be successful. I think it will be so successful that it would be replicated in other areas, not only in the city or the region, but also in other areas of our state as well.

Action: Commissioner Johnson made a motion, seconded by Commissioner Philbrook, to approve Special Use Permit Application #SP-2019-100 for two years, subject to the stipulations. Roll call was taken on the motion and there were six “Ayes,” Burroughs, Townsend, Johnson, Walters, Philbrook, Bynum.

ITEM NO. 4 – 191027...SPECIAL USE PERMIT APPLICATION #SP-2019-101 - JASON NEWMAN WITH EXZANCE PROPERTIES, LLC

Synopsis: Special use permit for a short-term rental/Airbnb at 4112 Booth Street, submitted by Robin Richardson, Director of Planning. The applicant has provided model business plan detailing maintenance, marketing, customer service, and safety. Pictures have also been provided. The applicant has stated that they anticipate the property to be rented out for approximately twenty days of the month. The applicant has also indicated that he spoke with neighboring properties prior to filing, and to date, no opposition has been registered. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2019-101, subject to:

Urban Planning and Land Use Comments:

1. Provide any updated pictures.
Applicant Response: Attached.
2. Were neighbors consulted prior to applying for the special use permit?
Applicant Response: Yes, spoke with the neighbors to the North and South.
3. How many people can your rental accommodate?
Applicant Response: 1-6. No more than 6.
4. What is the maximum number of vehicles and where will they park?
Applicant Response: 3. Park on the driveway and/or in the garage.
5. Do you have the appropriate licensure?
Applicant Response: Yes. Business license number is 10980-00406.
6. Have you paid appropriate lodging taxes?
Applicant Response: Not applicable yet. The hosting sites will pay the taxes once the guests begin to rent.
7. How often do you anticipate renting out your residence?
Applicant Response: I anticipate approximately 20 days a month.
8. Describe how you will maintain a safe environment including:
Applicant Response: Everything below is already in the business plan that has been submitted:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house
Applicant Response: Yes
 - b. GFCI outlets are required in bathrooms
Applicant Response: Yes
 - c. Double keyed locks are not allowed
Applicant Response: not applicable

- d. Copper cannot be used for gas supply lines
Applicant Response: not applicable
 - e. Windows must be operable, not blocked or boarded
Applicant Response: Yes
 - f. Handrails are required at sets of 4 or more stairs/risers
Applicant Response: Yes
 - g. Hot water tank and furnace must be vented properly and operational
Applicant Response: Yes
 - h. Electric panel and circuits must be safe
Applicant Response: Yes
9. Approval period is for two years.

Public Works Comments: none.

Business Licensing Comments: If approved, applicant will need to file and maintain a current occupation tax application with this office.

Action: Commissioner Philbrook made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2019-101 for two years, subject to the stipulations. Roll call was taken on the motion and there were six “Ayes,” Burroughs, Townsend, Johnson, Walters, Philbrook, Bynum.

VACATION APPLICATION

ITEM NO. 1 – 191029...VACATION APPLICATION #A-2019-5 - DANNY BOYLE WITH BOYLE MIDWEST, LLC

Synopsis: Vacation of an alley at 4141 and 4151 Fairbanks Avenue, submitted by Robin Richardson, Director of Planning. The alley is north of the applicant’s property. The Planning Commission voted 5 to 0 to recommend approval of Vacation Application #A-2019-5, subject to:

Urban Planning and Land Use Comments:

1. Staff cannot complete the review of the proposed right-of-way vacation without a survey of the proposed improvements along Fairbanks Avenue.
2. Without confirmation that there are no utilities within the right-of-way, a general utility easement must remain over the vacated right-of-way.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: none.
2. Items that are conditions of approval (stipulations): Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.

3. Comments that are not critical to engineering's recommendations for this specific submittal but may be helpful in preparing future documents: none.

Action: Commissioner Philbrook made a motion, seconded by Commissioner Johnson, to approve Alley Vacation Application #A-2019-5, subject to the stipulations. Roll call was taken on the motion and there were six "Ayes," Burroughs, Townsend, Johnson, Walters, Philbrook, Bynum.

PLAN REVIEW APPLICATIONS

ITEM NO. 1 – 191030...PLAN REVIEW APPLICATION #PR-2019-22 - BRENT THOMPSON WITH RENAISSANCE INFRASTRUCTURE CONSULTING

Synopsis: Preliminary and final plan review for the continuation of manufacturing food products, office and warehouse at 111 Southwest Boulevard, submitted by Robin Richardson, Director of Planning. The applicant, Don Bucher, Esq., with Gould Thompson and Bucher PC, on behalf of the owners, 111 Southwest Boulevard, LLC, has filed a plan review to set the overall parking count for the 55,250 square foot industrial warehouse which has not been established previously and plat one industrial lot. The Planning Commission voted 5 to 0 to recommend approval of Plan Review Application #PR-2019-22, subject to:

Urban Planning and Land Use Comments:

1. Sec. 27-469(e) For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square feet will be determined by the Director of Planning. Where questions arise concerning increments over 50,000 square feet, the Unified Government Board of Commissioners shall make the final determination upon recommendation of the Planning Commission.
It does not appear that parking total was established when this building was constructed, so staff is retroactively requesting the City Planning Commission to allow the existing 33 parking spaces to be the required parking for this industrial business, which includes manufacturing of food products, office and warehouse.
2. A right-of-way use agreement with the Public Works Department must be filed and recorded prior to recording the plat. The final plat shall list the agreement's book and page on the mylars.

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. The applicant shall coordinate with UG Public Works for a right-of-way use agreement for the parking area on the northside of the property within the right-of-way of the intersection of Eaton Street and Southwest Boulevard.

- b. The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents in accordance with County Surveyor comments.
3. Comments that are not critical to engineering's recommendations for this specific submittal but may be helpful in preparing future documents: none.

Action: Commissioner Philbrook made a motion, seconded by Commissioner Johnson, to approve Plan Review Application #PR-2019-22, subject to the stipulations.

Roll call was taken on the motion and there were six "Ayes," Burroughs, Townsend, Johnson, Walters, Philbrook, Bynum.

ITEM NO. 2 – 191031...PLAN REVIEW APPLICATION #PR-2019-23 - CHRIS HERRE WITH ROSE DESIGN GROUP, INC.

Synopsis: Preliminary and final plan review for an ice manufacturing and distribution facility at 1901 South 45th Street, submitted by Robin Richardson, Director of Planning. The plan calls for new construction of a one story, 17,894 square foot ice manufacturing and distribution facility located in the Ridge Business Park. The Planning Commission voted 5 to 0 to recommend approval of Plan Review Application #PR-2019-23, subject to:

Urban Planning and Land Use Comments:

General Planning

1. Review and respond to the attached Conservation District comments.
Applicant Response: Acknowledged, see herein.
2. All truck traffic must travel along South 45th Street. No truck traffic is to travel east on Douglas Avenue.
Applicant Response: Acknowledged.
3. Sec. 27-469 (e) requires that uses in the district have paved off-street parking at a ratio necessary to serve the employees, visitors, customers, and others who may be on the premises. No less than one space for each 500 square feet of building floor area is to be provided. Based on the building square feet of 17,894 sf, 36 parking spaces are required for employees, visitors, customers, etc. Parking spaces designated for vehicles delivering or providing service to the business are not included in this count. On the site plan, only 33 spaces are shown for customers. Revise to meet the 36-space requirement.
Applicant Response: Three additional parking spaces added to meet the requirement of 36 spaces.
4. On the Site Plan sheet C-2, two numbers are provided for building square feet. On the drawing it is shown as 17,894 SF; however, in the Building and Lot Data chart, it is shown as 17, 722 SF. Correct this to reflect the accurate numbers.
Applicant Response: Square footage updated accordingly to 17,894 for consistency.
5. Provide further detail on the delivery trucks to be parked in the delivery truck parking spaces. Will they be disconnected from the cabs? How long will they remain parked at a time? Sec. 27-

469(c)2 states that no equipment, material or vehicles, other than operable 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, setback not less than six feet from the street line and not less than three feet in height. Provide screening, fence, and landscaping details along Douglas Avenue.

Applicant Response: Delivery trucks are out during the day making deliveries and stored overnight. Setback has been increased.

Building Architecture

1. Review the attached material palette from the Ridge Business Park Architectural Design Suggestions. Incorporate elements from this design guideline into the building façade.

Applicant Response: The cooler and freezer insulated metal wall panels from metals sales are very similar in design to the development standard “Centria Versawall” insulated wall panels (see attached brochure). We have added horizontal architectural metal panels as an accent feature to the west building elevation. This matches the development standard wall panel “Centria CS-620” (see attached brochure).

2. Downspouts shall be internalized.

Applicant Response: Metal building construction type does not allow for internalized downspouts with exposed gutters. Downspouts will match in color of the metal panels.

3. All lighting shall have 90-degree cutoff fixtures. Any lighting that is physically mounted to the building shall be decorative and have 90-degree cutoffs, as not to cast on adjacent properties and public right-of-way.

Applicant Response: Acknowledged.

Landscape and Screening

1. Review and incorporate elements from attached The Ridge Business Park Hardscape/Landscape Design Guidelines.

Applicant Response: See revised plan.

2. Existing tree line to remain between building/parking area and I-635.

Applicant Response: Acknowledged.

3. Trees are required to be provided at not less than 1 per 10,000 square feet of site area. Based on a site area of 141,570 square feet, 15 trees are required, 8 of which must be shade trees with minimum 2-inch caliper at the time of planting.

Applicant Response: See revised plan.

4. All utility connections (including transformer boxes) must be screened with landscaping or an architecturally designed screen wall. All utility mounts on the wall must be painted to match the building.

Applicant Response: See revised plan.

5. Rooftop mechanical equipment shall be screened from public view on all sides by a parapet.

Applicant Response: All mechanical equipment is ground mounted and will be screened as shown on the landscape plan.

6. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must always be well maintained.

Applicant Response: Trash enclosure is faced with face brick being used on the building. Height of wall is 7' - 4" tall.

7. BPU transformer pad shall be completely screened on all sides with 6' junipers setback 10 feet from the door opening and 3 feet from the remaining three sides of the pad.

Applicant Response: See revised plan.

8. Per the Ridge Business Park Tenant Design Guidelines, street trees should be planted at a minimum of 3 per 100 linear feet.

Applicant Response: See revised 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): 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 Philbrook made a motion, seconded by Commissioner Johnson, to approve Plan Review Application #PR-2019-23, subject to the stipulations.

Roll call was taken on the motion and there were six "Ayes," Burroughs, Townsend, Johnson, Walters, Philbrook, Bynum.

MISCELLANEOUS - ORDINANCES (Final action on previously approved items)

ITEM NO. 1 – 191032...AN ORDINANCE

Synopsis: An ordinance rezoning property at 3801 Leavenworth Road (#3159) from C-1 Limited Business District to CP-2 Planned General Business District, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-65-19**, "An ordinance rezoning property hereinafter described located at 3801 Leavenworth Road (#3159) in Kansas City, Kansas, by changing the same from its present zoning of C-1 Limited Business District to CP-2 Planned General Business District." **Commissioner Philbrook made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken on the motion and there were six "Ayes," Burroughs, Townsend, Johnson, Walters, Philbrook, Bynum.

ITEM NO. 2 – 191033...AN ORDINANCE

Synopsis: An ordinance rezoning property at 7615 Swartz Road (#3199) from R-1 Single Family District to A-G Agriculture, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-66-19**, “An ordinance rezoning property hereinafter described located at approximately 7615 Swartz Road (#3199) in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.” **Commissioner Philbrook made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken on the motion and there were six “Ayes,” Burroughs, Townsend, Johnson, Walters, Philbrook, Bynum.

ITEM NO. 3 – 191034...AN ORDINANCE

Synopsis: An ordinance rezoning property at 3101 Strong Avenue (#3200) from C-1 Limited Business District to CP-3 Planned Commercial District, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-67-19**, “An ordinance rezoning property hereinafter described located at 3101 Strong Avenue (#3200) in Kansas City, Kansas, by changing the same from its present zoning of C-1 Limited Business District to CP-3 Planned Commercial District.” **Commissioner Philbrook made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken on the motion and there were six “Ayes,” Burroughs, Townsend, Johnson, Walters, Philbrook, Bynum.

ITEM NO. 4 – 191035...AN ORDINANCE

Synopsis: An ordinance rezoning property at 1028 Sandusky Avenue (#3203) from R-1(B) Single Family District to R-2(B) Two Family District, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-68-19**, “An ordinance rezoning property hereinafter described located at approximately 1028 Sandusky Avenue (#3203) in Kansas City, Kansas, by changing the same from its presenting zoning of R-1(B) Single Family District to R-2(B) Two Family District.” **Commissioner Philbrook made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken on the motion and there were six “Ayes,” Burroughs, Townsend, Johnson, Walters, Philbrook, Bynum.

REGULAR AGENDA

MAYOR’S AGENDA

No items

REGULAR CONSENT AGENDA

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

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

ITEM NO. 1 – 19981...GRANT: CHIP COORDINATION

Synopsis: Request to submit a Community Health Improvement Plan (CHIP) Coordination Grant application and accept if awarded from the Health Forward Foundation in the amount of \$174,000, submitted by Terry Brecheisen, Director of Public Health. The in-kind match will be provided by staff. On October 21, 2019, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

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

ITEM NO. 2 – 19987...ORDINANCE: AMENDING THE UNLAWFUL DUMPING ORDINANCE

Synopsis: An ordinance amendment offering a reward of \$250 to any person that provides information materially contributing to a conviction of unlawful dumping, amending Section 31-12, submitted by Daniel Kuhn, Assistant Counsel. On October 21, 2019, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Action: **ORDINANCE NO. O-69-19**, “An ordinance relating to Chapter 31, amending Section 31-12 regarding unlawful dumping.” **Commissioner Johnson made a motion, seconded by Commissioner Philbrook, to approve the ordinance.** Roll call was taken on the motion and there were six “Ayes,” Burroughs, Townsend, Johnson, Walters, Philbrook, Bynum.

ITEM NO. 3 – 19983...RESOLUTION: DONATION OF A 2005 SEAGRAVE FIRE APPARATUS

Synopsis: A resolution authorizing the donation of a 2005 Seagrave fire apparatus, which is obsolete, to The Village of Birmingham, Missouri Fire Department, submitted by Michael Callahan, Fire Chief. On October 21, 2019, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-66-19**, “A resolution authorizing the donation of equipment (2005 Seagrave) from the Kansas City, Kansas Fire Department to the Village of Birmingham, Missouri.” **Commissioner Johnson made a motion, seconded by Commissioner Philbrook, to adopt the resolution.** Roll call was taken on the motion and there were six “Ayes,” Burroughs, Townsend, Johnson, Walters, Philbrook, Bynum.

ITEM NO. 4 – 191020...NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and Commissions:

Thomas Gordon - Area Wide Advisory Council and Aging Wyandotte/Leavenworth, 10/31/19 to 5/30/21, submitted by Mayor David Alvey

Broderick Crawford - Housing Authority, 10/31/19 - 3/31/22, submitted by Commissioner Tom Burroughs

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

ITEM NO. 5 - MINUTES

Synopsis: Minutes from regular session of September 26, 2019.

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

ITEM NO. 9 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated October 17 and 24, 2019.

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

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES’ AGENDA

No items

ADMINISTRATOR’S AGENDA

No items

COMMISSIONERS' AGENDA

No items

LAND BANK BOARD OF TRUSTEES' AGENDA

No items

PUBLIC ANNOUNCEMENTS

No items

**MAYOR ALVEY
ADJOURNED THE MEETING AT 7:26 P.M.
October 31, 2019**

Bridgette D. Cobbins
Unified Government Clerk

cg

October 31, 2019

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

SPECIAL SESSION, THURSDAY, NOVEMBER 14, 2019
5:00 p.m.

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, November 14, 2019, with ten members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. Markley, Commissioner Sixth District; was absent. The following officials were also in attendance: Doug Bach, County Administrator; Ken Moore, Chief Legal and Counsel; Carol Godsil, Deputy Unified Government Clerk.

MAYOR ALVEY called the meeting to order.

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

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, November 14, 2019, at 5:00 p.m. in the Commission Chambers. The Commission will recess from the Commission Chambers to the 9th floor conference room for an Executive Session regarding the Administrator's review and Litigation.

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

Mayor Alvey asked do we have a motion to move into Executive Session for the Administrator's review.

Commissioner Burroughs made a motion, seconded by Commissioner Kane, to go into Executive Session to allow the Commission to discuss the job performance of the County Administrator, which is a private personnel matter related to a specific non-elected employee, and if time permits to discuss, under the attorney/client privilege, confidential matters related to pending litigation, as permitted under the Kansas Open Meetings Act; and to reconvene in open session at 7:00 p.m. in the Commission Chamber located on the 1st floor. Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs.

Present for the Executive Session: 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; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO presiding. **Staff present:** Doug Bach, County Administrator.

MAYOR ALVEY ADJOURNED

THE MEETING AT 6:50 p.m.

dt

Carol Godsil
Deputy Unified Government Clerk

November 14, 2019



Suite 323
Kansas City, Kansas 66101-3070

Unified Government Clerk's Office

Bridgette D. Cobbins
Unified Government Clerk

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: November 21, 2019

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

tpl

Attachment

1. ELECTION ABSTRACT:

Abstract of votes cast in Wyandotte County, State of Kansas, at the General Election, held November 5, 2019.

Action: Received and filed.

2. REPORT:

Self-Supporting Municipal District/Downtown Improvement District (SSMID) financial report for the month of October 2019.

Action: Received and filed.

3. COMMUNICATIONS:

Bridgette Cobbins, UG Clerk, listing bids received on November 20, 2019, for Project #B29904 – City Park Pavilion Replacement, Project ID #5045 – Replacement of RCB Structure No. 71 Under 51st Street North of Cleveland Avenue, Project ID #2142 – Replacement of RCB Structure No. 159 Under 34th Street South of Georgia Avenue and Project ID #1613 – Welborn Lane Realignment.

Action: Received and filed. Copies previously forwarded to County Administrator, Legislative Auditor, Parks & Recreation and Public Works.

4. COMMUNICATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

<u>Warrant #</u>	<u>Reissue?</u>	<u>Date Issued</u>	<u>AMOUNT</u>	<u>FUND / ACD</u>	<u>Vendor Name</u>	<u>Reason for void</u>
865042	Yes	9/13/2019	\$572.56	750 2008	Colonial Insurance	Stale dated
867063	Yes	10/25/2019	\$15,938.25	165 19299195320	GA Foods	Lost warrant

Action: Received and filed.

5. PERSONNEL ACTION COMMUNICATION, DATED NOVEMBER 19, 2019:

Section I - Appointment

Name	Department/Division	Eff. Date	Job Title
Marilyn K Mihelcic	Comm Corr/Pre-Trial	12/2/19	Surveillance Officer

Section II-Transfer

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Ronald D McKay	Sheriff/Court	11/14/19	Deputy	Court Security Officer

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Kelli A Bailiff	Sheriff/Admin	12/11/19	Major
Terry K Brecheisen	Health	12/11/19	Director Summer
Thomas J Freeze	Parks/Rec	10/30/19	Laborer
Richard L Holton	Process Server	12/11/19	Process Server Summer
John E Lindsey	Parks/Rec	10/30/19	Laborer
Carol A Monslow	PW/WPC	12/11/19	Prof Assistant
Mark D Snelson	Sheriff/Admin	12/11/19	Deputy

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Ashley D Lumley	DA's Office	5/30/19	Admin Supt Specialist
Maria D Ortiz	DA's Office	5/30/19	Admin Supt Specialist
Akilah D Robinson	DA's Office	5/30/19	Admin Supt Specialist
Jessica A Rubio	Finance/Treasury	11/2/19	Fiscal Supt Asst

Section VII - Reclassification

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Angelina M Maxville	PSBO	11/14/19	Fiscal Supt Specialist	Fiscal Officer

Section VIII - Other Request

Name	Department/Division	Action Requested and Explanation
Courtney Sachen	Human Resources	Out of class pay effective 10/14/19

Action: Received and filed. Copy previously forwarded to Payroll.

6. PERSONNEL ACTION COMMUNICATION, DATED NOVEMBER 21, 2019:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Kristy L Edwards	Sheriff/Detention	12/2/19	Classification Tech
Jasmin Valenzuela	Municipal Court	12/2/19	Court Clerk I

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Theresa A Duke	Legal	11/14/19	Mgt Analyst	Admin Supt Supervisor Program
Brad G Gaughan	Appraiser	11/14/19	RE Appraiser Professional Fiscal	Coordinator
Benjamin M Ntonjira	Finance/Accounting	11/14/19	Asst	Mgt Analyst
Peter F. Reveles	Appraiser	11/14/19	RE Appraiser	Admin Coordinator

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Tomica A Cvetkovic	PW/Street	12/11/19	Manager
Patrick J Daugherty	B&L	12/11/19	Manager
Peggy L Miller	Appraiser	12/11/19	Prof Assistant

Section IV - Leave of Absence

Name	Department/Division	Lv. Beg	Lv. Ends	Leave/Pay
Daniel R Everhart	Sheriff/Detention	12/1/19	12/31/19	unpaid

Section VIII - Other Request

Name	Department/Division	Action Requested and Explanation
Stanley E Bartley	NRC/Inspections	Amend PAC 3/20/18 to reflect change effective 2/14/18

Action: Received and filed. Copy previously forwarded to Payroll.

7. CLAIM FOR DAMAGES:

Dean Reno, 7393 Buck Creek Rd., Oskaloosa, KS, alleging damages to vehicle due to hitting two massive chuck holes while driving eastbound on Kansas Avenue.

Action: Referred to Legal. Copy previously forwarded to Legal.

8. PETITION FOR DAMAGES:

Deborah Peace vs. the Unified Government of Wyandotte County/KCK, Case No. 2019-CV-000875.

Action: Referred to Legal. Copy previously forwarded to Legal.

9. TRAVEL REQUESTS:

Gordon Criswell, Emerick Cross, Claudia O'Connell, Alan Howze and Melissa Sieben, County Administrator's Office, travel to Garden City, KS, December 4 – 6, 2019, to attend 2019 KACM Annual Conference, Employee Training & Travel.

Dustin Dierenfeldt, John Landis and Phil Schwery, KCKPD/Chiefs Office/Recruiting, travel to Peru & Plattsmouth, NE, November 13, 2019, for the college presentation and career fair event and VFW career event to recruit potential police officers, SLETF-Training/Travel.

Raymond Elmer, Benjamin Huyett, James Letcher, Brent Smith and Clint Wheeler, Fire Department, travel to Appleton, WI, November 18 – 20, 2019, for a final inspection, Employee Training & Travel.

Keith Falkner and Joseph Grasela, Police Department, travel to Edinburg, TX, January 5 – 10, 2020, to attend ALERRT Active Shooter Level I Train the Trainer, Employee Training & Travel.

Scott Hawley and Mike Searcy, Fire/Operations/Special Operations, travel to Oklahoma City, OK, November 22, 2019, to attend the Ground Zero graduation ceremony, Employee Training & Travel.

Action: Approved by Administrator's Office and received and filed.

10. APPLICATIONS FOR CMB LICENSE (PKG):

7-Eleven Sales Corporation/Kimberly Groves DBA 7-Eleven Store #38574H a/k/a Rapid Way, 7552 State Ave.

Bonito Michoacan #3 LLC/Enedina Olga Lopez DBA Bonito Michoacan #3, 1150 Minnesota Ave.

Happy Foods North, Inc./James Odle DBA Happy Foods North, 5420 Leavenworth Rd.

Kansas CVS Pharmacy, LLC/Cesar Batrez DBA CVS Pharmacy #8584, 950 Minnesota Ave.

Kansas CVS Pharmacy, LLC/Cesar Batrez DBA CVS Pharmacy #8603, 3750 State Ave.

Kansas CVS Pharmacy, LLC/Cesar Batrez DBA CVS Pharmacy #8919, 4300 Rainbow Blvd.

Kansas CVS Pharmacy, LLC/Cesar Batrez DBA CVS Pharmacy #8608, 4645 Shawnee Dr.

Kansas CVS Pharmacy, LLC/Cesar Batrez DBA CVS Pharmacy #8600, 8101 State Ave.

SMJ, Inc./Josephine Fitzgerald DBA Fast Stop #12, 945 S. 55th St.

Shipross Inc./James Odle DBA Happy Foods West, 6700 Kaw Dr.

Action: Referred to License.

11. APPLICATION FOR CMB LICENSE (OP):

Julie Schneller/Matthew J. Palcher DBA Holy Family Social Club, 513 Ohio Ave.

Action: Referred to License.

12. APPLICATION FOR DRINKING EST./PUBLIC VENUE:

Jeremy Lane DBA Deep Roots Restaurant and Bar, 4601 Shawnee Dr.

Action: Referred to License.

13. APPLICATION FOR MASSAGE THERAPIST LICENSE:

Darryl Olive DB/with KC Fitness Link, 541 Central Ave.

Action: Referred to License.

14. APPLICATIONS FOR PRIVATE SECURITY BUSINESS:

Metropolitan Public Safety, LLC/Nelly Ochoa DBA Metropolitan Public Safety, LLC, 923 NE Woods Chapel Rd. Ste 185, Lee's Summit, MO

Thomas Protective Service, Inc./National Registered Agent, Inc. DBA Thomas Protective Service, Inc., 8475 County Rd. #156, Kaufman, TX

Action: Referred to License.



Suite 323
Kansas City, Kansas 66101-3070

Unified Government Clerk's Office

Bridgette D. Cobbins
Unified Government Clerk

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: November 27, 2019

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

mbb/cg

Attachment

Weekly Business Material for November 27, 2019

1. COMMUNICATION:

Pam Kahao, Accounting Manager, regarding warrant cancellation:

<u>Warrant #</u>	<u>Reissue?</u>	<u>Date Issued</u>	<u>AMOUNT</u>	<u>FUND / ACD</u>	<u>Vendor Name</u>	<u>Reason for void (dropdown)</u>
867966	No	11/15/2019	\$ 872.50	110 2500105243	Cates Heating & A/C Inc.	Duplicate Payment

Action: Received and filed.

2. PERSONNEL ACTION COMMUNICATION, DATED NOVEMBER 26, 2019:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Theaundrea D Bell	Sheriff/Court Security	12/2/19	Court Security Officer
Charles W Dennis Jr	PW/Fleet	12/2/19	Fleet Maint Tech I
Curtis L Freeman	Fire	12/2/19	Fire Mechanic
Victor A Hicks	Sheriff/Court Security	12/2/19	Court Security Officer

Section II-Transfer

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Mary K Hatfield	Finance/Payroll	12/2/19	Fiscal Supt Specialist	Prof Fiscal Assistant

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Mindi A Lobner	Police/Comm	12/11/19	Prog Supervisor
Dennis D Ware	Police	12/11/19	Info Sys Coordinator

Section VII - Reclassifications

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Brandy Wells	DA's Office	9/5/19	Admin Coordinator	Manager
Vacant	Fire	11/20/19	Property Officer-IAFF	Lead Fire Mechanic

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Michael M Burgard	PW/Street	Amend PAC 11/14/19 to reflect change in leave of absence dates from 10/29/19 to 11/13/19, /unpaid
Elizabeth Groenweghe	Health	ACD code change effective 12/26/19
Wesley McKain	Health	ACD code change effective 12/26/19
Ronald D McKay	Sheriff/Court	Amend PAC 11/19/19 to reflect holiday payout effective 11/14/19

	Security	
Amanda T Mejia	HR	Out of class pay from oc code 0102 to 0106 and rg/stp effective 9/7/19
Christina Van Cleave	Health	ACD code change effective 12/26/19
Juliann Van Liew	Health	ACD code change effective 12/26/19

Action: Received and filed. Copy previously forwarded to Payroll.

3. CLAIMS FOR DAMAGES:

Audry Flinn-Piert, 7135 Gibbs Rd., through attorney Sam R. Barnett, 4050 Pennsylvania Ave., Suite 121, KCMO, alleging bodily injuries from non-maintained sidewalks and walkways. (2)

Brian R. Herron, 1514 N. 66th Dr., alleging damages to vehicle due to hitting manhole.
Carson McCord, 411 Haskell Ave., alleging damages to vehicle due to UG workers on the hood on his truck with a tape measure.

Ryan Boje, 2000 Chester St., alleging damages to vehicle due to hitting manhole.

Action: Received and filed. Copies previously forwarded to Legal.

4. MOTION TO REDEEM PROPERTY:

Unified Government vs. Steven Hawthorne, Case No. 2019-PT-2.

Action: Received and filed. Copy previously forwarded to Legal.

5. SUMMONS:

Richard Craddock vs. Unified Government of Wyandotte County and Kansas City, Kansas, and J.M. Fahey Construction Co., Case No. 2019-CV-000897.

Action: Received and filed. Copy previously forwarded to Legal.

6. PLAINTIFF'S FIRST INTERROGATORIES TO DEFENDANT UNIFIED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS:

Richard Craddock vs. Unified Government of Wyandotte County and Kansas City, Kansas, and J.M. Fahey Construction Co.

Action: Received and filed. Copy previously forwarded to Legal.

7. TRAVEL REQUESTS:

Susan Alig, Sheriff's Dept., travel to Orlando, FL, Jan. 27 – 30, 2020, to attend Legal Issues in Jails Workshop, Employee Training & Travel.

Susan Alig, Dwight Buxton, Jeffrey Fewell, Mary Rinehart, Ernesto Terrazas, and one to be determined, Sheriff's Dept., travel to Aurora, CO, Apr. 3 – 8, 2020, to attend 2020 American Jail Assn. Conference, SCAAP and Employee Training & Travel.

Jonathan Carter, District Attorney's Office, travel to Decatur, GA, Mar. 18 – 21, 2020, to attend Media Relations training, Employee Training & Travel.

Brian Christian and Timothy Fowler, CID, travel to Johnston, IA, Dec. 15 – 20, 2019, to attend Crisis/Hostage Negotiation-Level 1, Employee Training & Travel.

Adriana Hernandez and Sharron Villegas, District Attorney's Office, travel to Las Vegas, NV, Dec. 2 – 6, 2019, to attend Advanced Domestic Violence and Sexual Assault training, Employee Training & Travel.

Sara Janeczko, Police/Chief's Office, travel to Miami, FL, Feb. 26 – 29, 2020, to attend IACP Officer Safety & Wellness Symposium, Employee Training & Travel.

Ashley Lause, Health/PHS/WIC, travel to Washington, DC, Mar. 14 – 17, 2020, to attend 2020 Washington Leadership Conference, WIC.

Heron Santana, Police/Operations, travel to Hutchinson, KS, Jan. 13 – 20, 2020, to attend LELA Command training, Employee Training & Travel.

Michael York, Police/Chief's Office, travel to New Orleans, LA, July 17 – 22, 2020, to attend FBINAA National Training Conference, Employee Training & Travel.

Action: Approved by Administrator's Office and received and filed.

8. CERTIFICATES OF INSURANCE:

Allied Universal Topco, LLC (etc.) (4)
Champion National Security, Inc.
Loomis Armored US, LLC
Thomas Protective Service, Inc.

Action: Referred to License.

9. BUSINESS BONDS:

Electrical Contractor's Bonds
Ketner Electric Service, LLC
Sterling Owens
Pro Electric, LC
Rivercrest Electric, LLC

Mechanical Contractor's Bond
Joe Anderson

Sign Hanger's Bonds

Ballard Two, LLC
Full Bright Sign & Lighting
M & P, Inc.

Action: Referred to License.

10. CONTINUATION CERTIFICATES:

Electrical Contractor's Bond
William Powell, III

Miscellaneous Bonds
Complete Home Heating & Air Conditioning, LLC
Jake Hawk Electric, LLC

Plumber's Bonds
J. F. Denney Plumbing & Heating
Santa Fe Trails Plumbing, Inc.
TMS, Inc.

Action: Referred to License.

11. NOTICE OF REINSTATEMENT

The Capo Group, LLC DBA Image 360

Action: Referred to License.

12. APPLICATIONS FOR CMB LICENSE (PKG)

Money Talks/William Hutton DBA Chips Coins, 720 Minnesota Ave.
Moran Foods, LLC/Frank Blevins DBA Save A Lot #443, 2815 State Ave.
Moran Foods, LLC/Frank Blevins DBA Save A Lot #456, 8115 State Ave.
Moran Foods, LLC/Frank Blevins DBA Save A Lot #468, 2102 Metropolitan Ave.
Pakam Petroleum, Inc./Kerry Mercer DBA Short Stop #305 BP, 7647 Leavenworth Rd.

Action: Referred to License.

13. APPLICATIONS FOR DRINKING EST./PUBLIC VENUE:

Joseph Tulipana/Michelle Cook DBA Blind Box BBQ, 1601 Village West Pkwy.
Cheeseburger of Kansas City, LLC/Kimberly Groves DBA Fuddruckers, 1705 Village West Pkwy.

Action: Referred to License.

14. APPLICATION FOR CATERER/DRINKING EST./HOTEL

AMC ITD, LLC/Bridget Holton-Deere DBA AMC Theatres Legends 14, 1841 Village West Pkwy.

Action: Referred to License.

15. APPLICATION FOR PRIVATE CLUB CLASS A:

Terry Mast DBA Loyal Order of Moose 1999, 6621 Turner Dr.

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 191085

Full Commission Meeting Date: 12/5/19

Committee:

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: No

<u>Date:</u> 11/25/2019	<u>Contact Name:</u> Mike Taylor	<u>Contact Phone:</u> x5565	<u>Contact Email:</u> mtaylor@wycokck.org	<u>Department/Division:</u> Public Relations
<u>Item Description:</u> Adoption of the 2020 State and Federal Legislative Programs.				
<u>Action Requested:</u> Approve the 2020 State and Federal Legislative Programs				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u>				



Staff Request for Commission Action

Tracking No. 191100

Full Commission Meeting Date: 12/5/19

Committee: Full Commission

Date of Standing Committee Action:
(If none, please explain):

Publication Required: No

<u>Date:</u> 11/27/2019	<u>Contact Name:</u> Katherine Carttar	<u>Contact Phone:</u> x5176	<u>Contact Email:</u> kcarttar@wycokck.org	<u>Department/Division:</u> Economic Development
<u>Item Description:</u> Two ordinances authorizing the issuance of taxable industrial revenue bonds for the PQ Corporation Project, located at 1700 Kansas Avenue Series 2019A, amount not to exceed \$25M Series 2019B, amount not to exceed \$1M				
<u>Action Requested:</u> Approve both ordinances				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Ordinance (2019B), Ordinance (2019A)				

ORDINANCE NO. O-__-19

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (PQ CORPORATION PROJECT) SERIES 2019B, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$1,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, IMPROVING, CONSTRUCTING, INSTALLING AND EQUIPPING OF AN INDUSTRIAL FACILITY, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS AND FIXTURES; AUTHORIZING THE UNIFIED GOVERNMENT TO ENTER INTO CERTAIN DOCUMENTS AND THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas, (the “Unified Government”), is authorized pursuant to the provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “Act”), to acquire, purchase, construct, install and equip certain commercial and industrial facilities, and to issue industrial revenue bonds for the purpose of paying the cost of such facilities, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, the governing body of the Unified Government has heretofore and does now find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Unified Government and the State of Kansas that the Unified Government issue its Taxable Industrial Revenue Bonds (PQ Corporation Project) Series 2019B in a principal amount not to exceed \$1,000,000, for the purpose of acquiring, constructing, improving, installing and equipping an industrial facility located at 1700 Kansas Avenue and adjacent properties (the “Project”), and that the Unified Government lease the Project to PQ Corporation, a Pennsylvania corporation (the “Sublessee”); and

WHEREAS, the governing body of the Unified Government further finds and determines that it is necessary and desirable in connection with the issuance of these bonds that the Unified Government enter into certain agreements, and that the Unified Government take certain other actions and approve the execution of certain other documents as herein provided;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. Authorization for the Acquisition, Purchase, Construction, Improvement, Installation and Equipping of the Project. The Unified Government is hereby authorized to provide for the acquisition, purchase, construction, improvement, installation and equipping of the Project, all in the manner and as more particularly described in the Indenture, the Base Lease and the Sublease, all hereinafter defined and authorized.

Section 2. Authorization of and Security for the Bonds. The Unified Government is hereby authorized to issue and sell its Taxable Industrial Revenue Bonds (PQ Corporation Project) Series 2019B, in a principal amount not to exceed \$1,000,000 (the “Bonds”), for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, improving, installing and equipping the Project. The Bonds shall be issued and secured pursuant to the herein authorized Indenture and shall bear such date, shall mature at such time, shall be in such denominations, shall bear interest at such rates, shall be in such form, shall be subject to redemption and other terms and conditions, and shall be issued in such manner, subject to such provisions, covenants and agreements, as are set forth in the hereafter defined Indenture. The Bonds shall be payable

solely out of the rents, revenues and receipts derived by the Unified Government from the Project, and the Project and the net earnings derived by the Unified Government from the Project shall be pledged and assigned to the hereafter defined Trustee as security for payment of the Bonds as provided in the Indenture.

Section 3. Authorization of Documents. The Unified Government is hereby authorized to enter into the following documents, in substantially the forms presented to and reviewed by the governing body of the Unified Government (copies of which documents, upon execution thereof, shall be filed in the office of the Unified Government Clerk), with such changes therein as shall be approved by the officers of the Unified Government executing such documents, such officers' signatures thereon being conclusive evidence of their approval thereof:

- (a) Sixth Supplemental Trust Indenture (the "Sixth Supplemental Indenture"), which supplements and amends the Trust Indenture dated as of December 1, 2013, as amended (collectively, the "Indenture"), each between the Unified Government and Security Bank of Kansas City (the "Trustee");
- (b) Sixth Amendment of Base Lease Agreement (the "Sixth Amendment of Base Lease") which supplements and amends the Base Lease Agreement dated as of December 1, 2013, as amended (collectively, the "Base Lease"), each between the Sublessee, as lessor, and the Unified Government, as lessee;
- (c) Sixth Supplemental Sublease Agreement (the "Sixth Supplemental Sublease") which supplements and amends the Sublease Agreement dated as of December 1, 2013, as amended (collectively, the "Sublease"), each between the Unified Government, as sublessor and the Sublessee, as sublessee;
- (d) a Bond Purchase Agreement (the "Bond Purchase Agreement") with respect to the Bonds, among the Unified Government, the Sublessee and the Sublessee, as purchaser (the "Purchaser"); and
- (e) Performance Agreement (the "Performance Agreement"), between the Unified Government and the Sublessee.

Section 4. Execution of Bond and Documents. The Mayor/Chief Executive of the Unified Government is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the Unified Government in the manner provided in the Indenture. The Mayor/Chief Executive of the Unified Government is hereby authorized and directed to execute the Sixth Supplemental Indenture, the Sixth Amendment of Base Lease, the Sixth Supplemental Sublease, the Bond Purchase Agreement, the Performance Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the Unified Government. The Clerk of the Unified Government is hereby authorized and directed to attest to and affix the seal of the Unified Government to the Bonds, the Sixth Supplemental Indenture, the Sixth Amendment of Base Lease, the Sixth Supplemental Sublease, the Bond Purchase Agreement, the Performance Agreement and such other documents, certificates and instruments as may be necessary.

Section 5. Ad Valorem Tax Abatement. In consideration of the Sublessee's decision to acquire, purchase, construct, improve, install and equip the Project, the Unified Government hereby agrees to take all appropriate action to request the Kansas Board of Tax Appeals to approve a 100% ad valorem property tax abatement (not including special assessments and other ad valorem taxes that may not be abated under Kansas law) for all real property financed with the proceeds of the Bonds.

The Project financed with the proceeds of the Bonds shall be entitled to a 10-year tax abatement, with the first year of the abatement being the year beginning on the January 1 following the year the Bonds are issued by the Unified Government. The percentage of abatement is anticipated to be 75% subject to adjustment in accordance with the Performance Agreement.

The Sublessee agrees to submit, or cause the Project's operator or manager to submit, to the Unified Government by March 1st of each year of tax abatement, an annual certification of the Sublessee or such operator or manager of the percentage of its employees employed at the Project on the previous December 31st that are residents of Wyandotte County as shown on the records of the Company.

Section 6. Further Authority. The Unified Government shall, and the officers, employees and agents of the Unified Government are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the Unified Government with respect to the Bonds, the Sixth Supplemental Indenture, the Sixth Amendment of Base Lease, the Sixth Supplemental Sublease, the Bond Purchase Agreement and the Performance Agreement.

Section 7. Effective Date. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official Unified Government newspaper.

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PASSED by the Governing Body of the Unified Government of Wyandotte County/Kansas City,
Kansas, this 5th day of December, 2019.

Mayor/CEO

[SEAL]

ATTEST:

Unified Government Clerk

(Published in *The Wyandotte Echo* on December __, 2019)

SUMMARY OF ORDINANCE NO. O-__-19

On December 5, 2019, the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (PQ CORPORATION PROJECT) SERIES 2019B, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$1,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, IMPROVING, CONSTRUCTING, INSTALLING AND EQUIPPING OF AN INDUSTRIAL FACILITY, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS AND FIXTURES; AUTHORIZING THE UNIFIED GOVERNMENT TO ENTER INTO CERTAIN DOCUMENTS AND THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

The Series 2019B Bonds approved by the Ordinance are being issued in the maximum principal amount of \$1,000,000, for the purpose of acquiring, constructing, furnishing, and equipping an industrial facility for PQ Corporation, a Pennsylvania corporation, and constitute limited obligations of the Unified Government payable solely from the sources and in the manner as provided in the Indenture, and shall be secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate (as defined in the Indenture) to the Trustee and in favor of the owners of the Series 2019B Bonds, as provided in the Indenture. In connection with the issuance of the Series 2019B Bonds, the Issuer approves a 10-year exemption from ad valorem property taxes for the Project, subject to certain payments in lieu of taxes. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the Unified Government Clerk, 701 North 7th Street, Kansas City, Kansas. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.wycokck.org.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: December 5, 2019.

Kenneth J. Moore, Chief Counsel

ORDINANCE NO. O-__-19

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (PQ CORPORATION PROJECT) SERIES 2019A, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$25,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, IMPROVING, CONSTRUCTING, INSTALLING AND EQUIPPING OF AN INDUSTRIAL FACILITY, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS AND FIXTURES; AUTHORIZING THE UNIFIED GOVERNMENT TO ENTER INTO CERTAIN DOCUMENTS AND THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”), is authorized pursuant to the provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “Act”), to acquire, purchase, construct, install and equip certain commercial and industrial facilities, and to issue industrial revenue bonds for the purpose of paying the cost of such facilities, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, the governing body of the Unified Government has heretofore and does now find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Unified Government and the State of Kansas that the Unified Government issue its Taxable Industrial Revenue Bonds (PQ Corporation Project) Series 2019A in a principal amount not to exceed \$25,000,000, for the purpose of acquiring, constructing, improving, installing and equipping an industrial facility located at 1700 Kansas Avenue and adjacent properties (the “Project”), and that the Unified Government lease the Project to PQ Corporation, a Pennsylvania corporation (the “Sublessee”); and

WHEREAS, the governing body of the Unified Government further finds and determines that it is necessary and desirable in connection with the issuance of these bonds that the Unified Government enter into certain agreements, and that the Unified Government take certain other actions and approve the execution of certain other documents as herein provided;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. Authorization for the Acquisition, Purchase, Construction, Improvement, Installation and Equipping of the Project. The Unified Government is hereby authorized to provide for the acquisition, purchase, construction, improvement, installation and equipping of the Project, all in the manner and as more particularly described in the Indenture, the Base Lease and the Sublease, all hereinafter defined and authorized.

Section 2. Authorization of and Security for the Bonds. The Unified Government is hereby authorized to issue and sell its Taxable Industrial Revenue Bonds (PQ Corporation Project) Series 2019A, in a principal amount not to exceed \$25,000,000 (the “Bonds”), for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, improving, installing and equipping the Project. The Bonds shall be issued and secured pursuant to the herein authorized Indenture and shall bear such date, shall mature at such time, shall be in such denominations, shall bear interest at such rates, shall be in such form, shall be

subject to redemption and other terms and conditions, and shall be issued in such manner, subject to such provisions, covenants and agreements, as are set forth in the hereafter defined Indenture. The Bonds shall be payable solely out of the rents, revenues and receipts derived by the Unified Government from the Project, and the Project and the net earnings derived by the Unified Government from the Project shall be pledged and assigned to the hereafter defined Trustee as security for payment of the Bonds as provided in the Indenture.

Section 3. Authorization of Documents. The Unified Government is hereby authorized to enter into the following documents, in substantially the forms presented to and reviewed by the governing body of the Unified Government (copies of which documents, upon execution thereof, shall be filed in the office of the Unified Government Clerk), with such changes therein as shall be approved by the officers of the Unified Government executing such documents, such officers' signatures thereon being conclusive evidence of their approval thereof:

- (a) Sixth Supplemental Trust Indenture (the "Sixth Supplemental Indenture"), which supplements and amends the Trust Indenture dated as of December 1, 2013, as amended (collectively, the "Indenture"), each between the Unified Government and Security Bank of Kansas City (the "Trustee");
- (b) Sixth Amendment of Base Lease Agreement (the "Sixth Amendment of Base Lease") which supplements and amends the Base Lease Agreement dated as of December 1, 2013, as amended (collectively, the "Base Lease"), each between the Sublessee, as lessor, and the Unified Government, as lessee;
- (c) Sixth Supplemental Sublease Agreement (the "Sixth Supplemental Sublease") which supplements and amends the Sublease Agreement dated as of December 1, 2013, as amended (collectively, the "Sublease"), each between the Unified Government, as sublessor and the Sublessee, as sublessee;
- (d) a Bond Purchase Agreement (the "Bond Purchase Agreement") with respect to the Bonds, among the Unified Government, the Sublessee and Zeolyst International, as purchaser (the "Purchaser"); and
- (e) Performance Agreement (the "Performance Agreement"), between the Unified Government and the Sublessee.

Section 4. Execution of Bond and Documents. The Mayor/Chief Executive of the Unified Government is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the Unified Government in the manner provided in the Indenture. The Mayor/Chief Executive of the Unified Government is hereby authorized and directed to execute the Sixth Supplemental Indenture, the Sixth Amendment of Base Lease, the Sixth Supplemental Sublease, the Bond Purchase Agreement, the Performance Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the Unified Government. The Clerk of the Unified Government is hereby authorized and directed to attest to and affix the seal of the Unified Government to the Bonds, the Sixth Supplemental Indenture, the Sixth Amendment of Base Lease, the Sixth Supplemental Sublease, the Bond Purchase Agreement, the Performance Agreement and such other documents, certificates and instruments as may be necessary.

Section 5. Ad Valorem Tax Abatement. In consideration of the Sublessee's decision to acquire, purchase, construct, improve, install and equip the Project, the Unified Government hereby agrees to take all appropriate action to request the Kansas Board of Tax Appeals to approve a 100% ad valorem property tax

abatement (not including special assessments and other ad valorem taxes that may not be abated under Kansas law) for all real property financed with the proceeds of the Bonds.

The Project financed with the proceeds of the Bonds shall be entitled to a 10-year tax abatement, with the first year of the abatement being the year beginning on the January 1 following the year the Bonds are issued by the Unified Government. The percentage of abatement is anticipated to be 75% subject to adjustment in accordance with the Performance Agreement.

The Sublessee agrees to submit, or cause the Project's operator or manager to submit, to the Unified Government by March 1st of each year of tax abatement, an annual certification of the Sublessee or such operator or manager of the percentage of its employees employed at the Project on the previous December 31st that are residents of Wyandotte County as shown on the records of the Company.

Section 6. Further Authority. The Unified Government shall, and the officers, employees and agents of the Unified Government are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the Unified Government with respect to the Bonds, the Sixth Supplemental Indenture, the Sixth Amendment of Base Lease, the Sixth Supplemental Sublease, the Bond Purchase Agreement and the Performance Agreement.

Section 7. Effective Date. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official Unified Government newspaper.

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PASSED by the Governing Body of the Unified Government of Wyandotte County/Kansas City,
Kansas, this 5th day of December, 2019.

Mayor/CEO

[SEAL]

ATTEST:

Unified Government Clerk

(Published in *The Wyandotte Echo* on December __, 2019)

SUMMARY OF ORDINANCE NO. O-__-19

On December 5, 2019, the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (PQ CORPORATION PROJECT) SERIES 2019A, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$25,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, IMPROVING, CONSTRUCTING, INSTALLING AND EQUIPPING OF AN INDUSTRIAL FACILITY, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS AND FIXTURES; AUTHORIZING THE UNIFIED GOVERNMENT TO ENTER INTO CERTAIN DOCUMENTS AND THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

The Series 2019A Bonds approved by the Ordinance are being issued in the maximum principal amount of \$25,000,000, for the purpose of acquiring, constructing, furnishing, and equipping an industrial facility for PQ Corporation, a Pennsylvania corporation, and constitute limited obligations of the Unified Government payable solely from the sources and in the manner as provided in the Indenture, and shall be secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate (as defined in the Indenture) to the Trustee and in favor of the owners of the Series 2019A Bonds, as provided in the Indenture. In connection with the issuance of the Series 2019A Bonds, the Issuer approves a 10-year exemption from ad valorem property taxes for the Project, subject to certain payments in lieu of taxes. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the Unified Government Clerk, 701 North 7th Street, Kansas City, Kansas. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.wycokck.org.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: December 5, 2019.

Kenneth J. Moore, Chief Counsel