

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

**PLANNING & ZONING AND
REGULAR SESSION
DECEMBER 5, 2019**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, December 5, 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 (left at 7:57 p.m.); Johnson, Commissioner Fourth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. Kane, Commissioner Fifth District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Melissa Sieben and Alan Howze, Assistant County Administrators; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, UG Clerk; Robin Richardson, Director of Planning; Byron Toy, Lead Planner; Janet Parker, Administrative Assistant; Kim Portillo, Planner; Alley Porter, Commission Liaison; Kathleen VonAchen, Chief Financial Officer; Mike Taylor, Public Relations Director; Katherine Carttar, Director of Economic Development; Maureen Mahoney, Chief of Staff in Mayor's Office; and Captain Ronald Schumaker, Sergeant-at-Arms.

MAYOR ALVEY called the meeting to order.

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

INVOCATION was given by Reverend Bryan W. Mann, Bethel Seventh Day Adventist Church.

MAYOR ALVEY asked the Clerk if there are any revisions to tonight's agenda. **Bridgette Cobbins, UG Clerk**, said there are no revisions.

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'll 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.

PLANNING AND ZONING CONSENT AGENDA

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

Ms. Cobbins asked if any member of the Commission wished to disclose any contact with proponents or opponents on any items on the Planning and Zoning Agenda. **Commissioner McKiernan** said I've had contact with opponents of #SP-2019-106. **Mayor Alvey** said I've also been contacted by opponents of #SP-2019-106.

Mayor Alvey said others, seeing none.

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

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

Leo Eilts, 506 N. 4th St, KCK, said I would like to ask that Item B-4 be pulled for further consideration. **Mayor Alvey** asked which number. **Mr. Eilts** said Item B-4. **Mayor Alvey** said 2019-106 I suppose.

Dana Bye, Northridge at Piper Estates, said we would request that Item A-3 be set aside.

Tscher Manck said I'm not quite sure if this is on the Consent Agenda but the ordinance for 3605 Bell Crossing for it to be an agricultural area. **Mayor Alvey** said that is on the Consent Agenda. **Ms. Manck** said I'd like to have that set aside. **Mayor Alvey** asked what was that again. **Ms.**

Manck said B-2. **Mayor Alvey** asked do you have that Bridgette. Thank you. **Commissioner Bynum** said D-2.

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

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 191077...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, submitted by Robin Richardson, Director of Planning. The applicant wants to rezone the property 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 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 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 was 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: none.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Change of Zone Application #3207, subject to the stipulations.** Roll call was taken on the motion and there were nine “Ayes,”

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

ITEM NO. 2 – 191078...CHANGE OF ZONE APPLICATION #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 Richardson, Director of Planning. This is 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 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.)
Applicant Response: Ok.
2. Subject to approval, a \$50 ordinance publication fee must be paid to the Department of Urban Planning and Land Use.
Applicant Response: Ok.
3. Proposed drive entrances and curb cuts must be approved by Public Works Department prior to construction.
Applicant 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*Applicant Response:* Ok.
5. Submit photos of existing area and structures
Applicant Response: Attached. No structures exist on the property. It is currently pasture and hay ground.

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 McKiernan made a motion, seconded by Commissioner Johnson, to approve Change of Zone Application #3208, subject to the stipulations. Roll call was taken on the motion and there were nine "Ayes," McKiernan, Murguia, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 3 – 191079...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, submitted by Robin Richardson, Director of Planning. The applicant 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 tables, one shelter and one barbeque grill/pit and plat eleven single family lots for Phase 1 on 60.57 acres; the total acreage is 163.3 acres. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application #3202, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50 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.

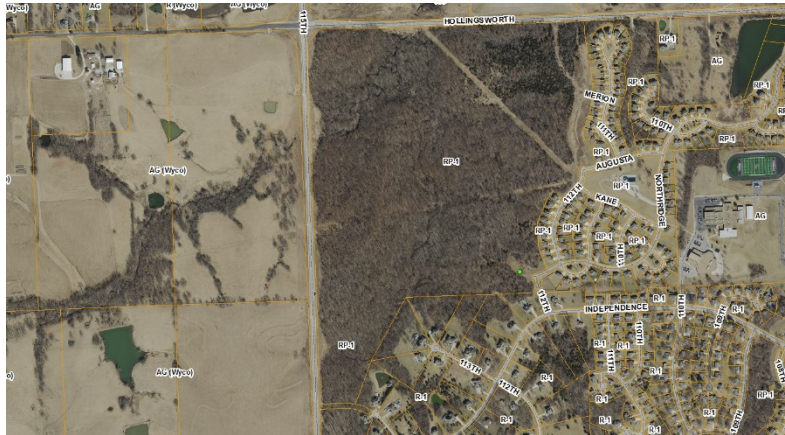
7. Stipulations from the previous rezoning shall not be modified. The only stipulation to be discussed is the change in site amenity.

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 is 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:

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 County Surveyor makes separate technical review of the plat and submits comments directly to the preparer of the plat.
 - b. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
3. Comments that are not critical to engineering's recommendations for this specific submittal but may be helpful in preparing future documents: none.



Robin Richardson, Director of Planning, said the proposal before you comes about, the original amenity in this development was to be a trail system and our regulations require those trails to be paved trails and they didn't want to do that. They have proposed to have a picnic shelter, some picnic tables and a barbeque, and then allow the neighbors within the 40 acres of open space to have more of meandering ad hoc trail system that they could use at their pleasure, walk from their houses over to the point where the amenity would be. If you look on your screen right here there's a street stub right there which could accommodate three or four parking places. The first phase of this development has 11 or 12 houses in it and the Planning Commission has recommended approval. I believe Mr. Schlicht is here to discuss the proposal as well.

Mr. Schlicht, Engineering Solutions, 50 SE 30th St., Lee's Summit, MO, said yes, as Rob said, this is a 23 lot, large lot subdivision. All lots will be 5 acres and it has a large common space on the interior core area. Essentially, about a year ago we brought this project forward where we were going to use some trails and some other things kind of meandering through that common space. Through some discussion with staff we feel like there's a different site amenity that we propose now that meets the criteria of what's required in the Piper Overlay District, which is a shelter, a

couple picnic tables, a barbeque pit area and then, as Rob said, all the residents will have the opportunity to kind of meander through the trails and use that same common area for whatever they like. The whole intention idea is someone could own five acres but still have use of 40+ acres for their rural spite.

Mayor Alvey opened the public hearing. Is there anyone that would like to speak in favor #3209? There were none.

Mayor Alvey asked if any was not in favor.

Dana Bye, Northridge at Piper Estates Homes Association, said we're not opposed of the development. We are opposed to the requirement of the developer to have to build the amenity in Phase 1 and not have to build the infrastructure to allow for the off-street parking for the amenity. The option as it stands is to have him build the amenity when he is building the lots that will be along 115th & Hollingsworth Road, those 11 lots, and they're going to build the amenity, which happens to be at the intersection of our south entrance at our subdivision. It's a very narrow entrance. We have one way in and one way out with a monument island. Right now, they have been dumping like construction material or something, they've been driving back and forth and we have a considerable amount of mud that's been drug out onto the street.

My concern, the last time I was here was saying, if you're going to require him to build the amenity in Phase 1, you should require him to build the infrastructure that could facilitate the parking for that amenity, because I don't feel like our entrance is the proper place for this subdivision to utilize parking to access their amenity.

They said that they felt like there was adequate parking space up there. I have gotten with the fire marshal. It is my understanding that they would request parking would at least be restricted to at least one side of the street. I do have pictures of the mud as it stands right now that we have. If they're not going to require that the cul-de-sac be built while the amenity is being built, if someone can address the erosion issues that we're having with the mud being drug out onto the street. If they're going to allow them to put down gravel for these people to park or at least do something to keep the mud from being drug out onto the street.

Mayor Alvey asked is there anyone else that would like to speak in opposition. There were none.

Mayor Alvey closed the public hearing. Would the petitioner like to make any closing comments or, Rob, would you like to? **Mr. Richardson** said this is a little bit of a blowup of what the actual plat is.



Here's their site amenity, the picnic shelter. Here's the street that comes in and turns to go into Northridge. I'll show you where this is. As you can see, here's the entrance to the subdivision. Here's the monument that's divided. This area right here where the street stubs out is adequate for probably three, maybe four cars. I haven't heard anything from the fire marshal but we can certainly limit any other parking to one side of the street.

I'll contact Public Works tomorrow and have them look into the mud issue. I don't know why that exist there. Once they build the amenity back here and they're just walking across the grass, I don't think there should be any more mud issues. I'm not sure what's causing that or what the dumping is about but we can take care of that administratively. In the meantime, the Planning Commission has recommended approval as it's presented to you.

Mayor Alvey asked does any member of the Commission have any questions or comments.

Commissioner Bynum said the development is to the west side of the screen correct; the proposed new housing. **Mr. Richardson** said there's three phases of this. The first phase will be 11 or 12 houses along 115th Street. The second phase will be the homes along Hollingsworth and the third

phase will be where they built the new little street stubs, here and up here and put the lots adjacent to those. They are all three acre lots.

Commissioner Bynum said the first phase is along 115th. **Mr. Richardson** said correct. **Commissioner Bynum** said and yet we're requiring this amenity be built in Phase 1. **Mr. Richardson** said we're requiring it to be built in Phase 1 but these are all 3 acre lots along here and there's 40 acres of open space in here and they'll have trails that come from the back of these houses over to the amenity. **Commissioner Bynum** said so some of them could use the trails to go to the amenity, some are going to drive. **Mr. Richardson** said correct. They could just walk through the woods. **Commissioner Bynum** said and the issue that's being brought up is for those that drive, there's not adequate parking at the site of the amenity. **Mr. Richardson** said right, correct. Right here. **Commissioner Bynum** asked is there a temporary fix for that while we—**Mr. Richardson** said well, this is a public street and you know there's a stub here. The stub right here is about the depth of a parking space. I think that for 12 houses, three or four spaces is completely adequate for people. I mean subdivision amenities don't get used that often by that many people. There's only 12 houses and it seems like as an interim we could make use of this. If you want to do it differently that's up to you all but it—**Commissioner Bynum** said I'm just wondering if there's any sort of in between. **Mr. Richardson** said well, eventually they're going to build a street in here with a cul-de-sac and have other lots that adjoin that as well but that will be in Phase 3.

Commissioner Bynum asked a timeline on Phase 3, do we know? **Mr. Richardson** said you have to ask Mr. Schlicht. **Commissioner Bynum** asked sir, do you have a timeline? I guess my question is, for how long do think that you'd be building Phase 1 along with the amenity that's required to go with it and have that be all that exist of your development. What would that length of time look like to you? **Mr. Schlicht** said, you know it's tough to guess. I mean with our hope of Phase 1, we'll have 11 lots online and then Phase 2 which will be on the north of Hollingsworth side, we'll add another 6 lots. If you assume the assumption of 4 or 5 lots maybe per year, you're talking 3 years before we get to building that cul-de-sac, it'd be my guess. **Commissioner Bynum** said it could be 3 years in this condition.

Mr. Schlicht said and like Rob said, you know our belief with that amenity would be is it's a person that's going to take their backpack, hike with their kids down through the trails, stop at the shelter and then walk back home. I'm just feeling like it would be unlikely that someone would leave their house on 115th Street, drive a half mile up to Hollingsworth and back and around to park their car to do that. I think they'd pick some other place along the way. This I think, truly would be used for more of a pedestrian way when you know—the whole idea of this group is if you're going to own 5 acres that you have rights to 40 of it. I have four boys; we would meander through that woods all day long. I think that's what'll happen. I just don't see that many people parking cars up here, our reasoning. **Commissioner Bynum** said thanks.

Commissioner Bynum said I would just say if we can address the current mud issue as you suggest with contacting Public Works tomorrow and check on the issue that Ms. Bye brought up with the fire marshal. **Mr. Richardson** said we can do that. **Commissioner Bynum** said I don't know how to include those kinds of items as stipulations in an approval. **Mr. Richardson** said I can work that administratively. I don't know that they need to be a stipulation. I can take care of those. I mean that's part of—we can put the no parking signs on the street. We can have the mud cleared from the street. We don't need a stipulation for that.

Action: **Commissioner Bynum made a motion to approve.**

Commissioner Philbrook said I'm glad I had a chance to think about this for a minute because the more questions Commissioner Bynum asked, the more things came to my mind about this. We're making a lot of assumptions here and that is, is that only the people that live in the new houses are going to use that facility. That's open to anybody to get into. It's not like it's limited. Right? **Mr. Richardson** said it's a private amenity to the folks in that subdivision but you're right. I could drive over there and use it if I wanted to. **Commissioner Philbrook** said really. Right, exactly. Let's get real about this. With the reality of it in mind and them putting it way down there and I can understand what they're thinking. There's no guarantees when that Phase 3 is actually going to happen. There's no certainty in this life. You don't know how fast you can sell the other lots and when Phase 3 is going to be here. It could be 3 years out. It could be 20 years

out. I think we need to look at this, if it's going to be in Phase 1 to make it work for everybody if we're going to enforce it being in Phase 1.

Mayor Alvey said we do have a motion for approval. We did not have a second because there was a question. **Commissioner Bynum** said, Mayor, I'm good with you know continuing to seek a resolution and I can pull my motion if that's required.

Commissioner Burroughs asked do we know where the mud is coming from specifically. Is it a recurring issue after a rain or can vehicles drive down over that cul-de-sac lift and drive down to the area and we're witnessing some of that and they're carrying the mud into the streets? Do we know? **Ms. Bye** said you can see the tracks that go back and it's used for like dumping of construction materials or big trucks are going back there. I don't live on that street. I live towards the front. Commissioner Kane actually lives down from that street, and trucks are seen on a fairly regular basis over the course of time dumping stuff back there. It's not intentional, obviously, and it's his land. If he's allowed to dump construction material on it then that's his right. It's just that it's done enough that the mud is coming out. I didn't understand why—we have complained about the mud before. I know that gravel is frowned upon. I get that, but I have a problem with requiring him to build it in Phase 1 and not requiring the infrastructure at the same time.

There are many other subdivisions in the Piper area that are well past their first phase that do not have amenities built. I am not a fan of Mr. Higgin. That is not a secret. I'm not here advocating for him to not have to do his job, but it seems crazy to me that all of a sudden, we're going to say in Phase 1, you're going to build this amenity when Freeman Farms doesn't have a structural amenity. The Colony at Piper Lake doesn't have an amenity. Conner Creek doesn't have an amenity. Those places don't have structural amenities at this time. They are past their first phase. The fact that this is a 23-lot subdivision, which is a stretch in itself, it seems a lot to require the developer to do that in Phase 1.

Let him wait until Phase 3. He's got time to build those other houses, build up the HOA then they can build their little picnic hut or whatever it is. At that time, they'll have time to have that cul-de-sac built because that's when those two—there are two residential lots, 5 acres, and then the common area is basically platted for in between there. Then 200 feet off of the cul-de-

sac is where the cabana is slated to be. I don't think there's a necessity for that to be built within Phase 1. I think that would take away the issue if we didn't require it to be built within Phase 1.

Mr. Richardson said those subdivisions you mentioned were done before the master plan that requires them to be built in Phase 1. We have enumerable complaints from those subdivision owners about the developers not building the amenities they were promised. That's why that's a Phase 1 requirement. **Ms. Bye** said I fully understand that, but—**Mayor Alvey** said, Dana, the question was, what was the dirt and the mud.

Commissioner Burroughs said, Mayor, I might propose that we send Public Works out to determine where the mud may be coming from to determine if it's going to be a continuing issue. What I find a little concerning is if there's going to continue to be mud, we're going to be sending crews out. That's a cost to the city that shouldn't be occurring during the development. I want to find a resolution. I just don't want to spend any more city resources fixing something that should be fixed or handled by the developer.

Mayor Alvey said I don't think, Rob, you're not suggesting that Public Works—**Mr. Richardson** said we won't clean the street. We'll site them and have them clean it if they don't do it. **Mayor Alvey** said right. **Mr. Richardson** said in the new developments, there's mud after rains. It happens. Developers are generally pretty good about cleaning up the streets. Sometimes they have to be reminded, but we don't do that ourselves. They'll have to stop the dumping. That's not legal.

Commissioner Philbrook said well, thank you for saying that. Now you've answered most of my questions that you vowed that you would take care of the mud issue and the dumping issue and find out what the heck is going on back in there because, as we all know, just because they own the property doesn't mean they have the right to dump anything on there they want to. That's an absolute no. We can get this done then without stopping progress? Is that what I'm hearing? **Mr. Richardson** said I think so. **Commissioner Philbrook** said I just want to make sure I understand this, that we're going to have our issues taken care of without having to send it back. Is that correct? **Mr. Richardson** said correct. **Mayor Alvey** said I'd entertain a motion.

Action: Commissioner Philbrook made a motion to approve.

Commissioner Bynum said I'm sorry. **Mayor Alvey** said unless you pulled it. **Commissioner Bynum** said I did recall it but now I have a question. **Commissioner Philbrook** said then I'll second it, whichever. **Commissioner Bynum** said before I do second the motion, I just have a question, Rob. In the other developments that were identified where their amenity hasn't been yet built and those residents are upset, there's no hammer on our part that comes down. If that's the reason why you were requiring it now. **Mr. Richardson** said correct. We don't have a methodology to require those to be built until they come back for another phase. When they come back for another phase, then we can require that and we are as they come back. **Commissioner Bynum** said in this case, we'd be coming back for a Phase 2 and a Phase 3. **Mr. Richardson** said correct. **Commissioner Bynum** said if we move the stipulation for the amenity now to Phase 2, we still have our requirement in hand for Phase 2. **Mr. Richardson** said correct.

Action: Commissioner Bynum made a motion to approve it if we deal with the mud and the dumping issues and allow the movement of the amenity into Phase 2, but no later.

Mayor Alvey said that would require a separate motion, correct? **Mr. Richardson** said there's a motion. You have a motion. There's no second on that motion. **Mayor Alvey** said right. We have a motion to approve as submitted. Is there a second? Hearing none. Now we go with—

Commissioner Burroughs said, Rob, the pictures that we've shown are two wooden picnic tables and a firepit along with a 10x12 concrete pad with, I guess, nothing short of a cabana type roof on top of it. **Mr. Richardson** said correct. **Commissioner Burroughs** said with no concrete sidewalk. It's just mulch around the pad is what I'm understanding. **Mr. Richardson** said correct. **Commissioner Burroughs** said the wooden tables. Do we know if they're—the pictures are pretty plan Jane. I could buy one at one of the local hardware stores and put it together. It looks like the firepit, it doesn't give a dimension on the firepit, it just looks like a barbeque—they call it a barbeque pit because it has a rack on the top of it. **Mr. Richardson** said right. **Commissioner Burroughs** said that's really not what I would consider an amenity. I mean, I would be a little

concerned that would be considered an amenity for a development. **Mr. Richardson** said well, we have in the master plan, we have three different levels of amenity requirements. When the subdivision is under 50 houses or under a certain acreage, then they are allowed to have a more minor amenity because generally, in the smaller subdivisions, you can't afford a pool. There's other things you can't do. At the time the masterplan was developed, that was what was designated as an acceptable amenity for a small subdivision. **Commissioner Burroughs** said that was acceptable to the homeowners that were building out there. **Mr. Richardson** said if they buy the houses on the lots, it will be.

Mayor Alvey said I'd entertain a motion.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Philbrook, to approve Change of Zone Application #3209, subject to the stipulation that the amenity described be eliminated from this approval and included in Phase 2 of any future development as well as dealing with the dumping and mud issues.** Roll call was taken on the motion and there were nine "Ayes," McKiernan, Murguia, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 191076...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, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2019-62, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, this special use permit shall be valid for five 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 a.m. 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.
3. All doors shall remain closed during an event.
4. All events shall conclude by 1:00 a.m.
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 p.m.
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 non-security adult chaperon for every twenty-five children for events focused on youth under 18 years old (provided by the client).
14. Verify all parking agreements.

Public Works Comments: none.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2019-62 for five years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Murguia, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

**ITEM NO. 2 – 191080... 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, submitted by Robin Richardson, Director of Planning. This is the applicants' primary residence. 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 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 year.

Public Works Comments: none.

Additional Stipulation from the meeting: The applicant answer the remaining question in the staff report by Friday, November 15, 2019. (Applicant completed on 11/12/2019)

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2019-99, for one year, subject to the stipulations.** Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Murguia, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 3 – 191081...SPECIAL USE PERMIT APPLICATION #SP-2019-105 – MEGAN DUMA

Synopsis: Special use permit for a short-term rental/Airbnb at 2706 Espenlaub Lane, submitted by Robin Richardson, Director of Planning. The property is zoned R-1 Single Family Residential and is surrounded by a majority of 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 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 off-street parking and, therefore, the density should be unaffected. 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 year.
6. Responses to short-term rental application questions:
 - a. 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.
 - b. How will you pay appropriate lodging taxes?
Applicant Response: I employ a part-time bookkeeper 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.
 - c. 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.
 - d. 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.
 - e. What is the maximum number of vehicles and where will they park?
Applicant Response: Parking will be limited to 2 vehicles. This is a driveway with plenty of off-street parking to accommodate 2 vehicles.
 - f. 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.
 - g. 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.
 - h. Provide a detailed description of the areas rented for Airbnb.
Applicant Response: The entire home.
 - i. 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.
 - 1) Working smoke detectors in each bedroom plus each level of the unit/house. Done.

- 2) GFCI outlets are required in bathrooms. Done.
- 3) Double keyed locks are not allowed. N/A.
- 4) Copper cannot be used for gas supply lines. N/A.
- 5) Windows must be operable, not blocked or boarded. Newer vinyl and operable windows.
- 6) Handrails are required at sets of 4 or more stairs/risers. Done.
- 7) Hot water tank and furnace must be vented properly and operational. Done.
- 8) Electric panel and circuits must be safe. They are.

Public Works Comments: none.

Business License Comments:

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

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2019-105 for one year, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Murguia, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 4 – 191082...SPECIAL USE PERMIT APPLICATION #SP-2019-106 – MEGAN M. DUMA

Synopsis: Special use permit for a short-term rental/Airbnb at 408 Sandusky Avenue, submitted by Robin Richardson, Director of Planning. The property is zoned R-1(B) Single Family Residential with a narrow lot design. The property is surrounded by 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. The applicant was also reportedly operating desired use prior to being granted a special use permit. The applicant was contacted and made aware of said violation and asked to cease all operations. The applicant stated they would comply and cease operation. 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 issues 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:
 - a. 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.
 - b. How will you pay appropriate lodging taxes?
Applicant Response: I employ a part-time bookkeeper 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.

- c. 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.

- d. 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.

- e. 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.

- f. 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.

- g. 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.

- h. Provide a detailed description of the areas rented for Airbnb.

Applicant Response: The entire home.

- i. 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.

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

Public Works Comments: none.

Business Licensing Comments: 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.

Megan Duma, Prairie Village, KS, said I operate a number of Airbnbs or short-term rentals in the Kansas City area. I bought this house at 408 Sandusky and believed that I only needed a rental permit when I first bought it and then found out later that I needed a full special use permit; which is unique to Kansas City, KS. It's not the case in Kansas City, MO, or Johnson County. I apologize for my discretion in renting it out when it didn't have the proper special use permit that was necessary. I was contacted by staff and ceased leasing it out and put those stipulations on the website and everything and I haven't taken a reservation since then.

The only person complaining about my Airbnb is a neighbor that doesn't live on the same street. He lives at the rear portion of the property. When I first moved into the house, the house has very little storage. It's only 900 square feet so I put a 12x8 shed on the property. He was complaining it was blocking a window of his that was about this big. I have photos of it and he sent me an email with his rifle underneath of it saying I was blocking his only west facing window. This is a window that he has. He keeps a stained-glass piece in so he was really not getting any view blocked whatsoever. The only reason I bring up this tidbit stuff is because we worked together. He cut down a tree. I moved the shed at my own expense so his window wouldn't be blocked anymore, and I paid for the tree to be disposed of. It wasn't until this special use permit and the Airbnb thing came up that he said, well, now I don't want your shed and I'm complaining about everything.

I operate a good Airbnb. I am fully insured. I have a 24-hour a day property management service. I don't think there's any reason it should be disapproved. I'm just waiting to hear what the only complainant says about it.

Mayor Alvey asked is there anyone present that would like to speak in favor?

Janice Witt, Kansas City, KS, said I welcome you. I certainly do. I hope you stay and I ask that our commissioners would allow her to bring her Airbnb into the special use permit because we have a lot of things happening in our community that very negatively effect the fact that people may or may not want to come here. I think that we should work to bring individuals into this community if they're willing to come. Having said that (Ms. Witt turned on a phone recording).

Mayor Alvey asked, Ms. Witt, what does this have to do with the Airbnb permit? **Ms. Witt** said since this is a public hearing, I should have the authority to speak on anything—**Mayor Alvey** said, no, no, no. You are here to speak in favor of this permit. **Ms. Witt** said and I did speak in favor of that permit. **Mayor Alvey** said, again, Ms. Witt, you are out of line. **Ms. Witt** said okay. Is there an ordinance? Does someone have the ordinance that says that I specifically have to speak on a specific issue? **Mayor Alvey** said that's what was asked for. If you want to make a political statement, you can make a political statement, you can make a political statement someplace—**Ms. Witt** said it is not a political statement. **Mayor Alvey** said yes, it is. **Ms. Witt** said see, there we go. Is there an ordinance that forbids me to speak on hidden issues? **Captain Ronald Schumaker, Sergeant-at-Arms**, said he said you're done. You've got to step down okay. **Ms. Witt** asked is there an ordinance that takes my right to speak? **Mr. Schumaker** said you're impeding authority. **Mayor Alvey** said, Mr. Moore, we'll get an opinion on that. **Ms. Witt** said okay. I have a right to know. **Mr. Schumaker** said you're impeding—

Ken Moore, Chief Legal Counsel, said, Ms. Witt, there are rules of procedure that the Commission has adopted that govern their meetings and their proceedings. That rule specifically says you can have a public hearing at a standing committee for any item that you'd like; however, when we're in a Commission meeting, the public comment is limited solely to the matter before the Commission. In this case, the issue is only for this special use permit. You asked to speak in favor of that so your comments have to be limited to speaking in favor of that application, nothing else. **Ms. Witt** said thank you for clarifying that. Can you please tell me that ordinance? **Mr. Moore** said it's in the Rules of Procedure. I can give that to you. I think its Rule 5.04.

Mayor Alvey said thank you. Is there anyone who would like to speak in opposition to this application?

Leo Eilts, 506 N. 4th St., said my opposition to granting this variance is—there are several, but one of them is pretty simple. The most striking feature of this is that when this matter was first taken, certain caveats were placed on the property owner to be remedied before she could legally rent the premises again. Among those, two of them were repositioning the shed, which is kind of a big nuisance for me, but as I understand, she might be able to make code with that; also a gravel driveway that she placed there.

None of those items have been addressed so far. Perhaps, the most outrageous of these is that Ms. Duma was operating the property as an Airbnb, possibly as long ago as midsummer. We do know there was a rather large 4th of July party there that caused me to send my guests home that night because of the debris that was falling. She has stated that she is no longer renting the property, but I was able to go online today and make a reservation for this weekend, so the property is still being listed for rent and availabilities are clear.

I asked for 3 nights for 4 persons and I got a quote \$628.65. Obviously, the property is still for rent. Now, that anecdotally, my neighbors will tell you, they see people can go in and I can't miss it when they come and go because they're 15 feet from my door.

That's really about the gist of it. I'm not opposed to the Airbnb, as a matter of fact, but I just feel that Ms. Duma should be restricted to the same set of standards that everybody else in the neighborhood is and that's my opposition.

Mayor Alvey said if there's no one else who would like to speak in opposition. I will close the public hearing and asked the petitioner if she would like to make any closing comments.

Ms. Duma said I would. The 4th of July—it's not available for rent right now. I've clearly stated on the Airbnb that we are not accepting reservation. I think that he's probably referring to HomeAway or VRBO, but I have it set up to where I have to approve those bookings. I do not approve those bookings. He did not actually try to book it. I have not taken any bookings, so that's just not true.

The 4th of July party, I let my property manager, who works for me 24/7, have a barbeque at the place. I didn't charge him and it was just because I like him and we're friends. I'm not throwing parties there or anything like that. I'm a good Airbnb operator. I've never had any complaints against me other than Mr. Eilts. I'd be happy to answer any questions if you guys have them.

Mayor Alvey asked do any members of the Commission have any questions or comment?

Commissioner McKiernan said, Mr. Eilts, it's good to see you again. I wish we were seeing each other under different circumstances. This is something that I have thought and read and talked a lot about, this whole issue. I want to share some thoughts and I will have my suggestion for action on this item.

There are strong voices and valid arguments on both sides of this issue in every community in which it's raised. It does seem that every community in the United States is currently dealing with the issue of short-term rentals. Some communities have embraced short-term rentals and they encourage the thoughtful addition of short-term rental properties into their neighborhoods, but other communities are doing it differently.

Carmel, CA, is considering banning short-term rentals in its downtown area, which is an interesting approach. Oakwood, OH, recently banned short-term rentals citywide which prompted the former mayor of Dayton, Gary Leitzell, to say among other things, your new ordinance will not solve your problems and it has already created a new one. This case has really a lot like those in that there is no one decision that will satisfy everyone involved in this.

Many of the issues that I hear about this, I think, are issues that could exist with short-term rental. They could exist with long-term rental. They could exist with owner-occupied homes. Really, I could boil it down to two principles that we all need to follow in our neighborhoods. Be a good neighbor and follow all the applicable codes and ordinances. If we all do that, regardless of short-term, long-term, or owner-occupied, we're going to really eliminate 99% of the issues that we have with our neighbors.

So, to Ms. Duma and to all the other hosts, I'm going to ask you, be a good neighbor. To all your guests in the future, I'm going to ask, be a good neighbor. To Mr. Eilts, I'm going to request that if they are not good neighbors, you notify us immediately because this is a special use

permit that has a timestamp on it and it can be revoked for cause. Please don't let any of your guests give us cause to revoke it in the future.

To be honest with you, I get annoyed when I see Airbnbs pop up for rent with no special use permit in hand from the owner. I will agree, we, the Unified Government, we need to do a better job of letting folks like you know that there is an expectation that when you get that rental license, you also get the special use permit for this special rental application. I'm going to encourage you and all the other hosts. You're entering into complex agreements with VRBO and Airbnb and everybody else. You know there are rules. Go to the city and ask what is the entirety of the rules set that I need to follow to make this legal and (inaudible) in your city and we'll be glad to share that with you.

There's a lot of pros to Airbnbs. I wrote down here, many of the buildings that are Airbnbs would otherwise be vacant and probably be blighted so there is a lot of investment in our neighborhoods that takes place. Airbnbs do bring in sales tax and transient guest tax which we can use for city services and for tourism promotion which could potentially bring in other people. Potentially, Airbnbs generate a lot of traffic for small restaurants and small businesses that wouldn't otherwise see people who stay in larger hotels. Airbnbs can be a source of economic illogic for travelers. Certainly, I myself, have used Airbnbs across the country and abroad. There's problems with Airbnbs when guests don't follow house rules and create a nuisance for surrounding neighbors.

There's also sometimes a problem when there's multiple renters that bring multiple cars into a neighborhood, especially our more compact neighborhoods like Strawberry Hill and they create parking issues for the people who already live there. Now that could also be an issue with a long-term rental, but it can be exacerbated if there are multiple short terms that have multiple guests with multiple cars.

One of the other things that's a little bit more of a philosophical issue is that a lot of Airbnbs in a community does reduce or take off the market potentially affordable dwellings that could be used by long-term renters; that could be used by people who are going to be in that community for a while but they can't afford to pay that Airbnb nightly rate as a long-term rent. Some people do have concerns about reducing the availability of affordable housing in some of our neighborhoods.

I think there's a lot of questions that we need to consider and I'm going to invite both of you, right now, is it January 19th, Rob? January 19, 2020, I do believe, will be some public input

about our new zoning code rewrite. **Mr. Richardson** said no, it will be the week of January 29th. The 29th is tentative at the moment. **Commissioner McKiernan** said that's why I asked him because I can't remember. Well, we are finishing up a rewrite of our zoning code, which attempts to address proactively on the front end some of these issues that we're facing. Some of the questions that I've had brought up is, should there be a distinction between properties when the owner lives onsite versus where the owner lives onsite. Should that be codified somehow? I don't know, but it's been brought up. Is there some sort of maximum density that we should strive to stay below in a given neighborhood? Is there a certain number of houses or a certain percentage of available houses above which we get a diminishing return on our investment? I don't know, but I think it's a great thing to be considered for our new ordinance.

An interesting thing that I just read about in Michigan was that the Michigan Realtors Association has suggested that completely banning short-term rentals infringes on the owners' property rights, which is a very interesting argument that I think we need to think about as well.

With all of that as background, I'm going to make a motion to approve the special use permit, contingent on the property owners successfully remediating any and all code violations that have been identified by UG staff, and I further move that the property owner continue not to host guests until such time as the special use permit has been officially granted.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to approve Special Use Permit Application #SP-2019-106 for one year, subject to the stipulations.** Roll call was taken on the motion and there were nine "Ayes," McKiernan, Murguia, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 5 – 191083...SPECIAL USE PERMIT APPLICATION #SP-2019-109 – EFRAIN CARERRA

Synopsis: Special use permit to keep horses on the property at 5124 Sloan Avenue, submitted by Robin Richardson, Director of Planning. This is the applicant's personal property. 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 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. 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 Avenue, 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 years.

Public Works Comments: none.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2019-109 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Murguia, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

VACATION APPLICATION

ITEM NO. 1 – 191084...VACATION APPLICATION #U/E-2019-6 - MELISSA VANCURUM

Synopsis: Vacation of utility easements at 2600 Bi-State Drive, submitted by Robin Richardson, Director of Planning. The applicant 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 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: none.

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 McKiernan made a motion, seconded by Commissioner Johnson, to approve Utility Easement Vacation Application #U/E-2019-6, subject to the stipulations. Roll call was taken on the motion and there were nine "Ayes," McKiernan, Murguia, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

MISCELLANEOUS ORDINANCES (Final action on previously approved items)

ITEM NO. 1 – 191089...ORDINANCE: REZONING PROPERTY

Synopsis: 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 Richardson, Director of Planning.

Action: ORDINANCE NO. O-70-19, "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." Commissioner McKiernan made

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

ITEM NO. 2 – 191090...ORDINANCE: REZONING PROPERTY

Synopsis: An ordinance rezoning property at 3605 Bell Crossing (#3198) from R-1(B) Single Family District to A-G Agriculture District, submitted by Robin Richardson, Director of Planning.

Robin Richardson, Director of Planning, said the original zoning case was heard in September and approved with stipulations. This one is a little different than most because to fully resolve all of their stipulations, the zoning has to be published because they’re going to build new shelters for the animals and so they can’t get that building permit until we publish the ordinance. We may still be working some code issues on the case but to fully resolve all of those, they need the ordinance to be approved. Then we still have the active code cases that Code Enforcement is holding on until we resolve the issue. This is amongst the first few of the (inaudible) cases to move forward. That’s where this case sits. It was approved before this. This is the final action to publish the ordinance.

Mayor Alvey asked is there anyone present who would like to speak in support of D-2. There were none.

Mayor Alvey said I’d ask the person in opposition, please step forward.

Tscher Manck, Kansas City, KS, said I’m speaking on behalf of the Old Quindaro Museum and some of the residents who live in that area. That street is directly going to the Old Quindaro Museum and it looks horrible. It never looked like that before there. They have trash and all kind of tore up furniture and stuff through there on the way to the Old Quindaro Museum. It did not look like that before then and we don’t appreciate that it looks like that now. Considering how they’re taking care of it now with the old animal crap and little crates and stuff sitting out there, some blocking the road sometimes going up to the Quindaro Museum, I’m not in favor of that at

all considering that we're turning that site into an old historical site. It could very well include that road that goes to the Old Quindaro Museum as well. I mean not museum, but the cemetery.

Mayor Alvey said, Rob, this is actually part of the effort to bring that area, that street, that drive, everything—**Mr. Richardson** said, correct. There's lots of problems along Bell Crossing/Sortor Drive with Code Enforcement issues. There's something like 50 open cases there. This is one of the first steps we're taking to allow people to come into compliance so they can build the shelters that they really need, get rid of the temporary stuff, and resolve their code cases.

This should make it get better for this particular property. There's still other—because that way we can actually move the code case forward. Once they have this, you know, right now our direction from the Commission was to put people in the position where they could resolve their code cases through zoning if possible. This is one of the cases where we could do that because they had 5 acres. Changing it to agricultural would allow them to have the animals and have multiple accessory structures. That's what they need to be able to clean this site up. If they don't follow through with rest of the Code Enforcement cases, they'll be in the administrative citation process and fined regularly for not complying. This, I think, this is—the owner has been in good faith going through the process, spent the money to file for the zoning change. I think they want to do the right thing, but in some ways, without the zoning change, they were prevented from doing the right thing.

Mayor Alvey said so actually it will continue on to look the way it does or just simply won't get any better without this ordinance change. **Mr. Richardson** said correct. **Ms. Manck** asked what does that have to do with the upkeep? I mean, I'm going to send all of you all pictures tomorrow. They don't even clean up the trash over there. **Mayor Alvey** said yes ma'am. I'm sorry. You're out of process, but I'll ask you to come up. If you come up.

I will say that over the past year, year and a half, I have received numerous complaints from folks that live in that neighborhood citing the very same things you're saying. We have really put a full court press on that area sending police, code enforcement and others to monitor the area, to write up the complaints, to see what needs to be done. One of the individuals there, in order to allow them to do the improvements they need to make to make it look better, we need this ordinance change. That's what this ordinance/zoning change is about. It's not to allow them to continue to do this. It's really one of the first steps we have to do to make it better.

Ms. Manck said my question was, what does that have to do with the trash and debris? That has nothing to do with the animals or anything. **Mayor Alvey** said I can say that on those issues, those folks have been cited. We've had meetings with them. They know what they're facing. It's going to be increasingly getting better.

Mr. Richardson said and I would say that we put those code cases on hold until some of these cases got resolved. We will have a meeting, I believe, that's set for the first or second week of January with Code Enforcement to go through those and say these are resolved, take care of the rest of the Code Enforcement issues on those or these, we're still working with them, enforce this part of it but hold off on this part of it. We're looking at all of those cases individually. We can contact the code officer tomorrow and say their zoning is approved so they need to progress rapidly. One of the two departments will get communication to the owner.

Ms. Manck said I will email you guys a picture tomorrow of the area he's speaking of. **Mayor Alvey** said I have received lots of those pictures so thank you.

Commissioner Bynum said just to reiterate, the Mayor's Office is well aware of the condition of this area. Commissioner Townsend is well aware. I'm well aware. Commissioner Philbrook and I have driven this. We've been working on it for more than a year. We're aware of the code issues. It becomes very complex because some of the people who own property in this area as well as live here have been there for generations, others have not and are newer property owners in this area. Whether they're generations deep in this area or they're more recent, when we called them all to a meeting to explain to them the legalities of the issues they were facing and laid out for them the legal remedies and solutions, most of them, I would say, were completely unaware. Either, whether they've been there for generations or whether they had just recently purchased, they were unaware of the particular types of zoning they needed in order to do what they were doing at their property. Again, some of them who had been there for generations.

We laid out a—it had to be a one-on-one situation with each of them individually based on what their current zoning situation was, what the current activity of their property was, and work with them on a one-on-one basis to begin helping them rectify the legal issues that they and we were all dealing with. It all started because of exactly what you are describing. It all started as neighbors coming to us saying, please help us. That is what we're trying to do. If I could reiterate it any other way I would.

The goal is that we're all now trying to work with them to move forward toward a cleaner environment and a safer environment because it's a beautiful place. Like I said, many of them have been there for a very long time. Unfortunately, when this part of the area became part of Kansas City, KS, if I'm generation Steve on my parcel of property, I don't know what that means for me in terms of what the rules are now. That's part of what we're dealing with. Yes, I would go so far as to say it's downright frightening to drive in this area, but we're working on fixing that.

Commissioner Townsend said, Ms. Manck, let me assure you that I'm not going to repeat what Commissioner Bynum has already said. You've heard it. This, as Mr. Richardson has said, is part of a corrective action taken for residents who were there, been there for decades but are zoning and what was happening there were not consistent. It is no excuse for trash. We have to be careful about who we accuse of how trash got there. I pick up a bunch of trash that I didn't put in my own yard, so we have to be careful with that.

Let me also assure you that there may be subsequent applications that deal with similar issues in here that may be closer to the Quindaro Cemetery and all of that. We'll be looking at that very closely in terms of what accessories can go there or not as we look at the pathway that leads to historic areas like that. Thank you. Thank you for your concern.

Mayor Alvey said I'll entertain a motion.

Action: **ORDINANCE NO. O-71-19**, "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." **Commissioner Townsend made a motion, seconded by Commissioner Bynum, to approve the ordinance.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 3 – 191093...ORDINANCE: REZONING PROPERTY

Synopsis: An ordinance rezoning property at 4251 North 60th Street (#3202) from R-1 Single Family District to A-G Agriculture District, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-72-19**, “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.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Murguia, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 4 – 191094...ORDINANCE: REZONING PROPERTY

Synopsis: 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 Richardson, Director of Planning.

Action: **ORDINANCE NO. O-73-19**, “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.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Murguia, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 5 – 191095...ORDINANCE: REZONING PROPERTY

Synopsis: 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 Richardson, Director of Planning.

Action: **ORDINANCE NO. O-74-19**, “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.” **Commissioner McKiernan made a motion,**

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

ITEM NO. 6 –191096...ORDINANCE: VACATING PROPERTY

Synopsis: An ordinance vacating right-of-way between 5205 and 5159 Farrow Avenue (#R/W-2017-12), submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-75-19**, “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.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken on the motion and there were nine “Ayes,” McKiernan, Murguia, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 7 –191097...ORDINANCE: VACATING PROPERTY

Synopsis: An ordinance vacating an alley at 4141 and 4151 Fairbanks Avenue (#A-2019-5), submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-76-19**, “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; located at approximately 4141 and 4151 Fairbanks Avenue, Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll

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

Mayor Alvey said that concludes the Planning and Zoning portion of tonight’s meeting. We’ll now move to the regular portion of our agenda.

REGULAR CONSENT AGENDA

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

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

ITEM NO. 1 – 191054...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.

Action: **RESOLUTION NO. R-70-19, “A resolution approving the agreement between the Unified Government of Wyandotte County, Kansas, and the Kansas City, Kansas Public Schools to provide for infrastructure improvements necessitated by the construction of a new school at 8833 Waverly Avenue in Kansas City, Kansas.”**
Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to adopt the resolution. Roll call was taken on the motion and there

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

ITEM NO. 2 – 191041...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.

Action: **RESOLUTION NO. R-71-19**, “A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the construction, maintenance, operation, use and repair of the Access Pedestrian Easement to Brune Elementary, all in Wyandotte County, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken on the motion and there were eight “Ayes,” McKiernan, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 3 – 191052...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.

Action: **RESOLUTION NO. R-72-19**, “A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the construction, maintenance, operation, use and repair of the 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.”

Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to adopt the resolution. Roll call was taken on the motion and there were eight “Ayes,” McKiernan, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 4 – 191046...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.

Action: **RESOLUTION NO. R-73-19**, “A resolution whereas, the Unified Government of Wyandotte County/Kansas City, Kansas, supports the concept of responsible bidder requirements, and authorizes additional development of responsible bidder requirements.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken on the motion and there were eight “Ayes,” McKiernan, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 5 – 191044...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.

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

ITEM NO. 6 – 191047...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.

Action: **RESOLUTION NO. R-74-19**, “A resolution approving an Addendum to the Interlocal Cooperation Agreement between 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.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken on the motion and there were eight “Ayes,” McKiernan, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 7 – 191075...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.

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

ITEM NO. 8 – MINUTES

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

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

ITEM NO. 9 – WEEKLY BUSINESS MATERIAL

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

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

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES’ AGENDA

No items

ADMINISTRATOR'S AGENDA

ITEM NO. 1 – 191085...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.

Doug Bach, County Administrator, said a couple of weeks ago we met with the state delegation regarding our State and Federal Legislative proposed program that we have. During the course of that conversation, Mr. Taylor presented all the main items that were a part of this. Tonight, I would ask Mr. Taylor to come forward and just make note of items where we made changes based on

some of the comments that came back from the Commission. I don't think it's necessary for us to go through the whole presentation again unless the commissioners would like that. We'll just talk about anything that may have changed since the last time we presented.

Mike Taylor, Public Relations Director, said there were a couple of suggestions made when we presented the full agenda in that special session. I have made those changes. One of them was Commissioner Kane had raised the issue about adding an item about the reduction of the State Food Sales Tax. That's been added. Mayor Alvey raised an issue about the way some language was worded on the final page regarding environmental and energy mandates. That language was changed to meet that. I think those were the two major changes that were made that were brought up during that session beyond what was already in the program. Those tweaks have been made and changed.

Mayor Alvey said thank you. Any comments from the Commission?

Commissioner Walters said I just want to bring to your attention and to the rest of the Commission that I did make some comments at that meeting, and I made the same comments the year before and that is taking exception to our recommendation that we support an overpass over Village West Parkway at State Avenue which is listed as an \$11M project. I have opposed this project since I first heard of it. I think we need to do everything we can to keep the Legends retail area an inviting and positive experience for our residents. Adding a complicated grade separated intersection at Village West Parkway & State Avenue contradicts that approach.

The last design I saw widen Village West Parkway to 9 lanes at State Avenue. I think for the 360 days a year that a race is not happening, I think the current at grade intersection can function properly. I just wanted to tell you why I would not be supporting this. I don't think I can support the entire recommendation except one item. That's why I'll be voting no. Thank you.

Mayor Alvey said, Commissioner, you could make a motion to remove that and if that was a majority vote to remove that item, that would be removed and you could vote for the rest. **Commissioner Walters** said well, in that case. **Mayor Alvey** said I believe that's correct. **Commissioner Walters** said I would like to make a motion that we remove. **Mayor Alvey** said that was on a different matter; legislative agenda. **Commissioner Walters** said excuse me. Am I

out of line? **Mayor Alvey** said, I'm sorry. Mr. Moore, is this correct? **Ken Moore, Chief Legal Counsel**, said that's correct. The legislative package up for adoption, you can remove any portion or whatever and then the Commission can vote to approve the remaining agenda. **Commissioner Walters** said, great and I will do that. This particular item is kind of linked with improving I-435 at State and also improving State Avenue and Legends Parkway. I'm only concerned about the Legends Village West Parkway portion of that. I would like to suggest that we eliminate the reference to the Village West Parkway & State Interchange as currently described.

Commissioner made a motion Walters, seconded by Commissioner McKiernan, to approve.

Mayor Alvey said and to approve the remainder as proposed. **Commissioner Walters** said approve everything else. **Mayor Alvey** said this is just the Federal Legislative Agenda. **Mr. Taylor** said yes, Mayor. Commissioner Walters, that is in the federal agenda and that's because it's requesting federal funding for that project. We can easily take that part out. **Mayor Alvey** said we have two motions. One will be for the state, one will be for the federal. We'll handle the federal first.

Mr. Bach said depending on what the motion is, it could be for the state agenda as it's presented. **Commissioner Walters** said yes, the only issue that I have is with that particular item. I would move to approve all the remaining items of the state and federal.

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

ITEM NO. 2 –191100...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. On November 21, 2019, the commission unanimously adopted Resolution No. R-68-19 indicating the UG's intent to issue said bonds.

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

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

Doug Bach, County Administrator, said this item came before you a couple of weeks ago when we had a full public hearing regarding the PQ Corporation and their intent to expand their plant. We brought forward full presentation at that time. Typically, in these, that was our intent. We did the resolution of intent. It was approved then. They are ready to move forward. That's where you see this item tonight, where they wanted to go ahead and move on with the issuance of a couple of the first phases with this. We can certainly present the item again, however, as we did just present it on two consecutive meetings before this, I would recommend approval as submitted.

Action: **ORDINANCE NO. O-77-19**, "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." **Commissioner McKiernan made a motion, seconded by Commissioner Waters, to approve the ordinance.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ORDINANCE NO. O-78-19, "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.” **Commissioner McKiernan made a motion, seconded by Commissioner Philbrook, to approve the ordinance.** Roll call was taken on the motion and there were eight “Ayes,” McKiernan, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

COMMISSIONERS' AGENDA

No items

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

No items

PUBLIC ANNOUNCEMENTS

No items

**MAYOR ALVEY
ADJOURNED THE MEETING AT 8:08 P.M.
December 5, 2019**

Bridgette D. Cobbins
Unified Government Clerk

tpl

December 5, 2019