

**JANUARY 30, 2020 UNIFIED GOVERNMENT BOARD OF
COMMISSIONERS MEETING
ORDER OF BUSINESS
MEETING TO CONVENE AT 7:00 PM**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY REVEREND JARED ALTIC, WYANDOTTE CHRISTIAN CHURCH**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, JANUARY 30, 2020 AGENDA**
- VI. CLERK'S STATEMENT**
(Anyone wishing to speak about a particular item on the Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)
- VII. PLANNING AND ZONING CONSENT AGENDA**
- VIII. PLANNING AND ZONING NON-CONSENT AGENDA**
- IX. MAYOR'S AGENDA**
- X. REGULAR CONSENT AGENDA**
- XI. PUBLIC HEARING AGENDA**
- XII. STANDING COMMITTEES' AGENDA**
- XIII. ADMINISTRATOR'S AGENDA**
- XIV. COMMISSIONERS' AGENDA**
- XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA**
- XVI. PUBLIC ANNOUNCEMENTS**
- XVII. ADJOURN**

SERGEANT-AT-ARMS: CAPTAIN RONALD SCHUMAKER

PLANNING AND ZONING AGENDA

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. **#3212 - ANISHA M. EVANS ROARK**

Synopsis: Change of Zone from R-1(B) Single District to R-2(B) Two Family District for a duplex at 2815 North 20th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 201125

2. **#3213 - NATHANIEL HAGEDORN WITH NORTHPOINT DEVELOPMENT**

Synopsis: Change of Zone from R-1 Single Family, RP-M Planned Mobile Home Park, RP-5 Planned Apartment and CP-2 Planned General Business Districts to MP-2 Planned General Industrial District for a logistics park for warehousing, distribution and light manufacturing business at 747 North 69th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 201126

B. SPECIAL USE PERMIT APPLICATIONS

1. **#SP-2019-70 - RONALD GROTENHUIS WITH HICKORY UNION MOTO**

Synopsis: Special Use Permit for a community motorcycle garage for do-it-yourself repair and storage of your own motorcycle at 10 South James Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 201128

2. **#SP-2019-98 - FARKHOD A. SAIDOV WITH FRANK MOTORS, INC.**

Synopsis: Special Use Permit for automobile sales and auto repair at 402 and 406 Osage Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 201133

3. **#SP-2019-108 - SCHAEFFER STEVENSON**

Synopsis: Special Use Permit for the Temporary Use of Land to park work trucks and store work equipment at 3420 North 67th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR DENIAL)**

Tracking #: 201134

4. **#SP-2019-110 - ADRIENE NORTON WITH BIZY DOGS**

Synopsis: Special Use Permit for a dog grooming and boarding operation at 1046 Merriam Lane, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774

(RECOMMENDED FOR APPROVAL FOR 2 YEARS)

Tracking #: 201135

5. #SP-2019-119 - LA DENA WASHINGTON WITH ALTAR SUPPORT INC.

Synopsis: Special Use Permit for a child/day care facility for a church at 9151 Parallel Parkway, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774

(RECOMMENDED FOR APPROVAL FOR 2 YEARS)

Tracking #: 201136

6. #SP-2020-1 - CLIFFORD DALE JR. WITH 4104 POWELL AVENUE, LLC

Synopsis: Special Use Permit for live entertainment in conjunction with Mason Jar restaurant (previous special use permit expired on 3/30/2019) at 941 North 74th Drive, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774

(RECOMMENDED FOR APPROVAL FOR 2 YEARS)

Tracking #: 201137

7. #SP-2020-2 - JOHN DENNISON

Synopsis: Special Use Permit for a short-term rental/AIRBNB at 4447 Booth Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774

(RECOMMENDED FOR APPROVAL FOR 1 YEAR)

Tracking #: 201138

8. #SP-2020-4 - JOE HEIDRICK WITH CACTUS BED PROPERTIES

Synopsis: Renewal of a Special Use Permit (#SP-2018-88 - expired 11/29/2019) for a short-term rental/AIRBNB at 4313 Rainbow Boulevard, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR**

APPROVAL FOR 2 YEARS)

Tracking #: 201117

9. #SP-2020-6 - STEFANIE WERTH WITH KVC KANSAS

Synopsis: Renewal of a Special Use Permit (#SP-2017-75 - expired 11/30/2019) for short-term youth foster care at 316-334 North 38th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2**

YEARS)

Tracking #: 201118

10. #SP-2020-7 - FREDERICK AVERY WITH AVERY'S VILLAGE

Synopsis: Renewal of a Special Use Permit (#SP-2017-36 - expired 11/30/2019) for a youth residential facility at 6261 Leavenworth Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2**

YEARS)

Tracking #: 201120

11. #SP-2020-8 - ANN AND ROY BAUGH

Synopsis: Renewal of a Home Occupation Special Use Permit (#SP-2018-2 - expired

1/2/2020) for a short-term rental/AIRBNB at 1615 North 86th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 201121

12. #SP-2020-9 - ALMA MENDOZA

Synopsis: Renewal of a Special Use Permit (#SP-2017-62 - expired 1/2/2020) for auto detailing and used car sales at 741 Washington Boulevard, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 201122

13. #SP-2020-10 - RUBY MARTIN WITH HILLTOP SADDLE CLUB

Synopsis: Renewal of a Special Use Permit (#SP-2017-61 - expired 11/30/2019) for a trailer to hold monthly meetings and storage of supplies for horse riding club at 5025 Muncie Drive, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 201123

14. #SP-2020-11 - D. SCOTT CUMMINS WITH TIRE AND WHEEL

Synopsis: Renewal of a Special Use Permit #SP-2014-67 - expired 10/30/2019) for tire sales and light mechanical auto work at 3748 State Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

Tracking #: 201124

C. VACATION APPLICATIONS

1. #U/E-2019-7 - TORY GRAHAM WITH GTS HOMES LLC

Synopsis: Vacation of utility easements at 3640 North 110th Terrace, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 201139

2. #U/E-2019-8 - TORY GRAHAM WITH GTS HOMES LLC

Synopsis: Vacation of utility easements at 3638 North 110th Terrace, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 201140

3. #U-2019-9 - TORY GRAHAM WITH GTS HOMES LLC

Synopsis: Vacation of utility easements at 3636 North 110th Terrace, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 201148

4. **#U/E-2019-10 - TORY GRAHAM WITH GTS HOMES LLC**
Synopsis: Vacation of utility easements at 3630 North 110th Terrace, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**
Tracking #: 201149
5. **#U/E-2019-11 - TORY GRAHAM WITH GTS HOMES, LLC**
Synopsis: Vacation of utility easements at 3624 North 110th Terrace, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**
Tracking #: 201150
6. **#U/E-2019-12 - TORY GRAHAM WITH GTS HOMES, LLC**
Synopsis: Vacation of utility easements at 3618 North 110th Terrace, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**
Tracking #: 201151
7. **#U/E-2020-1 - MELISSA VANCURUM FOR DEAN REALTY COMPANY**
Synopsis: Vacation of utility easements at 10 East Cambridge Circle, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**
Tracking #: 201145
8. **#U/E-2020-2 - MELISSA VANCURUM FOR DEAN REALTY COMPANY**
Synopsis: Vacation of utility easements at 1155 Adams Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**
Tracking #: 201146
9. **#S-2020-3 - MICHAEL DAVIS WITH REECE AND NICHOLS ROBERTS**
Synopsis: Vacation of a street between North Tremont to 7th Street Trafficway, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**
Tracking #: 201147
10. **#S-2020-4 - MICHAEL DAVIS WITH REECE AND NICHOLS ROBERTS**
Synopsis: Vacation of a street between North 7th Street Trafficway to Simpson Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**
Tracking #: 201152

D. PLAN REVIEW APPLICATION

1. **#PR-2020-1 - TED MCANANY WITH ASPHALT SALES COMPANY**

Synopsis: Preliminary and Final Plan Review for an asphalt manufacturing facility at 2751 South 88th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 201153

E. MASTER PLAN AMENDMENT

1. **#MP-2020-1 - NATHANIEL HAGEDORN WITH NORTHPOINT**

DEVELOPMENT, Master Plan Amendment from Low Density Residential and Mixed Use to Industrial at 747 North 69th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 201127

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

1. **AN ORDINANCE rezoning property at 4401 North 115th Street (#3183) from RP-1 Planned Single Family District to R-1 Single Family District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL)**

Tracking #: 201

2. **AN ORDINANCE rezoning property at 3301 Garfield Avenue (#3201) from R-1(B) Single Family District to R-2(B) Two Family District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL)**

Tracking #: 202

3. **AN ORDINANCE vacating utility easements (#U/E-2019-6) at 2600 Bi-State Drive, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (RECOMMENDED FOR APPROVAL)**

Tracking #: 203

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

A. SPECIAL USE PERMIT APPLICATIONS

1. **#SP-2019-80 - ALEXANDER REPSHOLDT WITH AREP AND ANDERSON LLC**

Synopsis: Home Occupation Special Use Permit for a short-term rental/AIRBNB at 338 North 14th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR DENIAL - 4/2 VOTE)**

Tracking #: 201129

2. **#SP-2019-81 - ERIK FRANK ANDERSON WITH KC VIKING REALTY, INC.**
Synopsis: Home Occupation Special Use Permit for a short-term rental/AIRBNB at 334 North 14th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 6 MONTHS - 5/1 VOTE)**
Tracking #: 201130
3. **#SP-2019-97 - DAMON DOWNS WITH DOWNS TRUCKING COMPANY**
Synopsis: Special Use Permit to park two (2) heavy dump trucks on vacant residential property overnight at 4510 Parkview Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR DENIAL - 6/1 VOTE)**
Tracking #: 201131

TAX STATUS REPORT
BOARD OF COMMISSIONERS AGENDA FOR JANUARY 30, 2020

None of the properties included in applications to be considered on the Planning & Zoning agenda have delinquent taxes prior to 2019.

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

REGULAR AGENDA

IX. MAYOR'S AGENDA

X. REGULAR CONSENT AGENDA

1. **RESOLUTION: COMMISSION MEETING SCHEDULE**
Synopsis: A resolution establishing the Unified Government Commission and standing committee meeting dates and times for February 2020 - January 2022, submitted by Bridgette Cobbins, Unified Government Clerk.
Tracking #: 201109
2. **PLAT: KCK FOODIE PARK**
Synopsis: Plat f KCK Foodie Park located at 47th & Orville Avenue, being prepared for

the Unified Government of Kansas City/Wyandotte County, Kansas, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Tracking #: 205

3. PLAT: WEST RIDGE ESTATES FIRST PLAT

Synopsis: Plat of West Ridge Estates First Plat located at Hollingsworth Road and 115th Street, being developed by Choyce LLC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Tracking #: 206

4. MINUTES

Synopsis: Minutes from regular sessions of December 12, 2019, and January 9, 2020; and special session of January 9, 2020.

Tracking #: MINUTES

5. WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated January 9, 16, and 23, 2020.

Tracking #: WEEKLY BUSINESS MATERIAL

XI. PUBLIC HEARING AGENDA

1. PUBLIC HEARING/RESOLUTION: PREMIER INVESTMENTS LLC IRBs

Synopsis: Conduct a public hearing to consider a resolution of intent to issue IRBs in an amount not to exceed \$5,500,000 for the benefit of Premier Investments LLC., submitted by Katherine Carttar, Economic Development Director. An IRB application was submitted by Premier Investments to finance the costs of acquiring, constructing, improving and equipping an industrial facility located at 1101 S. 5th St. for the benefit of Premier Investments, LLC.

*On January 21, 2020, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 1912

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

1. PRESENTATION/2 ORDINANCES: PROPOSED STORMWATER RATE TRANSITION

Synopsis: Presentation on proposed recommendations to the current stormwater fee, which would fairly and adequately fund the maintenance and enhancement of stormwater infrastructure like inlets, culverts, underground pipes, and roadside ditches, submitted by Jeff Fisher, Executive Director of Public Works. Action is requested on the following ordinances:

- An ordinance amending the current Storm and Surface Water Utility ordinance to allow for the stormwater utility fee to be based on impervious areas
- An ordinance amending the current Storm and Surface Water Utility fee from a monthly flat rate to a monthly fee that is based on impervious areas and setting the stormwater utility fees for 2021 to 2025.

On January 9, 2020, the Commission received presentation and held a public hearing on this matter. Action was deferred to a later Commission meeting.

Tracking #: 204

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

1. LAND BANK BUSINESS - 2019 CONVEYANCE REPORT

Synopsis: Request approval of the 2019 Land Bank Conveyance Report, submitted by Chris Slaughter, Land Bank Manager.

*On January 21, 2020, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.*

Tracking #: 1914

2. LAND BANK BUSINESS - LAND BANK APPLICATION

Synopsis: Request consideration of the following Land Bank application, submitted by Chris Slaughter, Land Bank Manager. The Land Bank Advisory Board has no comment.

Application
3741 N. 35th St. - Lorenzo Garcia

*On January 21, 2020, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.*

Tracking #: 1915

3. LAND BANK BUSINESS - TRANSFERS FROM LAND BANK

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

Transfers from Land Bank to Unified Government
9410 Miami St.
5701 Walnut St.
5421 N. 95th St.
9401 Oak St.
9407 Main St.
9351 Oak St.

9301 Oak St.

9300 Miami St.

9331 Miami St.

(The properties are necessary for the expansion of the Wolcott Treatment Plant.)

*On January 21, 2020, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.*

Tracking #: 1916

4. LAND BANK BUSINESS - DONATION TO LAND BANK

Synopsis: Request consideration of the following Land Bank application, submitted by Chris Slaughter, Land Bank Manager.

Donation to Land Bank

1710 N. 18th St.

(The bankruptcy has been deleted from the property; however back taxes are owed since 2008 in the amount of \$1,508.04.)

*On January 21, 2020, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.*

Tracking #: 1917

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 30, 2020
Re: Change of Zone Petition # 3212

GENERAL INFORMATION

Applicant:

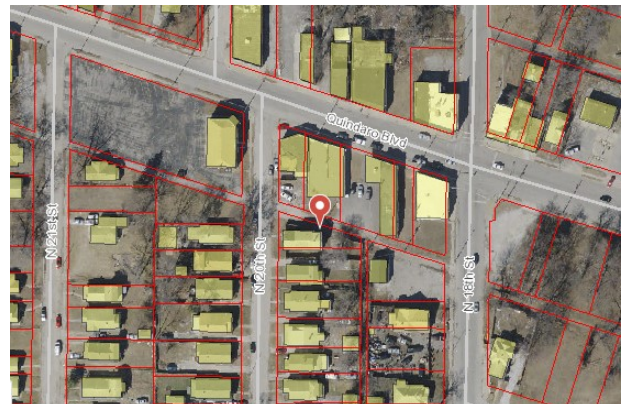
Anisha Evans Roark

Status of Applicant:

Property Owner
2643 North 22nd Street
Kansas City, KS 66104

Requested Actions:

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



Date of Application:

November 21, 2019

Purpose:

Change property from R-1(B) Single-Family District to R-2(B) Two-Family District to reflect historic use of the primary residence

Property Location:

2815 North 20th Street

Commission Districts:

1. Commissioner At Large: Melissa Bynum
2. District Commissioner: Gayle Townsend

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

Surrounding Zoning: **North:** C-3 Commercial District
 South: R-1(B) Single-Family District
 East: C-1 Limited Business District;
 C-3 Commercial District
 West: R-1(B) Single-Family District

Existing Uses: **North:** Commercial businesses
 South: Single-family residence
 East: Vacant business; commercial businesses
 West: Single-family residences

Total Tract Size: 0.09 acre

Master Plan Designation: The City-Wide Master Plan designates this property as Urban Residential

Major Street Plan: The Major Street Plan designates North 20th Street as a local/neighborhood street

Advertisement: The Wyandotte Echo – December 18, 2019
 Letters to Property Owners – December 12, 2019 and January 23, 2020

Public Hearings: January 13, 2020 and January 30, 2020

Public Opposition: No one appeared in opposition at the January 13, 2020 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: Applicant requests a change property from R-1(B) Single-Family District to R-2(B) Two-Family District to reflect the historic use of the primary residence. Structure had traditionally been used as a duplex, and until 1995 had two distinct addresses.

City Ordinance Requirements: Article VI Sections 27-196 – 27-210

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood consists of single-family residences with a commercial strip along Quindaro Boulevard.

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

The “core” of the neighborhood is zoned for single-family housing, while the properties along Quindaro Boulevard are zoned for commercial purposes.

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

The property was originally built as a single-family residence according to the 1956 Sanborn Map #323. We are told that the property was previously used as a duplex for at least 20 years. A return to this use will have little effect on the nearby properties. However, Applicant must ensure that all of the residents' vehicles have parking spaces on the property and must not rely on the public right of way for parking and provide evidence of a building permit for the conversion. It would never have been a legal non-conforming use.

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

The property is not vacant, but the second unit was damaged by a fire and has not been in use since at least 2004.

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

A duplex will give another family the opportunity to live in the Northeast neighborhood. Bringing in more families is crucial for neighborhood redevelopment, and increased density allows for the same municipal services at a lower cost per capita, all else being equal.

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

The addition of one more family unit on the block would not have any noticeable effects on traffic. Allowing for a duplex would have no greater effect than if a single-family residence was constructed in any of the six vacant lots on the 1800 block of North 20th Street. However—as stated previously—Applicant must ensure that any vehicles associated with the property can be parked on a legal paved surface within the boundaries of the property.

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

The City-Wide Master Plan designates this area for urban residential uses. Allowed uses identified in the Master Plan include duplexes and other attached residences.

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

This is not applicable.

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

a. Water service

Available

b. Sanitary sewer service

Available

c. Storm water control

Available

d. Police

Police service is provided by Central Patrol, District #113

e. Fire

Fire service is provided by Station #8

f. Transit

Property is served by the KCATA #106 Quindaro-Amazon line

g. Schools

Kansas City, Kansas USD 500

h. Streets

See item #6 above

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

A duplex will add an additional family unit to the local community and increases density within a core neighborhood.

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

Applicant must demonstrate the ability for the property to provide parking. Otherwise, the property appears to be capable of meeting all applicable ordinances.

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

There will be very little noticeable change to the public if the change of zone were to be granted, but a substantial hardship on Applicant if the change of zone were not granted. Applicant would either have to continue to keep the upper unit vacant or undergo costly renovations to make the structure one single residential unit.

NEIGHBORHOOD MEETING

Applicant held a neighborhood meeting at 5:00 pm on December 27, 2019 at Nefertiti Banquet Hall, 1314 Quindaro Boulevard. Meeting minutes state that no neighbors were in attendance.

KEY ISSUES

Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application #3212, subject to:

Urban Planning and Land Use Comments:

1. Provide a parking plan that complies with Section 27-457(d) ("One parking space for each dwelling unit shall be provided on the premises") and Section 27-675(a) ("All parking...areas...shall be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two inches of asphalt over six inches of compacted gravel.... All parking spaces shall be clearly marked.... All off-street parking, loading, and maneuvering areas shall be physically restricted to paved areas through the use of wheel stops or curbing.... Failure to keep such areas in satisfactory condition that is free from holes, clearly delineated, etc. shall constitute a violation of this article").

Applicant Response: We will have 4 parking spaces with asphalt so that each duplex will have 2 parking spaces each. Due to the stop work order this was delayed but is a part of the plan to restore the property. Please see attached layout of the parking plan.

Staff Response: Parking plan has been received and can be found in the "Attachments" section of the report.

2. Provide a photo of the electrical box, demonstrating that the residence was previous built to have two units.

Applicant Response: Attached is a photo of the electric box for 2 units, electrical permit for 2 units, and BPU application fee for 2 meters that has already been paid. Please see attached copy of permit number 19380-00850 to rewire both units A and B up to code and photo of the old and new electrical service for 2 units. We had a 200 AMP service back in 1997. We have upgraded to a 400 AMP Commercial service in 2019.

Staff Response: The electrical permit and photos of the electric boxes has been received and can be found in the “Attachments” section of the report.

3. Provide evidence of a permit for the conversion to a duplex.

Applicant Response: Evidence of duplex – Please see attached building permit from 2003 for 2 units after the fire when the exterior repair work was completed to replace the roof, rafters, ceiling joist and plywood. All work has been completed per this permit. A rough...inspection will be completed to verify all work is up to code.

Staff Response: The building permit has been received and can be found in the “Attachments” section of the report. Applicant must have the structure inspected by Unified Government building inspectors before a Certificate of Occupancy can be issued.

4. What was the cause of the fire? Staff is very concerned about re-occupying a questionable conversion.

Applicant Response: The cause of the fire was electrical in the attic. The dwelling was a multi-unit dwelling (duplex) when I purchased it and when it caught on fire. I was not aware that the dwelling was re-zoned to a single-family dwelling and to my knowledge the dwelling was a multi-unit dwelling since it was built. I did not receive any letters or notification that the dwelling was re-zoned. The structure has always been a duplex and has not been converted other than being re-zoned to a single-family dwelling without my knowledge, request, or authorization.

Staff Response: Staff has found evidence that suggests the property was not being used as a duplex as early as 1995, well before Applicant purchased the property. Furthermore, the knowledge or lack thereof regarding the zoning of the property does not take away from the fact that a fire-damaged unit draws safety concerns. To reiterate a previous point, the duplex must undergo a safety inspection from a Unified Government building inspector before occupation of the fire-damaged unit will be allowed.

Public Works Comments:

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

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition #3212 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 13, 2020 City Planning Commission Minutes
Current Floor Plan
Parking Plan
Photos of Duplex
Photos of Previous Legal Non-Conforming Use

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing Rezoning	January 13, 2020 Approval	January 30, 2020

STAFF CONTACT: **Michael Farley**
 mfarley@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #3212 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #3212 as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 13, 2020 City Planning Commission Minutes

Hearing Starts At 10:30:

CHANGE OF ZONE APPLICATION #3212 – ANISHA M. EVANS ROARK -

SYNOPSIS: Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District for a duplex at 2815 North 20th Street. *Detailed Outline of Requested Action:* Applicant requests a change property from R-1(B) Single-Family District to R-2(B) Two-Family District to reflect the historic use of the primary residence. Structure had traditionally been used as a duplex, and until 1995 had two distinct addresses.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated December 19, 2019; and,
7. The Notices to property owners dated December 12, 2019.

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

Present in Support:

- Anisha Roark, applicant/owner, 2643 North 22nd Street, Kansas City, Kansas 66104
- There was one person present that did not speak

Present in Opposition:

- No one appeared

Staff Recommendation Starts 13:25: Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts 13:35:

On motion by Dr. Serda, seconded by Ms. Huey, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application #3212:**

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Provide a parking plan that complies with Section 27-457(d) (“One parking space for each dwelling unit shall be provided on the premises”) and Section 27-675(a) (“All parking...areas...shall be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two inches of asphalt over six inches of compacted gravel.... All parking spaces shall be clearly marked.... All off-street parking, loading, and maneuvering areas shall be physically restricted to paved areas through the use of wheel stops or curbing.... Failure to keep such areas in satisfactory condition that is free from holes, clearly delineated, etc. shall constitute a violation of this article”).

Applicant Response: We will have 4 parking spaces with asphalt so that each duplex will have 2 parking spaces each. Due to the stop work order this was delayed but is a part of the plan to restore the property. Please see attached layout of the parking plan.

Staff Response: Parking plan has been received and can be found in the “Attachments” section of the report.

2. Provide a photo of the electrical box, demonstrating that the residence was previous built to have two units.

Applicant Response: Attached is a photo of the electric box for 2 units, electrical permit for 2 units, and BPU application fee for 2 meters that has already been paid. Please see attached copy of permit number 19380-00850 to rewire both units A and B up to code and photo of the old and new

electrical service for 2 units. We had a 200 AMP service back in 1997. We have upgraded to a 400 AMP Commercial service in 2019.

Staff Response: The electrical permit and photos of the electric boxes has been received and can be found in the “Attachments” section of the report.

- 3. Provide evidence of a permit for the conversion to a duplex.**

Applicant Response: Evidence of duplex – Please see attached building permit from 2003 for 2 units after the fire when the exterior repair work was completed to replace the roof, rafters, ceiling joist and plywood. All work has been completed per this permit. A rough...inspection will be completed to verify all work is up to code.

Staff Response: The building permit has been received and can be found in the “Attachments” section of the report. Applicant must have the structure inspected by Unified Government building inspectors before a Certificate of Occupancy can be issued.

- 4. What was the cause of the fire? Staff is very concerned about re-occupying a questionable conversion.**

Applicant Response: The cause of the fire was electrical in the attic. The dwelling was a multi-unit dwelling (duplex) when I purchased it and when it caught on fire. I was not aware that the dwelling was re-zoned to a single-family dwelling and to my knowledge the dwelling was a multi-unit dwelling since it was built. I did not receive any letters or notification that the dwelling was re-zoned. The structure has always been a duplex and has not been converted other than being re-zoned to a single-family dwelling without my knowledge, request, or authorization.

Staff Response: Staff has found evidence that suggests the property was not being used as a duplex as early as 1995, well before Applicant purchased the property. Furthermore, the knowledge or lack thereof regarding the zoning of the property does not take away from the fact that a fire-damaged unit draws safety concerns. To reiterate a previous point, the duplex must undergo a safety inspection from a Unified Government building inspector before occupation of the fire-damaged unit will be allowed.

Public Works Comments:

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

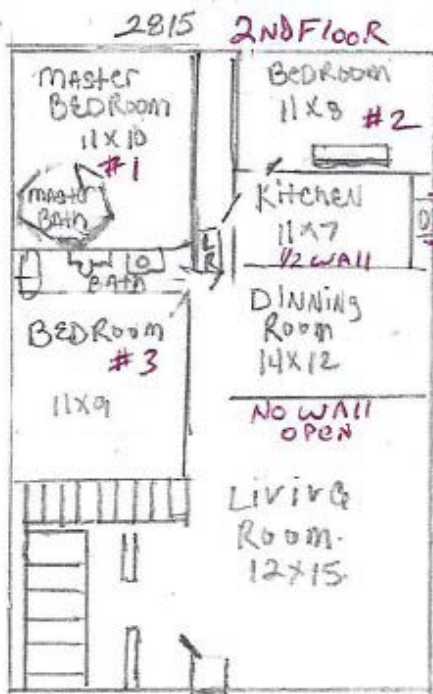
CURRENT FLOOR PLAN



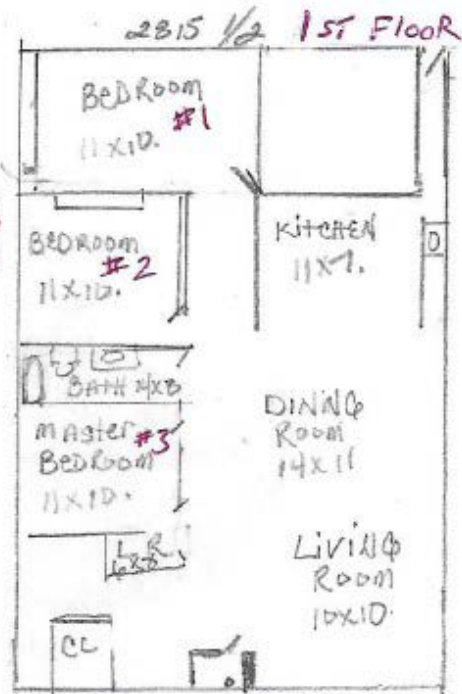
KANSAS
CITY DEPARTMENT
DISAPPROVED
CORRECT AND RESUBMIT
ANS AND SPECIFICATIONS SHALL NOT BE
PERMIT OR APPROVAL OF ANY VIOLATION
PROVISIONS OF THE CITY OF KANSAS CITY
AND/OR ZONING CODE OR ANY OTHER
THIS CITY.

TY
DATE **10-22-19**

see window
DETAILS

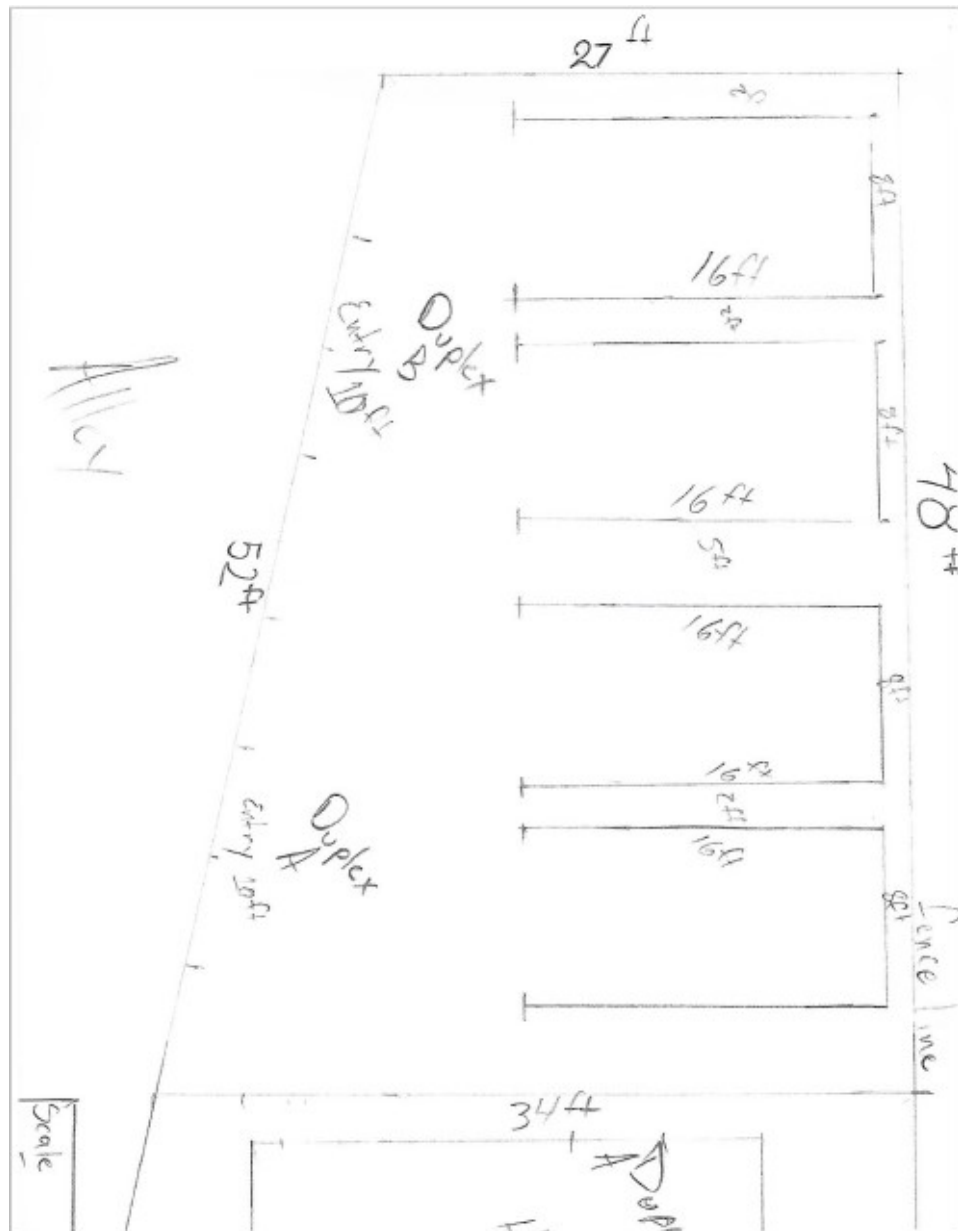


REPLACE
WINDOW
39x39



1 of 5

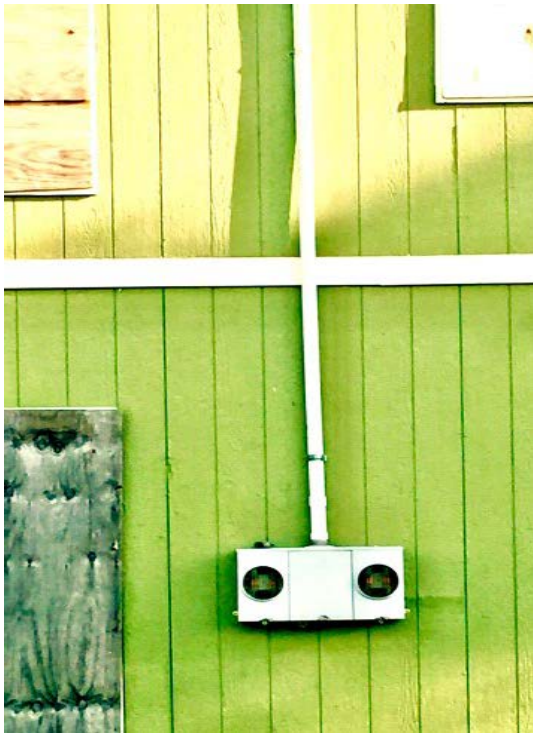
PARKING PLAN



PHOTOS OF DUPLEX



PHOTOS OF PREVIOUS LEGAL NON-CONFORMING USE



Upper left: Previous electric boxes for two units, installed in 1997.
 Upper right: Current electric boxes for two units, installed in 2019.
 Lower left: Electrical permit for property, issued on July 24, 2019.
 Lower right: Building permit for property, issued on April 8, 2003.

Neighborhood Resource Center Unified Government of Wyandotte County/Kansas City, Kansas 4953 State Ave. Kansas City, Kansas 66102 p. (913) 573-8620 f. (913) 573-8622 www.wyandotte.org/building		Building Electrical Permit Residential NA
Electrical Permit		
PERMIT NUMBER 19380-00850		Permit Issue Date: 7/24/2019
STRUCTURE ADDRESS 2815 N 20TH ST, KANSAS CITY, KS 66104	LEGAL DESCRIPTION L60	
OWNER INFORMATION EVANS, ANISHA M		PROPOSED USE NA - Not Applicable
Number of Building: 0 Number of Units: 0	ESTIMATED COST: \$3,500.00 TOTAL FEE: \$56.25	
DESCRIPTION OF WORK REWIRE BOTH UNITS A & B TO CODE		
CONTRACTOR Name: WILSON ELECTRIC LLC DBA WILSON CONSTRUCTION & ELECTRICAL Address: 4826 E 43RD TER KANSAS CITY, MO 64130 Telephone:		APPLICANT (Agent for Contractor) Name: WILSON ELECTRIC LLC DBA WILSON CONSTRUCT Address: 4826 E 43RD TER KANSAS CITY, MO 64130 Telephone:
APPLICANT'S/CONTRACTOR'S SIGNATURE: _____ PERMIT ISSUED BY: Julie M Simmons _____		
CITY ORDINANCE REQUIRES SMOKE DETECTOR INSTALLATION ON ANY RESIDENTIAL BUILDING, WHERE PERMIT ISSUED FOR WORK PERFORMED EXCEEDS \$1,000 VALUATION. SEPARATE PERMITS ARE REQUIRED IF ELECTRICAL, PLUMBING, GAS OR MECHANICAL WORK WILL BE DONE. THE ISSUANCE OR GRANTING OF A PERMIT OR APPROVAL OF PLANS, SPECIFICATIONS AND COMPUTATIONS SHALL NOT BE CONSTRUED TO BE A PERMIT FOR, OR AN APPROVAL OF, ANY VIOLATION OF ANY OF THE PROVISIONS OF THE CODE OR OF ANY OTHER ORDINANCES OF KANSAS CITY, KANSAS. A PERMIT BECOMES NULL AND VOID IF THE BUILDING OR WORK AUTHORIZED BY SUCH PERMIT IS NOT COMMENCED AND VERIFIED BY INSPECTION WITHIN 180 DAYS OF THE ISSUANCE OF THE PERMIT, OR IF THE BUILDING OR WORK AUTHORIZED BY SUCH PERMIT IS SUSPENDED OR ABANDONED AT ANY TIME AFTER THE WORK IS COMMENCED FOR A PERIOD OF 180 DAYS.		

Neighborhood Resource Center Unified Government of Wyandotte County/Kansas City, Kansas 4953 State Ave. Kansas City, Kansas 66102 p. (913) 573-8620 f. (913) 573-8622 www.wyandotte.org/building		Building Building Permit Residential Misc Improvements-Repair
Building Permit		
PERMIT NUMBER 03300-00000-00230		Permit Issue Date: 4/8/2003
STRUCTURE ADDRESS 2815 N 20TH ST, KANSAS CITY, KS 66104	LEGAL DESCRIPTION L60	
OWNER INFORMATION EVANS, ANISHA M		PROPOSED USE 434
Number of Building: 0 Number of Units: 2	ESTIMATED COST: \$580.00 TOTAL FEE: \$7.70	
DESCRIPTION OF WORK ext.repair-replace roof structure/rafters/ceiling joint- plywood		
CONTRACTOR Name: _____ Address: _____ Telephone: _____		APPLICANT (Agent for Contractor) Name: EVANS, ANISHA M Address: 2843 N 22ND ST KANSAS CITY, KS 66104 Telephone: () - () -
APPLICANT'S/CONTRACTOR'S SIGNATURE: _____ PERMIT ISSUED BY: HARVEY J FIELDS _____		
CITY ORDINANCE REQUIRES SMOKE DETECTOR INSTALLATION ON ANY RESIDENTIAL BUILDING, WHERE PERMIT ISSUED FOR WORK PERFORMED EXCEEDS \$1,000 VALUATION. SEPARATE PERMITS ARE REQUIRED IF ELECTRICAL, PLUMBING, GAS OR MECHANICAL WORK WILL BE DONE. THE ISSUANCE OR GRANTING OF A PERMIT OR APPROVAL OF PLANS, SPECIFICATIONS AND COMPUTATIONS SHALL NOT BE CONSTRUED TO BE A PERMIT FOR, OR AN APPROVAL OF, ANY VIOLATION OF ANY OF THE PROVISIONS OF THE CODE OR OF ANY OTHER ORDINANCES OF KANSAS CITY, KANSAS. A PERMIT BECOMES NULL AND VOID IF THE BUILDING OR WORK AUTHORIZED BY SUCH PERMIT IS NOT COMMENCED AND VERIFIED BY INSPECTION WITHIN 180 DAYS OF THE ISSUANCE OF THE PERMIT, OR IF THE BUILDING OR WORK AUTHORIZED BY SUCH PERMIT IS SUSPENDED OR ABANDONED AT ANY TIME AFTER THE WORK IS COMMENCED FOR A PERIOD OF 180 DAYS.		



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 30, 2020
Re: COZ #3213 and #MP-2020-1

GENERAL INFORMATION

Applicant:
Nathaniel Hagedorn

Status of Applicant:
Representative
NorthPoint Development
4825 Northwest 41st Street
Riverside, Missouri 64150

Requested Action:
City-Wide Master Plan amendment
from Low Density Residential and
Mixed Use to Industrial

Change of Zone from R-1(B) Single
Family, RP-M Planned Mobile Home
Park, RP-5 Planned Apartment and
CP-2 Planned General Business
Districts to MP-2 Planned General Industrial District



Date of Application:
December 3, 2019

Purpose: For development of a Planned General Industrial District logistics park for warehousing, distribution and light manufacturing business.

Property Location: 747 North 69th Street

Existing Zoning: R-1 Single Family District, RP-M Planned Mobile Home Park District, RP-5 Planned Apartment District and CP-2 Planned General Business District

Surrounding Zoning:	North:	CP-2 Planned General Business District and R-1 Single Family District
	South:	R-1 Single Family District (Across Interstate 70)
	East:	R-1 Single Family District, R-2 Two Family District, RP-4 Planned Garden Apartment District, RP-5 Planned Apartment District
	West:	R-1 Single Family District, RP-5 Planned Apartment District (Across College Parkway)

Existing Uses:	North:	Technical Education Center, Collision Repair Shop, Single Family Homes
	South:	(Across Interstate 70) Board of Public Utilities Operations Center
	East:	Single Family Homes, Apartment Buildings
	West:	Single Family Homes, College Parkway and I-70 interchange

Total Tract Size: 156.8 acres

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

Major Street Plan: The Major Street Plan classifies I-70 Highway as a freeway, State Avenue as a Class A Thoroughfare, North 72nd Street (College Parkway) as a Class C Thoroughfare, North 65th Street as a Class C Thoroughfare, and North 69th Street as a local street.

Advertisement: Property Owner Letters – December 12, 2019
Wyandotte Echo – December 19, 2019 and January 23, 2020

Public Hearings: January 13, 2020 and January 30, 2020

Public Opposition: There was one person present in opposition at the January 13, 2020 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Nathaniel Hagedorn with North Point Development, has requested a change of zone from R-1 Single Family District, RP-M Planned Mobile Home District, RP-5 Planned Apartment District and CP-2 Planned General Business District to MP-2 Planned General Industrial District, as well

as a Master Plan amendment from Low Density Residential and Mixed Use to MP-2 Planned General Industrial District, a preliminary plat for nine (9) lots, and a variance for architectural screening requirements at 747 North 69th Street. This project will include four (4) new industrial buildings comprised of 1,425,397 square feet.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709 and Sections 27-1001 – 27-1419

FACTORS TO BE CONSIDERED

1. Neighborhood character.

This project spans a large area with several uses. The site area is primarily undeveloped land. There are residential subdivisions adjacent to the project area to the east and west. Commercial uses exist along State Avenue to the north of the project site. This location is also adjacent to several major roadways; Interstate 70 to the south, College Parkway to the west and State Avenue to the north. Appropriate screening will be essential.

2. The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems. Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

The proposed project would incorporate a redesign of the College Avenue/ Turner Diagonal/I-70 interchange. Planning Engineering and the City Traffic Engineer have sent additional comments. The primary entrance would be off College Parkway/Turner Diagonal with construction of a new thru street connecting to 65th Street as an emergency access. 65th Street does provide access for residential properties and additional heavy trailer and truck traffic could become a nuisance for residents in those subdivisions and additional property owners along 65th Street.

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

The proposed use does not conform to the Master Plan. A Master Plan amendment has been filed.

4. The capability of the proposed use to meet applicable ordinance and other requirements.

The applicant has requested a variance to the screening requirements.

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

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

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

a. *Water service*

Available

b. *Sanitary sewer service*

Available

c. *Storm water control*

To meet code

d. *Police*

Police service provided by West Patrol, District 221

e. *Fire*

Fire service provided by Station #11

f. *Transit*

KCATA provides service along College Parkway and I-70 Highway, Route 114.

g. *Schools*

Turner USD 202

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

Buildings, lots, blocks, parcels and streets will be arranged so as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values provided proper screening is developed.

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

Development patterns have been designed with due regard to topography, so that the natural feature of the land and vegetation shall be protected and enhanced.

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

This is an industrial development and as such does not have required amenities, although staff has made recommendations to improve walkability and non-vehicular transportation.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 30, 2019. A copy of the meeting sign-in, minutes and affidavit are attached.

KEY ISSUES

Potential Conflict with Residential Properties

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Master Plan Amendment #MP-2020-1 and Change of Zone Application #3213, subject to:

Fire Department Comments:

- 1. Provide plans that show the location of proposed fire hydrants per Sec. 507, Sec. D103.1 2012 IFC**

Applicants Response: Fire hydrant locations will be provided with final development plans.

- 2. Provide dimensioned side plans that indicated paving widths, approach/ departure angles of pavement, speed controls (i.e. speed bumps or crossing tables) and turn radii for review.**

Applicants Response: Final development plans will include detailed and dimensioned site plans.

- 3. If the building heights are over 30' aerial truck access is required per Sec. D105, 2012 IFC for each building. Aerial fire lane to be 26' min. width, curb face to curb face, with 15" to 30" of the façade of the building parallel to the longest dimension.**

Applicants Response: A meeting with the KCK Fire Department is being coordinated to discuss the implications of this requirement to the proposed truck dock areas. All fire department requirements will be addressed prior to the submittal of final development plans.

4. Provide a truck turning exhibit for each building based on the following data:
 - a. Length 40'
 - b. Wheel base 272.5 in.
 - c. Front overhang 131.3 in.
 - d. Width 84 in.
 - e. Inside turn radius 26 ft.
 - f. Wall to wall radius 48.5 ft.
 - g. Curb to Burb radius 42 ft.

Applicants Response: A truck turning exhibit specific to the above data will be provided prior to the submittal of final development plans. Turning movements for a WB-67 truck and trailer can be found on the Preliminary Site Plan at critical intersections.

5. Provide (2) code compliant emergency vehicle access points per Sec. D104, Sec. D105, 2012 IFC for the overall site and each bldg.

Applicants Response: Understood

6. Contact Harvey Fields, Fire Inspector/ Plans Examiner, at 913 573-5947 for any questions.

Urban Planning and Land Use Comments:

General Planning:

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

Applicants Response: While an abbreviated erosion control sheet appears in the original submission plans, a final set of erosion control and grading plans is currently being developed. We anticipate submitting this set of plans to the Unified Government, KDHE, and the Wyandotte County Conservation District before the end of January 2020.

2. Review the attached comments from GeoSpatial Services Department.
3. Provide dimensions on the site plan.

Applicants response: Building dimensions, distances from buildings to property lines, and distances from proposed retaining walls to property lines have been added to the site plan.

4. Utility easements shall be provided along each side of lots to form a continuous right-of-way. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when which lines do not form, in whole or in part, the outside boundaries of the plat.

Applicants response: A ten-foot utility easement has been provided around the outside boundary of the plat, excluding previously developed Lots 1 and 2.

Staff Comment: Utility easements are required for all lots included in the replat.

5. Utility easements shall connect with easements established in adjoining properties.

Applicants response: Understood.

6. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.

Applicants response: Understood.

7. Submit a design criteria manual for the overall development, as there could be expansions or additions in the future. The design criteria should include guidelines for high quality architecture, building materials, colors, signage and lighting.

Applicants response: Refer to the Turner Logistics Center Design Criteria Manual that was submitted with this document.

Staff Comment: The document referenced in the response is not a complete design criteria manual with specific guidelines. Rather, what has been submitted is a paragraph giving a generalized overview of building architecture. A full Design Criteria Manual must be submitted with Final Development Plan. Staff can provide the applicant with a sample of a complete Design Criteria Manual if needed.

8. The City-Wide Master Plan states the following regarding the designation of Industrial, "Allows industries featuring industrial processing, manufacturing, heavy truck traffic, excessive noise, potentially noxious uses and outdoor storage. These uses are the least compatible with residential development and should be encouraged to locate where such uses already occur." This project is proposed immediately adjacent to residential subdivision on the east and west sides. There is currently no industrial zoning. Although this does provide adequate access to transportation routes, it has significant potential to come in conflict with the existing residential uses.

Please provide an enhanced screening plan more in line with that done for Plaza at The Speedway along its north property lines. Adjacent residences should be completely screened from view.

Applicants response: A proposed architectural screening wall has been added to the north of Building 1 along with additional landscaping. Refer to BZA Petition #2365 for the requested variance to include additional landscaping and berms in lieu of architectural screening in other areas.

Staff Response: The Board of Zoning Appeals proposal is inadequate. Provide plans per the original comment with Final Plan.

9. The proposed layout includes a street connection between College Parkway/ Turner Diagonal and 65th Street. 65th Street provides access for existing residential uses. This could cause disruption for the existing uses. What is the percentage of traffic entering and exiting the property from/to 65th street? What percentage would be truck traffic and what percentage would be employee/ passenger car traffic? Provide dimensions of street width.

Applicants response: Recent site layout changes have removed the development's connection to 65th Street. Street width dimensions can be found on Sheet C600- Preliminary Public Road Improvements Plan and Profile.

10. Sec. 27-469(e) states that uses off-street parking be provided a ratio of one space for each 500 square feet of building floor area. For buildings larger than 20,000 square feet, only one space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square feet will be determined by the director of planning. With final determination from the Board of Commissioners based on recommendation by Planning Commission. This application contains a combined building floor area of all 4 buildings of 1,425,397 square feet. 901 car parking spaces have been provided, which represents a ratio of 1 space per 1,582 sf of floor area. In addition, 608 truck parking spaces have been provided for trailers.

Applicants response: The revised site layout now includes 1,515,715 square feet of building area and provides 916 car parking spaces which represents a ratio of 1 space per 1,655 sf of floor area.

11. Downspouts shall be internalized.

Applicants response: Further discussion with UG Planning may be required.

12. As this will be a major employment center, has there been any communication with KCATA to coordinate location of a bus shelter?

Applicants response: There has not been any communication with KCATA up to this point. KCATA will be contacted prior to final design and at a time when employers are identified.

Staff Response: Final Plan must include transit connection.

- 13.** How wide is the proposed sidewalk along Tauromee Avenue? Sidewalk should be a minimum 10 feet as this will be a main entryway and arterial into the development.

Applicants response: Recent site layout changes have removed the public road connection to 65th Street. If added, the 10' trail/sidewalk would terminate at the cul-de-sac. If it is determined that the 10' sidewalk is still required, final development plans will be updated to reflect this.

Staff Comment: A sidewalk is still necessary for internal pedestrian circulation.

Landscaping and Screening:

- 1.** Sec. 27-469(g) states that a reasonable amount of landscaping is required on all projects with emphasis being placed on screening or otherwise softening the visual impact of unsightly areas. Trees are required to be provided at not less than one per 10,000 square feet of site area. Six-foot-high architectural screening in combination with a buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property.

Applicants response: See BZA Petition #2365

Staff Comment: The Board of Zoning Appeals proposal is inadequate. Provide plans in accordance with Comment 8.

- 2.** Trash enclosures must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way.

Applicants response: Each building will have at least one trash compactor pending the tenant's requirements. The Trash compactors will be loaded internally and will not have outside access.

- 3.** Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials.

Applicants response: Understood, all mechanical equipment will be screened from public view with either landscape or architectural screening.

- 4.** Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected

glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent lights bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures.

Applicants response: Understood, this will be incorporated into the final lighting plan.

5. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots to be used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue.

Applicants response: Plans have been revised to include at least one shade tree per 20 parking spaces.

6. All landscaping shall be irrigated.

Applicants response: Understood.

Signage:

1. Signage must comply with Sec.27-720 through 27-740.

Applicants response: Understood.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None.
- B) Items that are conditions of approval (stipulations):
 - 1) When the proposed development is finalized, the applicant shall submit a revised preliminary development plan and revised preliminary and final plat for review by UG staff and to be approved by the Planning Commission.
 - 2) Similar as above comment, a revised Traffic Impact Study for the finalized proposed development shall be submitted to UG staff for review and approval. Further discussion with staff is required.
 - 3) Continue to coordinate with UG regarding the timing, design, and construction relationships between the development project and public

- improvements on Turner diagonal / College Parkway i.e. the Diverging Diamond Interchange. Further discussion with staff is required.
- 4) Retaining wall plans, details and calculations shall be submitted for UG review and approval. Retaining walls greater than 3'-6" in height shall be designed by a State of Kansas Professional Engineer. Construction permit acquisition shall not be allowed prior to UG approval. Please review and comply with the on-line retaining wall checklist. These requirement(s) are for all types of retaining walls, including modular block or pre-manufactured walls, and reinforced concrete walls.
 - 5) Please note that if pedestrian guardrail/handrails will be installed with the walls, it shall be designed in accordance with UG criteria, i.e., 50 pound per lineal foot uniform loading and 200 pound concentrated load. Provide calculations to include the guardrail/handrail loading and provide details that include the guardrail post and embedment in the wall.
 - 6) For future reference, this project includes public sanitary sewer improvements. The public sanitary sewer improvement plans shall meet the UG standards and criteria and shall be a separate plan set with a separate cover sheet with applicable information, i.e., vicinity map, sheet index, benchmark, utility contacts, floodplain note, etc. The public sanitary sewer improvement plans shall include erosion control. This set of plans is required for final development plans.
 - 7) All public sanitary sewer will need to be in an easement meeting the UG standards and criteria (minimum of 15' wide or the depth of the sewer, whichever is greater). (Check UG standards, checklists and criteria).
 - 8) With final development plans, provide hydrology data table for the 10 and 100-year storm events. Provide all data as necessary for review including but not limited to pipe size, pipe material, flows, capacity, velocity, slope, rim elevation, HGL, EGL, etc.
 - 9) Construction plans shall be reviewed and approved prior to UG final approval and construction permit acquisition.
 - 10) The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents in accordance with County Surveyor comments.
 - 11) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) Final development plans / plat will have to be approved before going to planning commission with approval to obtain permits. This will include final engineering, calculations, and complete drawings with construction notes and details. The Final Development Plans / Plat must meet the requirements of UG standards and criteria. Only preliminary drawings and studies are required at this time.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ #3213** and **MP-2020-1** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 13, 2020 City Planning Commission Minutes
Conservation District Comments
GeoSpatial Services Comments
Zoning Map
Site Plan and Preliminary Plat
Landscape Plan (3 sheets)
Neighborhood meeting sign-in sheets
Neighborhood meeting minutes
Neighborhood meeting affidavits
Email in Opposition

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	January 13, 2020	January 30, 2020
Master Plan	Approval	
Amendment		
Change of	January 13, 2020	January 30, 2020
Zone	Approval	

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

MOTIONS

MASTER PLAN AMENDMENT

I move the Unified Government Board of Commissioners **APPROVE** Petition **#MP-2020-1** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #MP-2020-1 as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

CHANGE OF ZONE

I move the Unified Government Board of Commissioners **APPROVE** Petition #3213 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #3213 as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 13, 2020 City Planning Commission Minutes:

Hearing Starts At 14:10:

MASTER PLAN AMENDMENT #MP-2020-1 – NATHANIEL HAGEDORN WITH NORTHPOINT DEVELOPMENT – SYNOPSIS: Master Plan Amendment from Low Density Residential and Mixed Use to Industrial at 747 North 69th Street.

CHANGE OF ZONE APPLICATION #3213 – NATHANIEL HAGEDORN WITH NORTHPOINT DEVELOPMENT - SYNOPSIS: Change of Zone from R-1 Single Family, RP-M Planned Mobile Home Park, RP-5 Planned Apartment and CP-2 Planned General Business Districts to MP-2 Planned General Industrial District for a logistics park for warehousing, distribution and light manufacturing business at 747 North 69th Street.

TURNER LOGISTICS EAST, Preliminary Plat for nine (9) lots at 747 North 69th Street.

Detailed Outline of Requested Action: The applicant, Nathaniel Hagedorn with North Point Development, has requested a change of zone from R-1 Single Family District, RP-M Planned Mobile Home District, RP-5 Planned Apartment District and CP-2

Planned General Business District to MP-2 Planned General Industrial District, as well as a Master Plan amendment from Low Density Residential and Mixed Use to MP-2 Planned General Industrial District, a preliminary plat for nine (9) lots, and a variance for architectural screening requirements at 747 North 69th Street. This project will include four (4) new industrial buildings comprised of 1,425,397 square feet.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated December 19, 2019 for the Change of Zone and Master Plan Amendment;
7. The Notices to property owners dated December 12, 2019; and
8. The testimony from the Board of Zoning Appeals meeting this evening.

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

Present in Support:

- Brent Miles, representing the applicant, one of the owners/founders of NorthPoint Development

Present in Opposition:

- Jason Faust, 829 North 69th Street, Kansas City, Kansas

Staff Recommendation Starts 35:25: Planning Director Richardson stated that early on they had talked about access onto 65th Street and staff thought with the Amazon employee access onto 65th Street and there might be trucks coming down 65th Street off the interstate. He showed the Commission the fire access and where the private street would be. He stated that the trucks will stay off State Avenue, the commercial areas and the residential areas. He showed the Commission where all the traffic would be kept. It is being designed to accommodate that traffic. There will be wider lanes, etc. as they come forward with their final plans. As was mentioned during the Board of Zoning Appeals meeting the issue that the staff wants to make sure is dealt with appropriately is the screening of the residences and the staff basically said that it would be the Speedway style. If they have to add a wall to make the slope work out right, then they will have to add the wall. The people that have lived in the residential area have to be protected. He showed The Salvation Army property and what the Board of Zoning Appeals said is that the area where there are residential properties will have to be screened that address lights, noise and other nuisances of industrial zoning. To Mr. Faust's point, if they acquire more land, they will have to come back and amend their plan. That is not unlike other projects where plans have been approved and have come back for revisions. Director Richardson stated with these comments, the staff

recommends approval subject to the stipulations in the staff report and the terms of the Board of Zoning Appeals action.

Motion and Vote Starts 38:55:

On motion by Dr. Serda, seconded by Mr. Reasons, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment #MP-2020-1:**

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

Motion to recommend APPROVAL Passed: 6 to 0

On motion by Ms. Huey, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application 3213:**

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

Fire Department Comments:

1. **Provide plans that show the location of proposed fire hydrants per Sec. 507, Sec. D103.1 2012 IFC**

Applicants Response: Fire hydrant locations will be provided with final development plans.

2. **Provide dimensioned side plans that indicated paving widths, approach/ departure angles of pavement, speed controls (i.e. speed bumps or crossing tables) and turn radii for review.**

Applicants Response: Final development plans will include detailed and dimensioned site plans.

3. If the building heights are over 30' aerial truck access is required per Sec. D105, 2012 IFC for each building. Aerial fire lane to be 26' min. width, curb face to curb face, with 15" to 30" of the façade of the building parallel to the longest dimension.

Applicants Response: A meeting with the KCK Fire Department is being coordinated to discuss the implications of this requirement to the proposed truck dock areas. All fire department requirements will be addressed prior to the submittal of final development plans.

4. Provide a truck turning exhibit for each building based on the following data:

- a. Length 40'
- b. Wheel base 272.5 in.
- c. Front overhang 131.3 in.
- d. Width 84 in.
- e. Inside turn radius 26 ft.
- f. Wall to wall radius 48.5 ft.
- g. Curb to Curb radius 42 ft.

Applicants Response: A truck turning exhibit specific to the above data will be provided prior to the submittal of final development plans. Turning movements for a WB-67 truck and trailer can be found on the Preliminary Site Plan at critical intersections.

5. Provide (2) code compliant emergency vehicle access points per Sec. D104, Sec. D105, 2012 IFC for the overall site and each bldg.

Applicants Response: Understood

6. Contact Harvey Fields, Fire Inspector/ Plans Examiner, at 913 573-5947 for any questions.

Urban Planning and Land Use Comments:

General Planning:

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

Applicants Response: While an abbreviated erosion control sheet appears in the original submission plans, a final set of erosion control and grading plans is currently being developed. We anticipate submitting this set of plans to the Unified Government, KDHE, and the Wyandotte County Conservation District before the end of January 2020.

2. Review the attached comments from GeoSpatial Services Department.
3. Provide dimensions on the site plan.

Applicants response: Building dimensions, distances from buildings to property lines, and distances from proposed retaining walls to property lines have been added to the site plan.

4. Utility easements shall be provided along each side of lots to form a continuous right-of-way. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when which lines do not form, in whole or in part, the outside boundaries of the plat.

Applicants response: A ten-foot utility easement has been provided around the outside boundary of the plat, excluding previously developed Lots 1 and 2.

Staff Comment: Utility easements are required for all lots included in the replat.

5. Utility easements shall connect with easements established in adjoining properties.

Applicants response: Understood.

6. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.

Applicants response: Understood.

7. Submit a design criteria manual for the overall development, as there could be expansions or additions in the future. The design criteria should include guidelines for high quality architecture, building materials, colors, signage and lighting.

Applicants response: Refer to the Turner Logistics Center Design Criteria Manual that was submitted with this document.

Staff Comment: The document referenced in the response is not a complete design criteria manual with specific guidelines. Rather, what has been submitted is a paragraph giving a generalized overview of building architecture. A full Design Criteria Manual must be submitted with Final Development Plan. Staff can provide the applicant with a sample of a complete Design Criteria Manual if needed.

8. The City-Wide Master Plan states the following regarding the designation of Industrial, "Allows industries featuring industrial processing,

manufacturing, heavy truck traffic, excessive noise, potentially noxious uses and outdoor storage. These uses are the least compatible with residential development and should be encouraged to locate where such uses already occur.” This project is proposed immediately adjacent to residential subdivision on the east and west sides. There is currently no industrial zoning. Although this does provide adequate access to transportation routes, it has significant potential to come in conflict with the existing residential uses.

Please provide an enhanced screening plan more in line with that done for Plaza at The Speedway along its north property lines. Adjacent residences should be completely screened from view.

Applicants response: A proposed architectural screening wall has been added to the north of Building 1 along with additional landscaping. Refer to BZA Petition #2365 for the requested variance to include additional landscaping and berms in lieu of architectural screening in other areas.

Staff Response: The Board of Zoning Appeals proposal is inadequate. Provide plans per the original comment with Final Plan.

9. The proposed layout includes a street connection between College Parkway/ Turner Diagonal and 65th Street. 65th Street provides access for existing residential uses. This could cause disruption for the existing uses. What is the percentage of traffic entering and exiting the property from/to 65th street? What percentage would be truck traffic and what percentage would be employee/ passenger car traffic? Provide dimensions of street width.

Applicants response: Recent site layout changes have removed the development’s connection to 65th Street. Street width dimensions can be found on Sheet C600- Preliminary Public Road Improvements Plan and Profile.

10. Sec. 27-469(e) states that uses off-street parking be provided a ratio of one space for each 500 square feet of building floor area. For buildings larger than 20,000 square feet, only one space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square feet will be determined by the director of planning. With final determination from the Board of Commissioners based on recommendation by Planning Commission. This application contains a combined building floor area of all 4 buildings of 1,425,397 square feet. 901 car parking spaces have been provided, which represents a ratio of 1 space per 1,582 sf of floor area. In addition, 608 truck parking spaces have been provided for trailers.

Applicants response: The revised site layout now includes 1,515,715 square feet of building area and provides 916 car parking spaces which represents a ratio of 1 space per 1,655 sf of floor area.

11. Downspouts shall be internalized.

Applicants response: Further discussion with UG Planning may be required.

12. As this will be a major employment center, has there been any communication with KCATA to coordinate location of a bus shelter?

Applicants response: There has not been any communication with KCATA up to this point. KCATA will be contacted prior to final design and at a time when employers are identified.

Staff Response: Final Plan must include transit connection.

13. How wide is the proposed sidewalk along Tauromee Avenue? Sidewalk should be a minimum 10 feet as this will be a main entryway and arterial into the development.

Applicants response: Recent site layout changes have removed the public road connection to 65th Street. If added, the 10' trail/sidewalk would terminate at the cul-de-sac. If it is determined that the 10' sidewalk is still required, final development plans will be updated to reflect this.

Staff Comment: A sidewalk is still necessary for internal pedestrian circulation.

Landscaping and Screening:

- 1. Sec. 27-469(g) states that a reasonable amount of landscaping is required on all projects with emphasis being placed on screening or otherwise softening the visual impact of unsightly areas. Trees are required to be provided at not less than one per 10,000 square feet of site area. Six-foot-high architectural screening in combination with a buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property.**

Applicants response: See BZA Petition #2365

Staff Comment: The Board of Zoning Appeals proposal is inadequate. Provide plans in accordance with Comment 8.

- 2. Trash enclosures must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way.**

Applicants response: Each building will have at least one trash compactor pending the tenant's requirements. The Trash compactors will be loaded internally and will not have outside access.

3. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials.

Applicants response: Understood, all mechanical equipment will be screened from public view with either landscape or architectural screening.

4. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent lights bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures.

Applicants response: Understood, this will be incorporated into the final lighting plan.

5. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots to be used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue.

Applicants response: Plans have been revised to include at least one shade tree per 20 parking spaces.

6. All landscaping shall be irrigated.

Applicants response: Understood.

Signage:

1. Signage must comply with Sec.27-720 through 27-740.

Applicants response: Understood.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:**
- 1) None.**
- B) Items that are conditions of approval (stipulations):**
- 1) When the proposed development is finalized, the applicant shall submit a revised preliminary development plan and revised preliminary and final plat for review by UG staff and to be approved by the Planning Commission.**
 - 2) Similar as above comment, a revised Traffic Impact Study for the finalized proposed development shall be submitted to UG staff for review and approval. Further discussion with staff is required.**
 - 3) Continue to coordinate with UG regarding the timing, design, and construction relationships between the development project and public improvements on Turner diagonal / College Parkway i.e. the Diverging Diamond Interchange. Further discussion with staff is required.**
 - 4) Retaining wall plans, details and calculations shall be submitted for UG review and approval. Retaining walls greater than 3'-6" in height shall be designed by a State of Kansas Professional Engineer. Construction permit acquisition shall not be allowed prior to UG approval. Please review and comply with the on-line retaining wall checklist. These requirement(s) are for all types of retaining walls, including modular block or pre-manufactured walls, and reinforced concrete walls.**
 - 5) Please note that if pedestrian guardrail/handrails will be installed with the walls, it shall be designed in accordance with UG criteria, i.e., 50 pound per lineal foot uniform loading and 200 pound concentrated load. Provide calculations to include the guardrail/handrail loading and provide details that include the guardrail post and embedment in the wall.**
 - 6) For future reference, this project includes public sanitary sewer improvements. The public sanitary sewer improvement plans shall meet the UG standards and criteria and shall be a separate plan set with a separate cover sheet with applicable information, i.e., vicinity map, sheet index, benchmark, utility contacts, floodplain note, etc. The public sanitary sewer improvement plans shall include erosion control. This set of plans is required for final development plans.**
 - 7) All public sanitary sewer will need to be in an easement meeting the UG standards and criteria (minimum of 15' wide or the depth of the sewer, whichever is greater). (Check UG standards, checklists and criteria).**
 - 8) With final development plans, provide hydrology data table for the 10 and 100-year storm events. Provide all data as necessary for review including but not limited to pipe size, pipe material, flows, capacity, velocity, slope, rim elevation, HGL, EGL, etc.**
 - 9) Construction plans shall be reviewed and approved prior to UG final approval and construction permit acquisition.**
 - 10) The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents in accordance with County Surveyor comments.**

- 11) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) Final development plans / plat will have to be approved before going to planning commission with approval to obtain permits. This will include final engineering, calculations, and complete drawings with construction notes and details. The Final Development Plans / Plat must meet the requirements of UG standards and criteria. Only preliminary drawings and studies are required at this time.

On motion by Dr. Serda, seconded by Ms. Huey, the Planning Commission voted as follows to **APPROVE Turner Logistics East Preliminary Plat**:

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

Motion to APPROVE Passed: 6 to 0

Subject to the above stipulations



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

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

December 17, 2019

RE: Nathaniel Hagedorn with North Point Development COZ-3211 Turner Logistics
East MP-2020-1 BOZ-2365

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the site plan for Nathaniel Hagedorn with North Point Development COZ-3211 Turner Logistics East MP-2020-1 BOZ-2365.

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

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Dwelling and small Commercial Buildings
Roads and Streets
Soil Features

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

- There are five major soil types that were identified: Ladoga silt loam, 3 to 8 percent slopes, Marshall silt loam, 2 to 5 percent slopes, Marshall silt loam, 5 to 9 percent slopes, Knox silt loam, 7 to 12 percent slopes and Orthents. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- Due to the size of this development, we would not recommend approval of this project until we have had a chance to review the Erosion Control Plan. We did not receive any information on this plat for how the sediment is going to be controlled. We need the Erosion Control Plan for the site to ensure that offsite damage does not occur.

Figure 1: Comments from Conservation District

- There appears to be many ponds that are planned for water control. These can be incorporated into the Erosion Control Plan as sediment basins. They may need to be cleaned out if 25 percent of their capacity is lost.
- The Best Management Practices in this report can be used to develop an Erosion Control Plan.

The following Best Management Practices are recommended for this plat:

* **Access Road** – Temporary entrance/exit pads should be constructed of a stone base design to provide a buffer area where construction vehicles can drop their mud to avoid transporting it onto public roads. See the *Protecting Water Quality Field Guide* pages 27-29 for Temporary Gravel Construction Entrance/Exit Pad.

* **Dust Control** – Any combination of the following may be used to help reduce the dust and air pollution at a construction site; vegetative cover, sprinkling, barriers, street cleaning and mulching. See the *Protecting Water Quality Field Guide* pages 89-92 for Dust Control information.

* **Critical Area Planting** – After final grade has been completed permanent vegetation will be established. See the *Protecting Water Quality Field Guide* pages 35-54 for Temporary, and Permanent Seeding.

* **Filter Strips** – During development, strategic non disturbance of existing perennial grass vegetation can function as filter strips. See the *Protecting Water Quality Field Guide* pages 195-200 for Filter Strip.

* **Silt Fences** – Temporary sediment barrier consisting of a geotextile fabric which is attached to supporting posts and trenched into the ground may be substituted for vegetative strips. Install on the contour, where fence can intercept runoff as a sheet flow; not located in crossing channels, waterways or other concentrated flow paths. See the *Protecting Water Quality Field Guide* pages 175-181 for Sediment Fence.

* **Sediment Trap** – Temporary catch basins consisting of a row or more of entrenched and anchored straw bales can be utilized in minor swales with less than 2 acres of drainage. See the *Protecting Water Quality Field Guide* for Straw Bale Sediment Trap.

* **Mulching** – Mulch can be applied to seeded areas to help establish plant cover. It can also be used in unseeded areas to protect against erosion over the winter or until final grading and shaping can be accomplished. See the *Protecting Water Quality Field Guide* pages 61-66 for Mulching.

* **Precision Land Forming** – Keep disturbed areas small; open only the land that is minimally necessary to perform the intended construction activities; and only for the minimum duration of time necessary to complete construction. Permanent or temporary soil stabilization should be applied to denuded areas that will remain undisturbed for longer than 60 days.

* **Sediment Basins** – This best management practice should be utilized in the natural concentrated flow areas to protect adjacent property and meet the National Pollution Discharge Elimination Systems Permit (NPDES). See the *Water Quality Field Guide* pages 201 – 208 for Temporary Sediment Trap and pages 209-216 for Sediment Basin.

Figure 2: Comments from Conservation District

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

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern may have been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however, some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineations on the maps include soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

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

Sincerely,

Cheri Miller
District Manager

enclosures

Figure 3: Comments from Conservation District

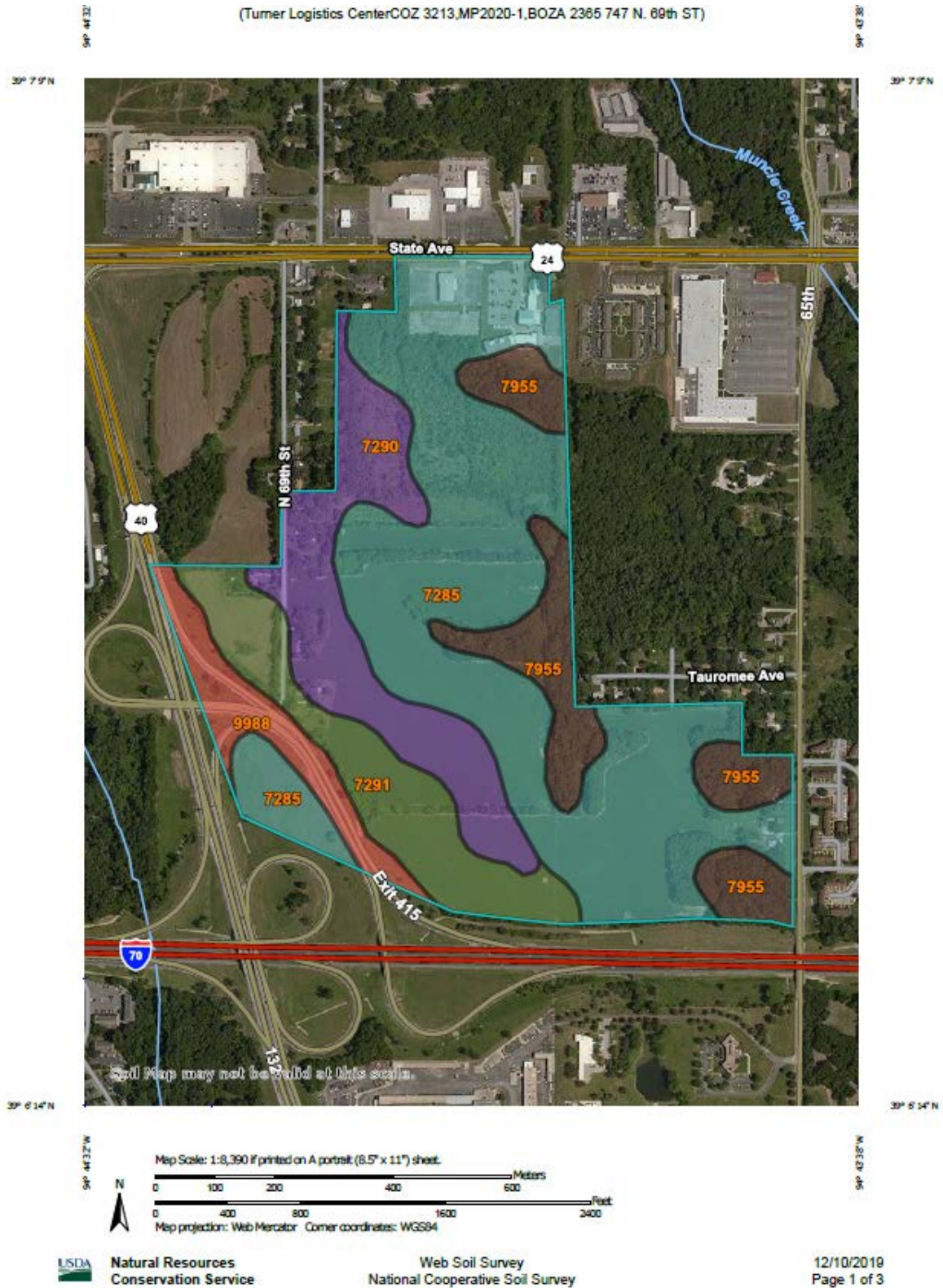


Figure 4: Comments from Conservation District



GeoSpatial Services
A Division of the Knowledge Office

710 North 7th Street Suite 200
Kansas City, Kansas 66101

Phone: (913) 573-2941
Fax: (913) 573-4106

To: Rob Richardson, Urban Planning and Land Use
Janet Parker, Urban Planning and Land Use
From: Robert Ringel, GIS Analyst, Unified Government GSS
Date: December 13, 2019
RE: **TURNER LOGISTICS CENTER**

We have researched the official county records for the above plat as submitted to Urban Planning and Land Use by:
Continental Consulting Engineers, Inc.

And we have determined the following:

Takes all of CIC-TAS Parcels:
925320, 925332, 925301, 925331 & 923503

Owners-of-Record:
Turner Land, LLC; Apex American Holdings, LLC; The Salvation Army;
George Allen Trust

Jurat Signature:
None

We find that the plat is: **Presently unacceptable for posting.**

Please note the following comment.

1) Preliminary
The plat is preliminary.

Figure 5: Comments from GeoSpatial Services

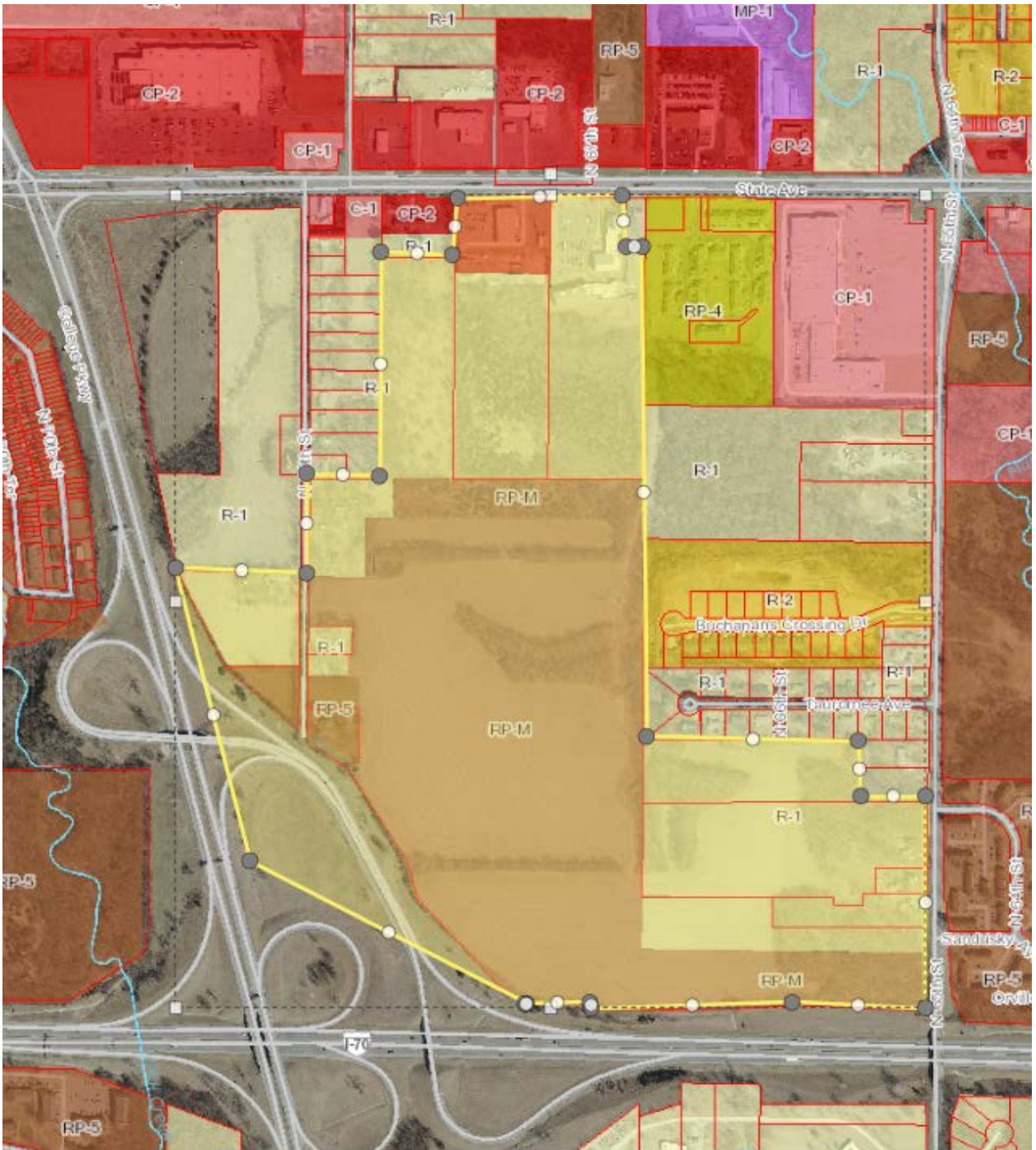
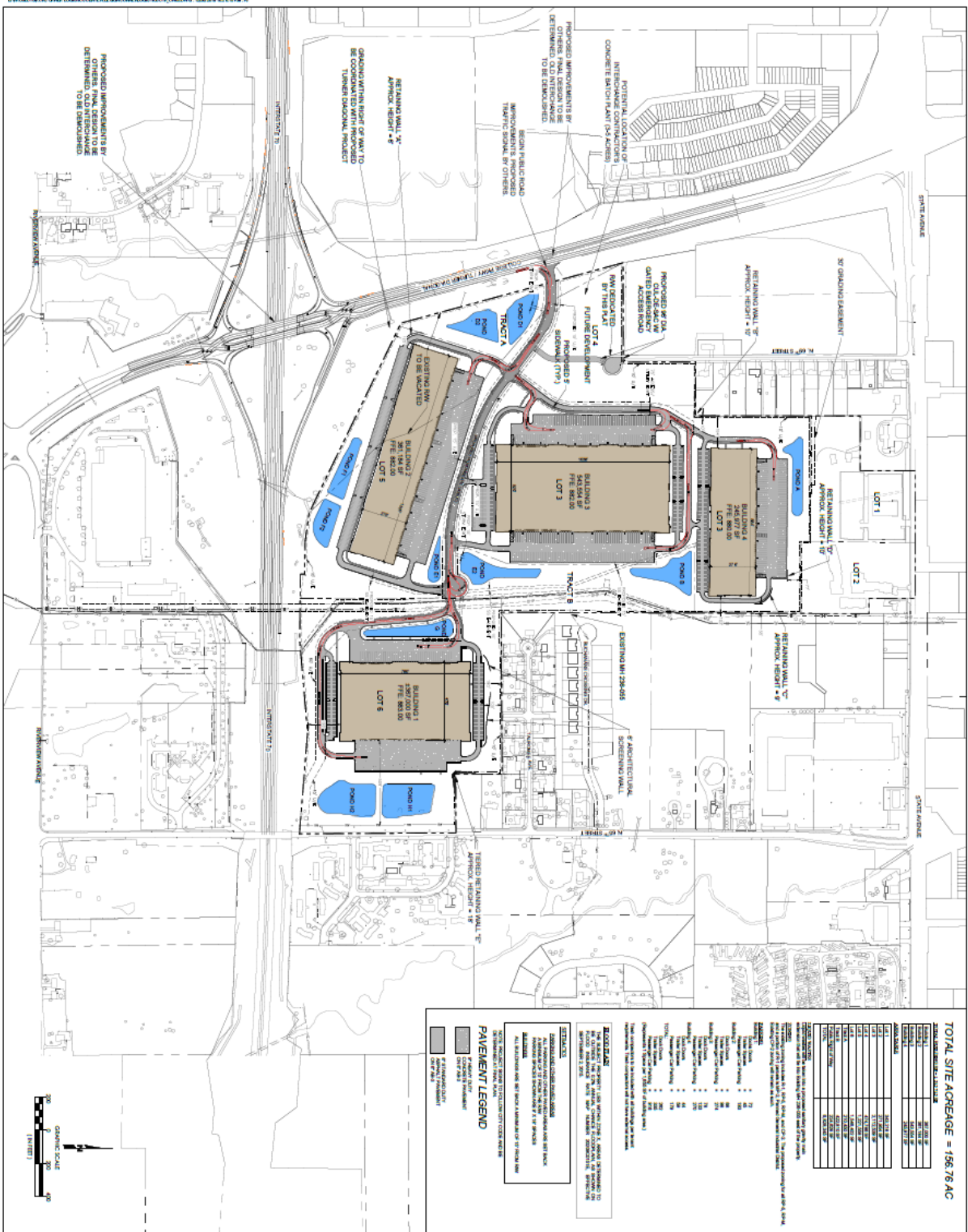


Figure 6: Zoning map





TURNER LOGISTICS CENTER - NEIGHBORHOOD OPEN HOUSE			
Meeting Date:		December 30, 2019	
Name	Address	Phone	E-Mail
Ullrich Thomas	6603 Tupperme KES	913-788-0621	mtb1011@gmail.com
Latoya Boyd	803 N. 69th KES	913-145-2803	
Rayna Weibrecht			
LOW + MAYER LAWERS			
Patoy Weibrecht	901 N. 69 th St. KES	913-334-5370	
Jeson Faust	829 N 69 th Street	316 990 1667	jeson.faust.3@gmail.com

Figure 7: Neighborhood meeting sign-in

Meeting Date: December 30, 2019

[illegible]

COZ #3213 and #MP-2020-1

December 18, 2019

RE: Neighborhood Open House

Dear Sir/Madam:

We have filed the following applications with the Department of Urban Planning and Land Use:

BZA.2365 / 19410-00053 – Board of Zoning Appeals Variance Application
COZ.3213 / 19401-00035 – Change of Zone Application (Includes Preliminary Development Plan Review)
MP-2020-1 / 19409-00010 – Master Plan Amendment Application
PLAT.PRELIM. TURNER LOGISTICS EAST / 19404-00030 – Preliminary Plat Application

The purpose of these applications is to construct a Logistics Business Center at the northeast corner of I-70 and College Parkway/Turner Diagonal Freeway.

We are having a neighborhood open house on December 30th, 2019 from 6 pm to 8 pm at the following address:
Painted Hills Golf Club
7101 Parallel Parkway, Kansas City, KS 66102.

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

We look forward to meeting you at the neighborhood open house. If you are unable to attend, please contact me by phone or email indicated below.

Sincerely,

A large, stylized handwritten signature in blue ink, appearing to read "James Kraatz", is written over the typed name and contact information.

James Kraatz
Development Planner
NorthPoint Development
d: 816.895.8435
www.beyondthecontract.com
jkraatz@northpointkc.com

4825 NW 41st Street, Suite 500 Riverside, MO 64150
NorthPoint Development, LLC

Figure 9: Neighborhood Meeting letter to neighbors

Notice of neighborhood meeting:

Application numbers: 19410-00053; 14901-00035; 19409-00010; & 19404-00030

Meeting date: 2019.12.30 6-8 pm

Location: Painted Hills Golf Club – 7101 Parallel Parkway, Kansas City, KS 66102

Open House called to order: 6 pm

Developer representatives:

Phil Gibbs Jr., PE – Continental Consulting Engineers

Andrew Talkin, IE – Continental Consulting Engineers

Brett Powell - NorthPoint Development

Andrew Griesemer – NorthPoint Development

James Kraatz – NorthPoint Development

Matt Watkins – Reece Commercial Real Estate

Public attendees: 11 neighbors. See attached sign in sheets

We held an open house event to explain our project to neighbors who attended the event. We had 30 x 42" boards on easels of:

1. Site plan
2. BZA exhibit
3. Site line study
4. Enlarged site lines 1-5
5. Enlarged site lines 6-9
6. Cross-dock building elevation
7. Rear-load building elevation
8. 11 x 17 of a potential project expansion to the north along 69th Street and east along 65th Street.

Neighbors were able to go to whatever board they wanted to and ask questions.

Last neighbor left the event approximately 7:15 pm. Event ended 8:00 pm.

Figure 10: Neighborhood meeting minutes

Notes from Kraatz:

Q. What will this project do to my property values?

A. We do not know.

Q. What will this project do the property taxes?

A. We do not know.

Q. What is your schedule for construction?

A. KDOT/KTA released the Turner Diagonal interchange improvements. Our schedule is to commence construction in February and coordinate with that contractor. Our goal is to have building 1 open when the interchange is opening in late summer – early fall.

Q. What do the sight lines mean?

A. They represent the views from adjacent property to indicate how we are addressing screening of the site. Indicated what the sections mean, what the distances are, what the screening requirements are, why we want the variance,

Q. We have seen other plans for this development, why is this one different?

A. It is a refinement. We start with a concept and refine that plan. They typically change as we understand the site constraints, market, regulations, As we refine the plan we continue to add details and information.

Q. We have seen 6-7 other development proposals for this site that never proceeded.

A. We often will develop a site that others have not been able to complete.

Q. Tauromee Avenue does not connect to 65th Street but did on previous plans.

A. There was some concern regarding the sight distances at our intersection with 65th Street and concern about this development creating too much traffic on that street. All traffic will now enter the site from College Parkway. There may be an emergency entrance from 65th Street if needed and there will be an emergency entrance from 69th Street.

Q. What happens at the end of 69th Street? What if someone drives down the street and turns around?

A. There will be a cul-de-sac with a gated emergency access point. Traffic will not be able to access the development from 69th Street. All access will be from College Parkway.

Q. What is Lot 1 & 2 on the letter I received?

A. They are Apex CDL Institute and Salvation Army. We are purchasing a portion of their land and will be platting it. It is in the plan boundary because of the platting but we are not changing the zoning.

Figure 11: Neighborhood meeting minutes

- Q. My letter says that some land will remain R-1 where is that and why?
A. It is the land south of Apex CDL Institute and Salvation Army. We are not purchasing all the land so the existing zoning will remain.
- Q. What about the west side? Previous meetings have indicated development there.
A. We are still working on the west side and it will have 4 buildings. We have filed for plans on the east side first.
- Q. What is all this wording on my letter? I do not know who can understand this.
A. It is a legal description and is written by a surveyor.
- Q. How wide is the new road?
A. 36' wide.
- Q. What are you changing my street name to?
A. We are not changing the name of the existing Tauromee Avenue in your subdivision.
- Q. Will there be ponds? Follow statement after answer – That means there will be geese.
A. Yes.
- Q. What property are you purchasing?
A. We have purchased the property we need to complete the project that was submitted. We can expand the project if we can purchase additional residences along 69th Street. If we can, then building #3 would extend further north and building #4 would move to the west of building #3. This would be dependent on if we are able purchase additional residences. The same applies to 65th Street. If we are able to obtain the 2 additional parcels, building #1 could become wider.
- Q. How are you going to address lighting?
A. The light levels at the property line will be zero. Lights along the property line will have cut off fixtures to keep the light from shining towards the residences.
- Q. What if you get the project built and something is not right? How are you going to fix it?
A. We will not construct something that is incorrect and have to fix it afterwards. It is common to run across unexpected issues during construction, but we work to resolve them.
- Q. Why did you pick this site and what are your backup sites if this one does not work out?
A. This site has great highway access that we look for. It is also a large parcel of land

Figure 12: Neighborhood meeting minutes

which is something we need. We had originally worked on the Amazon site to the south and sold that so they could develop it. We do not have a back-up location if this does not work.

Q. A previous meeting regarding financing referenced a term of 5-years. It seems hard to meet that timeline of constructing 8 building by 2020.

A. Our plan is to have building 1 and possibly 2 open in 2020. We typically complete buildings as the market dictates. We think it is reasonable that we will meet the timeline.

Q. Do you have a copy of the concept plan of expanding building #3 and relocating building #4?

A. We do not have a copy to distribute tonight.

Notes from Griesemer:

Q. Is NorthPoint on track to meet the minimum building improvements required?

A. According to NorthPoint's Development Agreement with the Unified Government of Wyandotte County/Kansas City, Kansas a minimum of 1,000,000 square feet of buildings need to be constructed before January 1, 2025 or the UG is entitled to Shortfall Payments or the proceeds of the Shortfall CID. With the initial development planned for next year we feel comfortable that we will exceed the requirements in the Development Agreement.

Q. Do you have any intent to purchase additional properties going north along 69th Street?

A. We are actively considering whether we can acquire additional properties. We will work with homeowners in the area to reach a mutually agreeable opportunity to sell if possible.

Q. What would the impact be if the contractor for the Turner Diagonal interchange improvements does not finish construction?

A. If the interchange improvements are not completed, we would need to reevaluate our plans for Building 2. We would need to work with the UG to understand what the plans would be for the interchange going forward.

Notes for Powell:

Rick Weibrecht -

- Concerned about Mother's house property value - requested/inquired about the possibility of an escrow account to supplement loss of property value upon sale. We respectfully declined this consideration.

- Requested planned expansion plans, west of waverly and west of his mother house located on 69th street.

Figure 13: Neighborhood meeting minutes

Judy Estess Winter-

- Requested we purchase her two houses on 69th street (houses 1 & 6). Identified she wanted square foot pricing reimbursement. We did not commit to purchase only that we are evaluating extending our development to include land currently occupied by homes on 69th street. It was noted that we are targeting 60 days to determine feasibility of this specific expansion.
- Requested information or update on walking path for Senior development. We were not able to comment on the status of other developments but did not expect the senior living walking trail to connect or conflict with our development.

Nancy Wall

- Requested expected employee count. Our response was that it was tenant dependent and that we could not identify specifics at this time.

Misc.

- Concern about control of run off and prevention oil from trucks entering creek. CCE explained engineering behind bmp's.

Jason Foust

- Expressed concern about us reaching our development agreement sqft requirements. We assured him the square foot requirement was attainable.
- Expressed concern about this being a real project vs a false start similar to other developments. We assure him that we are serious about this project.
- Requested alternative if this site was not approved. We noted there was not an alternative. Each site is evaluated on its own merit.
- Requested our plan or commitment to prevent tax increases and/or not devaluing his property on 69th street. We were not able to commit to either as we are not in control of either. The tax levies are by the local taxing jurisdiction. The home values are market driven.

Figure 14: Neighborhood meeting minutes

Turner Logistics Center – East Neighborhood Meeting
COZ #3213, #MP-2020-1, BZA Petition #2365
December 30, 2019
7101 Parallel Parkway, Kansas City, Kansas 66112
Painted Hills Golf Club

Meeting called to order at: 6:00 P.M.

Questions and Answers:

Q: What happens to the stormwater runoff after the site is developed? Will it flood the surrounding areas?

A: The proposed detention ponds will detain up to a 100 year storm event and release the runoff at a slower rate than existing conditions. This is a city requirement and is typical of all proposed developments.

Q: Where do the proposed detention ponds release?

A: The various detention ponds have discharge points similar to those of the existing drainage basins. Water will not be released into areas that have not seen the flow previously.

Q: Will these proposed ponds attract geese and mosquitoes?

A: There is no guarantee that the proposed ponds will not attract geese and mosquitoes.

Q: What will happen to the stormwater runoff that collects oil and other wastes from the parking lots?

A: The extended wet detention basins are designed per the MARC BMP manual to decrease the effects of these pollutants and release the stormwater at a rate that improves the quality of the discharge.

Q: I live on Tauromee Avenue, just North of Building 1, what is the distance between my property line and the parking lot? What will I see from my backyard?

A: There is approximately 110' from the back of curb to the property line. There is a proposed 6' architectural screen wall and/or a double row of evergreen trees between the parking lot and your home.

*Q: *Referring to the homes along 69th Street* Is this the area you are requesting a variance for less screening?*

A: The variance request was not for approval of less screening. The request was for the use of additional landscaping in lieu of architectural screening. Architectural screening is still proposed in several critical areas of the development. However, this is one of the areas where the variance request would be applied. The proposal includes a 6' screen berm with a double row of evergreen trees on top.

Figure 15: Neighborhood meeting minutes

Q: What is the reasoning behind removing the connection to 65th Street? (The revised site plan showing no connection to 65th Street received positive feedback from multiple residents of Tauromee Avenue.)

A: The developer was able to increase the building square footage of the overall development while at the same time addressing increased traffic concerns on 65th Street. This proposal also received positive feedback from UG Planning.

Q: Will Tauromee Avenue within the development ultimately connect to the Tauromee Avenue on the west side of College Parkway? If so, what type of intersection will Tauromee and College Parkway be?

A: Yes, that is the ultimate plan. The proposed intersection of Tauromee Avenue and College Parkway would be a multi-lane signalized intersection.

Q: Is the plan still to develop the west side of College Parkway with additional industrial buildings?

A: That is still the plan. The timeline for development on the west side is to be determined.

Q: The site seems to have a lot of grade change, will there be material hauled in or out of the site?

A: The proposed site is being designed to have a cut/fill balance and therefore should not require material to be hauled in or out of the site. However, there may be some material from the site used in the construction of the proposed Turner Diverging Diamond Interchange.

Q: Will the proposed gas and water utility connections hurt the pressure that we are receiving? We already have problems with our water pressure.

A: Ultimately, the proposed public water and gas mains will likely run along the proposed Tauromee corridor from 65th Street to 74th Street. When the public water main is looped in to both 65th and 74th Street, it should only help the water pressure.

Q: Will the name of our street (Tauromee Ave) change because of this new Tauromee road?

A: No, the new Tauromee will not connect through to 65th Street and will stop so that your street can remain the same name.

Q: Does this project mean that 66th Street will forever remain a dead end street, if so that is great news?

A: Yes, this development will not be allowed to connect to 66th Street

Q: If you are building screen walls, the deer will not be able to move around.

A: Not all of the area North of building 1 has the screen wall, in fact, a berm is used where space allows that would not prevent deer from traversing the area.

Q: When would this project begin?

A: Depending upon approvals, the grading could commence in the Spring of 2020.

Figure 16: Neighborhood meeting minutes

Q: Several attendees showed interest in understanding the view of the project from the perspective of their home.

A: Large sight sections would displayed and the pertinent section for their perspective was described to the individual attendees.

Q: We are on a septic system (along 69th Street). Won't our taxes go up because you are bringing sewers to the area and who's going to have to pay to connect our home?

A: This development does not intend to alter the sewer system for the residential homes on 69th Street and so improvements to the sewer system should not affect your taxes.

Meeting adjourned at: 7:20 P.M.

Minutes taken by: Andrew Talkin & Phil Gibbs, Jr.

Figure 17: Neighborhood meeting minutes

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF MISSOURI)

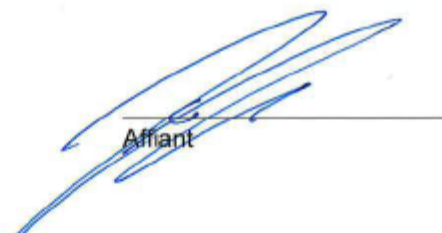
) SS:

COUNTY OF PLATTE)

Comes now James Kraatz, NorthPoint Development, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # 19410-00053; 19401-00035; 19409-00010; and 19404-00030.
2. That I conducted a neighborhood meeting on December 30th, 2019.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 31st day of December, 2019.

My commission expires 30th of September, 2023.



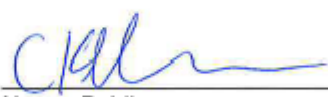

Notary Public

Figure 18: Neighborhood Meeting Affidavit



Fri 1/3/2020 3:35 PM

Jason Faust <jason.faust.3@gmail.com>

Citizen Objection to BOZA 2365/19410-00053 and COZ 3213/19401-00035

To Richardson, Rob; Portillo, Kimberly; Parker, Janet

Mr. Richardson,
Mrs. Portillo,

As the Planners of Record for these proposed actions before the Board of Zoning Appeals and the City Planning Commission and Board of Commissioners respectively, please enter the following comments of opposition into the record for each of these applications so that they may be reviewed by the listed parties in advance of the public hearings.

The City Planning Commission should not hear this Change of Zone application and Master Plan amendment. This applicant should be held over until they decide which path to take and which plan revision they plan to use.

The Board of Zoning Appeals should reject this application outright. The proposed variance request is asking for a much greater allowance than has been approved on any similar project.

The proposed variance request is asking for the opposite of all precedents for similar applications. There are several examples of other projects in the past 3-7 years that show projects being compelled to meet and exceed requirements for fencing, landscaping, and screening, especially when locating a commercial or an industrial use adjacent to an established and existing residential neighborhood, yet this project is asking for permission to do less than the minimum requirement.

This request, as written, suggests that the applicant does not have a full understanding of the ordinance. The applicant is proposing to provide a berm in lieu of an architectural screening fence. By ordinance definitions, a berm is an alternate to an architectural screen. If this variance is approved as written, it would open the possibility that the applicant could simply omit the berm at a future time, fail to screen, and remain compliant with the variance. Additionally, the proposed buildings are shown at a finished height of 46 feet. That is a four story building being built within 100 feet of my property line. The argument that a berm and some trees can completely obscure such a building from view at time of installation (which is an ordinance requirement) is a specious argument especially since the applicant shows on the proposed plan a failure to screen for the southernmost house presently along their boundary, and has implemented a correction with an architectural screening fence and retaining wall.

The request for any reduction in setback or location or screening should be unacceptable since this project is proposed to cover 84-89 acres of land.

This applicant has ample room to accomplish a development like this one, in this space without requiring any concession of required buffering to an adjacent established residential neighborhood.

This developer selected this land in 2017 for this project with full knowledge that there were on Residentially zoned land and with fully developed residential neighborhoods on three sides and the interstate on the 4th. They assumed this burden by deciding to develop an industrial user on this property. They should have planned accordingly. Northpoint stated in the neighborhood meeting on December 30th that they do not have an alternate location that they ever considered, despite the fact that there are numerous tracts of land proximate to highway access that would be more appropriate to develop this project. Northpoint admitted to the Board of Commissioners in May 2019, that they selected this property because they did not want to pay full market price for land elsewhere.

Northpoint development is a multi-million dollar business that proudly claimed to the Board of Commissioners in May of 2019 that they are more than willing to be a good neighbor and do the right thing. Their performance to date does not match that claim. There should be no use of value engineering this early in such a large project, especially to the detriment and potential loss to the surrounding neighborhood.

At the Board of Commissioners meeting in May of 2019, Northpoint development was directed by Mayor Alvey to communicate with myself and also other residents to provide information and transparency for this project. Their real estate agent called one time asking to see my back yard. They held a neighborhood meeting on October 10, 2019 before their application. I submitted my comments and questions by email to Northpoint. I requested a response and a copy of the meeting minutes. I received no reply or communication. In the interim, Northpoint had taken action and purchased all the properties on the southern half of 69th Street.

I attended the neighborhood open house for this project that was held on December 30th. This was the first attempt to communicate with me about this project, and only because it is required for this process. I saw around 8 property owners in attendance. There was a sign-in register, but no indication of a formal recordkeeping of questions, concerns, and complaints of property owners. Business cards and contact information were shared.

At this meeting, there were several easels with architect renderings of site plans and elevations. They were simply the 3rd revision of plans for this development.

At the same time, they were showing a 4th revision of the plan that they claimed was just created that day. The 4th revision showed a totally different plan that was contingent on the purchase of all remaining residential property on 69th street. The applicant represented that they were presenting the 3rd revision to the city for approval now, and hoped to be able to change to the 4th revision if they "could figure out a way to acquire the land".

Figure 19: Email from neighbor in opposition

The applicant admitted that this is still a speculative investment and development. They have no tenants contracted for these spaces. They have no idea of what type of business or activities will take place in or around these buildings. They did not seem amenable to applying restrictions on future tenants, such as noise and light pollution control, hours of operation, vehicle routes and types. How can they assure a minimal impact on the surrounding community with these unknowns.

For the record, this is the third time that this development had suggested purchasing land and failed to do so, always on a timetable that runs past the timeframe of a city review.

Thank you,

Jason Faust

Figure 20: Continued email in opposition

 Fri 1/3/2020 3:42 PM
Jason Faust <jason.faust.3@gmail.com>
Fwd: Comments and Questions for the October 10th Neighborhood Meeting about the Turner Logistics Development
To Richardson, Rob; Portillo, Kimberly; Parker, Janet

Please see below for a copy of the email sent to Northpoint on October 10th, 2019 which received no response. However, several items on this letter did show up as changes from the 2nd revision of their plans to the 3rd revision that was submitted with their application to the UG.

I was disappointed that these items of significant concern to me as a property owner were not addressed at all until I brought up the questions again at the meeting on December 30th, 2019.

Thank you,

Jason Faust

----- Forwarded message -----

From: Jason Faust <jason.faust.3@gmail.com>
Date: Thu, Oct 10, 2019, 8:52 AM
Subject: Comments and Questions for the October 10th Neighborhood Meeting about the Turner Logistics Development
To: <jthomas@northpointkc.com>

Hello John,

I am Jason Faust and I live on 69th Street. Thank you for sending the invitation for this neighborhood meeting. Unfortunately, the date selected happens to be at the same time as I am away for work. As a long-term resident of this area and owner of property directly abutting this proposed development, I have both concerns and several questions. For your convenience, I have listed those questions below. Please address these questions with all attendees and enter them into the record and minutes for the meeting this evening. I would also appreciate being provided a copy of the meeting minutes as soon as they are available.

The language of this proposal included the flexibility to modify or change the details of this project, e.g. number of buildings, their location, and the overall square footage of finished building space. The information presented to the UG Commissioners and the information included in the Army Corps of Engineers wetland permit application showed two different configurations.

What is the current status of this project?

Will there still be 7-8 Buildings spread over two sites on the east and west sides of College Parkway as shown on the development rendering?

Have there been any changes to the proposed timeline of this project?

Figure 21: Follow-up email in opposition

What is the current status of the collective project for the Turner Diagonal Interchange?

Is this development still contingent on the completion of the Turner Diagonal Interchange?

What is the most current plan for the extension of Tauromee Avenue and the new intersection of Tauromee Avenue and College Parkway?

Has North Point acquired the additional land north of the east project location from the Salvation Army and the other property owners?

Has there been any change to the project boundaries from earlier proposal documents?

The western project location is Residentially zoned. The eastern project location is zoned as three different Residential zones. What is the desired Zoning District that North Point will seek for this project and why? What is the status of that application to change zoning? If it has not begun, when will that application be submitted? When will the public notice and meetings be scheduled?

When will the Architectural and Engineering plans be generated?

Has North Point selected a general contractor for this project? Who is that contractor?

Will this project still be in multiple phases? Is it still on a 5 year timeline?

When will North Point or their contractor apply for the city permits for this development?

This project is approximately 3-4 times the size of the nearby Amazon Warehouse site. What steps will North Point take to address and mitigate noise and light pollution from this project to the surrounding residential properties? To what extent/how far will those mitigation steps go?

Are there any proposed changes to 69th Street from State Avenue south to where it will abut the expansion of Tauromee Avenue?

This project will install multiple acres worth of paved surfaces and buildings in place of open land. What measures will North Point implement to ensure that this will not cause stormwater runoff or flooding of adjacent properties.

Will North Point offer sewer connections for residences that remain in the area?

The only other major example in Kansas City, KS of locating an Industrial use next to a Residential neighborhood is the Armourdale Neighborhood. What assurance will North Point give to the local property owners that this development will not cause a loss of individual property values?

What assurances will North Point give that this development will not cause any increase of property taxes?

What is the current status of North Point / Turner Land Development LLC plans to acquire other adjacent or abutting properties in the area?

Does North Point or any associated entity have any plans or intent to do further development of the surrounding area, e.g. The frontage along College Parkway, The College Townhomes housing area, or similar?

Thank you,
Jason Faust

Figure 22: Continued follow-up email in opposition



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 30, 2020
Re: Petition #SP-2019-70

GENERAL INFORMATION

Applicant:
Ronald Grotenhuis

Status of Applicant:
Hickory Union Moto
10 South James Street
Kansas City, KS 66118

Requested Action:
Approve Special Use Permit

Date of Application:
April 29, 2019

Purpose:
To operate a community motorcycle
garage with the possibility of alcohol and
live entertainment

Property Location:
10 South James Street



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

Existing Zoning: M-3 Heavy Industrial District

Existing Surrounding Zoning: **North:** M-3 Heavy Industrial District
South: M-3 Heavy Industrial District
East: M-3 Heavy Industrial District
West: M-3 Heavy Industrial District

Existing Uses: **North:** Parking lot
South: Vacant lot
East: Parking lot
West: Parking lot and Central Avenue Viaduct

Total Tract Size: .56 acre

Master Plan Designation: The City-Wide Master Plan designates this property as Employment.

Major Street Plan: The Major Street Plan classifies James Street as a Class B Thoroughfare.

Advertisement: The Wyandotte Echo – May 16, 2019
Letters to Property Owner – May 16, 2019, June 3, 2019, July 1, 2019, August 5, 2019, September 2, 2019, November 1, 2019, December 3, 2019 and January 23, 2020

Public Hearings: January 13, 2020 and January 30, 2020

Public Opposition: No one appeared in opposition at the January 13, 2020 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant and operator, Ronald Grotenhuis with Hickory Union Moto wants to operate a community motorcycle repair garage, which allows motorcycle enthusiasts to store and repair their own motorcycle at 10 South James Street. They also have had alcohol and live entertainment events in the past.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is primarily industrial in nature, with a mixture of parking lots and trucking related businesses along James Street.

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

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

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

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

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

The property is not vacant.

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

Special use permits are not addressed in the Master Plan.

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

The use will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network.

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

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

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

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

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

This should not be an issue.

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

This is not an issue.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowners is minimal. Those who store and repair the motorcycles at the shop will benefit, but if this petition is denied, the building could be repurposed for various commercial and/or industrial uses.

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

When evaluating overcrowding, places of assembly or open concept floor plans are always a concern for staff. If not properly managed, overcrowding could be an issue as individuals typically congregate outside the entrance of the building or in the parking lot.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held neighborhood meetings on May 23, 2019 and December 30, 2019. According to the applicant, those that attended the meetings took pictures of the property, discussed parking agreements and property liability regarding off-premise parking.

KEY ISSUES

Business Operation
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-70, subject to:

Urban Planning and Land Use Comments:

- 1. The variances referenced on the site plan: parking and tree reductions will require a formal variance application submittal and subsequent approval by the Board of Zoning Appeals.**

It appears there is plenty of room to accommodate parking and trees on site, if the existing grass and concrete paving is utilized off James Street and Central Avenue.

Applicant Response: We must have misunderstood the process somewhat. We thought this was the submittal to ask for variances. Concerning trees, seven trees might fit, but they would be spaced tighter than normally advised by a landscape professional. If the purpose of the trees and/or shrubs is to screen our parking lot, this would be difficult to do even with an unlimited number of trees since our curb cut at James Street is 75' wide. As a point of context, directly across the street is about a quarter mile length of truck parking behind a chain link fence with no trees. We have shown five trees in such a location that they would provide shade to our parking lot and therefore help to reduce the heat island effect which is a best practice for sustainable projects. Concerning parking spaces required, we have shown the number of spaces that is reasonable with the paving we have in front of the building. We could possibly add some spaces in front of the garage doors, but this would be impractical, and they would never be used. The lot behind our building is not a good place for parking because it is secured by a fence and locked gate and not intended for the public. If parking were behind the building, and our entrance at the opposite side, it would require walking all the way around the block to get to the front door. Can the number of parking spaces be legally non-conforming and grandfathered to the plan?

Staff Response: While not desired by the applicant, additional parking can be added to the rear of the property, behind the fence and locked gate. The previous use at this property was metal fabrication, which is an industrial use. The repair garage is a commercial use, which requires commercial parking standards, therefore the existing parking spaces cannot be legally, non-conforming.

2. You may need to enter into parking agreements with adjacent property owners to secure more parking if there is not enough on-site. These agreements must be signed and recorded with the Register of Deeds and submitted to staff so the Planning Commission may approve the parking agreement.

Applicant Response: We can do that if necessary.

3. A standard parking stall dimension shall not be less than 9 feet by 18 feet. The parking stalls shown on the site plan are 8.5 feet by 18 feet. Please revise and resubmit the site plan to show the required parking on site.

Applicant Response: The plans have been revised and those revisions are attached.

4. The application states this is a community, do-it-yourself motorcycle repair shop. Please provide a detail narrative of how this business will operate.

Applicant Response: we have the tools, the space, and the knowledge to help people fix their own motorcycle, anything from simple changes to full custom projects. We are here to take the fear of mechanics and motorcycle culture away so that people can enjoy working on bikes. Think about it like a gym membership for your motorcycle. We are open Tuesday through Friday from 6:00 PM to 10:00 PM, Saturday 10:00 AM to 10:00 PM and Sunday 10:00 AM to 6:00 PM. We are closed on Mondays. Membership starts at \$30 per month and with this membership you have unlimited use of the space and our tools to work on your own bike during business hours. Because it is a "community" garage, there are usually other like-minded individuals here to motivate you and lend a helping hand. Everything is first come, first serve. We do not reserve or lease space. The \$30 membership is daily use, with no overnight stays. We also offer longer term membership of \$130 per month and with that you can leave your project bike here, sometimes on a lift, and store your parts in a personalized bin in our members storage area. We also offer storage only if that is what you would like it to do. That is \$60 per month. Access to your bike is only during business hours, but you can come and go as you please during that time. We have a security system and cameras which monitor the premises with keys to the building are the owners.

5. Please provide a detailed floor plan.

Applicant Response: A floor plan is provided and attached

6. What are the proposed days and hours of operation?

Applicant Response: We are open Tuesday through Friday from 6:00 PM to 10:00 PM, Saturday 10:00 AM to 10:00 PM and Sunday 10:00 AM to 6:00 PM. We are closed on Mondays and most holidays.

7. How many people can use a stall to repair their motorcycle? Additionally, how many people can come and visit, view or hang out while people are swapping ideas, parts and/or repairing their motorcycles?

Applicant Response: We do not really have stalls or labeled individual space. We have motorcycle lifts which some use or some do not. In our experience, it is frequently a single individual or pair of individuals work on one motorcycle. At times other join in or observe for short periods of time. During our busiest times over the last four years of operation, there has been, at the most, not more than 10 – 20 people at the shop at any one time total on a typical day.

8. Do you host events that are part of the shop or associated with motorcycle groups?

Applicant Response: Yes, we routinely host charity benefits for groups and/or individuals like the Distinguished Gentleman's Ride for prostate cancer awareness. Yearly we host a motorcycle show called Vintage Iron and we occasionally host a First Friday Open House nights to promote our shop. We have hosted a few riders group meetings and at times had general classes on how to repair specific aspects of motorcycles. In the future, we would like to have more how-to classes on motorcycle maintenance and repair.

9. The KCKFD may have additional comments pertaining to the ongoing operation at this location. Their comments may be separate from this staff report.

Applicant Response: When will we receive their comments?

Staff Response: KCKFD did not provide additional comments.

10. How many people will be accommodated for events with live entertainment and/or alcohol.

Applicant Response: That depends on the event. This is not the primary use of our shop. However, we have had approximately 80 – 100 people attend events in the past.

11. Please provide a security plan for live entertainment events. A card ID scanner will be required.

Applicant Response: For special events with entertainment and/or alcohol, we have submitted an event plan for the premises to the county and the State in the past. Our typical application plan is attached. We do not have a problem with the idea of using an ID card scanner, however, can you clarify the type of scanner that is required and give us an example of other event or venue that is required to use them?

Staff Response: With further conversations with the applicant, they are not going to have more than four (4) temporary events, annually, which would necessitate the specific special use permit for live entertainment/alcohol and keeping an ID card scanner on the property. 7th Street Event Center located at 735 Minnesota Avenue is required to have an ID scanner for their events.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
1) None
- B) Items that are conditions of approval (stipulations):
1) None

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

1) None

Staff Conclusion:

Staff has discussed at length with the applicant about consumption of alcohol on the premises. They will not provide and/or supply alcohol to members. The main issue is not the do-it-yourself repair garage where members can come and work on the bikes, but the temporary events with alcohol that have occurred in the past, where there is not enough parking to accommodate all visitors to the site.

Additionally, the applicant stated that they will continue to apply for the four (4) temporary events annually with Business Licensing, which will not require a special use permit for live entertainment, but no more.

Subject to approval, staff stipulates the following:

- (1) Special use permit shall be approved for two (2) years.
- (2) Hours of operation shall be Tuesday through Friday from 6:00 PM to 10:00 PM, Saturday 10:00 AM to 10:00PM and Sunday 10:00 AM to 6:00 PM. They are closed on Mondays and most holidays.
- (3) No more than four (4) events per year via Business Licensing are permitted without a revised special use permit for live entertainment/temporary events and an updated variance for deviation of additional parking or a final plan review approved by the City Planning Commission for a filed and recorded parking agreement that complies with the parking requirements for live entertainment and alcohol consumption.
- (4) If issues arise with adjacent property owners and are brought to staff's attention during the term, this special use permit can be submitted to the Unified Government of Board of Commissioners for revocation.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2019-70 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 13, 2020 City Planning Commission Minutes
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Building Elevations
Site Photographs

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	January 13, 2020	January 30, 2020
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-70** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-70**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 13, 2020 City Planning Commission Minutes:

Hearing Starts At 40:40:

SPECIAL USE PERMIT APPLICATION #SP-2019-70 – RONALD GROTENHUIS WITH HICKORY UNION MOTO – SYNOPSIS: Special Use Permit for a community motorcycle garage for do-it-yourself repair and storage of your own motorcycle at 10 South James Street. ***Detailed Outline of Requested Action:*** The applicant and

operator, Ronald Grotenhuis with Hickory Union Moto wants to operate a community motorcycle repair garage, which allows motorcycle enthusiasts to store and repair their own motorcycle at 10 South James Street. They also have had alcohol and live entertainment events in the past.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated May 16, 2019;
7. The Notices to property owners dated May 16, 2019, June 3, 2019, July 1, 2019, August 5, 2019, September 2, 2019, November 1, 2019 and December 3, 2019; and,
8. The testimony at the Board of Zoning Appeals meeting this evening.

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

Present in Support:

- Ronald Grotenhuis, applicant for Hickory Union Moto, 10 South James Street, Kansas City, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation Starts 45:25: Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts 45:34:

On motion by Ms. Huey, seconded by Mr. Reasons, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit #SP-2019-70:**

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

Urban Planning and Land Use Comments:

1. The variances referenced on the site plan: parking and tree reductions will require a formal variance application submittal and subsequent approval by the Board of Zoning Appeals.

It appears there is plenty of room to accommodate parking and trees on site, if the existing grass and concrete paving is utilized off James Street and Central Avenue.

Applicant Response: We must have misunderstood the process somewhat. We thought this was the submittal to ask for variances. Concerning trees, seven trees might fit, but they would be spaced tighter than normally advised by a landscape professional. If the purpose of the trees and/or shrubs is to screen our parking lot, this would be difficult to do even with an unlimited number of trees since our curb cut at James Street is 75' wide. As a point of context, directly across the street is about a quarter mile length of truck parking behind a chain link fence with no trees. We have shown five trees in such a location that they would provide shade to our parking lot and therefore help to reduce the heat island effect which is a best practice for sustainable projects. Concerning parking spaces required, we have shown the number of spaces that is reasonable with the paving we have in front of the building. We could possibly add some spaces in front of the garage doors, but this would be impractical, and they would never be used. The lot behind our building is not a good place for parking because it is secured by a fence and locked gate and not intended for the public. If parking were behind the building, and our entrance at the opposite side, it would require walking all the way around the block to get to the front door. Can the number of parking spaces be legally non-conforming and grandfathered to the plan?

Staff Response: While not desired by the applicant, additional parking can be added to the rear of the property, behind the fence and locked gate. The previous use at this property was metal fabrication, which is an industrial use. The repair garage is a commercial use, which requires commercial parking standards, therefore the existing parking spaces cannot be legally, non-conforming.

2. You may need to enter into parking agreements with adjacent property owners to secure more parking if there is not enough on-site. These agreements must be signed and recorded with the Register of Deeds and submitted to staff so the Planning Commission may approve the parking agreement.

Applicant Response: We can do that if necessary.

3. A standard parking stall dimension shall not be less than 9 feet by 18 feet. The parking stalls shown on the site plan are 8.5 feet by 18 feet. Please revise and resubmit the site plan to show the required parking on site.

Applicant Response: The plans have been revised and those revisions are attached.

4. The application states this is a community, do-it-yourself motorcycle repair shop. Please provide a detail narrative of how this business will operate.

Applicant Response: we have the tools, the space, and the knowledge to help people fix their own motorcycle, anything from simple changes to full custom projects. We are here to take the fear of mechanics and motorcycle culture away so that people can enjoy working on bikes. Think about it like a gym membership for your motorcycle. We are open Tuesday through Friday from 6:00 PM to 10:00 PM, Saturday 10:00 AM to 10:00 PM and Sunday 10:00 AM to 6:00 PM. We are closed on Mondays. Membership starts at \$30 per month and with this membership you have unlimited use of the space and our tools to work on your own bike during business hours. Because it is a "community" garage, there are usually other like-minded individuals here to motivate you and lend a helping hand. Everything is first come, first serve. We do not reserve or lease space. The \$30 membership is daily use, with no overnight stays. We also offer longer term membership of \$130 per month and with that you can leave your project bike here, sometimes on a lift, and store your parts in a personalized bin in our members storage area. We also offer storage only if that is what you would like it to do. That is \$60 per month. Access to your bike is only during business hours, but you can come and go as you please during that time. We have a security system and cameras which monitor the premises with keys to the building are the owners.

5. Please provide a detailed floor plan.

Applicant Response: A floor plan is provided and attached

6. What are the proposed days and hours of operation?

Applicant Response: We are open Tuesday through Friday from 6:00 PM to 10:00 PM, Saturday 10:00 AM to 10:00 PM and Sunday 10:00 AM to 6:00 PM. We are closed on Mondays and most holidays.

7. How many people can use a stall to repair their motorcycle? Additionally, how many people can come and visit, view or hang out while people are swapping ideas, parts and/or repairing their motorcycles?

Applicant Response: We do not really have stalls or labeled individual space. We have motorcycle lifts which some use or some do not. In our experience, it is frequently a single individual or pair of individuals work on one motorcycle. At times other join in or observe for short periods of time.

During our busiest times over the last four years of operation, there has been, at the most, not more than 10 – 20 people at the shop at any one time total on a typical day.

8. Do you host events that are part of the shop or associated with motorcycle groups?

Applicant Response: Yes, we routinely host charity benefits for groups and/or individuals like the Distinguished Gentleman's Ride for prostate cancer awareness. Yearly we host a motorcycle show called Vintage Iron and we occasionally host a First Friday Open House nights to promote our shop. We have hosted a few riders group meetings and at times had general classes on how to repair specific aspects of motorcycles. In the future, we would like to have more how-to classes on motorcycle maintenance and repair.

9. The KCKFD may have additional comments pertaining to the ongoing operation at this location. Their comments may be separate from this staff report.

Applicant Response: When will we receive their comments?

Staff Response: KCKFD did not provide additional comments.

10. How many people will be accommodated for events with live entertainment and/or alcohol.

Applicant Response: That depends on the event. This is not the primary use of our shop. However, we have had approximately 80 – 100 people attend events in the past.

11. Please provide a security plan for live entertainment events. A card ID scanner will be required.

Applicant Response: For special events with entertainment and/or alcohol, we have submitted an event plan for the premises to the county and the State in the past. Our typical application plan is attached. We do not have a problem with the idea of using an ID card scanner, however, can you clarify the type of scanner that is required and give us an example of other event or venue that is required to use them?

Staff Response: With further conversations with the applicant, they are not going to have more than four (4) temporary events, annually, which would necessitate the specific special use permit for live entertainment/alcohol and keeping an ID card scanner on the property. 7th Street Event Center located at 735 Minnesota Avenue is required to have an ID scanner for their events.

Public Works Comments:

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

Staff Conclusion:

Staff has discussed at length with the applicant about consumption of alcohol on the premises. They will not provide and/or supply alcohol to members. The main issue is not the do-it-yourself repair garage where members can come and work on the bikes, but the temporary events with alcohol that have occurred in the past, where there is not enough parking to accommodate all visitors to the site.

Additionally, the applicant stated that they will continue to apply for the four (4) temporary events annually with Business Licensing, which will not require a special use permit for live entertainment, but no more.

Subject to approval, staff stipulates the following:

- (1) Special use permit shall be approved for two (2) years.
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- (4) If issues arise with adjacent property owners and are brought to staff's attention during the term, this special use permit can be submitted to the Unified Government of Board of Commissioners for revocation.

28 May 2019

Ms. Janet Parker
Department of Urban Planning and Land Use Annex
4953 State Avenue
Kansas City, Kansas 66102

Re: Petition #SP-2019-70

Dear Ms. Parker

The following are responses and comments pertaining to your list of Staff Comments and Suggestions:

1. The variances referenced on the site plan: parking and tree reductions will require a formal variance application submittal and subsequent approval by the Board of Zoning Appeals. It appears there is plenty of room to accommodate parking and trees on site, if the existing grass and concrete paving is utilized off James Street and Central Avenue.
 - a. *Response: We must have misunderstood the process somewhat. We thought this WAS the submittal to ask for variances. Concerning trees, seven trees might fit, but they would be spaced tighter than normally advised by a landscape professional. If the purpose of the trees and/or shrubs is to screen our parking lot, this would be difficult to do even with an unlimited number of trees since our curb cut at James Street is 75' wide. As a point of context, directly across the street is about a quarter mile length of truck parking behind a chain link fence with no trees. We have shown five trees in such a location that they would provide shade to our parking lot and therefore help to reduce the heat island effect which is a best practice for sustainable projects. Concerning parking spaces required, we have shown the number of spaces that is reasonable with the paving we have in the front of the building. We could possibly add some spaces in front of the garage doors but this would be impractical and they would never be used. The lot behind our building is not a good place for parking because it is secured by a fence and locked gate and not intended for the public. If parking were behind the building, and our entrance on the opposite side, it would require walking all the way around the block to get to the front door. Can the number of parking spaces be legally non-conforming and grandfathered into the plan?*
2. You may need to enter into parking agreements with adjacent property owners to secure more parking if there is not enough on-site. These agreements must be signed and recorded with the Register of Deeds and submitted to staff, so the Planning Commission may approve the parking agreement.
 - a. *Response: We can do that if necessary.*
3. A standard parking stall dimension shall not be less than 9 feet by 18 feet. The parking stalls shown on the site plan are 8.5 feet by 18 feet. Please revise and resubmit the site plan to show the required parking on site.
 - a. *Response: The plans have been revised and those revisions are attached.*
4. The application states this is a community, do-it-yourself motorcycle repair shop. Please provide a detail narrative of how this business will operate.

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5. Please provide a detailed floor plan.
 - a. *Response: A floor plan is provided and attached.*
6. What are the proposed days and hours of operation?
 - a. *Response: Tuesday thru Friday 6pm-10pm, Saturday 10am-10pm, Sunday 10am-6pm, closed on Mondays and most holidays.*
7. How many people can use a stall to repair their motorcycle? Additionally, how many people can come and visit, view or hang out while people are swapping ideas, parts and/or repairing their motorcycles?
 - a. *Response: We don't really have stalls or labeled individual space. We have motorcycle lifts which some use and some do not. In our experience, it is frequently a single individual or pair of individuals working on one motorcycle. At times others join in or observe for short periods of time. During our busiest times over the last four years of operation, there has been, at the most, not more than 10-20 people at the shop at any one time total on a typical day.*
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9. The KCKFD may have additional comments pertaining to the ongoing operation at this location. Their comments may be separate from this staff report.
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10. How many people will be accommodated for events with live entertainment and/or alcohol.

2

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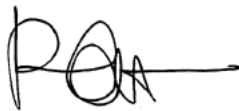
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a. *Response: For special events with entertainment and/or alcohol, we have submitted an event plan for the premises to the county and the state in the past. Our typical application plan is attached. We do not have a problem with the idea of using an ID card scanner, however, can you clarify the type of scanner that is required and give us an example of another event or venue that is required to use them?*

We also noticed in the general information section that the purpose of our business is, "to operate a community motorcycle garage with alcohol and live entertainment." Just to clarify, because on previous city correspondence we were also described as a "motorcycle club", we are not an exclusive club, nor are we a live music and entertainment venue. This is not the primary focus of our business. It is very important to us that it is understood and accepted that the purpose of our shop is to educate and enable motorcycle enthusiasts and riders of all makes and models to maintain and repair their own motorcycle and provide a safe place for people to gather, exchange ideas, and socialize. That said, we would like to eventually start having more regular events, including entertainment and cereal malt beverage sales, than temporary permits will allow. Therefore, we would like to not only apply for a special use permit to allow our day-to-day business to occur, but also apply for a special use permit for entertainment and CMB sales.

If there are any questions, please do not hesitate to contact us.

Sincerely,



Rohn Grotenhuis
Partner
Hickory Union Moto

Attachments:

- Drawings:
 - o A101 revised 5/28/2019
 - o A103 added to set 5/28/2019
 - o Security plan
 - o Property Owner's Affidavit
 - o Neighborhood meeting minutes and attendance sign-in

MEETING MINUTES

Application Number #2019-70

Date: May 23, 2019

Location: 10 S James Street, Kansas City, Kansas 66118

Meeting called to order at: 6:15

Names of people in attendance:

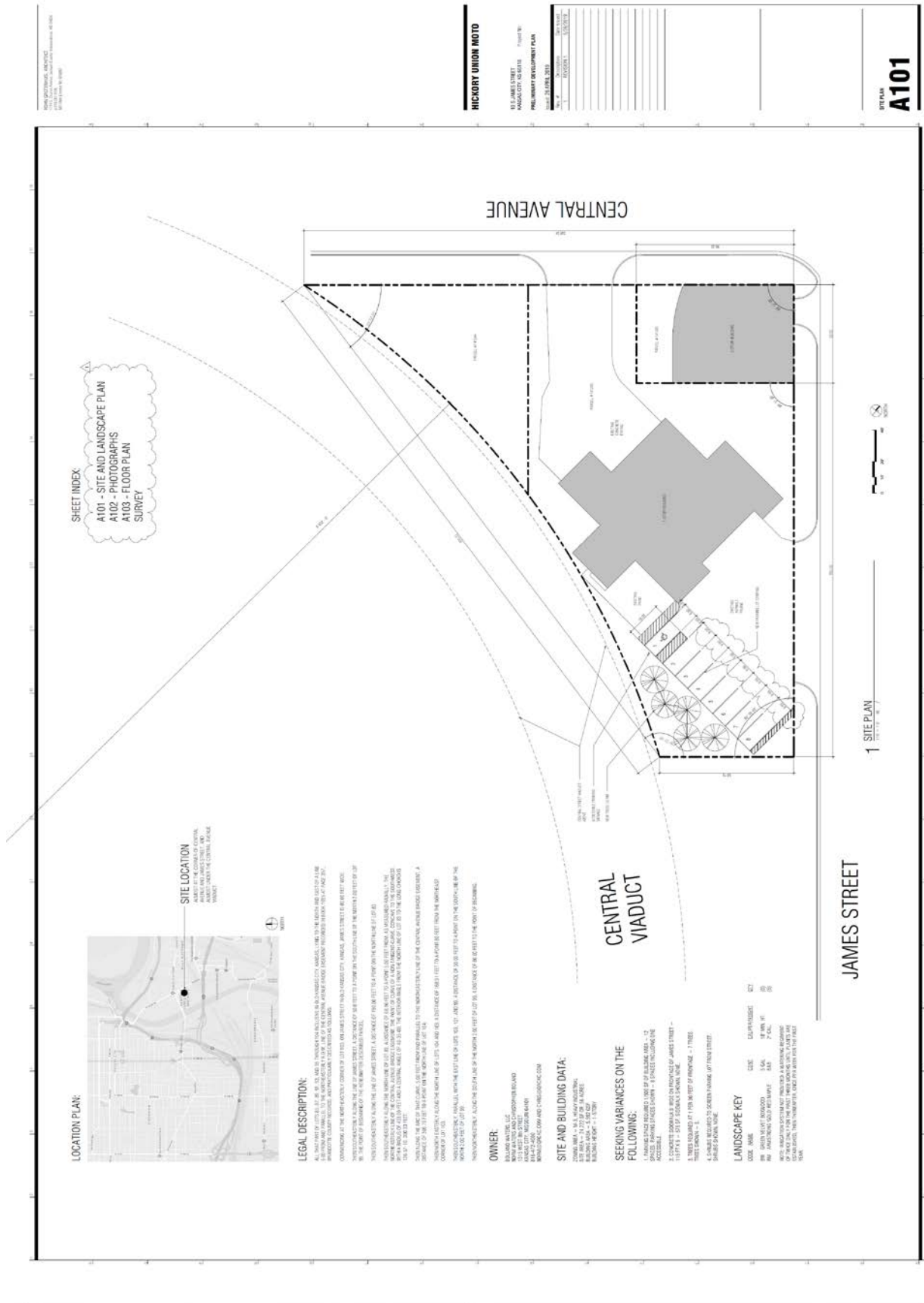
Rohn Grotenhuis
Brett Epp
John Malinee
David Wedlan

The two attendees introduced themselves. Because the meeting was so small in attendance, the presentation was fairly casual. Rohn went over the details of why 10 S James was applying for a Special Use permit and the four variances outlined in the plans submitted to Planning and Zoning. He explained why those variances were being requested.

John and David toured the building. The questions, asked mostly by John, were about the use of the spaces within the building. John took several photos in and around the building.

The meeting adjourned at: 7:00

Meeting minutes taken by: Rohn Grotenhuis, Hickory Union Moto





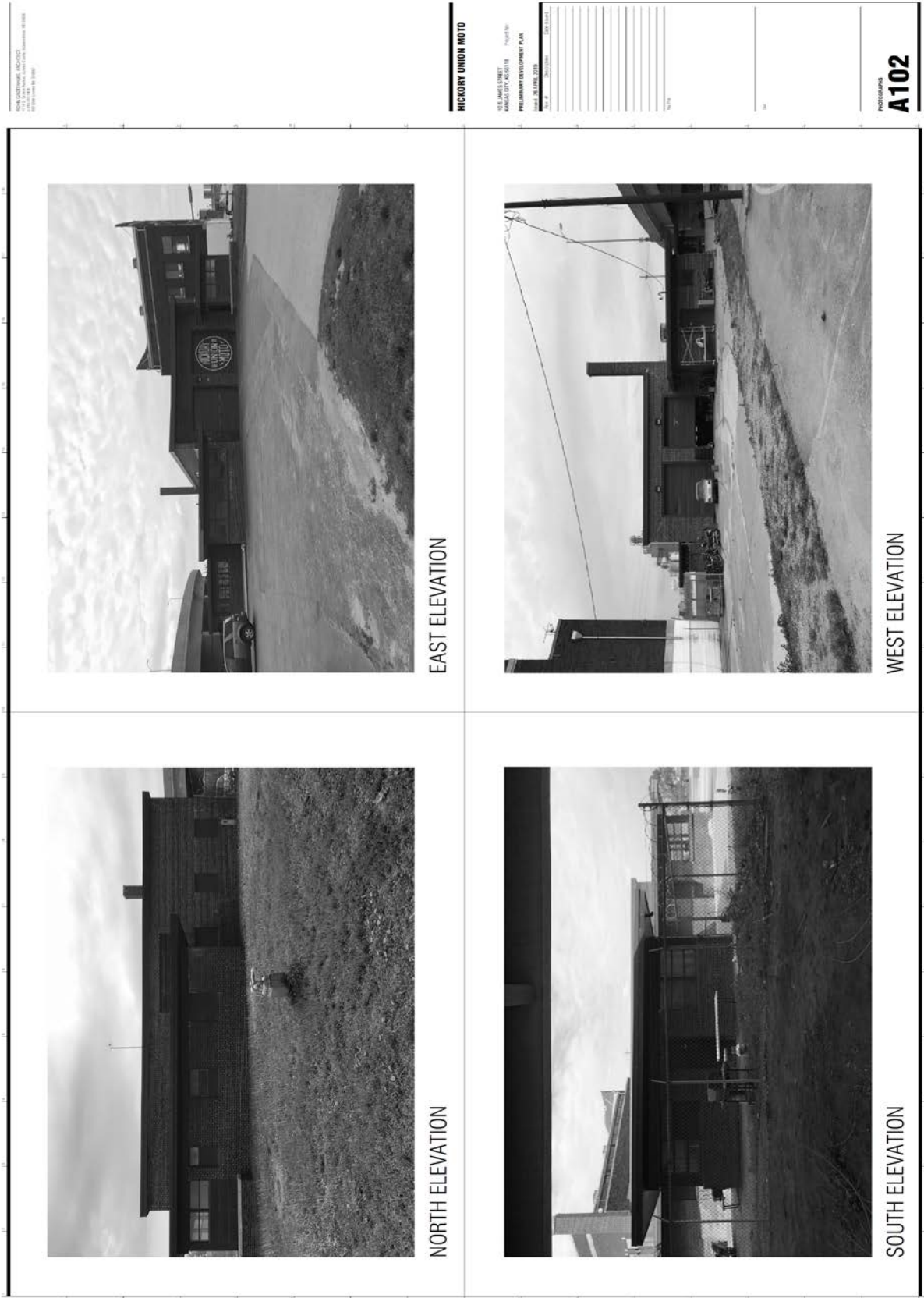




Figure 1. Photograph of the parking lot looking southeast (provided by the applicant).



Figure 2. Photograph of the parking lot and building looking northwest (provided by the applicant).



Figure 3. Photograph of the rear of the building looking south (provided by the building).



Figure 4. Photograph of the side of the building looking north (provided by the applicant).



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 30, 2020
Re: Petition #SP-2019-98

GENERAL INFORMATION

Applicant:

Farkhod A. Saidov

Status of Applicant:

Representative
402 and 426 Osage Avenue
Kansas City, KS 66105

Requested Action:

Approve special use permit

Date of Application:

August 8, 2019

Purpose:

To operate an automotive repair facility, used car dealership and salvage yard.

Property Location:

402 and 426 Osage Avenue

Commission Districts:

Commissioner At-Large: Tom Burroughs
District Commissioner: Brian McKiernan

Existing Zoning: M-2 General Industrial District and M-3 Heavy Industrial Zoning



Existing Surrounding Zoning: **North:** M-2 General Industrial District
South: M-3 Heavy Industrial District
East: M-2 General Industrial District
West: M-2 General Industrial District

Existing Uses: **North:** Tire Distribution
South: Industrial Manufacturing
East: Auto Parts Store/ Warehouse
West: Tire Warehouse/Distribution

Total Tract Size: 1.02 acres

Master Plan Designation: The City-Wide Master Plan designates this property as Industrial/Employment.

Major Street Plan: The City-Wide Master Plan classifies Osage Avenue as a Class C thoroughfare.

Advertisement: The Wyandotte Echo – September 19, 2019
Letters to Property Owner – September 12, 2019, October 3, 2019,
November 1, 2019, December 26, 2019 and January 23, 2020

Public Hearings: January 13, 2020 and January 30, 2020

Public Opposition: No one appeared in opposition at the January 13, 2020 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Farkhod A. Saidov with Frank Motors Inc, would like to operate a used car dealership in one tenant space of a multi-tenant building at 402 Osage Avenue, and an automotive repair business, with no salvage operations, in a second tenant space of the same multi-tenant building at 426 Osage Avenue.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is industrial in nature.

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

The zoning and uses of nearby properties are laid out above. The surrounding properties are industrial in zoning and use. It is expected that this use would fit in with surrounding.

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

The removal of the restrictions would not detrimentally affect nearby property. Other tenants in the building would still be able to operate.

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

There is an existing business license at 402 Osage for used car sales, with an expiration date of 12/31/2019. There is an existing business license at 426 Osage Avenue for a roofing/ sheet metal/ gutter contractor, with an expiration date of 12/31/2019.

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

Special use permits are not addressed in the Master Plan.

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

The proposed use will be limited in the number of customers they can service due to the small site size. It is not expected that the proposed use would increase the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

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

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

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

The automotive repair use and car dealership would not cause any undue increases in noise, vibration, dust or illumination that would be considered inappropriate for this zoning district. The applicant has stated there will be no salvage operation.

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

The primary concern would be the potential for leaking of vehicle fluids with the mechanic work.

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

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

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

The relative gain to the public health, safety, and welfare is minimal. The applicant would face the hardship of finding a more acceptable place for this operation.

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

The proposed use would does not appear to have enough parking for the required uses, a parking variance must be obtained prior to approval of the Special Use Permit.

PREVIOUS ACTIONS

SP-2016-47, Special Use Permit for a used car dealership at 402 Osage Avenue.
SP-2018-53, Special Use Permit for an auto detailing business at 402 Osage Avenue.
BZA 2362, Variance to parking requirements, in conjunction with this current Special Use Permit application.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on September 30, 2019. Neighborhood meeting minutes and affidavit are attached.

KEY ISSUES

Parking
Screening
Failure to comply with previous stipulations for landscaping and building improvements.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-98, subject to:

Urban Planning and Land Use Comments:

General Planning:

1. Review and respond to the attached Conservation District Comments.
2. The site plan states that this tenant space in the building is 2,000 square feet, however the density calculations chart provided with the application lists the tenant space square feet as 1,200. Which number is correct? If necessary, update the site plan to reflect the accurate number.
3. Staff is unable to make a determination on the amount of parking required although preliminary there are shortage issues. In order to make this determination, the square feet of the portion of the building being used as salvage must be known along with the accurate square feet of the portion of the building being used for auto sales.
 - a. The salvage operation portion of the building will fall under the M-3 District regulations for parking; 1 space per 500 square feet of building area. Based on 3000 square feet tenant space, 6 employee/customer parking spaces are required for the salvage operation. The site plan only shows 3 parking spaces provided for the salvage operation. In addition,
 - b. The auto sales will fall under the C-3 District regulations for parking; 4 spaces per 1000 square feet of building area. The amount of parking cannot be determined as the numbers shown are incorrect (see comment 1).
4. The application submitted states the following “The applicant is not seeking to keep automobiles on premises for a prolonged period of time, all autos will be operational. Applicant will only have autos on site that there are parking spaces for.” In another spot on the application it states that “406 Osage will be used for auto body repair and salvage vehicles.” Provide a business plan that clarifies the nature of the business. Is this going to be a salvage yard or a mechanic operation?
5. The northern portion of the lot is zoned M-2 General Industrial District, which does not allow salvage operation.
6. The site plan only appears to indicate the used auto sales portion at 402 Osage Avenue. Where will the salvage vehicles be stored? Provide further information and details on the site plan to include 426 Osage Avenue and the salvage operation.
7. Will the used car sales and the salvage operate as a single business, or are there two separate business entities involved?
8. Provide photos showing the present condition of both 402 and 426 Osage, as well as parking areas, landscaping, or other areas where business activity will occur.

Building Architecture

1. In the previous special use permit approvals for 402 Osage Avenue, it was required that the property owner make improvements to the building façade; to include:
 - a. Fresh paint, as well as a wainscot around the applicant’s portion of the building.

- b. Conducting any necessary repair of the façade.
- c. Adding new doors or windows if existing features are in disrepair.
- d. Painting and any other cosmetic work that needs to be done.

It does not appear that these improvements have been completed. Submit photographic proof of such improvements if completed.

- 2. The above-mentioned building improvements would also apply to 426 Osage Avenue with this application.
- 3. The building must have legitimate signage and addressing. It appears that the address is painted on the side of the building. This must be improved.

Landscaping and Screening

- 1. Show landscaping details on the site plan.
- 2. In the previous special use permit approvals or 402 Osage Avenue, it was required that the property owner must plant one (1) tree, and that saw cutting of the concrete pavement may be required to do so. Has this tree been planted? It does not appear that this has been completed.
- 3. Additional landscaping will most likely be required based on the additional site area of 426 Osage. Landscaping requirements cannot be assessed at this time because the site area has not been provided. Submit a dimensioned site plan that clarifies what portion of the parking lot will be used for 426 Osage, building square feet, site area, customer and employee parking, salvage area parking, screening, landscaping, etc.
- 4. Per Sec. 27-700(b)(4) Auto salvage yards shall be enclosed by a minimum eight foot tall architectural screening fence, and nothing shall be stored to a height greater than the height of the fence. Street-facing portions of the screening fence must have masonry columns every 32 feet. Screening shall not extend into the sight distance triangle. Provide screening fence details on the site plan.

Staff Comment: The applicant met with staff to discuss the comments. A written response has not been received, although the applicant did submit an updated photo of the building as well as a summary of the business plan (both are included in the attachments). Present at the meeting were Ben Bortnick, property owner, Farkhod Saidov of Frank Motors, and Riad Baghdadi, Architect. The photo submitted shows that the building has been painted, but no other required improvements from previous SUP approvals were shown. Landscaping does not appear to have been completed as required.

The applicant's team stated that on their application, they accidentally put that this will be a "salvage" operation and that was an error as there will in fact not be any salvage operations. Staff explained that this means the following must be true:

- The applicant cannot obtain a business license through Unified Government Business License Department as a salvage operation. This Special Use Permit does NOT allow salvage.

- A salvage operation would require a change of zone for portions of the lot from M-2 to M-3.
- Vehicles for sale, rent, or lease must not be inoperable, ruined, dismantled or wrecked.
- All vehicles, for both auto sales and auto repair portions, must be legally registered and tagged.
- Repair parts must be ordered from a supplier, they cannot be taken from one car to be used on another. This would be considered a salvage operation.
- Auto repair requires parking at a ratio of 4 off-street parking spaces per 1,000 square feet of building area. This site does not appear to have sufficient off-street parking for the auto repair business, auto sales business, and existing tenant spaces. The applicant was informed that they will need to submit an updated site plan and floor plans showing all tenant spaces and all available parking. The applicant and his team were informed that a parking variance will be required if the applicant cannot meet the parking requirements outlined in the meeting and in comments above.

After the meeting, staff again sent an email informing the applicant's team of the parking requirements. The applicant sent an informal site diagram in but did not submit a revised site plan and floor plans as requested. Based on the diagram and previous site plan submitted, staff has informed the applicant to submit a Board of Zoning Appeals application for a parking variance. If a parking variance is not obtained, this application cannot be approved. This application has previously been held over to allow the applicant additional time to respond to comments. Staff does not see that sufficient progress has been made to meet the requirements set forth by the previous special use permit approvals, nor does staff see that the current applicant and property owner are working in a timely manner to resolve issues. Staff has recommended that if a parking variance application is not submitted by December 2nd, 2019, this application move forward for denial.

Staff Update 1/3/2020: The applicant has submitted an updated site plan and request for a parking variance to allow fewer than the required amount of off-street parking spaces. The applicant has also submitted updated photos showing additional work has been done on the building. The outstanding issue with this site is the failure to plant and maintain landscaping (1 tree) as required by previous special use permit approvals at this site. Staff would mandate that if approved, landscaping requirements must be met prior to obtaining a business license and beginning operation.

If approved, staff recommends approval for one (1) year.

Public Works Comments:

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

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2019-98** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 13, 2020 City Planning Commission Minutes
Conservation District Comments
Zoning map
Site plan
Neighborhood Meeting Minutes and Affidavit
Business Plan
Site Diagram submitted to show parking
Email communications between staff and the applicant's team.
Updated Site Plan
Updated Photos

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 13, 2020	January 30, 2020
Special Use	Approval	

STAFF CONTACT:

Kimberly Portillo
kportillo@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-98** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-98**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 13, 2020 City Planning Commission Minutes:

Hearing Starts At 2:03:05 and no one was present; application was recalled at (Tape 2) 22:34 and no one was present:

SPECIAL USE PERMIT APPLICATION #SP-2019-98 – FARKHOD A. SAIDOV WITH FRANK MOTORS, INC. – SYNOPSIS: Special Use Permit for automobile sales and auto repair at 402 and 426 Osage Avenue. Detailed Outline of Requested Action: The applicant, Farkhod A. Saidov with Frank Motors Inc, would like to operate a used car dealership in one tenant space of a multi-tenant building at 402 Osage Avenue, and an automotive repair business, with no salvage operations, in a second tenant space of the same multi-tenant building at 426 Osage Avenue.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated September 19, 2019;
7. The Notices to property owners dated September 12, 2019, October 3, 2019, November 1, 2019 and December 26, 2019; and
8. The testimony at the Board of Zoning Appeals meeting tonight.

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

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared

Staff Recommendation Starts 22:53: Planning Director Richardson stated that he had an email exchange with Mr. Bortnick; they thought that they were done (after the BOZA hearing) and that both applications had been heard at the same time. All of the testimony was heard on that case (at the BOZA meeting) and there was no one present in opposition. The staff recommends that this application be approved.

Motion and Vote Starts 23:15:

On motion by Ms. Huey, seconded by Dr. Serda, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit #SP-2019-98:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

General Planning:

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



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

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

September 17, 2019

RE: SP-2019-98 402 and 406 Osage Ave

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of Special Use Permit for 402 and 406 Osage Ave.

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

MAPS AND REPORTS

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

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

- There is one soil type that was identified: Eudora-Urban land complex, rarely flooded. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- The concerns for this site are chemical spills. All spills need to be cleaned up immediately. Runoff into the storm drains can easily contaminate the river.
- Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.

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

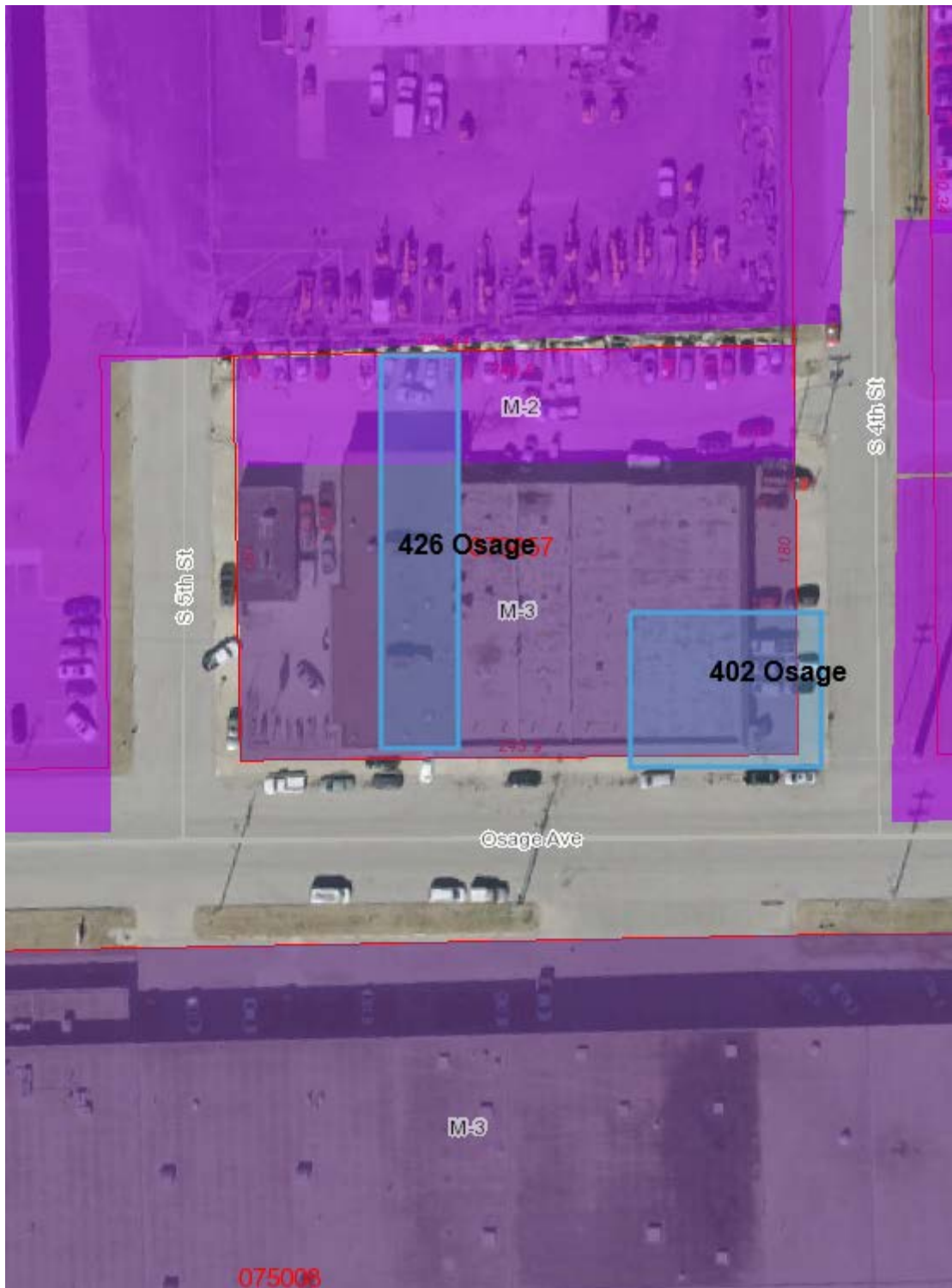
The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern have been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however, some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineations on the maps include soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

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

Sincerely,

Cheri Miller
District Manager

enclosures



FRANK MOTORS, INC.
402 Osage Ave.
Kansas City, Kansas 66105

NEIGHBORHOOD MEETING MINUTES

Application Number: SP-2019-00098 **Date:** September 30, 2019

Meeting Called to Order at: 6:01P.M. **Location:** 402 Osage Ave.
Kansas City, Kansas 66105

AT THE NEIGHBORHOOD MEETING held at the location identified above
on September 30, 2019 and called to order by **Umed A. Saidov** P.M. with the
following persons in attendance:

Umed A. Saidov

The purpose of the neighborhood meeting was to discuss the zoning change
application filed with the
Department of Urban Planning and Land Use by Umed A. Saidov of Frank Motors
identified by application number: SP-2019-00098.

After the meeting was called to order, Mr. Saidov, who appeared on behalf of
Frank Motors, Inc. explained that the application was filed for the purposes of:
**Special use permit for auto detailing, car lot and/or automotive salvage to be
located at: 402 Osage Ave., Kansas City, Kansas 66105 and 406 Osage Ave.,
Kansas City, Kansas 66105**

After Mr. Saidov completed his explanation and presentation, he opened the floor
to questions. After opening the floor, no questions were asked.
Having no further business to discuss, the meeting was adjourned by Mr. Saidov at
6:35P.M.

Minutes taken and transcribed by: Umed A. Saidov _____

Umed A. Saidov

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

Comes now WILLIAM SAIDY, of lawful age, sound mind and upon his/her oath states as follows:

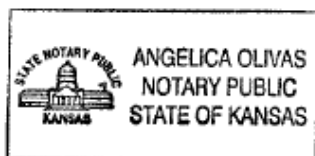
1. That I am the petitioner for Petition # _____.
2. That I conducted a neighborhood meeting on 09.30.2019.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

William Sady
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 7th day of November, 200 2019

My commission expires 23rd of October, 200 2021



[Signature]
Notary Public

FRANK MOTORS INC
402-426 OSAGE AVE
KANSAS CITY, KS 66105

November 8th 2019

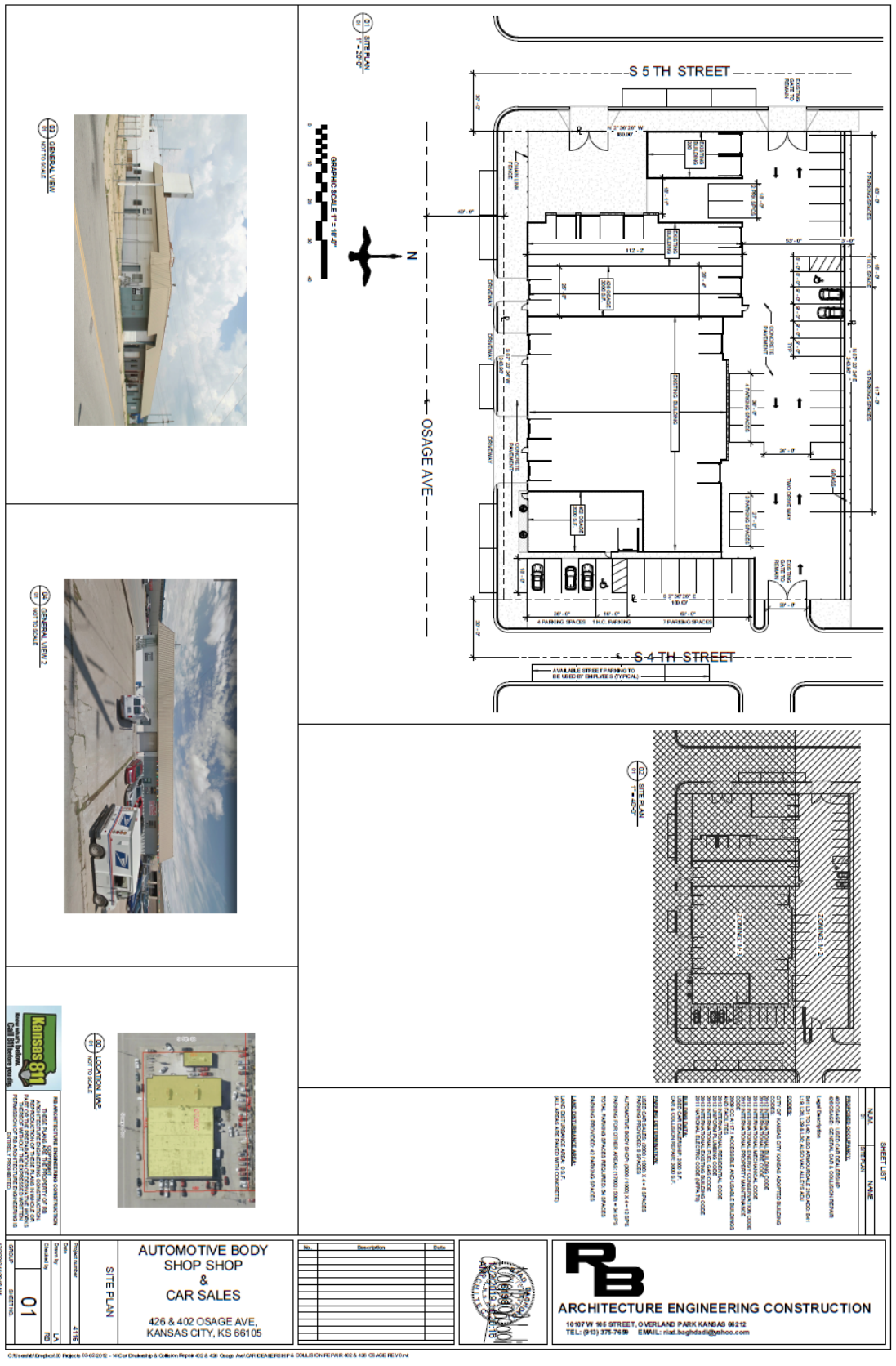
To Whom It May Concern:

Our operation will be involving buying vehicles at Auctions such as: Manheim, KCI, IAA, and TRA mostly with body damage. Once we have the vehicle, we buy only parts we need for the vehicle we are working on from: Keystone Automotive, Bumper and Auto, and ~~Certifit~~, then we replace and paint. We will be painting our vehicles at our 426 Osage location. 426 Osage will be used for our sales department. We will be wholesaling all of our units to Dealerships in Nebraska.

No Salvage operations or long term parking will be done at these locations.

Frank Motors Parking Zones



















Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 30, 2020
Re: Petition #SP-2019-108

GENERAL INFORMATION

Applicant:
Schaeffer Stevenson

Status of Applicant:
Representative
8549 Isabel Street
Kansas City, KS 66112

Requested Action:
Approve special use permit

Date of Application:
September 27, 2019

Purpose:
Temporary use of land to park work trucks and store work equipment.

Property Location:
3420 North 67th Street

Existing Zoning:
R-1 Single Family District



Existing Surrounding Zoning: **North:** R-1 Single Family District
South: R-1 Single Family District
East: R-1 Single Family District
West: R-1 Single Family District and M-2 General Industrial District

Existing Uses: **North:** Single family homes
South: Large lot single family home
East: Single family homes
West: Large lot single family home and shipping container storage

Total Tract Size: 6.98 acres

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

Major Street Plan: The Major Street Plan classifies this portion of Cernech Road as a local street and North 67th Street as a local street.

Advertisement: The Wyandotte Echo – October 17, 2019
Letters to Property Owner – October 17, 2019, October 29, 2019, December 3, 2019 and January 23, 2020

Public Hearings: January 13, 2020 and January 30, 2020

Public Opposition: Opposition has been expressed. There were two persons present in opposition at the January 13, 2020 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Schaeffer Stevenson, has requested a special use permit to park four (4) trucks as well as work equipment on a vacant, 6-acre residential lot at 3420 North 67th Street.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is residential with a mix of single-family subdivisions and large, wooded lots. There is one industrially zoned parcel immediately adjacent to this property.

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

The lot in question is largely wooded to the north, south, and west, however any equipment would be visible to the residential properties to the east, on the east side of North 67th Street.

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

Removal of the restrictions could have a negative impact on the residential properties to the east.

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

The lot has remained undeveloped.

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

Special use permits are not addressed in the Master Plan.

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

Heavy vehicle traffic could become a nuisance for nearby residential units. The Major Street plan designates North 67th Street as a local street. Local streets are not intended for heavy truck traffic.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public.

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

This could become an issue depending on the types of equipment and hours they are coming in and out. The applicant is proposing to store multiple large trucks which will create noise not commonly found in residential areas, as well as potential for dust from the trucks being driven.

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

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

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

This is not an issue.

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

The relative gain to the public health, safety, and welfare would be minimal, as would the hardship on the owners if not approved.

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

This is not an issue.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 2, 2019. A copy of the meeting minutes and affidavit are attached.

KEY ISSUES

Incompatible with residential uses
Paved parking area required

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **DENIAL** of Special Use Permit Application #SP-2019-108, for the reasons outlined by staff.

STAFF COMMENTS AND SUGGESTIONS

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

Business License Comments:

1. To what business will the trucks belong? Applicant has filed and maintained a current occupation tax as a demolition contractor. If work trucks will only be for the demolition business nothing additional would need to be filed with this office. If the work trucks will be for any other entity, that business will need to file and maintain a current occupation tax.

Applicants Response: The equipment will be used for demolition.

Urban Planning and Land Use Comments:

1. Review and respond to the attached Conservation District Comments.
2. Does the applicant live near the property in question?

Applicants Response: Yes.

3. What is the relationship between the applicant and property owner? Is this land being rented as parking area or used by the property owner?

Applicants Response: Associates; The property owner will not use the property.

4. What type of equipment is proposed?

Applicants Response: Four trucks, two trailers, one track hoe and one loader.

5. Are the items being stored related to a business activity in Wyandotte County? Where is the primary location (address) of the business for which vehicles are being stored?

Applicants Response: No. 4530 Prospect 64130.

6. What times of day will vehicles and equipment be coming in and out of this site?

Applicants Response: Equipment will be leaving at 7:00 AM and returning between 3:00 and 5:00 PM

7. Provide photos of the vehicles and equipment.

Applicants Response: Photos attached

8. Photos provided of the site and aerial imagery do not show any areas suitable for parking of vehicles or equipment. Vehicles and equipment must be parked on an improved hard surface.

Applicants Response: On the south east corner of the property there will be a 5 inch asphalt pad that result in a 50' by 70' that the equipment will be parked on.

9. Gravel is not considered an improved hard surface.

Applicants Response: An asphalt pad will be added.

10. Submit a site plan indicating proposed parking area to be improved to a hard surface.

Applicants Response: Hand drawn plan submitted.

11. What is the lot currently used for? It appears there are some sports fields and lighting. Will all of this remain?

Applicants Response: Nothing. Yes.

12. How long has the property been vacant?

Applicants Response: Thirteen years.

13. Vehicles and equipment can not be parked in the right-of-way.

Applicants Response: Equipment will be parked 25 feet from the right-of-way.

Staff Conclusion: This is a large, vacant lot adjacent to both residential and industrial uses. While this use is compatible with the industrial, there is potential for conflict with the residential uses on the opposite side of North 67th Street. Neighbors have expressed opposition to the proposal and do not feel the use would be compatible with existing uses. An increased daily volume of large truck traffic on North 6th Street would be a nuisance for neighbors as well as a strain on the residential street infrastructure. In addition, applicant could not park any vehicles until such time as an asphalt or concrete pad and drive are provided. For these reasons, staff recommends denial. If this were to be approved, staff would recommend a short approval period, such as 6 months.

Public Works Comments:

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition #SP-2019-108 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 13, 2020 City Planning Commission Minutes
Conservation District Comments
Zoning Map
Photos provided by applicant
Hand-drawn layout plan
Neighborhood meeting minutes and affidavit
Email of Opposition

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 13, 2020	January 30, 2020
Special Use	Denial	

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

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-108** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-108** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

January 13, 2020 City Planning Commission Minutes:

Hearing Starts At 2:06:10:

SPECIAL USE PERMIT APPLICATION #SP-2019-108 – SCHAEFFER STEVENSON
– **SYNOPSIS:** Special Use Permit for the Temporary Use of Land to park work trucks and store work equipment at 3420 North 67th Street. ***Detailed Outline of Requested***

Action: The applicant, Schaeffer Stevenson, has requested a special use permit to park four (4) trucks as well as work equipment on a vacant, 6-acre residential lot at 3420 North 67th Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated October 17, 2019; and
7. The Notices to property owners dated October 17, 2019, October 29, 2019 and December 3, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Planning Commissioner Reasons recused himself from the hearing as he is in the notice area.

Present in Support:

- Schaefer Stevenson, applicant, 3420 North 67th Street, Kansas City, Kansas

Present in Opposition:

- David Kline, 6840 Cernech Road, Kansas City, Kansas
- Sharon Kline, 6640 Cernech Road, Kansas City, Kansas

Staff Recommendation Starts 2:11:00: Planning Director Richardson stated that this is a residential area and he does not feel that it is appropriate to park the large trucks and equipment; there are other areas in the community compatible for that. The staff recommends denial

Motion and Vote Starts 2:11:15:

On motion by Mr. Ernst, seconded by Dr. Serda, the Planning Commission voted as follows to recommend **DENIAL of Special Use Permit #SP-2019-108 based on staff comments:**

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

Motion to recommend DENIAL Passed: 6 to 0

Planning Commissioner Reasons rejoined the Commission at 2:12:20



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

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

October 15, 2019

RE: #SP-2019-108

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review Special Use Permit, #SP-2019-108 for 3420 North 67th St.

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

MAPS AND REPORTS

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

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

- There are two soil types that were identified: Knox silt loam, 7 to 12 percent slopes, and Knox silt loam, 12 to 18 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- The only concern with parking the trucks and equipment is, if there are fluid leaks or spills. All leaks or spills need to be cleaned up immediately.
- Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.

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

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern have been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however, some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineations on the maps include soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

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

Sincerely,

Cheri Miller
District Manager

enclosures

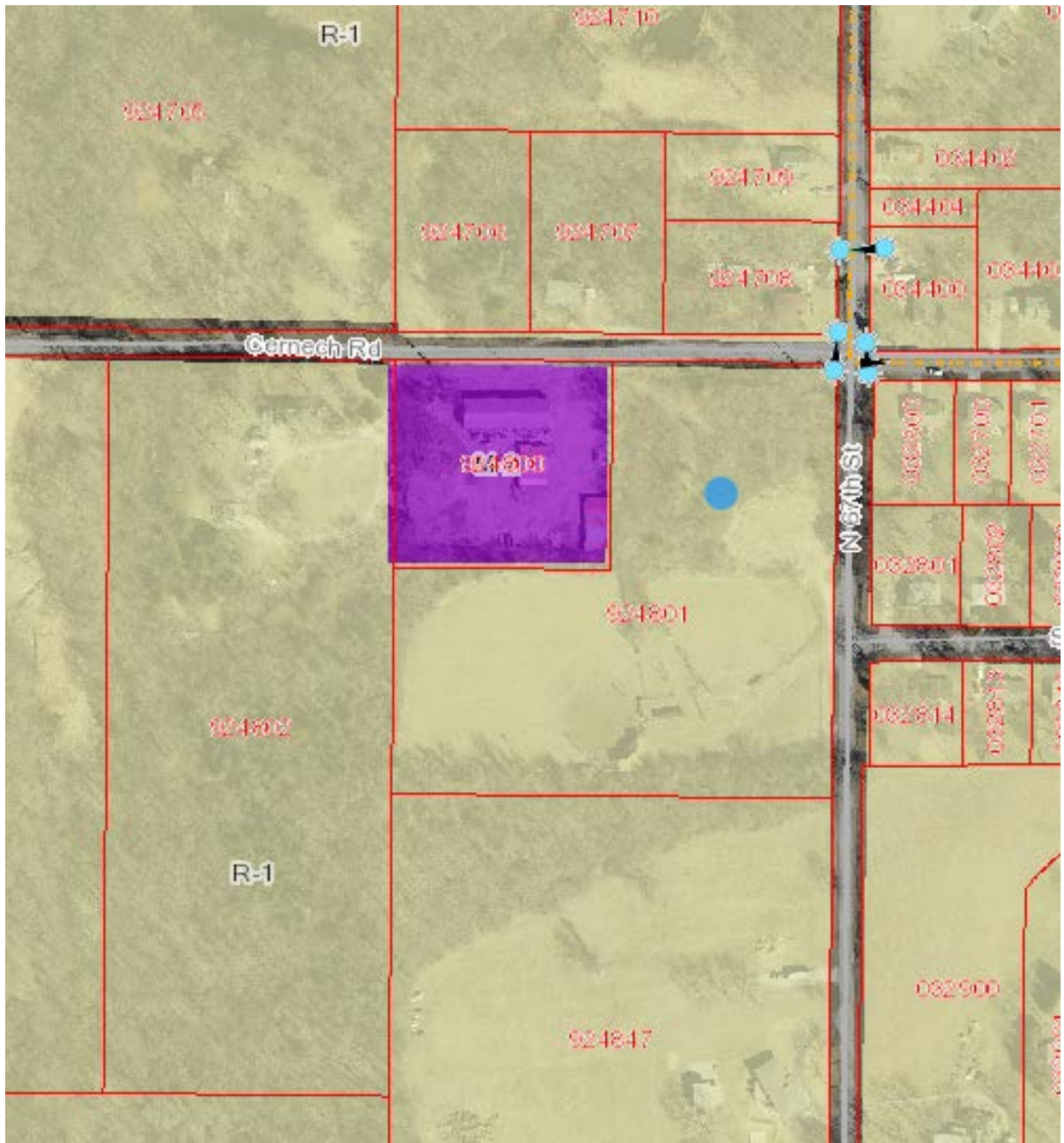


Figure 1: Zoning Map



Figure 2: Photo provided by applicant



Figure 3: Photo provided by applicant



Figure 4: Photo provided by applicant



Figure 5: Photo provided by applicant



Figure 6: Photo provided by applicant



Figure 7: Photo provided by applicant of proposed equipment

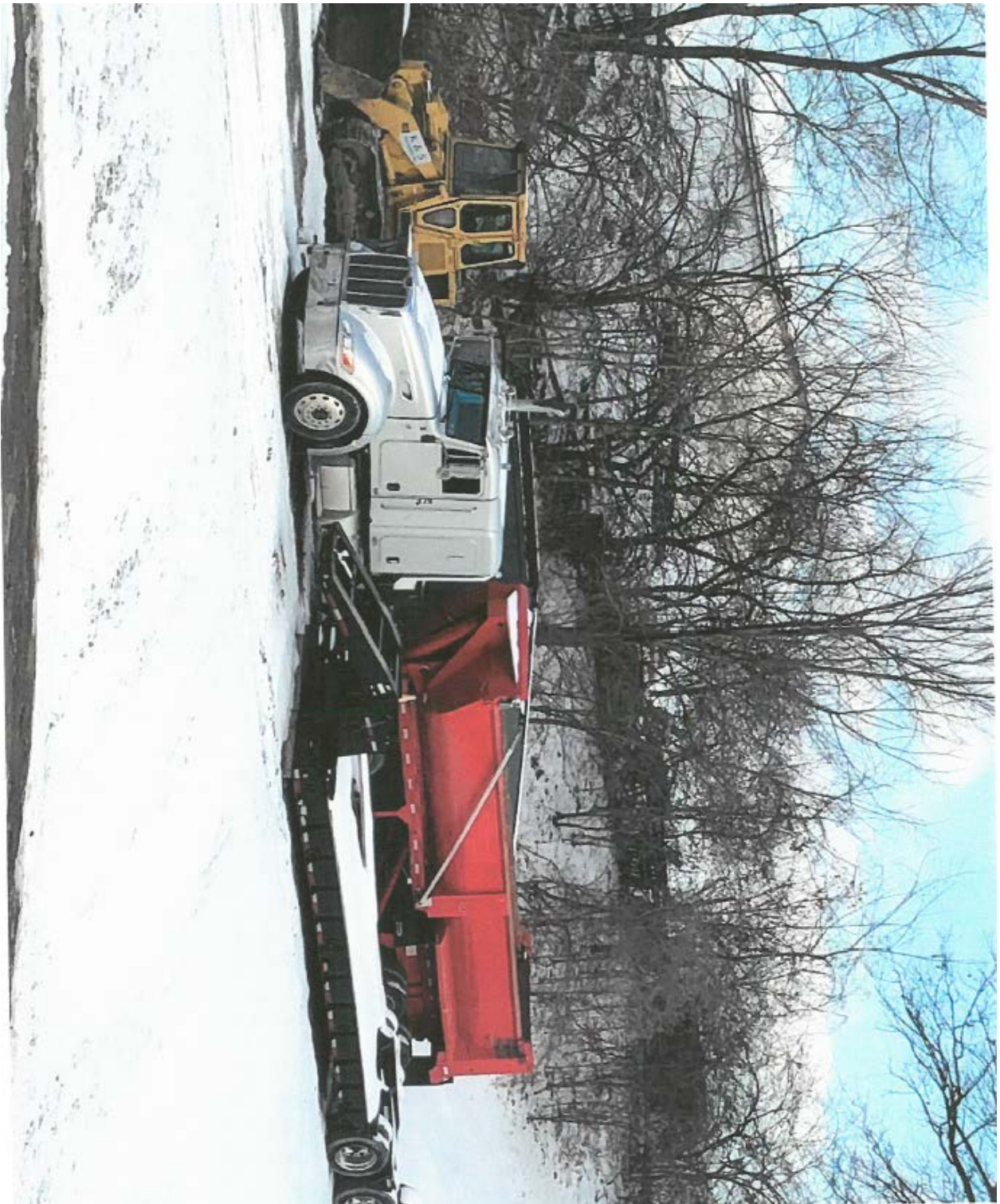


Figure 8: Photo provided by applicant of proposed equipment

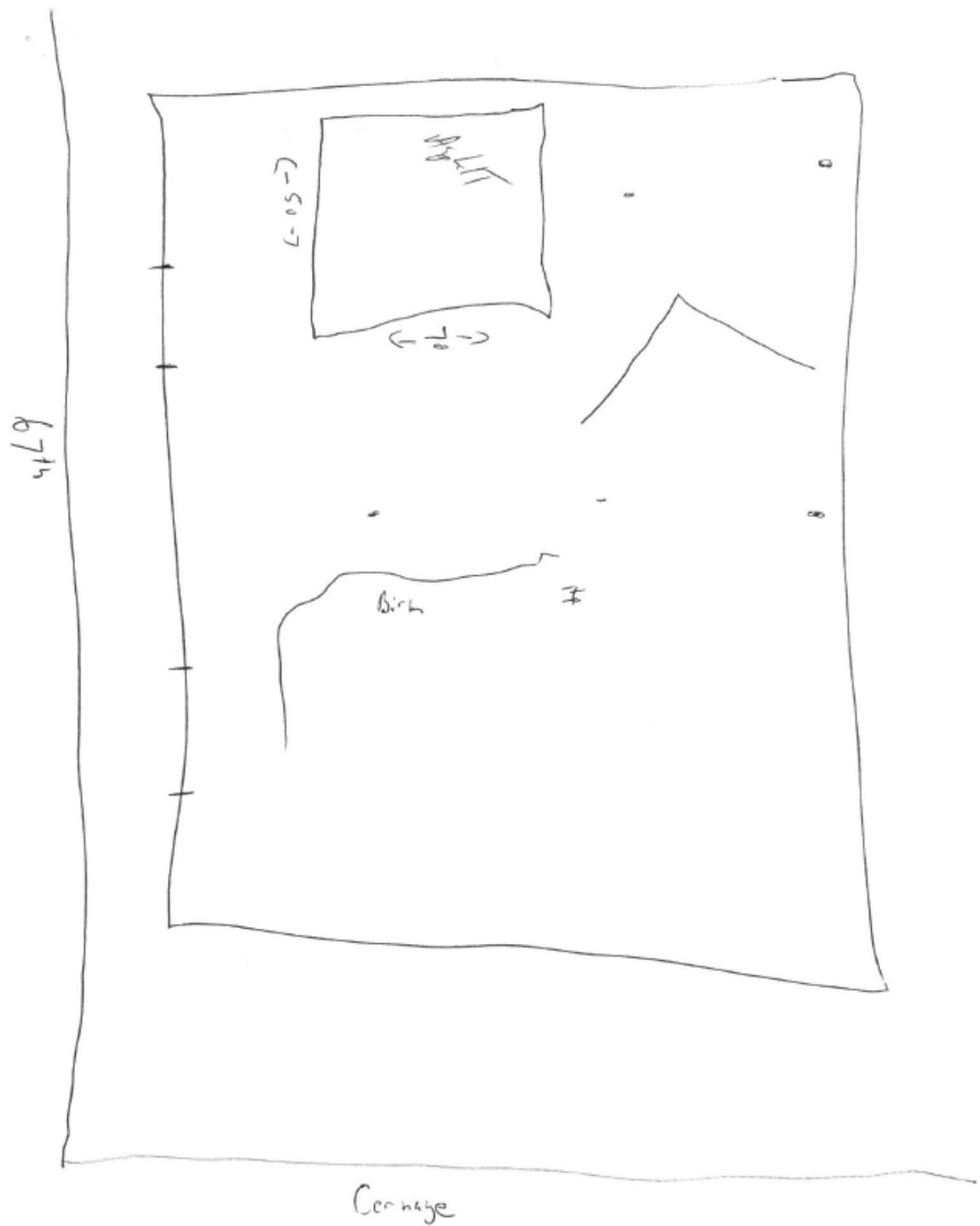


Figure 9: Hand drawn layout plan

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF ~~Missouri~~ ⁷⁷ Missouri)
COUNTY OF ~~Jackson~~ ⁷⁷ Jackson) SS:

Comes now Scheffle Stevenson, of lawful age, sound mind and upon his/her oath states as follows:

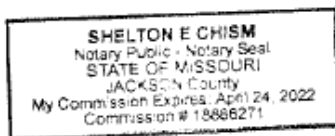
1. That I am the petitioner for Petition # SP-19462-00010
2. That I conducted a neighborhood meeting on 12-02-19.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 14th day of December, 2019

My commission expires April ^{24th} of April, 2021



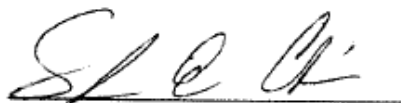

Notary Public

Figure 10: Neighborhood meeting affidavit

Application number: SP-19402-00100
Date; 12-02-2019/ Address: 3420 N. 67th

Meeting called to order at 8:00

People who Attended: Porfirio Conde, 6645 Sewell Ave.

I stated that the property will be used to park trucks and other equipment.

Mr. Conde asked what is the purpose of the meeting? I stated I was to inform you that this property at 3420 N. 67th will be used to park equipment. He responded ok.

Meeting adjourned at 8:30

Minutes was taking by: Schaeffer Stevenson

Figure 11: Neighborhood meeting minutes

----- Original message -----

From: Sharon Klein <butterfly.klein@gmail.com>

Date: 12/8/19 4:01 PM (GMT-06:00)

To: "Bynum, Melissa" <mbynum@wycokck.org>

Subject: Old ballpark on 67th St.

I understand that the owner of the old ballpark on 67th just south of Cernech (part of the property that goes to the corner of 67th and Cernech) wants to lease the property to someone who wants to park dump trucks there.

Dick and I want to go on record as being against this proposal for the following reasons:

1. This is a fairly well kept residential area and parking dump trucks is not a use that is compatible with the neighborhood.
2. 67th Street is already full of potholes and patches and is narrow. Extra large truck traffic will be detrimental to it's condition.
3. Just because many of us live on larger parcels and our houses are not close together, does not mean we are "in the boonies," as many people who pass through seem to think. This attitude is evidenced by all the trash that is thrown out on our property, and our neighbors. Abandoned stolen cars have been found on the Cernech side of the property that the ball field occupies. Someone finally put up barriers to stop access to the area. Last week, after the right of way was mowed and the leaves had fallen from the trees and brush, a police officer was driving by and noticed an abandoned stolen vehicle parked on the vacant lot next to our eastern property line. The old maintenance yard on 67th is now being used as a storage facility and has a battered chain link fence topped with barbed wire, shipping containers lined up and the concrete building has badly peeling paint. It is quite an eyesore and I think contributes to the feeling that the resident don't care about the neighborhood. We are constantly picking up trash that passing cars throw out, everything from fast food containers and beer/whisky bottles to someone's yard cleanup debris.

Anyway, if you could pass our feelings along to the planning commission I would appreciate it. We were not notified of the meeting about it last Monday because we are more than 200 feet away from the ball field, although I'm not sure our eastern property line is more than 200 feet from the western/northern property line of the lot on which the ball field is located. In an area where houses are so far apart, I don't think 200 feet is reasonable for notification anyway.

Once again, thank you for your work on behalf of district 1, we really appreciate it.

Sharon Klein

Figure 12: Email in opposition



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 30, 2020
Re: Petition #SP-2019-110

GENERAL INFORMATION

Applicant:
Adriene Norton

Status of Applicant:
Owner of Bizy Dogs
1046 Merriam Lane
Kansas City, Kansas

Requested Action:
Approval of Special
Use Permit

Date of Application:
September 30, 2019

Purpose:
Special Use Permit to
operate a dog grooming
and boarding facility

Property Location:
1046 Merriam Lane



Commission Districts:

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

Existing Zoning: C-3 Commercial District

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

South: C-3 Commercial District

East: C-3 Commercial District

West: C-3 Commercial District

Existing Uses: **North:** Single Family Residential

South: Boulevard Drive-In Theater

East: Rhino Builders and Heinen Landscaping

West: Commercial Mixed Use

Total Tract Size: .14 acre

Master Plan Designation: The City-Wide Master Plan designates this area as Business Park

Major Street Plan: The Major Street Plan designates Merriam Lane as a Class C Thoroughfare

Advertisement: The Wyandotte Echo – October 17, 2019
Letters to Property Owner – October 17, 2019, November 1, 2019,
December 3, 2019 and January 23, 2020

Public Hearings: January 13, 2020 and January 30, 2020

Public Opposition: No one appeared in opposition at the January 13, 2020 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: Adriene Norton, of Bizy Dogs, is seeking to obtain a Special Use Permit to operate a dog grooming and boarding business at 1046 Merriam Lane. The applicant currently operates a successful business in Missouri that caters to dogs inside Bar K. The applicant has provided detailed explanation of the intended procedures for care, cleaning, sound management, etc. (Please see attached).

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The neighborhood is comprised primarily of businesses, with single-family residential homes to the north.

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

The zoning and uses of nearby properties are laid out above. The proposed use could be compatible with them if operated properly.

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

The removal of restrictions will not detrimentally affect nearby property.

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

The property is not vacant.

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

Special Use Permits are not addressed in the master plan.

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

The proposed use will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

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

The proposed use would provide a convenience to the public by offering a pet grooming service. It is not expected that the proposed use would substantially or permanently injure the appropriate use or visual quality of the adjoining properties.

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

Vibration, dust, are not expected to be issues. Applicant has detailed measures that will be taken to limit sound. Staff would like more information on whether illumination will be present at nighttime.

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

This is not expected to be an issue.

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

This is not expected to be an issue.

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

The relative gain to the public health, safety, and welfare is minimal.

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

This is not an issue.

PREVIOUS ACTIONS

None.

NEIGHBORHOOD MEETING

A neighborhood meeting was held on Wednesday, December 18th at the Rosedale Development Association at 1403 Southwest Blvd Kansas City, Kansas. No one attended. The meeting adjourned at 8:15 pm. The meeting minutes and affidavit are attached below.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit #SP-2019-110, subject to:

Urban Planning and Land Use Comments:

1. How will the animal waste be handled?

Staff: The applicant has provided detailed explanation of how waste and odor will be handled. (Please see attached)

2. Where will the animals be exercised?

Staff: Applicant has provided a detailed description of how dogs will be exercised. (Please see attached)

3. How will the noise be controlled?

Staff: Applicant has provided detailed explanation of how noise will be handled. (Please see attached)

4. Approval would be for two (2) years.

Public Works Comments:

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

1) None.

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

1) None.

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

1) None

Business Licensing Comments:

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

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2019-110 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 13, 2020 City Planning Commission Minutes
Zoning Map
Business Plan
Detailed Nuisance Management Plan
Site Photos
Wyandotte County Conservation District Comments
Neighborhood Meeting Invitation, Minutes, Affidavit

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 13, 2020	January 30, 2020
Special Use	Approval	

STAFF CONTACT: **Shana Shanteau**
 sshanteau@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-110** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-110**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 13, 2020 City Planning Commission Minutes:

Hearing Starts At 2:12:20:

SPECIAL USE PERMIT APPLICATION #SP-2019-110 – ADRIENE NORTON WITH BIZY DOGS – SYNOPSIS: Special Use Permit for a dog grooming and boarding operation at 1046 Merriam Lane. ***Detailed Outline of Requested Action:*** Adriene Norton, of Bizy Dogs, is seeking to obtain a Special Use Permit to operate a dog grooming and boarding business at 1046 Merriam Lane. The applicant currently operates a successful business in Missouri that caters to dogs inside Bar K. The applicant has provided detailed explanation of the intended procedures for care, cleaning, sound management, etc. (Please see attached).

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;

4. The staff report and attachments dated January 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated October 17, 2019; and
7. The Notices to property owners dated October 17, 2019, November 1, 2019 and December 3, 2019.

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

Present in Support:

- Adrienne Norton, applicant

Present in Opposition:

- No one appeared

Staff Recommendation Starts 2:14:38: Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts 2:14:48:

On motion by Dr. Serda, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit #SP-2019-110:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

1. How will the animal waste be handled?

Staff: The applicant has provided detailed explanation of how waste and odor will be handled. (Please see attached)

2. Where will the animals be exercised?

Staff: Applicant has provided a detailed description of how dogs will be exercised. (Please see attached)

3. How will the noise be controlled?

Staff: Applicant has provided detailed explanation of how noise will be handled. (Please see attached)

4. Approval would be for two (2) years.

Public Works Comments:

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

1) None.

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

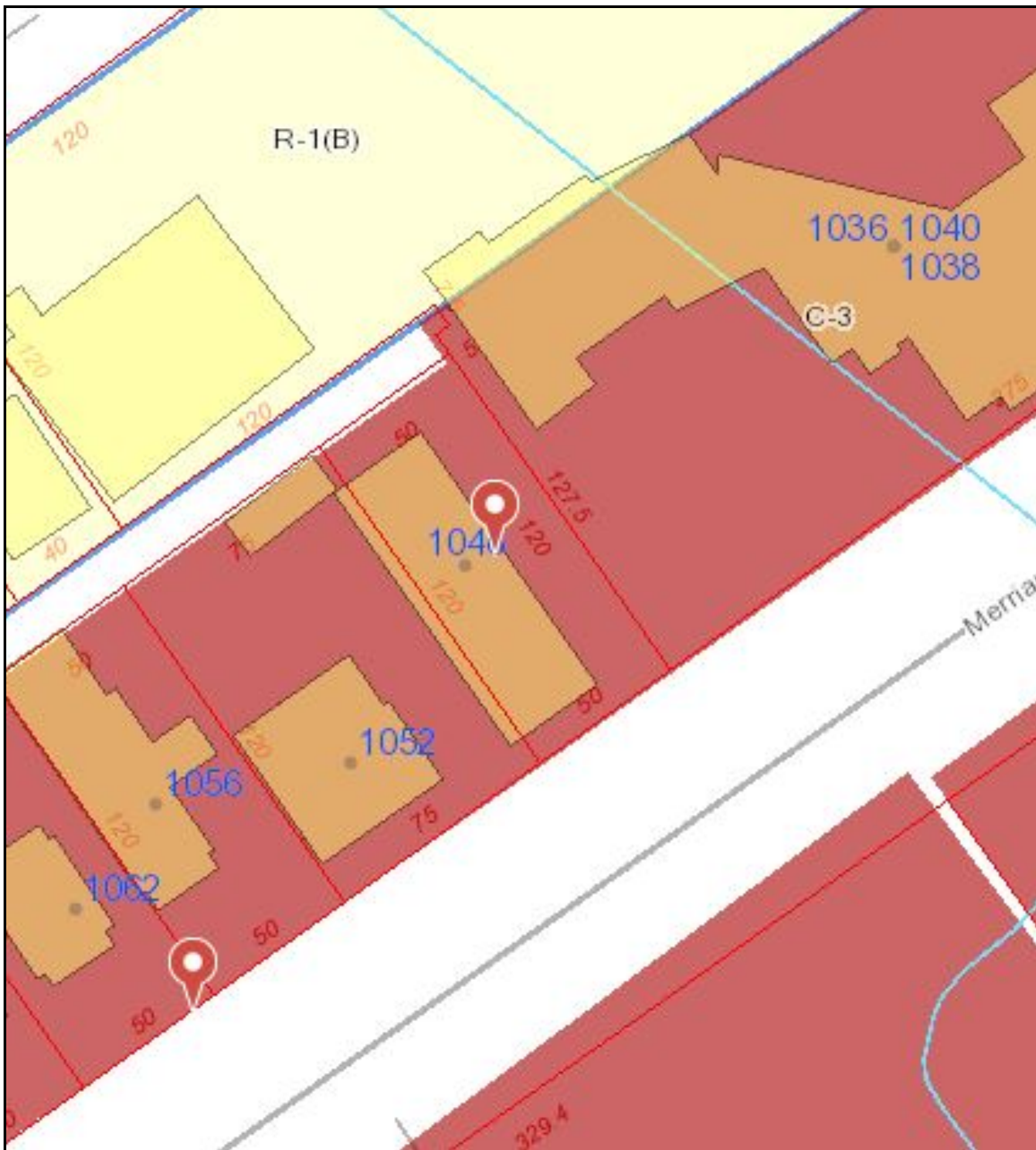
1) None.

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

2) None

Business Licensing Comments:

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



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

I believe that my request for a special use kennel permit is justified because

- ✦ Having an upscale and thriving business here would be an improvement to this property and the area. My clients pay an all-inclusive fee for myself and my staff to provide boarding, daycare, transportation, training and grooming to their dogs in an exclusive, membership-based environment.
- ✦ This property is properly zoned for commercial businesses that may result in louder than normal noises during business hours. However, our dogs will be attended 24/7 and barking other than during play is extremely discouraged as it can cause stress for other dogs and employees. In addition, the inside of the building will be lined with flame retardant, easily cleaned, sound absorbing material. This addition will keep the sound decibels at the property line well below what is required.
- ✦ My innovative operation style creates a culture of family which greatly increases the camaraderie associated with the neighborhood. I believe that my customers will begin to frequent other businesses in the area as well as help keep the area cleaner by picking up trash, etc and by reporting any issues that may be illegal activity.
- ✦ My experience as a dog business owner already means that I come prepared with appropriate means for sound control, odor control and waste removal. I currently already operate a successful business in Missouri inside Pets+ 2019 "America's Coolest Stores" first place winner, Bar K Dog Bar.
- ✦ And finally, respect is paramount. I am a respectful person, I run a respectful operation. I am always considerate of others and would do my best to work with anyone in the event of any situation. I chose this location for its direct access to my Mission Hills customers and I would do just about anything to compromise in order to secure it for business.

Bizy Dogs Boarding and Bath

A Small Business Proposal

1

About Us

- Smaller, private dog boarding and grooming facility
- Small pet retail section
- Membership based
 - Memberships approved based on dog's desirable behavior traits
- Cage-minimal
 - 24 hour supervision, only in kennels for feeding or behavioral issues
- Small group play
 - Two 1000 sq. ft. rooms for quiet time and play time, each room divided into small and large dog areas for safety
 - Small outdoor potty area with secure fencing and sound proofing

2

1

A Day at Play

- In deference to residential noise ordinance, no dogs will be let outside before 7 am or after 9:30 pm
- Dogs will play mostly inside, supervised by staff
- Dogs have access to supervised, cage free quiet area for resting purposes
- Dogs experience controlled enrichment to foster appropriate play and encourage sleep at appropriate times
- Daily trips to private dog park and walking available
- Nuisance barking is NOT ALLOWED

3

Bedtime in Boarding

- Final let outs by 9:30 pm
- Dogs will sleep in cage free accommodations unless kenneling is required, supervised by overnight staff.
- Ambient noise inside to prevent dogs from hearing outside noises, thereby reducing barking

4

2

Waste and Odor Management

- Floors sealed and equipped with drains for easy cleaning
 - Sealed with epoxy
 - Spot cleaning as required with Odoban, a professional disinfectant and deodorizer
- Biodegradable poop and trash bags
- Environmentally friendly cleaning materials
- Waste removed privately twice per week
 - Eliminates odor
- Indoor turf raised above drainage panels, cleaned daily with enzymatic deodorizer
- Kennels, bedding and bowls sanitized daily or as needed
- All food housed in rodent-proof bins, inaccessible to rodents and bugs
- Professional exterminator for prevention
- Dogs required to have pest prevention routine to prevent facility infestation

5

Sound Management

- Rubber sound absorbing panels
- 24 hour staff supervision
- Ambient noise
- Sonic deterrent as needed
 - Emits sound waves audible only to dogs
- Meeting dogs' needs

6

3

Changes to building exterior

- Addition of small, secure outdoor area in rear of building
- Small mulched area in front for hand walking
- Improved landscaping
- Lighted signage on building
 - Comparable to signage on surrounding businesses

Waste and Odor Management

Perhaps the biggest issue I am asked about is “what do you do with the waste.”

First, all flooring (which happens to be cement) and three feet up the painted brick walls will be sealed with a clear sealer called Kennel Seal. This prevents urine from soaking into any surface. Now that the urine is kept on top of the floor it is very easy to wipe up with a paper towel and mopped over with an Odoban solution. Odoban is a professional disinfectant and deodorizer. Feces on the floor would be handled in a similar matter. It would be picked up using a biodegradable poop bag and disposed of in a smaller trash receptacle that contains biodegradable trash bags. This waste would then be picked up at least bi-weekly by a dog waste removal company like Doodie Soldiers. Non-waste containing trash like paper towels and gloves would go in a regular trash can and out with the regular trash.

As an indoor facility, dog potty stations will need to be used. These are shallow paddling pools filled with scented and clumping kitty litter. Some are covered with turf to attract dogs and some even have a disinfect-able post in the middle to encourage left lifting by male dogs. Through the day the litter would be scooped, just like a large cat box. This waste would also go into the bin designated to be removed by the dog waste removal company. To clean these potty stations completely, the litter is dumped, the pool is washed in Odoban and a 10% bleach solution, and if there is a turf top it is rinse and sprayed with bleach and odoban also. A 10% bleach solution is very safe for dogs when dry.

Every kennel run in use is cleaned every day. The bedding and bowls are removed and sent to wash in Free & Clear Detergent along with a splash of Odoban to get rid of any doggie odors. The runs are swept out to remove hair and the walls are sprayed and wiped with the bleach and odoban solution. The floors are mopped with this same solution and then put under a fan to dry. When the kennel is dry it is again dog safe. The bedding is replaced with fresh, clean bedding and a new water bucket with fresh water is hung on the kennel run wall. All bowls are replaced and cleaned daily to prevent bugs and rodents.

Each dog's belongings are stored in a plastic snap top bin with a number on it that corresponds with the kennel run number the dog is housed in. Dry erase tape also would allow us to write the dog's name on the bin as well. All food especially must be housed in a rodent proof bin. Any “house” food we choose to provide will also be stored inaccessible to rodents and bugs. Dogs will be required to have a pest prevention routine to prevent facility infestation and in the event that an infestation still happens it would be taken care of by a professional pest service.

To prevent the spread of viruses that Odoban does not kill, each day the facility will be mopped with a 10% bleach solution (the kennel runs during the day, the groom shop in the afternoon after customers leave, and the main play floor and front lobby at night. Dogs would also be required to be up to date on vaccinations and we would encourage titer testing which would prove the vaccinations were actually effective. To prevent airborne diseases like kennel cough the best you can do is constant and reliably disinfect everything and use air purifiers and dehumidifiers.

Sound Management

This building is zoned C3 which is reserved for more obnoxious looking and sound industrial businesses. The code is written that the noise from within can not exceed 60/65 decibels outside the building at the property line. According to a Google search of common noises, the average human conversation is about 60 decibels. To violate the written code, the noise from within the building would impede normal human conversation at the property line. Having worked in many dog containing facilities, some with MANY more dogs than my target, we were never unable to have a normal conversation outside the building.

In the event that noise is an issue, there are several ways to keep sounds from leaking outside the building walls. Economical and inexpensive sound panels can be made using towels that absorb much more noise than traditional sound board foam. There are also several brands of sound wave absorbing cloth that can be hung on the wall or installed inside the wall to buffer noise, such as Accoustiblock.

There are devices that emit sonic sound waves when a bark is detected that deter the dogs from barking. But perhaps my biggest asset in the war on noise would be that my building would be staffed appropriately. The dogs would have access to large kennel runs, beds, blankets and general comfort. They would be allowed out during the daytime to get exercise, interact with humans and other dogs, and there will be a TV going at all times that all kennel runs can see and hear to promote the calm of home life. No dogs stuck all day in traditional cement boarding runs here getting more and more frustrated and uncomfortable.

PHOTOS & INFO



Step-On Trash Cans

RUBBERMAID®	
Hands-free trash disposal.	
Heavy-duty foot pedal quietly opens lid.	
Tight fitting lid contains odors.	
Durable plastic. Recommended for offices and warehouses.	



55-60 Gallon Compostable Trash Bags

0.85 Mil, 38"W x 58"H, Clear, 35/case

ITEM #W551DCCB

2 Reviews

These 55-60 gallon compostable bags meet ASTM #D6400 Standard Specification for Compostable Plastic Bags. They are designed to be composted in a commercial or industrial facility, so they are not suitable for backyard composting. The star seal makes them extra leak-proof, and at .85 Mil thick they can handle your standard household compostable waste with no problem.

Biodegradable Waste Bags

Earth Rated dog waste bags are bigger, thicker, tougher and totally leak-proof! Available in both lavender-scented or unscented refill packs, each roll includes 15 bags that fit into most standard-sized leash dispensers. Earth Rated products are the industry leader in terms of quality, and most of all, affordability. At Earth Rated, they don't leave out the littlest of details - even their rolls' cores and packaging are made from recycled contents.

Dog Potty Areas



OdoBan® cleans, disinfects and freshens, providing one solution for a variety of needs.

OdoBan®, Odor Eliminator, cleans, disinfects, sanitizes and deodorizes pre-cleaned hard, nonporous household surfaces. OdoBan® eliminates unpleasant odors on washable surfaces such as upholstery, carpets, bedding, showers, walls and floors while leaving a fresh scent. This industrial liquid odor eliminator leaves no residue and has a variety of uses. OdoBan® is excellent for Flood Restoration and Water Damage.



Info on Acoustiblok:

<https://www.acoustiblok.com/2018/07/16/acoustiblok-provides-kennel-neighbors-quiet-peace/>

Making Sound Proof Panels:

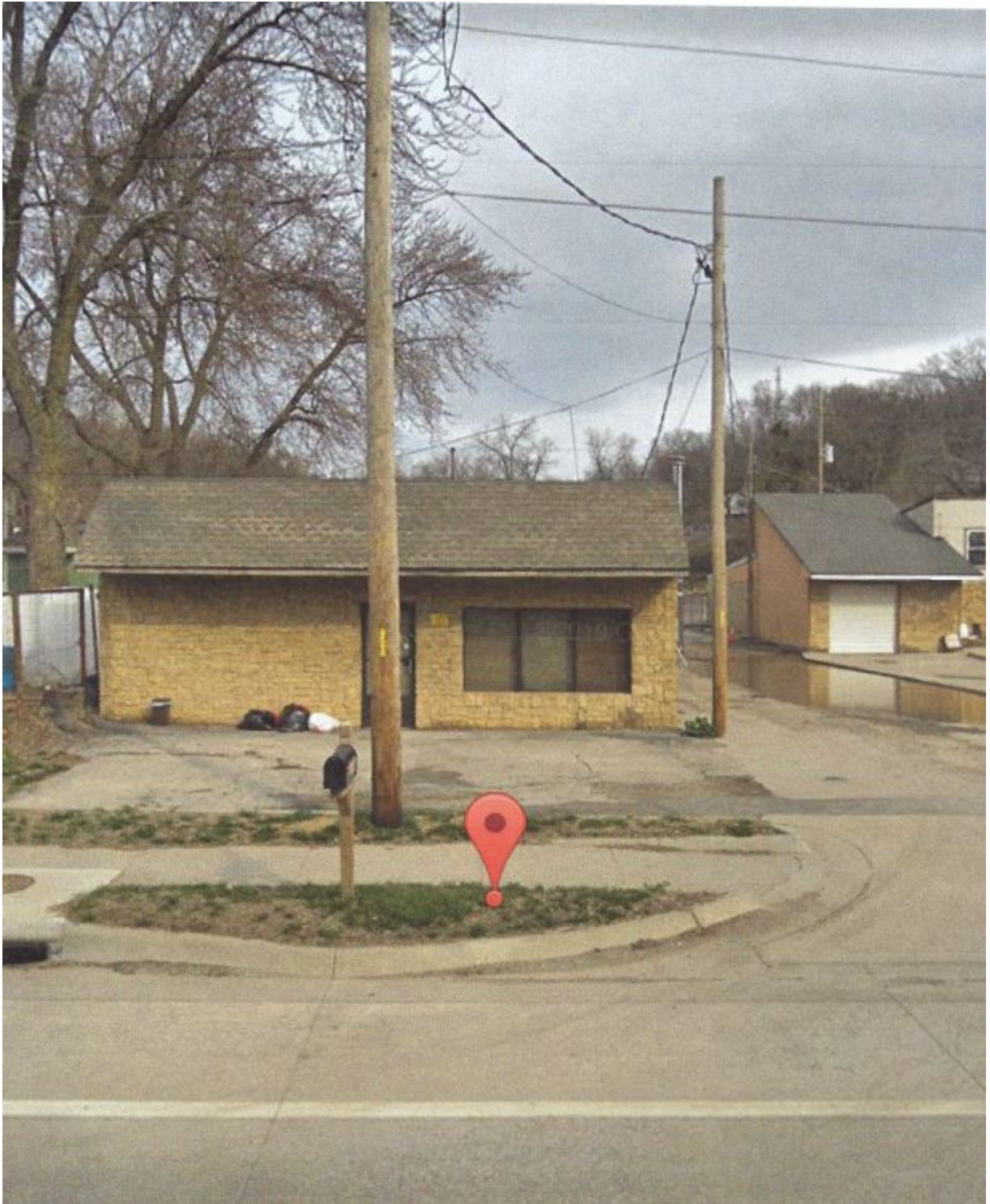
<https://www.bing.com/videos/search?q=youtube+diy+sound+panels+towel&view=detail&mid=0EE2B535AE7B104EBD390EE2B535AE7B104EBD39&FORM=VIRE>

Sonic No Bark Units:

https://m.ultimatebarkcontrol.com/dog-silencer.htm?msclkid=a57b3ba4a247199d0e2a60118d4a92ec&utm_source=bing&utm_medium=cpc&utm_campaign=Bark%20-%20US%20-%20Shopping%20-%20Drupal&utm_term=4585032209329694&utm_content=Bark%20Products

Info on the effectiveness of a 10% bleach solution:

<https://www.verywellhealth.com/make-your-own-disinfectant-solution-998274>

















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

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

October 15, 2019

RE: #SP-2019-110

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review Special Use Permit, #SP-2019-110 for 1046 Merriam Lane.

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

MAPS AND REPORTS

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

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

- There is one soil type that was identified: Knox silt loam, 7 to 12 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- This is a small lot for boarding dogs. The number needs to be kept small and waste cleaned up daily.
- Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.

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

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern have been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however, some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineations on the maps include soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

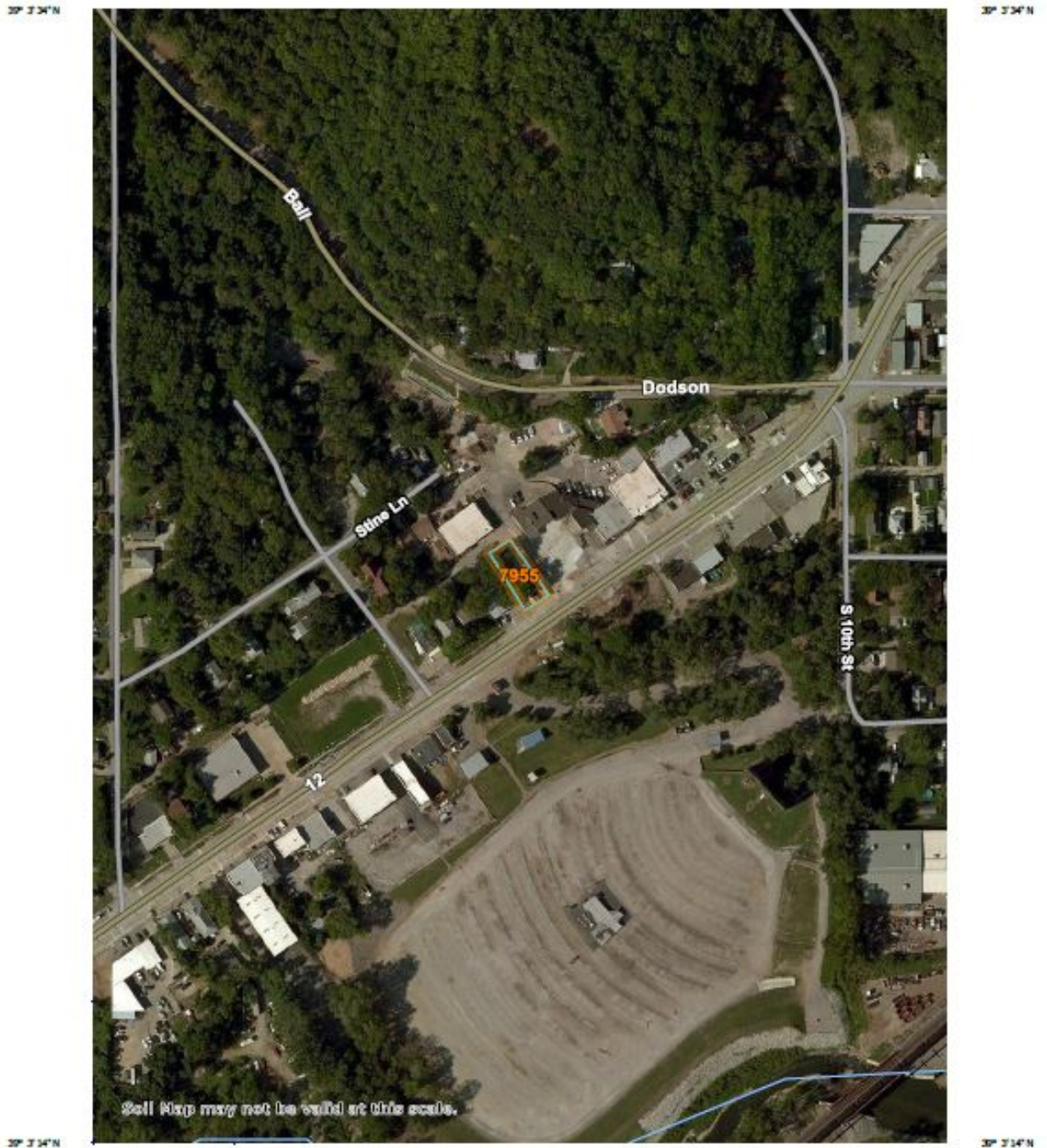
If you have any comments or questions, please do not hesitate to call me.

Sincerely,

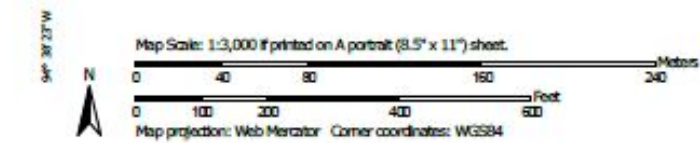
Cheri Miller
District Manager

enclosures

Soil Map—Wyandotte County, Kansas
(SP2019-110 1046 Merriam Lane)



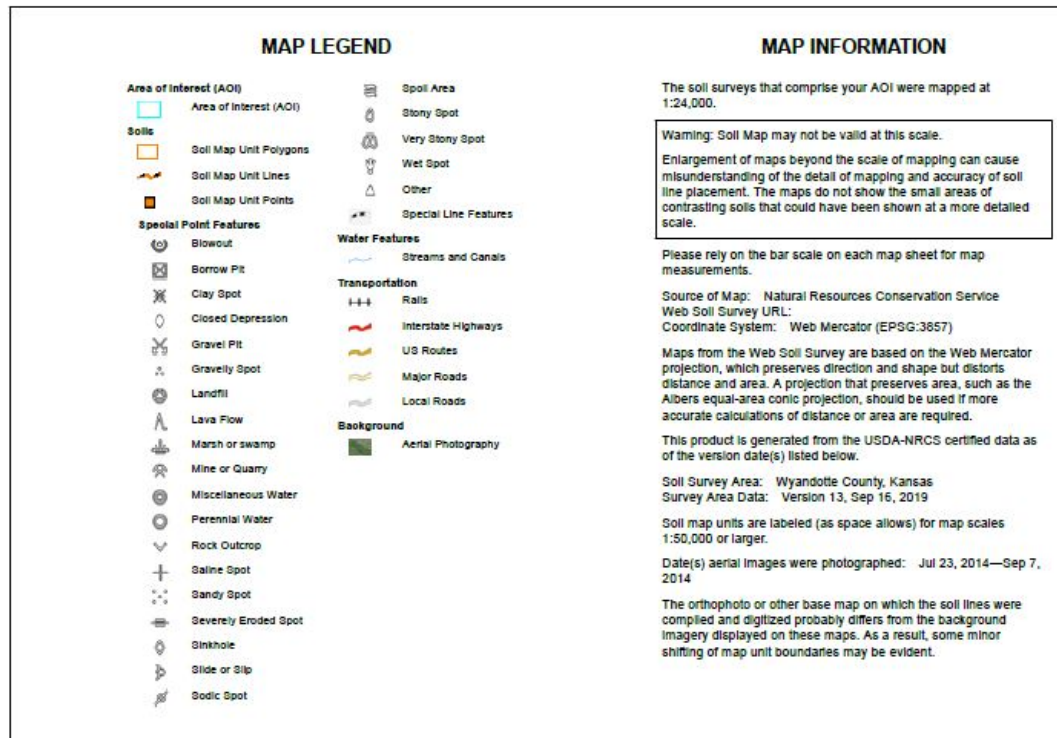
Soil Map may not be equal at this scale.



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

10/3/2019
Page 1 of 3



Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
7955	Knox silt loam, 7 to 12 percent slopes	0.1	100.0%
Totals for Area of Interest		0.1	100.0%

Soil Features

This table gives estimates of various soil features. The estimates are used in land use planning that involves engineering considerations.

A *restrictive layer* is a nearly continuous layer that has one or more physical, chemical, or thermal properties that significantly impede the movement of water and air through the soil or that restrict roots or otherwise provide an unfavorable root environment. Examples are bedrock, cemented layers, dense layers, and frozen layers. The table indicates the hardness and thickness of the restrictive layer, both of which significantly affect the ease of excavation. *Depth to top* is the vertical distance from the soil surface to the upper boundary of the restrictive layer.

Subsidence is the settlement of organic soils or of saturated mineral soils of very low density. Subsidence generally results from either desiccation and shrinkage, or oxidation of organic material, or both, following drainage. Subsidence takes place gradually, usually over a period of several years. The table shows the expected initial subsidence, which usually is a result of drainage, and total subsidence, which results from a combination of factors.

Potential for frost action is the likelihood of upward or lateral expansion of the soil caused by the formation of segregated ice lenses (frost heave) and the subsequent collapse of the soil and loss of strength on thawing. Frost action occurs when moisture moves into the freezing zone of the soil. Temperature, texture, density, saturated hydraulic conductivity (Ksat), content of organic matter, and depth to the water table are the most important factors considered in evaluating the potential for frost action. It is assumed that the soil is not insulated by vegetation or snow and is not artificially drained. Silty and highly structured, clayey soils that have a high water table in winter are the most susceptible to frost action. Well drained, very gravelly, or very sandy soils are the least susceptible. Frost heave and low soil strength during thawing cause damage to pavements and other rigid structures.

Risk of corrosion pertains to potential soil-induced electrochemical or chemical action that corrodes or weakens uncoated steel or concrete. The rate of corrosion of uncoated steel is related to such factors as soil moisture, particle-size distribution, acidity, and electrical conductivity of the soil. The rate of corrosion of concrete is based mainly on the sulfate and sodium content, texture, moisture content, and acidity of the soil. Special site examination and design may be needed if the combination of factors results in a severe hazard of corrosion. The steel or concrete in installations that intersect soil boundaries or soil layers is more susceptible to corrosion than the steel or concrete in installations that are entirely within one kind of soil or within one soil layer.

For uncoated steel, the risk of corrosion, expressed as *low*, *moderate*, or *high*, is based on soil drainage class, total acidity, electrical resistivity near field capacity, and electrical conductivity of the saturation extract.

For concrete, the risk of corrosion also is expressed as *low*, *moderate*, or *high*. It is based on soil texture, acidity, and amount of sulfates in the saturation extract.

Report—Soil Features

Soil Features—Wyandotte County, Kansas									
Map symbol and soil name	Restrictive Layer				Subsidence		Potential for frost action	Risk of corrosion	
	Kind	Depth to top	Thickness	Hardness	Initial	Total		Uncoated steel	Concrete
		Low-RV-High	Range		Low-High	Low-High			
		In	In		In	In			
7955—Knox silt loam, 7 to 12 percent slopes									
Knox		—	—		—	—	High	Moderate	Low

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
 Survey Area Data: Version 13, Sep 16, 2019

Adriene Norton
1046 Merriam Ln
Kansas City, KS 66103

DECEMBER 6, 2019

SUBJECT: Neighborhood Meeting

Dear Neighbor,

I have filed an application with the Department of Urban Planning and Land Use #19402-00102 and petition #SP-2019-110. The purpose of this special use permit is for a limited sized, cage free dog care facility at 1046 Merriam Ln, Kansas City, KS 66103.

I am having a neighborhood meeting on Wednesday, December 18, 2019 at 7:30pm at Rosedale Development Association, 1403 Southwest Blvd. The purpose of this meeting is to explain the proposal and answer any questions or concerns you may have.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please send any questions to the email address listed below.

Warm regards,

Adriene Norton

BIZYDOGS@GMAIL.COM

Neighborhood Meeting Minutes

Application Number: #19402-00102 #SP-2019-110
Date and Location: Wed, Dec 18th 7:30pm
Rosedale Development Association
1403 Southwest Blvd KC MO

Meeting called to order at: 7:30pm

Names of people in attendance:

- 1) Adriene Norton -applicant
- 2) Jessica Corsi

Presentation handout given to those in attendance (attached)

No questions were asked / no answers to be given. Persons in attendance were applicant and one pro-approval.

meeting adjourned at: 8:15pm

Minutes written by: Adriene Norton

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
) SS:
COUNTY OF Jackson)

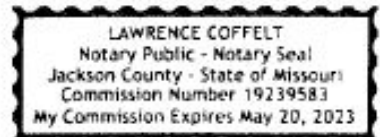
Comes now Adriene Norton, of lawful age, sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition # SP-2019-110 / #19402-colo2
2. That I conducted a neighborhood meeting on Wed, Dec 19th.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Adriene Norton
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 23 day of December, 2019.
My commission expires 20th of MAY, 2023



Lawrence Coffelt
Notary Public



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 30, 2020
Re: **Petition #SP-2019-119**

GENERAL INFORMATION

Applicant:

La Dena Washington

Status of Applicant:

Representative
Altar Support, Inc
P.O. Box 171935
Kansas City, KS 66117

Requested Action:

Approval of special use permit

Date of Application:

October 25, 2019

Purpose:

Special use permit for new
construction of a daycare facility.

Property Location:

9151 Parallel Parkway

Existing Zoning: R-1 Single Family District



Existing Surrounding Zoning: **North:** A-G Agriculture District
South: R-1 Single Family District
East: A-G Agriculture District
West: CP-0 Planned Nonretail Business District

Existing Uses: **North:** Single-family residence
South: Single-family subdivision
East: Wooded land
West: Medical office building

Total Tract Size: 1.4 acres

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

Major Street Plan: The Major Street Plan designates Parallel Parkway as a Class A Thoroughfare.

Advertisement: The Wyandotte Echo – November 14, 2019
Letters to Property Owner – November 13, 2019, December 26, 2019 and January 23, 2020

Public Hearings: December 9, 2019, January 13, 2020 and January 30, 2020

Public Opposition: Opposition was expressed at the December 9, 2019 Planning Commission meeting. No one appeared in opposition at the January 13, 2020 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant has requested a special use permit for new construction of a daycare center in R-1 Single Family Residential District, along with a variance application to allow reduced parking requirements.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood contains a mix of uses, with a single-family subdivision, large lot homes and agriculture lots, apartments and offices all nearby.

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

The proposed use is expected to be compatible with nearby uses.

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

There are some issues that need to be resolved in order for this to be a suitable site for such development; such as drive entrances and the availability of sewer connection.

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

This property is undeveloped.

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

Special use permits are not addressed in the Master Plan.

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

The proposed use would not increase traffic to the point where it exceeds the capacity of the street network to accommodate it.

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

The proposed use would provide a benefit and convenience for the nearby residential properties by providing a close daycare option.

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

This is not an issue.

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

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

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

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

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

If not approved, the landowner would need to find a new location for the daycare.

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

This is not an issue.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 15, 2019. A copy of meeting minutes, sign-in sheet and affidavit are attached.

KEY ISSUES

Landscaping
Building Design

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-119, subject to:

Business License Comments:

1. Our office finds no record of a Church located at 9151 Parallel, and the property appears to be vacant land with no structure. If approved and the land is developed and built as a Church, with daycare operate by the Church, they will need to file application with this office as a Church and daycare. If approved and the land is developed and built as a daycare that provides services to the Church in a for-profit capacity, the daycare would need to file the occupation tax application with this office.

Urban Planning and Land Use Comments:

1. A final development plan will be required to be approved through Planning Commission prior to building permit.
2. Provide a business plan outlining the function of the proposed use, pick-up and drop-off procedures, amount and age range of children, hours and days of operation, proposed number of employees, and other relevant information.

Applicants Response: The safety of children is of paramount concern to the Altar Support. The center opens every day at 6am. Our cut off for drop off ends at 9am. Our day ends at 4pm. Pick up occurs between the hours of

4pm and 6pm. If parent(s)/ caregiver(s) arrive after 6:00pm to pick up their children, late pickup procedures will be applied due to safety concerns and staffing cost.

3. Parking is required at a ratio of 4 spaces per 1000 square feet. A separate application has been filed for a parking variance to allow 5 parking spaces whereas 20 are required, a deficit of 15 spaces.

Staff Comment: The applicant has updated the site plan for the BOZA and SUP to show 8 parking spaces rather than 5.

4. Provide color elevations.

Staff Comment: Final elevations and a physical material palette must be submitted with the Final Development Plan.

5. Update site plan to include site area.

6. Update site plan to show utilities and utility connections.

7. Show location of trash enclosure. Trash enclosure shall be enclosed with a screening wall or fence constructed of the same material as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses.

8. Provide dimensions of parking area and proposed building on the site plan.

9. Update site plan to show sidewalk connections between the parking lot and building area. Internal pedestrian walkways within the parking lot or drive area must be distinguished from other surfaces. Pedestrian connections must be clearly defined in a combination of two or more of the following ways:

- a. Six inch vertical curb
- b. Trellis
- c. Special railing
- d. Bollards
- e. Special paving
- f. Low seat wall or other architectural features
- g. Pedestrian scale lighting
- h. Traffic calming devices

10. Provide a landscape plan.

- a. Per zoning requirements, trees are required at not less than one per 7,000 square feet of site area. With a lot size of 61,099 sf, 9 trees are required.
- b. Per the Commercial Design Guidelines, a 75% multiplier is added onto the tree requirement (7 additional trees) for a total requirement of 16 trees for the landscaping requirement.

- c. Screening or buffer plantings are required to be provided along all side and rear property lines common to or across an alley from single-family or two-family zoned property. Buffer plantings shall include the equivalent of a minimum of one evergreen tree or one shade tree and three large shrubs for each 30 feet of adjacent project boundary.
- d. At least one half of the trees planted to fulfill the tree planting requirements shall be shade trees with a two-inch caliper at the time of planting.
- e. Include on the landscape plan the following items; location, size and type of existing plant material to be retained, location, type, size and quantity of all proposed plant material and related nonliving, structural and decorative features. Common and botanical names shall be provided for all proposed plant material.
- f. Landscaping shall be irrigated.
- g. Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum thirty (30) inches at maturity.
- h. Formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - i. One tree with a minimum caliper of 2 inches (ornamental evergreen trees must be at least 6 feet tall when planted) provided for every thirty (30) feet of street easement or frontage along Parallel Parkway. Street trees are in addition to landscaping requirements.
- i. At least 75% of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material.

Staff Comment: Landscape plan has been submitted.

11. Provide building dimensions on elevation plans. In order to break up the monotonous appearance of long facades, a building wall should be divided into increments of no more than 45' through articulation of the façade. This can be achieved through combinations of at least three of the following techniques:

- a. Divisions or breaks in materials;
- b. Building offsets (projections, recesses, niches)
- c. Window bays;
- d. Separate entrances and entry treatment; or
- e. Variation in roof lines.

Update elevation plans to include these elements.

Staff Comment: Building design will need additional modification and inclusion of additional elements to meet Commercial Design Guidelines. This can be reviewed as part of the Final Development plan.

12. Provide material palette and a breakdown, by percentage of each material on each facade. Building materials must be durable, economically maintained, and of a quality that will retain its appearance over time; including but not limited to natural or synthetic stone; brick; stucco; integrally-colored, textured, or glazes concrete masonry units; high quality pre-stressed concrete systems; cementitious siding (Hardy board); or glass.

13. EFIS (Synthetic Stucco) may not comprise more than 15% of any façade.

Staff Comment: A breakdown of material compositions by percentage for each façade needs to be submitted. It appears there is still over 15% of synthetic stucco on the east, south, and north elevations.

14. All building facades shall be at least 50% masonry. Cementitious siding may be used to meet 50% of the total masonry requirement.

Staff Comment: See comments above regarding required material palette and materials breakdown prior to Final Development Plan approval.

15. Downspouts shall be internalized.

16. For new construction, windows, windows with awnings, and covered pedestrian walkways should total at least 60% of the building frontage along public streets or parking lots. Update plans to meet this requirement.

Staff Update 1/3/2020: At the Planning Commission meeting on December 9th, 2019, this case was held over to give the applicant time to provide updated information regarding the number and ages of children and the number of employees. Updated information is attached.

There was also a question at the meeting as to whether Hughie Clay of 9110 Garfield Avenue was on the mailing list provided to the applicant for the neighborhood meeting. Staff has reviewed the mailing list and can confirm he was on it.

Public Works Comments:

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

1) None.

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

1) The special use permit submittal requires complete final site engineering (including engineering studies) and construction level drawings. The drawings shall be revised to include all applicable construction notes, details, and final engineering design in accordance with UG criteria.

2) Provide revised plans with dimensions including but not limited to the drive entrance dimensions from the property line, drive entrance throat width, drive entrance curb return radii, parking stall dimensions, drive

- aisles, turn around area, existing utilities, spot elevations at ADA parking area, UG node numbers for all nearby UG infrastructure, etc.
- 3) The proposed drive entrance on Parallel Parkway is within the intersection influence area of the existing drive entrance on the neighboring property to the west. Therefore, a waiver request for the proposed driveway entrance shall be submitted to UG for review and approval. Further discussion with staff may be required.
 - 4) Provide a PE sealed storm drainage memo or report which addresses overall storm drainage, existing and proposed storm facilities, existing drainage outfalls, downstream analysis, net increase in impervious area, detention, stormwater quality “hotspots” analysis and/or BMP’s in accordance with the MARC BMP Manual and UG standards and criteria. (See UG checklists, standards and criteria)
 - 5) Provide a P.E sealed sanitary sewer memorandum with flow calculations including proposed pump size, force line size, peak flows etc. and all applicable information. for the development in accordance with the UG Minimum Design Standards for Sanitary Sewers.
 - 6) Please coordinate with Harvey Fields (913-573-5947), Fire Department if the proposed turn around area meets KCFD requirements. Also, show fire lanes, hydrant location and truck turning template made with CAD e.g. AUTO-TURN or similar program.
 - 7) Retaining walls greater than 3’ 6” shall be designed by a Professional Structural Engineer registered in the State of Kansas. In this regard, provide plans and profiles for the proposed retaining walls. See UG checklist, standards and criteria.
 - 8) Provide more information for the future residential construction referenced in the plans.
 - 9) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2019-119 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

December 9, 2019 City Planning Commission Minutes
January 13, 2020 City Planning Commission Minutes
Elevation plans
Neighborhood Meeting Minutes, Sign-in and Affidavit
Updated Site Plan

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	December 9, 2019	
Special Use	Held Over January 13, 2020	January 30, 2020
	Approval	

STAFF CONTACT: Kimberly Portillo
kportillo@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-119** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-119**, to the as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 9, 2019 City Planning Commission Minutes:

Hearing Starts At 1:11:06:

SPECIAL USE PERMIT APPLICATION #SP-2019-119 – LA DENA WASHINGTON WITH ALTAR SUPPORT, INC. – SYNOPSIS: Special Use Permit for a child/day care

facility for a church at 9181 Parallel Parkway. **Detailed Outline of Requested Action:** The applicant has requested a special use permit for new construction of a daycare center in R-1 Single Family Residential District, along with a variance application to allow reduced parking requirements.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 9, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated November 14, 2019;
7. The Notices to property owners dated November 13, 2019; and
8. The testimony from the Board of Zoning Appeals meeting this evening.

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

Present in Support:

- ❖ La Dena Washington, applicant, 9151 Parallel Parkway, Kansas City, Kansas

Present in Opposition:

- ❖ Hughie Clay, 9110 Garfield Avenue, Kansas City, Kansas 66112

Staff Recommendation Starts 1:21:29: Planning Director Richardson stated that Mr. Clay is within the 200' notification area (he had stated that he did not receive a notice for the neighborhood meeting.) He stated that the staff will go back and review the notification list if this is held over. The staff recommends holding over this application for clarification on the (age) and number of children and parking required.

Motion and Vote Starts 1:12:00:

On motion by Mr. Miller, seconded by Dr. Neal, the Planning Commission voted as follows to **HOLD OVER Special Use Permit Application #SP-2019-119 for further clarification of the outstanding issues:**

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

Motion to HOLD OVER Passed: 5 to 0

January 13, 2020 City Planning Commission Minutes:

Hearing Starts At 2:15:24:

SPECIAL USE PERMIT APPLICATION #SP-2019-119 – LA DENA WASHINGTON WITH ALTAR SUPPORT, INC. – SYNOPSIS: Special Use Permit for a child/day care facility for a church at 9151 Parallel Parkway. ***Detailed Outline of Requested Action:*** The applicant has requested a special use permit for new construction of a daycare center in R-1 Single Family Residential District, along with a variance application to allow reduced parking requirements.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated November 14, 2019;
7. The Notices to property owners dated November 13, 2019 and December 26, 2019; and
8. The revised site plan distributed to the Commission this evening.

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

Recording Secretary Parker stated that this application was held over from the December 9th meeting to give the applicant time to provide updated information regarding the number and ages of children and the number of employees for this operation.

Present in Support:

- ❖ La Dena Washington, applicant, 9151 Parallel Parkway, Kansas City, Kansas

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts 2:19:02: Planning Director Richardson stated that the staff appreciates the update from the applicant and recommends approval subject to the stipulations in the staff report and final plan review.

Motion and Vote Starts 2:19:19:

On motion by Mr. Connelly, seconded by Mr. Reasons, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2019-119:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

Business License Comments:

1. Our office finds no record of a Church located at 9151 Parallel, and the property appears to be vacant land with no structure. If approved and the land is developed and built as a Church, with daycare operate by the Church, they will need to file application with this office as a Church and daycare. If approved and the land is developed and built as a daycare that provides services to the Church in a for-profit capacity, the daycare would need to file the occupation tax application with this office.

Urban Planning and Land Use Comments:

1. A final development plan will be required to be approved through Planning Commission prior to building permit.
2. Provide a business plan outlining the function of the proposed use, pick-up and drop-off procedures, amount and age range of children, hours and days of operation, proposed number of employees, and other relevant information.

Applicants Response: The safety of children is of paramount concern to the Altar Support. The center opens every day at 6am. Our cut off for drop off ends at 9am. Our day ends at 4pm. Pick up occurs between the hours of 4pm and 6pm. If parent(s)/ caregiver(s) arrive after 6:00pm to pick up their children, late pickup procedures will be applied due to safety concerns and staffing cost.

3. Parking is required at a ratio of 4 spaces per 1000 square feet. A separate application has been filed for a parking variance to allow 5 parking spaces whereas 20 are required, a deficit of 15 spaces.

Staff Comment: The applicant has updated the site plan for the BOZA and SUP to show 8 parking spaces rather than 5.

4. Provide color elevations.

Staff Comment: Final elevations and a physical material palette must be submitted with the Final Development Plan.

5. Update site plan to include site area.

6. Update site plan to show utilities and utility connections.

7. Show location of trash enclosure. Trash enclosure shall be enclosed with a screening wall or fence constructed of the same material as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses.

8. Provide dimensions of parking area and proposed building on the site plan.

9. Update site plan to show sidewalk connections between the parking lot and building area. Internal pedestrian walkways within the parking lot or drive area must be distinguished from other surfaces. Pedestrian connections must be clearly defined in a combination of two or more of the following ways:

- a. Six inch vertical curb
- b. Trellis
- c. Special railing
- d. Bollards
- e. Special paving
- f. Low seat wall or other architectural features
- g. Pedestrian scale lighting
- h. Traffic calming devices

10. Provide a landscape plan.

- a. Per zoning requirements, trees are required at not less than one per 7,000 square feet of site area. With a lot size of 61,099 sf, 9 trees are required.
- b. Per the Commercial Design Guidelines, a 75% multiplier is added onto the tree requirement (7 additional trees) for a total requirement of 16 trees for the landscaping requirement.
- c. Screening or buffer plantings are required to be provided along all side and rear property lines common to or across an alley from single-family or two-family zoned property. Buffer plantings shall include the equivalent of a minimum of one evergreen tree or one shade tree and three large shrubs for each 30 feet of adjacent project boundary.

- d. At least one half of the trees planted to fulfill the tree planting requirements shall be shade trees with a two-inch caliper at the time of planning.
- e. Include on the landscape plan the following items; location, size and type of existing plant material to be retained, location, type, size and quantity of all proposed plant material and related nonliving, structural and decorative features. Common and botanical names shall be provided for all proposed plant material.
- f. Landscaping shall be irrigated.
- g. Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum thirty (30) inches at maturity.
- h. Formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - i. One tree with a minimum caliper of 2 inches (ornamental evergreen trees must be at least 6 feet tall when planted) provided for every thirty (30) feet of street easement or frontage along Parallel Parkway. Street trees are in addition to landscaping requirements.
 - i. At least 75% of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material.

Staff Comment: Landscape plan has been submitted.

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

Update elevation plans to include these elements.

Staff Comment: Building design will need additional modification and inclusion of additional elements to meet Commercial Design Guidelines. This can be reviewed as part of the Final Development plan.

- 12. Provide material palette and a breakdown, by percentage of each material on each facade. Building materials must be durable, economically maintained, and of a quality that will retain its appearance over time; including but not limited to natural or synthetic stone; brick; stucco; integrally-colored, textured, or glazes concrete masonry units; high quality pre-stressed concrete systems; cementitious siding (Hardy board); or glass.**

13. EFIS (Synthetic Stucco) may not comprise more than 15% of any façade.

Staff Comment: A breakdown of material compositions by percentage for each façade needs to be submitted. It appears there is still over 15% of synthetic stucco on the east, south, and north elevations.

14. All building facades shall be at least 50% masonry. Cementitious siding may be used to meet 50% of the total masonry requirement.

Staff Comment: See comments above regarding required material palette and materials breakdown prior to Final Development Plan approval.

15. Downspouts shall be internalized.

16. For new construction, windows, windows with awnings, and covered pedestrian walkways should total at least 60% of the building frontage along public streets or parking lots. Update plans to meet this requirement.

Staff Update 1/3/2020: At the Planning Commission meeting on December 9th, 2019, this case was held over to give the applicant time to provide updated information regarding the number and ages of children and the number of employees. No additional information has been received by staff to date.

There was also a question at the meeting as to whether Hughie Clay of 9110 Garfield Avenue was on the mailing list provided to the applicant for the neighborhood meeting. Staff has reviewed the mailing list and can confirm he was on it.

Public Works Comments:

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

1) None.

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

1) The special use permit submittal requires complete final site engineering (including engineering studies) and construction level drawings. The drawings shall be revised to include all applicable construction notes, details, and final engineering design in accordance with UG criteria.

2) Provide revised plans with dimensions including but not limited to the drive entrance dimensions from the property line, drive entrance throat width, drive entrance curb return radii, parking stall dimensions, drive aisles, turn around area, existing utilities, spot elevations at ADA parking area, UG node numbers for all nearby UG infrastructure, etc.

3) The proposed drive entrance on Parallel Parkway is within the intersection influence area of the existing drive entrance on the neighboring property to the west. Therefore, a waiver request for the proposed driveway entrance shall be submitted to UG for review and approval. Further discussion with staff may be required.

- 4) Provide a PE sealed storm drainage memo or report which addresses overall storm drainage, existing and proposed storm facilities, existing drainage outfalls, downstream analysis, net increase in impervious area, detention, stormwater quality "hotspots" analysis and/or BMP's in accordance with the MARC BMP Manual and UG standards and criteria. (See UG checklists, standards and criteria)
 - 5) Provide a P.E sealed sanitary sewer memorandum with flow calculations including proposed pump size, force line size, peak flows etc. and all applicable information. for the development in accordance with the UG Minimum Design Standards for Sanitary Sewers.
 - 6) Please coordinate with Harvey Fields (913-573-5947), Fire Department if the proposed turn around area meets KCFD requirements. Also, show fire lanes, hydrant location and truck turning template made with CAD e.g. AUTO-TURN or similar program.
 - 7) Retaining walls greater than 3' 6" shall be designed by a Professional Structural Engineer registered in the State of Kansas. In this regard, provide plans and profiles for the proposed retaining walls. See UG checklist, standards and criteria.
 - 8) Provide more information for the future residential construction referenced in the plans.
 - 9) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None



ALTAR SUPPORT

Minutes | DATE: 11.15.2019 | 7:30pm

Meeting opened up @ 7:35pm. K.W. Builders discussed the sewer routes. We asked for any questions meeting was adjourned @ 8:00pm.

Minutes taken by *[Signature]*

ALTAR SUPPORT

Sign In Sheet | DATE: 11.15.2019 | 7:30pm

NO.	NAME	SIGNATURE	PHONE (CELL)	EMAIL	ADDRESS	CITY/STATE
1	L. Dene Washington		(913) 915-1580	lodenaw@whetmole.com	PO Box 17235	KCKS
2	Kenneth Washington		913-687-5820			
3	Alicia Vann		913-208-9696		8520 Georgia Ave	KCKS 66109
4	Daniel Vann		913-208-9696		8520 Georgia Ave	KCKS 66109
5	Donovan Vann		913-208-9696		8520 Georgia Ave	KCKS 66109
6	Derek Vann, III		913-208-9696		8520 Georgia Ave	KCKS 66109
7						
8						
9						
10						
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12						
13						
14						
15						

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Yadon Washington, of lawful age, sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition # SP-2019-119
2. That I conducted a neighborhood meeting on Nov 15, 2019.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

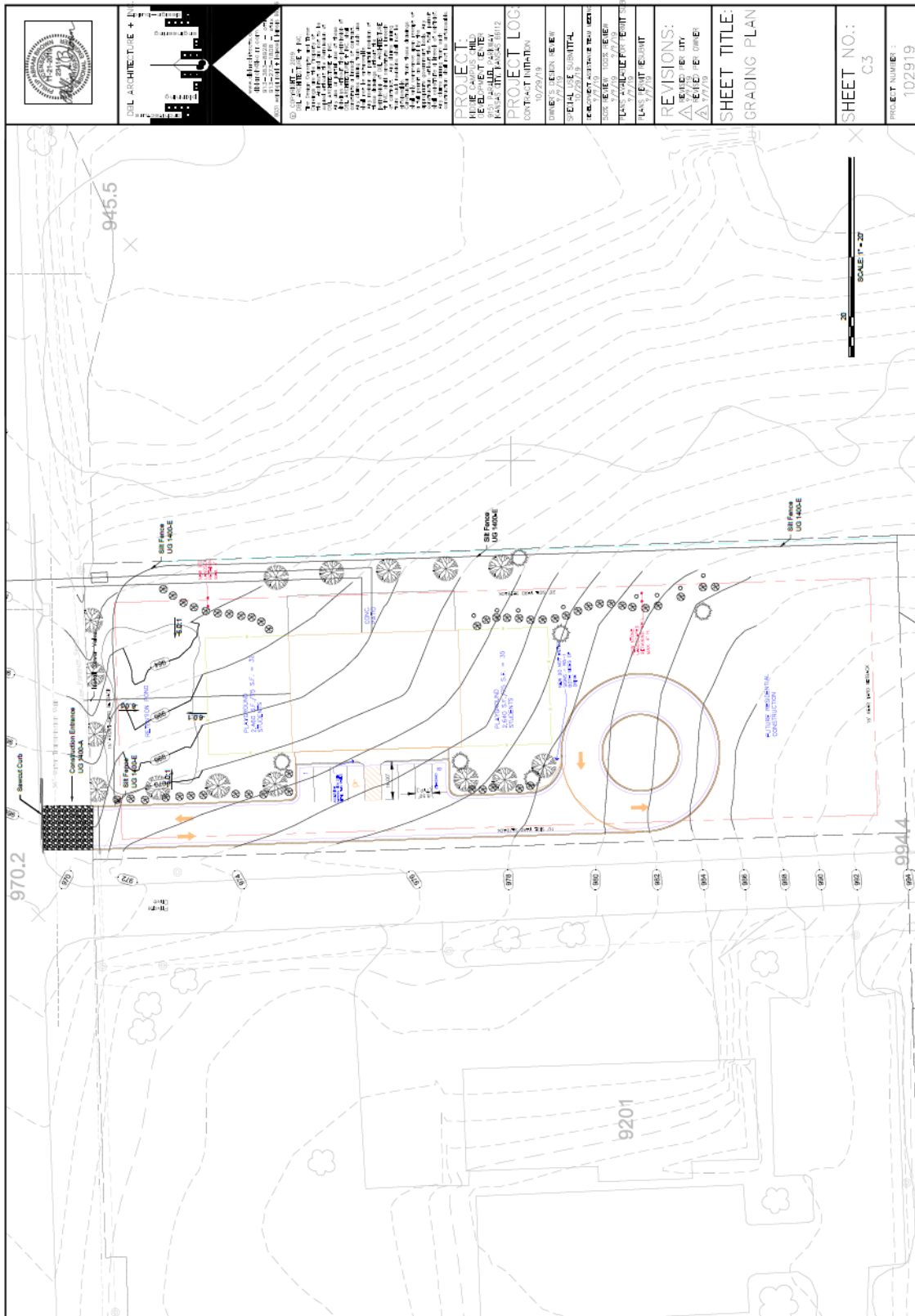
Further affiant saith not.

Yadon Washington
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 21 day of Nov, 2019
My commission expires 22nd of Jan, 2020

Bobbie Jo White
Notary Public







Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 30, 2020
Re: Petition #SP-2020-1

GENERAL INFORMATION

Applicant:
Clifford Dale Jr.

Status of Applicant:
Representative
Mason Jar, LLC
941 North 74th Drive
Kansas City, KS 66112

Requested Action:
Special Use Permit

Date of Application:
November 5, 2019

Purpose:
To operate live entertainment
in conjunction with a
restaurant

Property Location:
941 North 74th Drive



Commission Districts:

1. Commissioner At Large: Melissa Bynum
2. District Commissioner: Dr. Jane Winkler Philbrook

Existing Zoning: C-1 Limited Business District

Existing Surrounding Zoning: North: CP-1 Planned Limited Business District

South: R-1 Single Family District

East: CP-2 Planned General Business and CP-3
Planned Commercial Districts

West: C-1 Limited Business District

Existing Uses: North: Security National Bank and Taco Bell restaurant

South: Delaware Park

East: A used car lot

West: Used car lot and self-storage facility (across North 74th Drive)

Total Tract Size: 4.86 acres

Master Plan Designation: The City-Wide Master Plan designates this property as Mixed Use

Major Street Plan: The Major Street Plan classifies North 74th Drive as a Class C Thoroughfare.

Advertisement: The Wyandotte Echo – December 18, 2019
Letters to Property Owner – December 12, 2019 and January 23, 2020

Public Hearings: January 13, 2020 and January 30, 2020

Public Opposition: No one appeared in opposition at the January 13, 2020 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Clifford Dale Jr. with Mason Jar LLC requests renewal (which has expired) of Special Use Permit, #SP-2017-11, in order to continue to conduct live entertainment events, specifically outside within the fenced area on the east side of the building in conjunction with a restaurant at 941 North 74th Drive.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The character of the neighborhood is comprised of commercial uses along State Avenue, and North 74th Drive. State Avenue is one of the primary eastbound/westbound commercial arteries in the city.

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

The zoning and the uses of properties nearby is set out above. The proposed use is relatively compatible with the surrounding properties.

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

The removal of the restrictions will not detrimentally affect nearby property.

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

The property is not vacant.

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

Special Use Permits are not addressed in the Master Plan.

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

The proposed use will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public and will not permanently injure the appropriate use, visual quality, or marketability of adjoining property because the nature of the use is temporary.

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

The noise associated with the proposed use is of such duration and intensity that it could create problems for property owners. Again, some live events will be

outdoors, and there are apartments about 850 feet from this site to the north and southwest.

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

This is not an issue.

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

This is not an issue.

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

There is little to no relative gain to the public health, safety, and welfare compared to the hardship imposed on the landowners. If the application is denied, the applicant has the ability to operate the restaurant and host four (4) live events annually.

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

The proposed use will not result in overcrowding of land.

PREVIOUS ACTIONS

Special Use Permit #SP-2017-11. This expired on March 30, 2019.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 27, 2019. No one was in attendance. Documentation is attached below.

KEY ISSUES

The applicant has continued to host events on a regular basis after the expiration of both the Special Use Permit and the Business License, despite being informed that this was not allowed.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2020-1, subject to:

Urban Planning and Land Use Comments:

1. Since the expiration of the previous Special Use Permit, have you held any events in this space?

Applicant: Yes.

2. Please explain why SP-2017-11 was not renewed at the time of its expiration on March 30, 2019.

Applicant: There was a miscommunication on our end. This took place before I took over the project. I will be sure we get everything handled from here forward.

3. Please provide photos of the interior and exterior of the site.

Staff: Applicant has provided updated photos and are included in the attachments.

4. What types of live entertainment do you host?

Applicant: Our entertainment has been, country artists and jazz groups, like the Kansas City Community College Jazz Band.

5. How many people attend a typical event?

Applicant: Our maximum capacity inside is 204 people. We do not normally meet that capacity. An average event is around 100-105 people within the building. There are times where they may be more or less than this amount of people.

6. What are your hours of operation on each day of the week?

Applicant: Monday-Friday we are open 11:00am-10:00pm. Saturday and Sunday we are open from 11:00am-12:00am.

7. Do you provide on-site security during an event? If so, what is your plan? How do you plan to meet code required security requirements?

Applicant: We do not provide on-site security for events. Our capacity is 204 guests. This does not meet the minimum requirement for on-site security according to Special Events – Unified Government.

8. Have you had an issues with crowd management in the duration of the venue? If so, when and how was it handled?

Applicant: We have never had any crowd issues during an event.

9. Have you had any noise complaints during the operation of this venue? If so, when and how was it handled?

Applicant: We have never had any noise complaints during events.

Public Works Comments:

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

Business License Comments:

Business held an annual entertainment license after their last SUP approval. That license expired and came due for renewal in May, as with their SUP. At that time, they indicated they were not going to renew the Special Use Permit and license was terminated. They were advised they no longer held license for any live entertainment activities. The business has regularly had live events since the expiration.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2020-1 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 13, 2020 City Planning Commission Minutes
Zoning Map
Floor Plan
Site Plans
Updated Site Photos
Neighborhood Meeting Documentation

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 13, 2020	January 30, 2020
Special Use	Approval	

STAFF CONTACT: **Shana Shanteau**
 sshanteau@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2020-1** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2020-1**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 13, 2020 City Planning Commission Minutes:

Hearing Starts At 2:10:00:

SPECIAL USE PERMIT APPLICATION #SP-2020-1 – CLIFFORD DALE JR. WITH 4104 POWELL AVENUE, LLC – SYNOPSIS: Special Use Permit (#SP-2017-11 – expired 3/30/2019) for live entertainment in conjunction with Mason Jar restaurant at 941 North 74th Drive. ***Detailed Outline of Requested Action:*** The applicant, Clifford Dale Jr. with Mason Jar LLC requests renewal (which has expired) of Special Use Permit, #SP-2017-11, in order to continue to conduct live entertainment events, specifically outside within the fenced area on the east side of the building in conjunction with a restaurant at 941 North 74th Drive.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;

4. The staff report and attachments dated January 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated December 19, 2019; and
7. The Notices to property owners dated December 12, 2019.

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

Present in Support:

- Adriene Adele, representing the applicant
- Andrea Wilcoxon, employed at the KCKCC

Present in Opposition:

- No one appeared

Staff Recommendation Starts 2:29:53: Planning Director Richardson stated that they do have a business license for the restaurant, but if this is approved, they will need to renew their business license for live entertainment. He stated that when the staff was talking with them, they were trying to acquire representation and that took them a couple of months. He stated that the person that they hired to do this and take care of other things with the businesses had health issues. Some of this was on them for four or five months but when the staff started talking to them, they started progressing through it. He further stated that in general he thinks that this is a good thing. There are some residents but there are some trees. He showed the Commission where the area is located for the live entertainment and the property does sit below grade. There was a misunderstanding and once they realized that they took steps to correct it, even though it took longer than anyone liked. The staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts 2:31:51:

On motion by Ms. Huey, seconded by Dr. Serda, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2020-1:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Since the expiration of the previous Special Use Permit, have you held any events in this space?

Applicant: Yes.

2. Please explain why SP-2017-11 was not renewed at the time of its expiration on March 30, 2019.

Applicant: There was a miscommunication on our end. This took place before I took over the project. I will be sure we get everything handled from here forward.

3. Please provide photos of the interior and exterior of the site.

Staff: Applicant has provided updated photos and are included in the attachments.

4. What types of live entertainment do you host?

Applicant: Our entertainment has been, country artists and jazz groups, like the Kansas City Community College Jazz Band.

5. How many people attend a typical event?

Applicant: Our maximum capacity inside is 204 people. We do not normally meet that capacity. An average event is around 100-105 people within the building. There are times where they may be more or less than this amount of people.

6. What are your hours of operation on each day of the week?

Applicant: Monday-Friday we are open 11:00am-10:00pm. Saturday and Sunday we are open from 11:00am-12:00am.

7. Do you provide on-site security during an event? If so, what is your plan? How do you plan to meet code required security requirements?

Applicant: We do not provide on-site security for events. Our capacity is 204 guests. This does not meet the minimum requirement for on-site security according to Special Events – Unified Government.

8. Have you had an issues with crowd management in the duration of the venue? If so, when and how was it handled?

Applicant: We have never had any crowd issues during an event.

9. Have you had any noise complaints during the operation of this venue? If so, when and how was it handled?

Applicant: We have never had any noise complaints during events.

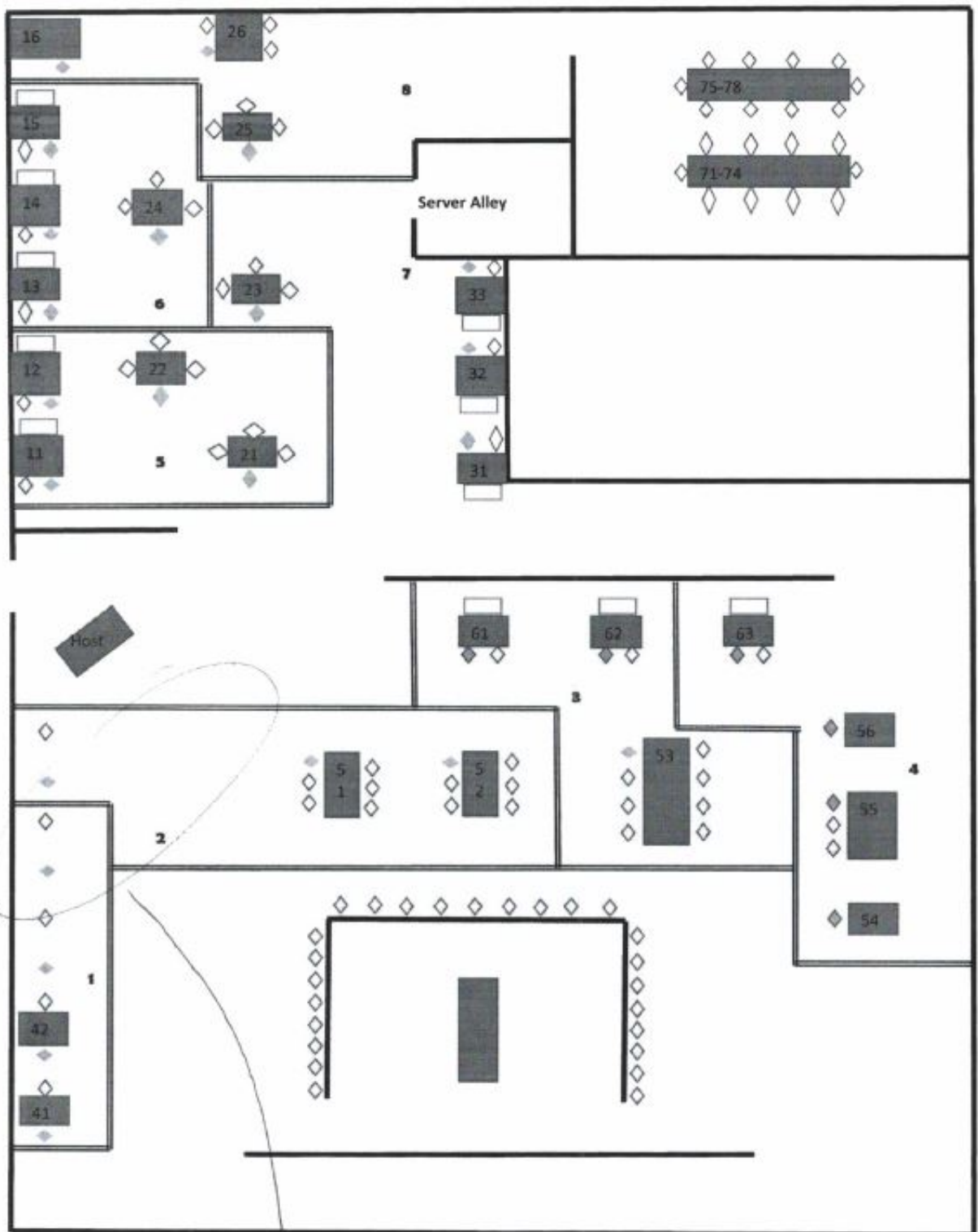
Public Works Comments:

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

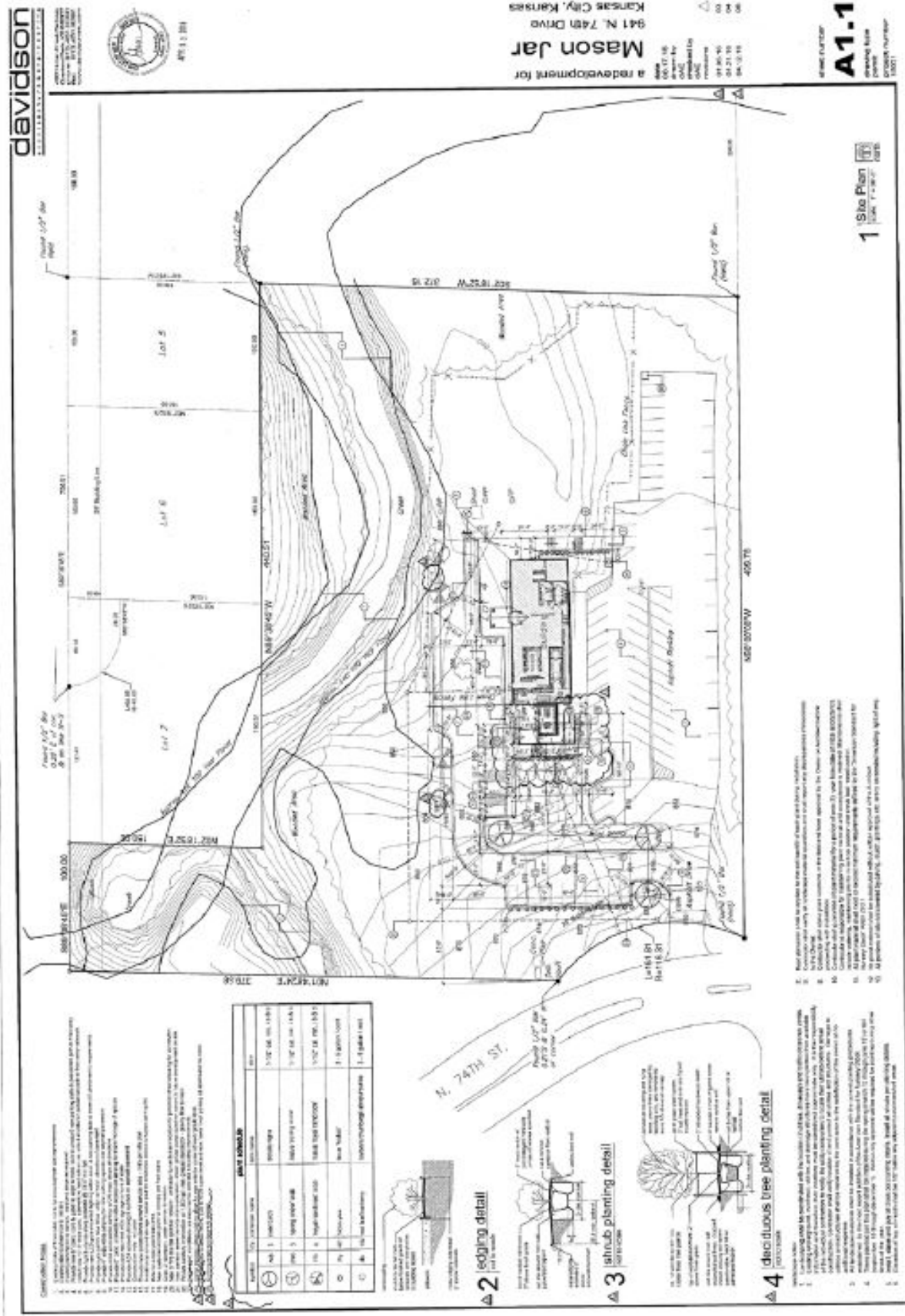
Business License Comments:

Business held an annual entertainment license after their last SUP approval. That license expired and came due for renewal in May, as with their SUP. At that time, they indicated they were not going to renew the Special Use Permit and license was terminated. They were advised they no longer held license for any live entertainment activities. The business has regularly had live events since the expiration.

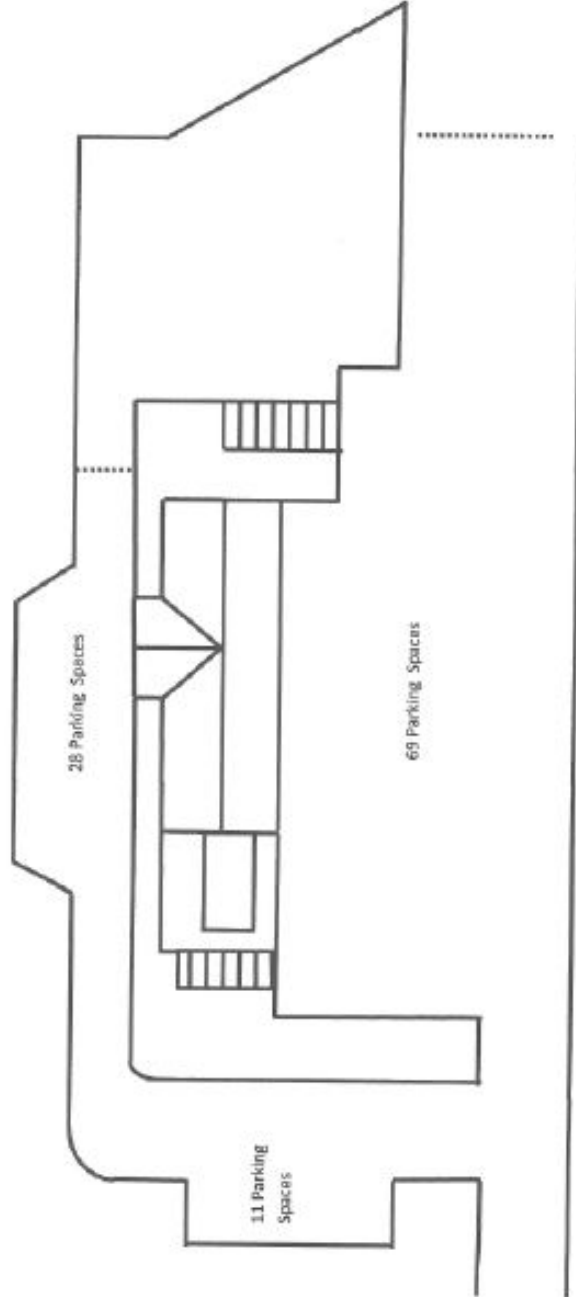


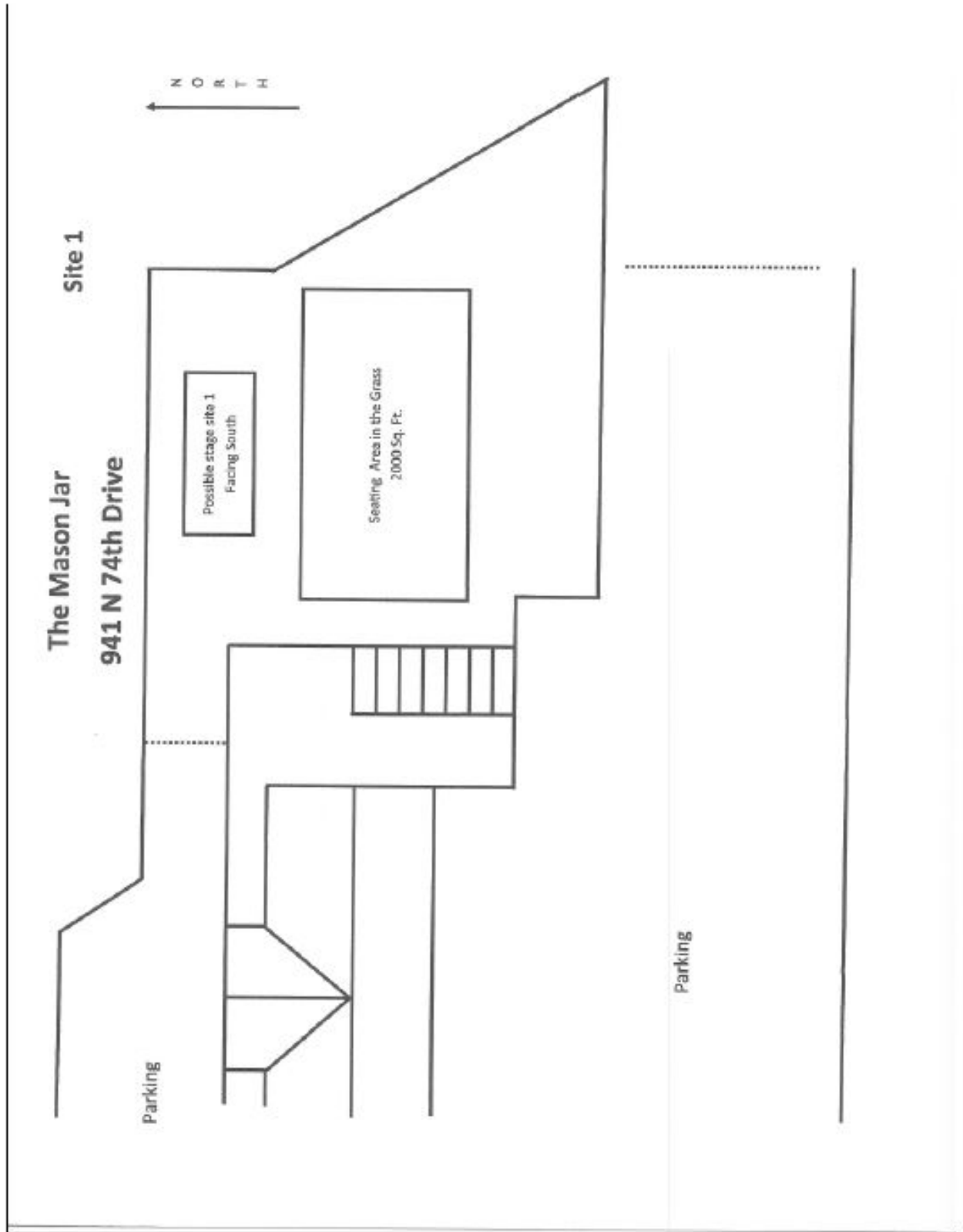


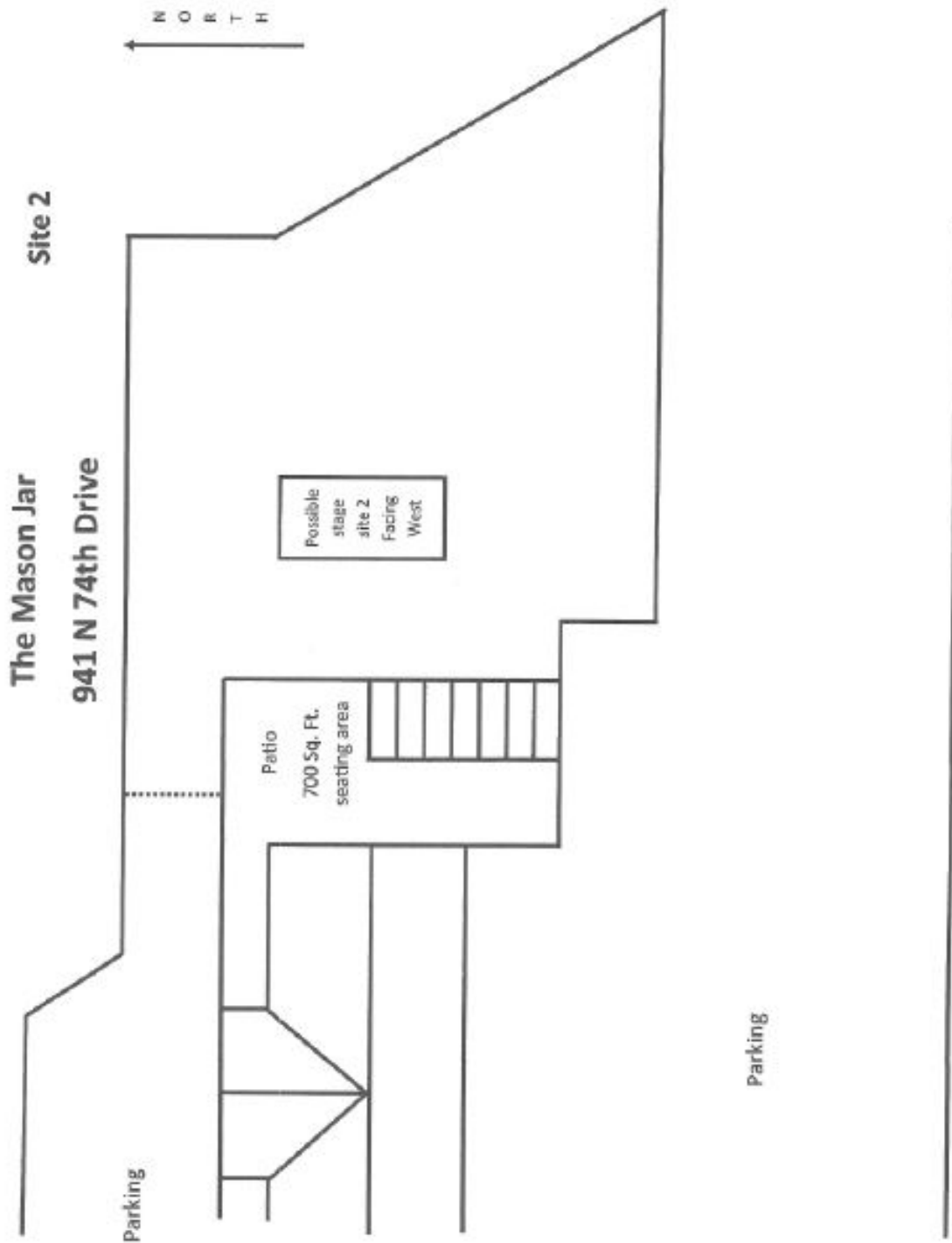
where inside
bands will be.

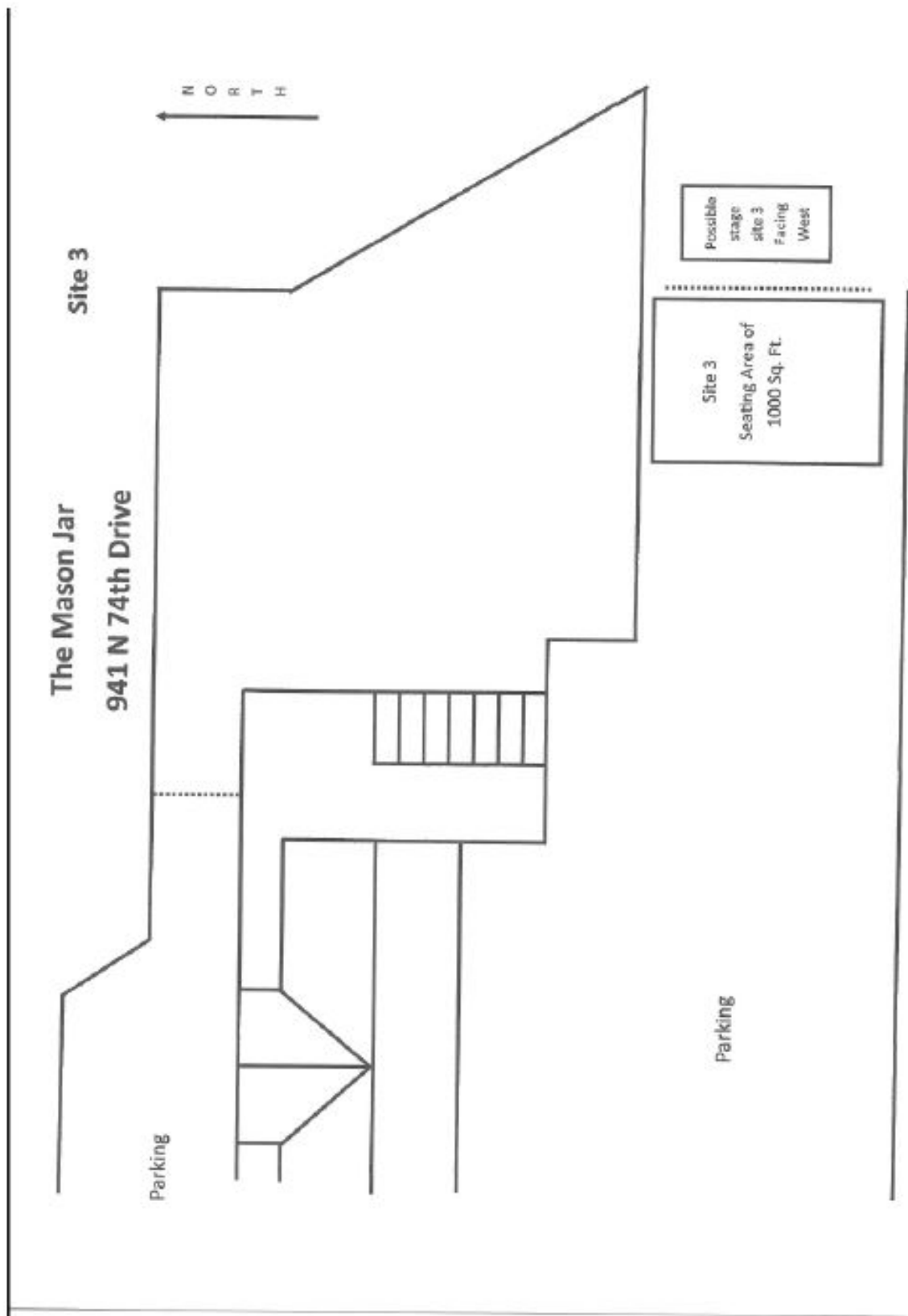


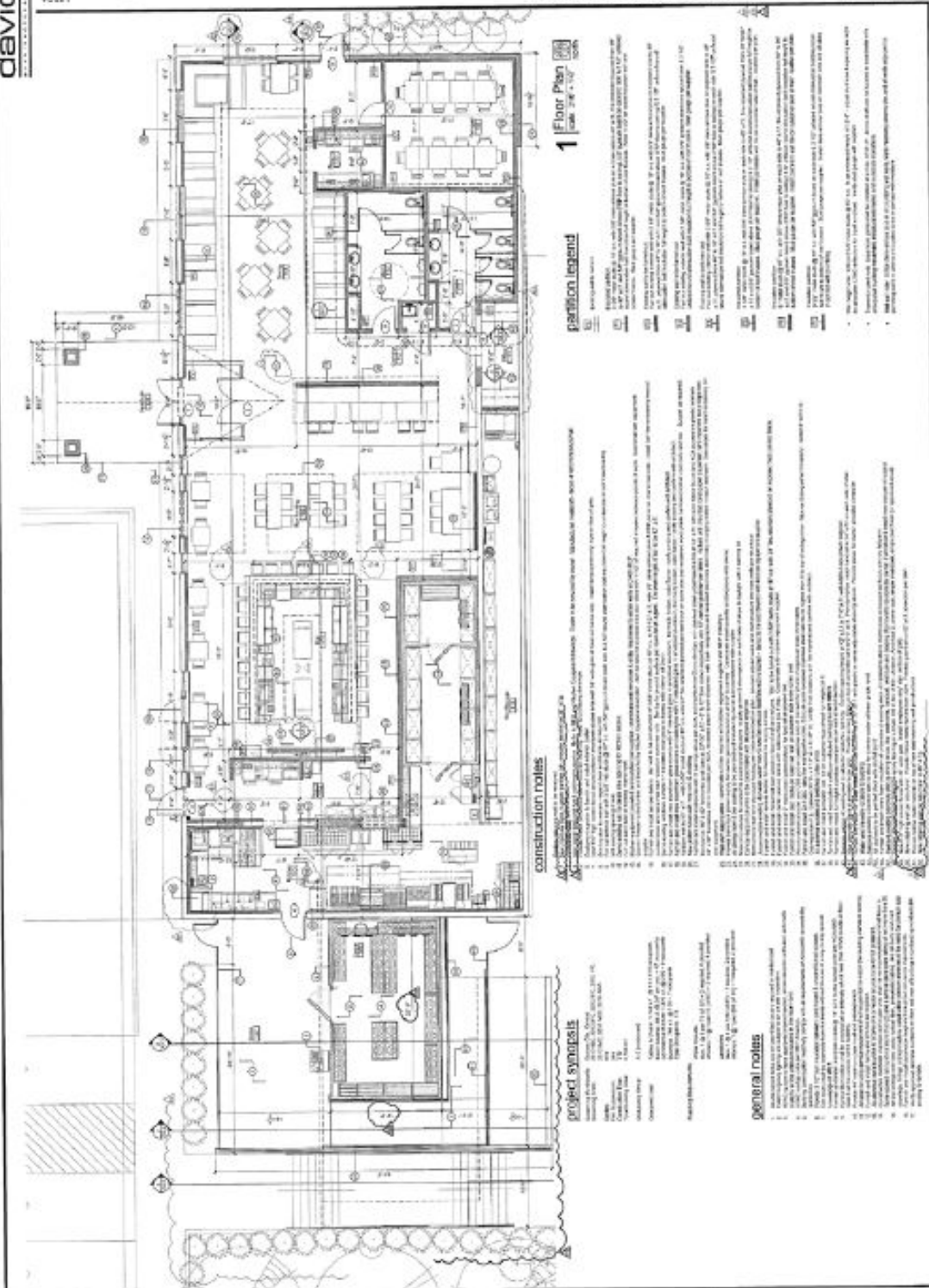
The Mason Jar
941 N 74th Drive













Neighborhood meeting

The meeting for the Mason Jar Special Use permit was held on December 27TH, 2019. The meeting room was open at 6:00pm, the meeting started at 6:30 pm. I stayed in the room until 7:30 PM. The meeting was held in the Mason Jar private dining room, located at 941 74th Drive, KCK. In the time I was there nobody came to attend the meeting.



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 30, 2020
Re: Petition #SP-2020-2

GENERAL INFORMATION

Applicant:

John Dennison

Status of Applicant:

Property Owner
2903 West 48th Terrace
Westwood, KS 66205

Requested Action:

Special use permit

Date of Application:

November 15, 2019

Purpose:

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

Property Location:

4447 Booth Street



Commission Districts:

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

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

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

Existing Uses: **North:** Single Family Residence
South: Single Family Residence
East: Single Family Residence
West: Single Family Residence

Total Tract Size: 0.15 acre

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

Major Street Plan: The Major Street Plan designates 4447 Booth as Local street.

Advertisement: The Wyandotte Echo – December 19, 2019
Letters to Property Owner – December 12, 2019 and January 23, 2020

Public Hearings: January 13, 2020 and January 30, 2020

Public Opposition: No one appeared in opposition at the January 13, 2020 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant has requested the approval of a special use permit for the purpose of a short-term rental/AIRBNNB at the address of 4447 Booth Street. The property is zoned R-1(B) Single Family District, and is surrounded by a majority residentially zoned properties. The applicant is the owner of the property and has maintained rental properties previously. 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 4 persons and will only be rented out to an individual renter or single group at a time.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is entirely residential in nature.

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

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

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

The removal of restrictions will not detrimentally affect nearby properties.

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

The property is not vacant.

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

Special use permits are not addressed in the Master Plan.

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

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

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

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

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

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

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

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

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

This is not applicable.

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

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

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

The proposed use will not result in overcrowding of land.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 30, 2019 beginning at 6:30 PM. There was nobody in attendance.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit #SP-2020-2, subject to:

Urban Planning and Land Use Comments:

1. Have you received any complaints thus far?

Applicant Response: No, I have not had any complaints.

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

Applicant Response: Weekly if I am just doing weekend rentals and in the case of a 30 day or more stay, I come by and mow or take care of the yard on a bi-weekly schedule without entering house.

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

Applicant Response: Yes, I have always had a second contact person (my wife Annette). This contact info will be available to occupants via the Airbnb website and also on a printed house manual inside the home.

4. Responses to Short-term Rental Application Questions:

1) How will you communicate with the neighbors?

Applicant Response: By phone, text or in person. We have a next door neighbor that I talk to regularly about our renters.

2) How will you pay appropriate lodging taxes?

Applicant Response: The lodging taxes for our rental are automatically withdrawn from every rental transaction on AIRBNB.

3) How many rooms are rented?

Applicant Response: The entire 2BR house is rented by one person or a small group at a single time.

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

Applicant Response: The maximum number of people is 4 persons at one time.

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

Applicant Response: The house has off street parking for two vehicles. We very rarely have more than one vehicle per stay. Parking has never been an issue for the neighborhood as we are on a corner lot and 44th Ave. has an abundance of parking year-round.

6) How often are guests in the residence?

Applicant Response: The house is rented most weekends during the Spring, Summer, and Fall.

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

Applicant Response: Yes, we have had a rental license for several years now.

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

Applicant Response: The whole Upper house and the basement and laundry room is the area rented for Airbnb. The yard and driveway are also included.

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

Applicant Response: The house is still in safety compliance with all of the following (A-H items) as confirmed in our initial rental license inspection.

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

Public Works Comments:

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

Business License Comments:

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

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2020-2 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 13, 2020 City Planning Commission Minutes
Neighborhood Meeting Information
Site Plan
Pictures
Aerial Photograph

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 13, 2020	January 30, 2020
Special Use	Approval	

STAFF CONTACT: **Jacob Pellegrino**
 jpellegrino@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2020-2** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2020-2**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 13, 2020 City Planning Commission Minutes:

Hearing Starts At 2:32:28:

SPECIAL USE PERMIT APPLICATION #SP-2020-2 – JOHN DENNISON –

SYNOPSIS: Special Use Permit for a short-term rental/AIRBNB at 4447 Booth Street.

Detailed Outline of Requested Action: The applicant has requested the approval of a special use permit for the purpose of a short-term rental/AIRBNB at the address of 4447 Booth Street. The property is zoned R-1(B) Single Family District, and is

surrounded by a majority residentially zoned properties. The applicant is the owner of the property and has maintained rental properties previously. 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 4 persons and will only be rented out to an individual renter or single group at a time.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated December 19, 2019; and
7. The Notices to property owners dated December 12, 2019.

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

Present in Support:

- John Dennison, applicant, 2903 West 48th Terrace, Westwood, Kansas 66205

Present in Opposition:

- No one appeared

Staff Recommendation Starts 2:43:00: Planning Director Richardson stated that this is not an owner-occupied residence and the staff recommends approval for one year.

Motion and Vote Starts 2:34:22:

On motion by Dr. Serda, seconded by Ms. Huey, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2020-2 for one (1) year:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Have you received any complaints thus far?

Applicant Response: No, I have not had any complaints.

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

Applicant Response: Weekly if I am just doing weekend rentals and in the case of a 30 day or more stay, I come by and mow or take care of the yard on a bi-weekly schedule without entering house.

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

Applicant Response: Yes, I have always had a second contact person (my wife Annette). This contact info will be available to occupants via the Airbnb website and also on a printed house manual inside the home.

4. Responses to Short-term Rental Application Questions:

- 1) How will you communicate with the neighbors?

Applicant Response: By phone, text or in person. We have a next door neighbor that I talk to regularly about our renters.

- 2) How will you pay appropriate lodging taxes?

Applicant Response: The lodging taxes for our rental are automatically withdrawn from every rental transaction on AIRBNB.

- 3) How many rooms are rented?

Applicant Response: The entire 2BR house is rented by one person or a small group at a single time.

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

Applicant Response: The maximum number of people is 4 persons at one time.

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

Applicant Response: The house has off street parking for two vehicles. We very rarely have more than one vehicle per stay. Parking

has never been an issue for the neighborhood as we are on a corner lot and 44th Ave. has an abundance of parking year-round.

6) How often are guests in the residence?

Applicant Response: The house is rented most weekends during the Spring, Summer, and Fall.

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

Applicant Response: Yes, we have had a rental license for several years now.

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

Applicant Response: The whole Upper house and the basement and laundry room is the area rented for Airbnb. The yard and driveway are also included.

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

Applicant Response: The house is still in safety compliance with all of the following (A-H items) as confirmed in our initial rental license inspection.

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

Public Works Comments:

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

1) None.

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

1) None.

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

1) None

Business License Comments:

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

December 16, 2019

From: John Dennison
2903 W48th Ter.
Westwood, Ks 66205

Subject: Neighborhood meeting

I have filled an application with the Department of Urban Planning and Land Use #SP-19402-00113 (Ref Sp-2020-2).
The purpose of this Special Use Permit is for a short term rental at:
4447 Booth Street Kansas City, Kansas 66103.

I am having a Neighborhood meeting on Monday December 30 at 6:30PM at McDonald's 4215 Rainbow Blvd, Kansas City, Ks. 66103

The purpose of this meeting is to answer any questions or concerns you may have.

I have been a very responsible and conscientious AirBnb host of this house for over 2 years without any complaints from my valued neighbors. I plan on keeping it that way! I also keep a strict no party rule. I have had 3 families from the neighborhood book it for their relatives and they loved it.

I look forward to seeing you at the neighborhood meeting.
If you are unable to attend,
please contact me at the address above or call. John 816-392-1895

Name and Contact Information

SAMPLE

MINUTES:

Application Number SP-19402-00113 (McDONALD'S)
Date and Location: DEC 30 2019 4215 RAINBOW BLVD KC KS
66103
Meeting called to order at: 6:30-7:00

Names of people in attendance: MYSELF (JOHN DENNISON)

Introductions: NO ONE SHOWED UP

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

Questions and answers (include the following):

- Who asked question or gave comment
- What was the question or comment
- Who answered the question/comment
- What was the answer given

Meeting adjourned at: 7:00 PM

Minutes taken by: _____

AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF KANSAS)
COUNTY OF WYANDOTT) SS:

Comes now JOHN DENNISON, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP-19402-00113
2. That I conducted a neighborhood meeting on DEC 30 2019 6:30 P
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

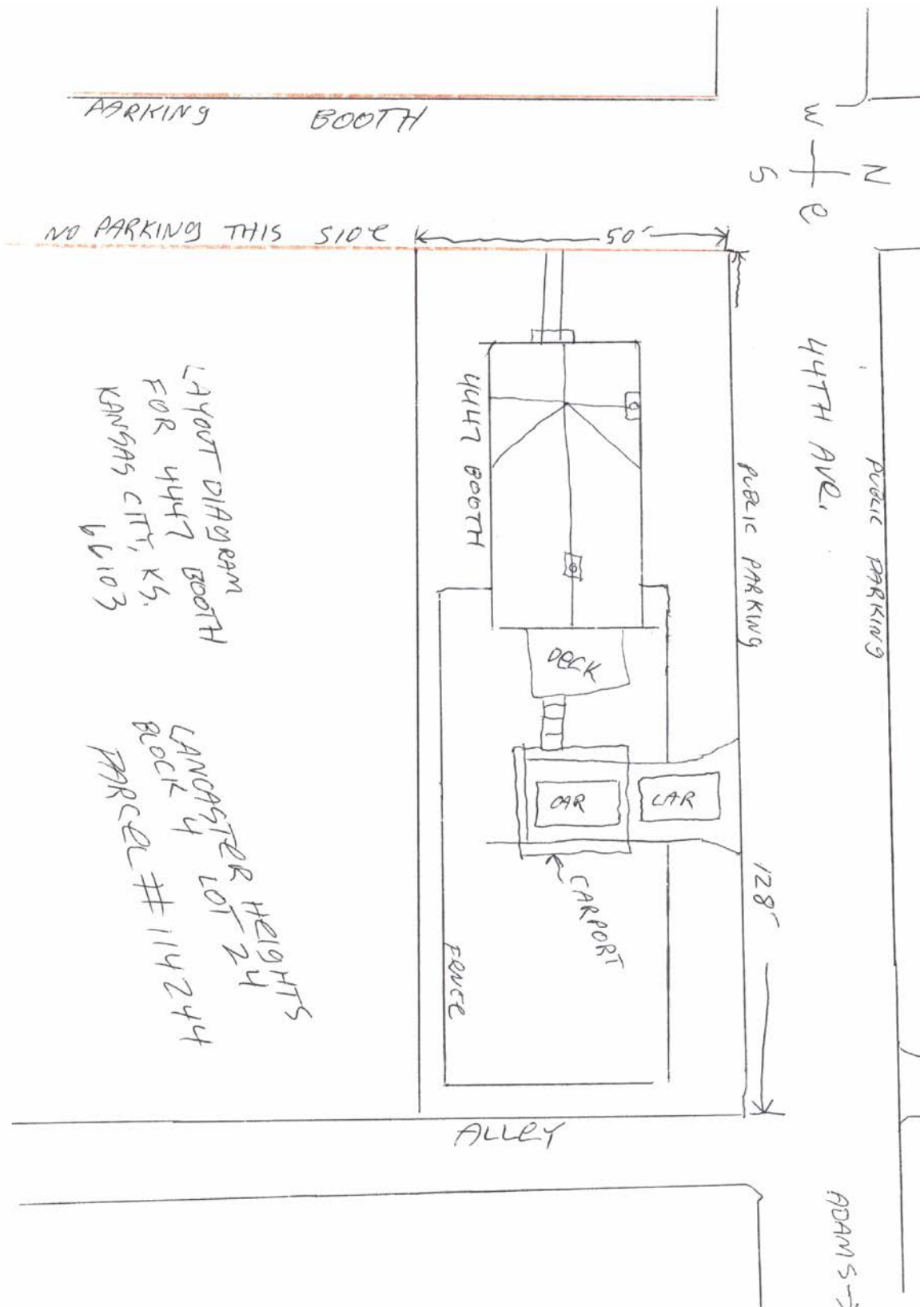
John P. Dennis
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 31 day of December, 2019

My commission expires 20 of Dec, 200, 2020

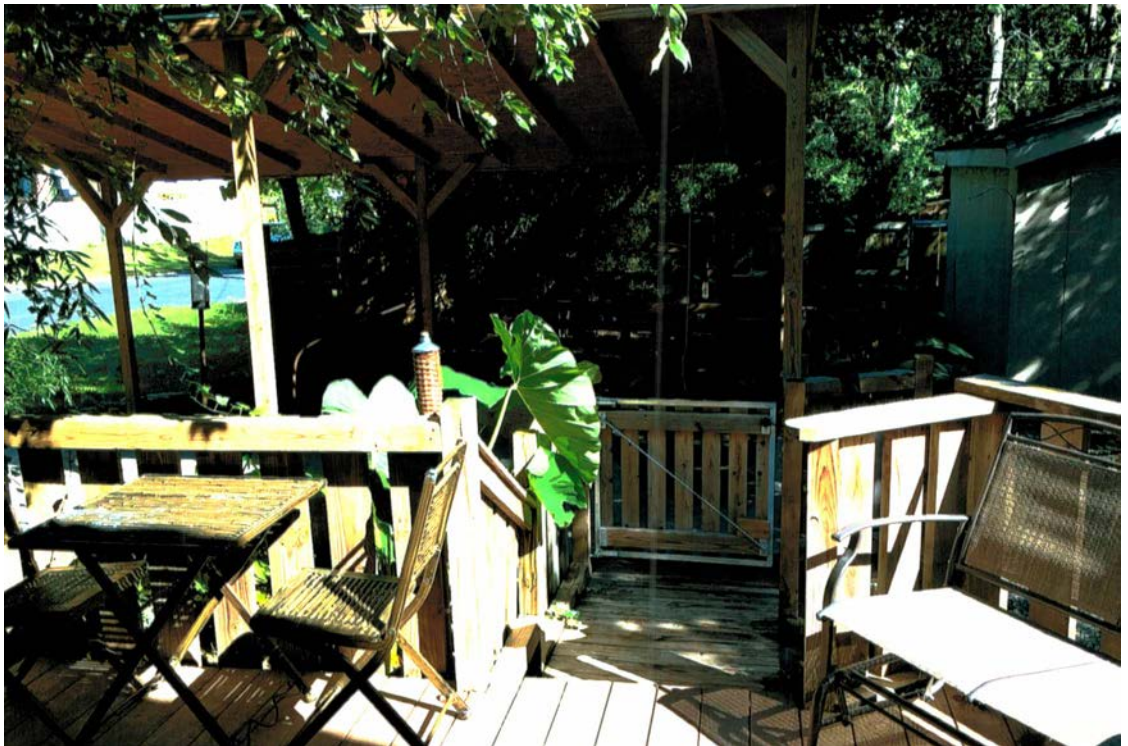


Martha Hasker
Notary Public

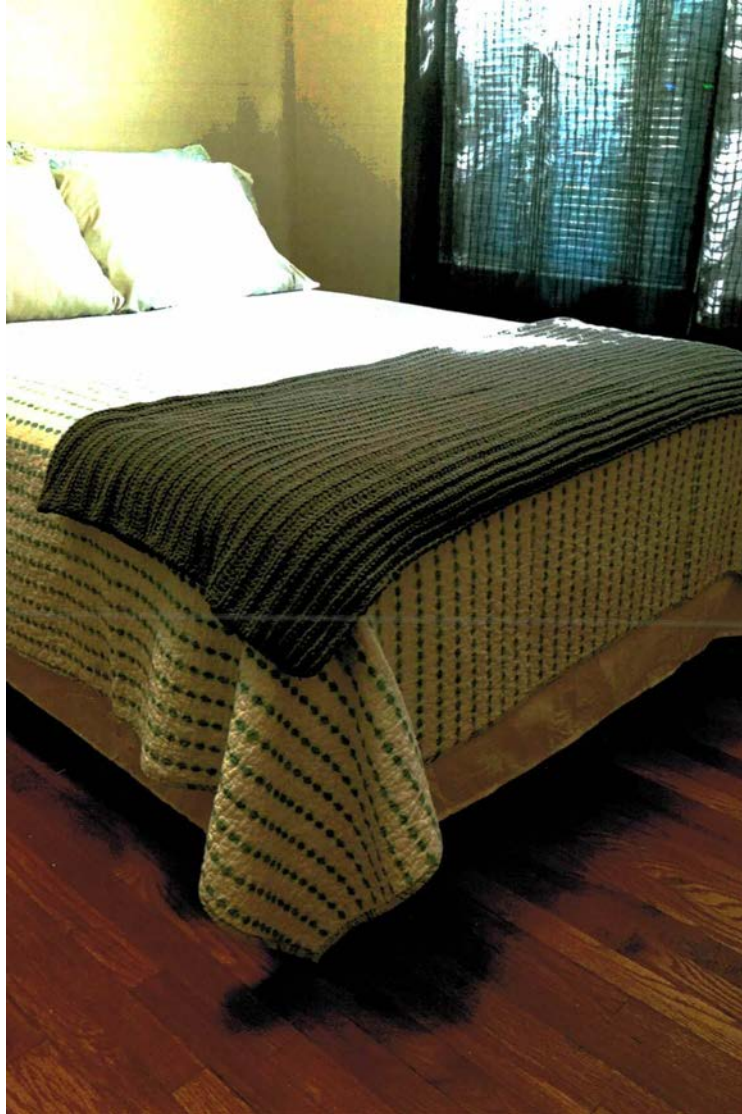
















Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners

From: City Staff

Date: January 30, 2020

Re: **Petition #SP-2020-4**

GENERAL INFORMATION

Applicant:
Joe Heidrick

Status of Applicant:
Owner of Cactus Bed Properties
and Property Owner
4313 Rainbow Boulevard
Kansas City, Kansas 66103

Requested Action:
Renewal of a
Special Use Permit

Date of Application:
November 27, 2019

Purpose:
To operate an AirBnb/
Short-term rental

Property Location:
4313 Rainbow Boulevard



Commission Districts:

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

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

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

South: R-1(B) Single Family District

East: R-1(B) Single Family District

West: CP-1 Limited Business and CP-2 General Business Districts

Existing Uses: North: Small Businesses

South: Single-Family Residential

East: Single-Family Residential

West: Small Businesses

Total Tract Size: .15 acre

Master Plan Designation: The City-Wide Master Plan designates this area as Mixed Use

Major Street Plan: The Major Street Plan classifies Rainbow Boulevard as a Class A Thoroughfare

Advertisement: The Wyandotte Echo – December 19, 2019
Letters to Property Owner – December 18, 2019 and January 23, 2020

Public Hearings: January 13, 2020 and January 30, 2020

Public Opposition: No one appeared in opposition at the January 13, 2020 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant is requesting renewal of SP-2018-88, to continue operation of an AirBnB at 4313 Rainbow Blvd. This is not the applicant's primary residence.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is comprised of commercial properties along Rainbow Boulevard, with single family homes nearby.

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

The zoning and uses of properties nearby are set out above. There is potential to create issues related to noise, parking, and other concerns related to overcrowding if improperly managed.

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

Removal of restrictions may not detrimentally affect nearby property so long as the property owners properly manage the operation.

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

The property is not vacant.

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

According to the Rosedale Master Plan, home-based business options can be explored for special review and approval. Any business should not interfere with parking of other residents, disrupt normal flow of traffic, or the peaceful enjoyment of other residents.

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

The proposed use will not increase vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

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

The proposed use provides lodging on a limited basis and will not likely substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining properties.

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

This is not expected to be an issue.

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

This is not expected to be an issue.

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

This is not expected to be an issue.

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

The relative gain or loss to the public health, safety, and welfare is likely to be minimal. If denied, the applicant would not be able to use the property for AIRBNB but could potentially use it for long-term rentals.

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

This is not expected to be an issue.

PREVIOUS ACTIONS

Special Use Permit #SP-2018-88

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 27, 2019. No one was in attendance. Documentation is attached below.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2020-4, subject to:

Urban Planning and Land Use Comments:

1. Please provide updated photos of interior and exterior of the property.

Staff: Pictures have been submitted and are attached below.

2. Have you had any complaints from neighbors since you began operating this AirBnb? If so, how were they handled?

Applicant: No complaints. We have had multiple statements of support among neighbors.

3. How will you communicate with the neighbors?

Applicant: I communicate with neighbors via text or directly face to face.

4. How will you pay appropriate lodging taxes?

Applicant: Lodging taxes are paid through AirBnb

5. How many rooms are rented?

Applicant: The entire house is rented.

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

Applicant: 8 people is the max

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

Applicant: 3 vehicles maximum

8. How often are guests in the residence?

Applicant: Guests are in the residence on average 5 days per week.

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

Staff: Business License department has stated that applicant has filed occupation tax application. Application is pending approval of this Special Use Permit.

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

Applicant: The property is a 3-bedroom house with a large kitchen and a small kitchenette in the second level. There are 2 full bathrooms and an unfinished basement tenants will not have access to.

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

- a. Working smoke detectors in each bedroom plus each level of the unit/house
- b. GFCI outlets required in bathrooms
- c. Double keyed locks are not allowed
- d. Copper cannot be used for gas supply lines
- e. Windows must be operable, not blocked or boarded

- f. Handrails are required at sets of 4 or more stairs/ risers
- g. Hot water tank and furnace must be vented properly and operational
- h. Electric panel and circuits must be safe

Applicant: All of these items have been inspected and approved by Wyandotte County rental inspections.

12. If renewed, the renewal period will be two (2) years.

Public Works Comments:

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

Business License Comments

Applicant did file their business occupation tax application after SUP approval. They are in renewal status pending approval of this SUP renewal.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2020-4 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 13, 2020 City Planning Commission Minutes
Zoning Map
Updated Site Pictures
Neighborhood Meeting Documentation

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 13, 2020	January 30, 2020
Special Use	Approval	

STAFF CONTACT: Shana Shanteau
 sshanteau@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2020-4** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2020-4**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 13, 2020 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2020-4 – JOE HEIDRICK WITH CACTUS BED PROPERTIES – SYNOPSIS: Renewal of a Special Use Permit (#SP-2018-88 – expired 11/29/2019) for a short-term rental/AIRBNB at 4313 Rainbow Boulevard.

Detailed Outline of Requested Action: The applicant is requesting renewal of SP-2018-88, to continue operation of an AirBnB at 4313 Rainbow Blvd. This is not the applicant's primary residence.

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

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

1. The City's currently adopted zoning and subdivision regulations;

2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publications in The ECHO; and,
7. The notices to property owners.

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

Chairman Carson asked if anyone wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

On motion by Ms. Huey, seconded by Dr. Serda, the Planning Commission voted as follows to recommend **APPROVAL** of the items on the Consent Agenda:

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

Motion to APPROVE Passed: 6 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Please provide updated photos of interior and exterior of the property.

Staff: Pictures have been submitted and are attached below.

2. Have you had any complaints from neighbors since you began operating this AirBnb? If so, how were they handled?

Applicant: No complaints. We have had multiple statements of support among neighbors.

3. How will you communicate with the neighbors?

Applicant: I communicate with neighbors via text or directly face to face.

4. How will you pay appropriate lodging taxes?

Applicant: Lodging taxes are paid through AirBnb

5. How many rooms are rented?

Applicant: The entire house is rented.

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

Applicant: 8 people is the max

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

Applicant: 3 vehicles maximum

8. How often are guests in the residence?

Applicant: Guests are in the residence on average 5 days per week.

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

Staff: Business License department has stated that applicant has filed occupation tax application. Application is pending approval of this Special Use Permit.

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

Applicant: The property is a 3-bedroom house with a large kitchen and a small kitchenette in the second level. There are 2 full bathrooms and an unfinished basement tenants will not have access to.

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

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

Applicant: All of these items have been inspected and approved by Wyandotte County rental inspections.

12. If renewed, the renewal period will be two (2) years.

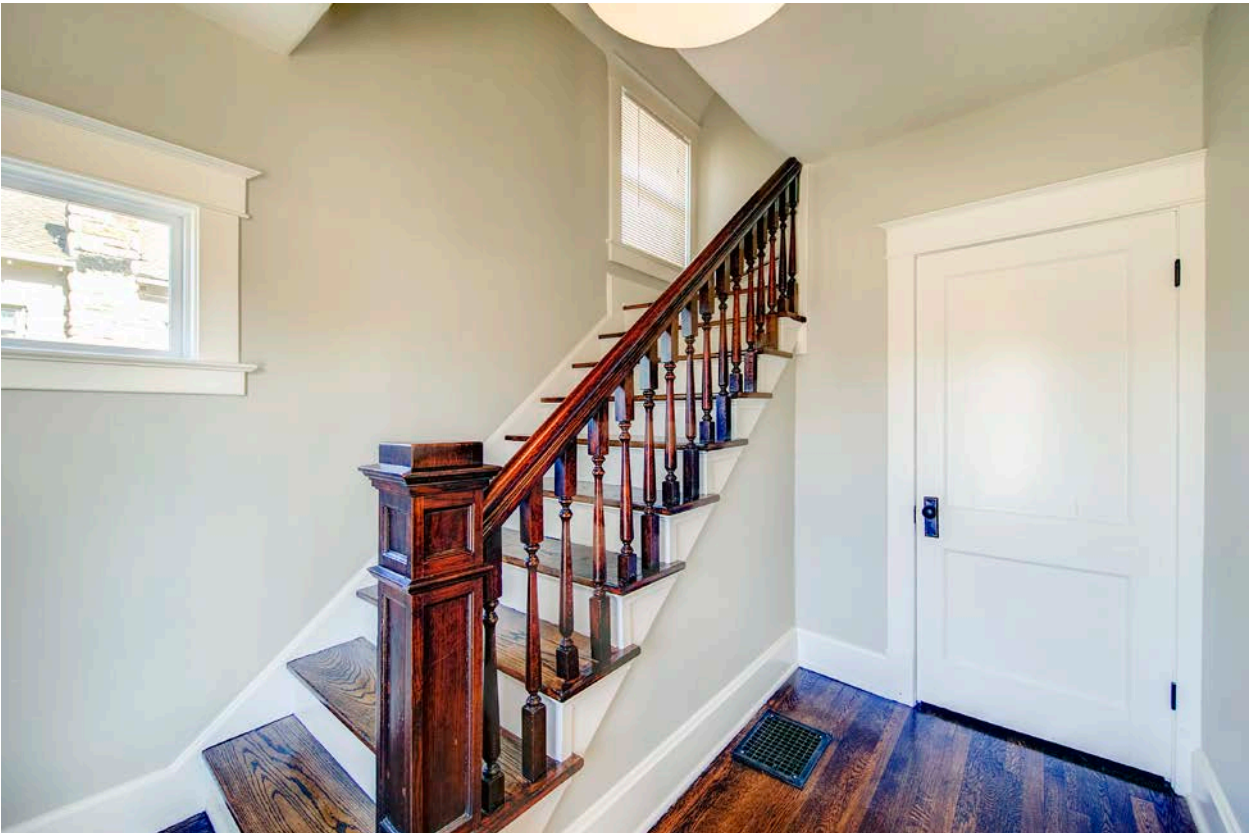
Public Works Comments:

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

Business License Comments

Applicant did file their business occupation tax application after SUP approval. They are in renewal status pending approval of this SUP renewal.







AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Douglas) SS:

Comes now Joe Heidrick of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2020-4
2. That I conducted a neighborhood meeting on 12/27/19.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

[Signature]
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 3 day of January, 2020

My commission expires 8 of March, 2021

 Kennedy Hicks-Miller
Notary Public
State of Kansas
My Appt. Exp. 03/08/2021

[Signature]
Notary Public



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 30, 2020
Re: Petition #SP-2020-6

GENERAL INFORMATION

Applicant:
Stephanie Werth

Status of Applicant:
Residential and
Non-Contract Director
KVC Kansas
1211 North 8th Street
Kansas City, Kansas, 66101

Requested Action:
Renewal of a Special Use Permit

Date of Application:
December 2, 2019

Purpose:
Renewal of a Special Use Permit
for the operation of a youth foster
home for girls.

Property Location:
344 North 38th Street



Commission Districts:

1. Commissioner At Large: Melissa Bynum
2. District Commissioner: Dr. Jane Winkler Philbrook

Existing Zoning: C-1 Limited Business District

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

Existing Uses: **North:** Cemetery
South: Single Family Homes
East: Single Family Homes
West: Single Family Homes

Total Tract Size: 2.27 acres

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

Major Street Plan: The Major Street Plan classifies 38th Street as a Class A Thoroughfare

Advertisement: The Wyandotte Echo – December 19, 2019
Letters to Property Owner – December 12, 2019 and January 23, 2020

Public Hearings: January 13, 2020 and January 30, 2020

Public Opposition: No one appeared in opposition at the January 13, 2020 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, KVC Foundation, Inc., is requesting renewal of Special Use Permit #SP-2017-75 which has allowed the operation of a youth residential facility for girls ages 12 through 17. KVC works with the Kansas City, Kansas Public School District, where students attend. Individual and group therapy is provided onsite. Residents are provided access to medical and dental care. Girls typically remain in the home for approximately 4 months. After this time, they typically return home to their families or are placed in foster care.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The neighborhood is primarily comprised of single family homes. There is a large cemetery immediately north of the property. The area also includes large undeveloped lots due to the hilly topography, lack of connecting streets, and proximity to the I-635 and I-70 interchange.

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

A group home could be compatible with the zoning and uses of properties nearby.

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

The property is suitable for a group home. It is a large structure with a large parking area.

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

The property is not vacant.

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

Special Use Permits are not addressed in the Master Plan.

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

The proposed use is not likely to increase the amount of vehicular traffic beyond the capacity of the street network to accommodate it.

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

There is a need for the proposed use in order to care for the youth in the community who need short-term residential placement. If managed properly, the proposed use would not permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

This is not an issue with the proposed use.

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

This is not an issue with the proposed use.

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

This is not an issue with the proposed use.

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

The proposed use would be an asset to the public health, safety, and welfare of the community because it would allow for the care of youth who are in need of short-term residential placement. If managed properly, the proposed use would not cause hardship on surrounding property owners.

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

This is not an issue with the proposed use.

PREVIOUS ACTIONS

Special Use Permit SP-2017-75 in conjunction with Change of Zone Petition #3149

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 27, 2019. No one was in attendance. Invitation, affidavit, and sign-in sheet are attached below.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2020-6, subject to:

Urban Planning and Land Use Comments:

- 1. Please provide updated photos of the interior and exterior of the property.**

Staff: Applicant has provided updated photos of the property. (See attachments)

- 2. Please provide a floor plan of the building.**

Staff: Applicant has provided floor plans. (See attachments)

- 3. How many children reside at the property at one time?**

Applicant: We are licensed through the state of Kansas for 19 girls foster care residential beds.

- 4. How many staff members are on site at all times during the day and night?**

Applicant: We have a staffing ratio of 1:6 during the day and 1:8 on overnights.

- 5. What are the credentials for staff?**

Applicant: Staff are required to have high school diplomas, attend a 40 hour orientation and then complete additional training hours as designated by the state. All staff members also receive specialized training in SCM (Safe Crisis Management) which is a comprehensive behavior support and intervention training.

- 6. How many residents are placed per room?**

Applicant: We currently have single and double occupancy rooms.

- 7. Are there outdoor spaces designated for recreational activities?**

Applicant: The area south of the residential facility is utilized for volleyball and other outdoor activities such as games, reading, or picnicking.

- 8. Since the operation of this group home began, have there been any complaints from neighbors?**

Applicant: No complaints have been made.

- 9. How are discipline issues handled?**

Applicant: We utilize the STAR (Safety, Trustworthy, Accountability, Respectful) system when implementing discipline. Each resident is expected to display these four qualities while on the premises. When youth do not comply, privileges are revoked, and outings are limited. Upon admittance to the facility each girl sets short and long term goals that they create and the goals center around the STAR philosophy.

10. How will transportation be provided? Will there be vans or other vehicles parked on property?

Applicant: We have two vans on-site. One is a large 15 passenger van which we use for community outings and the other is a minivan which is used to take the girls to appointments.

Public Works Comments:

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

Business License Comments:

While KVC would be exempt from paying the tax, our office does not find that they have filed an exempt application with business license for this location. They do have on file an exempt application for a hospital they maintain at a different address.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2020-6 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 13, 2020 City Planning Commission Minutes
Zoning Map
Letter from KVC
Neighborhood Meeting Documentation
Site Photos

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 13, 2020	January 30, 2020
Special Use	Approval	

STAFF CONTACT: **Shana Shanteau**
 sshanteau@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2020-6** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2020-6**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 13, 2020 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2020-6 – STEFANIE WERTH WITH KVC KANSAS – SYNOPSIS: Renewal of a Special Use Permit (#SP-2017-75 – expired 11/30/2019) for short-term youth foster care at 316-334 North 38th Street. Detailed Outline of Requested Action: The applicant, KVC Foundation, Inc., is requesting renewal of Special Use Permit #SP-2017-75 which has allowed the operation of a youth residential facility for girls ages 12 through 17. KVC works with the Kansas City, Kansas Public School District, where students attend. Individual and group therapy is provided onsite. Residents are provided access to medical and dental care. Girls typically remain in the home for approximately 4 months. After this time, they typically return home to their families or are placed in foster care.

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

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publications in The ECHO; and,
7. The notices to property owners.

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

Chairman Carson asked if anyone wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

On motion by Ms. Huey, seconded by Dr. Serda, the Planning Commission voted as follows to recommend **APPROVAL** of the items on the Consent Agenda:

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

Motion to APPROVE Passed: 6 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Please provide updated photos of the interior and exterior of the property.

Staff: Applicant has provided updated photos of the property. (See attachments)

2. Please provide a floor plan of the building.

Staff: Applicant has provided floor plans. (See attachments)

3. How many children reside at the property at one time?

Applicant: We are licensed through the state of Kansas for 19 girls foster care residential beds.

4. How many staff members are on site at all times during the day and night?

Applicant: We have a staffing ratio of 1:6 during the day and 1:8 on overnights.

5. What are the credentials for staff?

Applicant: Staff are required to have high school diplomas, attend a 40 hour orientation and then complete additional training hours as designated by the state. All staff members also receive specialized training in SCM (Safe Crisis Management) which is a comprehensive behavior support and intervention training.

6. How many residents are placed per room?

Applicant: We currently have single and double occupancy rooms.

7. Are there outdoor spaces designated for recreational activities?

Applicant: The area south of the residential facility is utilized for volleyball and other outdoor activities such as games, reading, or picnicking.

8. Since the operation of this group home began, have there been any complaints from neighbors?

Applicant: No complaints have been made.

9. How are discipline issues handled?

Applicant: We utilize the STAR (Safety, Trustworthy, Accountability, Respectful) system when implementing discipline. Each resident is expected to display these four qualities while on the premises. When youth do not comply, privileges are revoked, and outings are limited. Upon admittance to the facility each girl sets short and long term goals that they create and the goals center around the STAR philosophy.

10. How will transportation be provided? Will there be vans or other vehicles parked on property?

Applicant: We have two vans on-site. One is a large 15 passenger van which we use for community outings and the other is a minivan which is used to take the girls to appointments.

Public Works Comments:

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

- 1) None.

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

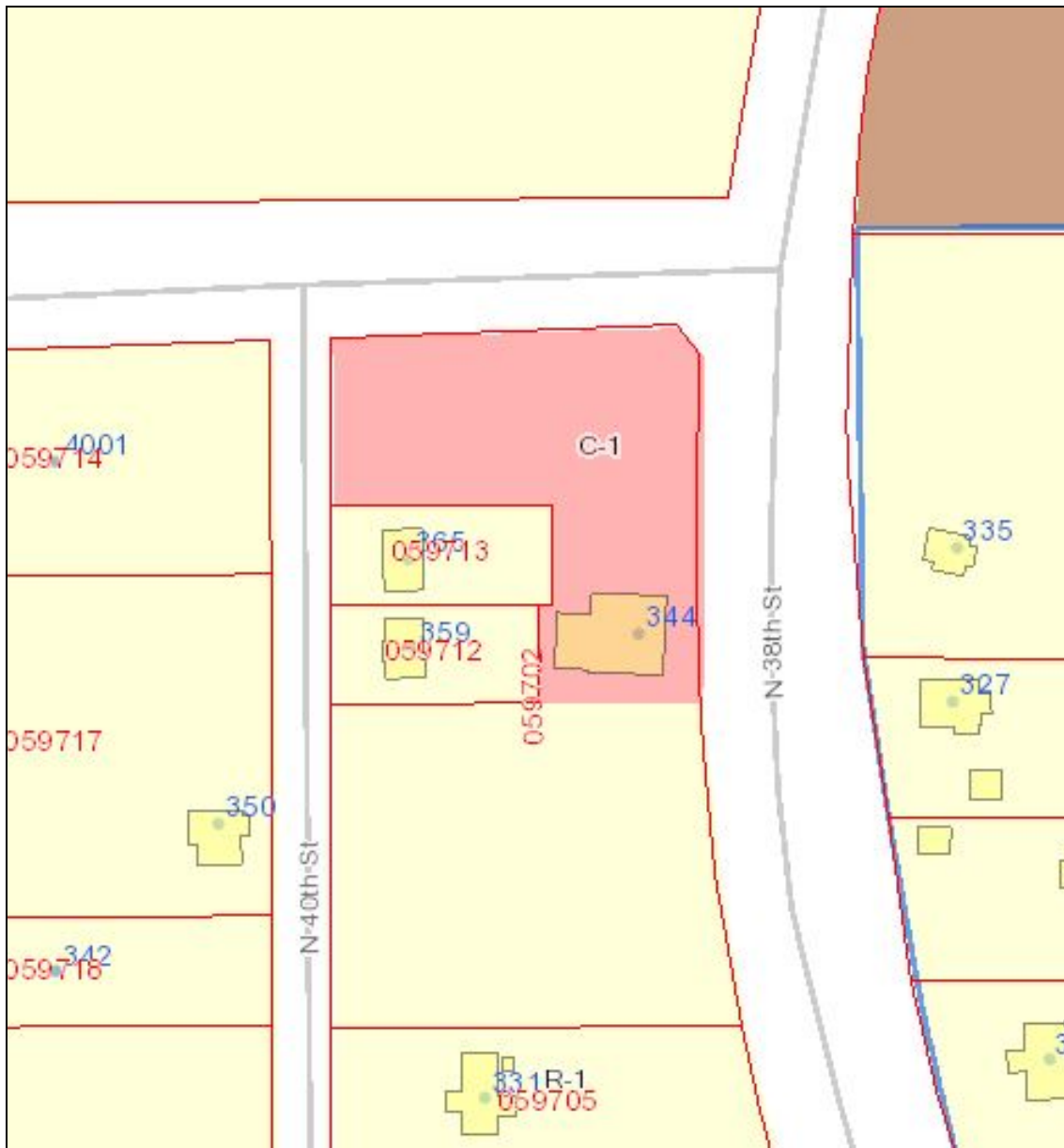
1) None.

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

1) None

Business License Comments:

While KVC would be exempt from paying the tax, our office does not find that they have filed an exempt application with business license for this location. They do have on file an exempt application for a hospital they maintain at a different address.





1211 N. 8th Street
Kansas City, KS 66101
(913) 890-7500
(913) 621-1448 Fax
www.kvckansas.org

STAFF

Chad E. Anderson, L.S.C.S.W.
President

Demelle Bartelli, L.P.C.
Vice President

Dr. Linda B. Bass, L.C.M.F.T.
Vice President

KVC HEALTH SYSTEMS, INC.
Jason R. Hooper, L.M.S.W.
President and Chief Executive Officer

Erin Stucky, L.S.C.S.W.
Chief Operations Officer

Marilyn L. Jacobson, J.D.
*Chief Financial Officer and
General Counsel*

Chad E. Anderson, L.S.C.S.W.
Chief Clinical Officer

Anne M. Roberts, M.S.
Chief of Staff

November 25, 2019

Unified Government
Urban Planning and Land Use
701 N 7th Street
Kansas City, KS 66101

To Whom It May Concern:

Please find attached KVC's request for a Special Use Permit for the address located at 344 N 38th Street in Kansas City, KS. KVC currently operates a residential facility that houses girls who are in foster care ranging in ages from 12 to 17. Girls are referred to this program as a result of abuse or neglect and our goal is to keep them in their home community while they stabilize and step down to a home environment.

The number of children in the foster care system has risen dramatically over recent years and KVC has responded to this need by adding a residential component to our continuum of care. KVC staff work closely with the Kansas City, Kansas Public School District to enroll and support our youth as they attend local schools. We provide onsite individual and group therapy, and access local dental and healthcare providers to ensure the girls receive medical care. Currently girls remain in our residential program for approximately 4 months as they regain stability and we can step them down to a foster home or they can return to their family.

Wyandotte County has a high number of children that are in foster care, placed outside their home. Our goal is always to keep children in their home community where their connections are established. With the addition of this residential program we have had more children remain in their home schools and increased visits with family members, thus maintaining their connections and stabilizing their behaviors. We are requesting a special use permit to continue to serve the children of this community in the current capacity by providing a much-needed service to these children who have been abused and neglected.

Stefanie Werth
Residential and Non Contract Director
KVC KANSAS
1211 N 8th St, Kansas City, KS 66101
913.522.3588





December 13, 2019

1211 N. 8th Street
Kansas City, KS 66101
(913) 890-7500
(913) 371-0738 Fax
www.kvc-kansas.org

STAFF

Dr. Linda B. Bass, L.C.M.F.T.
President
Lindsey Stephenson, L.S.C.S.W.
Vice President
Daniella Bartelli, L.P.C.
Vice President

KVC HEALTH SYSTEMS, INC.
Jason R. Hooper, L.M.S.W.
President and Chief Executive Officer

Erin Stucky, L.S.C.S.W.
Chief Operations Officer
Marilyn L. Jacobson, J.D.
*Chief Financial Officer and
General Counsel*

Chad E. Anderson, L.S.C.S.W.
Chief Clinical Officer
Lorrie Johnson
Chief Information Officer

SUBJECT: Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use # SP-2017-75. The purpose of this special use permit is for a residential facility for foster care girls located at 344 N 38th Kansas City, KS 66102.

We are having a neighborhood meeting on December on 27th at 6:00 pm at 1211 N 8th in Kansas City, KS.

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

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the phone number listed below.

Sincerely,

Stefanie Werth
KVC Health Systems of Kansas
1211 N 8th Street
Kansas City, KS 66102
913.209.4754



AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

Comes now Stefanie Werth, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP-2020-6
2. That I conducted a neighborhood meeting on 12/27/2019 at 6:00pm.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Stefanie Werth
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of December, 200_. 2019

My commission expires 10th of March, 200_. 2020



Julie Gerber
Notary Public

Neighborhood Meeting Sign in Sheet

Special Use Permit #SP-2020-6

Held at 1211 N 8th Street Kansas City, KS 66101

Friday December 27, 2019 at 6:00 pm

NAME

ADDRESS

1. *no attendees*

2.

3.

4.

5.

6.

7.

8.

9.

10.

Neighborhood Meeting Minutes

Application Number: #SP-2020-6

Date and Location: Friday, December 27, 2019 at 1211 N 8th Street Kansas City, KS 66102

Meeting called to order at:

Names of People in Attendance: *No attendees*

Introductions:

Presentation:

Questions and answers:

Meeting adjourned at :

Minutes taken by : Stefanie Werth









Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 30, 2020
Re: Petition #SP-2020-7

GENERAL INFORMATION

Applicant:
Frederick and Beverly Avery

Status of Applicant:
Representative
Avery's Village
6261 Leavenworth Road
Kansas City, Kansas

Requested Action:
Renewal of a
Special Use Permit

Date of Application:
November 13, 2020

Purpose:
The applicant seeks renewal
of a Special Use Permit to
operate a residential facility
for boys 10-18 years old.

Property Location: 6261
Leavenworth Road



Commission Districts:

1. Commissioner At Large: Melissa Bynum
2. District Commissioner: Dr. Jane Winkler Philbrook

Existing Zoning: R-1 Single-Family District

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

Existing Uses: **North:** Single Family Residences
South: Single Family Residences
East: Single Family Residences
West: Single Family Residences

Total Tract Size: .82 acre

Master Plan Designation: The City-Wide Master Plan designates this property as Public/Semi Public

Major Street Plan: The Major Street Plan classifies Leavenworth Road as a Class C Thoroughfare and 63rd Street as a local street.

Advertisement: The Wyandotte Echo – December 19, 2019
Letters to Property Owner – December 12, 2019 and January 23, 2020

Public Hearings: January 13, 2020 and January 30, 2020

Public Opposition: No one appeared in opposition at the January 13, 2020 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicants, Frederick and Beverly Avery, are requesting renewal of Special Use Permit SP-2017-36, which has permitted the operation of a youth residential facility at 6261 Leavenworth Road. The building was previously licensed as a nursing home from 1967 until 2014. Renewal of the Special Use Permit would allow the continuation of a youth residential facility for boys 10-18 years of age.

City Ordinance Requirements:

Chapter 27 – Planning and Development
Article VI – Administration and Review Procedures
Special Use Permit, Section 27-214
Article VIII – Zoning

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This building is located adjacent to predominantly single-family neighborhoods. There are also existing apartments on Leavenworth Road nearby the facility.

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

The building has existed in the neighborhood since the 1960's and is not likely to create any compatibility issues with the nearby properties. It was previously used as a nursing home. The youth residential home has been in operation since 2017.

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

The building has operated as a youth facility since 2017 and as a nursing home prior to this. Removal of these restrictions will not detrimentally affect nearby property.

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

The property is not vacant.

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

The City-Wide Master Plan designates this property as Public/Semi-Public use. The proposed use conforms to the Master Plan.

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

The proposed use would not likely result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

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

The proposed use provides a needed social service for the community and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

The proposed use will not create these issues.

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

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

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

This is not an issue with the proposed use.

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

This use will benefit the public by providing a necessary service. It would not impose a hardship on neighboring property owners because the facility has existed in the neighborhood since the 1960's and has operated as a residence throughout the duration of its existence.

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

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

PREVIOUS ACTIONS

#SP-2017-36, which expired on November 30, 2019.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 26, 2019. No one was in attendance outside of the organization. Minutes and affidavit are attached below.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2020-7, subject to:

Urban Planning and Land Use Comments:

1. A building permit was never obtained for a Change of Occupancy. Please contact the Building Permit Department at 913-573-8620 to begin this process.
2. Please provide updated photos of the interior and exterior of the property.

Staff: Photos have not been provided.

3. Have you had any neighborhood concerns or issues since the opening of the facility as a youth home?

Applicant: Avery's Village has not had any issues

4. Please provide updated business plan. Please include plans for the maintenance of the grounds, kitchen services, and recreational activities offered.

Applicant has provided updated business plan. Please see attached.

5. Please provide updated daily schedule.

Applicant has provided updated business plan. Please see attached.

6. How many children will reside on the property at one time?

Applicant: The maximum capacity is 45.

7. How many children will live in each bedroom?

Applicant: Two (2) per bedroom

8. How many staff members will be on-site during the day and night?

Applicant: Ratios during daytime hours are 1:6, bedtime ratios are 1:10

9. Is there adequate outdoor space for children to play?

Applicant: Yes, we have a basketball court, field for outdoor activities and a garden with a gazebo.

10. How do you plan to provide transportation? Will there be vans stored on site?

Applicant: On site vans

11. Any future expansion will require an amendment to the existing special use permit. This will require repeating the special use permit process.

12. Please describe how discipline issues are handled.

Applicant: Discipline issues are handled with our level system; this system is a nonpunitive system that rewards youth for good behavior.

Public Works Comments:

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

1) None.

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

1) None.

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

1) None

Business License Comments:

Applicant did file their business occupation tax application after SUP approval. They are in renewal status pending approval of this SUP renewal.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2020-7 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 13, 2020 City Planning Commission Minutes
Zoning Map
Business Plan
Neighborhood Meeting Documentation

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 13, 2020	January 30, 2020
Special Use	Approval	

STAFF CONTACT: **Shana Shanteau**
 sshanteau@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2020-7** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2020-7**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 13, 2020 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2020-7 – FREDERICK AVERY WITH AVERY’S VILLAGE – SYNOPSIS: Renewal of a Special Use Permit (#SP-2017-36 – expired 11/30/2019) for a youth residential facility at 6261 Leavenworth Road. Detailed Outline of Requested Action: The applicants, Frederick and Beverly Avery, are requesting renewal of Special Use Permit SP-2017-36, which has permitted the operation of a youth residential facility at 6261 Leavenworth Road. The building was previously licensed as a nursing home from 1967 until 2014. Renewal of the Special Use Permit would allow the continuation of a youth residential facility for boys 10-18 years of age.

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

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publications in The ECHO; and,
7. The notices to property owners.

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

Chairman Carson asked if anyone wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

On motion by Ms. Huey, seconded by Dr. Serda, the Planning Commission voted as follows to recommend **APPROVAL** of the items on the Consent Agenda:

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

Motion to APPROVE Passed: 6 to 0

Subject to:

Urban Planning and Land Use Comments:

1. **A building permit was never obtained for a Change of Occupancy. Please contact the Building Permit Department at 913-573-8620 to begin this process.**

2. **Please provide updated photos of the interior and exterior of the property.**

Staff: Photos have not been provided.

3. **Have you had any neighborhood concerns or issues since the opening of the facility as a youth home?**

Applicant: Avery’s Village has not had any issues

4. Please provide updated business plan. Please include plans for the maintenance of the grounds, kitchen services, and recreational activities offered.

Applicant has provided updated business plan. Please see attached.

5. Please provide updated daily schedule.

Applicant has provided updated business plan. Please see attached.

6. How many children will reside on the property at one time?

Applicant: The maximum capacity is 45.

7. How many children will live in each bedroom?

Applicant: Two (2) per bedroom

8. How many staff members will be on-site during the day and night?

Applicant: Ratios during daytime hours are 1:6, bedtime ratios are 1:10

9. Is there adequate outdoor space for children to play?

Applicant: Yes, we have a basketball court, field for outdoor activities and a garden with a gazebo.

10. How do you plan to provide transportation? Will there be vans stored on site?

Applicant: On site vans

11. Any future expansion will require an amendment to the existing special use permit. This will require repeating the special use permit process.

12. Please describe how discipline issues are handled.

Applicant: Discipline issues are handled with our level system; this system is a nonpunitive system that rewards youth for good behavior.

Public Works Comments:

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

1) None.

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

1) None.

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

1) None

Business License Comments:

Applicant did file their business occupation tax application after SUP approval. They are in renewal status pending approval of this SUP renewal.





**Avery's Village
YRC 2**

6261 Leavenworth Rd Kansas City, KS 66104

AVERY'S VILLAGE

"It takes a village to raise a child"

Mission Statement

AV **mission** is serving to build a healing community of the highest quality of care, service and support that involves our diverse **youth clients** and propels them to higher levels of healthier development, functioning and relationships.

Purpose

At Avery's Village, we are committed to providing a safe, nurturing, and stimulating home environment setting where children begin their journeys towards brighter futures.

What We Do

Avery's Village is a youth residential facility, licensed with the state of Kansas to work with 45 children between the ages of 10 and 18.

Avery's Village provides care for clients who may have well established patterns of conduct of of antisocial, oppositional defiance, aggression, abuse, impulsive or other high risk behaviors. Our goal is to help our clients safely return back to a less restrictive environment such as a family or community setting by addressing the behaviors that led to their placement in an YRC II. We intend to accomplish this through trauma informed care services that target problem behaviors by helping the clients improve: problem solving abilities, social skills, life skills, coping skills and the ability to develop and maintain healthy relationships. Upon placement within our residential facility, young people will experience a safe, nurturing, valuing environment and structured care, delivered by qualified, skilled practitioners who are able to maintain 24 hour sight and sound supervision.

Our facility offers many benefits that are unique only to our facility: our admission procedures are sufficiently flexible, which allows for same day placement, we attempt to pair every client with a professional mentor and have an in-house therapist and nurse on staff.

Our Commitment to Youth

Our primary commitments to youth are to: (1) create a healthy home away from home environment, (2) To maintain a safe environment (3) lastly to provide an opportunity for youth to develop new useful life skills and to help with building healthy relationships.

Core Values

- Safety (Socially, Emotionally, Physically and Morally)
- Self-Confidence
- Self- Pride

Admission Criteria

We have a number of criteria that we consider in determining whether or not applicants will be a good fit for our program.

They must be between the ages of 10 and 18 years old

They must also be ambulatory and able to exit the residential facility under their own locomotion, including stairs if necessary, in response to emergency situations.

We also expect residents to have such basic self-help skills as toileting, bathing, dressing, and eating.

We do not specialize in client on the autistic spectrum, so these clients will be assessed on a case by case basis

They must be eligible for Medicaid, Medicare, or some other third party insurance for medical expenses. Exceptions can be made if they are private pay, adoption/foster care subsidy or some other type of payment garreteer.

Avery's Village complies with applicable Federal civil rights laws and prohibits discrimination on the basis of race, color, national origin, age, disability, or sex. Avery's Village does not exclude people or treat them differently because of race, color, national origin, age, disability, or sex.

Leadership

Beverly Avery

President

Beverly Avery is a professional child care provider who began her career in 1994 when she became a licensed childcare provider. In 2007, Beverly received additional training in the Partner for Safety and Permanence-Model Approach to Partnerships in Parenting (PS-MAPP) and ultimately became a state-certified foster parent. As a mother of seven children and grandparent to seven grandchildren, she has had tremendous experience raising healthy, well-educated, and productive community members. She is passionate about ensuring that siblings who enter the foster system remain united while they await their forever families.

Frederick M.X. Avery

Vice-President

Frederick Avery is a finance and business development professional with a B.S. in business administration from the Bloch School of Management at the University of Missouri-Kansas City. Frederick has extensive professional experience in the financial services and real estate industries. He is a part of several community development organizations and committed to promoting economic growth and prosperity for urban communities and families.

George R. Williams

Executive Director

Dr. Williams has a master's degree in marriage and family therapy from Friends University and a doctorate in family studies (family life education and consultation) from Kansas State

University. He was a former Director for the Kansas Department for Children and Families and Executive Director for the National Center for Fathering. Dr. Williams is a relationship expert with over two decades of experience as a manager, curricula developer, practitioner, trainer, public speaker and consultant.

Our Commitment to Staff

Avery's Village is committed to developing the youth as well as clients. We will actively promote staff wellness and retention by providing competitive pay, quality leadership, continuous professional development, and opportunities for innovative intrapreneurship.

Staffing

Residential Supervisor

Ensure the clients' environment is safe and that no harm is brought to them by themselves, another client, staff or anybody outside the agency. Observe and ensure that proper procedures and protocol are followed. Provide supervision in making sure that the units are properly staffed. Directly supervises Clinical Care technicians when on duty Ensures that proper care is given to clients Ensures that proper steps are taken during critical events (reports are done and turned in and inform the right people), Does monthly emergency drills. Responds to all code green situation when on duty. Oversees staff schedule. Ensures staff ratios are maintained and all policies and procedures are followed.

Nurse

Completes a comprehensive intake evaluation. Conducts individual and group therapy with clients. Completes initial and master treatment plans; completes two week and thirty day treatment reviews; completes discharge summaries. Requires comprehensive knowledge of youth's history, plan of care and discharge plan. Advocacy with schools and other community avenues. Proficient in crisis intervention. Available for consultation on a 24/7 hour on-call basis

Food Services Personnel

Performs a wide range of duties involved with preparing and/or serving foods and beverages in one or more of a variety of food service environments. May perform such duties as preparing salad items, hot foods, and/or cold foods, and/or assisting in the preparation of bakery items, as appropriate to the position. Assist in cleaning work areas, equipment, utensils. May assist in the set up, and service; and collection of garbage/trash; as appropriate to the area of operation.

Maintenance and Grounds Personnel

The Buildings and Grounds Maintenance Personnel maintains building and grounds in top condition to ensure full and productive use of facilities. To accomplish these tasks the Buildings and Grounds Maintenance Worker must work closely with the staff and administration of Avery's Village

Clinical Care Techs

Supervises patients at all times. Ensures the meeting of patient's basic needs. Supervises and assists patients through the completion of daily chores and responsibilities. Provide discipline in an appropriate manner which is consistent with agency's policies and procedures. Models positive behavior and effective problem solving techniques. Organizes and assists with structured group activities. Completes required documentation (forms and reports) per policy and procedures. Provides crisis intervention and initiates emergency response plan when necessary. Monitors patient phone calls and visitations as required

Therapist

Completes a comprehensive intake evaluation. Conducts individual and group therapy with clients. Completes two week and thirty day treatment reviews; completes discharge summaries requires comprehensive knowledge of youth's history, plan of care and discharge plan Advocacy with schools and other community avenues. Proficient in crisis intervention Available for consultation on a 24/7 hour on-call basis

Programming

Through the supportive programs and environment provided by Avery's Village, youth will:

- Strengthen their commitment to self, family, and community
- Develop healthy and productive relationships with community members
- Learn developmentally appropriate skills for living

Youth naturally grow with the right support, with our support, our youth will thrive. Our home has seven programmatic components, each design to address a too-often neglected aspect of positive youth development:

five Milestones of our Program

***PBIS (Positive Behavior Intervention Support
Safety Level System***

Community Mentors ("Friends of the Family Program")

Healthy Living (Diet, Hygiene, Wellness, and Self-Care) ("R.E.A.D.Y, Sit, Grow")

Purpose-Driven & Skilled Living (Culture, Community, Career, and Commerce)

Community Mentors ("Friends of the Family Program")

Too often, we see children who have role models who are not productive citizens in our communities. The "Friends of the Family" program aims to find stable and reliable mentors and

allow them to cultivate healthy, growth-focused relationships with Avery's Village youth. Through this program, we believe we will bridge the gap between positive role models and kids who desire additional support and guidance.

Healthy Living (Diet, Hygiene, Wellness, and Self-Care) ("R.E.A.D.Y, Sit, Grow")

The "R.E.A.D.Y, Sit, Grow" program focuses on four key pillars: Diet, Hygiene, Wellness, and Self-Care. This program is designed to promote holistic health where our youth learn how to care properly for their minds, bodies, spirits, homes, and one another. In addition to the athletics and physical activities, this program will create space for Avery's Village youth to learn the benefits of mindfulness-based activities and responsibly interact with nature.

Purpose-Driven & Skilled Living (Culture, Community, Career, and Commerce)

The Purpose-Drive & Skilled Living (PDSL) program is designed to support the development of older adolescents as they prepare to age out of Avery's Village. PDSL includes personalized career counseling as well as a series of seminars and action-learning opportunities that improve our youths' financial literacy, cultural awareness and humility, and commitment to service and social uplift. Through the PDSL program our youth will establish and act on their plans for exploring and achieving their academic and vocational goals.

PBIS

Positive Behavior Interventions and Supports (PBIS) is a proactive approach to establishing the behavioral supports and social culture and needed for all students in a school to achieve social, emotional and academic success. Attention is focused on creating and sustaining primary (school-wide), secondary (classroom), and tertiary (individual) systems of support that improve lifestyle results (personal, health, social, family, work, recreation) for all youth by making targeted misbehavior less effective, efficient, and relevant, and desired behavior more functional.

Target Population

Avery's Village provides supportive services and healthy homes to all youth, regardless of their demographics or social standing. The location of our children's home was intentionally selected with Kansas youth in mind.

Capacity

Our children's home is constructed to ADA compliant standards, and the children's home is furnished and equipped to house 45 youth, safely and comfortably.

Training

All of the support staff at Avery's Village will complete a comprehensive induction training package as per the State Minimum Standards.

The induction-training package includes:

Mandated Reporter Training

First Aid/ CPR Training

Report Writing Training

Restraint and Seclusion Training (SCM)

De-escalation Training

Group Training

Emergency Training

Daily Schedule



M-02 Client School Schedule

AVERY'S VILLAGE

09/01/19

Time	Littles	Notes	Bigs	Notes
06:00 am – 06:30 am			Ready Medication Breakfast	
06:30 am – 06:40 am			Drop off	Schlagle HS
07:00 am – 07:30 am	Ready Medication Breakfast			
07:30 am – 07:40 am	Drop off	Gloria Willis MS		
07:50 am – 08:10 am	Drop off	Northwest MS		
08:50 am – 09:00 am	Bus Ride	Hazel Grove ES		
Wednesday (09:00 am – 02:00 pm) School				
12:0 pm – 12:00 pm		MS Med		
12:15 pm – 12:25 pm			Pick Up	Schlagle HS
12:35 pm – 01:05 pm			Snack 1	
12:45 pm – 12:55 pm	Pick Up	Gloria Willis MS		
12:40 pm – 12:50 pm	Pick Up	Northwest MS		
01:05 pm – 01:35 pm	Snack 1			
01:05 pm – 02:05 pm			Power Hour	
01:35 pm – 02:35 pm	Power Hour			
01:50 pm – 02:00 pm	Outside Bus	Hazel Grove ES		
02:05 pm – 04:00 pm	Snack 1 /Power Hour /Free Time IH			
02:05 pm – 04:00 pm			Free Time	
02:35 pm – 04:00 pm	Free Time			
Mon, Tue, Thu & Fri (09:30 am – 04:00 pm) School				
02:15 pm – 02:25 pm			Pick Up	Schlagle HS
02:35 pm – 03:05 pm			Snack 1	
02:40 pm – 02:50 pm	Pick Up	Gloria Willis MS		
02:40 pm – 02:50 pm	Pick Up	Northwest MS		
02:50 pm – 03:20 pm	Snack 1			
03:05 pm – 04:05 pm			Power Hour	
03:20 pm – 04:20 pm	Power Hour			
03:50 pm – 04:00 pm	Outside Bus	Hazel Grove ES		
04:00 pm – 05:00 pm	Snack 1 & P.H. for IH and AT Med			
All Days (04:00 pm – 09:30 pm) Village Activities				
04:00 pm – 04:30 pm	Activity 1		Activity 1	
04:30 pm – 05:00 pm	Activity 2		Activity 2	
05:00 pm – 05:30 pm	Activity 3		Activity 3	
05:30 pm – 06:00 pm	Activity 4		Activity 4	
06:00 pm – 06:30 pm	Dinner	MS Meds	Activity 5	
06:30 pm – 07:00 pm	Activity 5		Dinner	
07:00 pm – 07:30 pm	Activity 6		Activity 6	
07:30 pm – 08:00 pm	Medication		Activity 7	
08:00 pm – 08:30 pm	Activity 7		Medication	
08:30 pm – 09:00 pm	Bed Time		Activity 8	
09:00 pm – 09:30 pm	Sleep		Bed Time	

Contraband List

The following list includes some of
The items that residents are NOT allowed to have
On the unit:

Valuable items, especially those that cannot be replaced

Large amounts of money, credit cards, and checkbooks

Cosmetics or personal care products that contain alcohol

Glass or ceramic containers

Aerosol cans

Sharp objects (such as razor blades, safety pins, needles, etc.)

Keys

Wire clothes hangers

Cigarettes and other tobacco products

Matches, lighters, and other flammable materials

Illicit drugs, Prescription and/or illegal substances

Drug paraphernalia

Sexually oriented materials

Weapons, including any form of knife

Cameras Cell Phones Laptops and/or recording devices

Personal items or clothing with writing or pictures suggestive of drugs, alcohol, sex, violence,
the occult, or anything determined by staff to be inappropriate

All material brought into the Facility, including personal belongings, packages and
Suitcases are subject to safety searches by the staff. Electrical appliances such as
Radios, hair dryers and curling irons must be placed in a storage basket, where
Residents as needed may check them out

Visitation

Residents are allowed to receive approved visitors during reasonable hours. The staff reserves the right to supervise or terminate visits if doing so is deemed Necessary due to the behavior of the resident or visitor. Visitors are encouraged to Schedule visits in advance. Regular visiting hours are Monday. ONLY APPROVED VISITORS VIA THERAPIST/CASEMANGER MAY VISIT NO EXCEPTIONS!

Visiting Hours M-Thursday: 6-8 by Appointment only
F-Sunday: 3-9 No Appointment needed

Telephone Calls

Residents may place and receive telephone calls using the unit telephone located at The staff workstation. Outgoing calls may be earned by residents through the unit level system, while incoming calls from individuals who have been authorized by the Resident's guardian are unrestricted. Residents may not place calls for other residents. Most calls must be limited to 10-15 minutes, as this ensures that other residents may have access to the telephone. Inappropriate behavior (such as swearing or Yelling) may result in termination of the call by RTC staff.

Admission Process

Referrals to the Youth Residential Facility may be made by Physicians, mental health professionals, parents, juvenile courts, and other residential and acute care inpatient facilities. The Youth will be screened referrals for the Appropriateness of residential placement prior to admitting the young person. Information from previous treatment (such as developmental and social histories, treatment summaries, psychological testing results, and medical history and physical Exams) should be forwarded to Avery's at the time of referral for the purpose of this screening. Referrals may be initiated by contacting Avery's directly by: Fax or phone

Once the determination has been made on if the child has been accepted for treatment, a placement date will be established and preliminary goals will be developed. You are encouraged to come with your child and the placing agency to the Facility on the placement date. At that time, you and your child will meet with the Clinical Director and/or Therapist who will explain the program, provide a tour, and answer any questions. Introductions will be made to the nurse, who will receive any medications that are brought with your child along with any written prescriptions. You will also need to sign specific medication consent form(s).

Items that will need to be either provided to the Facility prior to the date of admission, or brought with your child upon the date of admission include:

- the completed admission packet
- signed permission forms

- written prescriptions for any medications that your child is taking

Then the client will have a property searched and inventoried as well as placed on white level and will officially begin the residential program.

Education

The residential facility utilizes the USD 500 school district that provides all the educational services to our residents. We work very closely with Alternative School Services and they assist us in providing the appropriate school setting for each client we serve. We have virtual school, regular school setting, assistance with regular school services with IEP Behavioral Support, Credit Recovery through Edgenuity, also they offer two alternative school programs. All programs lead to a high school diploma from USD 500 and is an accredited school district.

Discipline Policy

Prohibited punishment. Punishment which is humiliating, frightening or Physically harmful to the child shall be prohibited. Prohibited methods of Punishment include: corporal punishment such as spanking with the hand or any implement, slapping, swatting, pulling hair, yanking the arm, or any similar activity; verbal abuse, threats, or derogatory remarks about the child or the child's family; binding or tying to restrict movement, or enclosing in a confined space such as a closet, locked room, box, or similar cubicle; withholding or forcing foods; and placing substances which sting or burn on the child's mouth or tongue or other parts of the body. If isolation is used in residential facilities as defined in K.A.R. the isolation policies shall be approved by the department of social and rehabilitation Services before implementation. Each staff member and care provider's discipline practices shall comply with K.A.R. 28-4- 13 by signing below:

Employee Signature

Date

ACKNOWLEDGEMENT OF MANDATED REPORTER STATUS

I, _____, understand that when I am employed as a: _____
(Employee Name)

I will become a mandated reporter under the Abused and Neglected Child Reporting Act. This means that I am required to report or cause a report to be made to the child abuse Hotline number at 1-800-25-ABUSE (1-800-252-2873) whenever I have reasonable cause to believe that a child known to me in my professional or official capacity may be abused or neglected. I understand that there is no charge when calling the Hotline number and that the Hotline operates 24-hours per day, 7 days per week, and 365 days per year.

I further understand that the privileged quality of communication between me and my patient or client is not grounds for failure to report suspected child abuse or neglect. I know that if I willfully fail to report suspected child abuse or neglect, I may be found guilty of a Class A misdemeanor. If I willfully fail to report suspected child abuse or neglect, I affirm that I have read this statement and have knowledge and understanding of the reporting requirements, which apply to me under the Abused and Neglected Child Reporting Act.

Signature of Applicant/Employee

Date

Health policies.

Smoking shall be confined to designated smoking areas in the facility. Alcohol or non-prescribed controlled substances, as defined in K.S.A. 65-4101 and any amendments to it, shall not be consumed by any resident, by any staff person while on duty, or by any staff person in the presence of residents.

The licensee, in consultation with a physician or community health nurse, shall develop written policies for implementing the health program in the following areas:

- (A) Health examination for residents and staff;
- (B) Continuing health care;
- (C) Dental examination and follow-up dental care;
- (D) Corrections of medical problems;
- (E) Special examinations such as vision, hearing and neurological exams;
- (F) Care of minor illness including use of nonprescription drugs; and
- (G) Consultation for the individual child when indicated.

Use of sharp or dangerous instruments and tools by residents shall be supervised by staff. Firearms and ammunition, and household poisons and other hazardous substances shall be in locked storage. I affirm that I have read this statement and have knowledge and understanding of the health policies.

Signature of Applicant/Employee

Date

AFFIDAVIT - NEIGHBORHOOD MEETING

Missouri
STATE OF Kansas)
COUNTY OF Jackson) SS:
Wyandotte

Comes now Frederick Avery, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # 19402
2. That I conducted a neighborhood meeting on 12/26/2019
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Frederick Avery
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of December, 2019

My commission expires 8 of 21, 2022



Oscar Hernandez-Olivares
Notary Public

MINUTES:

Application Number #SP-19402-00118

Date and Location 12/26/2019 6239 Leavenworth Road KCK 66104

Meeting called to order at: _4Pm_____

Names of people in attendance:

Fred Avery

Beverly Avery

Introductions:

No one outside of the organization attended

Questions and answers (include the following):

N/A

Meeting adjourned at: 5pm.

Minutes taken by: _Fred Avery



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 30, 2020
Re: Petition #SP-2020-8

GENERAL INFORMATION

Applicant:

Anne and Roy Baugh

Status of Applicant:

Property Owners
1615 North 86th Street
Kansas City, Kansas 66112

Requested Action:

Renewal of a
Home Occupation
Special Use Permit

Date of Application:

December 2, 2019

Purpose:

To operate an AirBnb in
the applicant's primary
residence.

Property Location:

1615 North 86th Street



Commission Districts:

1. Commissioner At Large: Melissa Bynum
2. District Commissioner: Mike Kane

Existing Zoning: AG Agricultural District

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

Existing Uses: **North:** Single Family Homes
South: Single Family Homes
East: Single Family Homes
West: Single Family Homes

Total Tract Size: 2.77 acres

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

Major Street Plan: The Major Street Plan classifies 86th Street as a local street

Advertisement: The Wyandotte Echo – December 19, 2019
Letters to Property Owner – December 12, 2019 and January 23, 2020

Public Hearings: January 13, 2020 and January 30, 2020

Public Opposition: No one appeared in opposition at the January 13, 2020 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicants, Anne and Roy Baugh, have applied for the renewal of a Special Use Permit to operate an AirBnb at their primary residence. The applicants have proposed to use two areas within the single family residence for this operation.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The property is residential in nature. It is surrounded by single family homes on all sides.

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

The zoning and uses of the properties are set out above. The proposed use might be compatible with the surrounding single-family houses if operated properly. Operating this property as an AirBnb has the potential to create issues related to noise, parking, and other concerns related to overcrowding. The fact that this property is much larger than the surrounding lots, and it is the primary residence of the hosts mitigates these concerns to a large extent.

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

Removal of the restrictions may not detrimentally affect nearby property. Potential detrimental effects such as noise and parking are mitigated to a large extent by the fact that this property is much larger than the surrounding lots and it is the primary residence of the hosts.

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

The property is not vacant.

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

The Master Plan does not address Special Use Permits.

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

The proposed use could result in increased traffic to the property compared to a single-family house, however, it will not exceed the capacity of the street network to accommodate it.

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

The proposed use provides convenient lodging for the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property if operated properly.

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

This is not expected to be an issue.

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

This is not expected to be an issue.

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

This is not expected to be an issue.

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

The relative gain or loss to the public health, safety, and welfare is likely to be minimal. If denied, the landowners would not be able to use the property as an Airbnb, but they may continue to use the property as a single-family home.

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

This is not an issue.

PREVIOUS ACTIONS

Zoning Variance #1263 – The Board of Zoning Appeals approved zoning variance #1263 on July 8, 1981 to allow a barn to be constructed that violates the rear yard setback in the AG Agriculture District and allows the property to be zoned AG Agriculture with less than five acres.

Special Use Permit #SP-2018-2.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting December 23, 2019. No one was in attendance. A copy of the sign-in sheet, neighborhood meeting minutes and neighborhood meeting affidavit are attached below.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2020-8, subject to:

Urban Planning and Land Use Comments:

1. Please provide current pictures of the interior and exterior of the site.

Staff: Applicant has provided updated photos. These are included in the attachments.

2. Have there been any neighborhood complaints since the residence has been operated as a short-term rental?

Applicant: No.

3. How will you communicate with the neighbors?

Applicant: We know the neighbors and communicate with them in person.

4. How will you pay appropriate lodging taxes?

Applicant: AirBnB collects the taxes.

5. How many rooms are rented?

Applicant: Two (2)

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

Applicant: Five (5)

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

Applicant: This property stands alone. Parking for AirBnb vehicles is inside our property boundaries and does not involve on-street parking.

8. How often are guests in the residence?

Applicant: The property is rented out year-round. Spring and Summer are busier.

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

Applicant: Yes.

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

Applicant: Area 1: en-suite with shower, bathtub, television, microwave, refrigerator, access to sauna, swimming pool, hot tub, and workout room. Area 2: en-suite bathroom with shower, kitchen, sitting room with television, access to sauna, swimming pool, hot tub, and workout room.

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

- a. Working smoke detectors in each bedroom plus each level of the unit/house**

Applicant: Smoke detectors are operational.

- b. GFCI outlets required in bathrooms**

Applicant: The outlets in the bathrooms are GFCI

- c. Double keyed locks are not allowed**

Applicant: There are no double keyed locks.

- d. Copper cannot be used for gas supply lines**

Applicant: The gas supply lines are not made of copper.

- e. Windows must be operable, not blocked or boarded**

Applicant: Windows are operable and not blocked or boarded.

- f. Handrails are required at sets of 4 or more stairs/ risers**

Applicant: The staircases have handrails.

- g. Hot water tank and furnace must be vented properly and operational**

Applicant: The hot water tank and furnace are properly vented and operational.

- h. Electric panel and circuits must be safe**

Applicant: Electric panels and circuits are safe

Public Works Comments:

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

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

Business License Comments:

Applicant did file their business occupation tax application after SUP approval and have submitted their annual renewal.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2020-8 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 13, 2020 City Planning Commission Minutes
Zoning Map
Neighborhood Meeting Documents
Site Photos

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 13, 2020	January 30, 2020
Special Use	Approval	

STAFF CONTACT: Shana Shanteau
 sshanteau@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2020-8 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #SP-2020-8, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 13, 2020 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2020-8 – ANN AND ROY BAUGH –

SYNOPSIS: Renewal of a Home Occupation Special Use Permit (#SP-2018-2 – expired 1/2/2020) for a short-term rental/AIRBNB at 1615 North 86th Street. Detailed Outline of Requested Action: The applicants, Anne and Roy Baugh, have applied for the renewal of a Special Use Permit to operate an AirBnb at their primary residence. The applicants have proposed to use two areas within the single family residence for this operation.

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

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publications in The ECHO; and,
7. The notices to property owners.

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

Chairman Carson asked if anyone wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

On motion by Ms. Huey, seconded by Dr. Serda, the Planning Commission voted as follows to recommend **APPROVAL** of the items on the Consent Agenda:

Carson
Cho

Chairman
Not Present

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

Motion to APPROVE Passed: 6 to 0
Subject to:

Urban Planning and Land Use Comments:

1. Please provide current pictures of the interior and exterior of the site.

Staff: Applicant has provided updated photos. These are included in the attachments.

2. Have there been any neighborhood complaints since the residence has been operated as a short-term rental?

Applicant: No.

3. How will you communicate with the neighbors?

Applicant: We know the neighbors and communicate with them in person.

4. How will you pay appropriate lodging taxes?

Applicant: AirBnB collects the taxes.

5. How many rooms are rented?

Applicant: Two (2)

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

Applicant: Five (5)

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

Applicant: This property stands alone. Parking for AirBnb vehicles is inside our property boundaries and does not involve on-street parking.

8. How often are guests in the residence?

Applicant: The property is rented out year-round. Spring and Summer are busier.

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

Applicant: Yes.

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

Applicant: Area 1: en-suite with shower, bathtub, television, microwave, refrigerator, access to sauna, swimming pool, hot tub, and workout room. Area 2: en-suite bathroom with shower, kitchen, sitting room with television, access to sauna, swimming pool, hot tub, and workout room.

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

- a. Working smoke detectors in each bedroom plus each level of the unit/house

Applicant: Smoke detectors are operational.

- b. GFCI outlets required in bathrooms

Applicant: The outlets in the bathrooms are GFCI

- c. Double keyed locks are not allowed

Applicant: There are no double keyed locks.

- d. Copper cannot be used for gas supply lines

Applicant: The gas supply lines are not made of copper.

- e. Windows must be operable, not blocked or boarded

Applicant: Windows are operable and not blocked or boarded.

- f. Handrails are required at sets of 4 or more stairs/ risers

Applicant: The staircases have handrails.

- g. Hot water tank and furnace must be vented properly and operational

Applicant: The hot water tank and furnace are properly vented and operational.

h. Electric panel and circuits must be safe

Applicant: Electric panels and circuits are safe

Public Works Comments:

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

Business License Comments:

Applicant did file their business occupation tax application after SUP approval and have submitted their annual renewal.



NEIGHBORHOOD MEETING

**West Wyandotte Public Library
Room C**

Date: December 23, 2019

SYNOPSIS: Home Occupation Special Use Permit for an Airbnb

**Applicant: Anne & Roy Baugh
1615 North 86th St.
Kansas City, Ks 66112**

Petition: #SP-2020-8

Please sign and print your name.

Print Name

Signature

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Minutes

Application Number: SOP-194902-00119

Date and Location: 23 Dec 2019 at Wyandotte Public Library

Meeting called to order at 6:30 pm.

Names of people in attendance:

Anne S. Baugh

Introductions: No – one attended meeting

Meeting adjourned at: 7:15 pm.

Minutes taken by:

AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF KANSAS)
COUNTY OF WYANDOTTE) SS:

Comes now ANNE S BAUGH, of lawful age, sound mind and upon his/her oath states as follows:

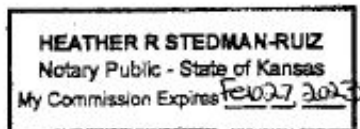
1. That I am the petitioner for Petition # 19402-00119
2. That I conducted a neighborhood meeting on 23 DECEMBER 2019
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Anne S Baugh
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26th day of December, 2019.

My commission expires Feb 27 of 2023, 200 .



Heather R Stedman-Ruiz
Notary Public

















Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 30, 2020
Re: Petition #SP-2020-9

GENERAL INFORMATION

Applicant:
Alma Mendoza

Status of Applicant:
Representative Arm &
Hammer Contracting, LLC
2139 North 34th Street
Kansas City, Kansas

Requested Action:
Renewal of Special Use
Permit for automotive
detail shop

Date of Application:
December 2, 2019

Purpose:
To approve renewal of a
Special Use Permit for an
automotive detail shop

Property Location:
741 Washington Boulevard



Commission Districts:

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

Existing Zoning: CP-2 Planned Business District

Existing Surrounding Zoning: **North:** RP-5 Planned Apartment District

South: C-D Central Business District

East: C-D Central Business District

West: C-3 Commercial District

Existing Uses: **North:** Vacant/Church

South: Commercial

East: Parking/Office

West: Social Services

Total Tract Size: .3 acre

Master Plan Designation: The City-Wide Master Plan designates this property as Mixed Use.

Major Street Plan: The Major Street Plan classifies Washington Boulevard as a Class A Thoroughfare.

Advertisement: The Wyandotte Echo – December 19, 2019
Letters to Property Owner – December 12, 2019 and January 23, 2020

Public Hearings: January 13, 2020 and January 30, 2020

Public Opposition: None to date

PROPOSAL

Detailed Outline of Requested Action: Applicant has requested renewal of Special Use Permit 2017-62, which has allowed the operation of a car detailing service at 741 Washington Boulevard.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is a mix of commercial businesses and high-density residential apartments.

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

The nearby properties currently are used for less intensive purposes than automotive work. The noise from this operation could be a nuisance to nearby residents and office workers if noise levels were to increase. The business, however, has been in operation for one year. If approved, the current situation would remain the same.

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

Removal of these restrictions is not expected to detrimentally affect nearby property.

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

The property is not vacant.

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

Special Use Permits are not addressed in the Master Plan.

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

This use would increase traffic around the site, though it is not expected to exceed the capacity of the street network.

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

The benefit of an automotive detail shop to the convenience and welfare of the public is minimal. The use will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

There could be some increase in noise on days when the shop is operating. The shop, however, has been in operation for one year. Ample time has been given to determine whether or not the operation of this business creates these issues.

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

Assuming all refuse and liquids are properly disposed of, this should not be an issue.

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

This is not expected to be an issue.

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

The permitted use would supply a convenience to the public by offering an automotive detailing service. There would be no gain to the public health, safety, and welfare. There would be, however, a hardship imposed on the landowner if the application is denied.

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

This is not expected to be an issue.

PREVIOUS ACTIONS

Special Use Permit #SP-2017-62 was approved on January 8, 2018.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 30, 2019. No one was in attendance. Documentation is attached below.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2020-9, subject to:

Urban Planning and Land Use Comments:

- 1. Please provide current photos of the site.**

Staff: Applicant has provided updated photos. These are attached below.

- 2. Please provide details on how toxic materials are disposed of.**

Applicant: We use environmentally friendly materials. There are no toxic materials to dispose of.

3. Have you been in compliance with all stipulations outlined in #SP-2017-62?

This includes:

- a. Landscaping shall be required. Prior to a Certificate of Occupancy being approved, the following must be met:
 - i. At least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers. (Sec. 27-577 d.1)
 - ii. Landscaping shall exceed the typical code requirements by at least 75% (Sec. 27-577 a.5) i. 1 tree per 7000 square feet. (Sec. 27-466 g) x 75%
- b. Outdoor automotive work is prohibited; all work on vehicles must be conducted within the building.

Applicant: We have been in compliance with all stipulations.

Public Works Comments:

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

Business License Comments:

Applicant did file their business occupation tax application after SUP approval. They are in renewal status pending approval of this SUP renewal.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2020-9 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 13, 2020 City Planning Commission Minutes
Zoning Map
Elevation
Site Plan
Neighborhood Meeting Documentation
Updated Site Photos

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 13, 2020	January 30, 2020
Special Use	Approval	

STAFF CONTACT: **Shana Shanteau**
 sshanteau@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2020-9** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2020-9**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 13, 2020 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2020-9 – ALMA MENDOZA –

SYNOPSIS: Renewal of a Special Use Permit (#SP-2017-62 – expired 1/2/2020) for auto detailing and used car sales at 741 Washington Boulevard. Detailed Outline of Requested Action: Applicant has requested renewal of Special Use Permit 2017-62, which has allowed the operation of a car detailing service at 741 Washington Boulevard.

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

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publications in The ECHO; and,
7. The notices to property owners.

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

Chairman Carson asked if anyone wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

On motion by Ms. Huey, seconded by Dr. Serda, the Planning Commission voted as follows to recommend **APPROVAL** of the items on the Consent Agenda:

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

Motion to APPROVE Passed: 6 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Please provide current photos of the site.

Staff: Applicant has provided updated photos. These are attached below.

2. Please provide details on how toxic materials are disposed of.

Applicant: We use environmentally friendly materials. There are no toxic materials to dispose of.

3. Have you been in compliance with all stipulations outlined in #SP-2017-62?

This includes:

- a. Landscaping shall be required. Prior to a Certificate of Occupancy being approved, the following must be met:**
 - i. At least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers. (Sec. 27-577 d.1)**
 - ii. Landscaping shall exceed the typical code requirements by at least 75% (Sec. 27-577 a.5) i. 1 tree per 7000 square feet. (Sec. 27-466 g) x 75%**
- b. Outdoor automotive work is prohibited; all work on vehicles must be conducted within the building.**

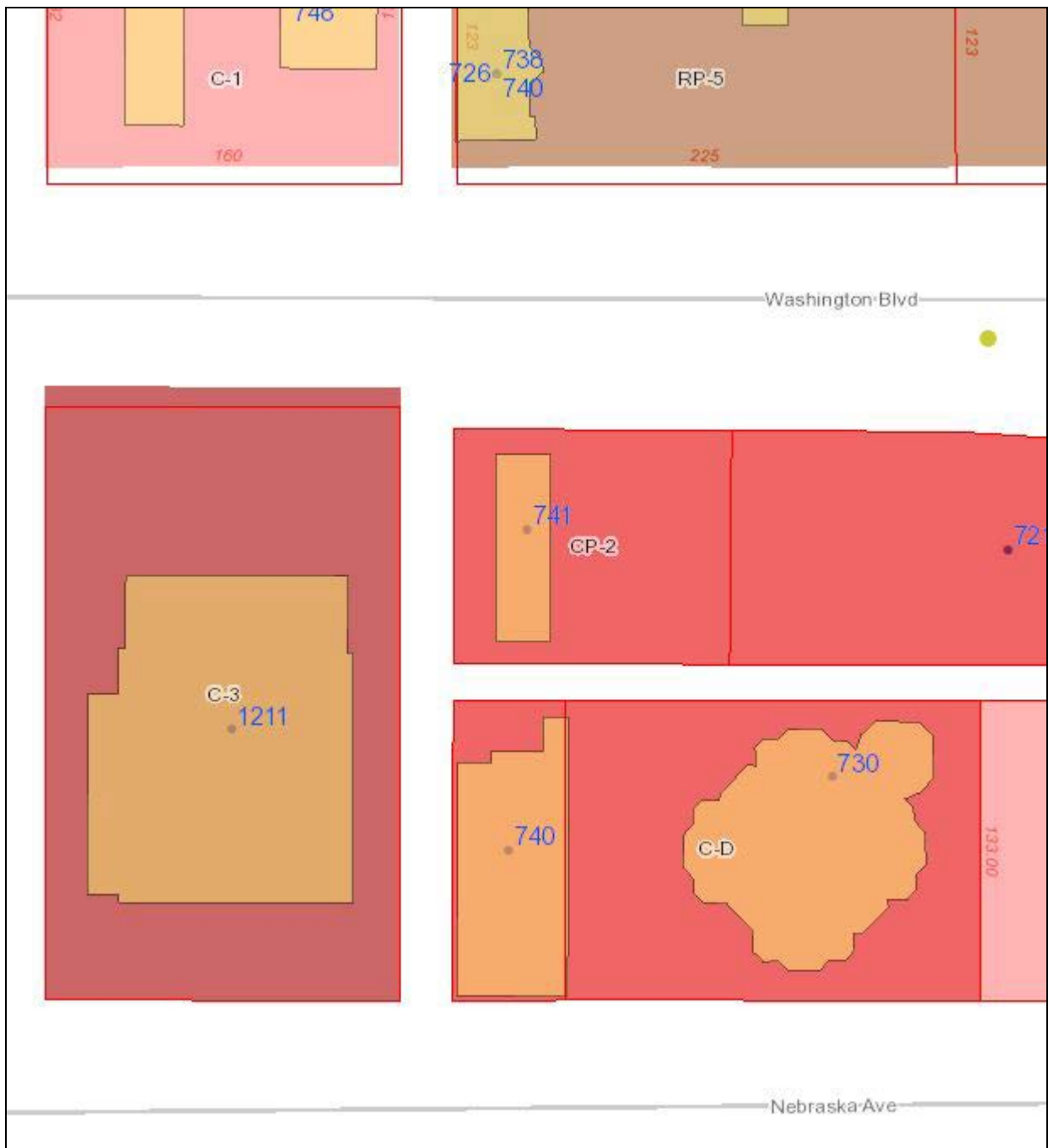
Applicant: We have been in compliance with all stipulations.

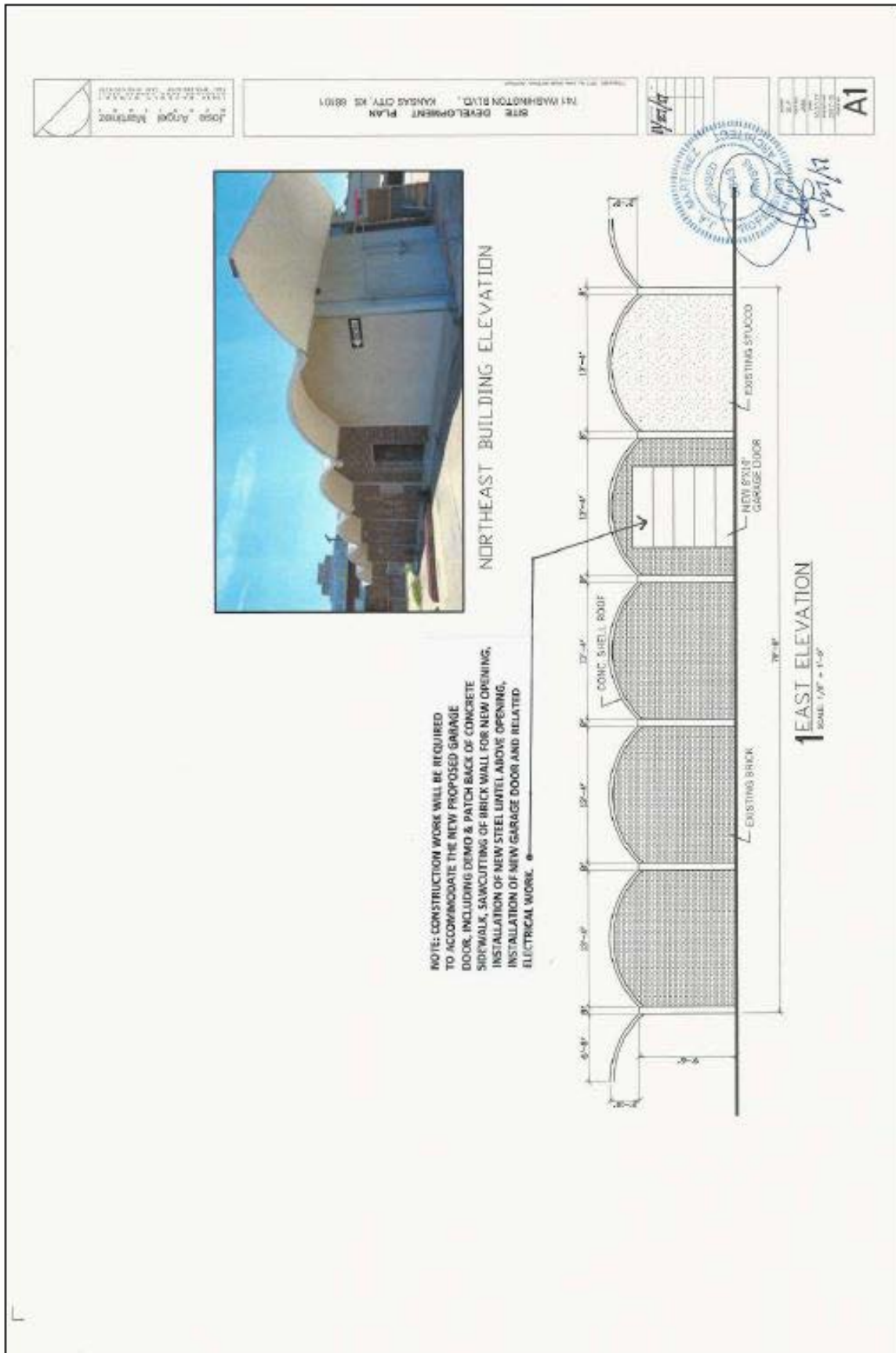
Public Works Comments:

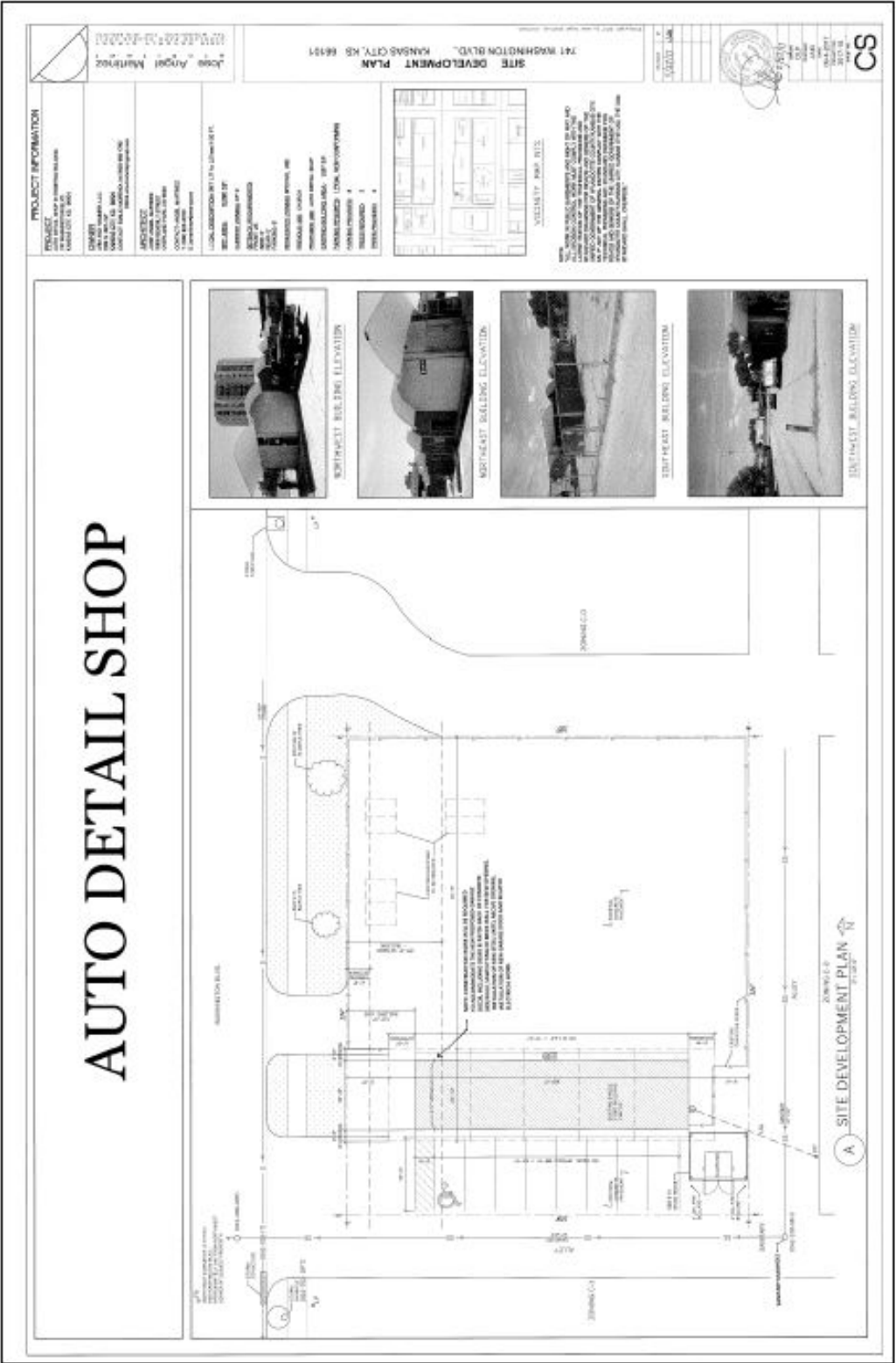
- A) Items that require plan revision or additional documentation before engineering can recommend approval:**
 - 1) None.**
- B) Items that are conditions of approval (stipulations):**
 - 1) None.**
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but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

Business License Comments:

Applicant did file their business occupation tax application after SUP approval. They are in renewal status pending approval of this SUP renewal.







SP-2017-62

January 8, 2018



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

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

December 17, 2019

RE: SP-2020-9 Alma Mendoza auto detail shop and car sales 741 Washington Boulevard

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the site for SP-2020-9 Alma Mendoza auto detail shop and car sales 741 Washington Boulevard.

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

MAPS AND REPORTS

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

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

- There is one major soil type identified: Knox silt loam 3 to 8 percent slopes. This soil type is considered erodible when the surface is denuded of a protective cover.
- Our only concern is any chemical spills need to be cleaned up immediately, so they don't wash off into the storm drains.
- Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.

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

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern have been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineations on the maps include soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

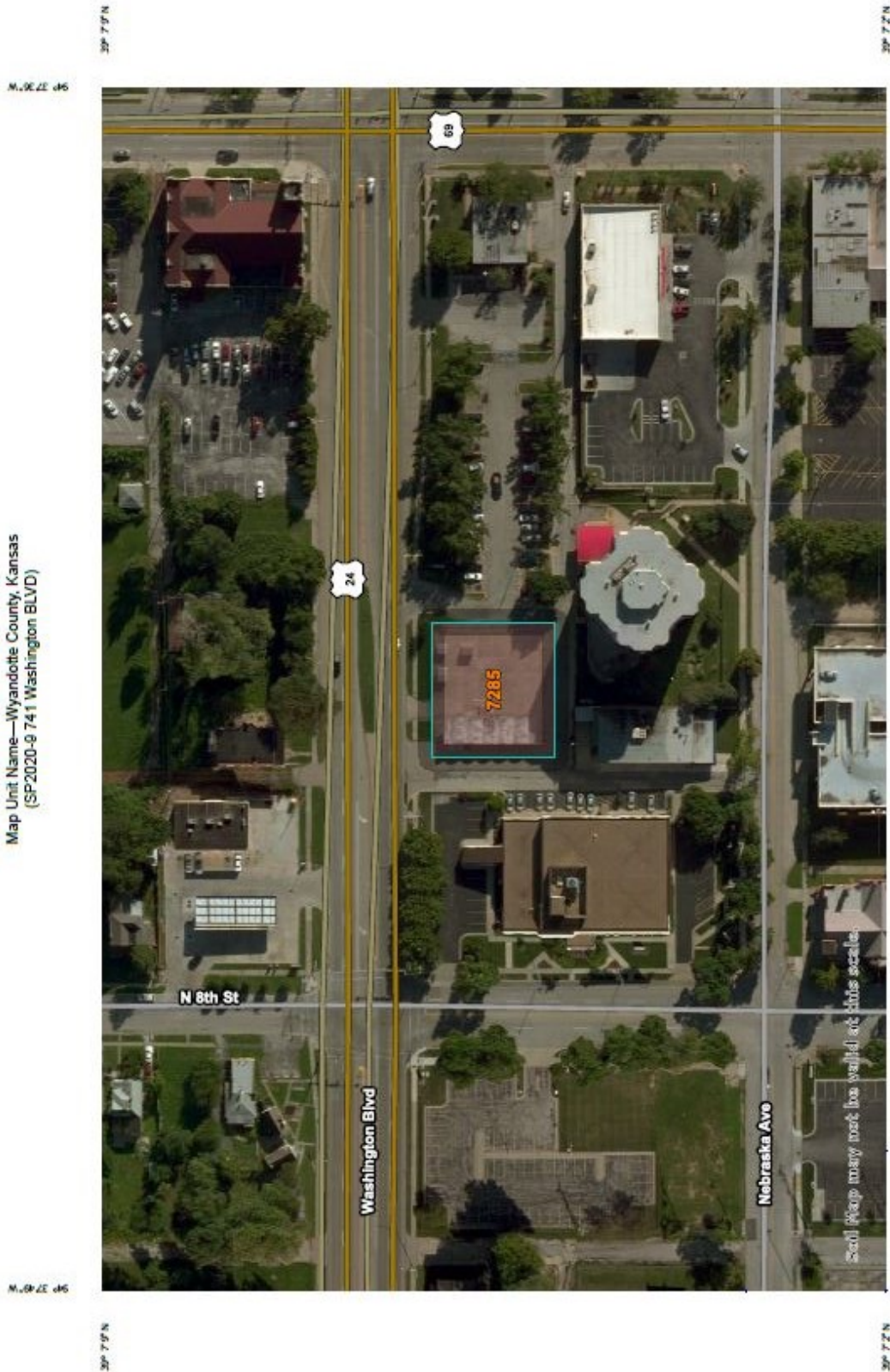
If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures

Map Unit Name—Wyandotte County, Kansas
(SP2020-9 741 Washington BLVD)



Map Scale: 1:1,500 if printed on A landscape (11" x 8.5") sheet.
Map projection: Web Mercator Corner coordinates: WGS84

Map Unit Name—Wyandotte County, Kansas
(SP2020-9 741 Washington BLVD)

MAP LEGEND

- Area of Interest (AOI)
 - Area of Interest (AOI)
- Soils
 - Soil Rating Polygons
 - Ladoga silt loam, 3 to 8 percent slopes
 - Not rated or not available
 - Soil Rating Lines
 - Ladoga silt loam, 3 to 8 percent slopes
 - Not rated or not available
 - Soil Rating Points
 - Ladoga silt loam, 3 to 8 percent slopes
 - Not rated or not available
- Water Features
 - Streams and Canals
- Transportation
 - Rails
 - Interstate Highways
 - US Routes
 - Major Roads
 - Local Roads
- Background
 - Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 13, Sep 18, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 23, 2014—Sep 7, 2014

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Name

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7285	Ladoga silt loam, 3 to 8 percent slopes	Ladoga silt loam, 3 to 8 percent slopes	0.3	100.0%
Totals for Area of Interest			0.3	100.0%

Description

A soil map unit is a collection of soil areas or nonsoil areas (miscellaneous areas) delineated in a soil survey. Each map unit is given a name that uniquely identifies the unit in a particular soil survey area.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

Map Unit Description (Brief, Generated)

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions in this report, along with the maps, provide information on the composition of map units and properties of their components.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

The Map Unit Description (Brief, Generated) report displays a generated description of the major soils that occur in a map unit. Descriptions of non-soil (miscellaneous areas) and minor map unit components are not included. This description is generated from the underlying soil attribute data.

Additional information about the map units described in this report is available in other Soil Data Mart reports, which give properties of the soils and the limitations, capabilities, and potentials for many uses. Also, the narratives that accompany the Soil Data Mart reports define some of the properties included in the map unit descriptions.

Report—Map Unit Description (Brief, Generated)

Wyandotte County, Kansas

Map Unit: 7285—Ladoga silt loam, 3 to 8 percent slopes

Component: Ladoga (80%)

The Ladoga component makes up 80 percent of the map unit. Slopes are 4 to 7 percent. This component is on hillslopes on uplands. The parent material consists of silty and clayey loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 3 percent. This component is in the R106XY015KS Loamy Upland (pe 30-37) ecological site. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria.

Component: Knox (10%)

Generated brief soil descriptions are created for major soil components. The Knox soil is a minor component.

Component: Sharpsburg (10%)

Generated brief soil descriptions are created for major soil components. The Sharpsburg soil is a minor component.

Data Source Information

Soil Survey Area: Wyandotte County, Kansas

Survey Area Data: Version 13, Sep 16, 2019

Soil Features

This table gives estimates of various soil features. The estimates are used in land use planning that involves engineering considerations.

A *restrictive layer* is a nearly continuous layer that has one or more physical, chemical, or thermal properties that significantly impede the movement of water and air through the soil or that restrict roots or otherwise provide an unfavorable root environment. Examples are bedrock, cemented layers, dense layers, and frozen layers. The table indicates the hardness and thickness of the restrictive layer, both of which significantly affect the ease of excavation. *Depth to top* is the vertical distance from the soil surface to the upper boundary of the restrictive layer.

Subsidence is the settlement of organic soils or of saturated mineral soils of very low density. Subsidence generally results from either desiccation and shrinkage, or oxidation of organic material, or both, following drainage. Subsidence takes place gradually, usually over a period of several years. The table shows the expected initial subsidence, which usually is a result of drainage, and total subsidence, which results from a combination of factors.

Potential for frost action is the likelihood of upward or lateral expansion of the soil caused by the formation of segregated ice lenses (frost heave) and the subsequent collapse of the soil and loss of strength on thawing. Frost action occurs when moisture moves into the freezing zone of the soil. Temperature, texture, density, saturated hydraulic conductivity (Ksat), content of organic matter, and depth to the water table are the most important factors considered in evaluating the potential for frost action. It is assumed that the soil is not insulated by vegetation or snow and is not artificially drained. Silty and highly structured, clayey soils that have a high water table in winter are the most susceptible to frost action. Well drained, very gravelly, or very sandy soils are the least susceptible. Frost heave and low soil strength during thawing cause damage to pavements and other rigid structures.

Risk of corrosion pertains to potential soil-induced electrochemical or chemical action that corrodes or weakens uncoated steel or concrete. The rate of corrosion of uncoated steel is related to such factors as soil moisture, particle-size distribution, acidity, and electrical conductivity of the soil. The rate of corrosion of concrete is based mainly on the sulfate and sodium content, texture, moisture content, and acidity of the soil. Special site examination and design may be needed if the combination of factors results in a severe hazard of corrosion. The steel or concrete in installations that intersect soil boundaries or soil layers is more susceptible to corrosion than the steel or concrete in installations that are entirely within one kind of soil or within one soil layer.

For uncoated steel, the risk of corrosion, expressed as *low*, *moderate*, or *high*, is based on soil drainage class, total acidity, electrical resistivity near field capacity, and electrical conductivity of the saturation extract.

For concrete, the risk of corrosion also is expressed as *low*, *moderate*, or *high*. It is based on soil texture, acidity, and amount of sulfates in the saturation extract.

Report—Soil Features

Soil Features—Wyandotte County, Kansas									
Map symbol and soil name	Restrictive Layer			Hardness	Subsidence		Potential for frost action	Risk of corrosion	
	Kind	Depth to top	Thickness		Initial	Total		Uncoated steel	Concrete
		Low-RV-High	Range		Low-High	Low-High			
		In	In		In	In			
7285—Ladoga silt loam, 3 to 8 percent slopes									
Ladoga		—	—		0	—	Moderate	Moderate	Moderate

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
 Survey Area Data: Version 13, Sep 16, 2019

PUBLIC MEETING MINUTES

SP-2020-9

DEC/30/2019 741 WASHINGTON BLVD KCKS

ATTENDANCE PEOPLE LIST

DEVERLY EASTERWOOD/DOUGLASS SUMMNER HGH	<u>No show</u>
COMMISSIONER HAROLD JOHNSON	<u>No show</u>
COMMISSIONER MELISSA BYNUM	<u>No show</u>
JASON NORBURY/DOWNTOWN SHAREHOLDERS	<u>No show</u>
RACHEL JEFFERSON/HISTORIC NE MIDTOWN	<u>No show</u>
ALMA MENDOZA <i>Alma O. Mendoza</i>	<u>6 PM To 7 PM</u>
4D LLC.	<u>No show</u>
786 ENTERPRISES INC.	<u>No show</u>
ARM & HAMMER CONTRACTING LLC. <i>William & Belita</i>	<u>6 PM To 6:30 PM</u>
FD4 KANSAS CITY 4 GUYS LLC.	<u>No show</u>
HOUSING AUTHORITY OF KCK	<u>No show</u>
IGLESIA MISIONERA EL VERBO DE DIOS INC.	<u>No show</u>
KVC FOUNDATION INC.	<u>No show</u>
PIO DE TOMAS	<u>No show</u>

INTRODUCTION:

PRESENTATION:

QUESTIONS:

None

MEETING ADJOURNED AT:

741 Washington Blvd K
Kansas city Ks. 66101

MINUTES TAKEN BY: Emilio Moreno

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas
COUNTY OF Wyandotte) SS:

Comes now Alma Mendoza of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP-2020-9
2. That I conducted a neighborhood meeting on 12-30-2019
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

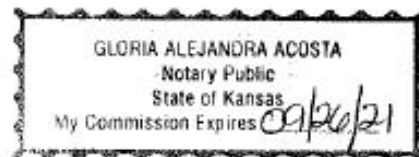
Further affiant saith not.

N/A
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 02 day of January, 2020

My commission expires 26 of September, 2021

Gloria Acosta
Notary Public









Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 30, 2020
Re: Petition #SP-2020-10

GENERAL INFORMATION

Applicant:
Ruby Martin

Status of Applicant:
Representative
Hilltop Saddle Club, Inc.
6918 Bales Avenue
Kansas City, Missouri

Requested Action:
Renewal of a
Special Use Permit

Date of Application:
December 2, 2019

Purpose:
Renewal of a
Special Use Permit for a trailer to
hold monthly meetings and storage of
supplies for horse riding club

Property Location:
5025 Muncie Road



Commission Districts:

1. Commissioner At Large: Melissa Bynum
2. District Commissioner: Dr. Jane Winkler Philbrook

Existing Zoning: C-1 Limited Business District

Existing Surrounding Zoning: **North:** C-1 Limited Business District

South: C-1 Limited Business District

East: C-1 Limited Business District

West: C-1 Limited Business District

Existing Uses: **North:** Hilltop Saddle Club Property

South: Undeveloped Land

East: Undeveloped Land

West: Forest View Landfill

Total Tract Size: 3.05 acres

Master Plan Designation: The City-Wide Master Plan designates this area as Mixed Use

Major Street Plan: The Major Street Plan classifies Muncie Drive as a local street

Advertisement: The Wyandotte Echo – December 19, 2019
Letters to Property Owner – December 12, 2019 and January 23, 2020

Public Hearings: January 13, 2020 and January 30, 2020

Public Opposition: No one appeared in opposition at the January 13, 2020 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant is requesting the renewal of Special Use Permit #SP-2017-61, which has permitted the use of a small office trailer 5025 Muncie Drive. Next to the office trailer is a ring for horse riding. There is a barn on the adjacent property for stabling the horses. The initial Special Use Permit was approved in 1999.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The character of the neighborhood is largely rural in nature. There are a few homes scattered throughout the area. The Forest View Landfill is adjacent to the property on the west.

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

The zoning and the uses of nearby properties are mainly R-1 Single Family District and AG Agricultural District. The area is largely undeveloped. The proposed use would be compatible with these.

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

The proposed use is suitable for the property. The removal of restrictions would not detrimentally affect nearby property.

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

The property is not vacant.

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

The Master Plan does not address Special Use Permits.

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

The proposed use would not increase vehicular traffic beyond the street networks capability to accommodate it.

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

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

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

The proposed use will not create these issues.

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

The proposed use will not create these issues.

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

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

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

There is no relative gain to the public health, safety, and welfare. If this application is denied, the applicant will not be able to have their trailer on the property or conduct the meetings held on site.

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

This is not an issue.

PREVIOUS ACTIONS

This Special Use Permit was approved in the years 1999, 2002, 2005, 2008, 2010, 2013, 2015, and 2017.

The most recent Special Use Permits #SP-2015-12 and #SP-2017-61.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 29, 2019. None of the neighboring property owners were in attendance. Sign-in sheet, minutes, and affidavit are attached.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2020-10, subject to:

Urban Planning and Land Use Comments:

- 1. Please provide updated photos of the trailer and the site.**

Staff: Applicant has provided an updated photo. Please see attached.

2. What is the maximum number of people the trailer can safely accommodate?

Applicant: 15 - 20 persons at one time.

3. Please provide an update explaining what types of materials are stored inside the trailer.

Applicant: Up to 4 parade saddles, 4 folding tables, 20 chairs, 1 file cabinet, supplies to use when we have kids' night out camp and the kids stay over and sleep outside.

4. Approval would be for two (2) years.

Public Works Comments:

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

- 1) None.

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

- 1) None.

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

- 1) None

Business License Comments:

Applicant has filed application with this office and established as an Exempt business entity since 1968.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2020-10 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 13, 2020 City Planning Commission Minutes
Zoning Map
Updated Photo
Neighborhood Meeting Documentation
Narrative

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 13, 2020	January 30, 2020
Special Use	Approval	

STAFF CONTACT: Shana Shanteau
 sshanteau@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2020-10** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2020-10**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 13, 2020 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2020-10 – RUBY MARTIN WITH HILLTOP SADDLE CLUB – SYNOPSIS: Renewal of a Special Use Permit (#SP-2017-61 – expired 11/30/2019) for a trailer to hold monthly meetings and storage of supplies for horse riding club at 5025 Muncie Drive. Detailed Outline of Requested Action: The applicant is requesting the renewal of Special Use Permit #SP-2017-61, which has permitted the use of a small office trailer 5025 Muncie Drive. Next to the office trailer is

a ring for horse riding. There is a barn on the adjacent property for stabling the horses. The initial Special Use Permit was approved in 1999.

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

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publications in The ECHO; and,
7. The notices to property owners.

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

Chairman Carson asked if anyone wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

On motion by Ms. Huey, seconded by Dr. Serda, the Planning Commission voted as follows to recommend **APPROVAL** of the items on the Consent Agenda:

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

Motion to APPROVE Passed: 6 to 0

Subject to:

Urban Planning and Land Use Comments:

- 1. Please provide updated photos of the trailer and the site.**

Staff: Applicant has provided an updated photo. Please see attached.

- 2. What is the maximum number of people the trailer can safely accommodate?**

Applicant: 15 - 20 persons at one time.

- 3. Please provide an update explaining what types of materials are stored inside the trailer.**

Applicant: Up to 4 parade saddles, 4 folding tables, 20 chairs, 1 file cabinet, supplies to use when we have kids' night out camp and the kids stay over and sleep outside.

- 4. Approval would be for two (2) years.**

Public Works Comments:

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

1) None.

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

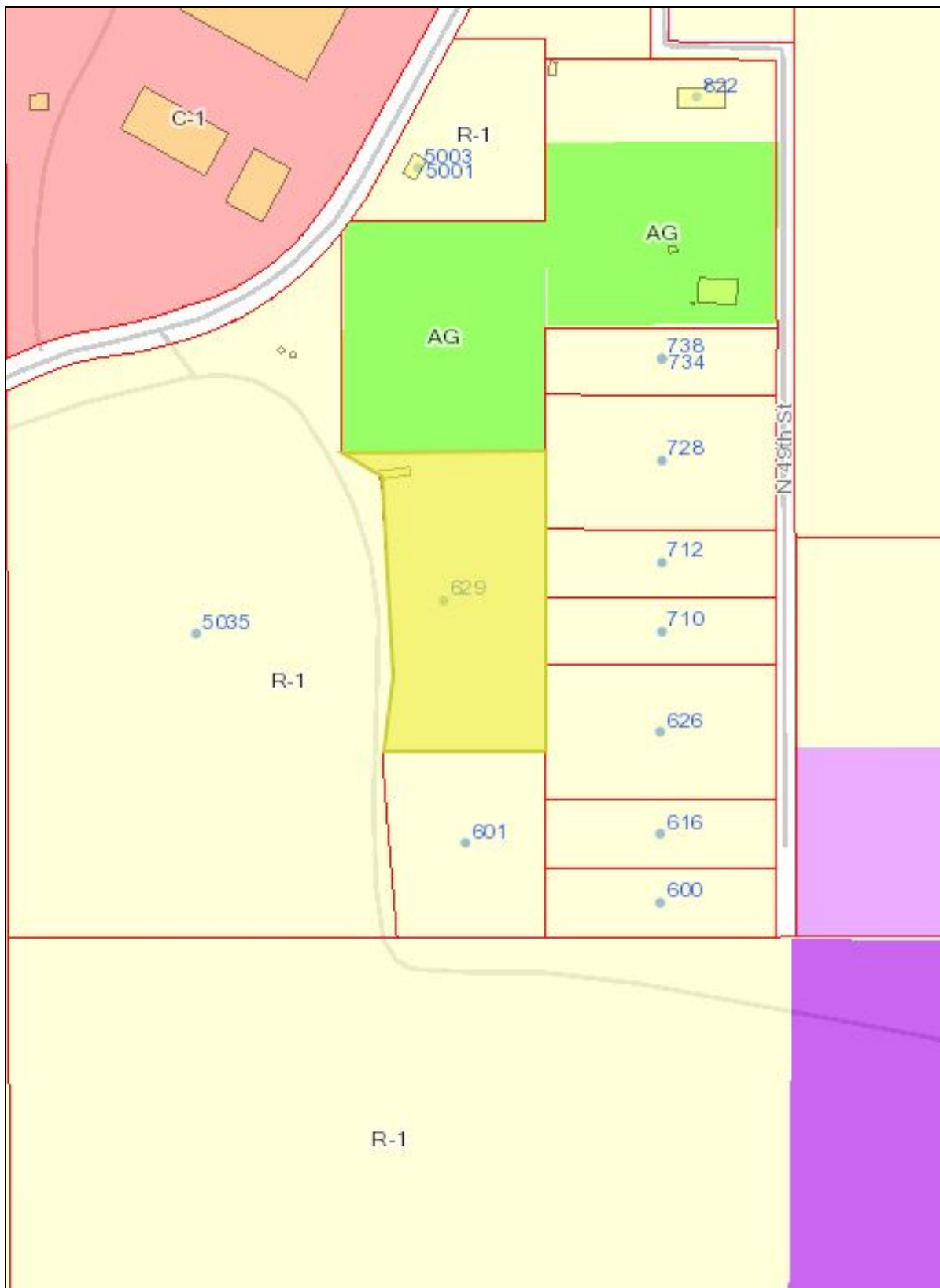
1) None.

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

1) None

Business License Comments:

Applicant has filed application with this office and established as an Exempt business entity since 1968.





12-29-19

#SP-2010-10

Signature

1 Ruby Martin

2 Laila Leshin Green

3 Craig Green

4 Marvin Funder

5 Carl J. Thompson

6 Rodney N. WINSTON

7

8

9

10

11

#SP 2010-10

12-29-19

5025 Manassas Dr.

Kansas City, Kansas

The meeting was called to order at 3:00pm by President Coral Thompson. There were 5 people in attendance.

The meeting was adjourned at 4:05 PM. None of the property owners who has property within 200 ft attended. The minutes were taken by Ruby Martin

Ruby Martin

AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF Missouri)
COUNTY OF Clay) SS:

Comes now Ruby Martin of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP-2010-10
2. That I conducted a neighborhood meeting on 12-29-19.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Ruby Martin
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of December, 2019.

My commission expires Jan of 18, 2020.

Jureau Bowman
Notary Public

JUREAU BOWMAN
Notary Public-Notary Seal
STATE OF MISSOURI
Clay County
My Commission Expires Jan. 18, 2020
Commission # B12294150

Size 12 X 50

Meeting once a month. Except
when a special Meeting is called.

15 to 20 persons at one time

4 Parade Saddle (less row)

4 folding Tables

20 Chairs

1 File Cabinet, Supplies to use when
we have Kids Nite out Camp
and the Kids stay over and sleep
Out side



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 30, 2020
Re: Petition #SP-2020-11

GENERAL INFORMATION

Applicant:
D. Scott Cummins

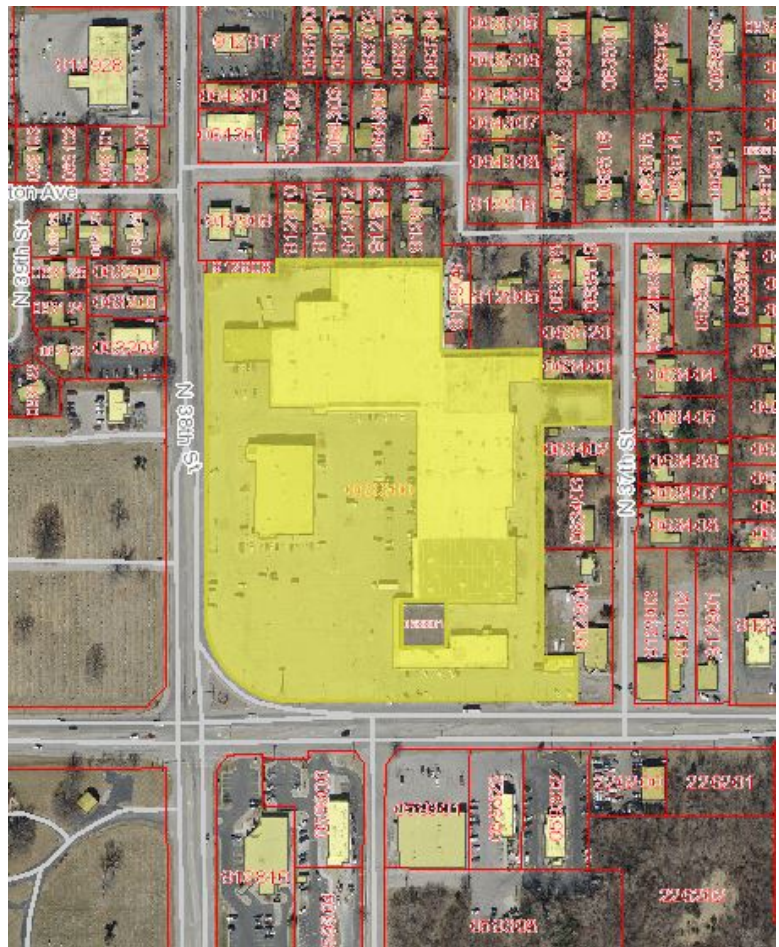
Status of Applicant:
Representative
Tire and Wheel
3748B State Avenue
Kansas City, Kansas

Requested Action:
Renewal of a
Special Use Permit

Date of Application:
December 2, 2019

Purpose:
Renewal of a Special
Use Permit to operate a tire
and light mechanical shop

Property Location:
3748B State Avenue



Commission Districts:

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

Existing Zoning: C-1 Limited Business District

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

South: CP-1 Limited Business and CP-2 General Business Districts

East: R-1(B) Single Family District

West: CP-0 Nonretail Business and R-1(B) Single Family Districts

Existing Uses: North: Single Family Residences

South: CVS Pharmacy

East: Commercial Strip Center with several businesses

West: Single Family Residences, Cemetery

Total Tract Size: 10.27 acres

Master Plan Designation: The City-Wide Master Plan designates this area as Community Commercial

Major Street Plan: The Major Street Plan classifies State Avenue as a Class A Thoroughfare

Advertisement: The Wyandotte Echo – December 19, 2019
Letters to Property Owner – December 12, 2019 and January 23, 2020

Public Hearings: January 13, 2020 and January 30, 2020

Public Opposition: No one appeared in opposition at the January 13, 2020 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant is requesting renewal of a special use permit for the continuation of a tire and light mechanical shop.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The character of the neighborhood is primarily commercial with small businesses to the east, and single family homes and a cemetery to the west.

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

The zoning and uses of nearby properties are outlined above. The proposed use could be compatible with them if managed properly.

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

If managed properly, the proposed use could be suitable for the property and should not detrimentally affect nearby property.

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

The property is not vacant.

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

Special Use Permits are not addressed in the Master Plan.

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

The proposed use should not result in increasing the amount of vehicular traffic to the point of exceeding the capacity of the street network to accommodate it.

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

The proposed use provides a convenience to the public by offering automotive services. If managed properly, the proposed use should not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

The proposed use could create these issues.

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

The proposed use could create these issues if toxic materials are not disposed of properly.

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

The proposed use would not create these issues.

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

The relative gain to the public health, safety, and welfare of the public is minimal. If the application is denied, the landowner would need to find another use for the tenant space and the business owner would need to find a new location to operate the automotive business.

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

This is not an issue with the proposed use.

PREVIOUS ACTIONS

Special Use Permit #SP-2014-67

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 31, 2019. No one was in attendance. The invitation, minutes, and affidavit are attached below.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2020-11, subject to:

Urban Planning and Land Use Comments:

1. Please provide updated photos of the building and site.

Staff: Updated photos have been provided and are attached below.

2. Please describe how materials are disposed of. This includes liquid waste, tires, and other solid materials.

Applicant: We encounter very little oil or liquid waste. We only offer light mechanical services such as shocks, struts, rakes, tune-ups, alignments,

and front end work such as ball joints, tie rods, and control arms. What little oil we encounter is used as fuel for our oil burning heater. Our tires are exclusively disposed of through ABC recycling monthly. ABC is an authorized tire recycler with Topeka. Other solid materials such as brake pads, rotors, and used parts are all scraped regularly as needed.

3. Approximately how many automobiles are serviced each day?

Applicant: We service between 20 to 35 vehicles daily, almost all tire related, including mounting balancing, repairing, and rotating.

4. Where are cars parked that are left overnight?

Applicant: We rarely have cars overnight; all cars are parked inside the shop. If left overnight, the only exception is if rarely a customer leaves their vehicle after hours in an emergency and leaves keys in drop box.

5. Since beginning operation, have you had any neighborhood or Code Enforcement complaints? If so, what were the issues?

Applicant: We have been serving our neighborhood for 13 years without any issues from our neighbors.

6. Approval is for five (5) years.

Public Works Comments:

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

1) None.

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

1) None.

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

1) None

Business License Comments:

Applicant has filed and maintained a current business occupation tax application.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends

APPROVAL of Petition #**SP-2020-11** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 13, 2020 City Planning Commission Minutes
Zoning Map
Conservation District Comments
Neighborhood Meeting Documents
Updated Site Photos

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 13, 2020	January 30, 2020
Special Use	Approval	

STAFF CONTACT: Shana Shanteau
 sshanteau@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2020-11** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2020-11**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 13, 2020 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2020-11 – D. SCOTT CUMMINGS WITH TIRE & WHEEL – SYNOPSIS: Renewal of a Special Use Permit (#SP-2014-67 – expired 10/30/2019) for tire sales and light mechanical auto work at 3748 State Avenue.

Detailed Outline of Requested Action: The applicant is requesting renewal of a special use permit for the continuation of a tire and light mechanical shop.

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

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publications in The ECHO; and,
7. The notices to property owners.

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

Chairman Carson asked if anyone wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

On motion by Ms. Huey, seconded by Dr. Serda, the Planning Commission voted as follows to recommend **APPROVAL** of the items on the Consent Agenda:

Carson	Chairman
Cho	Not Present
Connelly	Aye
Ernst	Aye
Huey	Aye
Jones	Not Present
Miller	Not Present
Neal	Not Present
Pauley	Aye
Reasons	Aye
Serda	Aye
Motion to APPROVE Passed: 6 to 0	
Subject to:	

Urban Planning and Land Use Comments:

1. Please provide updated photos of the building and site.

Staff: Updated photos have been provided and are attached below.

2. Please describe how materials are disposed of. This includes liquid waste, tires, and other solid materials.

Applicant: We encounter very little oil or liquid waste. We only offer light mechanical services such as shocks, struts, rakes, tune-ups, alignments, and front end work such as ball joints, tie rods, and control arms. What little oil we encounter is used as fuel for our oil burning heater. Our tires are exclusively disposed of through ABC recycling monthly. ABC is an authorized tire recycler with Topeka. Other solid materials such as brake pads, rotors, and used parts are all scraped regularly as needed.

3. Approximately how many automobiles are serviced each day?

Applicant: We service between 20 to 35 vehicles daily, almost all tire related, including mounting balancing, repairing, and rotating.

4. Where are cars parked that are left overnight?

Applicant: We rarely have cars overnight; all cars are parked inside the shop. If left overnight, the only exception is if rarely a customer leaves their vehicle after hours in an emergency and leaves keys in drop box.

5. Since beginning operation, have you had any neighborhood or Code Enforcement complaints? If so, what were the issues?

Applicant: We have been serving our neighborhood for 13 years without any issues from our neighbors.

6. Approval is for five (5) years.

Public Works Comments:

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

1) None.

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

1) None.

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

1) None

Business License Comments:

Applicant has filed and maintained a current business occupation tax application.





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

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

December 17, 2019

RE: SP-2020-11 D. Scott Cummins with Tire and Wheel 3748B State Avenue

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the site for SP-2020-11 D. Scott Cummins with Tire and Wheel 3748B State Avenue.

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

MAPS AND REPORTS

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

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

- There is one major soil type identified: Ladoga silt loam, 3 to 8 percent slopes. This soil type is considered erodible when the surface is denuded of a protective cover.
- Our only concern is any chemical spills need to be cleaned up immediately, so they don't wash off into the storm drains.
- Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.

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

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern has been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineations on the maps include soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

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

Sincerely,

Cheri Miller
District Manager

enclosures

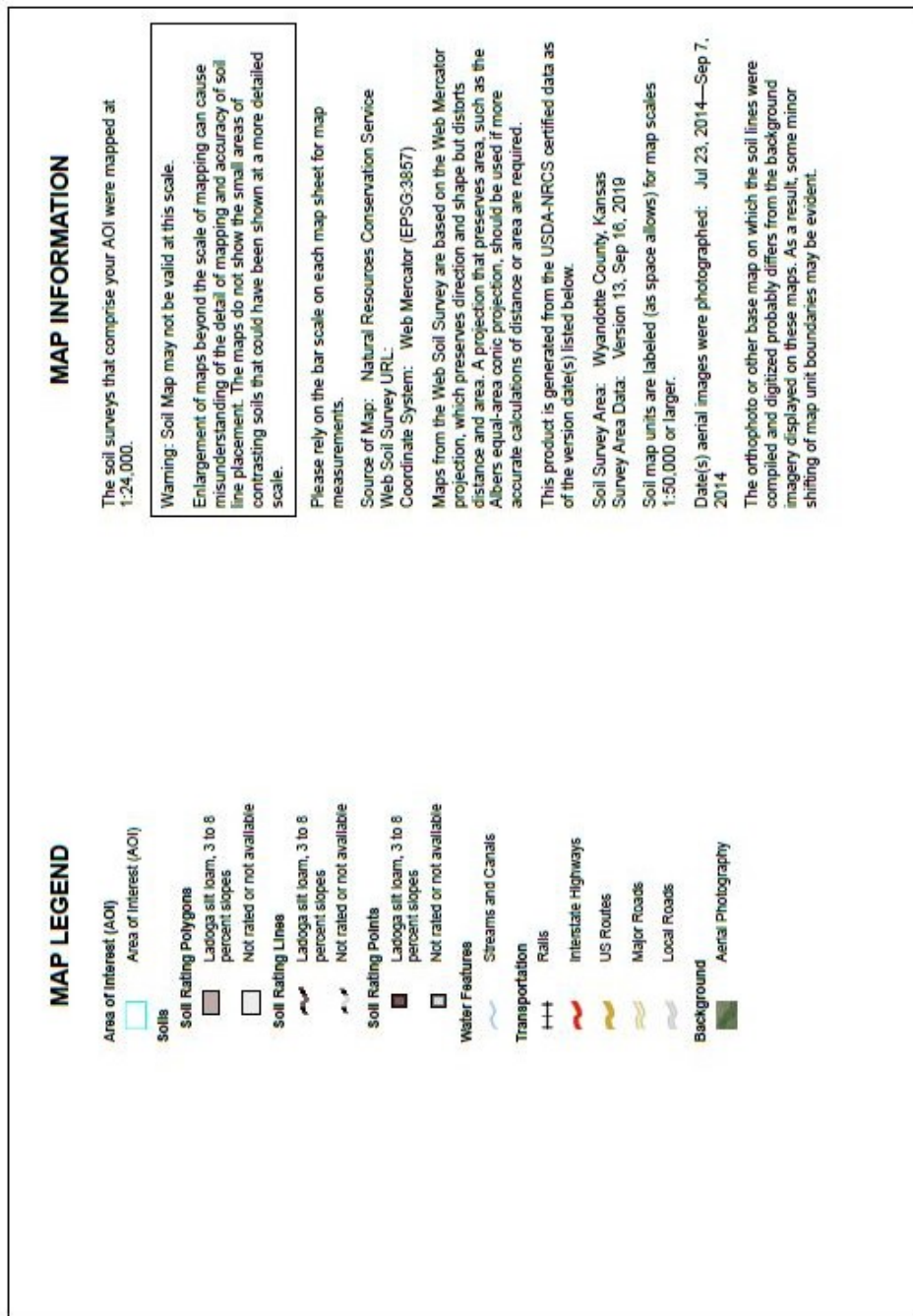


Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

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Map Unit Name—Wyandotte County, Kansas
(SP2020-11 37488 State Ave)



Map Unit Name

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7285	Ladoga silt loam, 3 to 8 percent slopes	Ladoga silt loam, 3 to 8 percent slopes	0.6	100.0%
Totals for Area of Interest			0.6	100.0%

Description

A soil map unit is a collection of soil areas or nonsoil areas (miscellaneous areas) delineated in a soil survey. Each map unit is given a name that uniquely identifies the unit in a particular soil survey area.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower



Map Unit Description (Brief, Generated)

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions in this report, along with the maps, provide information on the composition of map units and properties of their components.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

The Map Unit Description (Brief, Generated) report displays a generated description of the major soils that occur in a map unit. Descriptions of non-soil (miscellaneous areas) and minor map unit components are not included. This description is generated from the underlying soil attribute data.

Additional information about the map units described in this report is available in other Soil Data Mart reports, which give properties of the soils and the limitations, capabilities, and potentials for many uses. Also, the narratives that accompany the Soil Data Mart reports define some of the properties included in the map unit descriptions.

Report—Map Unit Description (Brief, Generated)

Wyandotte County, Kansas

Map Unit: 7285—Ladoga silt loam, 3 to 8 percent slopes

Component: Ladoga (80%)

The Ladoga component makes up 80 percent of the map unit. Slopes are 4 to 7 percent. This component is on hillslopes on uplands. The parent material consists of silty and clayey loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 3 percent. This component is in the R106XY015KS Loamy Upland (pe 30-37) ecological site. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria.



Component: Knox (10%)

Generated brief soil descriptions are created for major soil components. The Knox soil is a minor component.

Component: Sharpsburg (10%)

Generated brief soil descriptions are created for major soil components. The Sharpsburg soil is a minor component.

Data Source Information

Soil Survey Area: Wyandotte County, Kansas

Survey Area Data: Version 13, Sep 16, 2019



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

12/5/2019
Page 2 of 2

Soil Features

This table gives estimates of various soil features. The estimates are used in land use planning that involves engineering considerations.

A *restrictive layer* is a nearly continuous layer that has one or more physical, chemical, or thermal properties that significantly impede the movement of water and air through the soil or that restrict roots or otherwise provide an unfavorable root environment. Examples are bedrock, cemented layers, dense layers, and frozen layers. The table indicates the hardness and thickness of the restrictive layer, both of which significantly affect the ease of excavation. *Depth to top* is the vertical distance from the soil surface to the upper boundary of the restrictive layer.

Subsidence is the settlement of organic soils or of saturated mineral soils of very low density. Subsidence generally results from either desiccation and shrinkage, or oxidation of organic material, or both, following drainage. Subsidence takes place gradually, usually over a period of several years. The table shows the expected initial subsidence, which usually is a result of drainage, and total subsidence, which results from a combination of factors.

Potential for frost action is the likelihood of upward or lateral expansion of the soil caused by the formation of segregated ice lenses (frost heave) and the subsequent collapse of the soil and loss of strength on thawing. Frost action occurs when moisture moves into the freezing zone of the soil. Temperature, texture, density, saturated hydraulic conductivity (Ksat), content of organic matter, and depth to the water table are the most important factors considered in evaluating the potential for frost action. It is assumed that the soil is not insulated by vegetation or snow and is not artificially drained. Silty and highly structured, clayey soils that have a high water table in winter are the most susceptible to frost action. Well drained, very gravelly, or very sandy soils are the least susceptible. Frost heave and low soil strength during thawing cause damage to pavements and other rigid structures.

Risk of corrosion pertains to potential soil-induced electrochemical or chemical action that corrodes or weakens uncoated steel or concrete. The rate of corrosion of uncoated steel is related to such factors as soil moisture, particle-size distribution, acidity, and electrical conductivity of the soil. The rate of corrosion of concrete is based mainly on the sulfate and sodium content, texture, moisture content, and acidity of the soil. Special site examination and design may be needed if the combination of factors results in a severe hazard of corrosion. The steel or concrete in installations that intersect soil boundaries or soil layers is more susceptible to corrosion than the steel or concrete in installations that are entirely within one kind of soil or within one soil layer.

For uncoated steel, the risk of corrosion, expressed as *low*, *moderate*, or *high*, is based on soil drainage class, total acidity, electrical resistivity near field capacity, and electrical conductivity of the saturation extract.

For concrete, the risk of corrosion also is expressed as *low*, *moderate*, or *high*. It is based on soil texture, acidity, and amount of sulfates in the saturation extract.

Report—Soil Features

Soil Features--Wyandotte County, Kansas									
Map symbol and soil name	Restrictive Layer				Subsidence		Potential for frost action	Risk of corrosion	
	Kind	Depth to top	Thickness	Hardness	Initial	Total		Uncoated steel	Concrete
		<i>Low-RV-High</i>	<i>Range</i>		<i>Low-High</i>	<i>Low-High</i>			
		<i>In</i>	<i>In</i>		<i>In</i>	<i>In</i>			
7285--Ladoga silt loam, 3 to 8 percent slopes									
Ladoga		—	—		0	—	Moderate	Moderate	Moderate

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
 Survey Area Data: Version 13, Sep 16, 2019



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

12/5/2019
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Date 12-19-2019
SP-2020-11-3748B State Avenue

D SCOTT CUMMINS

3748B STATE AVE
KANSAS CITY, KANSAS
64112
816-287-3567

SUBJECT: NEIGHBORHOOD MEETING

I have filed an application with the Department of Urban Planning and Land in Sp-2020-11-3748B State Avenue.

The purpose of this is to renew our special use permit so that we may continue serving you as the provider of Tree and Light Mechanical Needs at 3748B State Avenue.

I'm hosting a neighborhood meeting on 12-30-2019 at 7:00pm to answer any questions or concerns you may have.

I'm looking forward to seeing you at our meeting. If you're able to attend feel free to contact me.

SINCERELY

D SCOTT CUMMINS

Address Only, St Zip Code

AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF KANSAS)

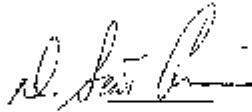
) SS:

COUNTY OF WYANDOTT)

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

1. That I am the petitioner for Petition # SP-19402-00122
2. That I conducted a neighborhood meeting on 12-31-19 @ 7:00 PM
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.



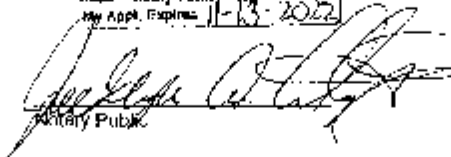
12-31-19

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 31st day of December, 2019

My commission expires 13th of November, 2022

JACKLYN A. ABOYTES
Notary Public - State of Kansas
My App. Expires 11-13-2022


Notary Public

TIRE: WHEEL
MINUTES FOR 12.30.19
NEIGHBOR HOOD MEETING

NO SHOW FOR MEETING @ 7:00 PM

LEFT AT 7:45 PM

TIRE & WHEEL

SIGN IN SHEET

12.30.19

NEIGHBORHOOD MEETING

NAME

ADDRESS

1)

2)

3)

4)

5)

6)

7)

8)

9)

10)

NO SHOW FOR ATTENDEES











Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners

From: City Staff

Date: January 30, 2020

Re: Vacation Petitions #UE-2019-7, UE-2019-8, UE-2019-9,
UE-2019-10, UE-2019-11, UE-2019-12

GENERAL INFORMATION

Applicant:
Tory Graham

Status of Applicant:
Representative
GTS Homes LLC
216 NE Barry Rd
Kansas City, MO 64155

Requested Action:
Vacation of Utility Easement

Date of Application:
September 30, 2019

Purpose:
The vacation of a utility easement for the purpose of constructing a retaining wall

Property Location:
Whispering Ridge Subdivision:
3640 North 110th Terrace, 3638 North
110th Terrace, 3636 North 110th



Terrace, 3630 North 110th Terrace, 3624 North 110th Terrace, 3618 North 110th Terrace,

Existing Zoning: R-1 Single Family District

Existing Surrounding Zoning: North: R-1 Single Family District

South: R-1 Single Family District

East: R-1 Single Family District

West: R-1 Single Family District

Existing Uses: North: Undeveloped Land

South: Single Family Homes

East: Undeveloped Land

West: Undeveloped, Wooded Area

Neighborhood Characteristics: The neighborhood is residential in nature and largely undeveloped, to date.

Total Tract Size: 3640 North 110th Terrace .26 acre

3638 North 110th Terrace .13 acre

3636 North 110th Terrace .23 acre

3630 North 110th Terrace .23 acre

3624 North 110th Terrace .23 acre

3618 North 110th Terrace .31 acre

Master Plan Designation: The City-Wide Master Plan Designates this area as low-density residential

Major Street Plan: The Major Street Plan designates 110th Terrace as a local street

Advertisement: Wyandotte Echo – October 17, 2019

Letters to Property Owners – October 17, 2019, November 1, 2019, December 5, 2019 and January 23, 2020

Public Hearings: January 13, 2020 and January 30, 2020

Public Opposition: No one appeared in opposition at the January 13, 2020 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant is requesting vacation of a utility easement for the purpose of constructing a retaining wall.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709 and K.S.A. 12-504 to 12-506 and 12-512b.

FACTORS TO BE CONSIDERED

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

This action will not affect these.

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

- a. ***Water service***

Available

- b. ***Sanitary sewer service***

Available

- c. ***Storm water control***

To meet code

- d. ***Police***

Police service provided by the West Patrol, District #223

- e. ***Fire***

Fire service provided by Station #8

- f. ***Transit***

Kansas City ATA does not provide transit near this property

- g. ***Schools***

Piper USD 203

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

Streets are existing and have been designed to meet these standards

4. ***Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire***

protection, and to provide for long-term sustained real estate values.

This will not create an issue.

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

Development patterns have been designed to enhance and protect natural features of the land and vegetation.

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

This action will not affect these.

7. ***Vacation will not create utility conflicts.***

This response is pending evaluation by the utility companies.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Utility Easement Vacation Applications #U/E-2019-7, 8, 9, 10, 11, and 12, subject to:

Urban Planning and Land Use Comments:

1. How will you determine which party will be responsible for the maintenance and repair of a retaining wall that transcends multiple property lines?

Staff: Applicant has provided an easement and maintenance agreement.
(See attached)

Public Works Comments:

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

1) None.

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

- 1) Provide retaining wall calculations, details, and construction plans signed and sealed by a Professional Structural Engineer registered in the State of Kansas, in accordance with UG standards and criteria. Please review and comply with the on-line retaining wall checklist. These requirement(s) are

- for all types of retaining walls, including modular block or pre-manufactured walls, and reinforced concrete walls. The retaining wall plans, and calculations shall be reviewed and approved by UG staff prior construction permit acquisition.
- 2) The retaining wall plans shall illustrate the layout of the wall across Tracts 2, Tracts 3, Lot 13, Lot 14, Lot 15 and Lot 16. The submitted retaining wall plans indicates the wall layout only on Lot 13 and is not acceptable for review. The proposed wall shall be designed and constructed to be continuous from Tract 2 to Lot 16. Based on UG Public Works comment that the proposed retaining wall shall not be built over the existing public storm sewer on Tract 3, the retaining wall plans may have to be revised. Further discussion with staff is required.
 - 3) Provide retaining wall layouts such that the retaining wall and footings, foundations, and/or geogrid do not cross property line or easements. For example, if a concrete reinforced wall, the toe of the footing shall not cross the property line. Further discussion with staff may be required prior to a resubmittal.
 - 4) Pedestrian guardrails shall be provided atop of retaining walls that are located greater than 30 inches above the grade below. Guardrail system shall resist overturning by a 50 pound per linear foot and 200 pounds concentrated load applied to top rail i.e. 42" above top of wall as identified in the checklist. Also, include post and footing anchorage design and details. In this regard, provide calculations for the proposed guard rail system.
 - 5) Retaining walls with heights greater than 6' shall be tiered walls. A minimum of 5' shall be provided between tiered walls.
 - 6) Retaining wall calculations shall meet minimum factor of safety requirements for bearing, sliding, and overturning per UG criteria. Retaining wall design shall be in accordance with the recommendations of the geotechnical report, as applicable. Otherwise, allowable soil bearing pressure shall be 1,500 s.f. per UG criteria.
 - 7) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Vacation Petitions #U/E-2019-7, 8, 9, 10, 11, and 12 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 13, 2020 City Planning Commission Minutes
Zoning Map
Exhibit
Description of Easement
Design Proposal
Amended Easement and Maintenance Agreement

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 13, 2020	January 30, 2020
Vacations	Approval	
U/E-2019-7, 8, 9, 10, 11 And 12		

STAFF CONTACT: **Shana Shanteau**
 sshanteau@wycokck.org

MOTIONS

#U/E-2019-7, 8, 9, 10, 11 and 12:

I move the Unified Government Board of Commissioners **APPROVE** Petitions **#U/E-2019-7, 8, 9, 10, 11 and 12**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **#U/E-2019-7, 8, 9, 10, 11 and 12**, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 13, 2020 City Planning Commission Minutes:

Hearing Starts 2:39:05 and no one was present; the applications were recalled at (Tape 2) 25:24 and no one was present.

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-7 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3640 North 110th Terrace

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-8 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3638 North 110th Terrace

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-9 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3636 North 110th Terrace

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-10 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3630 North 110th Terrace

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-11 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3624 North 110th Terrace

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-12 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3618 North 110th Terrace

Detailed Outline of Requested Action: The applicant is requesting vacation of a utility easement for the purpose of constructing a retaining wall.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publication in The Echo dated October 17, 2019, and
7. The Notices to property owners dated October 17, 2019, November 1, 2019 and December 5, 2019.

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

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared

Staff Recommendation Starts 25:34: Planning Director Richardson stated that this is all for new houses to be constructed and they need to build a new retaining wall for the houses to work. It needs to be built in the utility easement and there is nothing in the utility easement. No one really cares but the builder and it could hold up home construction. Director Richardson stated that he would recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts 26:10:

On motion by Ms. Pauley, seconded by Ms. Huey, the Planning Commission voted as follows to recommend **APPROVAL of Utility Easement Vacation Applications #U/E-2019-7, 8, 9, 10, 11 and 12:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

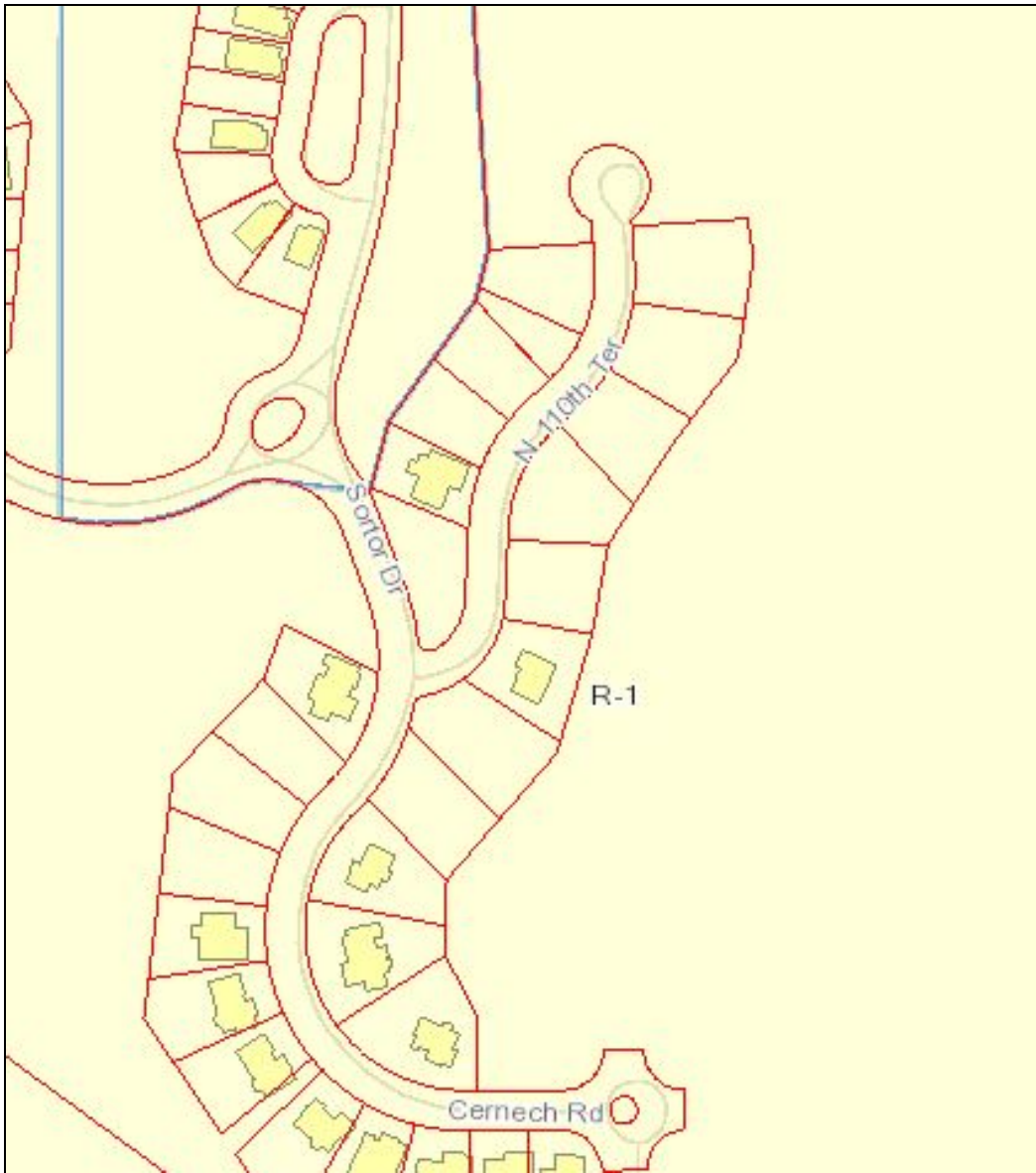
1. How will you determine which party will be responsible for the maintenance and repair of a retaining wall that transcends multiple property lines?

Staff: Applicant has provided an easement and maintenance agreement.
(See attached)

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None.
- B) Items that are conditions of approval (stipulations):
 - 1) Provide retaining wall calculations, details, and construction plans signed and sealed by a Professional Structural Engineer registered in the State of Kansas, in accordance with UG standards and criteria. Please review and comply with the on-line retaining wall checklist. These requirement(s) are for all types of retaining walls, including modular block or pre-manufactured walls, and reinforced concrete walls. The retaining wall plans, and calculations shall be reviewed and approved by UG staff prior construction permit acquisition.

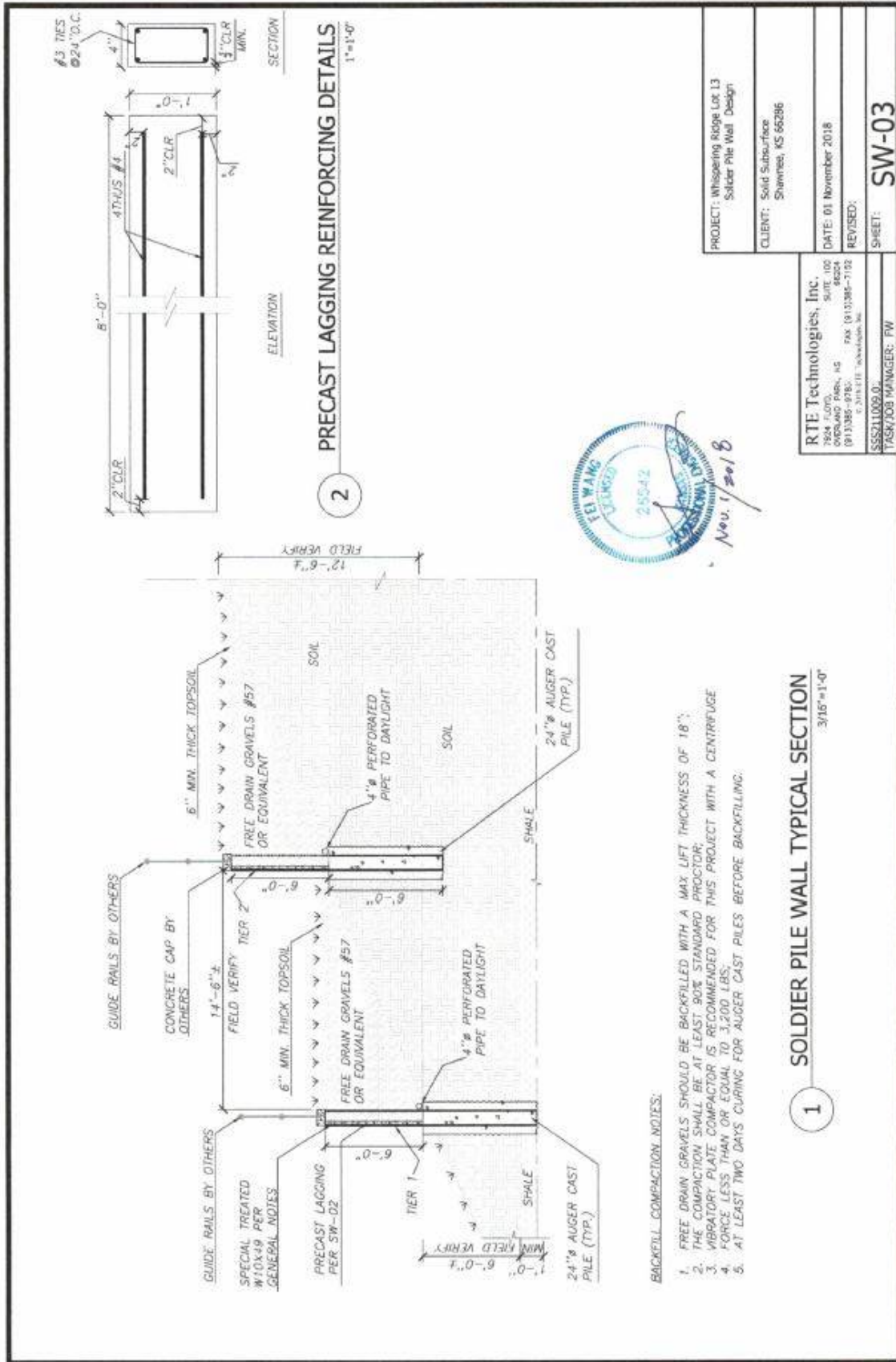
- 2) The retaining wall plans shall illustrate the layout of the wall across Tracts 2, Tracts 3, Lot 13, Lot 14, Lot 15 and Lot 16. The submitted retaining wall plans indicates the wall layout only on Lot 13 and is not acceptable for review. The proposed wall shall be designed and constructed to be continuous from Tract 2 to Lot 16. Based on UG Public Works comment that the proposed retaining wall shall not be built over the existing public storm sewer on Tract 3, the retaining wall plans may have to be revised. Further discussion with staff is required.
 - 3) Provide retaining wall layouts such that the retaining wall and footings, foundations, and/or geogrid do not cross property line or easements. For example, if a concrete reinforced wall, the toe of the footing shall not cross the property line. Further discussion with staff may be required prior to a resubmittal.
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 - 5) Retaining walls with heights greater than 6' shall be tiered walls. A minimum of 5' shall be provided between tiered walls.
 - 6) Retaining wall calculations shall meet minimum factor of safety requirements for bearing, sliding, and overturning per UG criteria. Retaining wall design shall be in accordance with the recommendations of the geotechnical report, as applicable. Otherwise, allowable soil bearing pressure shall be 1,500 s.f. per UG criteria.
 - 7) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None



 $1/32^{\circ}=1:0^{\circ}$

1. SURCHARGE PRESSURE = 100 PSF;
2. UNIT WEIGHT OF SOIL = 125 PCF;
3. ACTIVE LATERAL EARTH PRESSURE COEFFICIENT = 0.40;
4. UNDRAINED SHEAR STRENGTH: SHALE = 20 KSF, SOIL = 7 KSF; ASSUMED SERVICE LIFE IS 50 YEARS.

SHEET: SW-01



1 DRY FILM THICKNESS (DFT)
2 MILS $\leq$ DFT $\leq$ 4 MILS

2 DRY FILM THICKNESS (DFT)
2 MILS <= DFT <= 4 MILS



PROJECT: Whidpering Ridge Lot 13 Soldier Plc Wall Design	CLIENT: Solid Subsurface Shawnee, KS 66286	DATE: 01 November 2018 REVISED:	SHEET: SW-04
RTE Technologies, Inc. 7814 FLOYD, OVERLAND PARK, KS (913)385-2783 c. 301-4-RTT technologies, inc.		SUITE 100 56204 FAX (913)385-1152	ISSUED 11/09/01 REVISED 05/04/02 - RM

Prepared by and after recording return to:

Brock Burnick
9101 W. 110th Street, Suite 200
Overland Park, Kansas 66210
(913) 498-3536

FIRST AMENDED EASEMENT AND MAINTENANCE AGREEMENT

THIS AGREEMENT is entered into as of the 26th day of August, 2019, by and among **Whispering Ridge Investment Group, LLC**, a Kansas limited liability company ("WRIG"), **Whispering Ridge Homes Association, Inc.**, a Kansas corporation ("WRHA") and **GTS Homes, LLC**, a Kansas limited liability company ("GTS") (WRIG, WRHA, and GTS are sometimes individually referred to herein as "Owner" and collectively, the "Owners").

WHEREAS, WRIG is the owner of Lots 14, 15, and 16 described on **Exhibit A** attached hereto and made a part hereof ("WRIG Tracts");

WHEREAS, WRHA is the owner of Tract 3 described on Exhibit A attached hereto ("WRHA Tract");

WHEREAS, GTS is the owner of Lot 13 described on Exhibit A attached hereto ("GTS Tract");

WHEREAS, WRIG, WRHA, and GTS desire to grant WRIG and GTS an easement over, on and across a portion of the WRIG Tracts, WRHA Tract, and GTS Tract (altogether "Owner Tracts") for the benefit of WRIG, WRHA, and GTS, their successors, assigns, tenants, occupants, and invitees (the "Easement Tract").

WHEREAS, WRIG and GTS desire to share easement maintenance costs over, on and across a portion of the Easement Tracts for the benefit of WRIG, WRHA, and GTS, their successors, assigns, tenants, occupants, and invitees.

NOW, THEREFORE, in consideration of the covenants contained in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the following grants, agreements, covenants and restrictions are made:

1. **Easement Grant.** There is or the Owners intend that there will be a retaining wall running along the western boundary of the Owner Tracts as generally depicted on Exhibit A (the "Bluff Wall"), which the Owners intend to be located entirely on the Owner Tracts and which will benefit the Owner Tracts properties. WRIG, WRHA, and GTS, as Owners of the Easement Tract, do hereby grant and convey unto WRIG and GTS for the benefit of the Owner Tracts a permanent and non-exclusive right and easement in, upon, over, through, and across the Easement Tract for the purposes of a retaining wall as legally described in Exhibit A. Owners hereby grant to WRIG and GTS a temporary construction easement across the Easement Tract to maintain, repair, and replace the Bluff Wall from time to time.

2. **Maintenance.** WRIG and GTS and their successors and assigns shall pay for the costs of maintaining, repairing and replacing all improvements located within the Easement Tract, with such payment to be due and payable to any Owner incurring maintenance costs, as applicable, within thirty (30) days of receipt of notice of such costs from such Owner, as applicable. No Owner of the Easement Tract may install or permit the installation of any improvements or modify, relocate or remove any part of the Bluff Wall without the prior written consent of the other Owners. The Owners shall share the Bluff Wall Maintenance costs as follows:

Lot 13 Owner.....	25%
Lot 14 Owner.....	25%
Lot 15 Owner.....	25%
Lot 16 Owner.....	25%

WRIG and GTS and their successors and assigns agree herein that any damage to the Owner Tracts resulting from the granting of this easement be repaired at no cost to WRHA.

3. **Barriers.** The Owners may erect curbs and landscaping on their respective properties in order to define their respective property so long as such curbs and landscaping do not detract from the access rights of WRIG, GTS, or their Permittees, or prevent, hinder or interfere in any way with the intended purpose of this Agreement. In no event may any Owner prevent the uninhibited access to and from any tract benefitted hereby as shown on the Site Plan, provided that WRIG and/or GTS may temporarily close the Easement Tract for purposes of performing the maintenance obligations herein.

4. **Indemnification.** WRIG and GTS shall indemnify and hold harmless WRHA from and against all claims, liabilities and expenses (including reasonable attorney fees) relating to accidents, injuries, loss, or damage to any person or property arising from all acts or omissions of WRIG and GTS or their tenants, contractors, employees, or agents within the Easement Tract.

5. **Covenants to Run with Land.** This Agreement and the rights and obligations hereunder shall run with the land and title to the WRIG Tracts, WRHA Tract, and GTS Tract, and be binding upon and inure to the benefit of the parties, their successors and assigns, and their respective tenants, and such tenants' agents, employees contractors and invitees, and/or any person who shall hereafter acquire title to the WRIG Tracts, WRHA Tract, and GTS Tract. This Agreement may only modified in a written document executed by all parties. This Agreement shall be construed and governed by the laws of the State of Kansas.

6. **Notices.** Any notice, report or demand required, permitted or desired to be given under this Agreement shall be in writing and shall be delivered by nationally recognized overnight courier with evidence of receipt to the parties at the addresses shown below or at such other address as the respective parties may from time to time designate by like notice. Delivery shall be deemed effective on the date of as shown on the delivery ticket of the applicable courier evidencing receipt. The initial addresses of the Owners are as follows:

WRHA's Address: Whispering Ridge Homes Association, Inc.
c/o Jessica L. Bane
11064 Whispering Lane
Kansas City, Kansas 66109

WRIG's Address: Whispering Ridge Investment Group, LLC
c/o Tory Graham
45245 Metcalf Avenue
Overland Park, Kansas 66223

216 NE BARRY ROAD
KANSAS CITY, MISSOURI
64155

GTS's: GTS Homes, LLC
216 NE Barry Road
Kansas City, Missouri 64155

7. **Amendment.** This Agreement amends, supersedes, and replaces the Easement and Maintenance Agreement dated June 3, 2019, and recorded with the Wyandotte County, Kansas Recorder of Deeds on June 12, 2019, in Book No. 2019R, Page No. 07381.

8. **Counterpart Execution.** This Agreement may be executed in several counterparts, all or any of which shall be regarded for all purposes as one original and shall constitute and be but one and the same instrument.

IN WITNESSES WHEREOF, the parties have set their hands on the date shown below.

Whispering Ridge Investment Group, LLC,
a Kansas limited liability company

By: _____

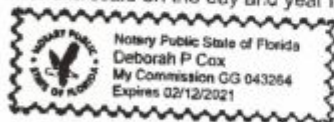
Name: Ihsan Alsalman

Its: PRESIDENT

STATE OF Florida)
COUNTY OF Lee) ss

On this 22 day of August, 2019, before me appeared Ihsan Alsalman, to me personally known, who, being by me duly sworn, did say that he is the manager of Whispering Ridge Investment Group, LLC, a Kansas limited liability company, and that said instrument was signed on behalf of said limited liability company, and s/he acknowledged said instrument to be the free act and deed of said limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid on the day and year first above written.



My commission expires: 02/12/2021

Deborah P. Cox
Notary Public
DEBORAH P. COX
Print Name

Whispering Ridge Homes Association, Inc.,
a Kansas corporation

By: Cathy Harding
Name: Cathy Harding
Its: President

STATE OF Kansas)
COUNTY OF Wyandotte) ss.

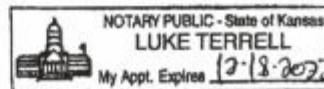
On this 20 day of August, 2019, before me appeared Cathy Harding, to me personally known, who being by me duly sworn, did say that he is the President of Whispering Ridge Homes Association, Inc., a Kansas corporation, and that the foregoing instrument was signed in behalf of said corporation by authority of its Board of Directors, and s/he acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office the day and year last above written.

Luke Terrell
Notary Public
Luke Terrell
Print Name

My commission expires:

12-18-2022



GTS HOMES, LLC, a Kansas limited liability company
BY ITS MANAGING MEMBER: TORY GRAHAM, INC., a Kansas corporation, Its Managing
Member


By: Tory Graham, President

And

GTS HOMES, LLC, a Kansas limited liability company
BY ITS MANAGING MEMBER: GASSAN AL SALMAN, P.C., a Missouri provisional
corporation


By: Gassan Al Salman, President

STATE OF _____)
COUNTY OF _____) ss.

This instrument was acknowledged before me on the _____ day of _____, 2019,
by Tory Graham as President of Tory Graham, Inc., a Kansas corporation, and Gassan Al
Salman as President of Gassan Al Salman, P.C., a Missouri professional corporation BOTH as
Managing Members of GTS Homes, LLC, a Kansas limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the
day and year last above written.

Notary Public

My Commission Expires:

Description of easement

A portion of Lots 13, 14, 15, 16 and Tract 3, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Southwest corner of Lot 13, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 13 degrees 15 minutes 40 seconds East along the West line of Lot 13 a distance of 85.06 feet; thence North 33 degrees 47 minutes 08 seconds East along the West line of Lot 14 a distance of 95.65 feet; thence North 33 degrees 47 minutes 08 seconds East along the West line of Lot 15 a distance of 89.87 feet; thence North 12 degrees 13 minutes 28 seconds East along the West line of Tract 3 a distance of 16.97 feet; thence North 12 degrees 13 minutes 28 seconds East along the West line of Lot 16 a distance of 48.55 feet to the Northwest corner of Lot 16 of Whispering Ridge The Bluff, First Plat; thence North 84 degrees 20 minutes 10 seconds East along the North line of said lot 16 a distance of 26.27 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 5.25 feet; thence South 84 degrees 20 minutes 10 seconds West a distance of 15.76 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 43.30 feet; thence South 67 degrees 15 minutes 28 seconds East a distance of 15.26 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 4.49 feet; thence South 19 degrees 45 minutes 36 seconds West a distance of 0.59 feet to a point on the North Line of Tract 3; thence South 19 degrees 45 minutes 36 seconds West a distance of 24.64 feet; thence South 33 degrees 33 minutes 18 seconds West a distance of 1.62 feet to a point on the Northerly line of Lot 15; thence South 33 degrees 33 minutes 18 seconds West a distance of 5.10 feet; thence North 44 degrees 59 minutes 17 seconds West a distance of 14.93 feet; thence South 33 degrees 47 minutes 08 seconds West a distance of 78.35 feet; thence South 52 degrees 58 minutes 00 seconds East a distance of 14.97 feet; thence South 33 degrees 41 minutes 06 seconds West a distance of 5.01 feet to a point on the Northerly line of Lot 14; thence South 33 degrees 41 minutes 06 seconds West a distance of 5.01 feet; thence North 52 degrees 58 minutes 00 seconds West a distance of 14.99 feet; thence South 33 degrees 47 minutes 08 seconds West a distance of 83.47 feet; thence South 64 degrees 58 minutes 36 seconds East a distance of 15.12 feet; thence South 33 degrees 48 minutes 02 seconds West a distance of 5.06 feet to a point on the Northerly line of Lot 13; thence South 21 degrees 30 minutes 54 seconds West a distance of 5.01 feet thence North 64 degrees 58 minutes 36 seconds West a distance of 14.29 feet; thence South 13 degrees 15 minutes 40 seconds West a distance of 74.10 feet; thence South 69 degrees 30 minutes 11 seconds East a distance of 28.98; thence South 44 degrees 22 minutes 46 seconds East a distance of 3.46 feet; thence South 20 degrees 29 minutes 49 seconds West a distance of 3.53 feet; thence North 69 degrees 30 minutes 11 seconds West along the Southerly line of Lot 13 a distance of 41.56 feet to the Point of Beginning.

EXHIBIT

5' U/E*

10' U/E*

16

110TH TERRACE

TRACT 3

15

10' U/E*

5' U/E*

14

5' U/E*

10' U/E*

13

10' U/E*

5' U/E*

25.24' S64°58'36"E

U/E to be vacated

85.06' N13°15'40"E

74.10' S13°15'40"W

5.01' S21°30'54"W

14.29' N64°58'36"W

25' B/L*

28.98' S69°30'11"E

3.46' S44°22'46"E

3.53' S20°29'49"W

Point of Beginning

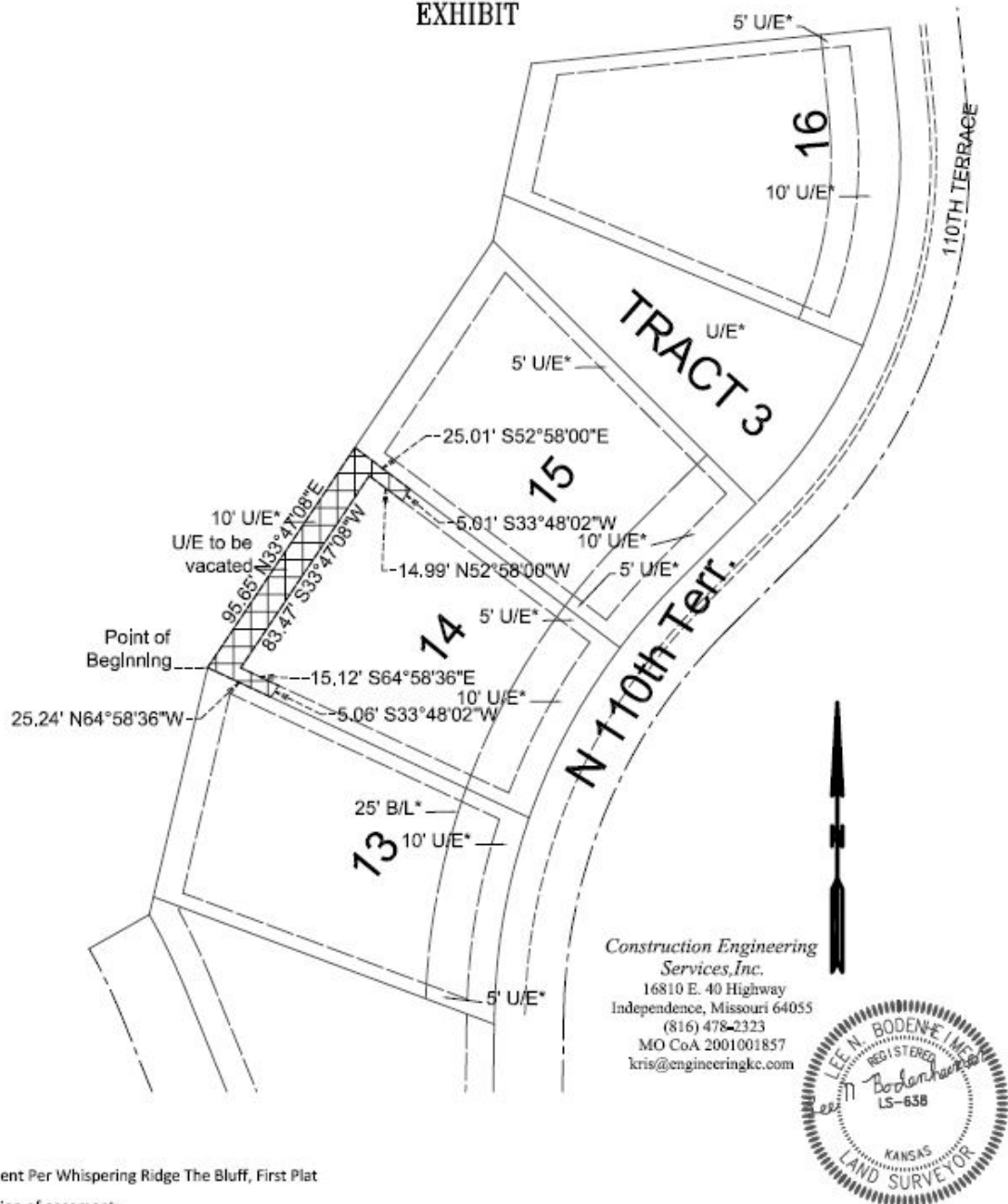
N 110th Terr.

Construction Engineering Services, Inc.
16810 E. 40 Highway
Independence, Missouri 64055
(816) 478-2323
MO CoA 2001001857
kris@engineeringkc.com

EE N. BODENHEIMER
REGISTERED ENGINEER

Beginning at the Southwest corner of Lot 13, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 13 degrees 15 minutes 40 seconds East along the West line of Lot 13 a distance of 85.06 feet; thence South 64 degrees 58 minutes 36 seconds East along the Northerly line Lot 13 a distance of 25.24 feet; thence South 21 degrees 30 minutes 54 seconds West a distance of 5.01 feet; thence North 64 degrees 58 minutes 36 seconds West a distance of 14.29 feet; thence South 13 degrees 15 minutes 40 seconds West a distance of 74.10 feet; thence south 69 degrees 30 minutes 11 seconds East a distance of 28.98 feet; thence South 44 degrees 22 minutes 46 seconds East a distance of 3.46 feet; thence South 20 degrees 29 minutes 49 seconds West a distance of 5.53 feet; thence North 69 degrees 30 minutes 11 seconds West along the South line of said Lot 13 a distance of 41.56 feet to the Point of Beginning.

EXHIBIT

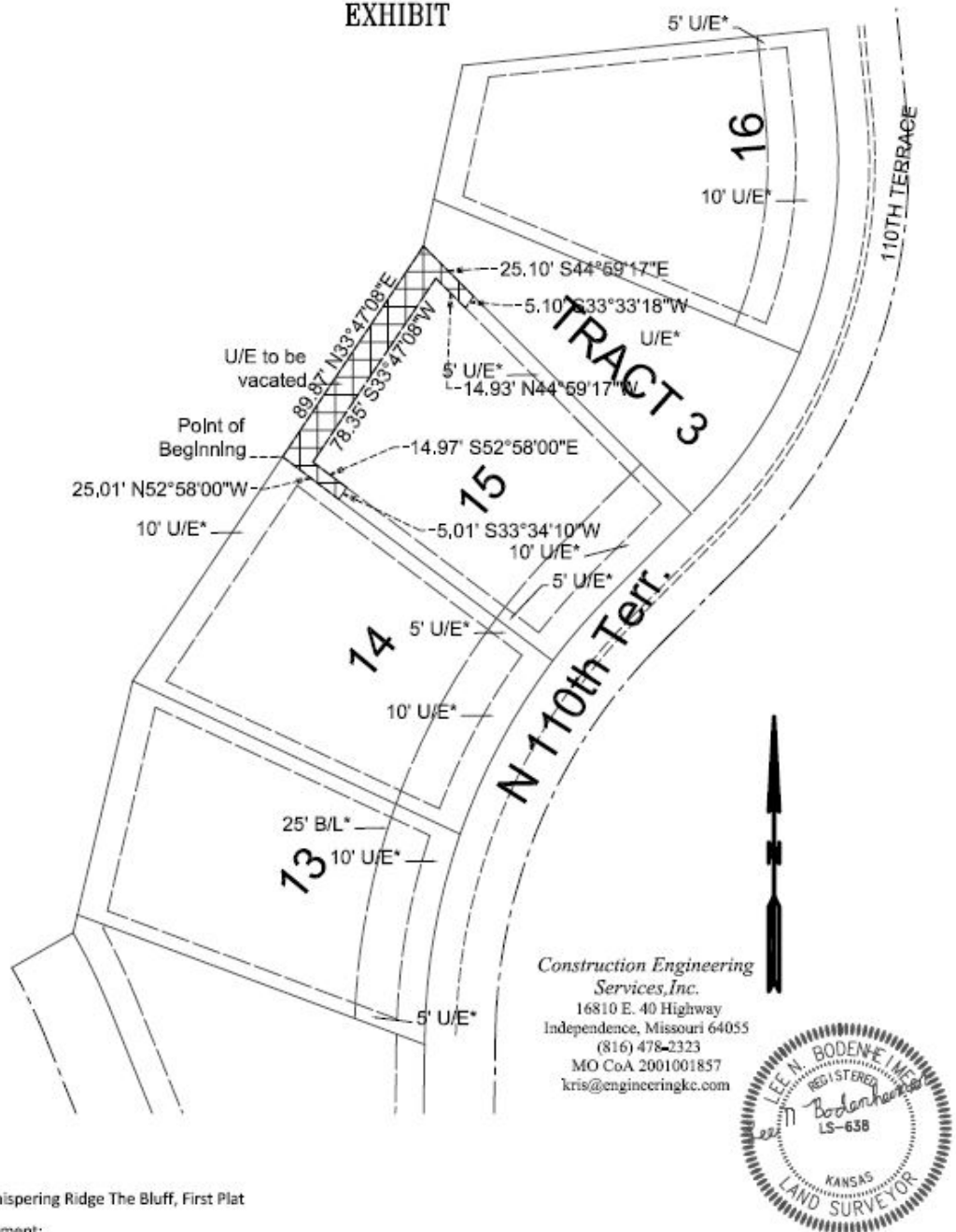


* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Lots 14, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:
 Beginning at the Southwest corner of Lot 14, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 33 degrees 47 minutes 08 seconds East along the Westerly line of Lot 14 a distance of 95.65 feet; thence South 52 degrees 58 minutes 00 seconds East along the Southerly line of Lot 15 a distance of 25.01 feet; thence South 33 degrees 48 minutes 02 seconds West a distance of 5.01 feet; thence North 52 degrees 58 minutes 00 seconds West a distance of 14.99 feet; thence south 33 degrees 47 minutes 08 seconds West a distance of 83.47 feet; thence South 64 degrees 58 minutes 36 seconds East a distance of 15.12 feet; thence South 33 degrees 48 minutes 02 seconds West a distance of 5.06 feet; thence North 64 degrees 58 minutes 36 seconds West along the Southerly line of Lot 14 a distance of 25.24 feet to the Point of Beginning.

EXHIBIT

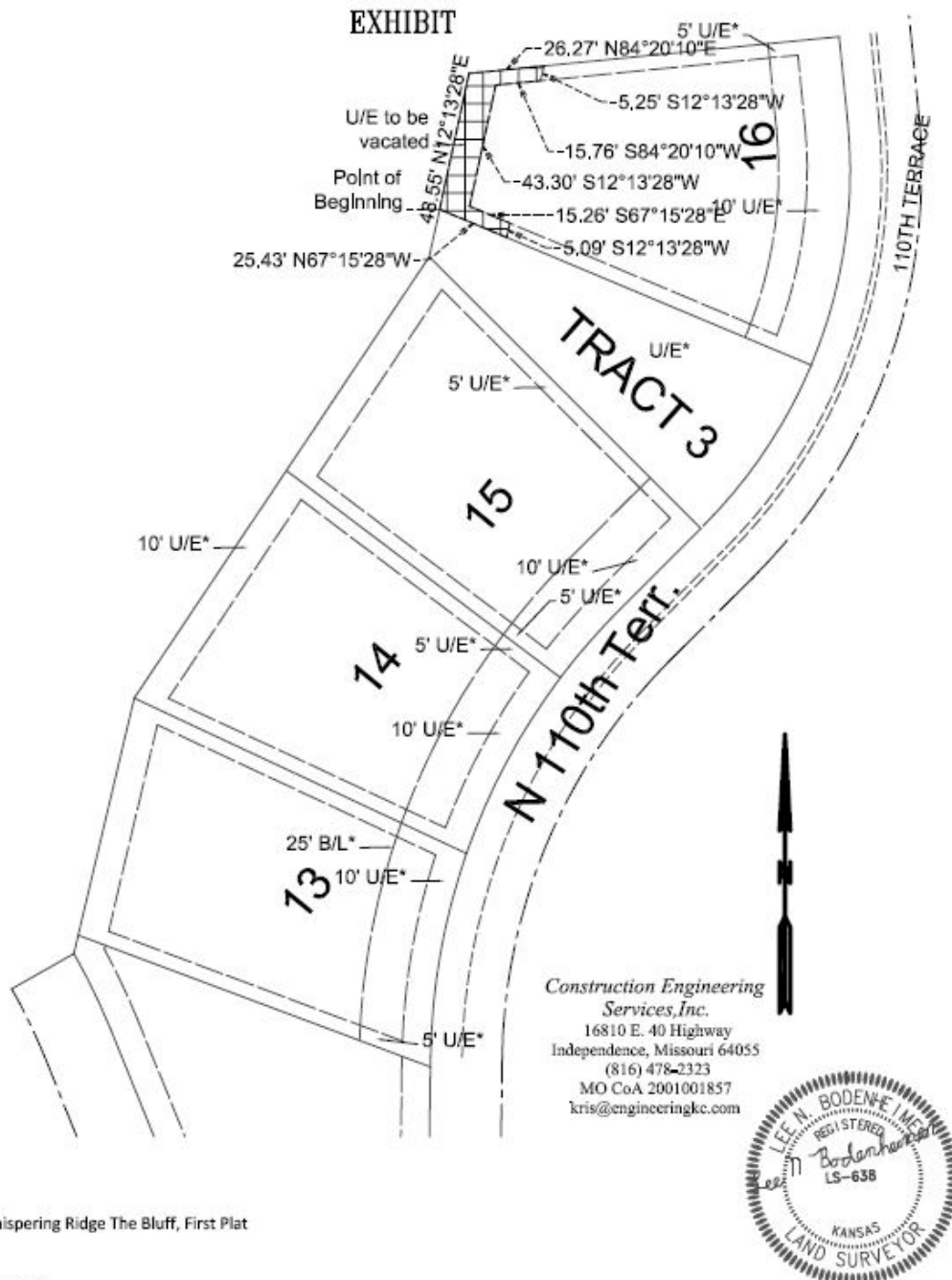


* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Lots 15, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Southwest corner of Lot 15, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 33 degrees 47 minutes 08 seconds East along the Westerly line of Lot 15 a distance of 89.87 feet; thence South 44 degrees 59 minutes 17 seconds East along the Northerly line of Lot 15 a distance of 25.10 feet; thence South 33 degrees 33 minutes 18 seconds West a distance of 5.10 feet; thence North 44 degrees 59 minutes 17 seconds West a distance of 14.93 feet; thence South 33 degrees 47 minutes 08 seconds West a distance of 78.35 feet; thence South 52 degrees 58 minutes 00 seconds East a distance of 14.97 feet; thence South 33 degrees 34 minutes 10 seconds West a distance of 5.01 feet; thence North 52 degrees 58 minutes 00 seconds West along the Southerly line of Lot 15 a distance of 25.01 feet to the Point of Beginning.



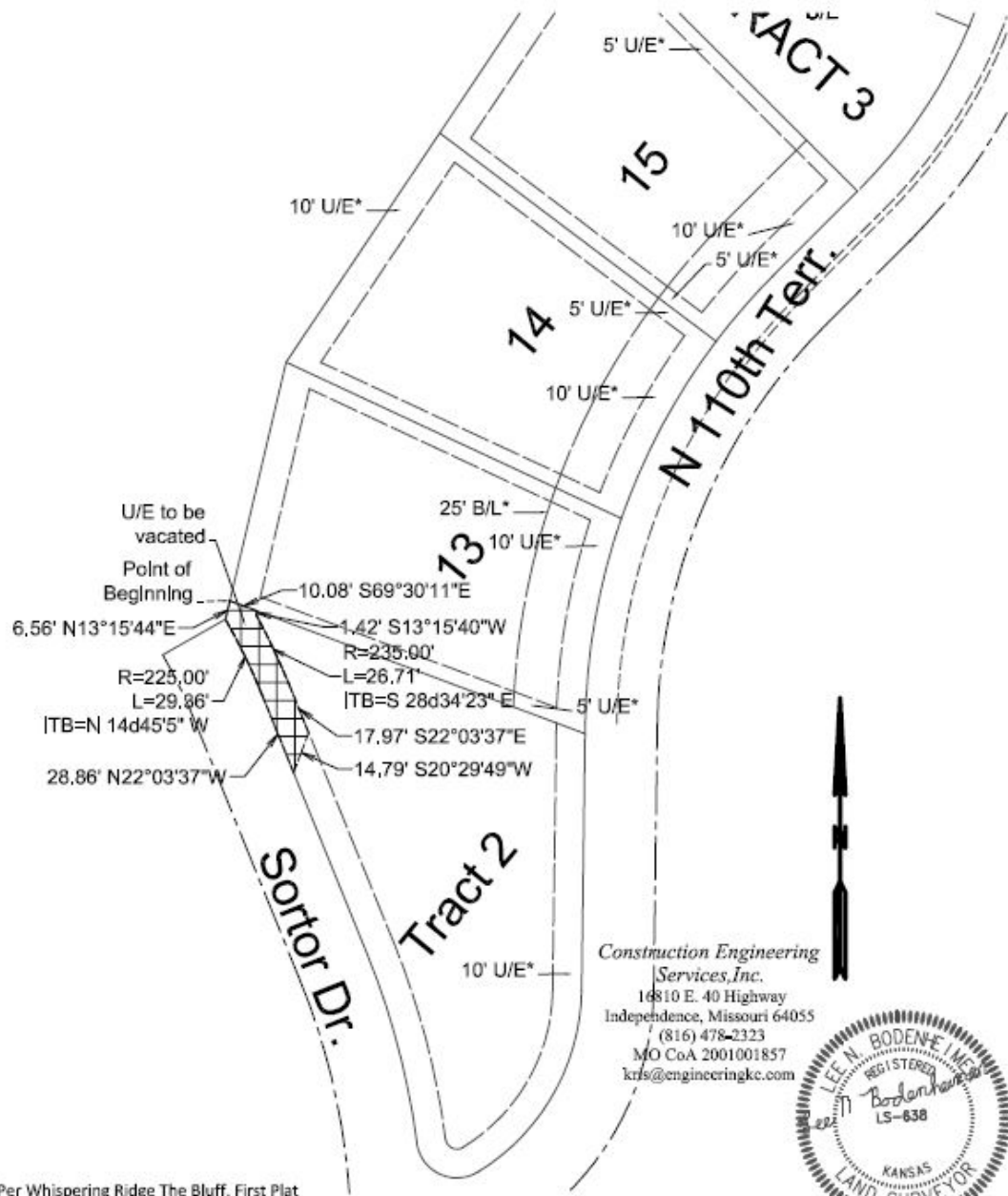
* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Lots 16, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Southwest corner of Lot 16, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 12 degrees 13 minutes 28 seconds East along the West line of Lot 16 a distance of 48.55 feet; thence North 84 degrees 20 minutes 10 seconds East along the North line of Lot 16 a distance of 26.27 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 5.25 feet; thence South 84 degrees 20 minutes 10 seconds West a distance of 15.76 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 43.30 feet; thence South 67 degrees 15 minutes 28 seconds East a distance of 15.26 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 5.09 feet; thence North 67 degrees 15 minutes 28 seconds West along the Southerly line of Lot 16 a distance of 25.35 feet to the Point of Beginning.

EXHIBIT



* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Tract 2, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Northwest corner of Tract 2, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence South 69 degrees 30 minutes 11 seconds East along the North line of Tract 2 a distance of 10.08 feet; thence South 13 degrees 15 minutes 40 seconds West a distance of 1.42 feet; thence along a curve to the right having an initial tangent bearing of South 28 degrees 34 minutes 23 seconds East, a radius of 235.00 feet, and a distance of 26.71 feet; thence South 22 degrees 03 minutes 37 seconds East a distance of 17.97 feet; thence South 20 degrees 29 minute 49 seconds West a distance of 14.79 feet; thence North 22 degrees 03 minutes 37 seconds West along the Easterly right of way of Sortor Dr. a distance of 28.86 feet; thence along a curve to the left having an initial tangent bearing of North 14 degrees 45 minutes 5 seconds West, a radius of 225.00 feet, and a length of 29.36 feet; thence North 13 degrees 15 minutes 44 seconds East a distance of 6.56 feet to the Point of Beginning.

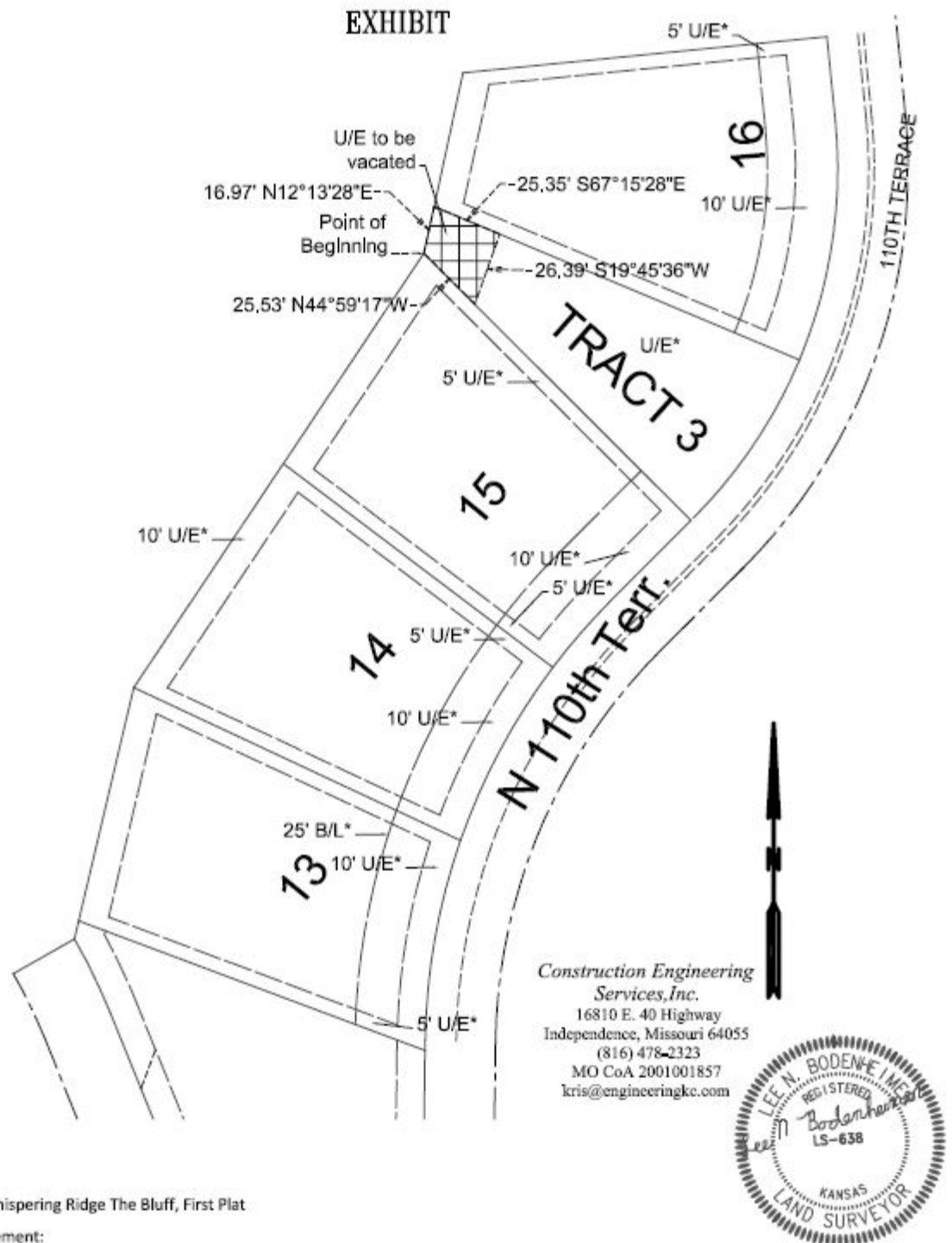
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* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Tract 2, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Northwest corner of Tract 2, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence South 69 degrees 30 minutes 11 seconds East along the North line of Tract 2 a distance of 10.08 feet; thence South 13 degrees 15 minutes 40 seconds West a distance of 1.42 feet; thence along a curve to the right having an initial tangent bearing of South 28 degrees 34 minutes 23 seconds East, a radius of 235.00 feet, and a distance of 26.71 feet; thence South 22 degrees 03 minutes 37 seconds East a distance of 17.97 feet; thence South 20 degrees 29 minute 49 seconds West a distance of 14.79 feet; thence North 22 degrees 03 minutes 37 seconds West along the Easterly right of way of Sortor Dr. a distance of 28.86 feet; thence along a curve to the left having an initial tangent bearing of North 14 degrees 45 minutes 5 seconds West, a radius of 225.00 feet, and a length of 29.36 feet; thence North 13 degrees 15 minutes 44 seconds East a distance of 6.56 feet to the Point of Beginning.



* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Tract 3, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Southwest corner of Tract 3, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 12 degrees 13 minutes 28 seconds East along the West line of Tract 3 a distance of 16.97 feet; thence South 67 degrees 15 minutes 28 seconds East along the Northerly line of Tract 3 a distance of 25.35 feet; thence South 19 degrees 45 minutes 36 seconds West a distance of 26.39 feet; thence North 44 degrees 59 minutes 17 seconds West along the Southerly line of Tract 3 a distance of 25.53 feet to the Point of Beginning.



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners

From: City Staff

Date: January 30, 2020

Re: Vacation Petitions #UE-2019-7, UE-2019-8, UE-2019-9,
UE-2019-10, UE-2019-11, UE-2019-12

GENERAL INFORMATION

Applicant:
Tory Graham

Status of Applicant:
Representative
GTS Homes LLC
216 NE Barry Rd
Kansas City, MO 64155

Requested Action:
Vacation of Utility Easement

Date of Application:
September 30, 2019

Purpose:
The vacation of a utility easement for the purpose of constructing a retaining wall

Property Location:
Whispering Ridge Subdivision:
3640 North 110th Terrace, 3638 North
110th Terrace, 3636 North 110th



Terrace, 3630 North 110th Terrace, 3624 North 110th Terrace, 3618 North 110th Terrace,

Existing Zoning: R-1 Single Family District

Existing Surrounding Zoning: **North:** R-1 Single Family District

South: R-1 Single Family District

East: R-1 Single Family District

West: R-1 Single Family District

Existing Uses: **North:** Undeveloped Land

South: Single Family Homes

East: Undeveloped Land

West: Undeveloped, Wooded Area

Neighborhood Characteristics: The neighborhood is residential in nature and largely undeveloped, to date.

Total Tract Size: 3640 North 110th Terrace .26 acre

3638 North 110th Terrace .13 acre

3636 North 110th Terrace .23 acre

3630 North 110th Terrace .23 acre

3624 North 110th Terrace .23 acre

3618 North 110th Terrace .31 acre

Master Plan Designation: The City-Wide Master Plan Designates this area as low-density residential

Major Street Plan: The Major Street Plan designates 110th Terrace as a local street

Advertisement: Wyandotte Echo – October 17, 2019

Letters to Property Owners – October 17, 2019, November 1, 2019, December 5, 2019 and January 23, 2020

Public Hearings: January 13, 2020 and January 30, 2020

Public Opposition: No one appeared in opposition at the January 13, 2020 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant is requesting vacation of a utility easement for the purpose of constructing a retaining wall.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709 and K.S.A. 12-504 to 12-506 and 12-512b.

FACTORS TO BE CONSIDERED

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

This action will not affect these.

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

- a. ***Water service***

Available

- b. ***Sanitary sewer service***

Available

- c. ***Storm water control***

To meet code

- d. ***Police***

Police service provided by the West Patrol, District #223

- e. ***Fire***

Fire service provided by Station #8

- f. ***Transit***

Kansas City ATA does not provide transit near this property

- g. ***Schools***

Piper USD 203

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

Streets are existing and have been designed to meet these standards

4. ***Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire***

protection, and to provide for long-term sustained real estate values.

This will not create an issue.

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

Development patterns have been designed to enhance and protect natural features of the land and vegetation.

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

This action will not affect these.

- 7. *Vacation will not create utility conflicts.***

This response is pending evaluation by the utility companies.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Utility Easement Vacation Applications #U/E-2019-7, 8, 9, 10, 11, and 12, subject to:

Urban Planning and Land Use Comments:

- 1. How will you determine which party will be responsible for the maintenance and repair of a retaining wall that transcends multiple property lines?**

**Staff: Applicant has provided an easement and maintenance agreement.
(See attached)**

Public Works Comments:

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

1) None.

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

1) Provide retaining wall calculations, details, and construction plans signed and sealed by a Professional Structural Engineer registered in the State of Kansas, in accordance with UG standards and criteria. Please review and comply with the on-line retaining wall checklist. These requirement(s) are

- for all types of retaining walls, including modular block or pre-manufactured walls, and reinforced concrete walls. The retaining wall plans, and calculations shall be reviewed and approved by UG staff prior construction permit acquisition.
- 2) The retaining wall plans shall illustrate the layout of the wall across Tracts 2, Tracts 3, Lot 13, Lot 14, Lot 15 and Lot 16. The submitted retaining wall plans indicates the wall layout only on Lot 13 and is not acceptable for review. The proposed wall shall be designed and constructed to be continuous from Tract 2 to Lot 16. Based on UG Public Works comment that the proposed retaining wall shall not be built over the existing public storm sewer on Tract 3, the retaining wall plans may have to be revised. Further discussion with staff is required.
 - 3) Provide retaining wall layouts such that the retaining wall and footings, foundations, and/or geogrid do not cross property line or easements. For example, if a concrete reinforced wall, the toe of the footing shall not cross the property line. Further discussion with staff may be required prior to a resubmittal.
 - 4) Pedestrian guardrails shall be provided atop of retaining walls that are located greater than 30 inches above the grade below. Guardrail system shall resist overturning by a 50 pound per linear foot and 200 pounds concentrated load applied to top rail i.e. 42" above top of wall as identified in the checklist. Also, include post and footing anchorage design and details. In this regard, provide calculations for the proposed guard rail system.
 - 5) Retaining walls with heights greater than 6' shall be tiered walls. A minimum of 5' shall be provided between tiered walls.
 - 6) Retaining wall calculations shall meet minimum factor of safety requirements for bearing, sliding, and overturning per UG criteria. Retaining wall design shall be in accordance with the recommendations of the geotechnical report, as applicable. Otherwise, allowable soil bearing pressure shall be 1,500 s.f. per UG criteria.
 - 7) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Vacation Petitions #U/E-2019-7, 8, 9, 10, 11, and 12 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 13, 2020 City Planning Commission Minutes
Zoning Map
Exhibit
Description of Easement
Design Proposal
Amended Easement and Maintenance Agreement

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 13, 2020	January 30, 2020
Vacations	Approval	
U/E-2019-7, 8, 9, 10, 11 And 12		

STAFF CONTACT: **Shana Shanteau**
 sshanteau@wycokck.org

MOTIONS

#U/E-2019-7, 8, 9, 10, 11 and 12:

I move the Unified Government Board of Commissioners **APPROVE** Petitions **#U/E-2019-7, 8, 9, 10, 11 and 12**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **#U/E-2019-7, 8, 9, 10, 11 and 12**, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 13, 2020 City Planning Commission Minutes:

Hearing Starts 2:39:05 and no one was present; the applications were recalled at (Tape 2) 25:24 and no one was present.

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-7 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3640 North 110th Terrace

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-8 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3638 North 110th Terrace

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-9 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3636 North 110th Terrace

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-10 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3630 North 110th Terrace

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-11 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3624 North 110th Terrace

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-12 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3618 North 110th Terrace

Detailed Outline of Requested Action: The applicant is requesting vacation of a utility easement for the purpose of constructing a retaining wall.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publication in The Echo dated October 17, 2019, and
7. The Notices to property owners dated October 17, 2019, November 1, 2019 and December 5, 2019.

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

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared

Staff Recommendation Starts 25:34: Planning Director Richardson stated that this is all for new houses to be constructed and they need to build a new retaining wall for the houses to work. It needs to be built in the utility easement and there is nothing in the utility easement. No one really cares but the builder and it could hold up home construction. Director Richardson stated that he would recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts 26:10:

On motion by Ms. Pauley, seconded by Ms. Huey, the Planning Commission voted as follows to recommend **APPROVAL of Utility Easement Vacation Applications #U/E-2019-7, 8, 9, 10, 11 and 12:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

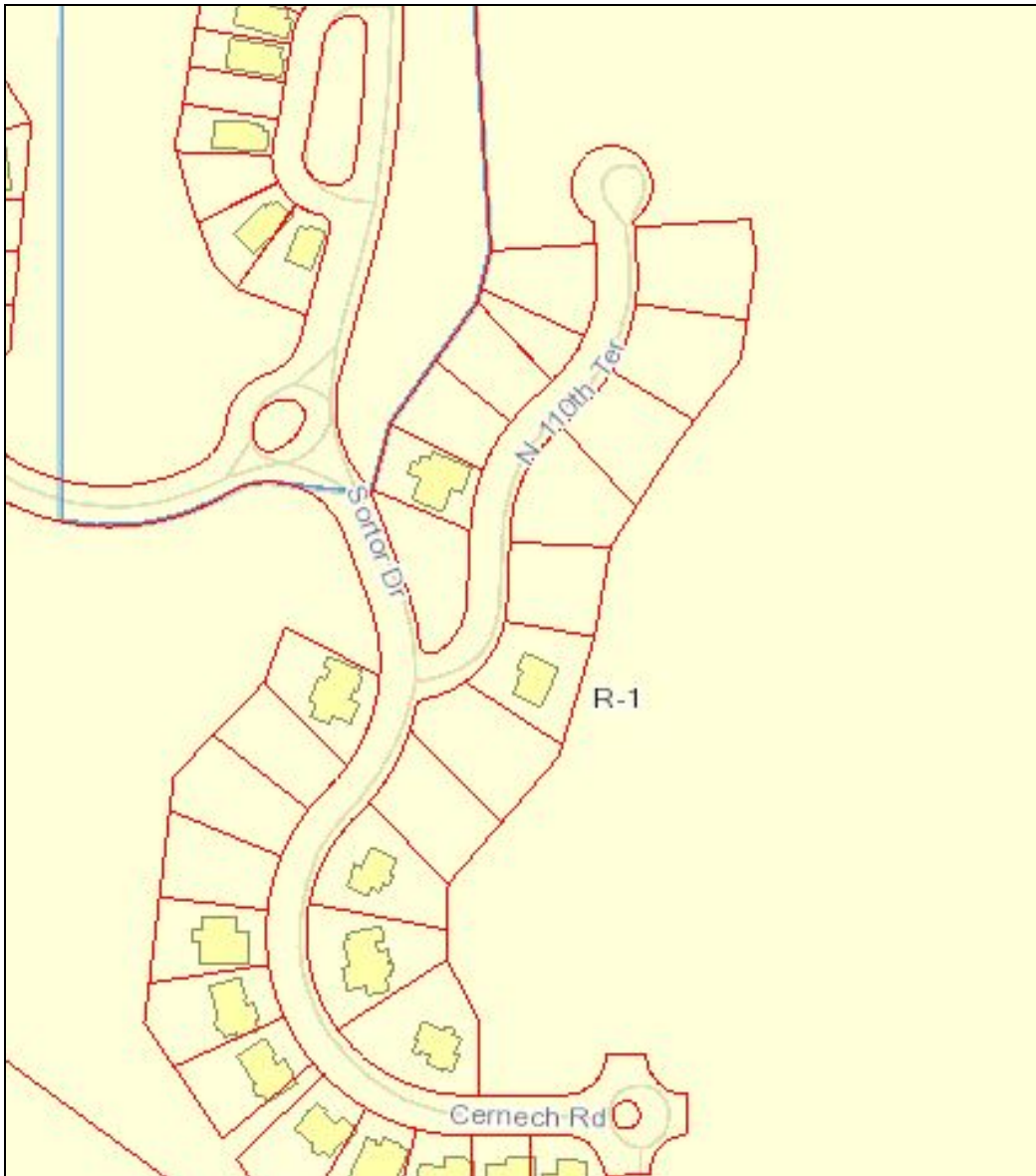
1. How will you determine which party will be responsible for the maintenance and repair of a retaining wall that transcends multiple property lines?

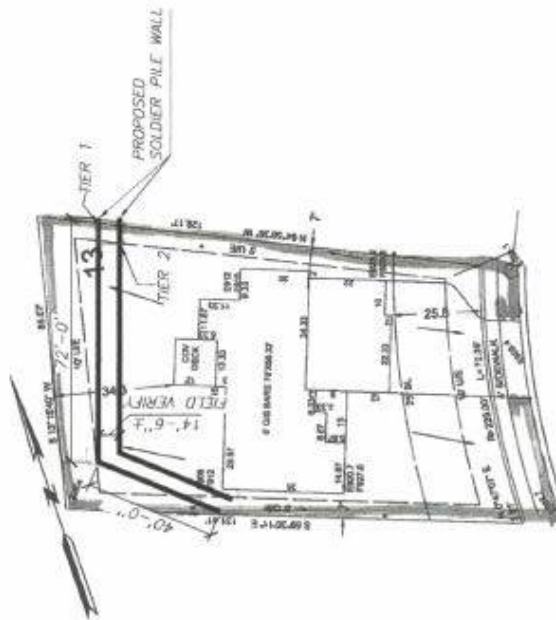
Staff: Applicant has provided an easement and maintenance agreement.
(See attached)

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None.
- B) Items that are conditions of approval (stipulations):
 - 1) Provide retaining wall calculations, details, and construction plans signed and sealed by a Professional Structural Engineer registered in the State of Kansas, in accordance with UG standards and criteria. Please review and comply with the on-line retaining wall checklist. These requirement(s) are for all types of retaining walls, including modular block or pre-manufactured walls, and reinforced concrete walls. The retaining wall plans, and calculations shall be reviewed and approved by UG staff prior construction permit acquisition.

- 2) The retaining wall plans shall illustrate the layout of the wall across Tracts 2, Tracts 3, Lot 13, Lot 14, Lot 15 and Lot 16. The submitted retaining wall plans indicates the wall layout only on Lot 13 and is not acceptable for review. The proposed wall shall be designed and constructed to be continuous from Tract 2 to Lot 16. Based on UG Public Works comment that the proposed retaining wall shall not be built over the existing public storm sewer on Tract 3, the retaining wall plans may have to be revised. Further discussion with staff is required.
 - 3) Provide retaining wall layouts such that the retaining wall and footings, foundations, and/or geogrid do not cross property line or easements. For example, if a concrete reinforced wall, the toe of the footing shall not cross the property line. Further discussion with staff may be required prior to a resubmittal.
 - 4) Pedestrian guardrails shall be provided atop of retaining walls that are located greater than 30 inches above the grade below. Guardrail system shall resist overturning by a 50 pound per linear foot and 200 pounds concentrated load applied to top rail i.e. 42" above top of wall as identified in the checklist. Also, include post and footing anchorage design and details. In this regard, provide calculations for the proposed guard rail system.
 - 5) Retaining walls with heights greater than 6' shall be tiered walls. A minimum of 5' shall be provided between tiered walls.
 - 6) Retaining wall calculations shall meet minimum factor of safety requirements for bearing, sliding, and overturning per UG criteria. Retaining wall design shall be in accordance with the recommendations of the geotechnical report, as applicable. Otherwise, allowable soil bearing pressure shall be 1,500 s.f. per UG criteria.
 - 7) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None





1 PROPOSED LOCATION OF SOLDIER PILE WALL
1/32"=1'-0"



GENERAL NOTES:

MATERIALS

1. SOLDIER BEAMS IN THIS PROJECT ARE #10X48 (ASTM A572 GRADE 50). SOLDIER BEAMS SHOULD BE TREATED USING THE FOLLOWING METHOD:
PRIMER, 2 MILS MIN. DRY FILM THICKNESS (DFT) BUT NOT MORE THAN 4 MILS DFT, USE 7690 DAMP PROOF RED PRIMER SEE 01/SW-04 FOR DETAILS;
2. TOP COAT, 2 MILS MIN. DFT BUT NOT MORE THAN 4 MILS DFT, USE STAINLESS STEEL POLYURETHANE SEE 02/SW-04 FOR DETAILS;
3. PRECAST LAGGINGS SEE 02/SW-03 FOR REINFORCING DETAILS;
4. CONCRETE WITH A COMPRESSIVE STRENGTH OF 3,500 PSI SHOULD BE USED FOR AUGER CAST PILES;
5. ALL REINFORCING STEEL SHALL BE ASTM A615, GRADE 60;
6. DRAINAGE FILL BEHIND WOOD LAGGING SHOULD BE #57 CLEAN GRAVEL OR EQUIVALENT WITH EQUAL GRADATION APPROVED BY RTE ENGINEERS;
7. 4" PERFORATED PIPE COVERED BY WATER FILTER FABRIC SHALL BE INSTALLED BEHIND THE WALL AND CONNECTED TO DAYLIGHT;

DESIGN ASSUMPTIONS

1. SURCHARGE PRESSURE=100 PSF;
2. UNIT WEIGHT OF SOIL = 125 PCF;
3. ACTIVE LATERAL EARTH PRESSURE COEFFICIENT = 0.40;
4. UNDRAINED SHEAR STRENGTH: SHALE = 20 KSF, SOIL = 1 KSF;
5. ASSUMED SERVICE LIFE IS 50 YEARS.

PROJECT: Whispering Ridge Lot 13
Soldier Pile Wall Design

CLIENT: Solid Subsurface
Shawnee, KS 66286

DATE: 01 November 2018

REVISED:

SHEET:

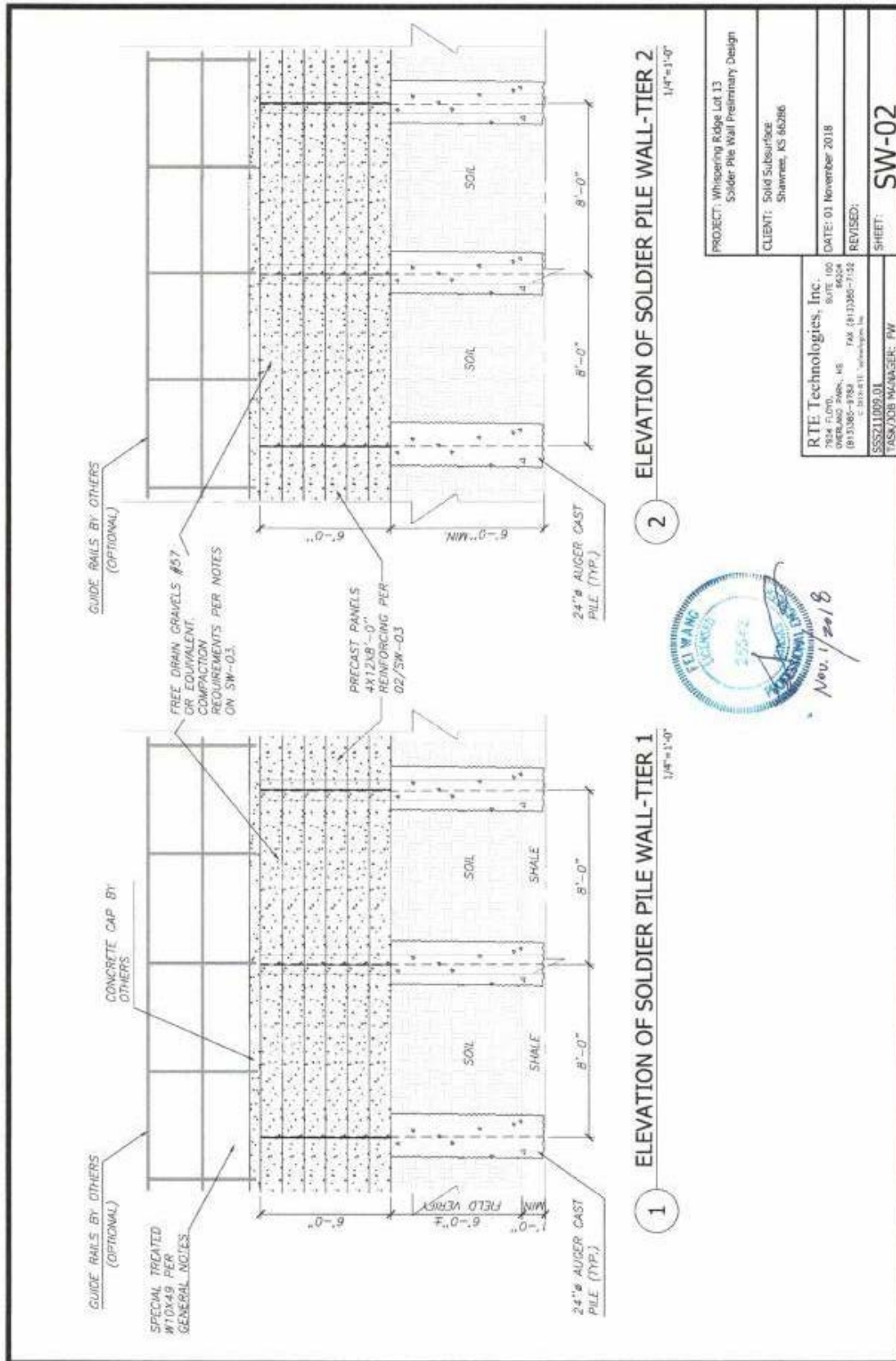
SW-01

RTE Technologies, Inc.

1004 E. 10th St.
Overland Park, KS 66104
(913) 585-9783 FAX (913) 585-7152
© 2014 RTE Technologies, Inc.

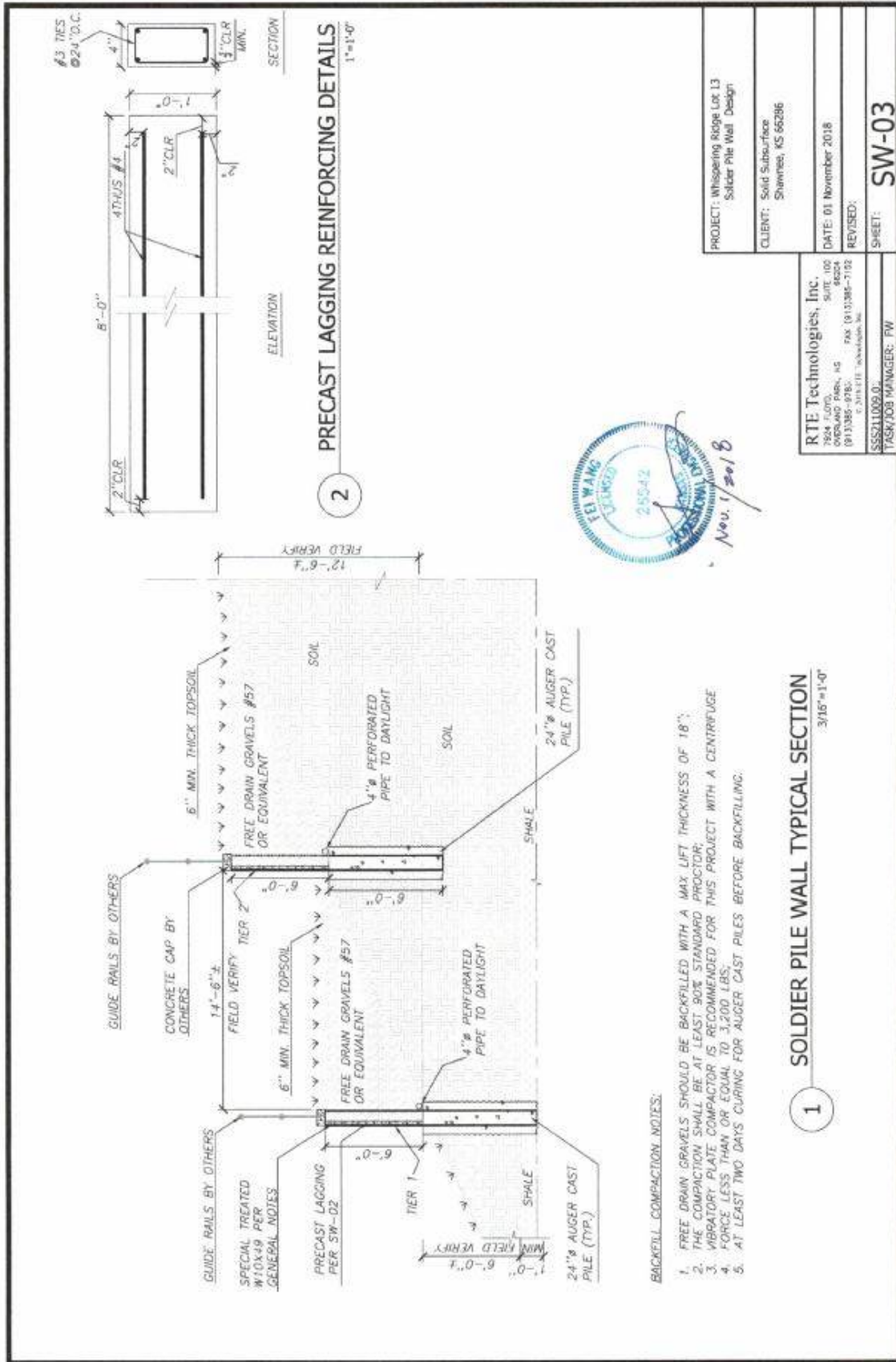
SSS211009.01

TASK/JOB MANAGER: FW



PROJECT: Whispering Ridge Lot 13 Soldier Pile Wall Preliminary Design	
CLIENT: Solid Subsurface Shawnee, KS 66206	
DATE: 01 November 2018	
REVISED:	
SHEET: SW-02	

RTE Technologies, Inc.	
7914 FLOYD, SUITE 100	66204
OVERLAND PARK, KS	FAX (813)280-7132
(813)280-8758	C. 2018 RTE Technologies, Inc.
SSS211009.01	TASK/JOB MANAGER: FW



1 DRY FILM THICKNESS (DFT)
2 MILS $\leq$ DFT $\leq$ 4 MILS

2 DRY FILM THICKNESS (DFT)
2 MILS <= DFT <= 4 MILS



PROJECT: Whidpering Ridge Lot 13 Soldier Plc Wall Design	CLIENT: Solid Subsurface Shawnee, KS 66286	DATE: 01 November 2018 REVISED:	SHEET: SW-04
RTE Technologies, Inc. 7814 FLOYD, OVERLAND PARK, KS 66204 (913)385-2783 FAX (913)385-1752 c. 2014-RTE Technologies, Inc.		ISSUED: 11/09/18 REVISED: 11/09/18 DRAWN: 11/09/18 CHECKED: 11/09/18 APPROVED: 11/09/18	

Prepared by and after recording return to:
Brock Burnick
9101 W. 110th Street, Suite 200
Overland Park, Kansas 66210
(913) 498-3536

FIRST AMENDED EASEMENT AND MAINTENANCE AGREEMENT

THIS AGREEMENT is entered into as of the 26th day of August, 2019, by and among **Whispering Ridge Investment Group, LLC**, a Kansas limited liability company ("WRIG"), **Whispering Ridge Homes Association, Inc.**, a Kansas corporation ("WRHA") and **GTS Homes, LLC**, a Kansas limited liability company ("GTS") (WRIG, WRHA, and GTS are sometimes individually referred to herein as "Owner" and collectively, the "Owners").

WHEREAS, WRIG is the owner of Lots 14, 15, and 16 described on **Exhibit A** attached hereto and made a part hereof ("WRIG Tracts");

WHEREAS, WRHA is the owner of Tract 3 described on Exhibit A attached hereto ("WRHA Tract");

WHEREAS, GTS is the owner of Lot 13 described on Exhibit A attached hereto ("GTS Tract");

WHEREAS, WRIG, WRHA, and GTS desire to grant WRIG and GTS an easement over, on and across a portion of the WRIG Tracts, WRHA Tract, and GTS Tract (altogether "Owner Tracts") for the benefit of WRIG, WRHA, and GTS, their successors, assigns, tenants, occupants, and invitees (the "Easement Tract").

WHEREAS, WRIG and GTS desire to share easement maintenance costs over, on and across a portion of the Easement Tracts for the benefit of WRIG, WRHA, and GTS, their successors, assigns, tenants, occupants, and invitees.

NOW, THEREFORE, in consideration of the covenants contained in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the following grants, agreements, covenants and restrictions are made:

1. **Easement Grant.** There is or the Owners intend that there will be a retaining wall running along the western boundary of the Owner Tracts as generally depicted on Exhibit A (the "Bluff Wall"), which the Owners intend to be located entirely on the Owner Tracts and which will benefit the Owner Tracts properties. WRIG, WRHA, and GTS, as Owners of the Easement Tract, do hereby grant and convey unto WRIG and GTS for the benefit of the Owner Tracts a permanent and non-exclusive right and easement in, upon, over, through, and across the Easement Tract for the purposes of a retaining wall as legally described in Exhibit A. Owners hereby grant to WRIG and GTS a temporary construction easement across the Easement Tract to maintain, repair, and replace the Bluff Wall from time to time.

2. **Maintenance.** WRIG and GTS and their successors and assigns shall pay for the costs of maintaining, repairing and replacing all improvements located within the Easement Tract, with such payment to be due and payable to any Owner incurring maintenance costs, as applicable, within thirty (30) days of receipt of notice of such costs from such Owner, as applicable. No Owner of the Easement Tract may install or permit the installation of any improvements or modify, relocate or remove any part of the Bluff Wall without the prior written consent of the other Owners. The Owners shall share the Bluff Wall Maintenance costs as follows:

Lot 13 Owner.....	25%
Lot 14 Owner.....	25%
Lot 15 Owner.....	25%
Lot 16 Owner.....	25%

WRIG and GTS and their successors and assigns agree herein that any damage to the Owner Tracts resulting from the granting of this easement be repaired at no cost to WRHA.

3. **Barriers.** The Owners may erect curbs and landscaping on their respective properties in order to define their respective property so long as such curbs and landscaping do not detract from the access rights of WRIG, GTS, or their Permittees, or prevent, hinder or interfere in any way with the intended purpose of this Agreement. In no event may any Owner prevent the uninhibited access to and from any tract benefitted hereby as shown on the Site Plan, provided that WRIG and/or GTS may temporarily close the Easement Tract for purposes of performing the maintenance obligations herein.

4. **Indemnification.** WRIG and GTS shall indemnify and hold harmless WRHA from and against all claims, liabilities and expenses (including reasonable attorney fees) relating to accidents, injuries, loss, or damage to any person or property arising from all acts or omissions of WRIG and GTS or their tenants, contractors, employees, or agents within the Easement Tract.

5. **Covenants to Run with Land.** This Agreement and the rights and obligations hereunder shall run with the land and title to the WRIG Tracts, WRHA Tract, and GTS Tract, and be binding upon and inure to the benefit of the parties, their successors and assigns, and their respective tenants, and such tenants' agents, employees contractors and invitees, and/or any person who shall hereafter acquire title to the WRIG Tracts, WRHA Tract, and GTS Tract. This Agreement may only modified in a written document executed by all parties. This Agreement shall be construed and governed by the laws of the State of Kansas.

6. **Notices.** Any notice, report or demand required, permitted or desired to be given under this Agreement shall be in writing and shall be delivered by nationally recognized overnight courier with evidence of receipt to the parties at the addresses shown below or at such other address as the respective parties may from time to time designate by like notice. Delivery shall be deemed effective on the date of as shown on the delivery ticket of the applicable courier evidencing receipt. The initial addresses of the Owners are as follows:

WRHA's Address: Whispering Ridge Homes Association, Inc.
c/o Jessica L. Bane
11064 Whispering Lane
Kansas City, Kansas 66109

WRIG's Address: Whispering Ridge Investment Group, LLC
c/o Tory Graham
45245 Metcalf Avenue
Overland Park, Kansas 66223

216 NE BARRY ROAD
KANSAS CITY, MISSOURI
64155

GTS's: GTS Homes, LLC
216 NE Barry Road
Kansas City, Missouri 64155

7. **Amendment.** This Agreement amends, supersedes, and replaces the Easement and Maintenance Agreement dated June 3, 2019, and recorded with the Wyandotte County, Kansas Recorder of Deeds on June 12, 2019, in Book No. 2019R, Page No. 07381.

8. **Counterpart Execution.** This Agreement may be executed in several counterparts, all or any of which shall be regarded for all purposes as one original and shall constitute and be but one and the same instrument.

IN WITNESSES WHEREOF, the parties have set their hands on the date shown below.

Whispering Ridge Investment Group, LLC,
a Kansas limited liability company

By: _____

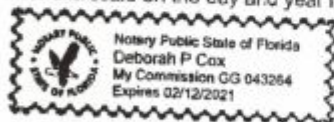
Name: Ihsan Alsalman

Its: PRESIDENT

STATE OF Florida)
COUNTY OF Lee) ss

On this 22 day of August, 2019, before me appeared Ihsan Alsalman, to me personally known, who, being by me duly sworn, did say that he is the manager of Whispering Ridge Investment Group, LLC, a Kansas limited liability company, and that said instrument was signed on behalf of said limited liability company, and s/he acknowledged said instrument to be the free act and deed of said limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid on the day and year first above written.



My commission expires: 02/12/2021

Deborah P. Cox
Notary Public
DEBORAH P. COX
Print Name

Whispering Ridge Homes Association, Inc.,
a Kansas corporation

By: Cathy Harding
Name: Cathy Harding
Its: President

STATE OF Kansas)
COUNTY OF Wyandotte) ss.

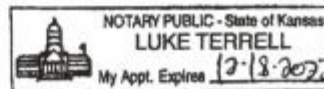
On this 20 day of August, 2019, before me appeared Cathy Harding, to me personally known, who being by me duly sworn, did say that he is the President of Whispering Ridge Homes Association, Inc., a Kansas corporation, and that the foregoing instrument was signed in behalf of said corporation by authority of its Board of Directors, and s/he acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office the day and year last above written.

Luke Terrell
Notary Public
Luke Terrell
Print Name

My commission expires:

12-18-2022



GTS HOMES, LLC, a Kansas limited liability company
BY ITS MANAGING MEMBER: TORY GRAHAM, INC., a Kansas corporation, Its Managing
Member


By: Tory Graham, President

And

GTS HOMES, LLC, a Kansas limited liability company
BY ITS MANAGING MEMBER: GASSAN AL SALMAN, P.C., a Missouri provisional
corporation


By: Gassan Al Salman, President

STATE OF _____)
COUNTY OF _____) ss.

This instrument was acknowledged before me on the _____ day of _____, 2019,
by Tory Graham as President of Tory Graham, Inc., a Kansas corporation, and Gassan Al
Salman as President of Gassan Al Salman, P.C., a Missouri professional corporation BOTH as
Managing Members of GTS Homes, LLC, a Kansas limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the
day and year last above written.

Notary Public

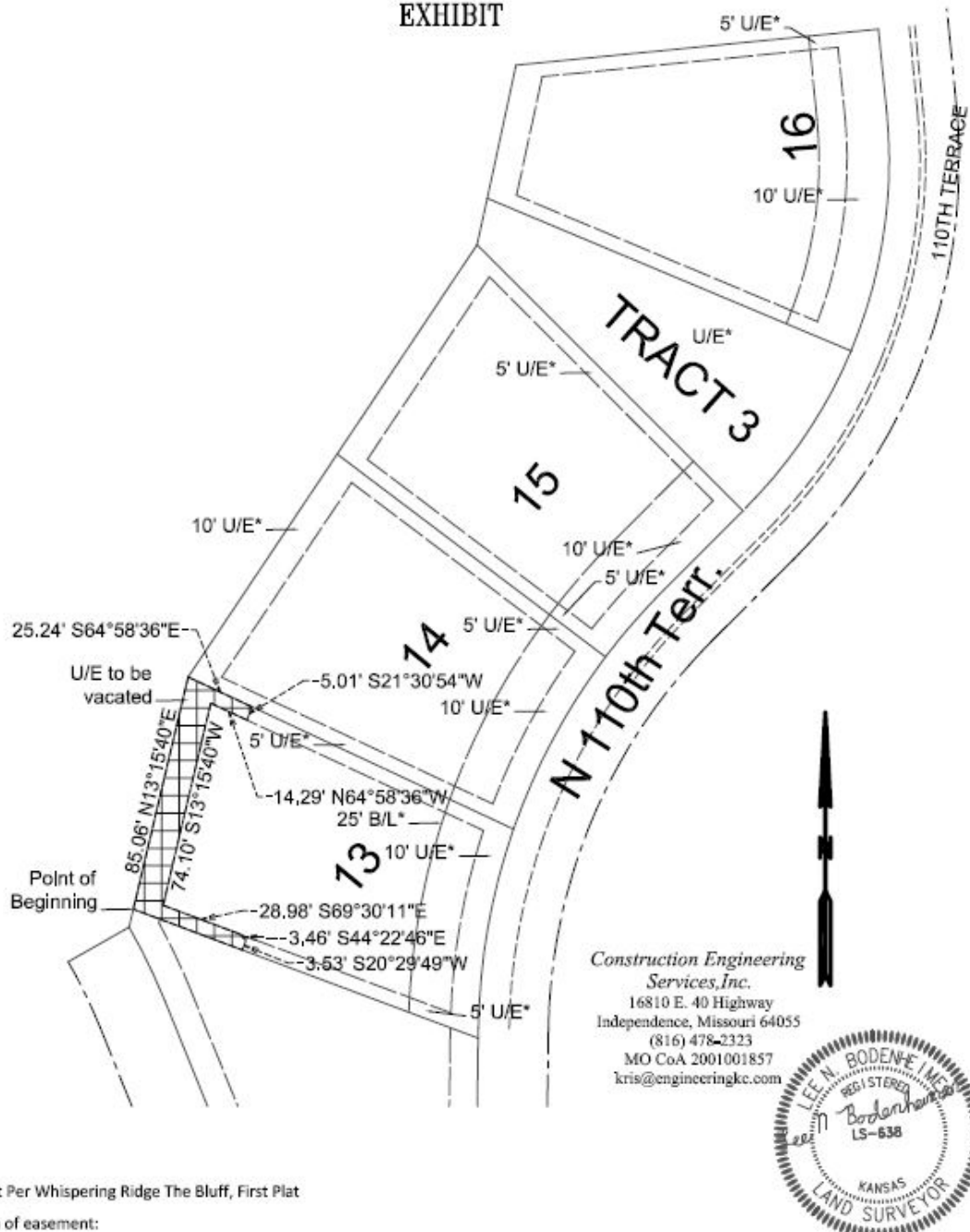
My Commission Expires:

Description of easement

A portion of Lots 13, 14, 15, 16 and Tract 3, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Southwest corner of Lot 13, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 13 degrees 15 minutes 40 seconds East along the West line of Lot 13 a distance of 85.06 feet; thence North 33 degrees 47 minutes 08 seconds East along the West line of Lot 14 a distance of 95.65 feet; thence North 33 degrees 47 minutes 08 seconds East along the West line of Lot 15 a distance of 89.87 feet; thence North 12 degrees 13 minutes 28 seconds East along the West line of Tract 3 a distance of 16.97 feet; thence North 12 degrees 13 minutes 28 seconds East along the West line of Lot 16 a distance of 48.55 feet to the Northwest corner of Lot 16 of Whispering Ridge The Bluff, First Plat; thence North 84 degrees 20 minutes 10 seconds East along the North line of said lot 16 a distance of 26.27 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 5.25 feet; thence South 84 degrees 20 minutes 10 seconds West a distance of 15.76 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 43.30 feet; thence South 67 degrees 15 minutes 28 seconds East a distance of 15.26 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 4.49 feet; thence South 19 degrees 45 minutes 36 seconds West a distance of 0.59 feet to a point on the North Line of Tract 3; thence South 19 degrees 45 minutes 36 seconds West a distance of 24.64 feet; thence South 33 degrees 33 minutes 18 seconds West a distance of 1.62 feet to a point on the Northerly line of Lot 15; thence South 33 degrees 33 minutes 18 seconds West a distance of 5.10 feet; thence North 44 degrees 59 minutes 17 seconds West a distance of 14.93 feet; thence South 33 degrees 47 minutes 08 seconds West a distance of 78.35 feet; thence South 52 degrees 58 minutes 00 seconds East a distance of 14.97 feet; thence South 33 degrees 41 minutes 06 seconds West a distance of 5.01 feet to a point on the Northerly line of Lot 14; thence South 33 degrees 41 minutes 06 seconds West a distance of 5.01 feet; thence North 52 degrees 58 minutes 00 seconds West a distance of 14.99 feet; thence South 33 degrees 47 minutes 08 seconds West a distance of 83.47 feet; thence South 64 degrees 58 minutes 36 seconds East a distance of 15.12 feet; thence South 33 degrees 48 minutes 02 seconds West a distance of 5.06 feet to a point on the Northerly line of Lot 13; thence South 21 degrees 30 minutes 54 seconds West a distance of 5.01 feet thence North 64 degrees 58 minutes 36 seconds West a distance of 14.29 feet; thence South 13 degrees 15 minutes 40 seconds West a distance of 74.10 feet; thence South 69 degrees 30 minutes 11 seconds East a distance of 28.98; thence South 44 degrees 22 minutes 46 seconds East a distance of 3.46 feet; thence South 20 degrees 29 minutes 49 seconds West a distance of 3.53 feet; thence North 69 degrees 30 minutes 11 seconds West along the Southerly line of Lot 13 a distance of 41.56 feet to the Point of Beginning.

EXHIBIT



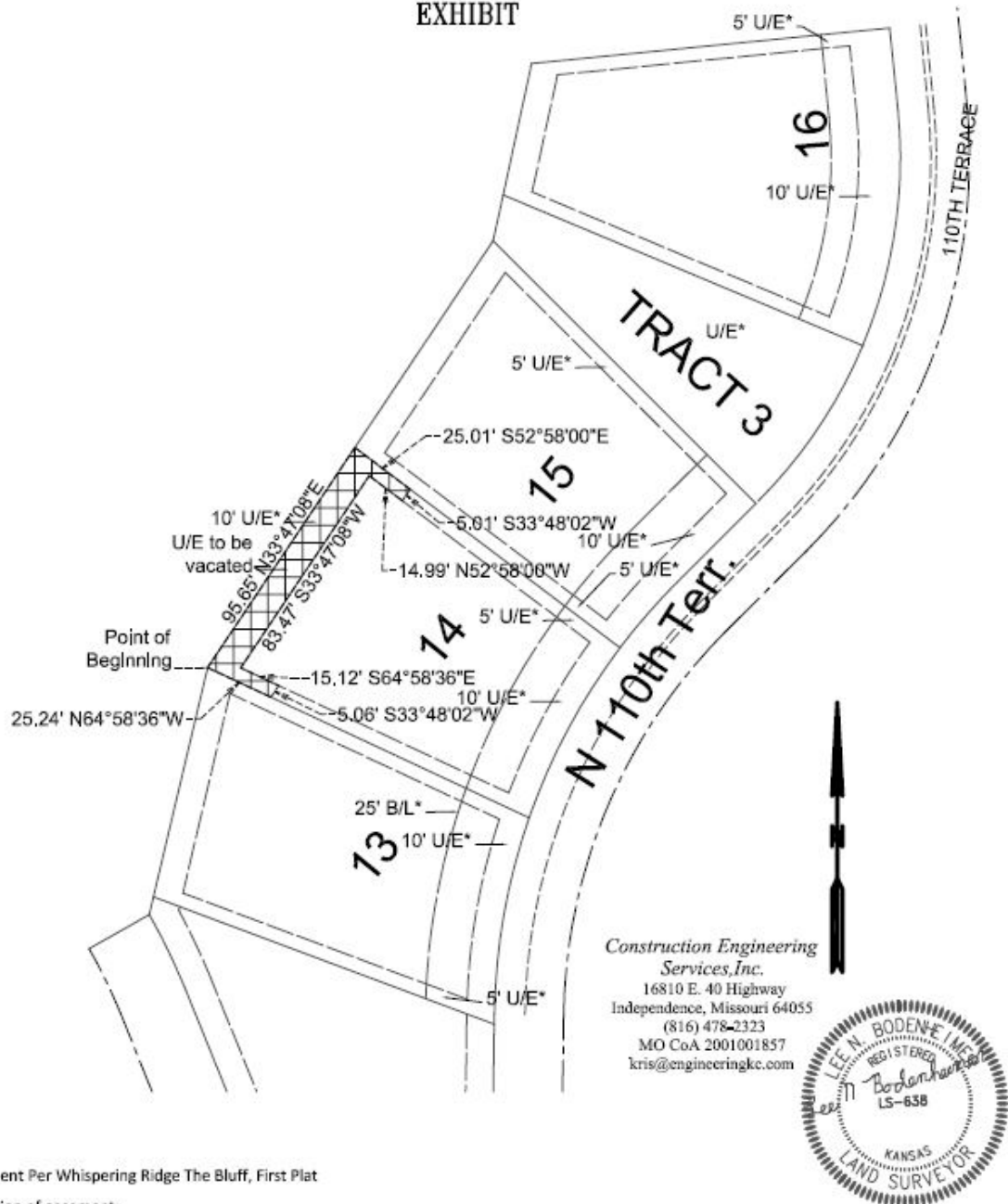
* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Lots 13, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Southwest corner of Lot 13, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 13 degrees 15 minutes 40 seconds East along the West line of Lot 13 a distance of 85.06 feet; thence South 64 degrees 58 minutes 36 seconds East along the Northerly line Lot 13 a distance of 25.24 feet; thence South 21 degrees 30 minutes 54 seconds West a distance of 5.01 feet; thence North 64 degrees 58 minutes 36 seconds West a distance of 14.29 feet; thence South 13 degrees 15 minutes 40 seconds West a distance of 74.10 feet; thence south 69 degrees 30 minutes 11 seconds East a distance of 28.98 feet; thence South 44 degrees 22 minutes 46 seconds East a distance of 3.46 feet; thence South 20 degrees 29 minutes 49 seconds West a distance of 3.53 feet; thence North 69 degrees 30 minutes 11 seconds West along the South line of said Lot 13 a distance of 41.56 feet to the Point of Beginning.

EXHIBIT

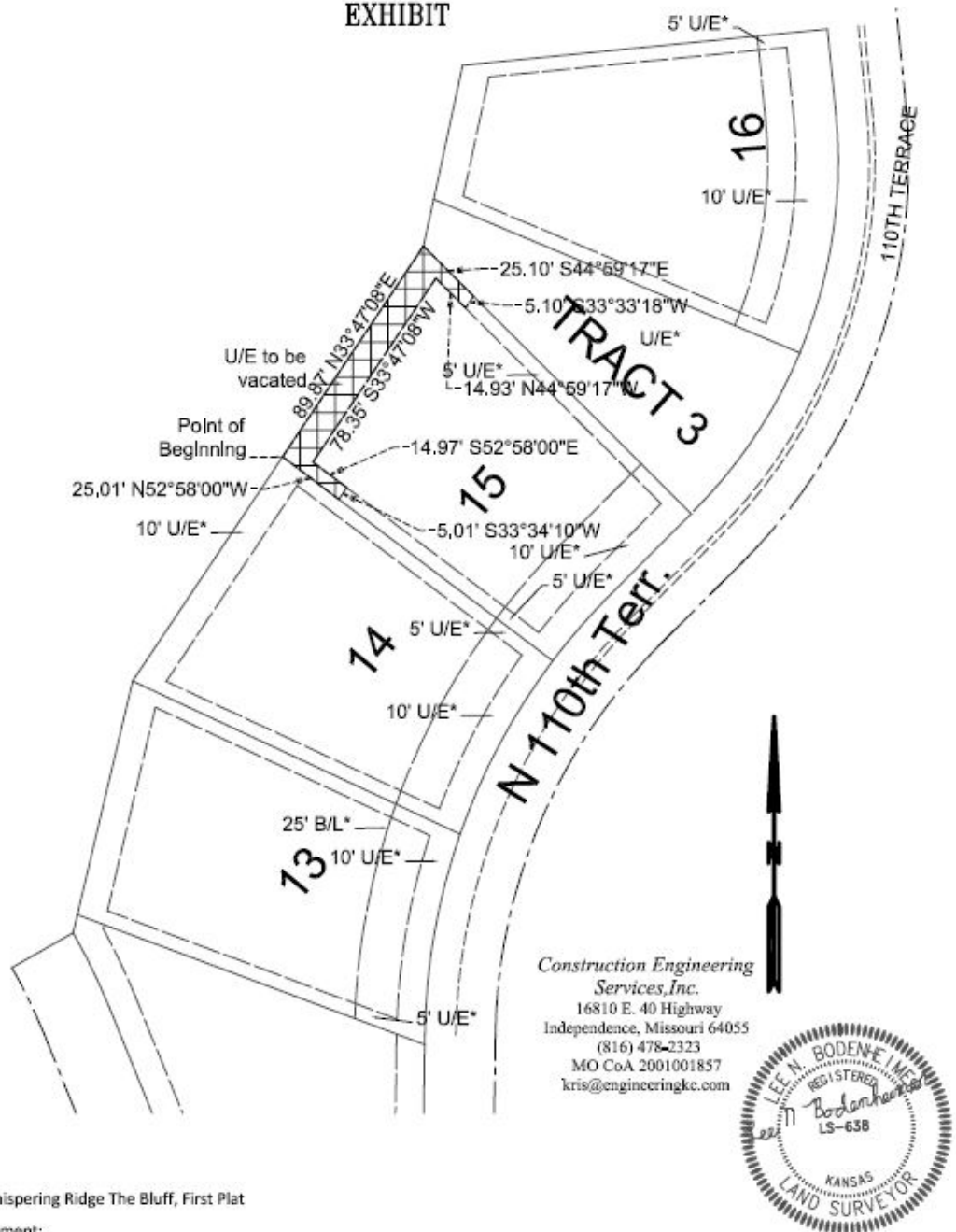


* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Lots 14, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:
 Beginning at the Southwest corner of Lot 14, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 33 degrees 47 minutes 08 seconds East along the Westerly line of Lot 14 a distance of 95.65 feet; thence South 52 degrees 58 minutes 00 seconds East along the Southerly line of Lot 15 a distance of 25.01 feet; thence South 33 degrees 48 minutes 02 seconds West a distance of 5.01 feet; thence North 52 degrees 58 minutes 00 seconds West a distance of 14.99 feet; thence south 33 degrees 47 minutes 08 seconds West a distance of 83.47 feet; thence South 64 degrees 58 minutes 36 seconds East a distance of 15.12 feet; thence South 33 degrees 48 minutes 02 seconds West a distance of 5.06 feet; thence North 64 degrees 58 minutes 36 seconds West along the Southerly line of Lot 14 a distance of 25.24 feet to the Point of Beginning.

EXHIBIT

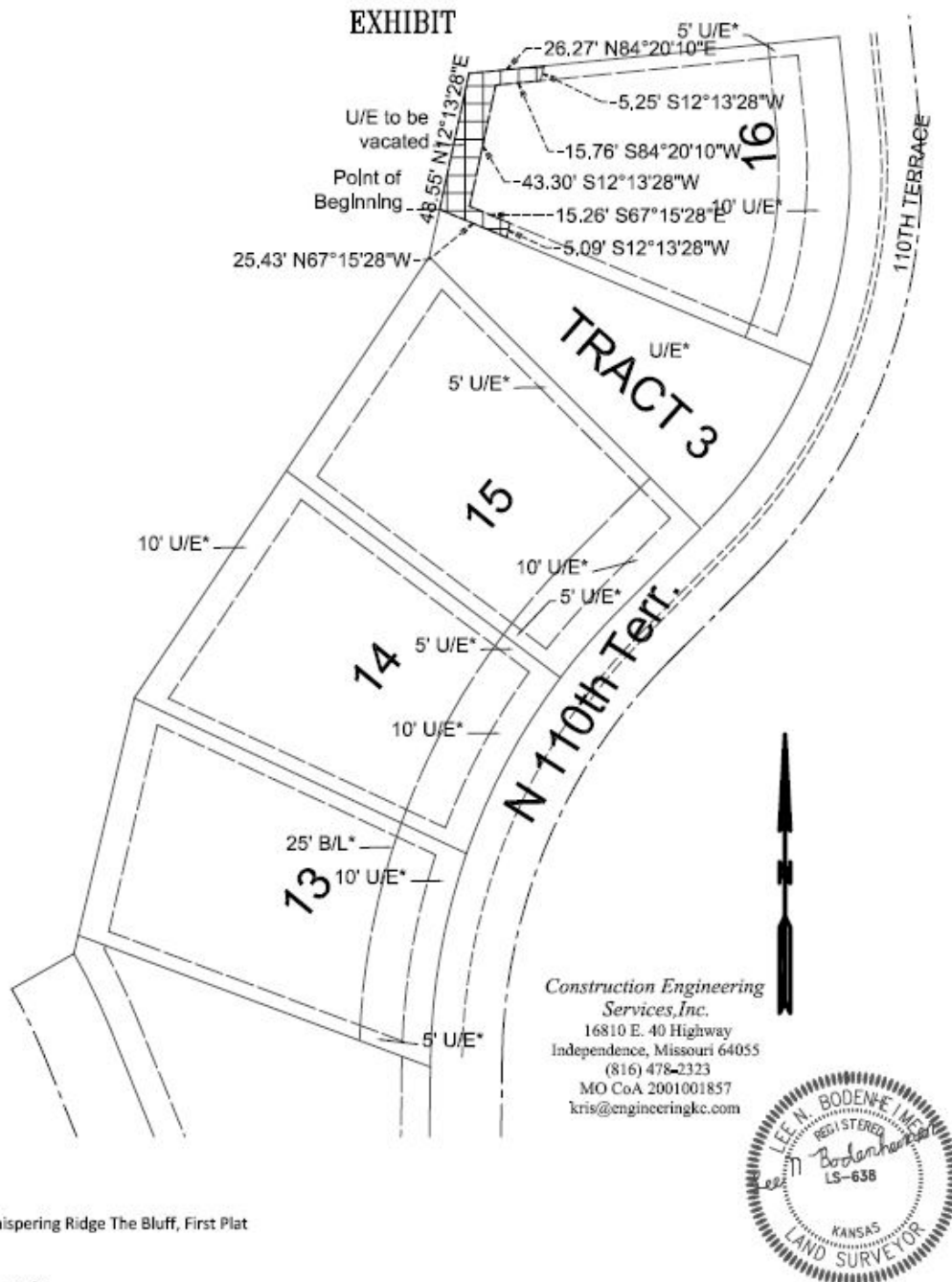


* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Lots 15, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Southwest corner of Lot 15, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 33 degrees 47 minutes 08 seconds East along the Westerly line of Lot 15 a distance of 89.87 feet; thence South 44 degrees 59 minutes 17 seconds East along the Northerly line of Lot 15 a distance of 25.10 feet; thence South 33 degrees 33 minutes 18 seconds West a distance of 5.10 feet; thence North 44 degrees 59 minutes 17 seconds West a distance of 14.93 feet; thence South 33 degrees 47 minutes 08 seconds West a distance of 78.35 feet; thence South 52 degrees 58 minutes 00 seconds East a distance of 14.97 feet; thence South 33 degrees 34 minutes 10 seconds West a distance of 5.01 feet; thence North 52 degrees 58 minutes 00 seconds West along the Southerly line of Lot 15 a distance of 25.01 feet to the Point of Beginning.



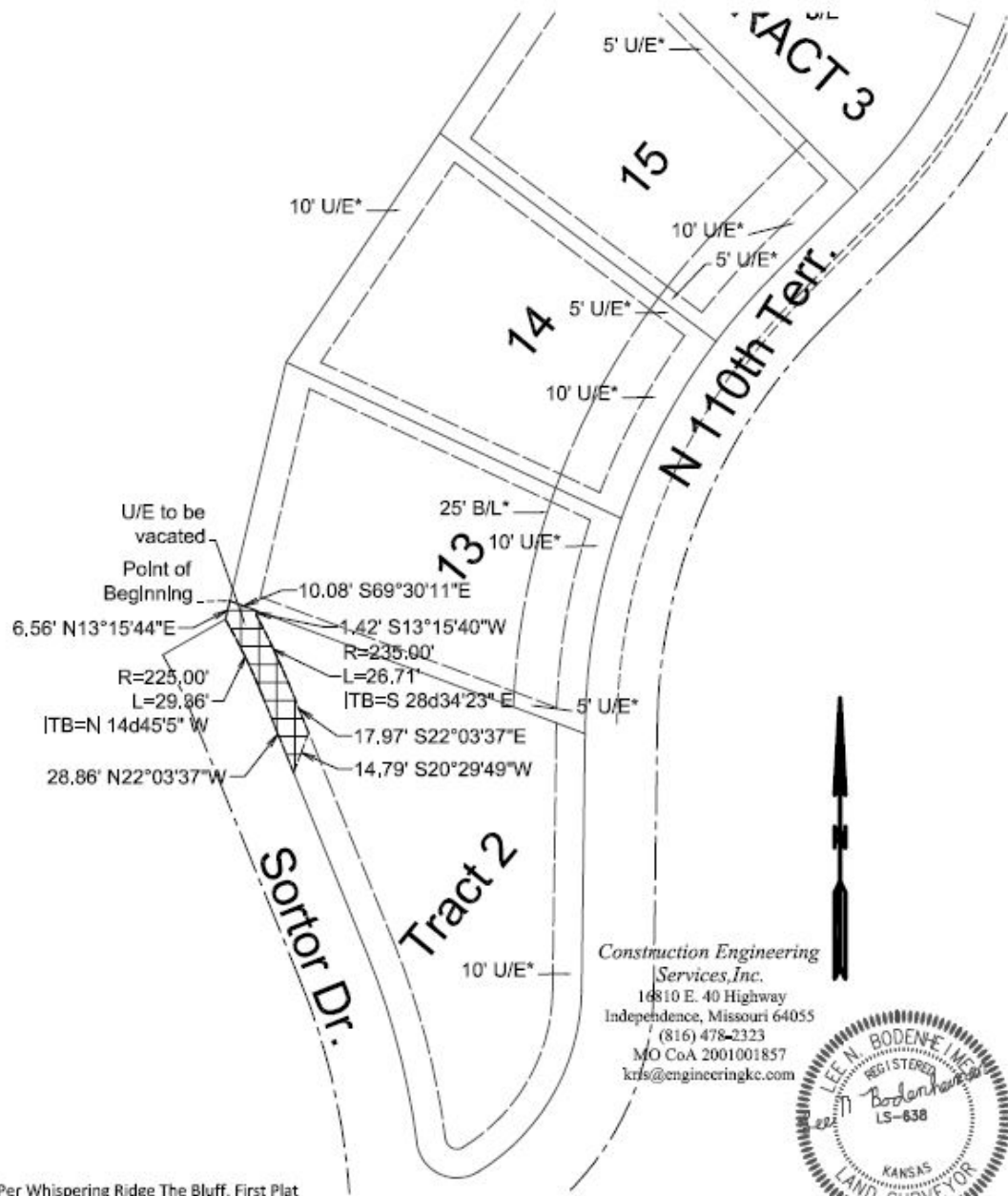
* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Lots 16, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Southwest corner of Lot 16, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 12 degrees 13 minutes 28 seconds East along the West line of Lot 16 a distance of 48.55 feet; thence North 84 degrees 20 minutes 10 seconds East along the North line of Lot 16 a distance of 26.27 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 5.25 feet; thence South 84 degrees 20 minutes 10 seconds West a distance of 15.76 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 43.30 feet; thence South 67 degrees 15 minutes 28 seconds East a distance of 15.26 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 5.09 feet; thence North 67 degrees 15 minutes 28 seconds West along the Southerly line of Lot 16 a distance of 25.35 feet to the Point of Beginning.

EXHIBIT



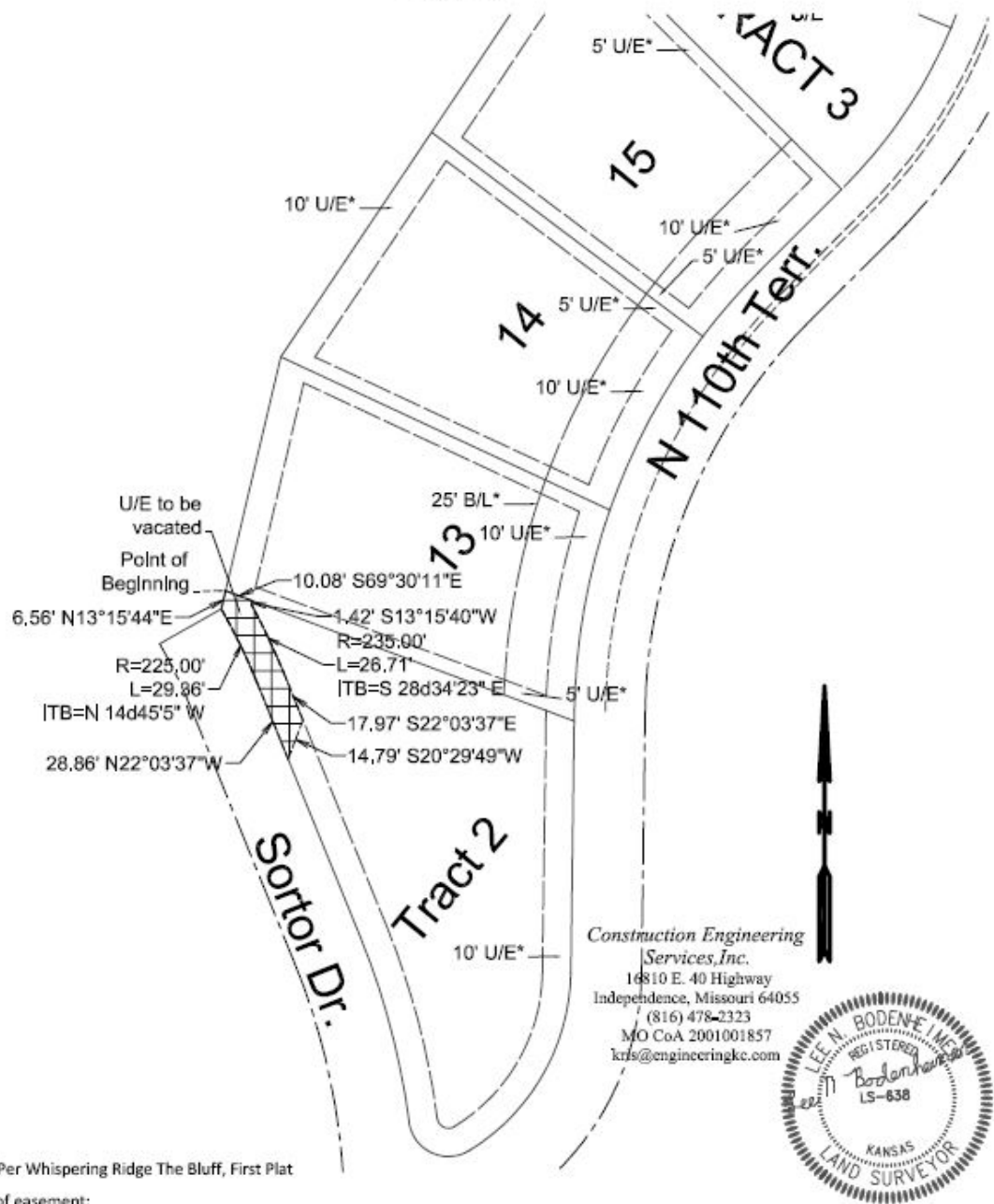
* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Tract 2, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Northwest corner of Tract 2, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence South 69 degrees 30 minutes 11 seconds East along the North line of Tract 2 a distance of 10.08 feet; thence South 13 degrees 15 minutes 40 seconds West a distance of 1.42 feet; thence along a curve to the right having an initial tangent bearing of South 28 degrees 34 minutes 23 seconds East, a radius of 235.00 feet, and a distance of 26.71 feet; thence South 22 degrees 03 minutes 37 seconds East a distance of 17.97 feet; thence South 20 degrees 29 minute 49 seconds West a distance of 14.79 feet; thence North 22 degrees 03 minutes 37 seconds West along the Easterly right of way of Sortor Dr. a distance of 28.86 feet; thence along a curve to the left having an initial tangent bearing of North 14 degrees 45 minutes 5 seconds West, a radius of 225.00 feet, and a length of 29.36 feet; thence North 13 degrees 15 minutes 44 seconds East a distance of 6.56 feet to the Point of Beginning.

EXHIBIT

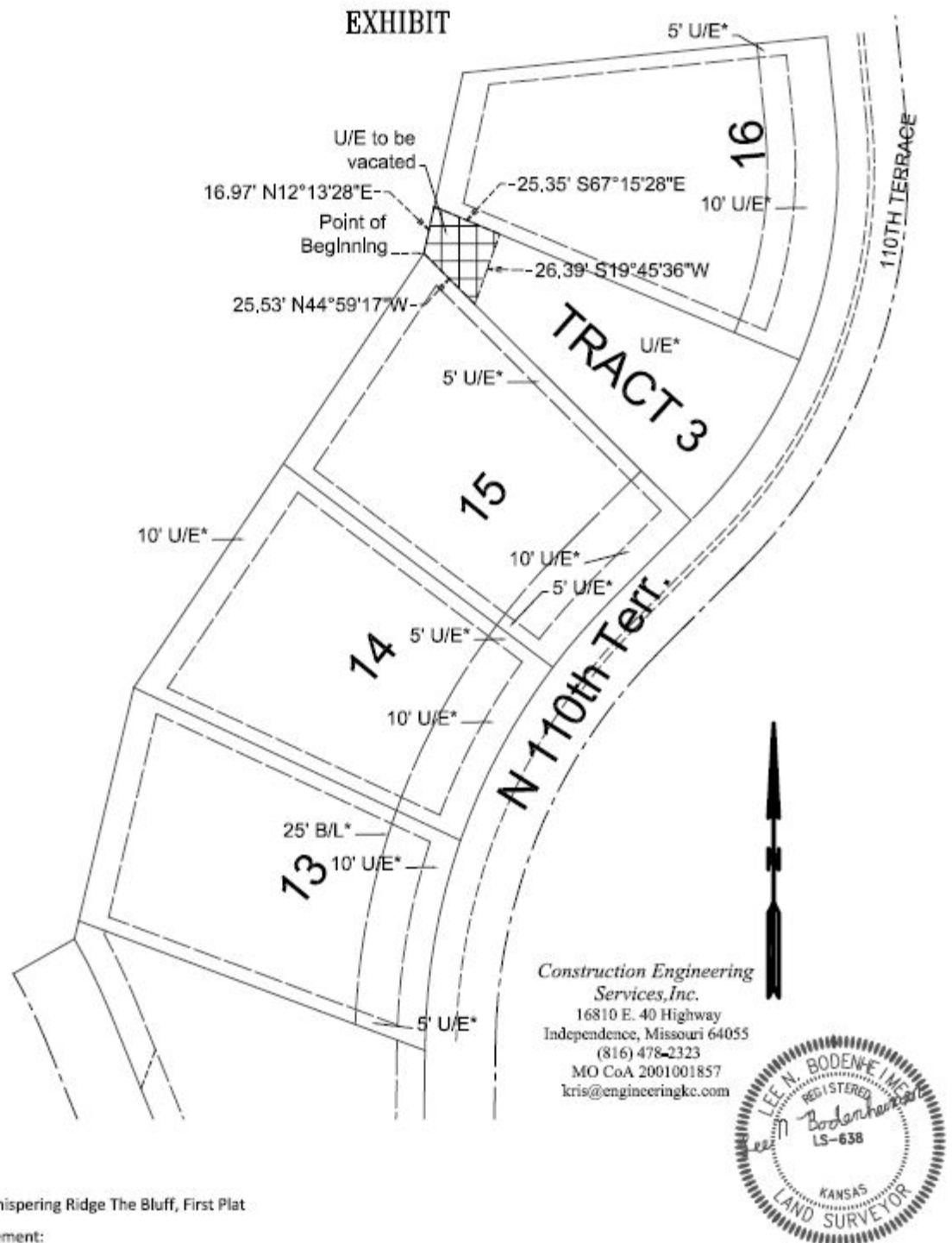


* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Tract 2, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Northwest corner of Tract 2, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence South 69 degrees 30 minutes 11 seconds East along the North line of Tract 2 a distance of 10.08 feet; thence South 13 degrees 15 minutes 40 seconds West a distance of 1.42 feet; thence along a curve to the right having an initial tangent bearing of South 28 degrees 34 minutes 23 seconds East, a radius of 235.00 feet, and a distance of 26.71 feet; thence South 22 degrees 03 minutes 37 seconds East a distance of 17.97 feet; thence South 20 degrees 29 minute 49 seconds West a distance of 14.79 feet; thence North 22 degrees 03 minutes 37 seconds West along the Easterly right of way of Sortor Dr. a distance of 28.86 feet; thence along a curve the left having a initial tangent bearing of North 14 degrees 45 minutes 5 seconds West, a radius of 225.00 feet, and a length of 29.36 feet; thence North 13 degrees 15 minutes 44 seconds East a distance of 6.56 feet to the Point of Beginning.



* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Tract 3, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Southwest corner of Tract 3, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 12 degrees 13 minutes 28 seconds East along the West line of Tract 3 a distance of 16.97 feet; thence South 67 degrees 15 minutes 28 seconds East along the Northerly line of Tract 3 a distance of 25.35 feet; thence South 19 degrees 45 minutes 36 seconds West a distance of 26.39 feet; thence North 44 degrees 59 minutes 17 seconds West along the Southerly line of Tract 3 a distance of 25.53 feet to the Point of Beginning.



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners

From: City Staff

Date: January 30, 2020

Re: Vacation Petitions #UE-2019-7, UE-2019-8, UE-2019-9,
UE-2019-10, UE-2019-11, UE-2019-12

GENERAL INFORMATION

Applicant:
Tory Graham

Status of Applicant:
Representative
GTS Homes LLC
216 NE Barry Rd
Kansas City, MO 64155

Requested Action:
Vacation of Utility Easement

Date of Application:
September 30, 2019

Purpose:
The vacation of a utility easement for the purpose of constructing a retaining wall

Property Location:
Whispering Ridge Subdivision:
3640 North 110th Terrace, 3638 North
110th Terrace, 3636 North 110th



Terrace, 3630 North 110th Terrace, 3624 North 110th Terrace, 3618 North 110th Terrace,

Existing Zoning: R-1 Single Family District

Existing Surrounding Zoning: North: R-1 Single Family District

South: R-1 Single Family District

East: R-1 Single Family District

West: R-1 Single Family District

Existing Uses: North: Undeveloped Land

South: Single Family Homes

East: Undeveloped Land

West: Undeveloped, Wooded Area

Neighborhood Characteristics: The neighborhood is residential in nature and largely undeveloped, to date.

Total Tract Size: 3640 North 110th Terrace .26 acre

3638 North 110th Terrace .13 acre

3636 North 110th Terrace .23 acre

3630 North 110th Terrace .23 acre

3624 North 110th Terrace .23 acre

3618 North 110th Terrace .31 acre

Master Plan Designation: The City-Wide Master Plan Designates this area as low-density residential

Major Street Plan: The Major Street Plan designates 110th Terrace as a local street

Advertisement: Wyandotte Echo – October 17, 2019

Letters to Property Owners – October 17, 2019, November 1, 2019, December 5, 2019 and January 23, 2020

Public Hearings: January 13, 2020 and January 30, 2020

Public Opposition: No one appeared in opposition at the January 13, 2020 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant is requesting vacation of a utility easement for the purpose of constructing a retaining wall.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709 and K.S.A. 12-504 to 12-506 and 12-512b.

FACTORS TO BE CONSIDERED

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

This action will not affect these.

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

- a. ***Water service***

Available

- b. ***Sanitary sewer service***

Available

- c. ***Storm water control***

To meet code

- d. ***Police***

Police service provided by the West Patrol, District #223

- e. ***Fire***

Fire service provided by Station #8

- f. ***Transit***

Kansas City ATA does not provide transit near this property

- g. ***Schools***

Piper USD 203

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

Streets are existing and have been designed to meet these standards

4. ***Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire***

protection, and to provide for long-term sustained real estate values.

This will not create an issue.

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

Development patterns have been designed to enhance and protect natural features of the land and vegetation.

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

This action will not affect these.

7. ***Vacation will not create utility conflicts.***

This response is pending evaluation by the utility companies.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Utility Easement Vacation Applications #U/E-2019-7, 8, 9, 10, 11, and 12, subject to:

Urban Planning and Land Use Comments:

1. How will you determine which party will be responsible for the maintenance and repair of a retaining wall that transcends multiple property lines?

Staff: Applicant has provided an easement and maintenance agreement.
(See attached)

Public Works Comments:

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

1) None.

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

- 1) Provide retaining wall calculations, details, and construction plans signed and sealed by a Professional Structural Engineer registered in the State of Kansas, in accordance with UG standards and criteria. Please review and comply with the on-line retaining wall checklist. These requirement(s) are

- for all types of retaining walls, including modular block or pre-manufactured walls, and reinforced concrete walls. The retaining wall plans, and calculations shall be reviewed and approved by UG staff prior construction permit acquisition.
- 2) The retaining wall plans shall illustrate the layout of the wall across Tracts 2, Tracts 3, Lot 13, Lot 14, Lot 15 and Lot 16. The submitted retaining wall plans indicates the wall layout only on Lot 13 and is not acceptable for review. The proposed wall shall be designed and constructed to be continuous from Tract 2 to Lot 16. Based on UG Public Works comment that the proposed retaining wall shall not be built over the existing public storm sewer on Tract 3, the retaining wall plans may have to be revised. Further discussion with staff is required.
 - 3) Provide retaining wall layouts such that the retaining wall and footings, foundations, and/or geogrid do not cross property line or easements. For example, if a concrete reinforced wall, the toe of the footing shall not cross the property line. Further discussion with staff may be required prior to a resubmittal.
 - 4) Pedestrian guardrails shall be provided atop of retaining walls that are located greater than 30 inches above the grade below. Guardrail system shall resist overturning by a 50 pound per linear foot and 200 pounds concentrated load applied to top rail i.e. 42" above top of wall as identified in the checklist. Also, include post and footing anchorage design and details. In this regard, provide calculations for the proposed guard rail system.
 - 5) Retaining walls with heights greater than 6' shall be tiered walls. A minimum of 5' shall be provided between tiered walls.
 - 6) Retaining wall calculations shall meet minimum factor of safety requirements for bearing, sliding, and overturning per UG criteria. Retaining wall design shall be in accordance with the recommendations of the geotechnical report, as applicable. Otherwise, allowable soil bearing pressure shall be 1,500 s.f. per UG criteria.
 - 7) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Vacation Petitions #U/E-2019-7, 8, 9, 10, 11, and 12 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 13, 2020 City Planning Commission Minutes
Zoning Map
Exhibit
Description of Easement
Design Proposal
Amended Easement and Maintenance Agreement

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 13, 2020	January 30, 2020
Vacations	Approval	
U/E-2019-7, 8, 9, 10, 11 And 12		

STAFF CONTACT: **Shana Shanteau**
 sshanteau@wycokck.org

MOTIONS

#U/E-2019-7, 8, 9, 10, 11 and 12:

I move the Unified Government Board of Commissioners **APPROVE** Petitions **#U/E-2019-7, 8, 9, 10, 11 and 12**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **#U/E-2019-7, 8, 9, 10, 11 and 12**, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 13, 2020 City Planning Commission Minutes:

Hearing Starts 2:39:05 and no one was present; the applications were recalled at (Tape 2) 25:24 and no one was present.

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-7 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3640 North 110th Terrace

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-8 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3638 North 110th Terrace

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-9 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3636 North 110th Terrace

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-10 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3630 North 110th Terrace

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-11 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3624 North 110th Terrace

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-12 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3618 North 110th Terrace

Detailed Outline of Requested Action: The applicant is requesting vacation of a utility easement for the purpose of constructing a retaining wall.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publication in The Echo dated October 17, 2019, and
7. The Notices to property owners dated October 17, 2019, November 1, 2019 and December 5, 2019.

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

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared

Staff Recommendation Starts 25:34: Planning Director Richardson stated that this is all for new houses to be constructed and they need to build a new retaining wall for the houses to work. It needs to be built in the utility easement and there is nothing in the utility easement. No one really cares but the builder and it could hold up home construction. Director Richardson stated that he would recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts 26:10:

On motion by Ms. Pauley, seconded by Ms. Huey, the Planning Commission voted as follows to recommend **APPROVAL of Utility Easement Vacation Applications #U/E-2019-7, 8, 9, 10, 11 and 12:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

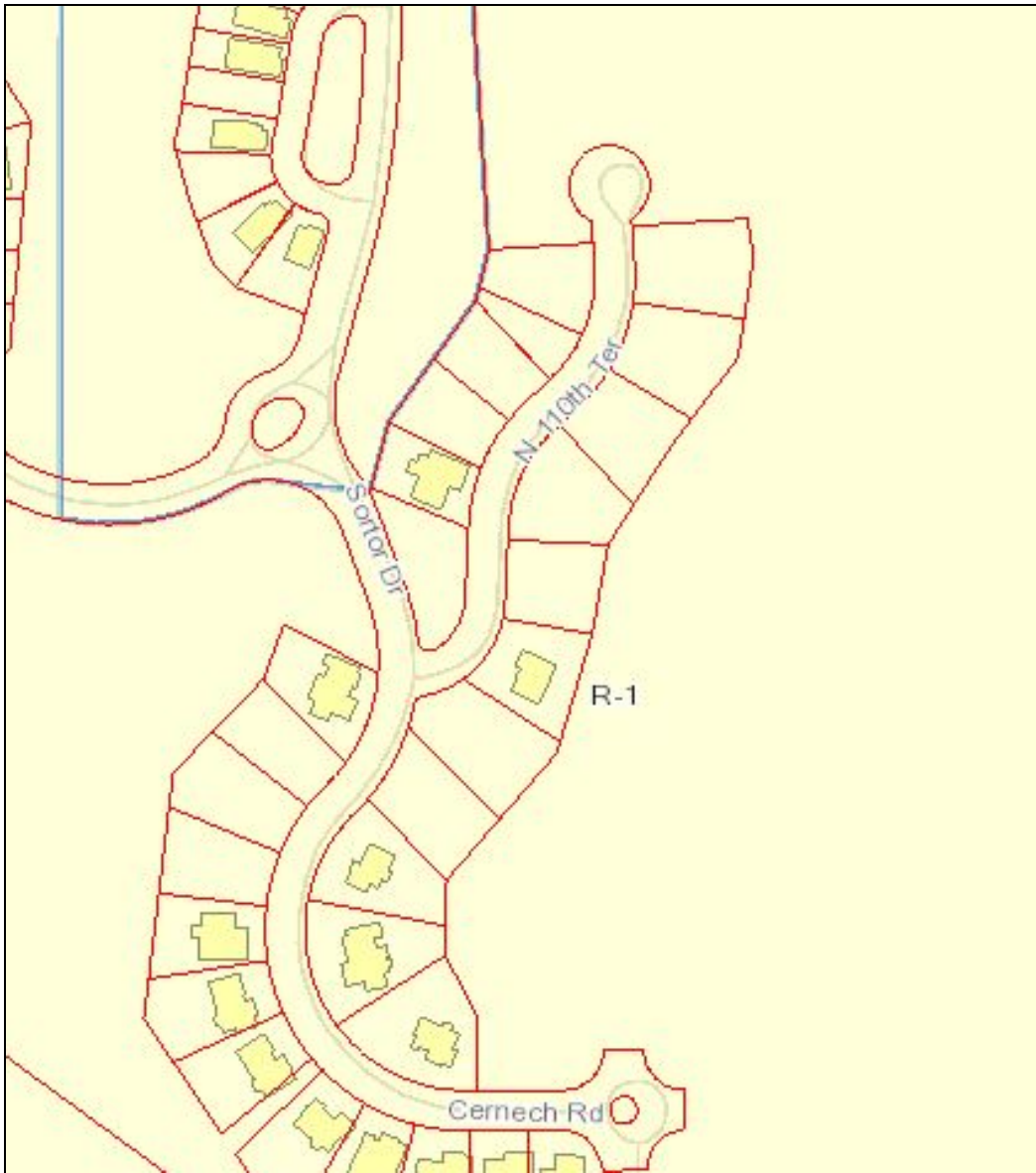
1. How will you determine which party will be responsible for the maintenance and repair of a retaining wall that transcends multiple property lines?

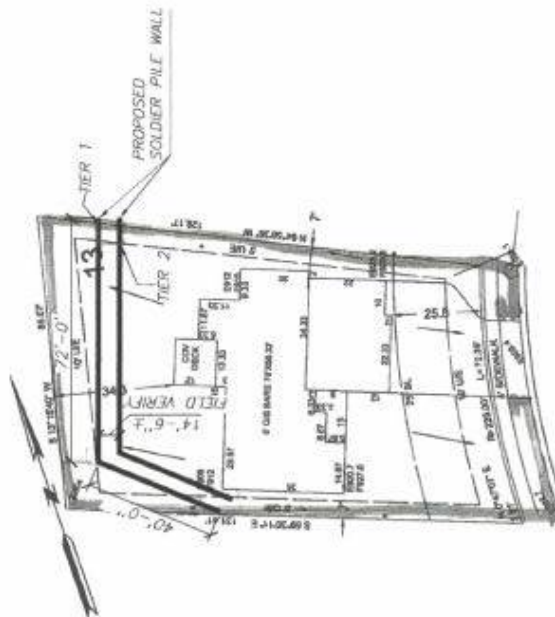
Staff: Applicant has provided an easement and maintenance agreement.
(See attached)

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None.
- B) Items that are conditions of approval (stipulations):
 - 1) Provide retaining wall calculations, details, and construction plans signed and sealed by a Professional Structural Engineer registered in the State of Kansas, in accordance with UG standards and criteria. Please review and comply with the on-line retaining wall checklist. These requirement(s) are for all types of retaining walls, including modular block or pre-manufactured walls, and reinforced concrete walls. The retaining wall plans, and calculations shall be reviewed and approved by UG staff prior construction permit acquisition.

- 2) The retaining wall plans shall illustrate the layout of the wall across Tracts 2, Tracts 3, Lot 13, Lot 14, Lot 15 and Lot 16. The submitted retaining wall plans indicates the wall layout only on Lot 13 and is not acceptable for review. The proposed wall shall be designed and constructed to be continuous from Tract 2 to Lot 16. Based on UG Public Works comment that the proposed retaining wall shall not be built over the existing public storm sewer on Tract 3, the retaining wall plans may have to be revised. Further discussion with staff is required.
 - 3) Provide retaining wall layouts such that the retaining wall and footings, foundations, and/or geogrid do not cross property line or easements. For example, if a concrete reinforced wall, the toe of the footing shall not cross the property line. Further discussion with staff may be required prior to a resubmittal.
 - 4) Pedestrian guardrails shall be provided atop of retaining walls that are located greater than 30 inches above the grade below. Guardrail system shall resist overturning by a 50 pound per linear foot and 200 pounds concentrated load applied to top rail i.e. 42" above top of wall as identified in the checklist. Also, include post and footing anchorage design and details. In this regard, provide calculations for the proposed guard rail system.
 - 5) Retaining walls with heights greater than 6' shall be tiered walls. A minimum of 5' shall be provided between tiered walls.
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 - 7) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None





1 PROPOSED LOCATION OF SOLDIER PILE WALL
1/32"=1'-0"



GENERAL NOTES:

MATERIALS

1. SOLDIER BEAMS IN THIS PROJECT ARE #10X48 (ASTM A572 GRADE 50). SOLDIER BEAMS SHOULD BE TREATED USING THE FOLLOWING METHOD: PRIMER, 2 MILS MIN. DRY FILM THICKNESS (DFT) BUT NOT MORE THAN 4 MILS DFT, USE 7690 DAMP PROOF RED PRIMER SEE 01/SW-04 FOR DETAILS;
2. TOP COAT: 2 MILS MIN. DFT BUT NOT MORE THAN 4 MILS DFT, USE STAINLESS STEEL POLYURETHANE SEE 02/SW-04 FOR DETAILS;
3. PRECAST LAGGINGS SEE 02/SW-03 FOR REINFORCING DETAILS;
4. CONCRETE WITH A COMPRESSIVE STRENGTH OF 3,500 PSI SHOULD BE USED FOR AUGER CAST PILES;
5. ALL REINFORCING STEEL SHALL BE ASTM A615, GRADE 60;
6. DRAINAGE FILL BEHIND WOOD LAGGING SHOULD BE #57 CLEAN GRAVEL OR EQUIVALENT WITH EQUAL GRADATION APPROVED BY RTE ENGINEERS;
7. 4" PERFORATED PIPE COVERED BY WATER FILTER FABRIC SHALL BE INSTALLED BEHIND THE WALL AND CONNECTED TO DAYLIGHT;

DESIGN ASSUMPTIONS

1. SURCHARGE PRESSURE=100 PSF;
2. UNIT WEIGHT OF SOIL = 125 PCF;
3. ACTIVE LATERAL EARTH PRESSURE COEFFICIENT = 0.40;
4. UNDRAINED SHEAR STRENGTH: SHALE = 20 KSF, SOIL = 1 KSF;
5. ASSUMED SERVICE LIFE IS 50 YEARS.

PROJECT: Whispering Ridge Lot 13
Soldier Pile Wall Design

CLIENT: Solid Subsurface
Shawnee, KS 66286

DATE: 01 November 2018

REVISED:

SHEET:

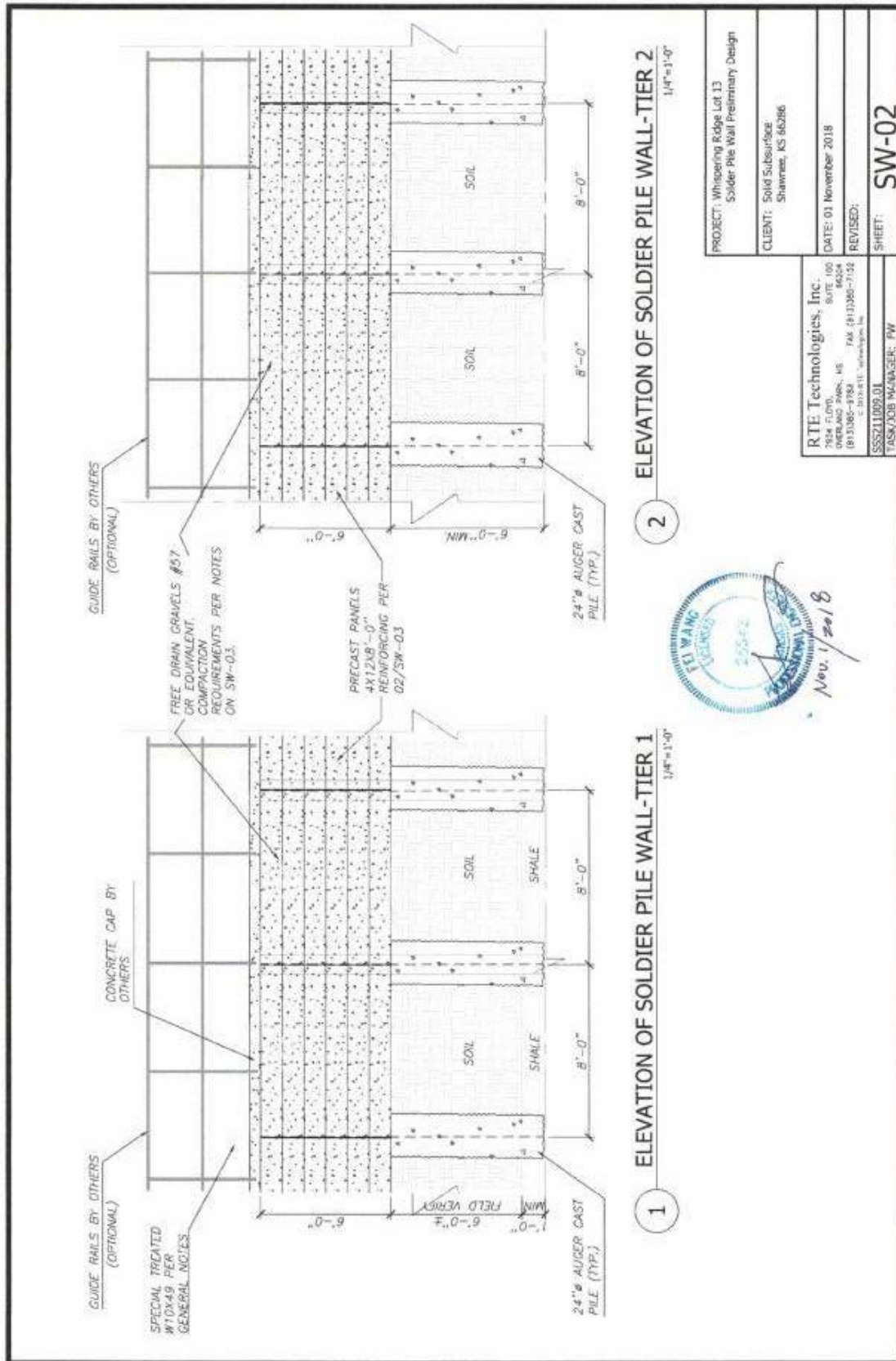
SW-01

RTE Technologies, Inc.

1004 E. 10th St.
Overland Park, KS 66104
(913) 585-9783 FAX (913) 585-7152
© 2014 RTE Technologies, Inc.

SSS211009.01

TASK/JOB MANAGER: FW



PROJECT: Whispering Ridge Lot 13 Soldier Pile Wall Preliminary Design	
CLIENT: Solid Subsurface Shawnee, KS 66206	
DATE: 01 November 2018	
REVISED:	
SHEET: SW-02	

RTE Technologies, Inc.	
7914 FLOYD, SUITE 100	66204
OVERLAND PARK, KS	FAX (813)280-7132
(813)280-8758	C. 2018 RTE Technologies, Inc.
SSS211009.01	TASK/JOB MANAGER: FW

Prepared by and after recording return to:
Brock Burnick
9101 W. 110th Street, Suite 200
Overland Park, Kansas 66210
(913) 498-3536

FIRST AMENDED EASEMENT AND MAINTENANCE AGREEMENT

THIS AGREEMENT is entered into as of the 26th day of August, 2019, by and among **Whispering Ridge Investment Group, LLC**, a Kansas limited liability company ("WRIG"), **Whispering Ridge Homes Association, Inc.**, a Kansas corporation ("WRHA") and **GTS Homes, LLC**, a Kansas limited liability company ("GTS") (WRIG, WRHA, and GTS are sometimes individually referred to herein as "Owner" and collectively, the "Owners").

WHEREAS, WRIG is the owner of Lots 14, 15, and 16 described on **Exhibit A** attached hereto and made a part hereof ("WRIG Tracts");

WHEREAS, WRHA is the owner of Tract 3 described on Exhibit A attached hereto ("WRHA Tract");

WHEREAS, GTS is the owner of Lot 13 described on Exhibit A attached hereto ("GTS Tract");

WHEREAS, WRIG, WRHA, and GTS desire to grant WRIG and GTS an easement over, on and across a portion of the WRIG Tracts, WRHA Tract, and GTS Tract (altogether "Owner Tracts") for the benefit of WRIG, WRHA, and GTS, their successors, assigns, tenants, occupants, and invitees (the "Easement Tract").

WHEREAS, WRIG and GTS desire to share easement maintenance costs over, on and across a portion of the Easement Tracts for the benefit of WRIG, WRHA, and GTS, their successors, assigns, tenants, occupants, and invitees.

NOW, THEREFORE, in consideration of the covenants contained in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the following grants, agreements, covenants and restrictions are made:

1. **Easement Grant.** There is or the Owners intend that there will be a retaining wall running along the western boundary of the Owner Tracts as generally depicted on Exhibit A (the "Bluff Wall"), which the Owners intend to be located entirely on the Owner Tracts and which will benefit the Owner Tracts properties. WRIG, WRHA, and GTS, as Owners of the Easement Tract, do hereby grant and convey unto WRIG and GTS for the benefit of the Owner Tracts a permanent and non-exclusive right and easement in, upon, over, through, and across the Easement Tract for the purposes of a retaining wall as legally described in Exhibit A. Owners hereby grant to WRIG and GTS a temporary construction easement across the Easement Tract to maintain, repair, and replace the Bluff Wall from time to time.

2. **Maintenance.** WRIG and GTS and their successors and assigns shall pay for the costs of maintaining, repairing and replacing all improvements located within the Easement Tract, with such payment to be due and payable to any Owner incurring maintenance costs, as applicable, within thirty (30) days of receipt of notice of such costs from such Owner, as applicable. No Owner of the Easement Tract may install or permit the installation of any improvements or modify, relocate or remove any part of the Bluff Wall without the prior written consent of the other Owners. The Owners shall share the Bluff Wall Maintenance costs as follows:

Lot 13 Owner.....	25%
Lot 14 Owner.....	25%
Lot 15 Owner.....	25%
Lot 16 Owner.....	25%

WRIG and GTS and their successors and assigns agree herein that any damage to the Owner Tracts resulting from the granting of this easement be repaired at no cost to WRHA.

3. **Barriers.** The Owners may erect curbs and landscaping on their respective properties in order to define their respective property so long as such curbs and landscaping do not detract from the access rights of WRIG, GTS, or their Permittees, or prevent, hinder or interfere in any way with the intended purpose of this Agreement. In no event may any Owner prevent the uninhibited access to and from any tract benefitted hereby as shown on the Site Plan, provided that WRIG and/or GTS may temporarily close the Easement Tract for purposes of performing the maintenance obligations herein.

4. **Indemnification.** WRIG and GTS shall indemnify and hold harmless WRHA from and against all claims, liabilities and expenses (including reasonable attorney fees) relating to accidents, injuries, loss, or damage to any person or property arising from all acts or omissions of WRIG and GTS or their tenants, contractors, employees, or agents within the Easement Tract.

5. **Covenants to Run with Land.** This Agreement and the rights and obligations hereunder shall run with the land and title to the WRIG Tracts, WRHA Tract, and GTS Tract, and be binding upon and inure to the benefit of the parties, their successors and assigns, and their respective tenants, and such tenants' agents, employees contractors and invitees, and/or any person who shall hereafter acquire title to the WRIG Tracts, WRHA Tract, and GTS Tract. This Agreement may only modified in a written document executed by all parties. This Agreement shall be construed and governed by the laws of the State of Kansas.

6. **Notices.** Any notice, report or demand required, permitted or desired to be given under this Agreement shall be in writing and shall be delivered by nationally recognized overnight courier with evidence of receipt to the parties at the addresses shown below or at such other address as the respective parties may from time to time designate by like notice. Delivery shall be deemed effective on the date of as shown on the delivery ticket of the applicable courier evidencing receipt. The initial addresses of the Owners are as follows:

WRHA's Address: Whispering Ridge Homes Association, Inc.
c/o Jessica L. Bane
11064 Whispering Lane
Kansas City, Kansas 66109

WRIG's Address: Whispering Ridge Investment Group, LLC
c/o Tory Graham
45245 Metcalf Avenue
Overland Park, Kansas 66223

216 NE BARRY ROAD
KANSAS CITY, MISSOURI
64155

GTS's: GTS Homes, LLC
216 NE Barry Road
Kansas City, Missouri 64155

7. **Amendment.** This Agreement amends, supersedes, and replaces the Easement and Maintenance Agreement dated June 3, 2019, and recorded with the Wyandotte County, Kansas Recorder of Deeds on June 12, 2019, in Book No. 2019R, Page No. 07381.

8. **Counterpart Execution.** This Agreement may be executed in several counterparts, all or any of which shall be regarded for all purposes as one original and shall constitute and be but one and the same instrument.

IN WITNESSES WHEREOF, the parties have set their hands on the date shown below.

Whispering Ridge Investment Group, LLC,
a Kansas limited liability company

By: _____

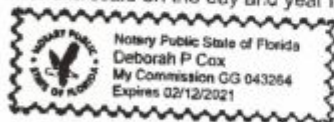
Name: Ihsan Alsalman

Its: PRESIDENT

STATE OF Florida)
COUNTY OF Lee) ss

On this 22 day of August, 2019, before me appeared Ihsan Alsalman, to me personally known, who, being by me duly sworn, did say that he is the manager of Whispering Ridge Investment Group, LLC, a Kansas limited liability company, and that said instrument was signed on behalf of said limited liability company, and s/he acknowledged said instrument to be the free act and deed of said limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid on the day and year first above written.



My commission expires: 02/12/2021

Deborah P. Cox
Notary Public
DEBORAH P. COX
Print Name

Whispering Ridge Homes Association, Inc.,
a Kansas corporation

By: Cathy Harding
Name: Cathy Harding
Its: President

STATE OF Kansas)
COUNTY OF Wyandotte) ss.

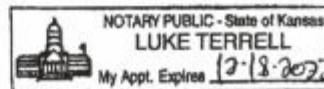
On this 20 day of August, 2019, before me appeared Cathy Harding, to me personally known, who being by me duly sworn, did say that he is the President of Whispering Ridge Homes Association, Inc., a Kansas corporation, and that the foregoing instrument was signed in behalf of said corporation by authority of its Board of Directors, and s/he acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office the day and year last above written.

Luke Terrell
Notary Public
Luke Terrell
Print Name

My commission expires:

12-18-2022

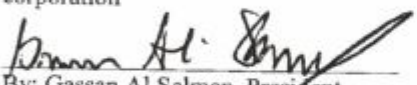


GTS HOMES, LLC, a Kansas limited liability company
BY ITS MANAGING MEMBER: TORY GRAHAM, INC., a Kansas corporation, Its Managing
Member


By: Tory Graham, President

And

GTS HOMES, LLC, a Kansas limited liability company
BY ITS MANAGING MEMBER: GASSAN AL SALMAN, P.C., a Missouri provisional
corporation


By: Gassan Al Salman, President

STATE OF _____)
COUNTY OF _____) ss.

This instrument was acknowledged before me on the _____ day of _____, 2019,
by Tory Graham as President of Tory Graham, Inc., a Kansas corporation, and Gassan Al
Salman as President of Gassan Al Salman, P.C., a Missouri professional corporation BOTH as
Managing Members of GTS Homes, LLC, a Kansas limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the
day and year last above written.

Notary Public

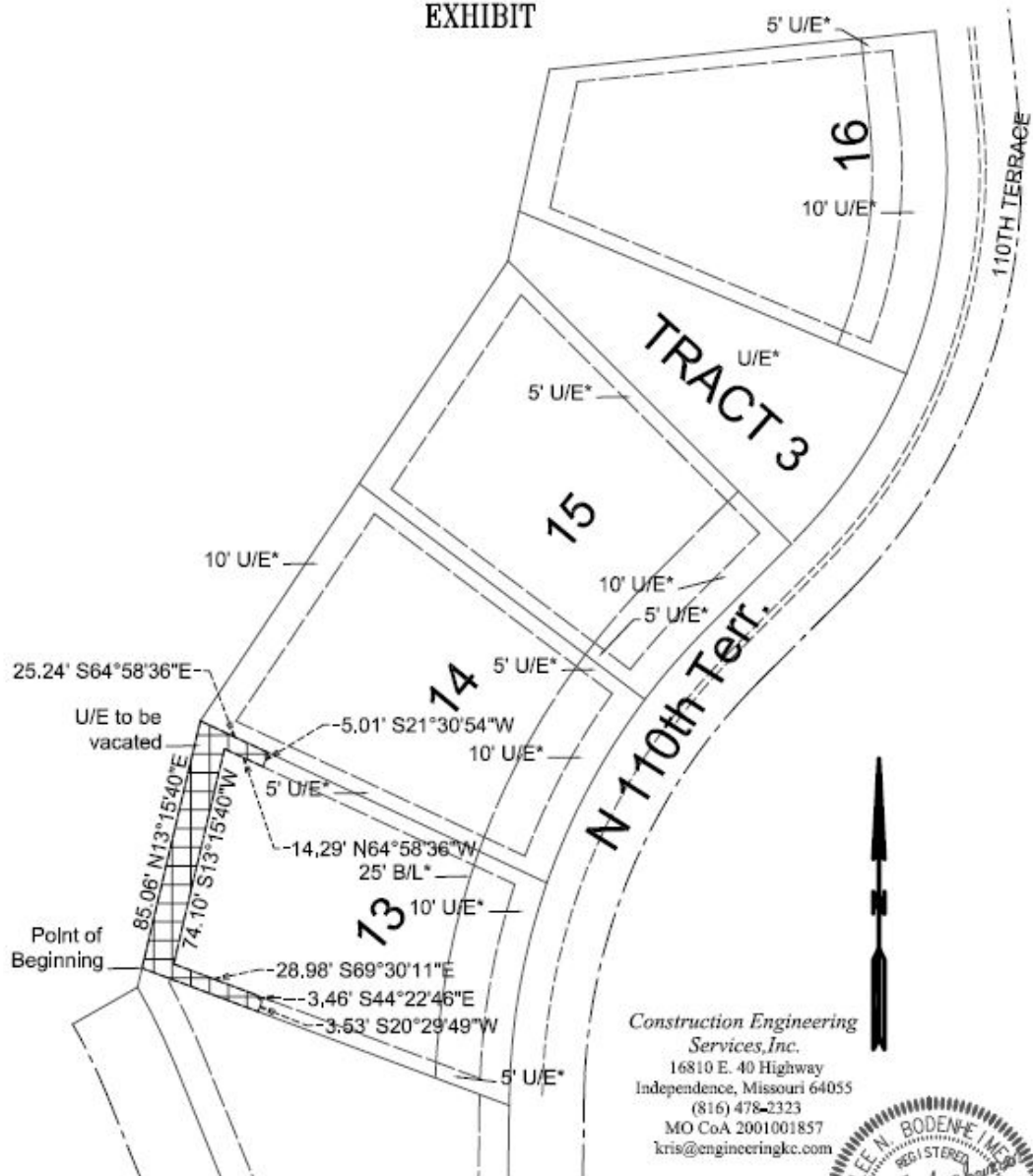
My Commission Expires:

Description of easement

A portion of Lots 13, 14, 15, 16 and Tract 3, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Southwest corner of Lot 13, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 13 degrees 15 minutes 40 seconds East along the West line of Lot 13 a distance of 85.06 feet; thence North 33 degrees 47 minutes 08 seconds East along the West line of Lot 14 a distance of 95.65 feet; thence North 33 degrees 47 minutes 08 seconds East along the West line of Lot 15 a distance of 89.87 feet; thence North 12 degrees 13 minutes 28 seconds East along the West line of Tract 3 a distance of 16.97 feet; thence North 12 degrees 13 minutes 28 seconds East along the West line of Lot 16 a distance of 48.55 feet to the Northwest corner of Lot 16 of Whispering Ridge The Bluff, First Plat; thence North 84 degrees 20 minutes 10 seconds East along the North line of said lot 16 a distance of 26.27 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 5.25 feet; thence South 84 degrees 20 minutes 10 seconds West a distance of 15.76 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 43.30 feet; thence South 67 degrees 15 minutes 28 seconds East a distance of 15.26 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 4.49 feet; thence South 19 degrees 45 minutes 36 seconds West a distance of 0.59 feet to a point on the North Line of Tract 3; thence South 19 degrees 45 minutes 36 seconds West a distance of 24.64 feet; thence South 33 degrees 33 minutes 18 seconds West a distance of 1.62 feet to a point on the Northerly line of Lot 15; thence South 33 degrees 33 minutes 18 seconds West a distance of 5.10 feet; thence North 44 degrees 59 minutes 17 seconds West a distance of 14.93 feet; thence South 33 degrees 47 minutes 08 seconds West a distance of 78.35 feet; thence South 52 degrees 58 minutes 00 seconds East a distance of 14.97 feet; thence South 33 degrees 41 minutes 06 seconds West a distance of 5.01 feet to a point on the Northerly line of Lot 14; thence South 33 degrees 41 minutes 06 seconds West a distance of 5.01 feet; thence North 52 degrees 58 minutes 00 seconds West a distance of 14.99 feet; thence South 33 degrees 47 minutes 08 seconds West a distance of 83.47 feet; thence South 64 degrees 58 minutes 36 seconds East a distance of 15.12 feet; thence South 33 degrees 48 minutes 02 seconds West a distance of 5.06 feet to a point on the Northerly line of Lot 13; thence South 21 degrees 30 minutes 54 seconds West a distance of 5.01 feet thence North 64 degrees 58 minutes 36 seconds West a distance of 14.29 feet; thence South 13 degrees 15 minutes 40 seconds West a distance of 74.10 feet; thence South 69 degrees 30 minutes 11 seconds East a distance of 28.98; thence South 44 degrees 22 minutes 46 seconds East a distance of 3.46 feet; thence South 20 degrees 29 minutes 49 seconds West a distance of 3.53 feet; thence North 69 degrees 30 minutes 11 seconds West along the Southerly line of Lot 13 a distance of 41.56 feet to the Point of Beginning.

EXHIBIT



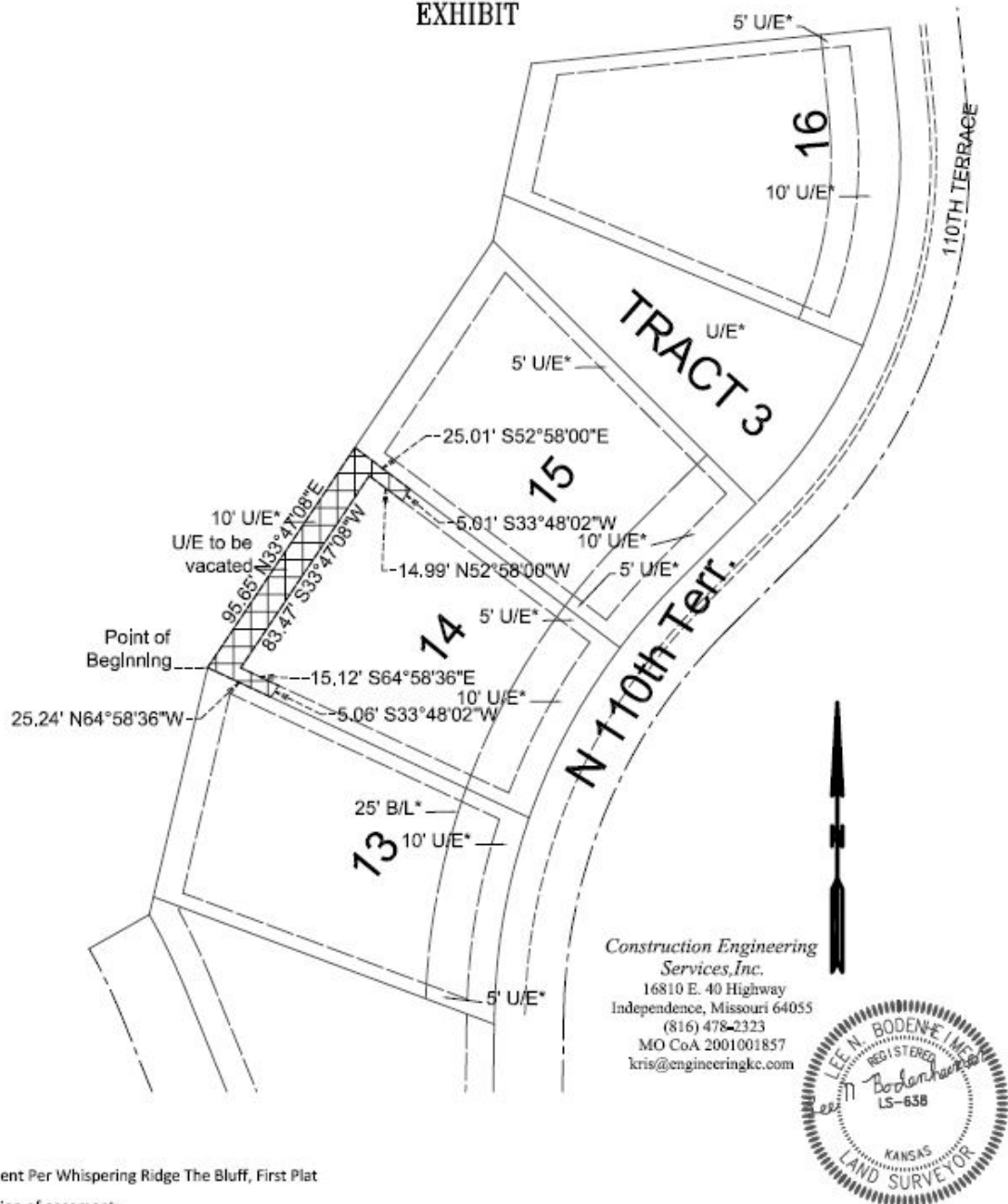
* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Lots 13, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Southwest corner of Lot 13, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 13 degrees 15 minutes 40 seconds East along the West line of Lot 13 a distance of 85.06 feet; thence South 64 degrees 58 minutes 36 seconds East along the Northerly line Lot 13 a distance of 25.24 feet; thence South 21 degrees 30 minutes 54 seconds West a distance of 5.01 feet; thence North 64 degrees 58 minutes 36 seconds West a distance of 14.29 feet; thence South 13 degrees 15 minutes 40 seconds West a distance of 74.10 feet; thence south 69 degrees 30 minutes 11 seconds East a distance of 28.98 feet; thence South 44 degrees 22 minutes 46 seconds East a distance of 3.46 feet; thence South 20 degrees 29 minutes 49 seconds West a distance of 3.53 feet; thence North 69 degrees 30 minutes 11 seconds West along the South line of said Lot 13 a distance of 41.56 feet to the Point of Beginning.

EXHIBIT

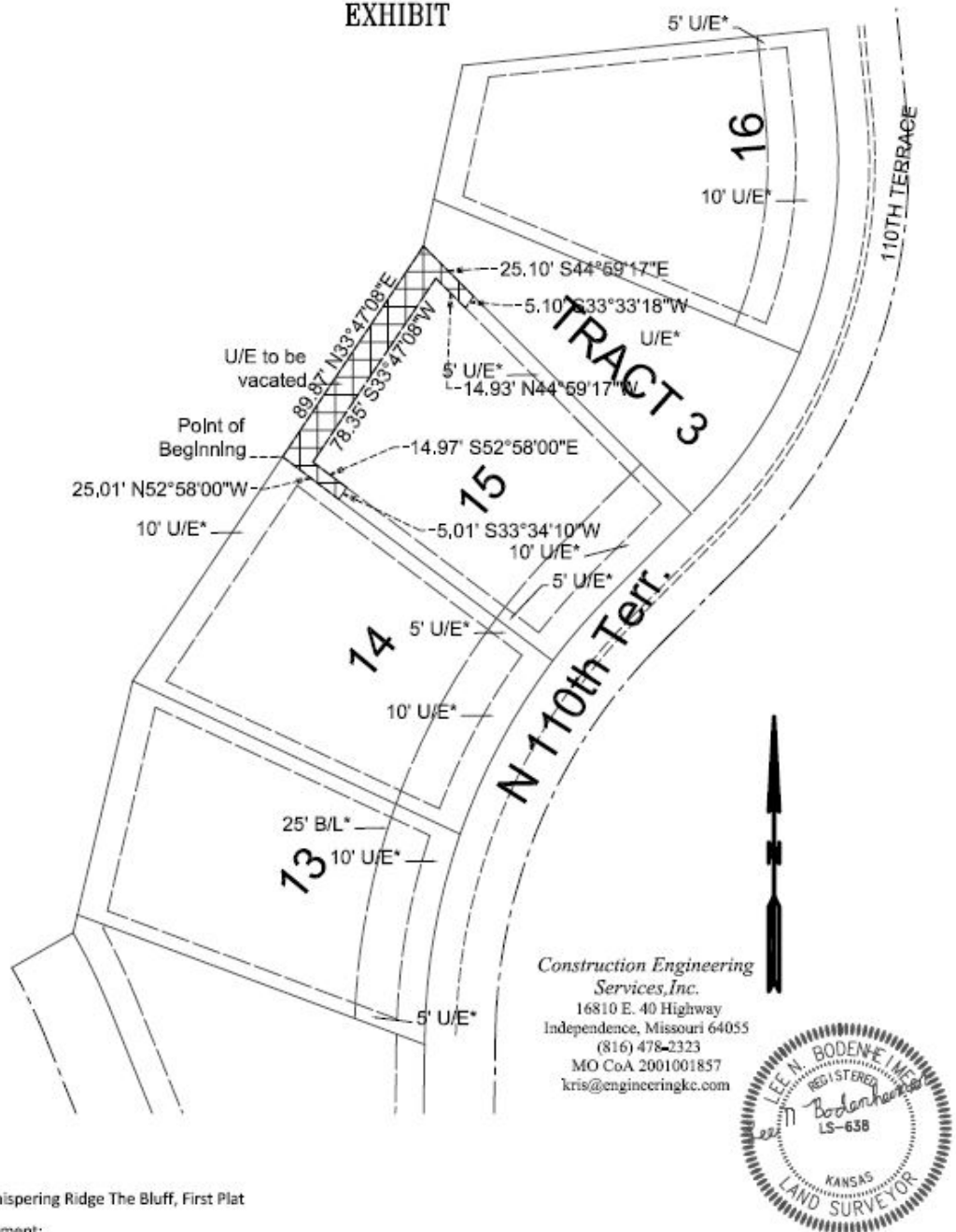


* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Lots 14, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:
 Beginning at the Southwest corner of Lot 14, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 33 degrees 47 minutes 08 seconds East along the Westerly line of Lot 14 a distance of 95.65 feet; thence South 52 degrees 58 minutes 00 seconds East along the Southerly line of Lot 15 a distance of 25.01 feet; thence South 33 degrees 48 minutes 02 seconds West a distance of 5.01 feet; thence North 52 degrees 58 minutes 00 seconds West a distance of 14.99 feet; thence south 33 degrees 47 minutes 08 seconds West a distance of 83.47 feet; thence South 64 degrees 58 minutes 36 seconds East a distance of 15.12 feet; thence South 33 degrees 48 minutes 02 seconds West a distance of 5.06 feet; thence North 64 degrees 58 minutes 36 seconds West along the Southerly line of Lot 14 a distance of 25.24 feet to the Point of Beginning.

EXHIBIT

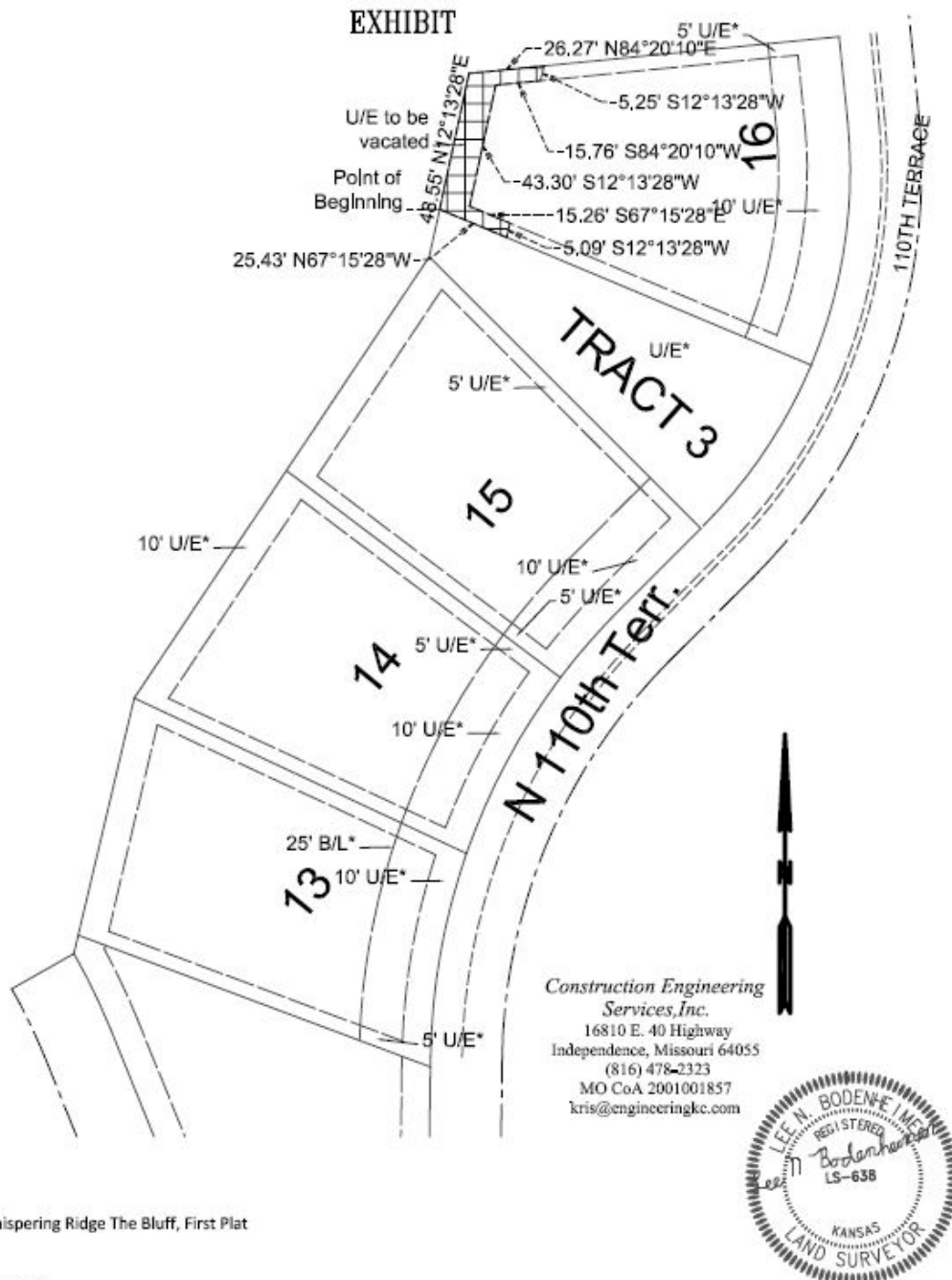


* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Lots 15, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Southwest corner of Lot 15, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 33 degrees 47 minutes 08 seconds East along the Westerly line of Lot 15 a distance of 89.87 feet; thence South 44 degrees 59 minutes 17 seconds East along the Northerly line of Lot 15 a distance of 25.10 feet; thence South 33 degrees 33 minutes 18 seconds West a distance of 5.10 feet; thence North 44 degrees 59 minutes 17 seconds West a distance of 14.93 feet; thence South 33 degrees 47 minutes 08 seconds West a distance of 78.35 feet; thence South 52 degrees 58 minutes 00 seconds East a distance of 14.97 feet; thence South 33 degrees 34 minutes 10 seconds West a distance of 5.01 feet; thence North 52 degrees 58 minutes 00 seconds West along the Southerly line of Lot 15 a distance of 25.01 feet to the Point of Beginning.



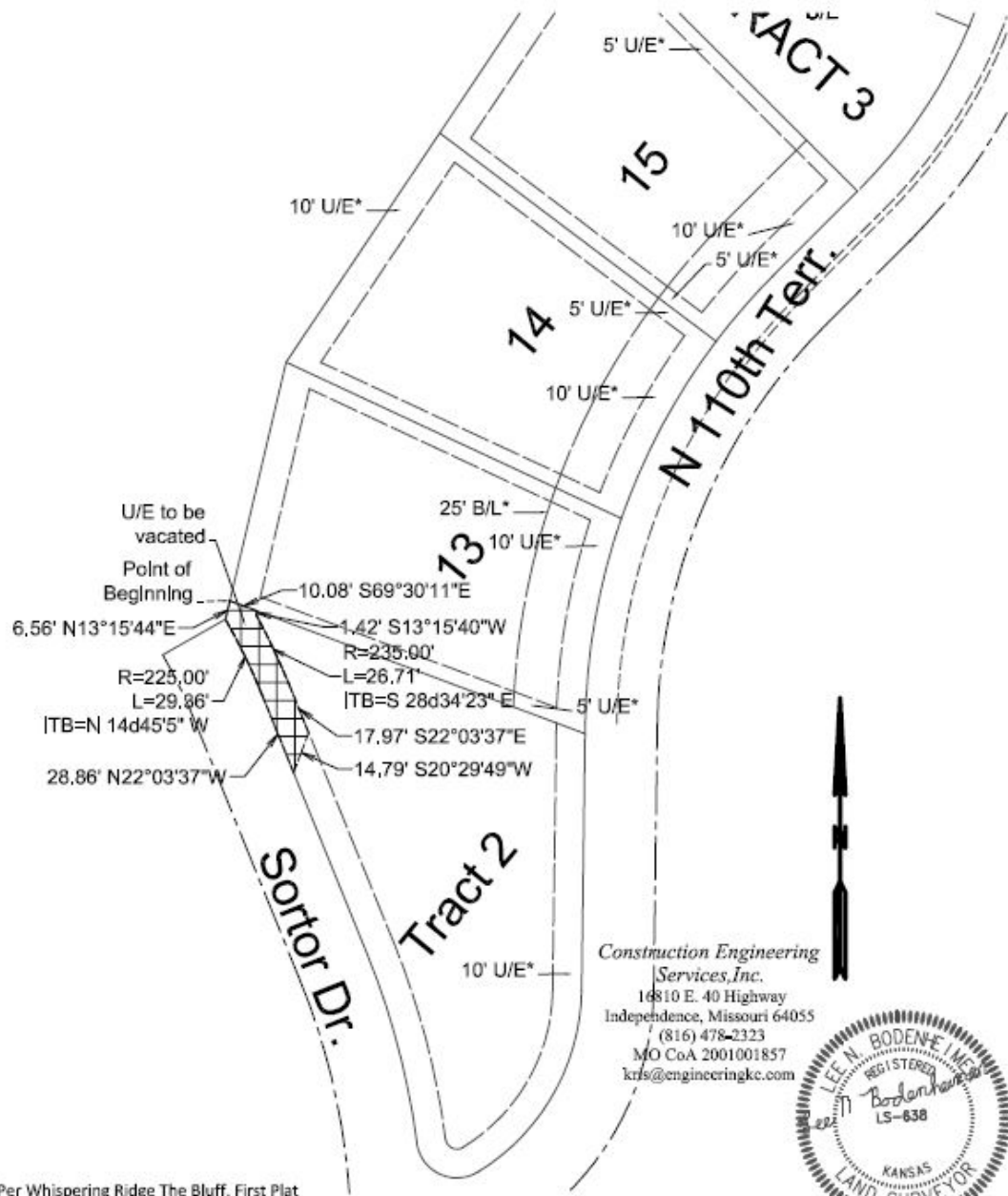
* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Lots 16, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Southwest corner of Lot 16, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 12 degrees 13 minutes 28 seconds East along the West line of Lot 16 a distance of 48.55 feet; thence North 84 degrees 20 minutes 10 seconds East along the North line of Lot 16 a distance of 26.27 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 5.25 feet; thence South 84 degrees 20 minutes 10 seconds West a distance of 15.76 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 43.30 feet; thence South 67 degrees 15 minutes 28 seconds East a distance of 15.26 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 5.09 feet; thence North 67 degrees 15 minutes 28 seconds West along the Southerly line of Lot 16 a distance of 25.35 feet to the Point of Beginning.

EXHIBIT



* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Tract 2, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

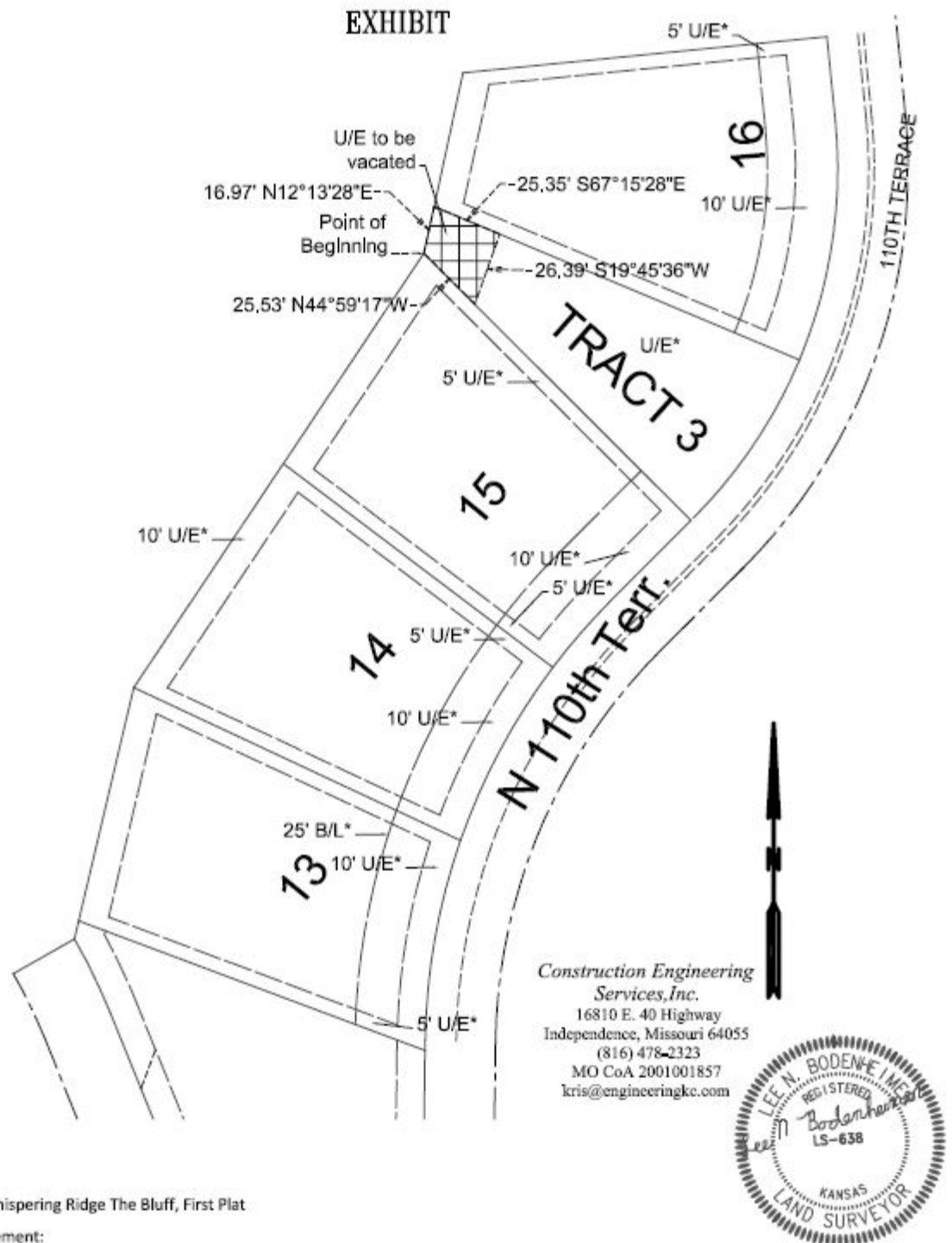
Beginning at the Northwest corner of Tract 2, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence South 69 degrees 30 minutes 11 seconds East along the North line of Tract 2 a distance of 10.08 feet; thence South 13 degrees 15 minutes 40 seconds West a distance of 1.42 feet; thence along a curve to the right having an initial tangent bearing of South 28 degrees 34 minutes 23 seconds East, a radius of 235.00 feet, and a distance of 26.71 feet; thence South 22 degrees 03 minutes 37 seconds East a distance of 17.97 feet; thence South 20 degrees 29 minute 49 seconds West a distance of 14.79 feet; thence North 22 degrees 03 minutes 37 seconds West along the Easterly right of way of Sortor Dr. a distance of 28.86 feet; thence along a curve to the left having an initial tangent bearing of North 14 degrees 45 minutes 5 seconds West, a radius of 225.00 feet, and a length of 29.36 feet; thence North 13 degrees 15 minutes 44 seconds East a distance of 6.56 feet to the Point of Beginning.

* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Tract 2, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Northwest corner of Tract 2, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence South 69 degrees 30 minutes 11 seconds East along the North line of Tract 2 a distance of 10.08 feet; thence South 13 degrees 15 minutes 40 seconds West a distance of 1.42 feet; thence along a curve to the right having an initial tangent bearing of South 28 degrees 34 minutes 23 seconds East, a radius of 235.00 feet, and a distance of 26.71 feet; thence South 22 degrees 03 minutes 37 seconds East a distance of 17.97 feet; thence South 20 degrees 29 minute 49 seconds West a distance of 14.79 feet; thence North 22 degrees 03 minutes 37 seconds West along the Easterly right of way of Sortor Dr. a distance of 28.86 feet; thence along a curve to the left having an initial tangent bearing of North 14 degrees 45 minutes 5 seconds West, a radius of 225.00 feet, and a length of 29.36 feet; thence North 13 degrees 15 minutes 44 seconds East a distance of 6.56 feet to the Point of Beginning.



* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Tract 3, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Southwest corner of Tract 3, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 12 degrees 13 minutes 28 seconds East along the West line of Tract 3 a distance of 16.97 feet; thence South 67 degrees 15 minutes 28 seconds East along the Northerly line of Tract 3 a distance of 25.35 feet; thence South 19 degrees 45 minutes 36 seconds West a distance of 26.39 feet; thence North 44 degrees 59 minutes 17 seconds West along the Southerly line of Tract 3 a distance of 25.53 feet to the Point of Beginning.



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners

From: City Staff

Date: January 30, 2020

Re: Vacation Petitions #UE-2019-7, UE-2019-8, UE-2019-9,
UE-2019-10, UE-2019-11, UE-2019-12

GENERAL INFORMATION

Applicant:
Tory Graham

Status of Applicant:
Representative
GTS Homes LLC
216 NE Barry Rd
Kansas City, MO 64155

Requested Action:
Vacation of Utility Easement

Date of Application:
September 30, 2019

Purpose:
The vacation of a utility easement for the purpose of constructing a retaining wall

Property Location:
Whispering Ridge Subdivision:
3640 North 110th Terrace, 3638 North
110th Terrace, 3636 North 110th



Terrace, 3630 North 110th Terrace, 3624 North 110th Terrace, 3618 North 110th Terrace,

Existing Zoning: R-1 Single Family District

Existing Surrounding Zoning: **North:** R-1 Single Family District

South: R-1 Single Family District

East: R-1 Single Family District

West: R-1 Single Family District

Existing Uses: **North:** Undeveloped Land

South: Single Family Homes

East: Undeveloped Land

West: Undeveloped, Wooded Area

Neighborhood Characteristics: The neighborhood is residential in nature and largely undeveloped, to date.

Total Tract Size: 3640 North 110th Terrace .26 acre

3638 North 110th Terrace .13 acre

3636 North 110th Terrace .23 acre

3630 North 110th Terrace .23 acre

3624 North 110th Terrace .23 acre

3618 North 110th Terrace .31 acre

Master Plan Designation: The City-Wide Master Plan Designates this area as low-density residential

Major Street Plan: The Major Street Plan designates 110th Terrace as a local street

Advertisement: Wyandotte Echo – October 17, 2019

Letters to Property Owners – October 17, 2019, November 1, 2019, December 5, 2019 and January 23, 2020

Public Hearings: January 13, 2020 and January 30, 2020

Public Opposition: No one appeared in opposition at the January 13, 2020 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant is requesting vacation of a utility easement for the purpose of constructing a retaining wall.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709 and K.S.A. 12-504 to 12-506 and 12-512b.

FACTORS TO BE CONSIDERED

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

This action will not affect these.

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

- a. ***Water service***

Available

- b. ***Sanitary sewer service***

Available

- c. ***Storm water control***

To meet code

- d. ***Police***

Police service provided by the West Patrol, District #223

- e. ***Fire***

Fire service provided by Station #8

- f. ***Transit***

Kansas City ATA does not provide transit near this property

- g. ***Schools***

Piper USD 203

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

Streets are existing and have been designed to meet these standards

4. ***Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire***

protection, and to provide for long-term sustained real estate values.

This will not create an issue.

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

Development patterns have been designed to enhance and protect natural features of the land and vegetation.

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

This action will not affect these.

7. ***Vacation will not create utility conflicts.***

This response is pending evaluation by the utility companies.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Utility Easement Vacation Applications #U/E-2019-7, 8, 9, 10, 11, and 12, subject to:

Urban Planning and Land Use Comments:

1. How will you determine which party will be responsible for the maintenance and repair of a retaining wall that transcends multiple property lines?

Staff: Applicant has provided an easement and maintenance agreement.
(See attached)

Public Works Comments:

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

1) None.

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

1) Provide retaining wall calculations, details, and construction plans signed and sealed by a Professional Structural Engineer registered in the State of Kansas, in accordance with UG standards and criteria. Please review and comply with the on-line retaining wall checklist. These requirement(s) are

- for all types of retaining walls, including modular block or pre-manufactured walls, and reinforced concrete walls. The retaining wall plans, and calculations shall be reviewed and approved by UG staff prior construction permit acquisition.
- 2) The retaining wall plans shall illustrate the layout of the wall across Tracts 2, Tracts 3, Lot 13, Lot 14, Lot 15 and Lot 16. The submitted retaining wall plans indicates the wall layout only on Lot 13 and is not acceptable for review. The proposed wall shall be designed and constructed to be continuous from Tract 2 to Lot 16. Based on UG Public Works comment that the proposed retaining wall shall not be built over the existing public storm sewer on Tract 3, the retaining wall plans may have to be revised. Further discussion with staff is required.
 - 3) Provide retaining wall layouts such that the retaining wall and footings, foundations, and/or geogrid do not cross property line or easements. For example, if a concrete reinforced wall, the toe of the footing shall not cross the property line. Further discussion with staff may be required prior to a resubmittal.
 - 4) Pedestrian guardrails shall be provided atop of retaining walls that are located greater than 30 inches above the grade below. Guardrail system shall resist overturning by a 50 pound per linear foot and 200 pounds concentrated load applied to top rail i.e. 42" above top of wall as identified in the checklist. Also, include post and footing anchorage design and details. In this regard, provide calculations for the proposed guard rail system.
 - 5) Retaining walls with heights greater than 6' shall be tiered walls. A minimum of 5' shall be provided between tiered walls.
 - 6) Retaining wall calculations shall meet minimum factor of safety requirements for bearing, sliding, and overturning per UG criteria. Retaining wall design shall be in accordance with the recommendations of the geotechnical report, as applicable. Otherwise, allowable soil bearing pressure shall be 1,500 s.f. per UG criteria.
 - 7) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Vacation Petitions #U/E-2019-7, 8, 9, 10, 11, and 12 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 13, 2020 City Planning Commission Minutes
Zoning Map
Exhibit
Description of Easement
Design Proposal
Amended Easement and Maintenance Agreement

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 13, 2020	January 30, 2020
Vacations	Approval	
U/E-2019-7, 8, 9, 10, 11 And 12		

STAFF CONTACT: **Shana Shanteau**
 sshanteau@wycokck.org

MOTIONS

#U/E-2019-7, 8, 9, 10, 11 and 12:

I move the Unified Government Board of Commissioners **APPROVE** Petitions **#U/E-2019-7, 8, 9, 10, 11 and 12**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **#U/E-2019-7, 8, 9, 10, 11 and 12**, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 13, 2020 City Planning Commission Minutes:

Hearing Starts 2:39:05 and no one was present; the applications were recalled at (Tape 2) 25:24 and no one was present.

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-7 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3640 North 110th Terrace

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-8 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3638 North 110th Terrace

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-9 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3636 North 110th Terrace

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-10 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3630 North 110th Terrace

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-11 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3624 North 110th Terrace

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-12 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3618 North 110th Terrace

Detailed Outline of Requested Action: The applicant is requesting vacation of a utility easement for the purpose of constructing a retaining wall.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publication in The Echo dated October 17, 2019, and
7. The Notices to property owners dated October 17, 2019, November 1, 2019 and December 5, 2019.

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

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared

Staff Recommendation Starts 25:34: Planning Director Richardson stated that this is all for new houses to be constructed and they need to build a new retaining wall for the houses to work. It needs to be built in the utility easement and there is nothing in the utility easement. No one really cares but the builder and it could hold up home construction. Director Richardson stated that he would recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts 26:10:

On motion by Ms. Pauley, seconded by Ms. Huey, the Planning Commission voted as follows to recommend **APPROVAL of Utility Easement Vacation Applications #U/E-2019-7, 8, 9, 10, 11 and 12:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

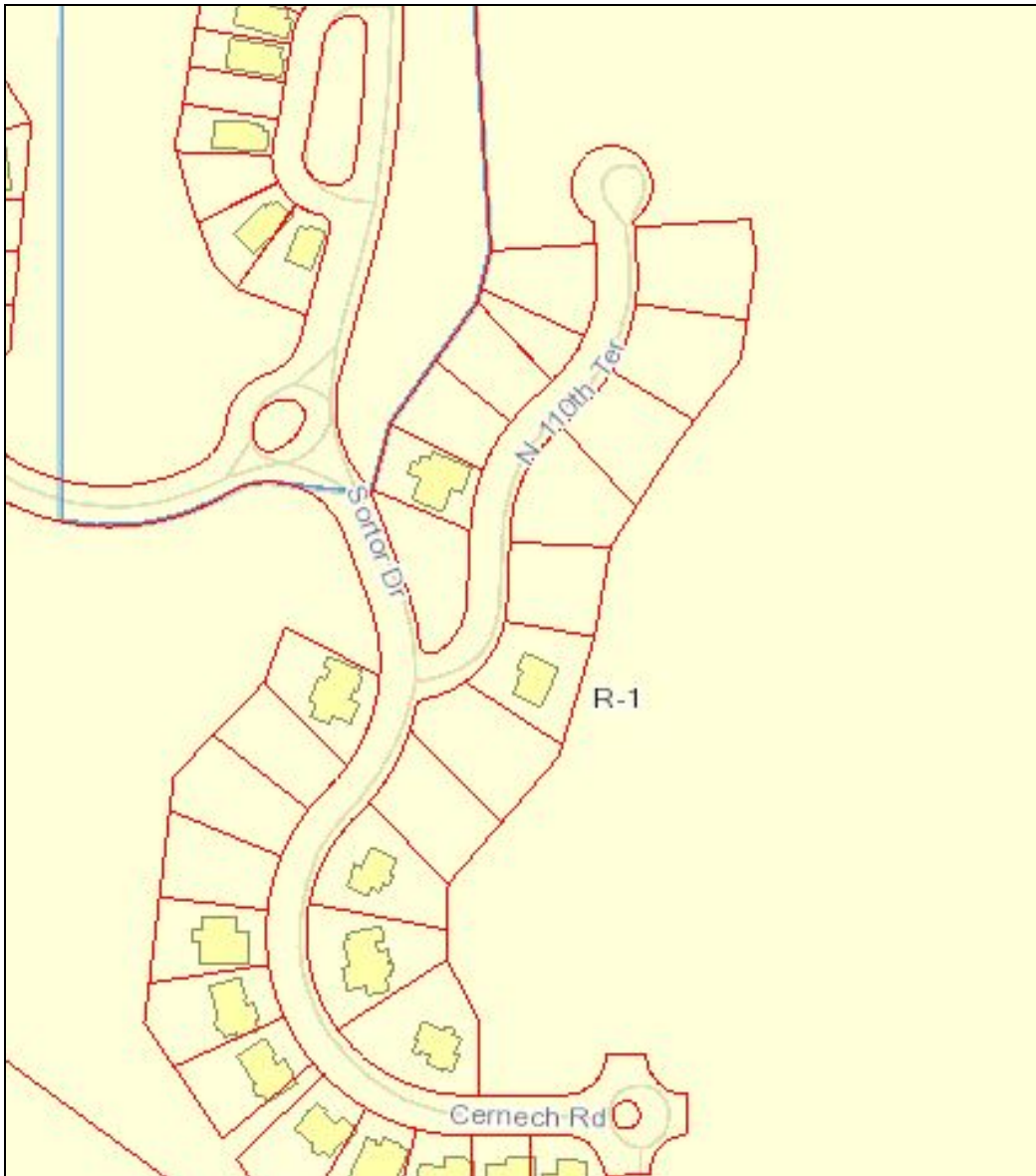
1. How will you determine which party will be responsible for the maintenance and repair of a retaining wall that transcends multiple property lines?

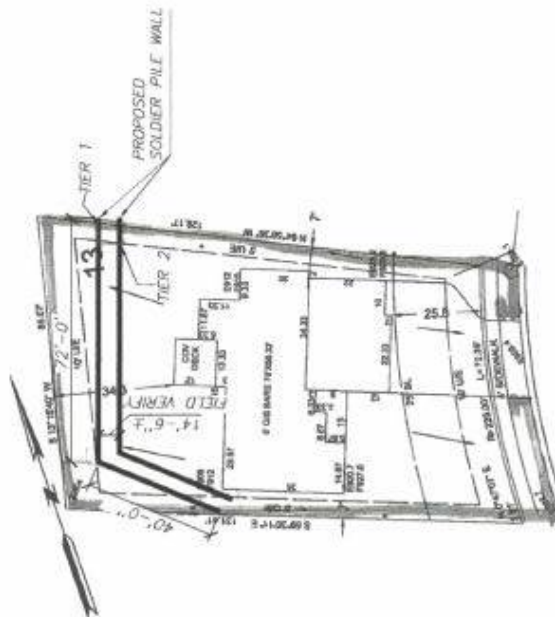
**Staff: Applicant has provided an easement and maintenance agreement.
(See attached)**

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None.
- B) Items that are conditions of approval (stipulations):
 - 1) Provide retaining wall calculations, details, and construction plans signed and sealed by a Professional Structural Engineer registered in the State of Kansas, in accordance with UG standards and criteria. Please review and comply with the on-line retaining wall checklist. These requirement(s) are for all types of retaining walls, including modular block or pre-manufactured walls, and reinforced concrete walls. The retaining wall plans, and calculations shall be reviewed and approved by UG staff prior construction permit acquisition.

- 2) The retaining wall plans shall illustrate the layout of the wall across Tracts 2, Tracts 3, Lot 13, Lot 14, Lot 15 and Lot 16. The submitted retaining wall plans indicates the wall layout only on Lot 13 and is not acceptable for review. The proposed wall shall be designed and constructed to be continuous from Tract 2 to Lot 16. Based on UG Public Works comment that the proposed retaining wall shall not be built over the existing public storm sewer on Tract 3, the retaining wall plans may have to be revised. Further discussion with staff is required.
 - 3) Provide retaining wall layouts such that the retaining wall and footings, foundations, and/or geogrid do not cross property line or easements. For example, if a concrete reinforced wall, the toe of the footing shall not cross the property line. Further discussion with staff may be required prior to a resubmittal.
 - 4) Pedestrian guardrails shall be provided atop of retaining walls that are located greater than 30 inches above the grade below. Guardrail system shall resist overturning by a 50 pound per linear foot and 200 pounds concentrated load applied to top rail i.e. 42" above top of wall as identified in the checklist. Also, include post and footing anchorage design and details. In this regard, provide calculations for the proposed guard rail system.
 - 5) Retaining walls with heights greater than 6' shall be tiered walls. A minimum of 5' shall be provided between tiered walls.
 - 6) Retaining wall calculations shall meet minimum factor of safety requirements for bearing, sliding, and overturning per UG criteria. Retaining wall design shall be in accordance with the recommendations of the geotechnical report, as applicable. Otherwise, allowable soil bearing pressure shall be 1,500 s.f. per UG criteria.
 - 7) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None





1 PROPOSED LOCATION OF SOLDIER PILE WALL
1/32"=1'-0"



GENERAL NOTES:

MATERIALS

1. SOLDIER BEAMS IN THIS PROJECT ARE #10X48 (ASTM A572 GRADE 50). SOLDIER BEAMS SHOULD BE TREATED USING THE FOLLOWING METHOD:
PRIMER, 2 MILS MIN. DRY FILM THICKNESS (DFT) BUT NOT MORE THAN 4 MILS DFT, USE 7690 DAMP PROOF RED PRIMER SEE 01/SW-04 FOR DETAILS;
2. TOP COAT: 2 MILS MIN. DFT BUT NOT MORE THAN 4 MILS DFT, USE STAINLESS STEEL POLYURETHANE SEE 02/SW-04 FOR DETAILS;
3. PRECAST LAGGINGS SEE 02/SW-03 FOR REINFORCING DETAILS;
4. CONCRETE WITH A COMPRESSIVE STRENGTH OF 3,500 PSI SHOULD BE USED FOR AUGER CAST PILES;
5. ALL REINFORCING STEEL SHALL BE ASTM A615, GRADE 60;
6. DRAINAGE FILL BEHIND WOOD LAGGING SHOULD BE #57 CLEAN GRAVEL OR EQUIVALENT WITH EQUAL GRADATION APPROVED BY RTE ENGINEERS;
7. 4" PERFORATED PIPE COVERED BY WATER FILTER FABRIC SHALL BE INSTALLED BEHIND THE WALL AND CONNECTED TO DAYLIGHT;

DESIGN ASSUMPTIONS

1. SURCHARGE PRESSURE=100 PSF;
2. UNIT WEIGHT OF SOIL = 125 PCF;
3. ACTIVE LATERAL EARTH PRESSURE COEFFICIENT = 0.40;
4. UNDRAINED SHEAR STRENGTH: SHALE = 20 KSF, SOIL = 1 KSF;
5. ASSUMED SERVICE LIFE IS 50 YEARS.

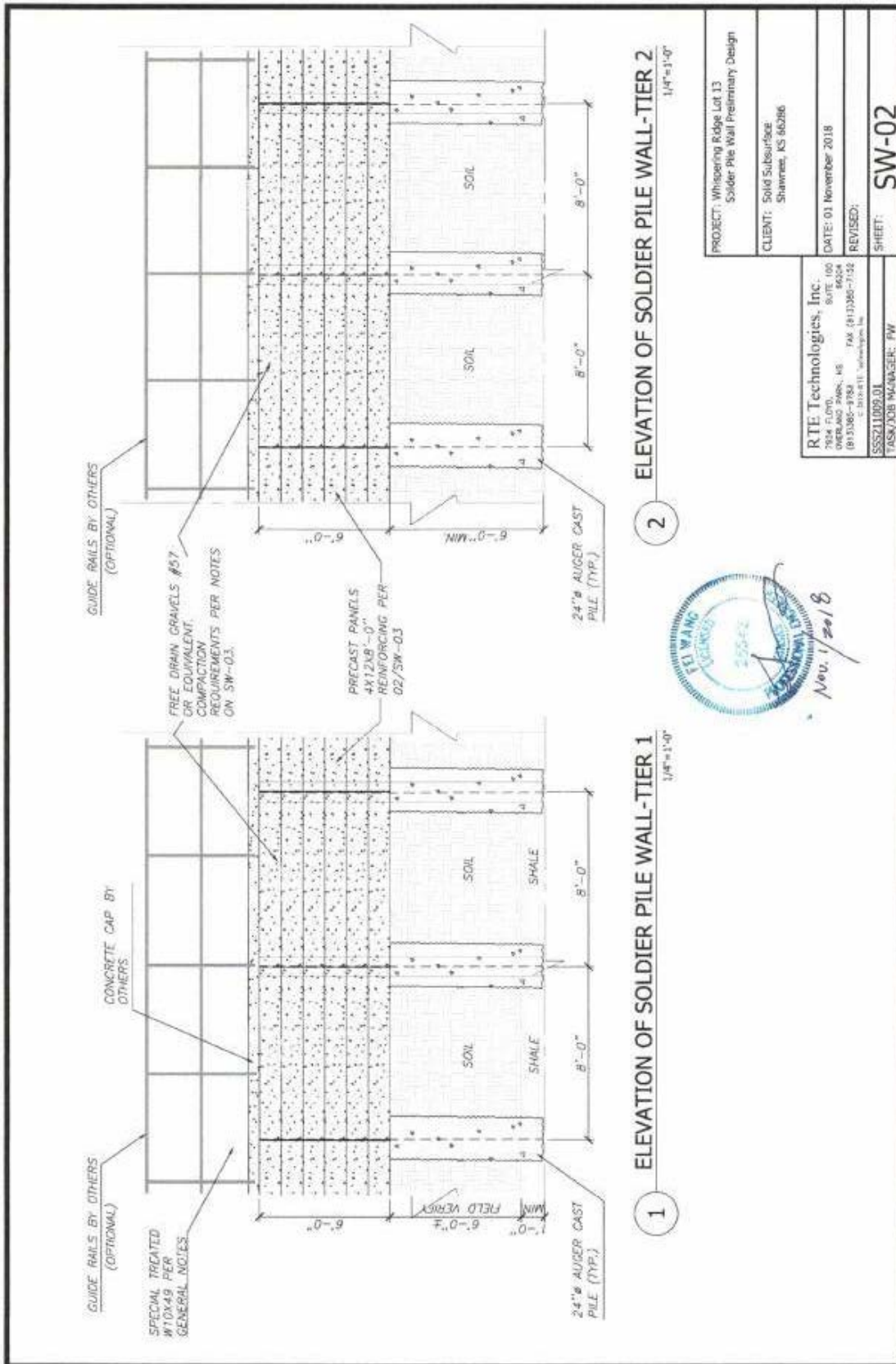
PROJECT: Whispering Ridge Lot 13
Soldier Pile Wall Design

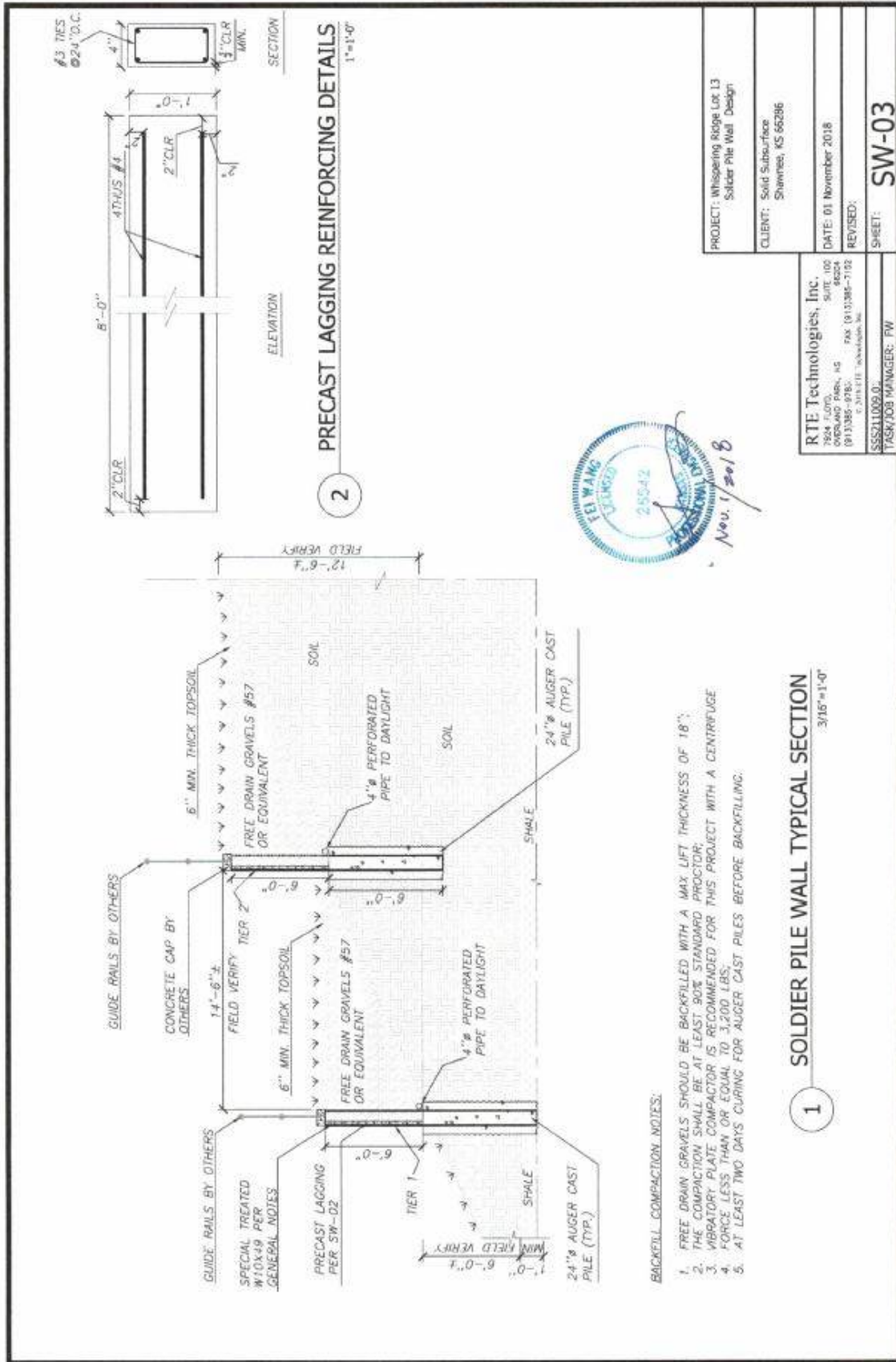
CLIENT: Solid Subsurface
Shawnee, KS 66286

DATE: 01 November 2018
REVISED:

SHEET: SW-01

RTE Technologies, Inc.
1704 E. 10th St.
Overland Park, KS 66104
(913) 585-9783 FAX (913) 585-7152
© 2014 RTE Technologies, Inc.
SSS211009.01
TASK/JOB MANAGER: FW





1 DRY FILM THICKNESS (DFT)
2 MILS $\leq$ DFT $\leq$ 4 MILS

2 DRY FILM THICKNESS (DFT)
2 MILS <= DFT <= 4 MILS

PROJECT: Whidpering Ridge Lot 13 Soldier Plc Wall Design	CLIENT: Solid Subsurface Shawnee, KS 66286	DATE: 01 November 2018	SHEET: SW-04
RTE Technologies, Inc. 7814 FLOYD, OVERLAND PARK, KS 66204 (913)385-2783 FAX (913)385-1752 C 301-4-RTI Technologies, Inc.		REVISED:	
ESS2411009.01 REVISED/AMENDED - END			

Prepared by and after recording return to:
Brock Burnick
9101 W. 110th Street, Suite 200
Overland Park, Kansas 66210
(913) 498-3536

FIRST AMENDED EASEMENT AND MAINTENANCE AGREEMENT

THIS AGREEMENT is entered into as of the 26th day of August, 2019, by and among **Whispering Ridge Investment Group, LLC**, a Kansas limited liability company ("WRIG"), **Whispering Ridge Homes Association, Inc.**, a Kansas corporation ("WRHA") and **GTS Homes, LLC**, a Kansas limited liability company ("GTS") (WRIG, WRHA, and GTS are sometimes individually referred to herein as "Owner" and collectively, the "Owners").

WHEREAS, WRIG is the owner of Lots 14, 15, and 16 described on **Exhibit A** attached hereto and made a part hereof ("WRIG Tracts");

WHEREAS, WRHA is the owner of Tract 3 described on Exhibit A attached hereto ("WRHA Tract");

WHEREAS, GTS is the owner of Lot 13 described on Exhibit A attached hereto ("GTS Tract");

WHEREAS, WRIG, WRHA, and GTS desire to grant WRIG and GTS an easement over, on and across a portion of the WRIG Tracts, WRHA Tract, and GTS Tract (altogether "Owner Tracts") for the benefit of WRIG, WRHA, and GTS, their successors, assigns, tenants, occupants, and invitees (the "Easement Tract").

WHEREAS, WRIG and GTS desire to share easement maintenance costs over, on and across a portion of the Easement Tracts for the benefit of WRIG, WRHA, and GTS, their successors, assigns, tenants, occupants, and invitees.

NOW, THEREFORE, in consideration of the covenants contained in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the following grants, agreements, covenants and restrictions are made:

1. **Easement Grant.** There is or the Owners intend that there will be a retaining wall running along the western boundary of the Owner Tracts as generally depicted on Exhibit A (the "Bluff Wall"), which the Owners intend to be located entirely on the Owner Tracts and which will benefit the Owner Tracts properties. WRIG, WRHA, and GTS, as Owners of the Easement Tract, do hereby grant and convey unto WRIG and GTS for the benefit of the Owner Tracts a permanent and non-exclusive right and easement in, upon, over, through, and across the Easement Tract for the purposes of a retaining wall as legally described in Exhibit A. Owners hereby grant to WRIG and GTS a temporary construction easement across the Easement Tract to maintain, repair, and replace the Bluff Wall from time to time.

2. **Maintenance.** WRIG and GTS and their successors and assigns shall pay for the costs of maintaining, repairing and replacing all improvements located within the Easement Tract, with such payment to be due and payable to any Owner incurring maintenance costs, as applicable, within thirty (30) days of receipt of notice of such costs from such Owner, as applicable. No Owner of the Easement Tract may install or permit the installation of any improvements or modify, relocate or remove any part of the Bluff Wall without the prior written consent of the other Owners. The Owners shall share the Bluff Wall Maintenance costs as follows:

Lot 13 Owner.....	25%
Lot 14 Owner.....	25%
Lot 15 Owner.....	25%
Lot 16 Owner.....	25%

WRIG and GTS and their successors and assigns agree herein that any damage to the Owner Tracts resulting from the granting of this easement be repaired at no cost to WRHA.

3. **Barriers.** The Owners may erect curbs and landscaping on their respective properties in order to define their respective property so long as such curbs and landscaping do not detract from the access rights of WRIG, GTS, or their Permittees, or prevent, hinder or interfere in any way with the intended purpose of this Agreement. In no event may any Owner prevent the uninhibited access to and from any tract benefitted hereby as shown on the Site Plan, provided that WRIG and/or GTS may temporarily close the Easement Tract for purposes of performing the maintenance obligations herein.

4. **Indemnification.** WRIG and GTS shall indemnify and hold harmless WRHA from and against all claims, liabilities and expenses (including reasonable attorney fees) relating to accidents, injuries, loss, or damage to any person or property arising from all acts or omissions of WRIG and GTS or their tenants, contractors, employees, or agents within the Easement Tract.

5. **Covenants to Run with Land.** This Agreement and the rights and obligations hereunder shall run with the land and title to the WRIG Tracts, WRHA Tract, and GTS Tract, and be binding upon and inure to the benefit of the parties, their successors and assigns, and their respective tenants, and such tenants' agents, employees contractors and invitees, and/or any person who shall hereafter acquire title to the WRIG Tracts, WRHA Tract, and GTS Tract. This Agreement may only modified in a written document executed by all parties. This Agreement shall be construed and governed by the laws of the State of Kansas.

6. **Notices.** Any notice, report or demand required, permitted or desired to be given under this Agreement shall be in writing and shall be delivered by nationally recognized overnight courier with evidence of receipt to the parties at the addresses shown below or at such other address as the respective parties may from time to time designate by like notice. Delivery shall be deemed effective on the date of as shown on the delivery ticket of the applicable courier evidencing receipt. The initial addresses of the Owners are as follows:

WRHA's Address: Whispering Ridge Homes Association, Inc.
c/o Jessica L. Bane
11064 Whispering Lane
Kansas City, Kansas 66109

WRIG's Address: Whispering Ridge Investment Group, LLC
c/o Tory Graham
45245 Metcalf Avenue
Overland Park, Kansas 66223

216 NE BARRY ROAD
KANSAS CITY, MISSOURI
64155

GTS's: GTS Homes, LLC
216 NE Barry Road
Kansas City, Missouri 64155

7. **Amendment.** This Agreement amends, supersedes, and replaces the Easement and Maintenance Agreement dated June 3, 2019, and recorded with the Wyandotte County, Kansas Recorder of Deeds on June 12, 2019, in Book No. 2019R, Page No. 07381.

8. **Counterpart Execution.** This Agreement may be executed in several counterparts, all or any of which shall be regarded for all purposes as one original and shall constitute and be but one and the same instrument.

IN WITNESSES WHEREOF, the parties have set their hands on the date shown below.

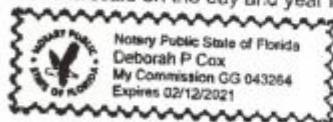
Whispering Ridge Investment Group, LLC,
a Kansas limited liability company

By: [Signature]
Name: Ihsan Alsalman
Its: PRESIDENT

STATE OF Florida)
COUNTY OF Lee) ss

On this 22 day of August, 2019, before me appeared Ihsan Alsalman to me personally known, who, being by me duly sworn, did say that he is the manager of Whispering Ridge Investment Group, LLC, a Kansas limited liability company, and that said instrument was signed on behalf of said limited liability company, and s/he acknowledged said instrument to be the free act and deed of said limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid on the day and year first above written.



My commission expires: 02/12/2021

Deborah P. Cox
Notary Public
DEBORAH P. COX
Print Name

Whispering Ridge Homes Association, Inc.,
a Kansas corporation

By: Cathy Harding
Name: Cathy Harding
Its: President

STATE OF Kansas)
COUNTY OF Wyandotte) ss.

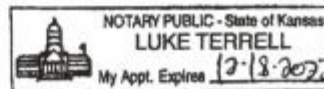
On this 20 day of August, 2019, before me appeared Cathy Harding, to me personally known, who being by me duly sworn, did say that he is the President of Whispering Ridge Homes Association, Inc., a Kansas corporation, and that the foregoing instrument was signed in behalf of said corporation by authority of its Board of Directors, and s/he acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office the day and year last above written.

Luke Terrell
Notary Public
Luke Terrell
Print Name

My commission expires:

12-18-2022

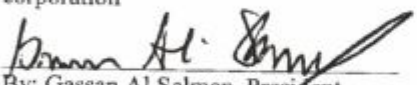


GTS HOMES, LLC, a Kansas limited liability company
BY ITS MANAGING MEMBER: TORY GRAHAM, INC., a Kansas corporation, Its Managing
Member


By: Tory Graham, President

And

GTS HOMES, LLC, a Kansas limited liability company
BY ITS MANAGING MEMBER: GASSAN AL SALMAN, P.C., a Missouri provisional
corporation


By: Gassan Al Salman, President

STATE OF _____)
COUNTY OF _____) ss.

This instrument was acknowledged before me on the _____ day of _____, 2019,
by Tory Graham as President of Tory Graham, Inc., a Kansas corporation, and Gassan Al
Salman as President of Gassan Al Salman, P.C., a Missouri professional corporation BOTH as
Managing Members of GTS Homes, LLC, a Kansas limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the
day and year last above written.

Notary Public

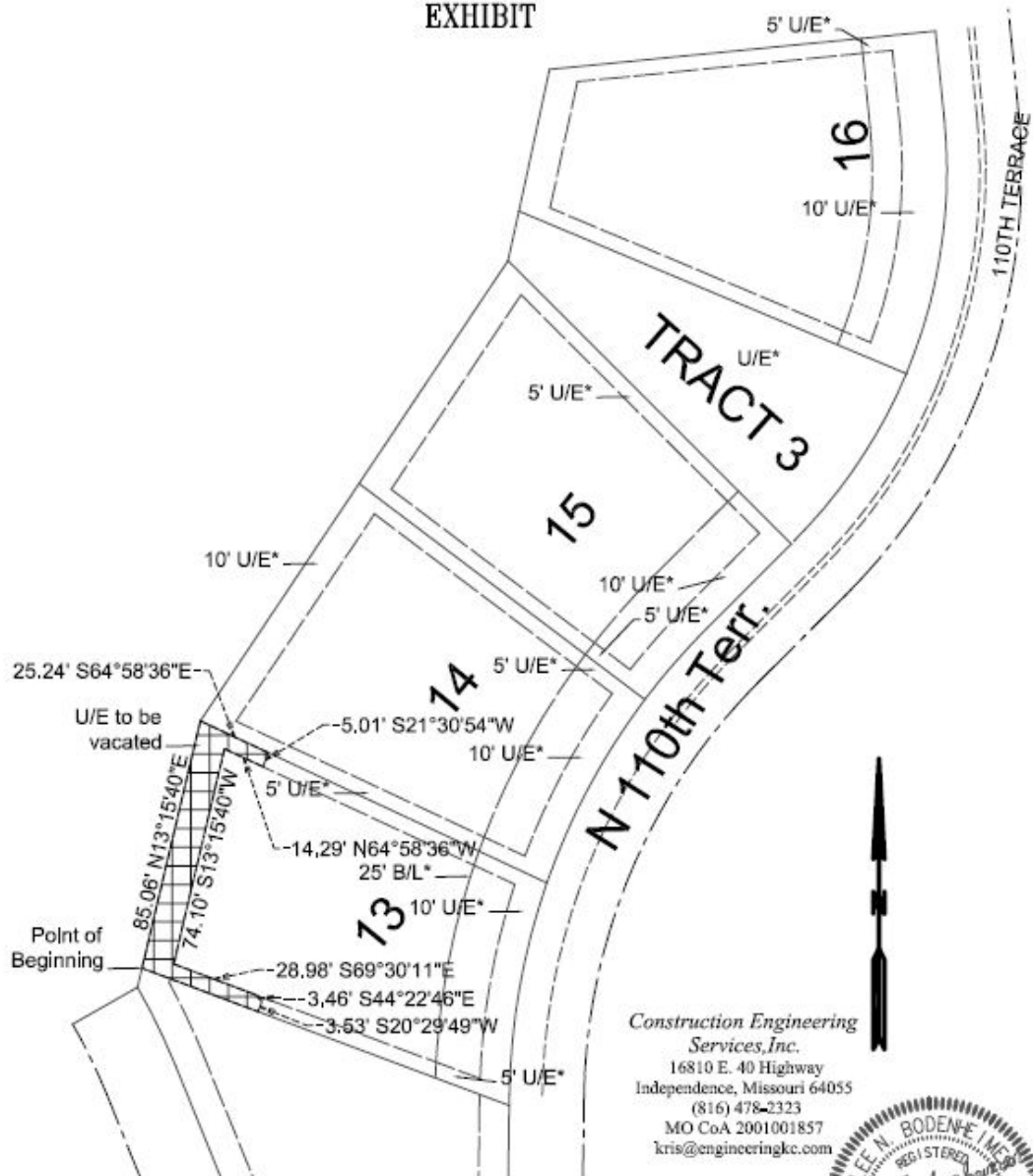
My Commission Expires:

Description of easement

A portion of Lots 13, 14, 15, 16 and Tract 3, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Southwest corner of Lot 13, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 13 degrees 15 minutes 40 seconds East along the West line of Lot 13 a distance of 85.06 feet; thence North 33 degrees 47 minutes 08 seconds East along the West line of Lot 14 a distance of 95.65 feet; thence North 33 degrees 47 minutes 08 seconds East along the West line of Lot 15 a distance of 89.87 feet; thence North 12 degrees 13 minutes 28 seconds East along the West line of Tract 3 a distance of 16.97 feet; thence North 12 degrees 13 minutes 28 seconds East along the West line of Lot 16 a distance of 48.55 feet to the Northwest corner of Lot 16 of Whispering Ridge The Bluff, First Plat; thence North 84 degrees 20 minutes 10 seconds East along the North line of said lot 16 a distance of 26.27 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 5.25 feet; thence South 84 degrees 20 minutes 10 seconds West a distance of 15.76 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 43.30 feet; thence South 67 degrees 15 minutes 28 seconds East a distance of 15.26 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 4.49 feet; thence South 19 degrees 45 minutes 36 seconds West a distance of 0.59 feet to a point on the North Line of Tract 3; thence South 19 degrees 45 minutes 36 seconds West a distance of 24.64 feet; thence South 33 degrees 33 minutes 18 seconds West a distance of 1.62 feet to a point on the Northerly line of Lot 15; thence South 33 degrees 33 minutes 18 seconds West a distance of 5.10 feet; thence North 44 degrees 59 minutes 17 seconds West a distance of 14.93 feet; thence South 33 degrees 47 minutes 08 seconds West a distance of 78.35 feet; thence South 52 degrees 58 minutes 00 seconds East a distance of 14.97 feet; thence South 33 degrees 41 minutes 06 seconds West a distance of 5.01 feet to a point on the Northerly line of Lot 14; thence South 33 degrees 41 minutes 06 seconds West a distance of 5.01 feet; thence North 52 degrees 58 minutes 00 seconds West a distance of 14.99 feet; thence South 33 degrees 47 minutes 08 seconds West a distance of 83.47 feet; thence South 64 degrees 58 minutes 36 seconds East a distance of 15.12 feet; thence South 33 degrees 48 minutes 02 seconds West a distance of 5.06 feet to a point on the Northerly line of Lot 13; thence South 21 degrees 30 minutes 54 seconds West a distance of 5.01 feet thence North 64 degrees 58 minutes 36 seconds West a distance of 14.29 feet; thence South 13 degrees 15 minutes 40 seconds West a distance of 74.10 feet; thence South 69 degrees 30 minutes 11 seconds East a distance of 28.98; thence South 44 degrees 22 minutes 46 seconds East a distance of 3.46 feet; thence South 20 degrees 29 minutes 49 seconds West a distance of 3.53 feet; thence North 69 degrees 30 minutes 11 seconds West along the Southerly line of Lot 13 a distance of 41.56 feet to the Point of Beginning.

EXHIBIT



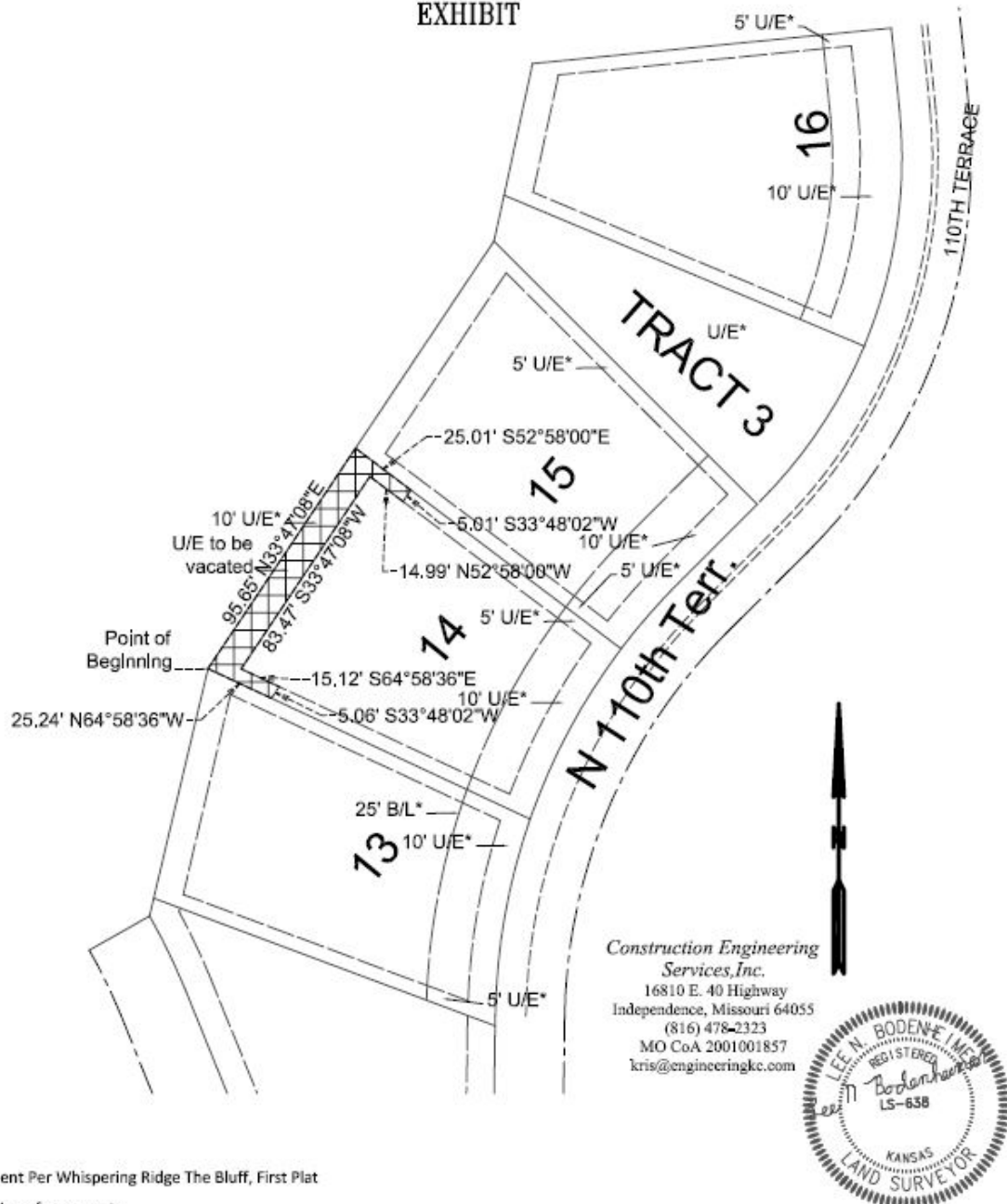
* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Lots 13, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Southwest corner of Lot 13, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 13 degrees 15 minutes 40 seconds East along the West line of Lot 13 a distance of 85.06 feet; thence South 64 degrees 58 minutes 36 seconds East along the Northerly line Lot 13 a distance of 25.24 feet; thence South 21 degrees 30 minutes 54 seconds West a distance of 5.01 feet; thence North 64 degrees 58 minutes 36 seconds West a distance of 14.29 feet; thence South 13 degrees 15 minutes 40 seconds West a distance of 74.10 feet; thence south 69 degrees 30 minutes 11 seconds East a distance of 28.98 feet; thence South 44 degrees 22 minutes 46 seconds East a distance of 3.46 feet; thence South 20 degrees 29 minutes 49 seconds West a distance of 3.53 feet; thence North 69 degrees 30 minutes 11 seconds West along the South line of said Lot 13 a distance of 41.56 feet to the Point of Beginning.

EXHIBIT



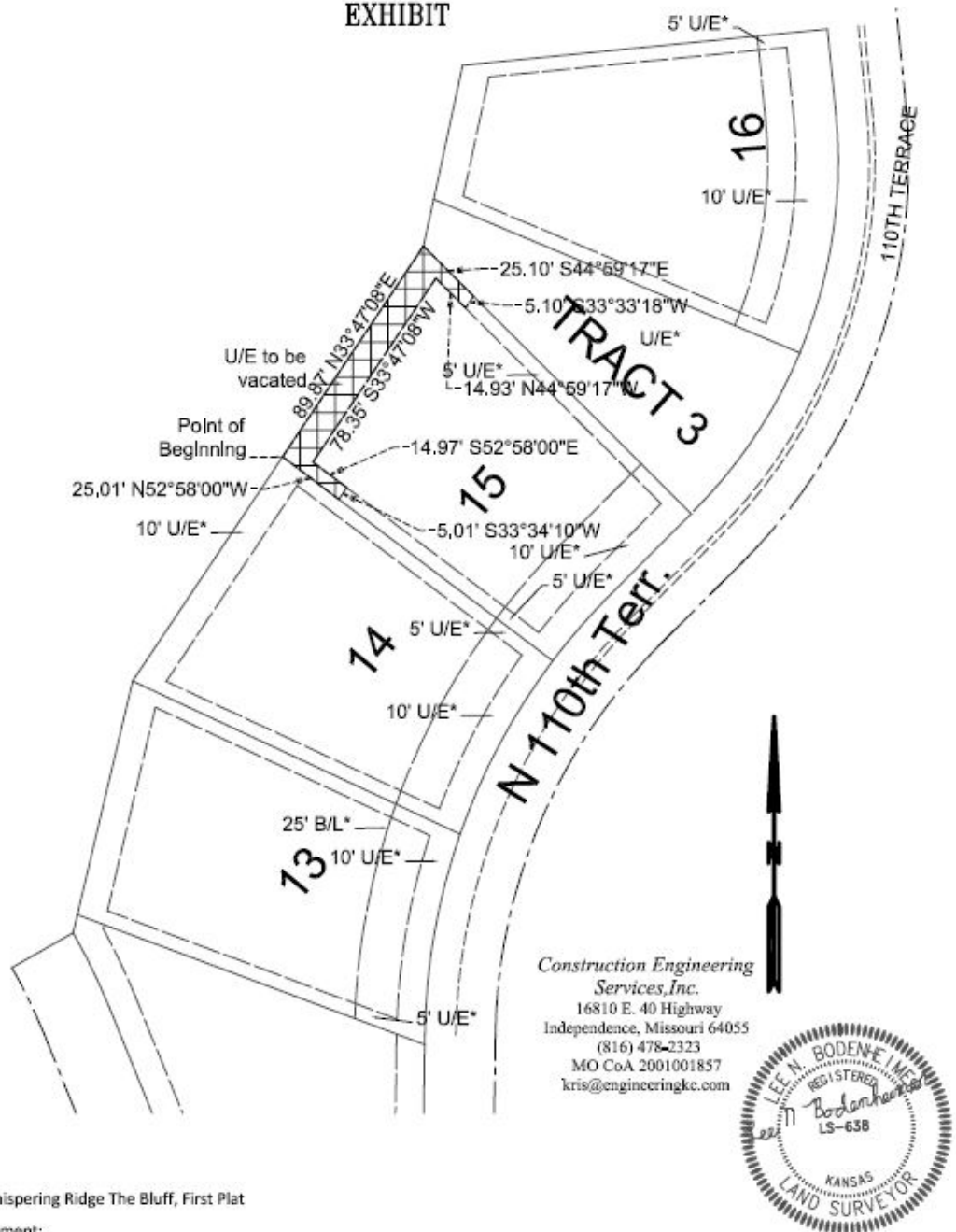
* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Lots 14, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Southwest corner of Lot 14, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 33 degrees 47 minutes 08 seconds East along the Westerly line of Lot 14 a distance of 95.65 feet; thence South 52 degrees 58 minutes 00 seconds East along the Southerly line of Lot 15 a distance of 25.01 feet; thence South 33 degrees 48 minutes 02 seconds West a distance of 5.01 feet; thence North 52 degrees 58 minutes 00 seconds West a distance of 14.99 feet; thence south 33 degrees 47 minutes 08 seconds West a distance of 83.47 feet; thence South 64 degrees 58 minutes 36 seconds East a distance of 15.12 feet; thence South 33 degrees 48 minutes 02 seconds West a distance of 5.06 feet; thence North 64 degrees 58 minutes 36 seconds West along the Southerly line of Lot 14 a distance of 25.24 feet to the Point of Beginning.

EXHIBIT

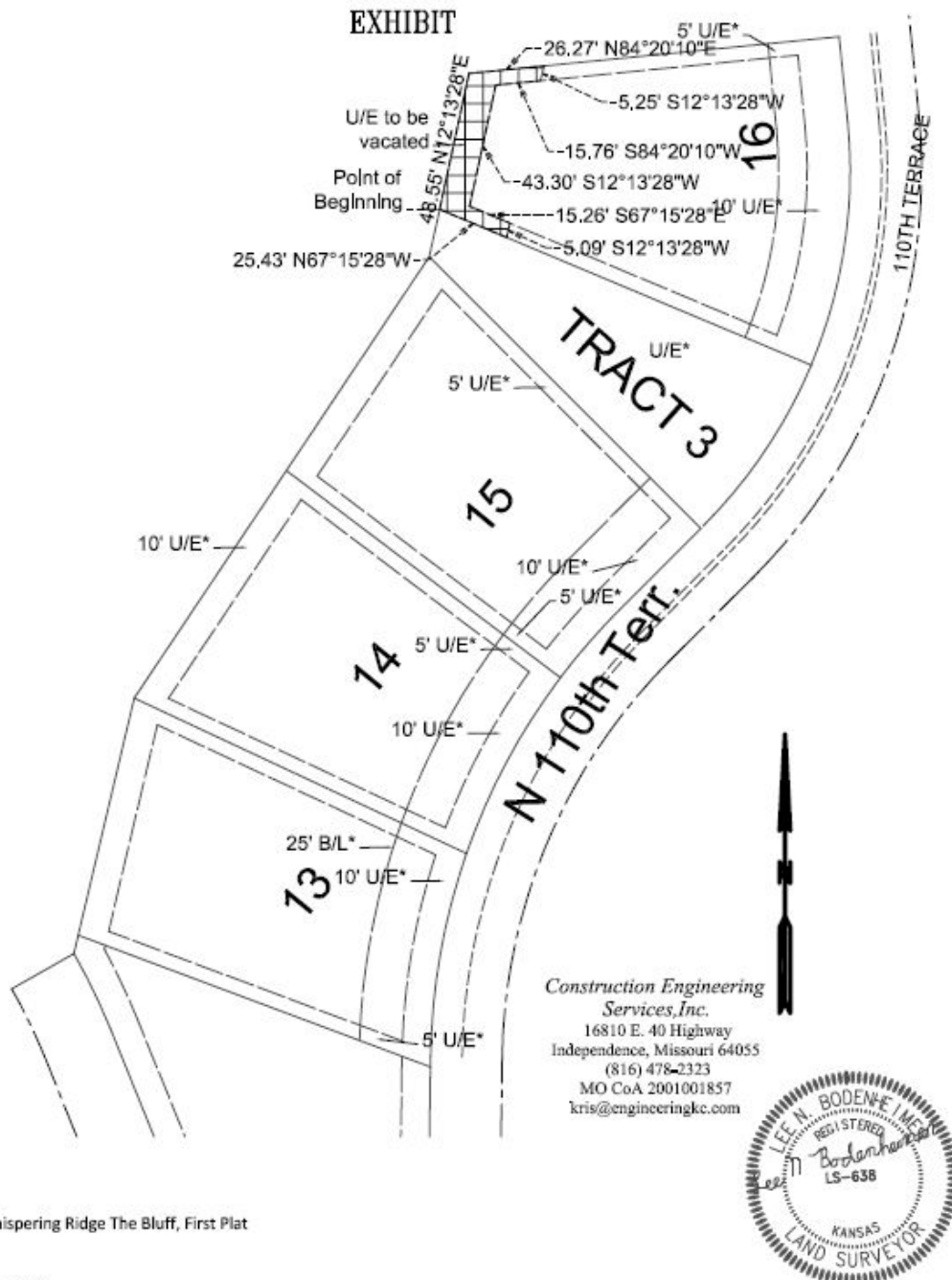


* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Lots 15, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Southwest corner of Lot 15, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 33 degrees 47 minutes 08 seconds East along the Westerly line of Lot 15 a distance of 89.87 feet; thence South 44 degrees 59 minutes 17 seconds East along the Northerly line of Lot 15 a distance of 25.10 feet; thence South 33 degrees 33 minutes 18 seconds West a distance of 5.10 feet; thence North 44 degrees 59 minutes 17 seconds West a distance of 14.93 feet; thence South 33 degrees 47 minutes 08 seconds West a distance of 78.35 feet; thence South 52 degrees 58 minutes 00 seconds East a distance of 14.97 feet; thence South 33 degrees 34 minutes 10 seconds West a distance of 5.01 feet; thence North 52 degrees 58 minutes 00 seconds West along the Southerly line of Lot 15 a distance of 25.01 feet to the Point of Beginning.



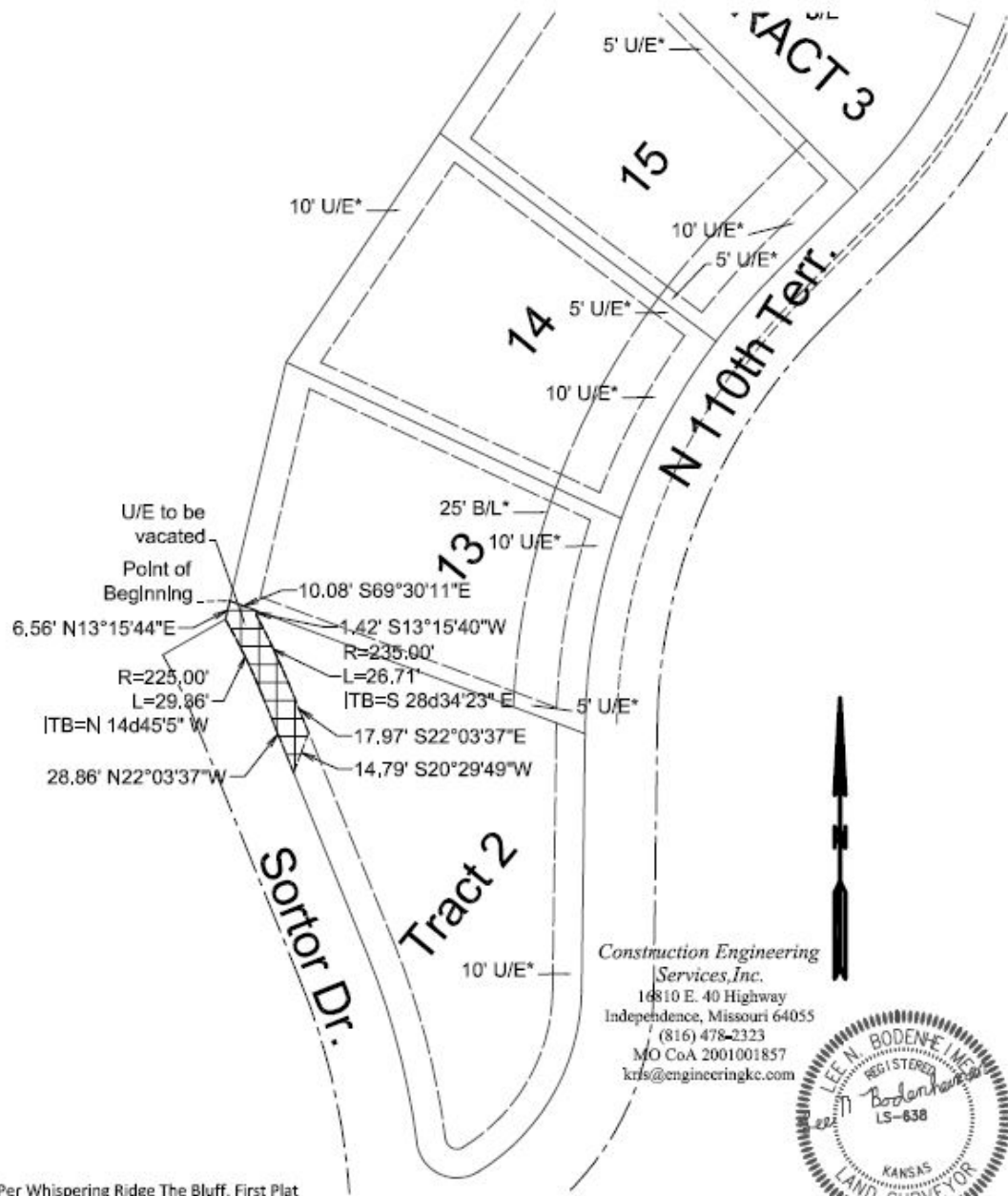
* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Lots 16, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Southwest corner of Lot 16, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 12 degrees 13 minutes 28 seconds East along the West line of Lot 16 a distance of 48.55 feet; thence North 84 degrees 20 minutes 10 seconds East along the North line of Lot 16 a distance of 26.27 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 5.25 feet; thence South 84 degrees 20 minutes 10 seconds West a distance of 15.76 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 43.30 feet; thence South 67 degrees 15 minutes 28 seconds East a distance of 15.26 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 5.09 feet; thence North 67 degrees 15 minutes 28 seconds West along the Southerly line of Lot 16 a distance of 25.35 feet to the Point of Beginning.

EXHIBIT



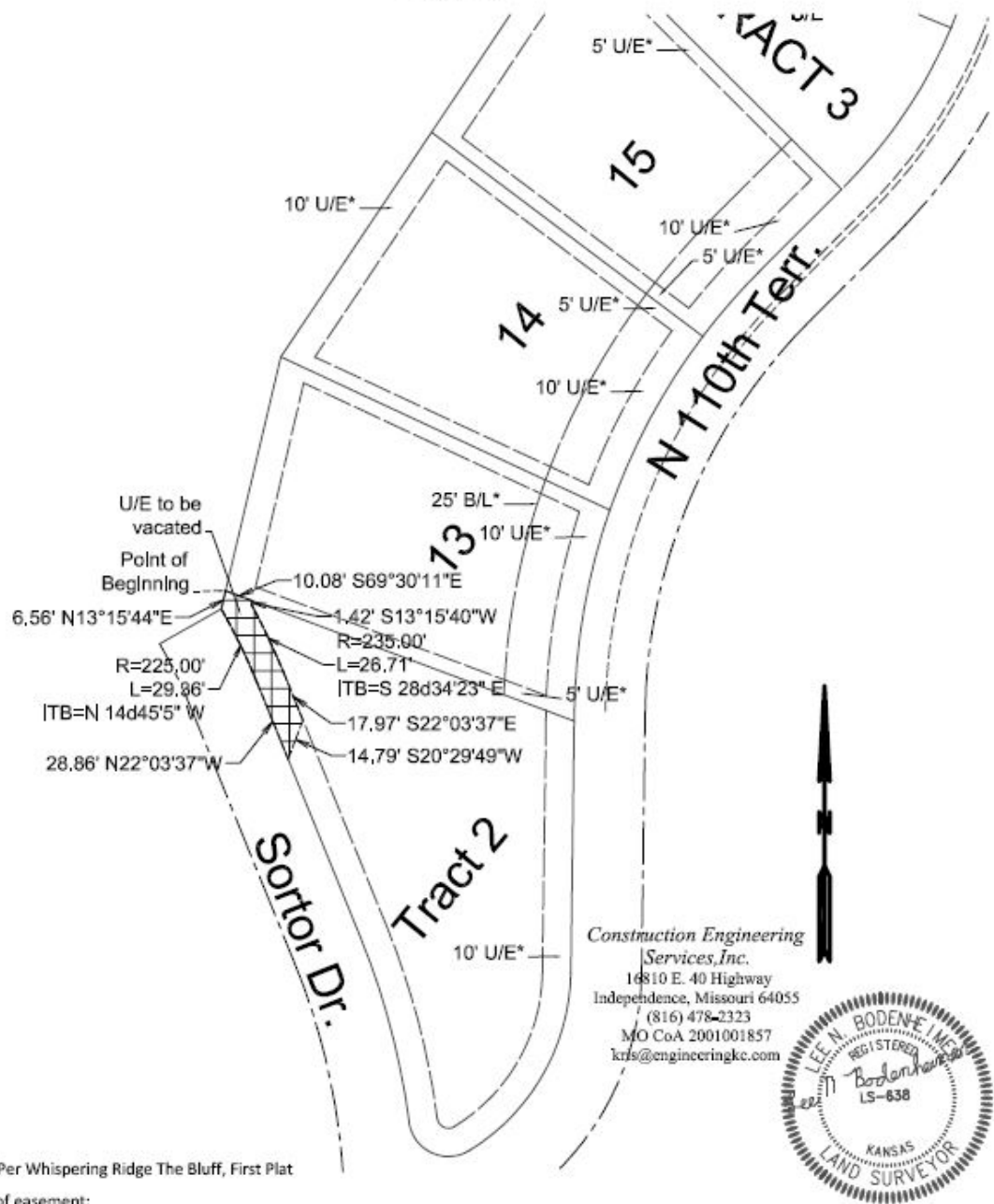
* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Tract 2, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Northwest corner of Tract 2, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence South 69 degrees 30 minutes 11 seconds East along the North line of Tract 2 a distance of 10.08 feet; thence South 13 degrees 15 minutes 40 seconds West a distance of 1.42 feet; thence along a curve to the right having an initial tangent bearing of South 28 degrees 34 minutes 23 seconds East, a radius of 235.00 feet, and a distance of 26.71 feet; thence South 22 degrees 03 minutes 37 seconds East a distance of 17.97 feet; thence South 20 degrees 29 minute 49 seconds West a distance of 14.79 feet; thence North 22 degrees 03 minutes 37 seconds West along the Easterly right of way of Sortor Dr. a distance of 28.86 feet; thence along a curve to the left having an initial tangent bearing of North 14 degrees 45 minutes 5 seconds West, a radius of 225.00 feet, and a length of 29.36 feet; thence North 13 degrees 15 minutes 44 seconds East a distance of 6.56 feet to the Point of Beginning.

EXHIBIT

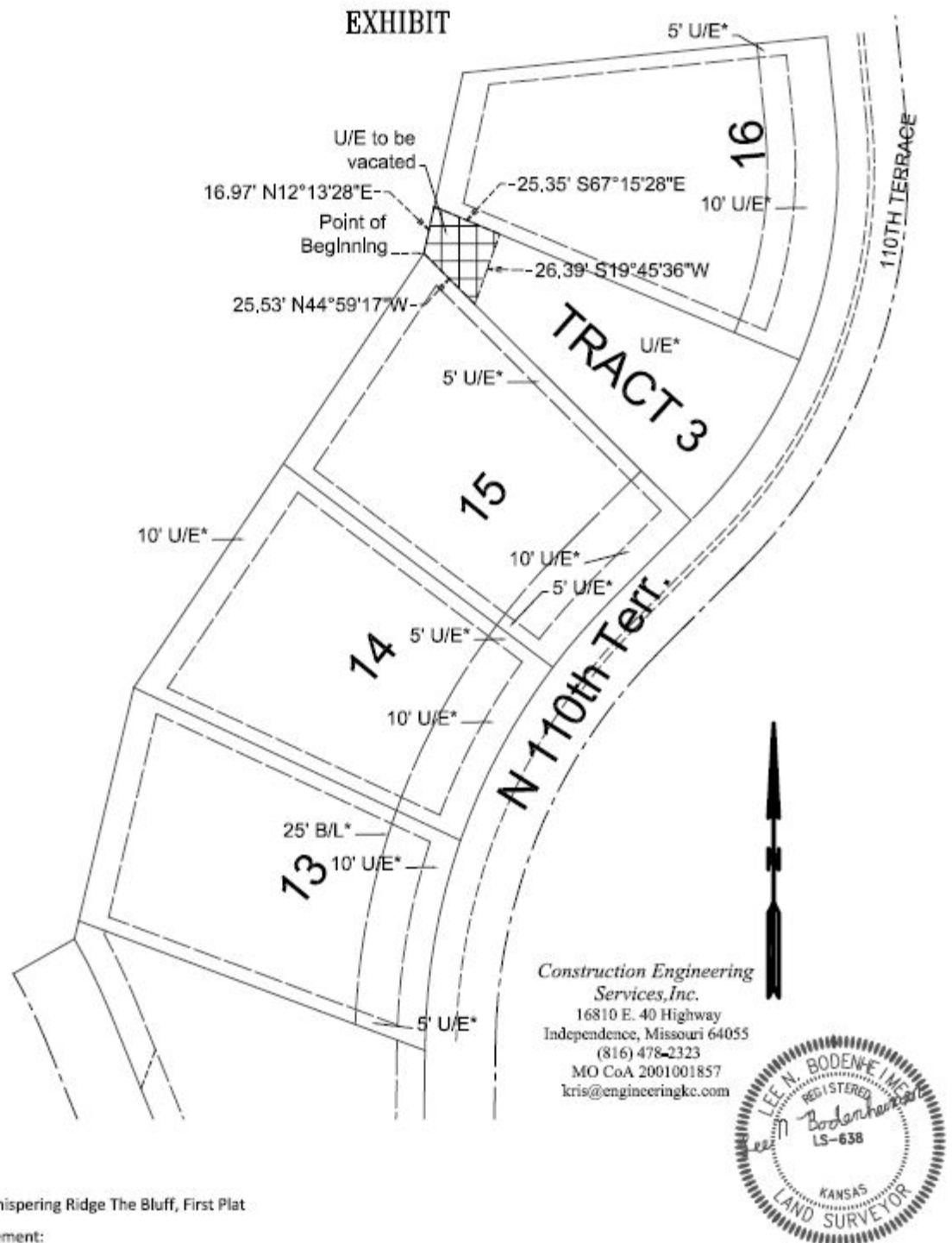


* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Tract 2, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Northwest corner of Tract 2, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence South 69 degrees 30 minutes 11 seconds East along the North line of Tract 2 a distance of 10.08 feet; thence South 13 degrees 15 minutes 40 seconds West a distance of 1.42 feet; thence along a curve to the right having an initial tangent bearing of South 28 degrees 34 minutes 23 seconds East, a radius of 235.00 feet, and a distance of 26.71 feet; thence South 22 degrees 03 minutes 37 seconds East a distance of 17.97 feet; thence South 20 degrees 29 minute 49 seconds West a distance of 14.79 feet; thence North 22 degrees 03 minutes 37 seconds West along the Easterly right of way of Sortor Dr. a distance of 28.86 feet; thence along a curve the left having a initial tangent bearing of North 14 degrees 45 minutes 5 seconds West, a radius of 225.00 feet, and a length of 29.36 feet; thence North 13 degrees 15 minutes 44 seconds East a distance of 6.56 feet to the Point of Beginning.



* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Tract 3, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Southwest corner of Tract 3, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 12 degrees 13 minutes 28 seconds East along the West line of Tract 3 a distance of 16.97 feet; thence South 67 degrees 15 minutes 28 seconds East along the Northerly line of Tract 3 a distance of 25.35 feet; thence South 19 degrees 45 minutes 36 seconds West a distance of 26.39 feet; thence North 44 degrees 59 minutes 17 seconds West along the Southerly line of Tract 3 a distance of 25.53 feet to the Point of Beginning.



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners

From: City Staff

Date: January 30, 2020

Re: Vacation Petitions #UE-2019-7, UE-2019-8, UE-2019-9,
UE-2019-10, UE-2019-11, UE-2019-12

GENERAL INFORMATION

Applicant:
Tory Graham

Status of Applicant:
Representative
GTS Homes LLC
216 NE Barry Rd
Kansas City, MO 64155

Requested Action:
Vacation of Utility Easement

Date of Application:
September 30, 2019

Purpose:
The vacation of a utility easement for the purpose of constructing a retaining wall

Property Location:
Whispering Ridge Subdivision:
3640 North 110th Terrace, 3638 North
110th Terrace, 3636 North 110th



Terrace, 3630 North 110th Terrace, 3624 North 110th Terrace, 3618 North 110th Terrace,

Existing Zoning: R-1 Single Family District

Existing Surrounding Zoning: **North:** R-1 Single Family District

South: R-1 Single Family District

East: R-1 Single Family District

West: R-1 Single Family District

Existing Uses: **North:** Undeveloped Land

South: Single Family Homes

East: Undeveloped Land

West: Undeveloped, Wooded Area

Neighborhood Characteristics: The neighborhood is residential in nature and largely undeveloped, to date.

Total Tract Size: 3640 North 110th Terrace .26 acre

3638 North 110th Terrace .13 acre

3636 North 110th Terrace .23 acre

3630 North 110th Terrace .23 acre

3624 North 110th Terrace .23 acre

3618 North 110th Terrace .31 acre

Master Plan Designation: The City-Wide Master Plan Designates this area as low-density residential

Major Street Plan: The Major Street Plan designates 110th Terrace as a local street

Advertisement: Wyandotte Echo – October 17, 2019

Letters to Property Owners – October 17, 2019, November 1, 2019, December 5, 2019 and January 23, 2020

Public Hearings: January 13, 2020 and January 30, 2020

Public Opposition: No one appeared in opposition at the January 13, 2020 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant is requesting vacation of a utility easement for the purpose of constructing a retaining wall.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709 and K.S.A. 12-504 to 12-506 and 12-512b.

FACTORS TO BE CONSIDERED

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

This action will not affect these.

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

- a. ***Water service***

Available

- b. ***Sanitary sewer service***

Available

- c. ***Storm water control***

To meet code

- d. ***Police***

Police service provided by the West Patrol, District #223

- e. ***Fire***

Fire service provided by Station #8

- f. ***Transit***

Kansas City ATA does not provide transit near this property

- g. ***Schools***

Piper USD 203

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

Streets are existing and have been designed to meet these standards

4. ***Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire***

protection, and to provide for long-term sustained real estate values.

This will not create an issue.

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

Development patterns have been designed to enhance and protect natural features of the land and vegetation.

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

This action will not affect these.

7. ***Vacation will not create utility conflicts.***

This response is pending evaluation by the utility companies.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Utility Easement Vacation Applications #U/E-2019-7, 8, 9, 10, 11, and 12, subject to:

Urban Planning and Land Use Comments:

1. How will you determine which party will be responsible for the maintenance and repair of a retaining wall that transcends multiple property lines?

Staff: Applicant has provided an easement and maintenance agreement.
(See attached)

Public Works Comments:

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

1) None.

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

1) Provide retaining wall calculations, details, and construction plans signed and sealed by a Professional Structural Engineer registered in the State of Kansas, in accordance with UG standards and criteria. Please review and comply with the on-line retaining wall checklist. These requirement(s) are

- for all types of retaining walls, including modular block or pre-manufactured walls, and reinforced concrete walls. The retaining wall plans, and calculations shall be reviewed and approved by UG staff prior construction permit acquisition.
- 2) The retaining wall plans shall illustrate the layout of the wall across Tracts 2, Tracts 3, Lot 13, Lot 14, Lot 15 and Lot 16. The submitted retaining wall plans indicates the wall layout only on Lot 13 and is not acceptable for review. The proposed wall shall be designed and constructed to be continuous from Tract 2 to Lot 16. Based on UG Public Works comment that the proposed retaining wall shall not be built over the existing public storm sewer on Tract 3, the retaining wall plans may have to be revised. Further discussion with staff is required.
 - 3) Provide retaining wall layouts such that the retaining wall and footings, foundations, and/or geogrid do not cross property line or easements. For example, if a concrete reinforced wall, the toe of the footing shall not cross the property line. Further discussion with staff may be required prior to a resubmittal.
 - 4) Pedestrian guardrails shall be provided atop of retaining walls that are located greater than 30 inches above the grade below. Guardrail system shall resist overturning by a 50 pound per linear foot and 200 pounds concentrated load applied to top rail i.e. 42" above top of wall as identified in the checklist. Also, include post and footing anchorage design and details. In this regard, provide calculations for the proposed guard rail system.
 - 5) Retaining walls with heights greater than 6' shall be tiered walls. A minimum of 5' shall be provided between tiered walls.
 - 6) Retaining wall calculations shall meet minimum factor of safety requirements for bearing, sliding, and overturning per UG criteria. Retaining wall design shall be in accordance with the recommendations of the geotechnical report, as applicable. Otherwise, allowable soil bearing pressure shall be 1,500 s.f. per UG criteria.
 - 7) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Vacation Petitions #U/E-2019-7, 8, 9, 10, 11, and 12 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 13, 2020 City Planning Commission Minutes
Zoning Map
Exhibit
Description of Easement
Design Proposal
Amended Easement and Maintenance Agreement

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 13, 2020	January 30, 2020
Vacations	Approval	
U/E-2019-7, 8, 9, 10, 11 And 12		

STAFF CONTACT: **Shana Shanteau**
 sshanteau@wycokck.org

MOTIONS

#U/E-2019-7, 8, 9, 10, 11 and 12:

I move the Unified Government Board of Commissioners **APPROVE** Petitions **#U/E-2019-7, 8, 9, 10, 11 and 12**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **#U/E-2019-7, 8, 9, 10, 11 and 12**, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 13, 2020 City Planning Commission Minutes:

Hearing Starts 2:39:05 and no one was present; the applications were recalled at (Tape 2) 25:24 and no one was present.

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-7 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3640 North 110th Terrace

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-8 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3638 North 110th Terrace

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-9 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3636 North 110th Terrace

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-10 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3630 North 110th Terrace

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-11 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3624 North 110th Terrace

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-12 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3618 North 110th Terrace

Detailed Outline of Requested Action: The applicant is requesting vacation of a utility easement for the purpose of constructing a retaining wall.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publication in The Echo dated October 17, 2019, and
7. The Notices to property owners dated October 17, 2019, November 1, 2019 and December 5, 2019.

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

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared

Staff Recommendation Starts 25:34: Planning Director Richardson stated that this is all for new houses to be constructed and they need to build a new retaining wall for the houses to work. It needs to be built in the utility easement and there is nothing in the utility easement. No one really cares but the builder and it could hold up home construction. Director Richardson stated that he would recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts 26:10:

On motion by Ms. Pauley, seconded by Ms. Huey, the Planning Commission voted as follows to recommend **APPROVAL of Utility Easement Vacation Applications #U/E-2019-7, 8, 9, 10, 11 and 12:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

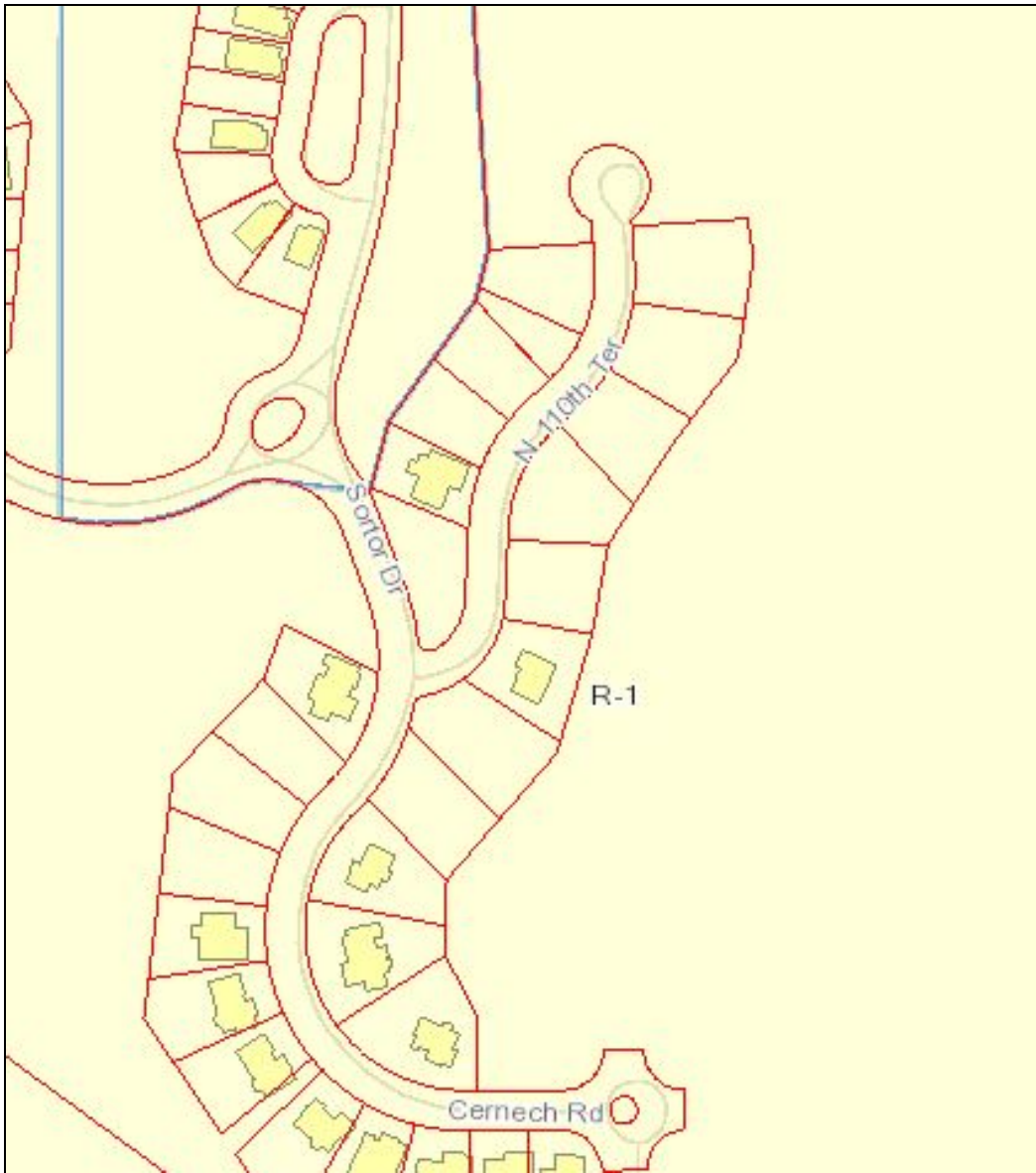
1. How will you determine which party will be responsible for the maintenance and repair of a retaining wall that transcends multiple property lines?

Staff: Applicant has provided an easement and maintenance agreement.
(See attached)

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None.
- B) Items that are conditions of approval (stipulations):
 - 1) Provide retaining wall calculations, details, and construction plans signed and sealed by a Professional Structural Engineer registered in the State of Kansas, in accordance with UG standards and criteria. Please review and comply with the on-line retaining wall checklist. These requirement(s) are for all types of retaining walls, including modular block or pre-manufactured walls, and reinforced concrete walls. The retaining wall plans, and calculations shall be reviewed and approved by UG staff prior construction permit acquisition.

- 2) The retaining wall plans shall illustrate the layout of the wall across Tracts 2, Tracts 3, Lot 13, Lot 14, Lot 15 and Lot 16. The submitted retaining wall plans indicates the wall layout only on Lot 13 and is not acceptable for review. The proposed wall shall be designed and constructed to be continuous from Tract 2 to Lot 16. Based on UG Public Works comment that the proposed retaining wall shall not be built over the existing public storm sewer on Tract 3, the retaining wall plans may have to be revised. Further discussion with staff is required.
 - 3) Provide retaining wall layouts such that the retaining wall and footings, foundations, and/or geogrid do not cross property line or easements. For example, if a concrete reinforced wall, the toe of the footing shall not cross the property line. Further discussion with staff may be required prior to a resubmittal.
 - 4) Pedestrian guardrails shall be provided atop of retaining walls that are located greater than 30 inches above the grade below. Guardrail system shall resist overturning by a 50 pound per linear foot and 200 pounds concentrated load applied to top rail i.e. 42" above top of wall as identified in the checklist. Also, include post and footing anchorage design and details. In this regard, provide calculations for the proposed guard rail system.
 - 5) Retaining walls with heights greater than 6' shall be tiered walls. A minimum of 5' shall be provided between tiered walls.
 - 6) Retaining wall calculations shall meet minimum factor of safety requirements for bearing, sliding, and overturning per UG criteria. Retaining wall design shall be in accordance with the recommendations of the geotechnical report, as applicable. Otherwise, allowable soil bearing pressure shall be 1,500 s.f. per UG criteria.
 - 7) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None



 $1/32^{\circ}=1.0^{\circ}$

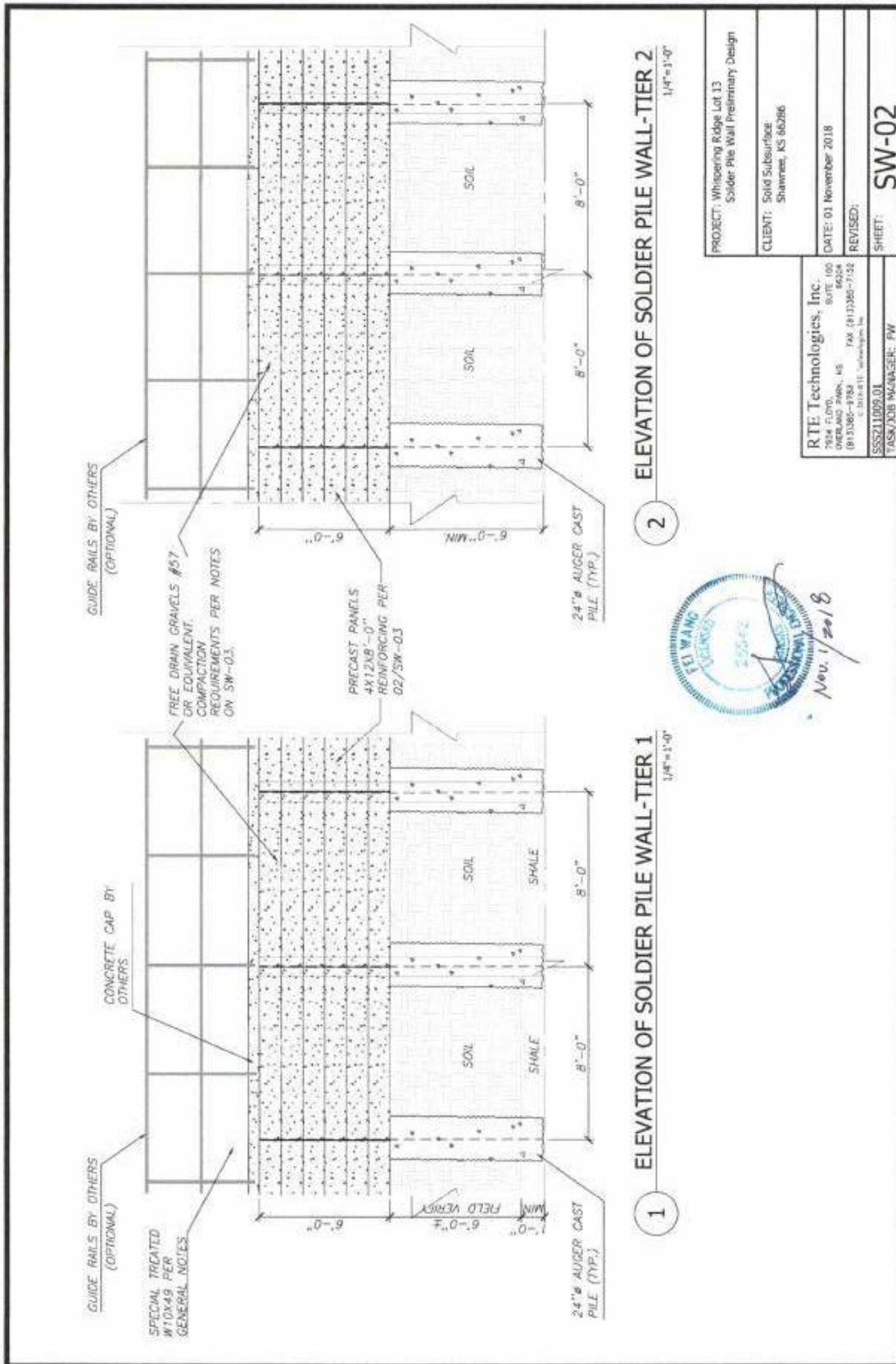
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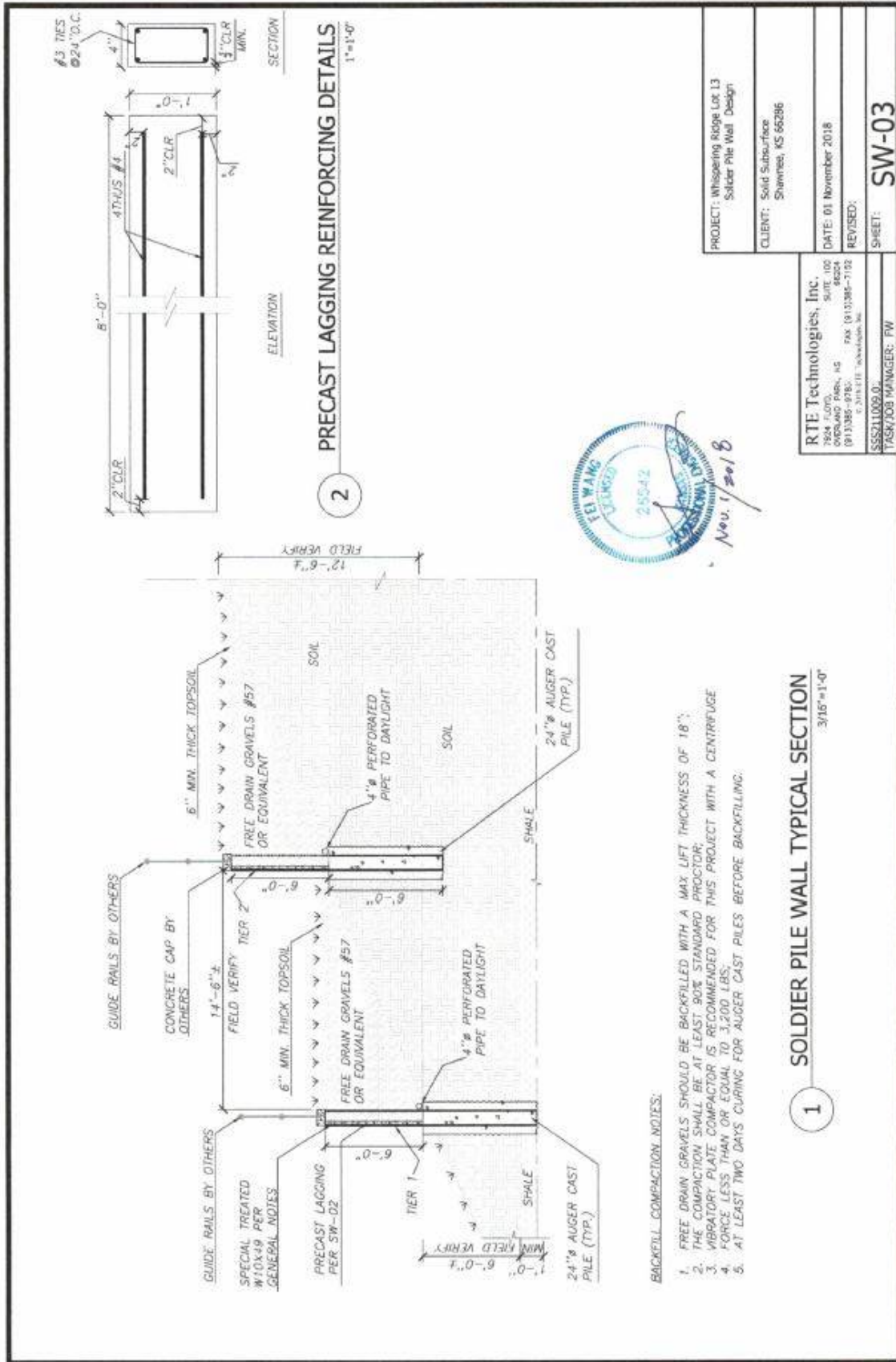
SHEET: SW-01

555211009.01
TASK/JOB MANAGER: FW

10-MS

1. SURCHARGE PRESSURE = 100 PSF;
2. UNIT WEIGHT OF SOIL = 125 PCF;
3. ACTIVE LATERAL EARTH PRESSURE COEFFICIENT = 0.40;
4. UNDRAINED SHEAR STRENGTH: SHALE = 20 KSF, SOIL = 1 KSF;
5. ASSUMED SERVICE LIFE IS 50 YEARS.





1 DRY FILM THICKNESS (DFT)
2 MILS $\leq$ DFT $\leq$ 4 MILS

2 DRY FILM THICKNESS (DFT)
2 MILS <= DFT <= 4 MILS



PROJECT: Whidpering Ridge Lot 13 Soldier Plc Wall Design	CLIENT: Solid Subsurface Shawnee, KS 66286	DATE: 01 November 2018	SHEET: SW-04
RTE Technologies, Inc. 7814 FLOYD, OVERLAND PARK, KS 66204 (913)385-2783 FAX (913)385-1752 c. 2014-RTE Technologies, Inc.		REVISED:	
ESS2411009.01 REVISED/REPLACED - END			

Prepared by and after recording return to:

Brock Burnick
9101 W. 110th Street, Suite 200
Overland Park, Kansas 66210
(913) 498-3536

FIRST AMENDED EASEMENT AND MAINTENANCE AGREEMENT

THIS AGREEMENT is entered into as of the 26th day of August, 2019, by and among **Whispering Ridge Investment Group, LLC**, a Kansas limited liability company ("WRIG"), **Whispering Ridge Homes Association, Inc.**, a Kansas corporation ("WRHA") and **GTS Homes, LLC**, a Kansas limited liability company ("GTS") (WRIG, WRHA, and GTS are sometimes individually referred to herein as "Owner" and collectively, the "Owners").

WHEREAS, WRIG is the owner of Lots 14, 15, and 16 described on **Exhibit A** attached hereto and made a part hereof ("WRIG Tracts");

WHEREAS, WRHA is the owner of Tract 3 described on Exhibit A attached hereto ("WRHA Tract");

WHEREAS, GTS is the owner of Lot 13 described on Exhibit A attached hereto ("GTS Tract");

WHEREAS, WRIG, WRHA, and GTS desire to grant WRIG and GTS an easement over, on and across a portion of the WRIG Tracts, WRHA Tract, and GTS Tract (altogether "Owner Tracts") for the benefit of WRIG, WRHA, and GTS, their successors, assigns, tenants, occupants, and invitees (the "Easement Tract").

WHEREAS, WRIG and GTS desire to share easement maintenance costs over, on and across a portion of the Easement Tracts for the benefit of WRIG, WRHA, and GTS, their successors, assigns, tenants, occupants, and invitees.

NOW, THEREFORE, in consideration of the covenants contained in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the following grants, agreements, covenants and restrictions are made:

1. **Easement Grant.** There is or the Owners intend that there will be a retaining wall running along the western boundary of the Owner Tracts as generally depicted on Exhibit A (the "Bluff Wall"), which the Owners intend to be located entirely on the Owner Tracts and which will benefit the Owner Tracts properties. WRIG, WRHA, and GTS, as Owners of the Easement Tract, do hereby grant and convey unto WRIG and GTS for the benefit of the Owner Tracts a permanent and non-exclusive right and easement in, upon, over, through, and across the Easement Tract for the purposes of a retaining wall as legally described in Exhibit A. Owners hereby grant to WRIG and GTS a temporary construction easement across the Easement Tract to maintain, repair, and replace the Bluff Wall from time to time.

2. **Maintenance.** WRIG and GTS and their successors and assigns shall pay for the costs of maintaining, repairing and replacing all improvements located within the Easement Tract, with such payment to be due and payable to any Owner incurring maintenance costs, as applicable, within thirty (30) days of receipt of notice of such costs from such Owner, as applicable. No Owner of the Easement Tract may install or permit the installation of any improvements or modify, relocate or remove any part of the Bluff Wall without the prior written consent of the other Owners. The Owners shall share the Bluff Wall Maintenance costs as follows:

Lot 13 Owner.....	25%
Lot 14 Owner.....	25%
Lot 15 Owner.....	25%
Lot 16 Owner.....	25%

WRIG and GTS and their successors and assigns agree herein that any damage to the Owner Tracts resulting from the granting of this easement be repaired at no cost to WRHA.

3. **Barriers.** The Owners may erect curbs and landscaping on their respective properties in order to define their respective property so long as such curbs and landscaping do not detract from the access rights of WRIG, GTS, or their Permittees, or prevent, hinder or interfere in any way with the intended purpose of this Agreement. In no event may any Owner prevent the uninhibited access to and from any tract benefitted hereby as shown on the Site Plan, provided that WRIG and/or GTS may temporarily close the Easement Tract for purposes of performing the maintenance obligations herein.

4. **Indemnification.** WRIG and GTS shall indemnify and hold harmless WRHA from and against all claims, liabilities and expenses (including reasonable attorney fees) relating to accidents, injuries, loss, or damage to any person or property arising from all acts or omissions of WRIG and GTS or their tenants, contractors, employees, or agents within the Easement Tract.

5. **Covenants to Run with Land.** This Agreement and the rights and obligations hereunder shall run with the land and title to the WRIG Tracts, WRHA Tract, and GTS Tract, and be binding upon and inure to the benefit of the parties, their successors and assigns, and their respective tenants, and such tenants' agents, employees contractors and invitees, and/or any person who shall hereafter acquire title to the WRIG Tracts, WRHA Tract, and GTS Tract. This Agreement may only modified in a written document executed by all parties. This Agreement shall be construed and governed by the laws of the State of Kansas.

6. **Notices.** Any notice, report or demand required, permitted or desired to be given under this Agreement shall be in writing and shall be delivered by nationally recognized overnight courier with evidence of receipt to the parties at the addresses shown below or at such other address as the respective parties may from time to time designate by like notice. Delivery shall be deemed effective on the date of as shown on the delivery ticket of the applicable courier evidencing receipt. The initial addresses of the Owners are as follows:

WRHA's Address: Whispering Ridge Homes Association, Inc.
c/o Jessica L. Bane
11064 Whispering Lane
Kansas City, Kansas 66109

WRIG's Address: Whispering Ridge Investment Group, LLC
c/o Tory Graham
45245 Metcalf Avenue
Overland Park, Kansas 66223

216 NE BARRY ROAD
KANSAS CITY, MISSOURI
64155

GTS's: GTS Homes, LLC
216 NE Barry Road
Kansas City, Missouri 64155

7. **Amendment.** This Agreement amends, supersedes, and replaces the Easement and Maintenance Agreement dated June 3, 2019, and recorded with the Wyandotte County, Kansas Recorder of Deeds on June 12, 2019, in Book No. 2019R, Page No. 07381.

8. **Counterpart Execution.** This Agreement may be executed in several counterparts, all or any of which shall be regarded for all purposes as one original and shall constitute and be but one and the same instrument.

IN WITNESSES WHEREOF, the parties have set their hands on the date shown below.

Whispering Ridge Investment Group, LLC,
a Kansas limited liability company

By: _____

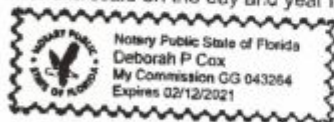
Name: Ihsan Alsalman

Its: PRESIDENT

STATE OF Florida)
COUNTY OF Lee) ss

On this 22 day of August, 2019, before me appeared Ihsan Alsalman to me personally known, who, being by me duly sworn, did say that he is the manager of Whispering Ridge Investment Group, LLC, a Kansas limited liability company, and that said instrument was signed on behalf of said limited liability company, and s/he acknowledged said instrument to be the free act and deed of said limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid on the day and year first above written.



My commission expires: 02/12/2021

Deborah P. Cox
Notary Public
DEBORAH P. COX
Print Name

Whispering Ridge Homes Association, Inc.,
a Kansas corporation

By: Cathy Harding
Name: Cathy Harding
Its: President

STATE OF Kansas)
COUNTY OF Wyandotte) ss.

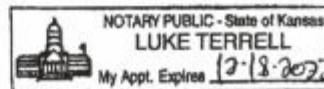
On this 20 day of August, 2019, before me appeared Cathy Harding, to me personally known, who being by me duly sworn, did say that he is the President of Whispering Ridge Homes Association, Inc., a Kansas corporation, and that the foregoing instrument was signed in behalf of said corporation by authority of its Board of Directors, and s/he acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office the day and year last above written.

Luke Terrell
Notary Public
Luke Terrell
Print Name

My commission expires:

12-18-2022



GTS HOMES, LLC, a Kansas limited liability company
BY ITS MANAGING MEMBER: TORY GRAHAM, INC., a Kansas corporation, Its Managing
Member


By: Tory Graham, President

And

GTS HOMES, LLC, a Kansas limited liability company
BY ITS MANAGING MEMBER: GASSAN AL SALMAN, P.C., a Missouri provisional
corporation


By: Gassan Al Salman, President

STATE OF _____)
) ss.
COUNTY OF _____)

This instrument was acknowledged before me on the _____ day of _____, 2019,
by Tory Graham as President of Tory Graham, Inc., a Kansas corporation, and Gassan Al
Salman as President of Gassan Al Salman, P.C., a Missouri professional corporation BOTH as
Managing Members of GTS Homes, LLC, a Kansas limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the
day and year last above written.

Notary Public

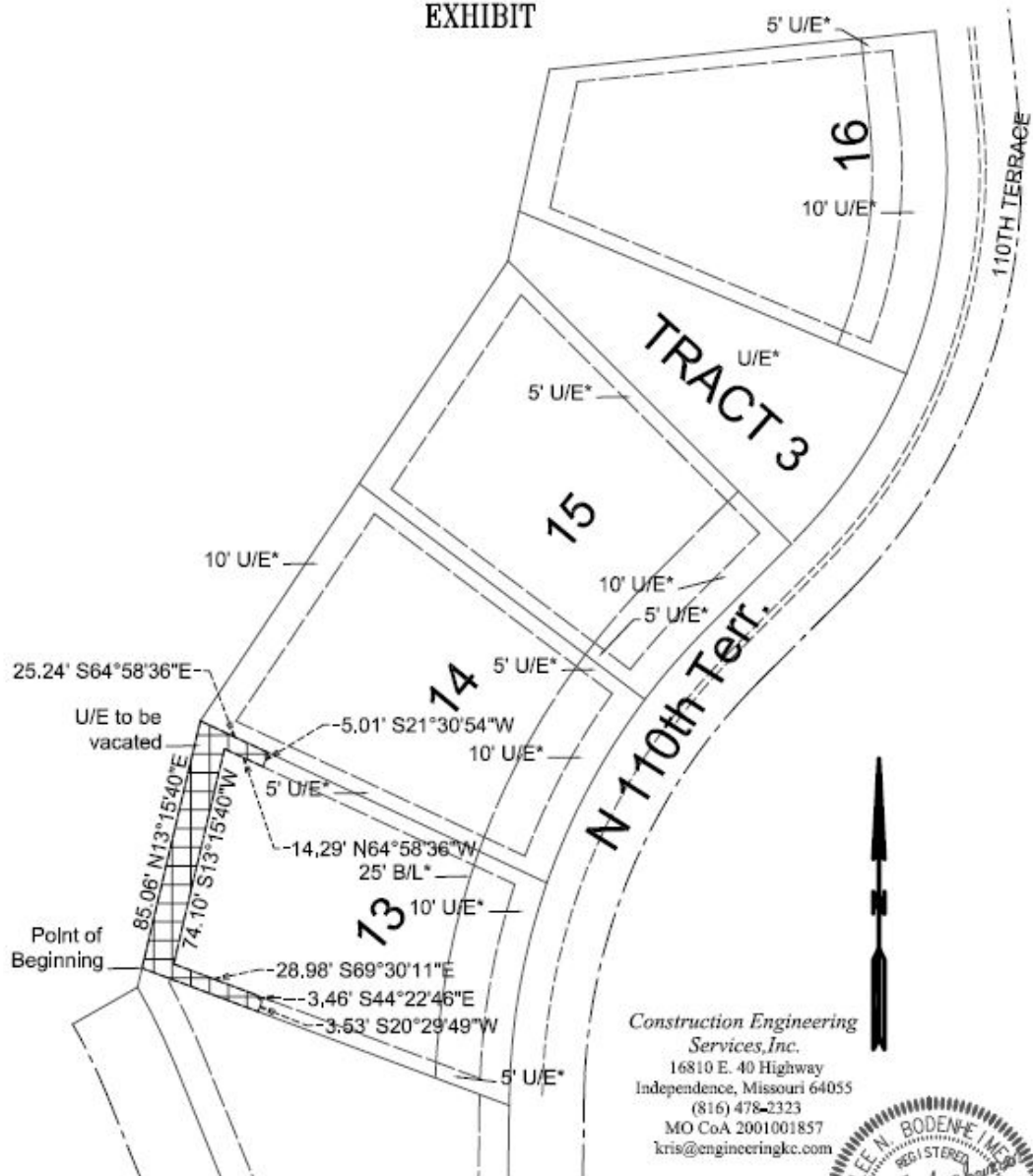
My Commission Expires:

Description of easement

A portion of Lots 13, 14, 15, 16 and Tract 3, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Southwest corner of Lot 13, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 13 degrees 15 minutes 40 seconds East along the West line of Lot 13 a distance of 85.06 feet; thence North 33 degrees 47 minutes 08 seconds East along the West line of Lot 14 a distance of 95.65 feet; thence North 33 degrees 47 minutes 08 seconds East along the West line of Lot 15 a distance of 89.87 feet; thence North 12 degrees 13 minutes 28 seconds East along the West line of Tract 3 a distance of 16.97 feet; thence North 12 degrees 13 minutes 28 seconds East along the West line of Lot 16 a distance of 48.55 feet to the Northwest corner of Lot 16 of Whispering Ridge The Bluff, First Plat; thence North 84 degrees 20 minutes 10 seconds East along the North line of said lot 16 a distance of 26.27 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 5.25 feet; thence South 84 degrees 20 minutes 10 seconds West a distance of 15.76 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 43.30 feet; thence South 67 degrees 15 minutes 28 seconds East a distance of 15.26 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 4.49 feet; thence South 19 degrees 45 minutes 36 seconds West a distance of 0.59 feet to a point on the North Line of Tract 3; thence South 19 degrees 45 minutes 36 seconds West a distance of 24.64 feet; thence South 33 degrees 33 minutes 18 seconds West a distance of 1.62 feet to a point on the Northerly line of Lot 15; thence South 33 degrees 33 minutes 18 seconds West a distance of 5.10 feet; thence North 44 degrees 59 minutes 17 seconds West a distance of 14.93 feet; thence South 33 degrees 47 minutes 08 seconds West a distance of 78.35 feet; thence South 52 degrees 58 minutes 00 seconds East a distance of 14.97 feet; thence South 33 degrees 41 minutes 06 seconds West a distance of 5.01 feet to a point on the Northerly line of Lot 14; thence South 33 degrees 41 minutes 06 seconds West a distance of 5.01 feet; thence North 52 degrees 58 minutes 00 seconds West a distance of 14.99 feet; thence South 33 degrees 47 minutes 08 seconds West a distance of 83.47 feet; thence South 64 degrees 58 minutes 36 seconds East a distance of 15.12 feet; thence South 33 degrees 48 minutes 02 seconds West a distance of 5.06 feet to a point on the Northerly line of Lot 13; thence South 21 degrees 30 minutes 54 seconds West a distance of 5.01 feet thence North 64 degrees 58 minutes 36 seconds West a distance of 14.29 feet; thence South 13 degrees 15 minutes 40 seconds West a distance of 74.10 feet; thence South 69 degrees 30 minutes 11 seconds East a distance of 28.98; thence South 44 degrees 22 minutes 46 seconds East a distance of 3.46 feet; thence South 20 degrees 29 minutes 49 seconds West a distance of 3.53 feet; thence North 69 degrees 30 minutes 11 seconds West along the Southerly line of Lot 13 a distance of 41.56 feet to the Point of Beginning.

EXHIBIT



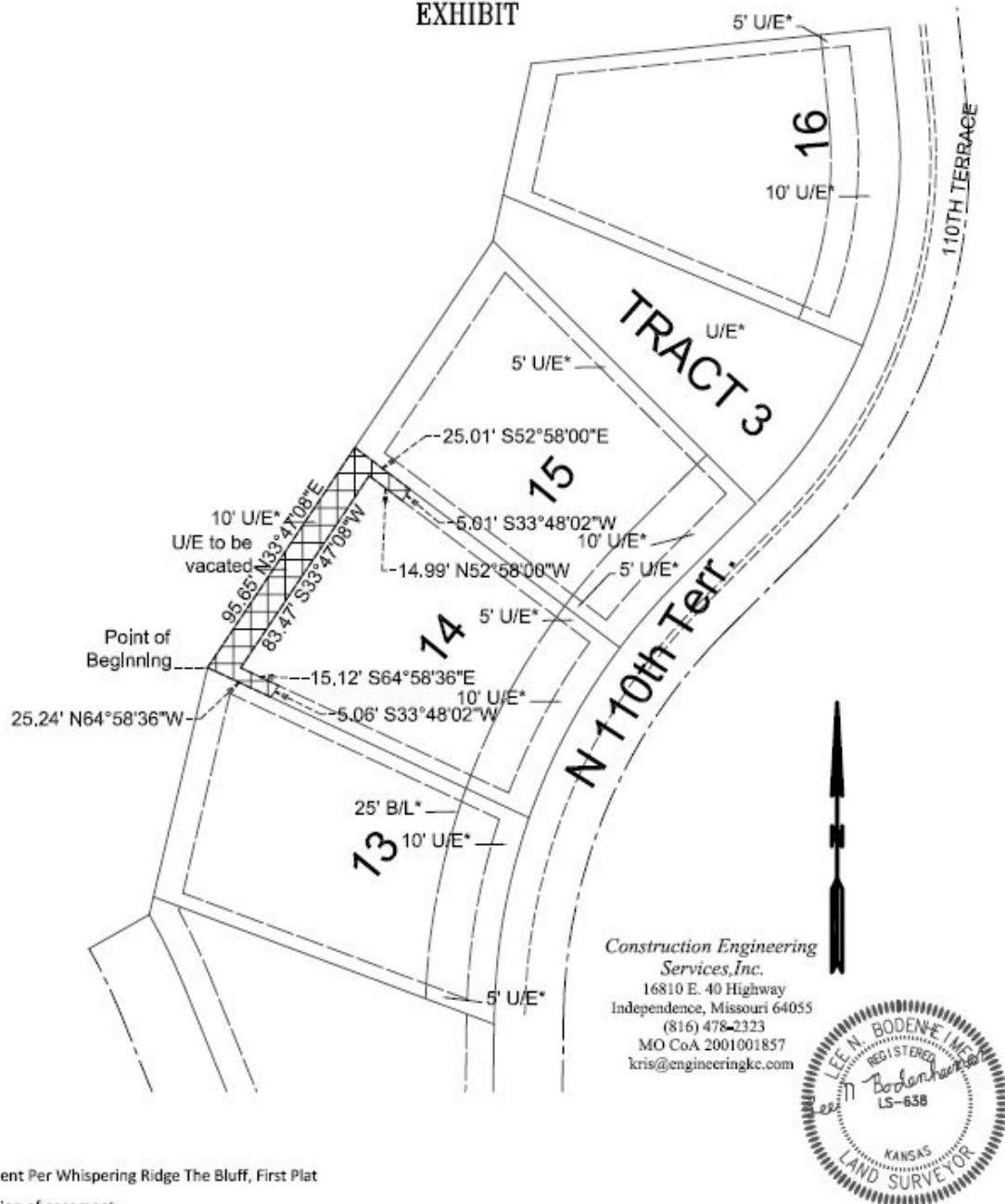
* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Lots 13, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Southwest corner of Lot 13, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 13 degrees 15 minutes 40 seconds East along the West line of Lot 13 a distance of 85.06 feet; thence South 64 degrees 58 minutes 36 seconds East along the Northerly line Lot 13 a distance of 25.24 feet; thence South 21 degrees 30 minutes 54 seconds West a distance of 5.01 feet; thence North 64 degrees 58 minutes 36 seconds West a distance of 14.29 feet; thence South 13 degrees 15 minutes 40 seconds West a distance of 74.10 feet; thence south 69 degrees 30 minutes 11 seconds East a distance of 28.98 feet; thence South 44 degrees 22 minutes 46 seconds East a distance of 3.46 feet; thence South 20 degrees 29 minutes 49 seconds West a distance of 3.53 feet; thence North 69 degrees 30 minutes 11 seconds West along the South line of said Lot 13 a distance of 41.56 feet to the Point of Beginning.

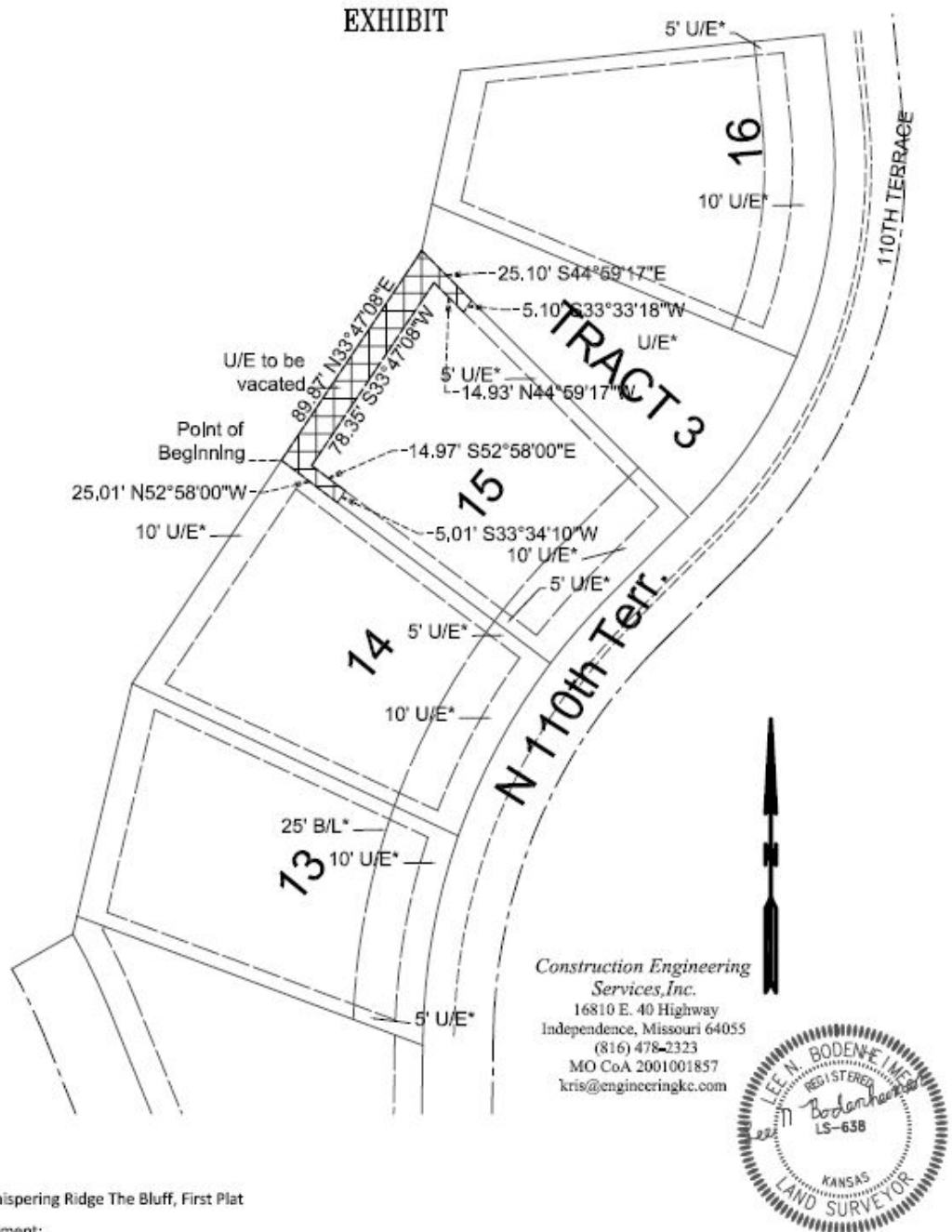
EXHIBIT



* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Lots 14, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:
 Beginning at the Southwest corner of Lot 14, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 33 degrees 47 minutes 08 seconds East along the Westerly line of Lot 14 a distance of 95.65 feet; thence South 52 degrees 58 minutes 00 seconds East along the Southerly line of Lot 15 a distance of 25.01 feet; thence South 33 degrees 48 minutes 02 seconds West a distance of 5.01 feet; thence North 52 degrees 58 minutes 00 seconds West a distance of 14.99 feet; thence south 33 degrees 47 minutes 08 seconds West a distance of 83.47 feet; thence South 64 degrees 58 minutes 36 seconds East a distance of 15.12 feet; thence South 33 degrees 48 minutes 02 seconds West a distance of 5.06 feet; thence North 64 degrees 58 minutes 36 seconds West along the Southerly line of Lot 14 a distance of 25.24 feet to the Point of Beginning.

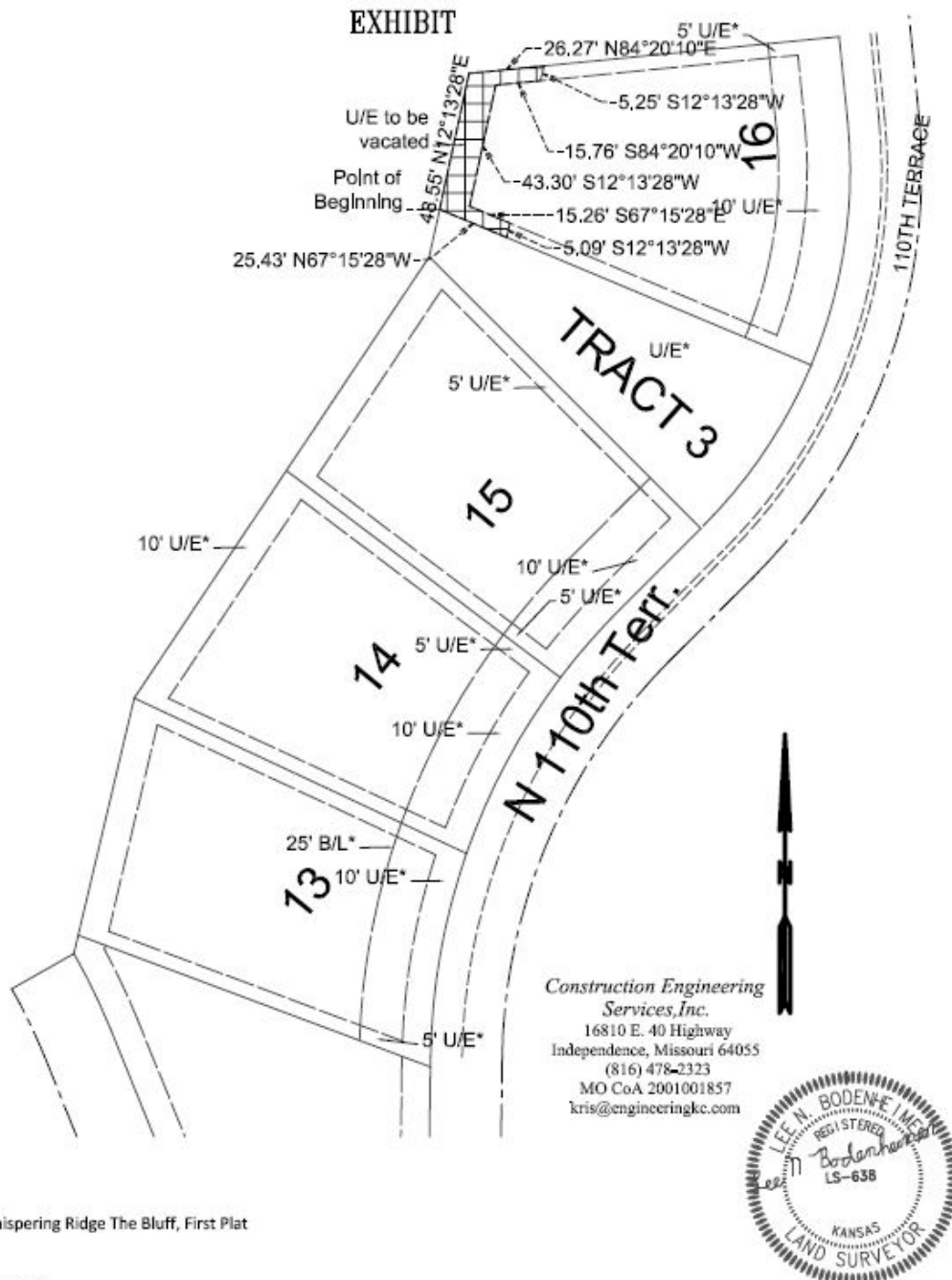


* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Lots 15, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Southwest corner of Lot 15, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 33 degrees 47 minutes 08 seconds East along the Westerly line of Lot 15 a distance of 89.87 feet; thence South 44 degrees 59 minutes 17 seconds East along the Northerly line of Lot 15 a distance of 25.10 feet; thence South 33 degrees 33 minutes 18 seconds West a distance of 5.10 feet; thence North 44 degrees 59 minutes 17 seconds West a distance of 14.93 feet; thence South 33 degrees 47 minutes 08 seconds West a distance of 78.35 feet; thence South 52 degrees 58 minutes 00 seconds East a distance of 14.97 feet; thence South 33 degrees 34 minutes 10 seconds West a distance of 5.01 feet; thence North 52 degrees 58 minutes 00 seconds West along the Southerly line of Lot 15 a distance of 25.01 feet to the Point of Beginning.



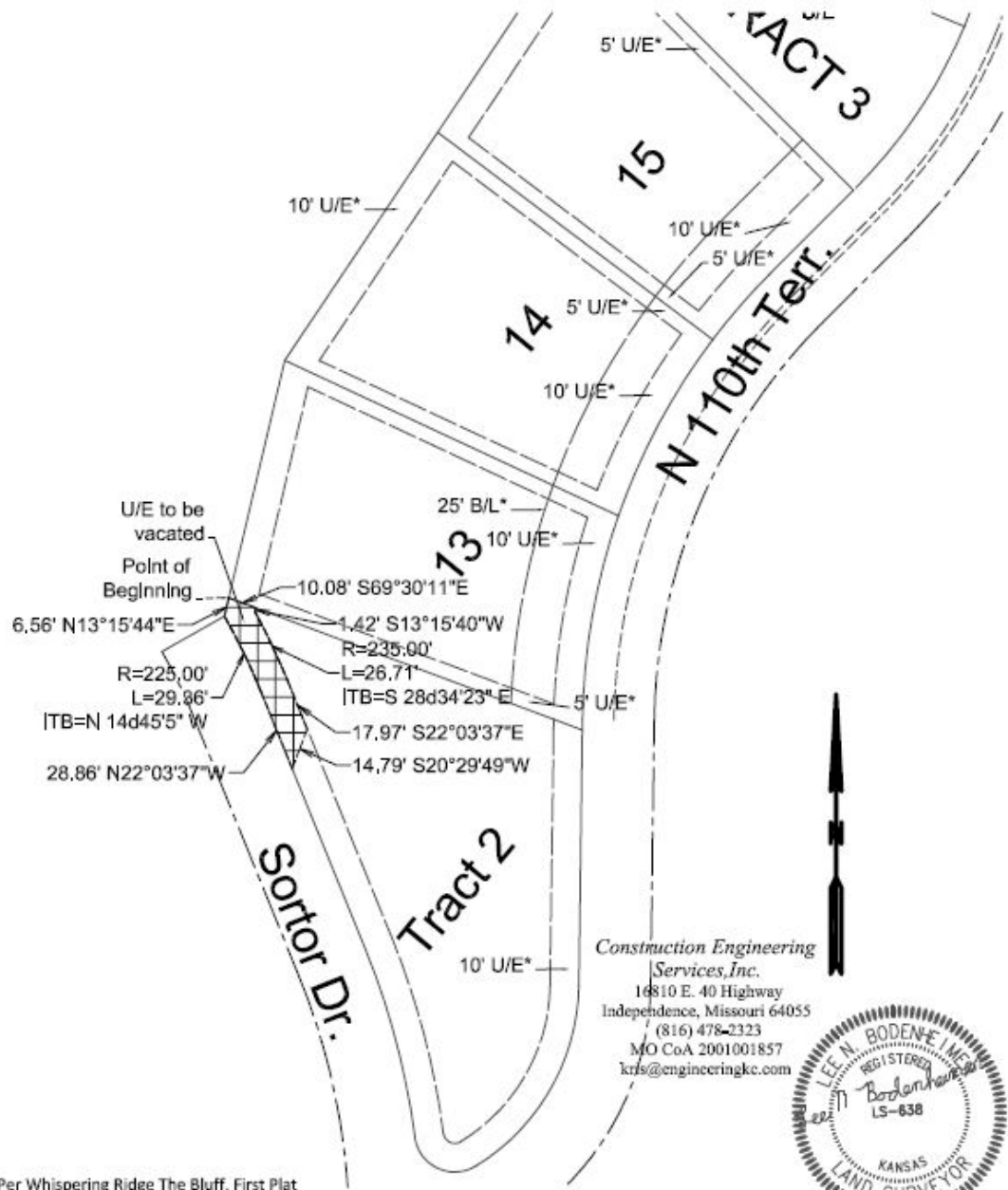
* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Lots 16, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Southwest corner of Lot 16, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 12 degrees 13 minutes 28 seconds East along the West line of Lot 16 a distance of 48.55 feet; thence North 84 degrees 20 minutes 10 seconds East along the North line of Lot 16 a distance of 26.27 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 5.25 feet; thence South 84 degrees 20 minutes 10 seconds West a distance of 15.76 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 43.30 feet; thence South 67 degrees 15 minutes 28 seconds East a distance of 15.26 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 5.09 feet; thence North 67 degrees 15 minutes 28 seconds West along the Southerly line of Lot 16 a distance of 25.35 feet to the Point of Beginning.

EXHIBIT



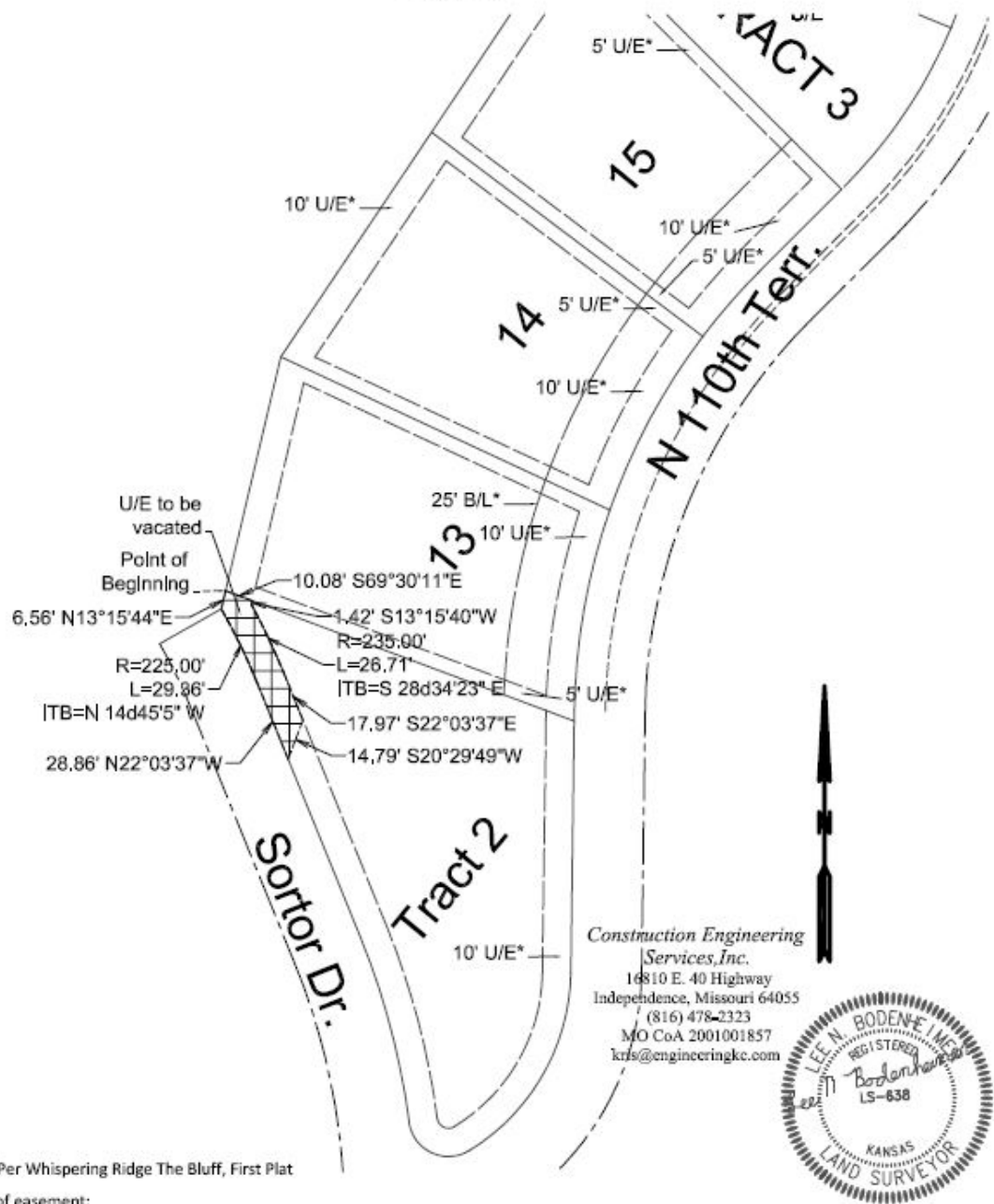
* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Tract 2, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Northwest corner of Tract 2, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence South 69 degrees 30 minutes 11 seconds East along the North line of Tract 2 a distance of 10.08 feet; thence South 13 degrees 15 minutes 40 seconds West a distance of 1.42 feet; thence along a curve to the right having an initial tangent bearing of South 28 degrees 34 minutes 23 seconds East, a radius of 235.00 feet, and a distance of 26.71 feet; thence South 22 degrees 03 minutes 37 seconds East a distance of 17.97 feet; thence South 20 degrees 29 minute 49 seconds West a distance of 14.79 feet; thence North 22 degrees 03 minutes 37 seconds West along the Easterly right of way of Sortor Dr. a distance of 28.86 feet; thence along a curve the left having a initial tangent bearing of North 14 degrees 45 minutes 5 seconds West, a radius of 225.00 feet, and a length of 29.36 feet; thence North 13 degrees 15 minutes 44 seconds East a distance of 6.56 feet to the Point of Beginning.

EXHIBIT

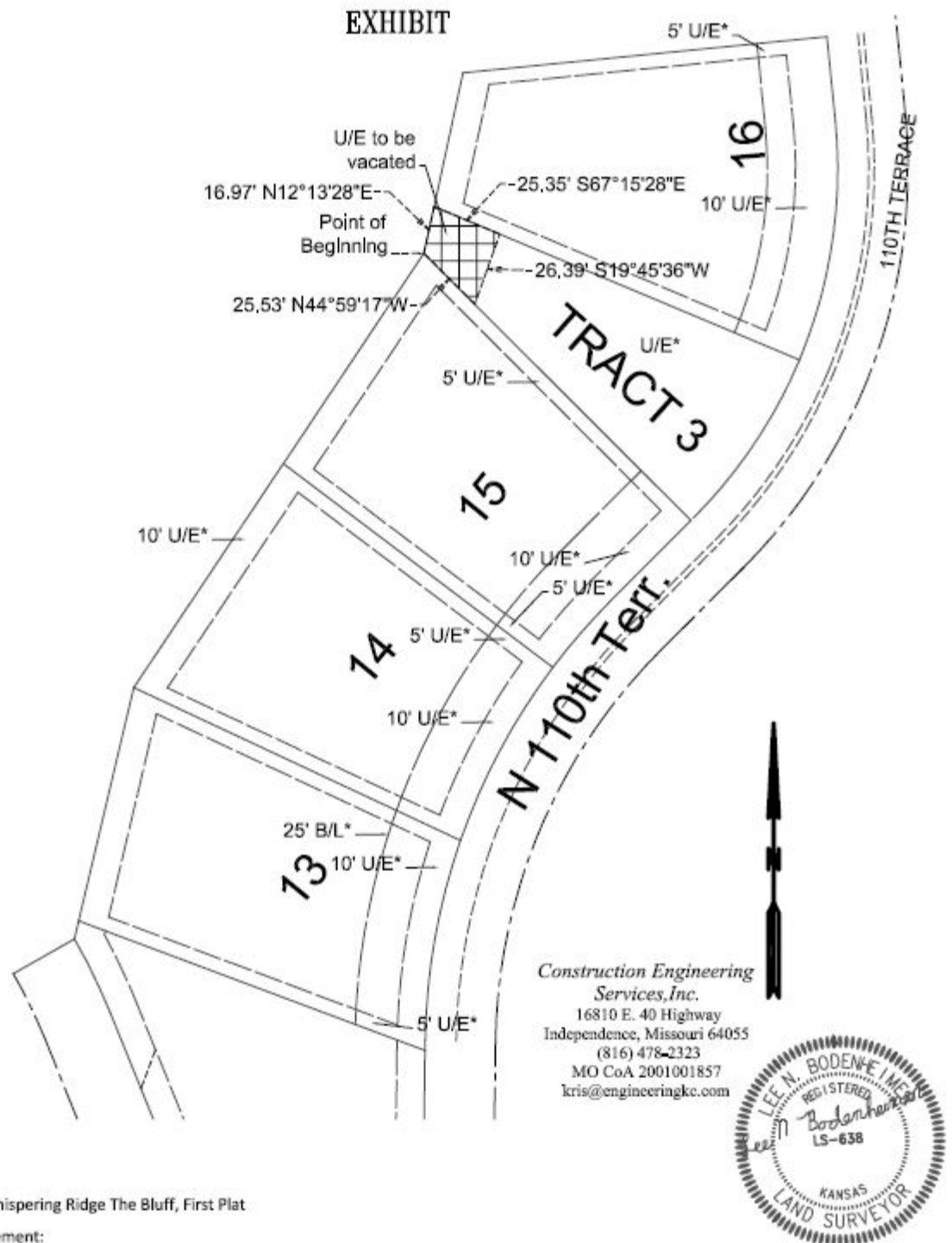


* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Tract 2, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Northwest corner of Tract 2, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence South 69 degrees 30 minutes 11 seconds East along the North line of Tract 2 a distance of 10.08 feet; thence South 13 degrees 15 minutes 40 seconds West a distance of 1.42 feet; thence along a curve to the right having an initial tangent bearing of South 28 degrees 34 minutes 23 seconds East, a radius of 235.00 feet, and a distance of 26.71 feet; thence South 22 degrees 03 minutes 37 seconds East a distance of 17.97 feet; thence South 20 degrees 29 minute 49 seconds West a distance of 14.79 feet; thence North 22 degrees 03 minutes 37 seconds West along the Easterly right of way of Sortor Dr. a distance of 28.86 feet; thence along a curve the left having a initial tangent bearing of North 14 degrees 45 minutes 5 seconds West, a radius of 225.00 feet, and a length of 29.36 feet; thence North 13 degrees 15 minutes 44 seconds East a distance of 6.56 feet to the Point of Beginning.



* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Tract 3, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Southwest corner of Tract 3, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 12 degrees 13 minutes 28 seconds East along the West line of Tract 3 a distance of 16.97 feet; thence South 67 degrees 15 minutes 28 seconds East along the Northerly line of Tract 3 a distance of 25.35 feet; thence South 19 degrees 45 minutes 36 seconds West a distance of 26.39 feet; thence North 44 degrees 59 minutes 17 seconds West along the Southerly line of Tract 3 a distance of 25.53 feet to the Point of Beginning.



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners

From: City Staff

Date: January 30, 2020

Re: Vacation Petitions #UE-2019-7, UE-2019-8, UE-2019-9,
UE-2019-10, UE-2019-11, UE-2019-12

GENERAL INFORMATION

Applicant:
Tory Graham

Status of Applicant:
Representative
GTS Homes LLC
216 NE Barry Rd
Kansas City, MO 64155

Requested Action:
Vacation of Utility Easement

Date of Application:
September 30, 2019

Purpose:
The vacation of a utility easement for the purpose of constructing a retaining wall

Property Location:
Whispering Ridge Subdivision:
3640 North 110th Terrace, 3638 North
110th Terrace, 3636 North 110th



Terrace, 3630 North 110th Terrace, 3624 North 110th Terrace, 3618 North 110th Terrace,

Existing Zoning: R-1 Single Family District

Existing Surrounding Zoning: **North:** R-1 Single Family District

South: R-1 Single Family District

East: R-1 Single Family District

West: R-1 Single Family District

Existing Uses: **North:** Undeveloped Land

South: Single Family Homes

East: Undeveloped Land

West: Undeveloped, Wooded Area

Neighborhood Characteristics: The neighborhood is residential in nature and largely undeveloped, to date.

Total Tract Size: 3640 North 110th Terrace .26 acre

3638 North 110th Terrace .13 acre

3636 North 110th Terrace .23 acre

3630 North 110th Terrace .23 acre

3624 North 110th Terrace .23 acre

3618 North 110th Terrace .31 acre

Master Plan Designation: The City-Wide Master Plan Designates this area as low-density residential

Major Street Plan: The Major Street Plan designates 110th Terrace as a local street

Advertisement: Wyandotte Echo – October 17, 2019

Letters to Property Owners – October 17, 2019, November 1, 2019, December 5, 2019 and January 23, 2020

Public Hearings: January 13, 2020 and January 30, 2020

Public Opposition: No one appeared in opposition at the January 13, 2020 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant is requesting vacation of a utility easement for the purpose of constructing a retaining wall.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709 and K.S.A. 12-504 to 12-506 and 12-512b.

FACTORS TO BE CONSIDERED

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

This action will not affect these.

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

- a. ***Water service***

Available

- b. ***Sanitary sewer service***

Available

- c. ***Storm water control***

To meet code

- d. ***Police***

Police service provided by the West Patrol, District #223

- e. ***Fire***

Fire service provided by Station #8

- f. ***Transit***

Kansas City ATA does not provide transit near this property

- g. ***Schools***

Piper USD 203

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

Streets are existing and have been designed to meet these standards

4. ***Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire***

protection, and to provide for long-term sustained real estate values.

This will not create an issue.

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

Development patterns have been designed to enhance and protect natural features of the land and vegetation.

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

This action will not affect these.

7. ***Vacation will not create utility conflicts.***

This response is pending evaluation by the utility companies.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Utility Easement Vacation Applications #U/E-2019-7, 8, 9, 10, 11, and 12, subject to:

Urban Planning and Land Use Comments:

1. How will you determine which party will be responsible for the maintenance and repair of a retaining wall that transcends multiple property lines?

Staff: Applicant has provided an easement and maintenance agreement.
(See attached)

Public Works Comments:

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

1) None.

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

1) Provide retaining wall calculations, details, and construction plans signed and sealed by a Professional Structural Engineer registered in the State of Kansas, in accordance with UG standards and criteria. Please review and comply with the on-line retaining wall checklist. These requirement(s) are

- for all types of retaining walls, including modular block or pre-manufactured walls, and reinforced concrete walls. The retaining wall plans, and calculations shall be reviewed and approved by UG staff prior construction permit acquisition.
- 2) The retaining wall plans shall illustrate the layout of the wall across Tracts 2, Tracts 3, Lot 13, Lot 14, Lot 15 and Lot 16. The submitted retaining wall plans indicates the wall layout only on Lot 13 and is not acceptable for review. The proposed wall shall be designed and constructed to be continuous from Tract 2 to Lot 16. Based on UG Public Works comment that the proposed retaining wall shall not be built over the existing public storm sewer on Tract 3, the retaining wall plans may have to be revised. Further discussion with staff is required.
 - 3) Provide retaining wall layouts such that the retaining wall and footings, foundations, and/or geogrid do not cross property line or easements. For example, if a concrete reinforced wall, the toe of the footing shall not cross the property line. Further discussion with staff may be required prior to a resubmittal.
 - 4) Pedestrian guardrails shall be provided atop of retaining walls that are located greater than 30 inches above the grade below. Guardrail system shall resist overturning by a 50 pound per linear foot and 200 pounds concentrated load applied to top rail i.e. 42" above top of wall as identified in the checklist. Also, include post and footing anchorage design and details. In this regard, provide calculations for the proposed guard rail system.
 - 5) Retaining walls with heights greater than 6' shall be tiered walls. A minimum of 5' shall be provided between tiered walls.
 - 6) Retaining wall calculations shall meet minimum factor of safety requirements for bearing, sliding, and overturning per UG criteria. Retaining wall design shall be in accordance with the recommendations of the geotechnical report, as applicable. Otherwise, allowable soil bearing pressure shall be 1,500 s.f. per UG criteria.
 - 7) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Vacation Petitions #U/E-2019-7, 8, 9, 10, 11, and 12 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 13, 2020 City Planning Commission Minutes
Zoning Map
Exhibit
Description of Easement
Design Proposal
Amended Easement and Maintenance Agreement

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 13, 2020	January 30, 2020
Vacations	Approval	
U/E-2019-7, 8, 9, 10, 11 And 12		

STAFF CONTACT: **Shana Shanteau**
 sshanteau@wycokck.org

MOTIONS

#U/E-2019-7, 8, 9, 10, 11 and 12:

I move the Unified Government Board of Commissioners **APPROVE** Petitions **#U/E-2019-7, 8, 9, 10, 11 and 12**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **#U/E-2019-7, 8, 9, 10, 11 and 12**, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 13, 2020 City Planning Commission Minutes:

Hearing Starts 2:39:05 and no one was present; the applications were recalled at (Tape 2) 25:24 and no one was present.

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-7 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3640 North 110th Terrace

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-8 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3638 North 110th Terrace

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-9 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3636 North 110th Terrace

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-10 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3630 North 110th Terrace

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-11 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3624 North 110th Terrace

UTILITY EASEMENT VACATION APPLICATION #U/E-2019-12 – TORY GRAHAM WITH GTS HOMES LLC – SYNOPSIS: Vacation of utility easements at 3618 North 110th Terrace

Detailed Outline of Requested Action: The applicant is requesting vacation of a utility easement for the purpose of constructing a retaining wall.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publication in The Echo dated October 17, 2019, and
7. The Notices to property owners dated October 17, 2019, November 1, 2019 and December 5, 2019.

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

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared

Staff Recommendation Starts 25:34: Planning Director Richardson stated that this is all for new houses to be constructed and they need to build a new retaining wall for the houses to work. It needs to be built in the utility easement and there is nothing in the utility easement. No one really cares but the builder and it could hold up home construction. Director Richardson stated that he would recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts 26:10:

On motion by Ms. Pauley, seconded by Ms. Huey, the Planning Commission voted as follows to recommend **APPROVAL of Utility Easement Vacation Applications #U/E-2019-7, 8, 9, 10, 11 and 12:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

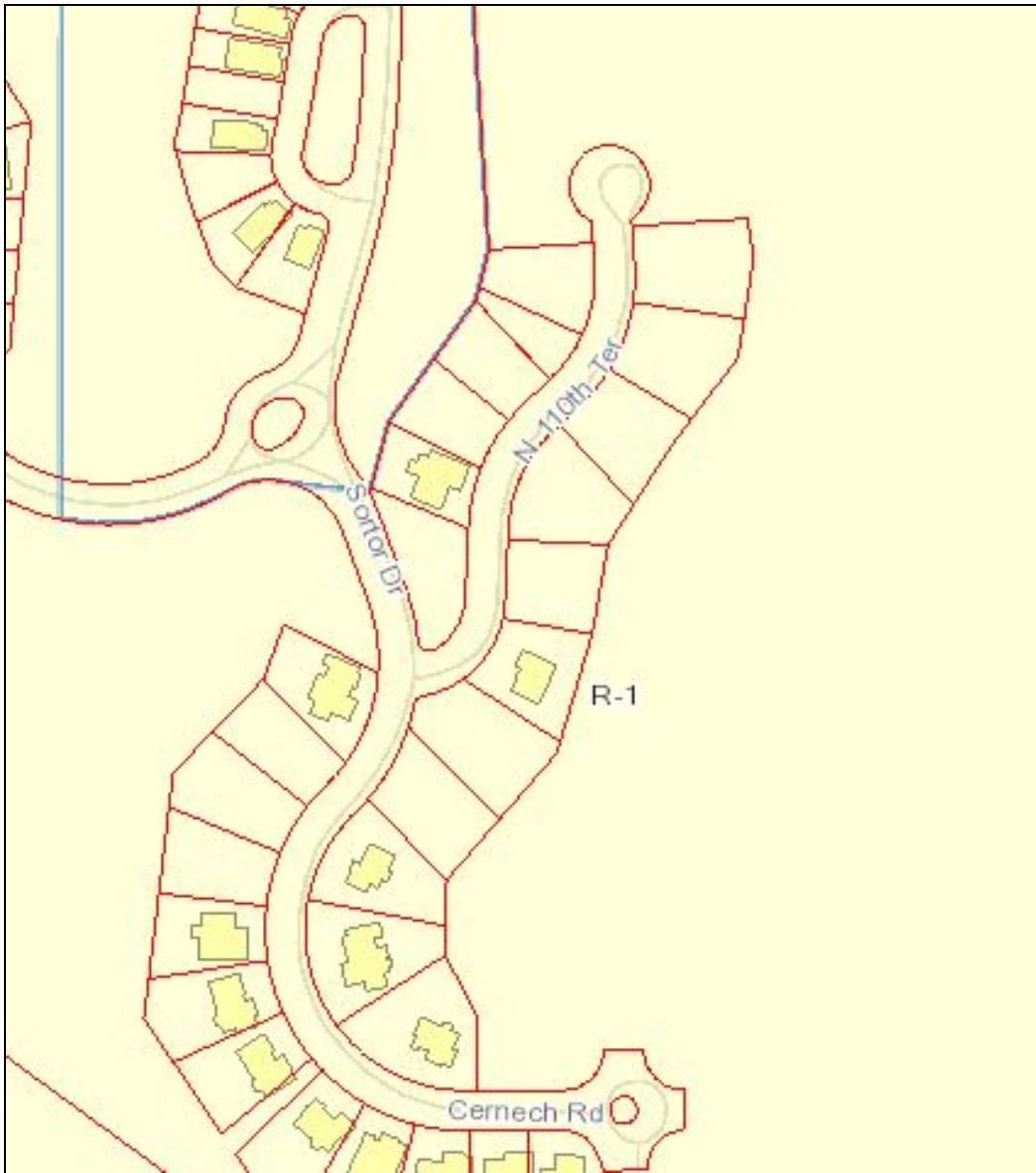
1. How will you determine which party will be responsible for the maintenance and repair of a retaining wall that transcends multiple property lines?

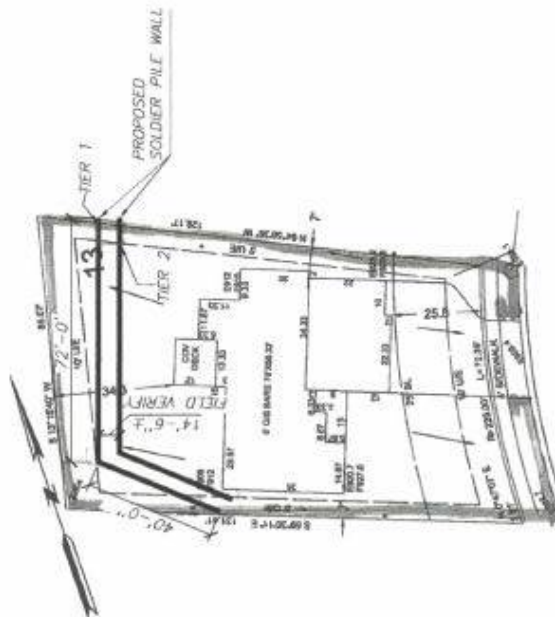
**Staff: Applicant has provided an easement and maintenance agreement.
(See attached)**

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None.
- B) Items that are conditions of approval (stipulations):
 - 1) Provide retaining wall calculations, details, and construction plans signed and sealed by a Professional Structural Engineer registered in the State of Kansas, in accordance with UG standards and criteria. Please review and comply with the on-line retaining wall checklist. These requirement(s) are for all types of retaining walls, including modular block or pre-manufactured walls, and reinforced concrete walls. The retaining wall plans, and calculations shall be reviewed and approved by UG staff prior construction permit acquisition.

- 2) The retaining wall plans shall illustrate the layout of the wall across Tracts 2, Tracts 3, Lot 13, Lot 14, Lot 15 and Lot 16. The submitted retaining wall plans indicates the wall layout only on Lot 13 and is not acceptable for review. The proposed wall shall be designed and constructed to be continuous from Tract 2 to Lot 16. Based on UG Public Works comment that the proposed retaining wall shall not be built over the existing public storm sewer on Tract 3, the retaining wall plans may have to be revised. Further discussion with staff is required.
 - 3) Provide retaining wall layouts such that the retaining wall and footings, foundations, and/or geogrid do not cross property line or easements. For example, if a concrete reinforced wall, the toe of the footing shall not cross the property line. Further discussion with staff may be required prior to a resubmittal.
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 - 5) Retaining walls with heights greater than 6' shall be tiered walls. A minimum of 5' shall be provided between tiered walls.
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 - 7) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None





1 PROPOSED LOCATION OF SOLDIER PILE WALL
1/32"=1'-0"



GENERAL NOTES:

MATERIALS

1. SOLDIER BEAMS IN THIS PROJECT ARE #10X48 (ASTM A572 GRADE 50). SOLDIER BEAMS SHOULD BE TREATED USING THE FOLLOWING METHOD:
PRIMER, 2 MILS MIN. DRY FILM THICKNESS (DFT) BUT NOT MORE THAN 4 MILS DFT, USE 7690 DAMP PROOF RED PRIMER SEE 01/SW-04 FOR DETAILS;
2. TOP COAT, 2 MILS MIN. DFT BUT NOT MORE THAN 4 MILS DFT, USE STAINLESS STEEL POLYURETHANE SEE 02/SW-04 FOR DETAILS;
3. PRECAST LAGGINGS SEE 02/SW-03 FOR REINFORCING DETAILS;
4. CONCRETE WITH A COMPRESSIVE STRENGTH OF 3,500 PSI SHOULD BE USED FOR AUGER CAST PILES;
5. ALL REINFORCING STEEL SHALL BE ASTM A615, GRADE 60;
6. DRAINAGE FILL BEHIND WOOD LAGGING SHOULD BE #57 CLEAN GRAVEL OR EQUIVALENT WITH EQUAL GRADATION APPROVED BY RTE ENGINEERS;
7. 4" PERFORATED PIPE COVERED BY WATER FILTER FABRIC SHALL BE INSTALLED BEHIND THE WALL AND CONNECTED TO DAYLIGHT;

DESIGN ASSUMPTIONS

1. SURCHARGE PRESSURE=100 PSF;
2. UNIT WEIGHT OF SOIL = 125 PCF;
3. ACTIVE LATERAL EARTH PRESSURE COEFFICIENT = 0.40;
4. UNDRAINED SHEAR STRENGTH: SHALE = 20 KSF, SOIL = 1 KSF;
5. ASSUMED SERVICE LIFE IS 50 YEARS.

PROJECT: Whispering Ridge Lot 13
Soldier Pile Wall Design

CLIENT: Solid Subsurface
Shawnee, KS 66286

DATE: 01 November 2018

REVISED:

SHEET:

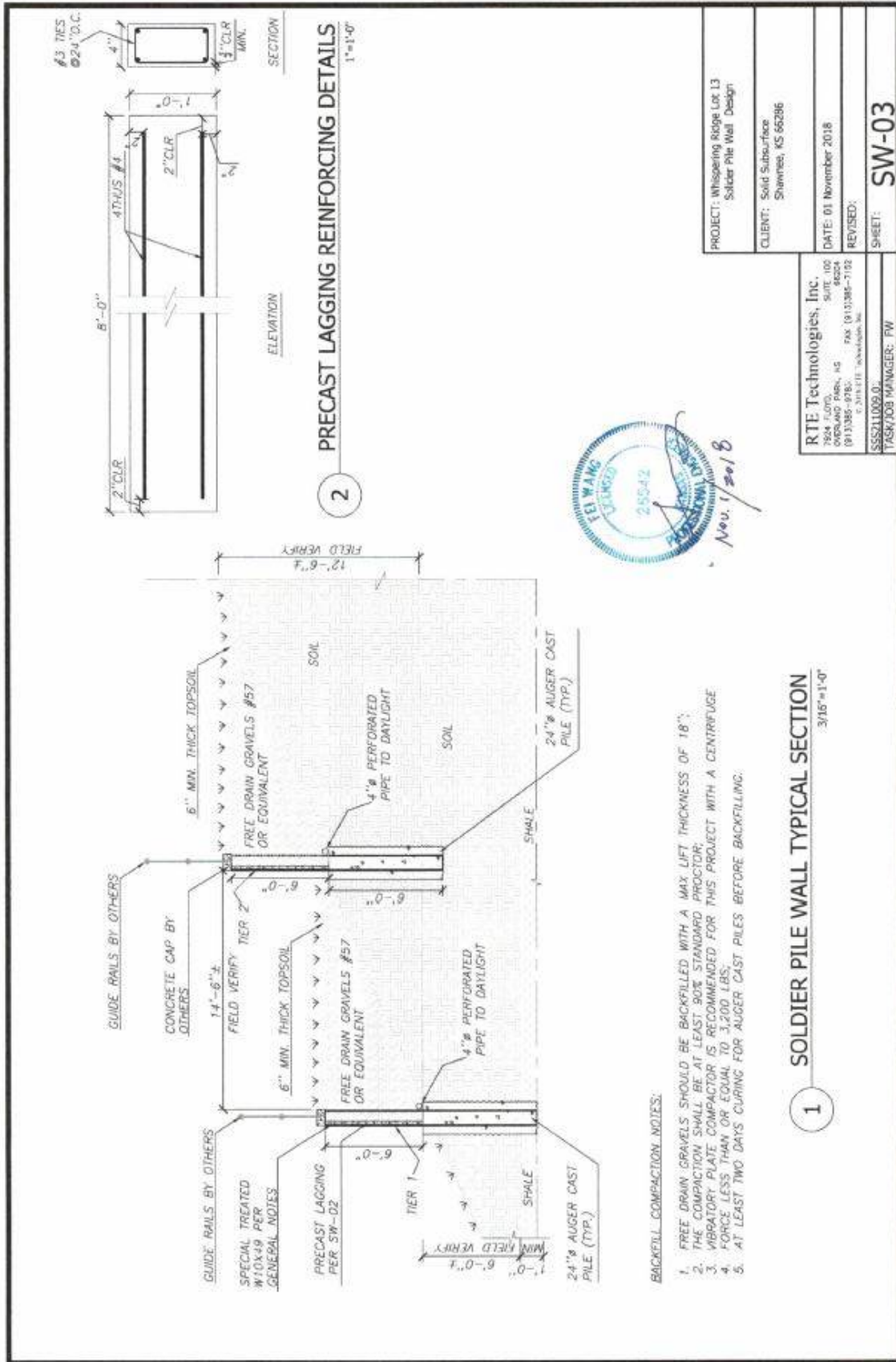
SW-01

RTE Technologies, Inc.

1004 E. 10th St.
Overland Park, KS 66104
(913) 585-9783 FAX (913) 585-7152
© 2014 RTE Technologies, Inc.

SSS211009.01

TASK/JOB MANAGER: FW



1 DRY FILM THICKNESS (DFT)
2 MILS $\leq$ DFT $\leq$ 4 MILS

2		DETAILS OF TOP COATING		N.T.S.	
DRY FILM THICKNESS (DFT) 2 MILS ≤ DFT ≤ 4 MILS					



PROJECT: Whidpering Ridge Lot 13 Soldier Plc Wall Design	CLIENT: Solid Subsurface Shawnee, KS 66286	DATE: 01 November 2018 REVISED:	SHEET: SW-04
RTE Technologies, Inc. 7814 FLOYD, OVERLAND PARK, KS 66204 (913)385-2783 FAX (913)385-1752 c. 2014-RTE Technologies, Inc.		ISSUED: 11/09/18 REVISED: 11/09/18 DRAWN: 11/09/18 CHECKED: 11/09/18 APPROVED: 11/09/18	

Prepared by and after recording return to:

Brock Burnick
9101 W. 110th Street, Suite 200
Overland Park, Kansas 66210
(913) 498-3536

FIRST AMENDED EASEMENT AND MAINTENANCE AGREEMENT

THIS AGREEMENT is entered into as of the 26th day of August, 2019, by and among **Whispering Ridge Investment Group, LLC**, a Kansas limited liability company ("WRIG"), **Whispering Ridge Homes Association, Inc.**, a Kansas corporation ("WRHA") and **GTS Homes, LLC**, a Kansas limited liability company ("GTS") (WRIG, WRHA, and GTS are sometimes individually referred to herein as "Owner" and collectively, the "Owners").

WHEREAS, WRIG is the owner of Lots 14, 15, and 16 described on **Exhibit A** attached hereto and made a part hereof ("WRIG Tracts");

WHEREAS, WRHA is the owner of Tract 3 described on Exhibit A attached hereto ("WRHA Tract");

WHEREAS, GTS is the owner of Lot 13 described on Exhibit A attached hereto ("GTS Tract");

WHEREAS, WRIG, WRHA, and GTS desire to grant WRIG and GTS an easement over, on and across a portion of the WRIG Tracts, WRHA Tract, and GTS Tract (altogether "Owner Tracts") for the benefit of WRIG, WRHA, and GTS, their successors, assigns, tenants, occupants, and invitees (the "Easement Tract").

WHEREAS, WRIG and GTS desire to share easement maintenance costs over, on and across a portion of the Easement Tracts for the benefit of WRIG, WRHA, and GTS, their successors, assigns, tenants, occupants, and invitees.

NOW, THEREFORE, in consideration of the covenants contained in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the following grants, agreements, covenants and restrictions are made:

1. **Easement Grant.** There is or the Owners intend that there will be a retaining wall running along the western boundary of the Owner Tracts as generally depicted on Exhibit A (the "Bluff Wall"), which the Owners intend to be located entirely on the Owner Tracts and which will benefit the Owner Tracts properties. WRIG, WRHA, and GTS, as Owners of the Easement Tract, do hereby grant and convey unto WRIG and GTS for the benefit of the Owner Tracts a permanent and non-exclusive right and easement in, upon, over, through, and across the Easement Tract for the purposes of a retaining wall as legally described in Exhibit A. Owners hereby grant to WRIG and GTS a temporary construction easement across the Easement Tract to maintain, repair, and replace the Bluff Wall from time to time.

2. **Maintenance.** WRIG and GTS and their successors and assigns shall pay for the costs of maintaining, repairing and replacing all improvements located within the Easement Tract, with such payment to be due and payable to any Owner incurring maintenance costs, as applicable, within thirty (30) days of receipt of notice of such costs from such Owner, as applicable. No Owner of the Easement Tract may install or permit the installation of any improvements or modify, relocate or remove any part of the Bluff Wall without the prior written consent of the other Owners. The Owners shall share the Bluff Wall Maintenance costs as follows:

Lot 13 Owner.....	25%
Lot 14 Owner.....	25%
Lot 15 Owner.....	25%
Lot 16 Owner.....	25%

WRIG and GTS and their successors and assigns agree herein that any damage to the Owner Tracts resulting from the granting of this easement be repaired at no cost to WRHA.

3. **Barriers.** The Owners may erect curbs and landscaping on their respective properties in order to define their respective property so long as such curbs and landscaping do not detract from the access rights of WRIG, GTS, or their Permittees, or prevent, hinder or interfere in any way with the intended purpose of this Agreement. In no event may any Owner prevent the uninhibited access to and from any tract benefitted hereby as shown on the Site Plan, provided that WRIG and/or GTS may temporarily close the Easement Tract for purposes of performing the maintenance obligations herein.

4. **Indemnification.** WRIG and GTS shall indemnify and hold harmless WRHA from and against all claims, liabilities and expenses (including reasonable attorney fees) relating to accidents, injuries, loss, or damage to any person or property arising from all acts or omissions of WRIG and GTS or their tenants, contractors, employees, or agents within the Easement Tract.

5. **Covenants to Run with Land.** This Agreement and the rights and obligations hereunder shall run with the land and title to the WRIG Tracts, WRHA Tract, and GTS Tract, and be binding upon and inure to the benefit of the parties, their successors and assigns, and their respective tenants, and such tenants' agents, employees contractors and invitees, and/or any person who shall hereafter acquire title to the WRIG Tracts, WRHA Tract, and GTS Tract. This Agreement may only modified in a written document executed by all parties. This Agreement shall be construed and governed by the laws of the State of Kansas.

6. **Notices.** Any notice, report or demand required, permitted or desired to be given under this Agreement shall be in writing and shall be delivered by nationally recognized overnight courier with evidence of receipt to the parties at the addresses shown below or at such other address as the respective parties may from time to time designate by like notice. Delivery shall be deemed effective on the date of as shown on the delivery ticket of the applicable courier evidencing receipt. The initial addresses of the Owners are as follows:

WRHA's Address: Whispering Ridge Homes Association, Inc.
c/o Jessica L. Bane
11064 Whispering Lane
Kansas City, Kansas 66109

WRIG's Address: Whispering Ridge Investment Group, LLC
c/o Tory Graham
45245 Metcalf Avenue
Overland Park, Kansas 66223

216 NE BARRY ROAD
KANSAS CITY, MISSOURI
64155

GTS's: GTS Homes, LLC
216 NE Barry Road
Kansas City, Missouri 64155

7. **Amendment.** This Agreement amends, supersedes, and replaces the Easement and Maintenance Agreement dated June 3, 2019, and recorded with the Wyandotte County, Kansas Recorder of Deeds on June 12, 2019, in Book No. 2019R, Page No. 07381.

8. **Counterpart Execution.** This Agreement may be executed in several counterparts, all or any of which shall be regarded for all purposes as one original and shall constitute and be but one and the same instrument.

IN WITNESSES WHEREOF, the parties have set their hands on the date shown below.

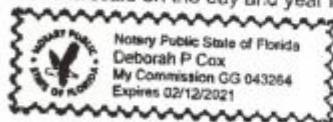
Whispering Ridge Investment Group, LLC,
a Kansas limited liability company

By: [Signature]
Name: Ihsan Alsalman
Its: PRESIDENT

STATE OF Florida)
COUNTY OF Lee) ss

On this 22 day of August, 2019, before me appeared Ihsan Alsalman to me personally known, who, being by me duly sworn, did say that he is the manager of Whispering Ridge Investment Group, LLC, a Kansas limited liability company, and that said instrument was signed on behalf of said limited liability company, and s/he acknowledged said instrument to be the free act and deed of said limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid on the day and year first above written.



My commission expires: 02/12/2021

Deborah P. Cox
Notary Public
DEBORAH P. COX
Print Name

Whispering Ridge Homes Association, Inc.,
a Kansas corporation

By: Cathy Harding
Name: Cathy Harding
Its: President

STATE OF Kansas)
COUNTY OF Wyandotte) ss.

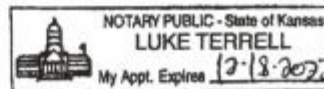
On this 20 day of August, 2019, before me appeared Cathy Harding, to me personally known, who being by me duly sworn, did say that he is the President of Whispering Ridge Homes Association, Inc., a Kansas corporation, and that the foregoing instrument was signed in behalf of said corporation by authority of its Board of Directors, and s/he acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office the day and year last above written.

Luke Terrell
Notary Public
Luke Terrell
Print Name

My commission expires:

12-18-2022

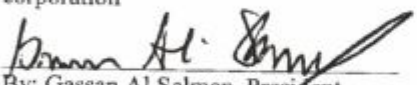


GTS HOMES, LLC, a Kansas limited liability company
BY ITS MANAGING MEMBER: TORY GRAHAM, INC., a Kansas corporation, Its Managing
Member


By: Tory Graham, President

And

GTS HOMES, LLC, a Kansas limited liability company
BY ITS MANAGING MEMBER: GASSAN AL SALMAN, P.C., a Missouri provisional
corporation


By: Gassan Al Salman, President

STATE OF _____)
COUNTY OF _____) ss.

This instrument was acknowledged before me on the _____ day of _____, 2019,
by Tory Graham as President of Tory Graham, Inc., a Kansas corporation, and Gassan Al
Salman as President of Gassan Al Salman, P.C., a Missouri professional corporation BOTH as
Managing Members of GTS Homes, LLC, a Kansas limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the
day and year last above written.

Notary Public

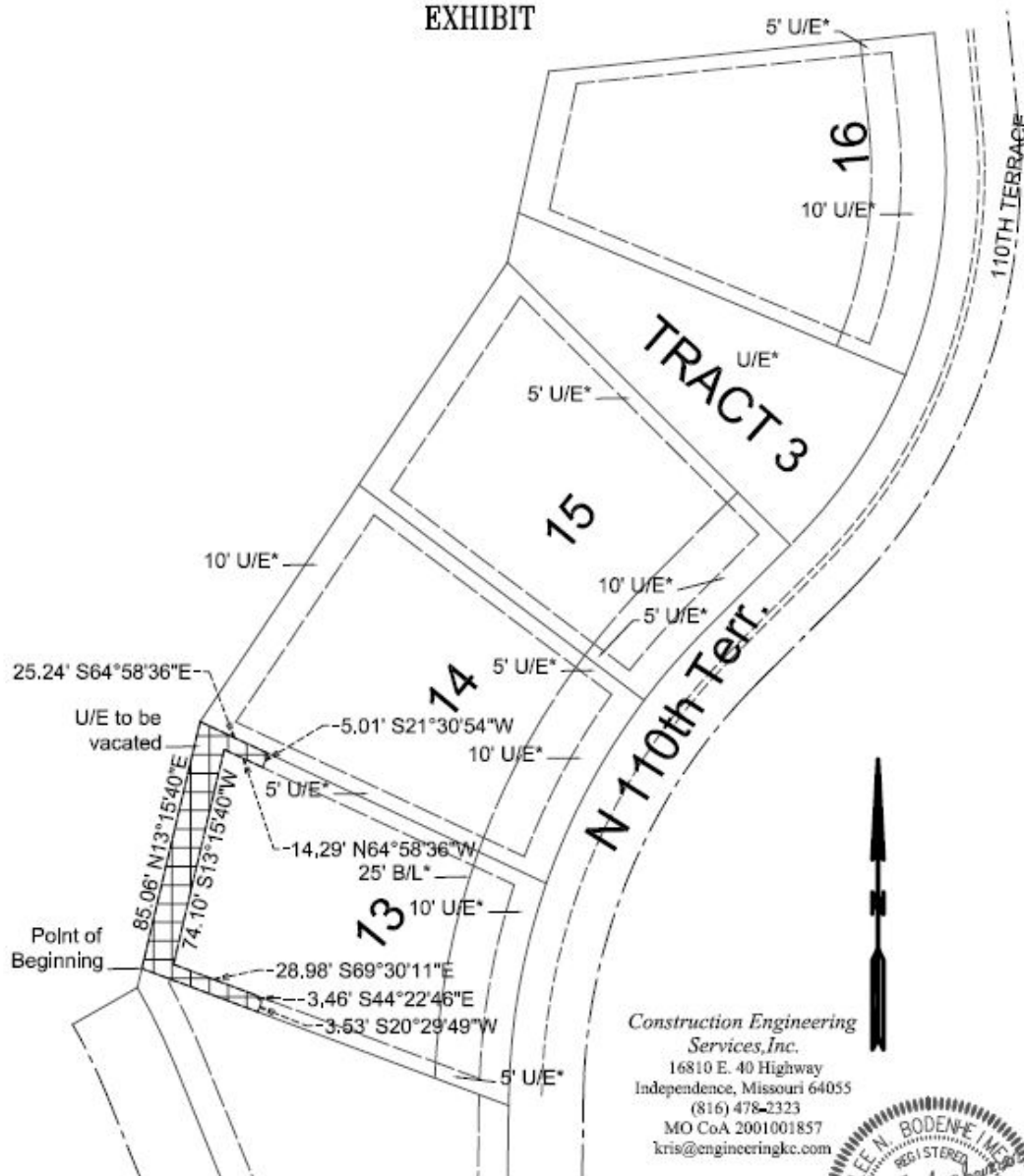
My Commission Expires:

Description of easement

A portion of Lots 13, 14, 15, 16 and Tract 3, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Southwest corner of Lot 13, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 13 degrees 15 minutes 40 seconds East along the West line of Lot 13 a distance of 85.06 feet; thence North 33 degrees 47 minutes 08 seconds East along the West line of Lot 14 a distance of 95.65 feet; thence North 33 degrees 47 minutes 08 seconds East along the West line of Lot 15 a distance of 89.87 feet; thence North 12 degrees 13 minutes 28 seconds East along the West line of Tract 3 a distance of 16.97 feet; thence North 12 degrees 13 minutes 28 seconds East along the West line of Lot 16 a distance of 48.55 feet to the Northwest corner of Lot 16 of Whispering Ridge The Bluff, First Plat; thence North 84 degrees 20 minutes 10 seconds East along the North line of said lot 16 a distance of 26.27 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 5.25 feet; thence South 84 degrees 20 minutes 10 seconds West a distance of 15.76 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 43.30 feet; thence South 67 degrees 15 minutes 28 seconds East a distance of 15.26 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 4.49 feet; thence South 19 degrees 45 minutes 36 seconds West a distance of 0.59 feet to a point on the North Line of Tract 3; thence South 19 degrees 45 minutes 36 seconds West a distance of 24.64 feet; thence South 33 degrees 33 minutes 18 seconds West a distance of 1.62 feet to a point on the Northerly line of Lot 15; thence South 33 degrees 33 minutes 18 seconds West a distance of 5.10 feet; thence North 44 degrees 59 minutes 17 seconds West a distance of 14.93 feet; thence South 33 degrees 47 minutes 08 seconds West a distance of 78.35 feet; thence South 52 degrees 58 minutes 00 seconds East a distance of 14.97 feet; thence South 33 degrees 41 minutes 06 seconds West a distance of 5.01 feet to a point on the Northerly line of Lot 14; thence South 33 degrees 41 minutes 06 seconds West a distance of 5.01 feet; thence North 52 degrees 58 minutes 00 seconds West a distance of 14.99 feet; thence South 33 degrees 47 minutes 08 seconds West a distance of 83.47 feet; thence South 64 degrees 58 minutes 36 seconds East a distance of 15.12 feet; thence South 33 degrees 48 minutes 02 seconds West a distance of 5.06 feet to a point on the Northerly line of Lot 13; thence South 21 degrees 30 minutes 54 seconds West a distance of 5.01 feet thence North 64 degrees 58 minutes 36 seconds West a distance of 14.29 feet; thence South 13 degrees 15 minutes 40 seconds West a distance of 74.10 feet; thence South 69 degrees 30 minutes 11 seconds East a distance of 28.98; thence South 44 degrees 22 minutes 46 seconds East a distance of 3.46 feet; thence South 20 degrees 29 minutes 49 seconds West a distance of 3.53 feet; thence North 69 degrees 30 minutes 11 seconds West along the Southerly line of Lot 13 a distance of 41.56 feet to the Point of Beginning.

EXHIBIT



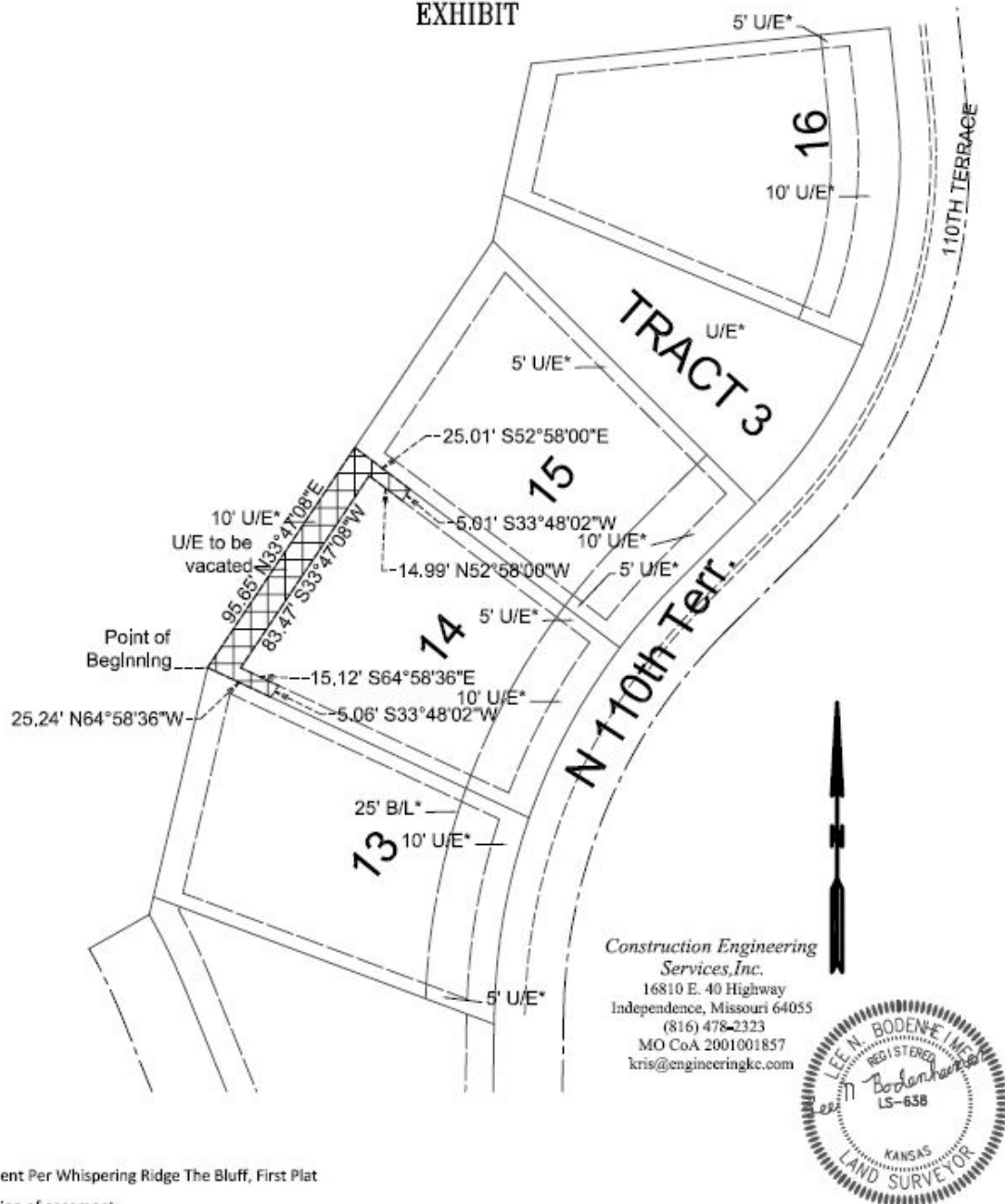
* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Lots 13, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Southwest corner of Lot 13, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 13 degrees 15 minutes 40 seconds East along the West line of Lot 13 a distance of 85.06 feet; thence South 64 degrees 58 minutes 36 seconds East along the Northerly line Lot 13 a distance of 25.24 feet; thence South 21 degrees 30 minutes 54 seconds West a distance of 5.01 feet; thence North 64 degrees 58 minutes 36 seconds West a distance of 14.29 feet; thence South 13 degrees 15 minutes 40 seconds West a distance of 74.10 feet; thence south 69 degrees 30 minutes 11 seconds East a distance of 28.98 feet; thence South 44 degrees 22 minutes 46 seconds East a distance of 3.46 feet; thence South 20 degrees 29 minutes 49 seconds West a distance of 3.53 feet; thence North 69 degrees 30 minutes 11 seconds West along the South line of said Lot 13 a distance of 41.56 feet to the Point of Beginning.

EXHIBIT

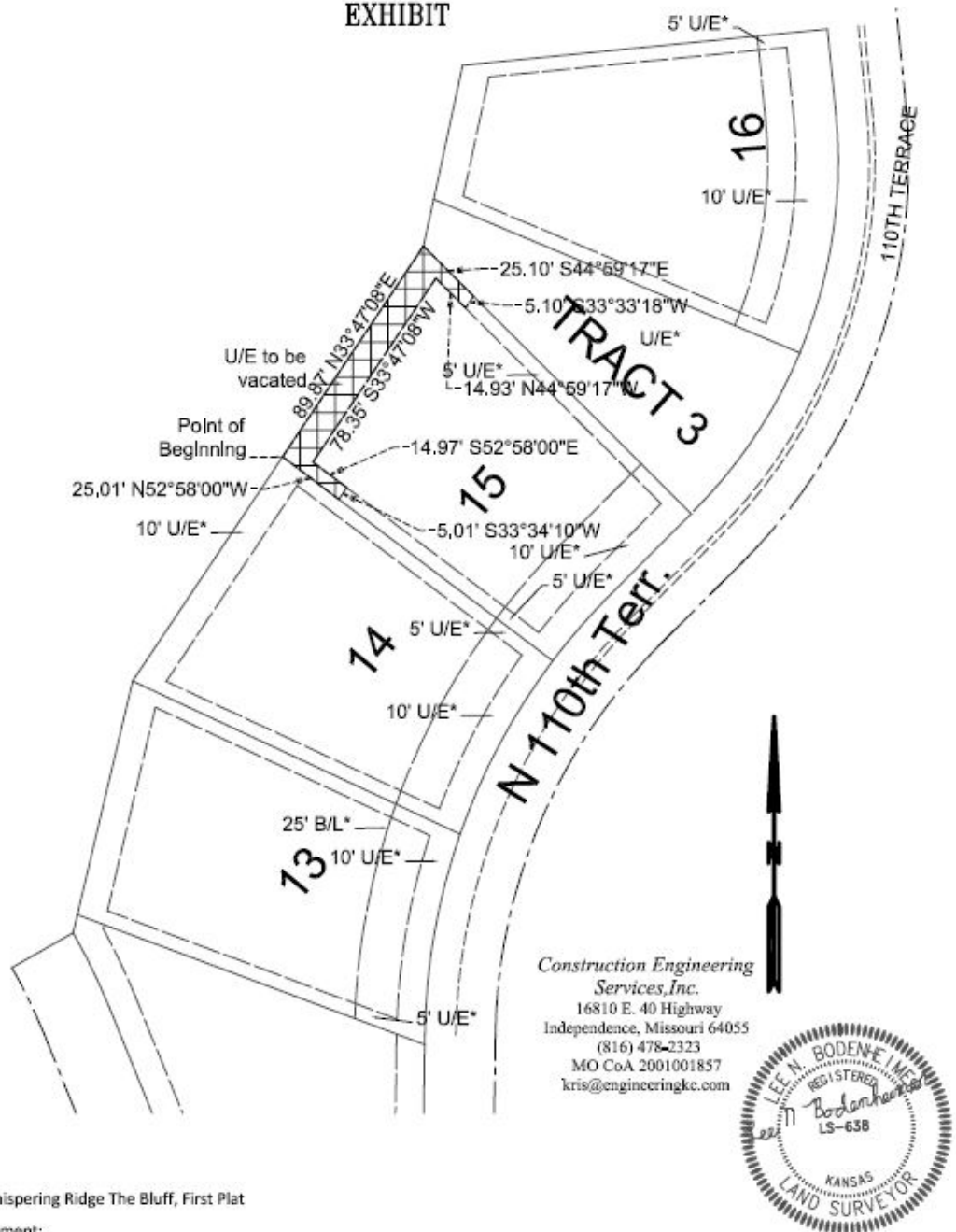


* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Lots 14, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:
 Beginning at the Southwest corner of Lot 14, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 33 degrees 47 minutes 08 seconds East along the Westerly line of Lot 14 a distance of 95.65 feet; thence South 52 degrees 58 minutes 00 seconds East along the Southerly line of Lot 15 a distance of 25.01 feet; thence South 33 degrees 48 minutes 02 seconds West a distance of 5.01 feet; thence North 52 degrees 58 minutes 00 seconds West a distance of 14.99 feet; thence south 33 degrees 47 minutes 08 seconds West a distance of 83.47 feet; thence South 64 degrees 58 minutes 36 seconds East a distance of 15.12 feet; thence South 33 degrees 48 minutes 02 seconds West a distance of 5.06 feet; thence North 64 degrees 58 minutes 36 seconds West along the Southerly line of Lot 14 a distance of 25.24 feet to the Point of Beginning.

EXHIBIT

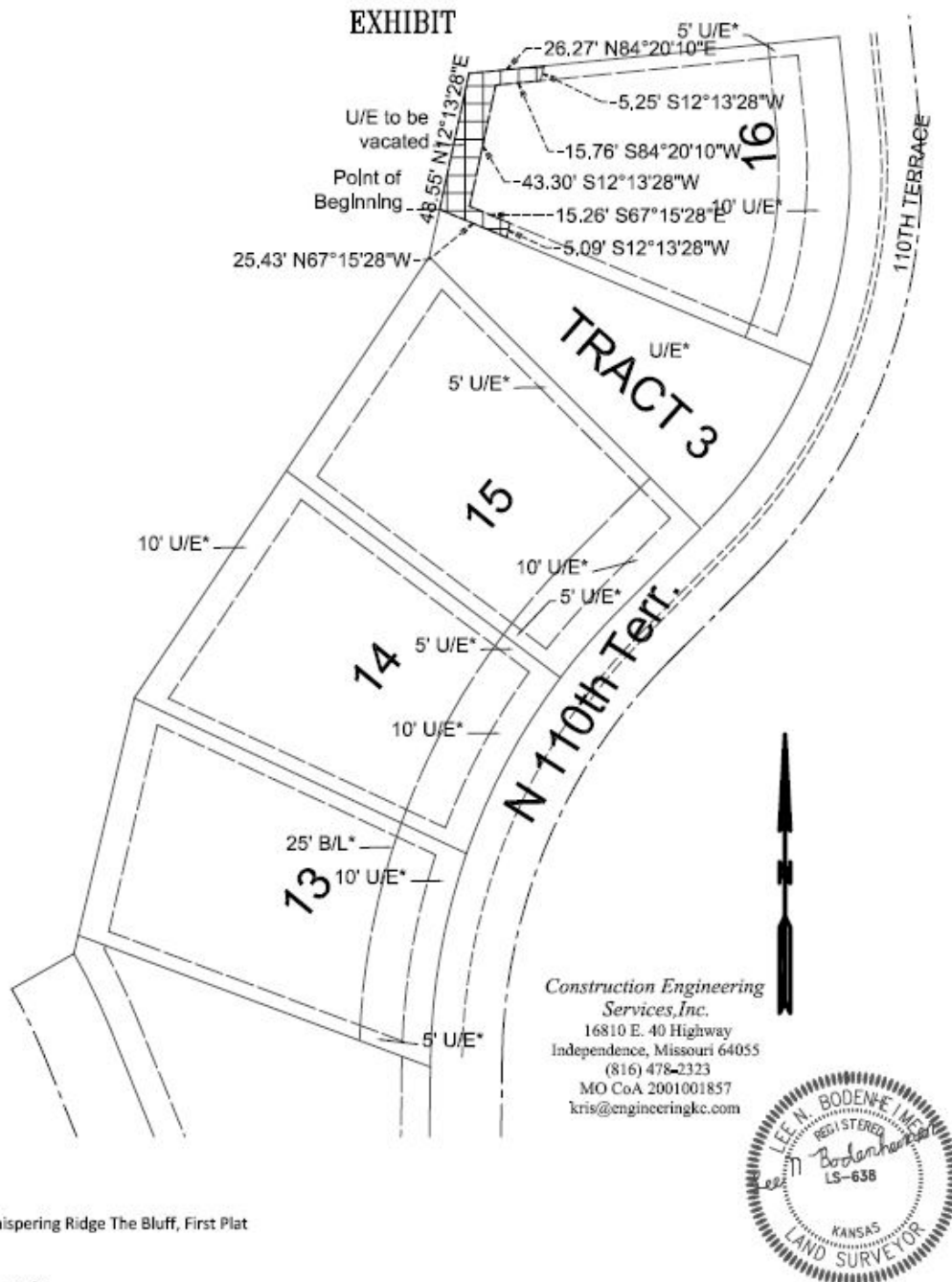


* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Lots 15, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Southwest corner of Lot 15, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 33 degrees 47 minutes 08 seconds East along the Westerly line of Lot 15 a distance of 89.87 feet; thence South 44 degrees 59 minutes 17 seconds East along the Northerly line of Lot 15 a distance of 25.10 feet; thence South 33 degrees 33 minutes 18 seconds West a distance of 5.10 feet; thence North 44 degrees 59 minutes 17 seconds West a distance of 14.93 feet; thence South 33 degrees 47 minutes 08 seconds West a distance of 78.35 feet; thence South 52 degrees 58 minutes 00 seconds East a distance of 14.97 feet; thence South 33 degrees 34 minutes 10 seconds West a distance of 5.01 feet; thence North 52 degrees 58 minutes 00 seconds West along the Southerly line of Lot 15 a distance of 25.01 feet to the Point of Beginning.



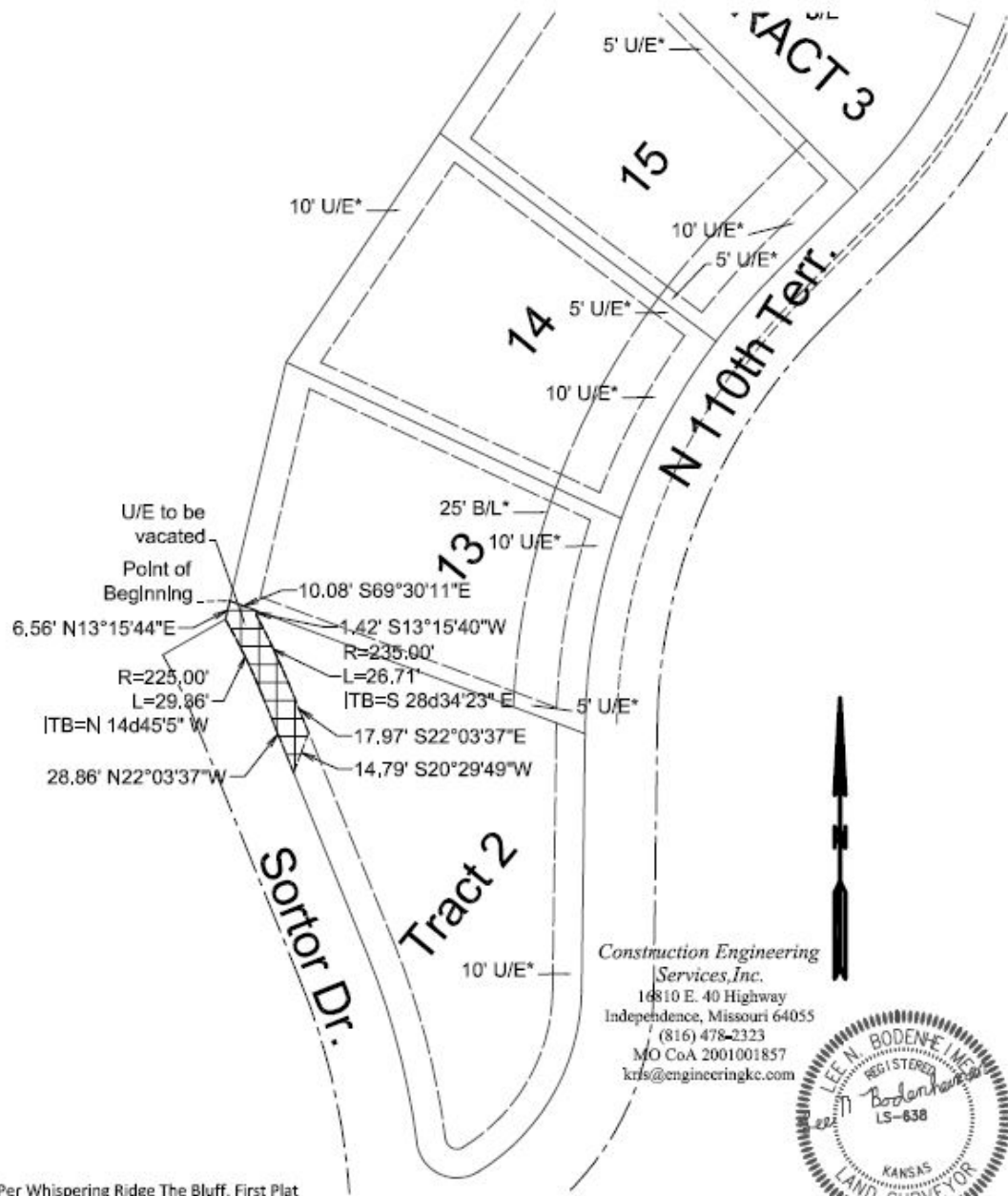
* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Lots 16, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Southwest corner of Lot 16, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 12 degrees 13 minutes 28 seconds East along the West line of Lot 16 a distance of 48.55 feet; thence North 84 degrees 20 minutes 10 seconds East along the North line of Lot 16 a distance of 26.27 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 5.25 feet; thence South 84 degrees 20 minutes 10 seconds West a distance of 15.76 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 43.30 feet; thence South 67 degrees 15 minutes 28 seconds East a distance of 15.26 feet; thence South 12 degrees 13 minutes 28 seconds West a distance of 5.09 feet; thence North 67 degrees 15 minutes 28 seconds West along the Southerly line of Lot 16 a distance of 25.35 feet to the Point of Beginning.

EXHIBIT



* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Tract 2, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

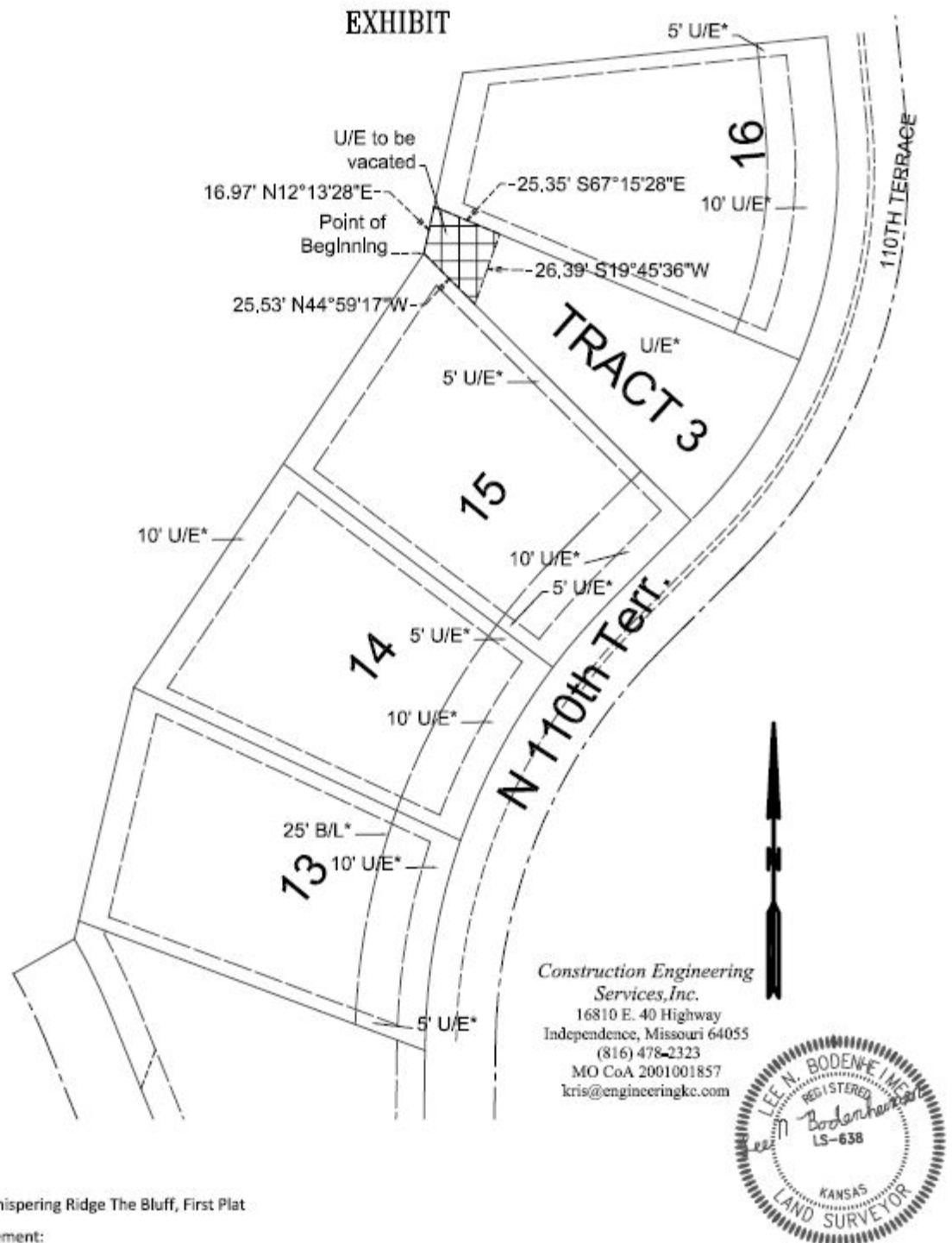
Beginning at the Northwest corner of Tract 2, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence South 69 degrees 30 minutes 11 seconds East along the North line of Tract 2 a distance of 10.08 feet; thence South 13 degrees 15 minutes 40 seconds West a distance of 1.42 feet; thence along a curve to the right having an initial tangent bearing of South 28 degrees 34 minutes 23 seconds East, a radius of 235.00 feet, and a distance of 26.71 feet; thence South 22 degrees 03 minutes 37 seconds East a distance of 17.97 feet; thence South 20 degrees 29 minute 49 seconds West a distance of 14.79 feet; thence North 22 degrees 03 minutes 37 seconds West along the Easterly right of way of Sortor Dr. a distance of 28.86 feet; thence along a curve to the left having an initial tangent bearing of North 14 degrees 45 minutes 5 seconds West, a radius of 225.00 feet, and a length of 29.36 feet; thence North 13 degrees 15 minutes 44 seconds East a distance of 6.56 feet to the Point of Beginning.

* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Tract 2, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Northwest corner of Tract 2, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence South 69 degrees 30 minutes 11 seconds East along the North line of Tract 2 a distance of 10.08 feet; thence South 13 degrees 15 minutes 40 seconds West a distance of 1.42 feet; thence along a curve to the right having an initial tangent bearing of South 28 degrees 34 minutes 23 seconds East, a radius of 235.00 feet, and a distance of 26.71 feet; thence South 22 degrees 03 minutes 37 seconds East a distance of 17.97 feet; thence South 20 degrees 29 minute 49 seconds West a distance of 14.79 feet; thence North 22 degrees 03 minutes 37 seconds West along the Easterly right of way of Sortor Dr. a distance of 28.86 feet; thence along a curve to the left having an initial tangent bearing of North 14 degrees 45 minutes 5 seconds West, a radius of 225.00 feet, and a length of 29.36 feet; thence North 13 degrees 15 minutes 44 seconds East a distance of 6.56 feet to the Point of Beginning.



* Easement Per Whispering Ridge The Bluff, First Plat

Description of easement:

A portion of Tract 3, of Whispering Ridge The Bluff, First Plat, a subdivision in Kansas city, Wyandotte County, Kansas further described as follows:

Beginning at the Southwest corner of Tract 3, Whispering Ridge The Bluff, First Plat, a subdivision in Kansas City, Wyandotte County, Kansas thence North 12 degrees 13 minutes 28 seconds East along the West line of Tract 3 a distance of 16.97 feet; thence South 67 degrees 15 minutes 28 seconds East along the Northerly line of Tract 3 a distance of 25.35 feet; thence South 19 degrees 45 minutes 36 seconds West a distance of 26.39 feet; thence North 44 degrees 59 minutes 17 seconds West along the Southerly line of Tract 3 a distance of 25.53 feet to the Point of Beginning.



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 30, 2020
Re: Vacation Petition #U/E-2020-1

GENERAL INFORMATION

Applicant:
Melissa Vancrum

Status of Applicant:
Rouse Frets White Goss
4510 Belleview Avenue, Suite 300
Kansas City, MO 64111

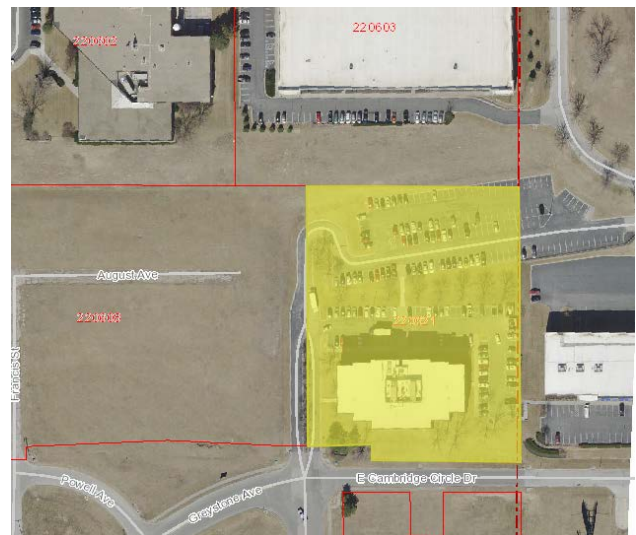
Requested Action:
Approval to vacate utility easement

Date of Application:
December 2, 2019

Purpose:
To vacate the rights of the utility easement

Property Location:
10 East Cambridge Circle Drive

Commission Districts:
Commissioner At Large: Tom Burroughs
District Commissioner: Ann Brandau Murguia



Existing Zoning: M-3 Heavy Industrial District

Existing Surrounding Zoning: **North:** M-3 Heavy Industrial District
South: M-3 Heavy Industrial District
East: City of Kansas City, Missouri
West: M-3 Heavy Industrial District

Existing Uses: **North:** Undeveloped land
South: Undeveloped land
East: City of Kansas City, Missouri
West: Undeveloped land

Neighborhood Characteristics: The character of the neighborhood is comprised of vacant, undeveloped parcels in the industrial business park and offices.

Total Tract Size: 1.95 acres

Master Plan Designation: The City-Wide Master Plan classifies this property as Business Park.

Major Street Plan: The Major Street Plan classifies Cambridge Circle Drive as a local street.

Advertisement: Wyandotte Echo – December 19, 2019
Letters to Property Owners – December 12, 2019 and January 23, 2020

Public Hearings: January 13, 2020 and January 30, 2020

Public Opposition: No one appeared in opposition at the January 13, 2020 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Melissa Vancrum with Rouse Frets White Goss wants to vacate the unused portion of the utility easement (terminate re-entry rights) at 10 East Cambridge Circle Drive.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709 and K.S.A. 12-504 to 12-506 and 12-512b.

FACTORS TO BE CONSIDERED

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

Development is of such character that it can be used safely without

danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.

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

a. *Water service*

Available

b. *Sanitary sewer service*

Available

c. *Storm water control*

Designed to meet City Code

d. *Police*

Police service provided by the South Patrol, District #335

e. *Fire*

Fire service provided by Station #10

f. *Transit*

Kansas City ATA does not provide transit service near the property

g. *Schools*

Kansas City, Kansas USD 500

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

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

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

Any proposed buildings, lots and streets will be so arranged as to afford

adequate light, open space or air, to facilitate fire protection, and to provide for long-term real estate values.

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

Not applicable.

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

Not applicable.

7. ***Vacation will not create utility conflicts.***

The proposed vacation will not create utility conflicts.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application #U/E-2020-1, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 ordinance publication fee is due immediately following the Board of Commissioners meeting. The easement rights will not be officially vacated until the ordinance is published in the *Wyandotte Echo*.

Public Works Comments:

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

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Vacation Petition #U/E-2020-1 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 13, 2020 City Planning Commission Minutes
Vacation Exhibit

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	January 13, 2020	January 30, 2020
Vacation	Approval	

STAFF CONTACT: **Byron Toy, AICP**

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #U/E-2020-1 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #U/E-2020-1, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 13, 2020 City Planning Commission Minutes:

Hearing Starts 2:41:10:

UTILITY EASEMENT VACATION APPLICATION #U/E-2020-1 – MELISSA VANCNUM WITH ROUSE FRETS WHITE GOSS – SYNOPSIS: Vacation of utility easements at 10 East Cambridge Circle Drive. Detailed Outline of Requested Action: The applicant, Melissa Vancnum with Rouse Frets White Goss wants to vacate the unused portion of the utility easement (terminate re-entry rights) at 10 East Cambridge Circle Drive.

UTILITY EASEMENT VACATION APPLICATION #U/E-2020-2 – MELISSA VANCNUM WITH ROUSE FRETS WHITE GOSS – SYNOPSIS: Vacation of utility easements at 1155 Adams Street. Detailed Outline of Requested Action: The applicant, Melissa Vancnum with Rouse Frets White Goss wants to vacate the unused portion of the utility easement (terminate re-entry rights) at 1155 Adams Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publication in The Echo dated December 19, 2019, and
7. The Notices to property owners dated December 12, 2019.

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

Present in Support:

- Mr. Stephen Lucas, Rouse Frets White Goss, 4510 Belleview Avenue, Kansas City, Kansas, representing Dean Realty

Present in Opposition:

- No one appeared

Staff Recommendation Starts 2:43:26 Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts 2:43:43:

On motion by Ms. Pauley, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL of Utility Easement Vacation Application**

#U/E-2020-1:

**Carson
Cho**

**Chairman
Not Present**

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

Motion to recommend APPROVAL Passed: 7 to 0
Subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 ordinance publication fee is due immediately following the Board of Commissioners meeting. The easement rights will not be officially vacated until the ordinance is published in the *Wyandotte Echo*.

Public Works Comments:

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

On motion by Dr. Serda, seconded by Ms. Huey, the Planning Commission voted as follows to recommend **APPROVAL** of **Utility Easement Vacation Application #U/E-2020-2:**

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

Motion to recommend APPROVAL Passed: 7 to 0
Subject to:

Urban Planning and Land Use Comments:

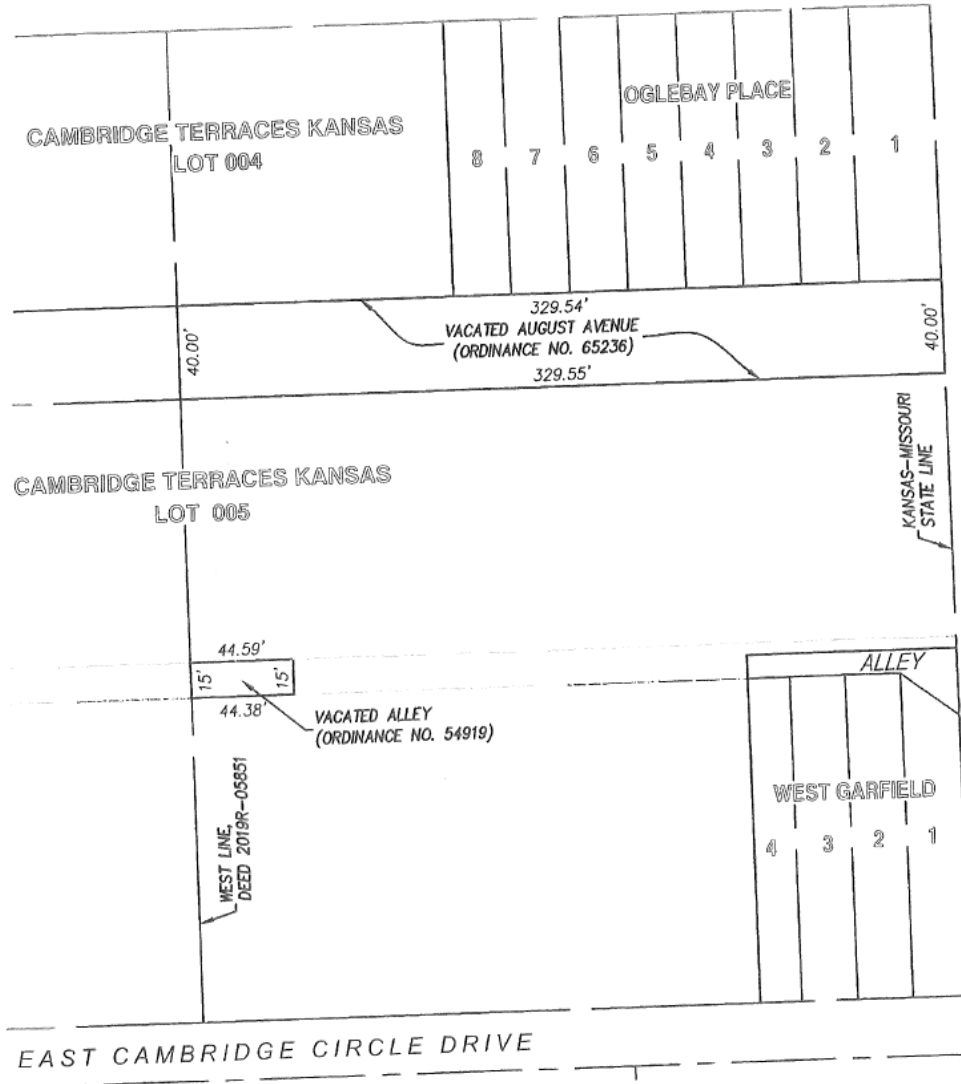
1. Subject to approval, a \$50.00 ordinance publication fee is due immediately following the Board of Commissioners meeting. The easement rights will not be officially vacated until the ordinance is published in the *Wyandotte Echo*.

Public Works Comments:

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

Easement Vacation Exhibit

Exhibit __



04/03/2019 10:45am User: davis
Z:\R\C Design\2019\SURVEY\18-3212 Dean Realty - ALTA\107-10 Cambridge Place\Draw\Exhibit18-3212 - P07 - Easement Vacation.dwg



Sheet 3 of 3



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 30, 2020
Re: Vacation Petition #U/E-2020-2

GENERAL INFORMATION

Applicant:
Melissa Vancrum

Status of Applicant:
Rouse Frets White Goss
4510 Belleview Avenue, Suite 300
Kansas City, MO 64111

Requested Action:
Approval to vacate utility easement

Date of Application:
December 2, 2019

Purpose:
To vacate the rights of the utility easement

Property Location:
1155 Adams Street

Commission Districts:
Commissioner At Large: Tom Burroughs
District Commissioner: Ann Brandau Murguia

Existing Zoning: M-3 Heavy Industrial District



Existing Surrounding Zoning: **North:** M-3 Heavy Industrial District
South: None (Interstate 35 right-of-way)
East: M-3 Heavy Industrial District
West: M-3 Heavy Industrial District

Existing Uses: **North:** Office
South: Interstate 35 right-of-way
East: Office
West: Office

Neighborhood Characteristics: The character of the neighborhood is comprised of business park type businesses and offices and Interstate 35 right-of-way to the south.

Total Tract Size: 1.95 acres

Master Plan Designation: The City-Wide Master Plan classifies this property as Business Park.

Major Street Plan: The Major Street Plan classifies Adams Street as a local street.

Advertisement: Wyandotte Echo – December 19, 2019
Letters to Property Owners – December 12, 2019 and January 23, 2020

Public Hearings: January 13, 2020 and January 30, 2020

Public Opposition: No one appeared in opposition at the January 13, 2020 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Melissa Vancrum with Rouse Frets White Goss wants to vacate the unused portion of the utility easement (terminate re-entry rights) at 1155 Adams Street.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709 and K.S.A. 12-504 to 12-506 and 12-512b.

FACTORS TO BE CONSIDERED

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

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

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

a. *Water service*

Available

b. *Sanitary sewer service*

Available

c. *Storm water control*

Designed to meet City Code

d. *Police*

Police service provided by the South Patrol, District #335

e. *Fire*

Fire service provided by Station #10

f. *Transit*

Kansas City ATA does not provide transit service near the property

g. *Schools*

Kansas City, Kansas USD 500

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

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

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

Any proposed buildings, lots and streets will be so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term real estate values.

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

Not applicable.

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

Not applicable.

7. *Vacation will not create utility conflicts.*

The proposed vacation will not create utility conflicts.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Utility Easement Vacation Application #U/E-2020-2, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 ordinance publication fee is due immediately following the Board of Commissioners meeting. The easement rights will not be officially vacated until the ordinance is published in the *Wyandotte Echo*.

Public Works Comments:

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

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Vacation Petition #U/E-2020-2 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 13, 2020 City Planning Commission Minutes
Vacation Exhibit

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	January 13, 2020	January 30, 2020
Vacation	Approval	

STAFF CONTACT: **Byron Toy, AICP**

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #U/E-2020-2 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #U/E-2020-2, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 13, 2020 City Planning Commission Minutes:

Hearing Starts 2:41:10:

UTILITY EASEMENT VACATION APPLICATION #U/E-2020-1 – MELISSA VANCNUM WITH ROUSE FRETS WHITE GOSS – SYNOPSIS: Vacation of utility easements at 10 East Cambridge Circle Drive. Detailed Outline of Requested Action: The applicant, Melissa Vancnum with Rouse Frets White Goss wants to vacate the unused portion of the utility easement (terminate re-entry rights) at 10 East Cambridge Circle Drive.

UTILITY EASEMENT VACATION APPLICATION #U/E-2020-2 – MELISSA VANCNUM WITH ROUSE FRETS WHITE GOSS – SYNOPSIS: Vacation of utility easements at 1155 Adams Street. Detailed Outline of Requested Action: The applicant, Melissa Vancnum with Rouse Frets White Goss wants to vacate the unused portion of the utility easement (terminate re-entry rights) at 1155 Adams Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publication in The Echo dated December 19, 2019, and
7. The Notices to property owners dated December 12, 2019.

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

Present in Support:

- Mr. Stephen Lucas, Rouse Frets White Goss, 4510 Belleview Avenue, Kansas City, Kansas, representing Dean Realty

Present in Opposition:

- No one appeared

Staff Recommendation Starts 2:43:26 Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts 2:43:43:

On motion by Ms. Pauley, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL of Utility Easement Vacation Application**

#U/E-2020-1:

**Carson
Cho**

**Chairman
Not Present**

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

Motion to recommend APPROVAL Passed: 7 to 0
Subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 ordinance publication fee is due immediately following the Board of Commissioners meeting. The easement rights will not be officially vacated until the ordinance is published in the *Wyandotte Echo*.

Public Works Comments:

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

On motion by Dr. Serda, seconded by Ms. Huey, the Planning Commission voted as follows to recommend **APPROVAL** of **Utility Easement Vacation Application #U/E-2020-2**:

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

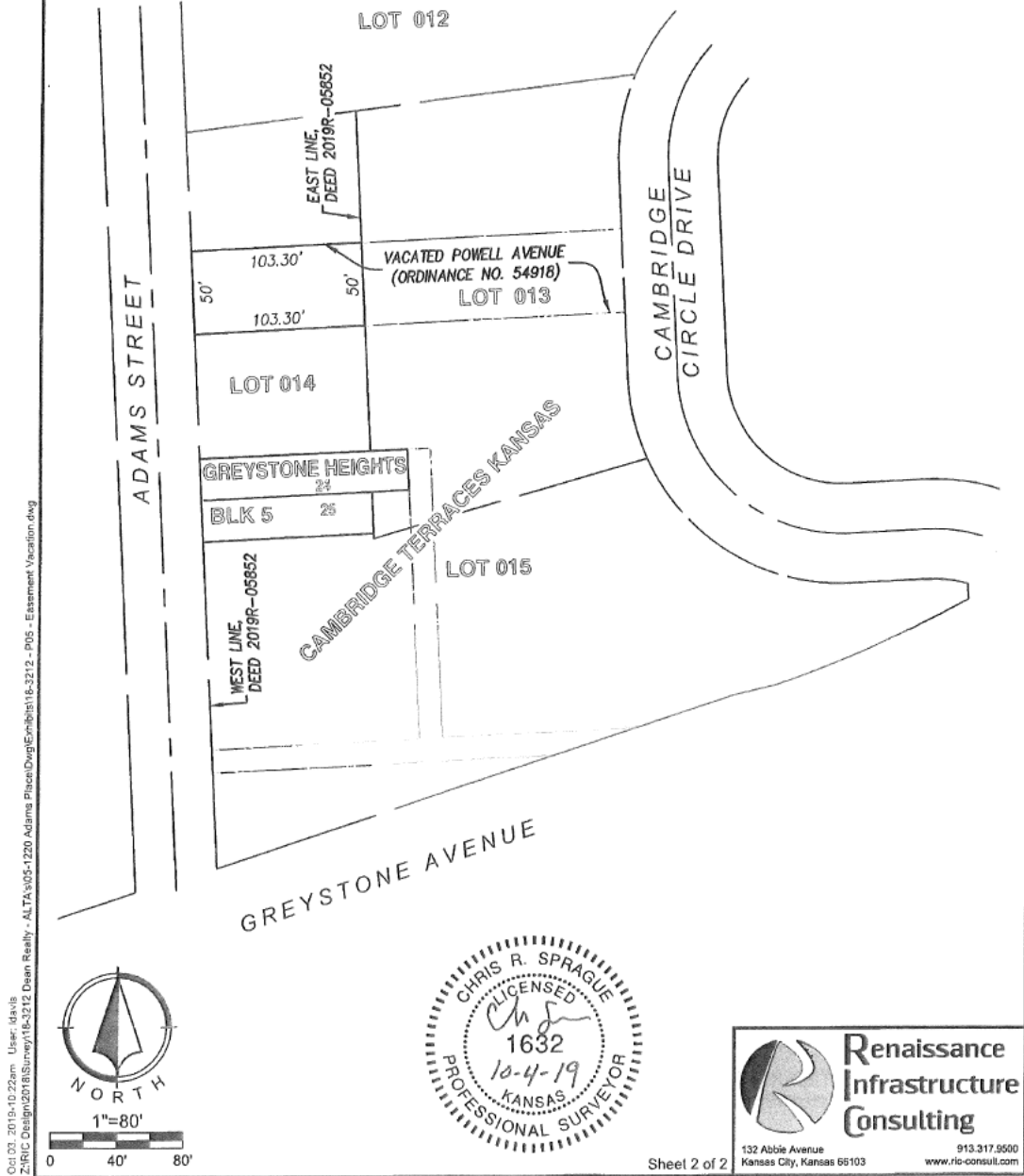
Motion to recommend APPROVAL Passed: 7 to 0
Subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 ordinance publication fee is due immediately following the Board of Commissioners meeting. The easement rights will not be officially vacated until the ordinance is published in the *Wyandotte Echo*.

Public Works Comments:

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



Sheet 2 of 2

Renaissance Infrastructure Consulting
 132 Abbie Avenue
 Kansas City, Kansas 66103
 913.317.5500
 www.ri-consult.com



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 30, 2020
Re: Vacation Petition #S-2020-3

GENERAL INFORMATION

Applicant:
Michael Davis

Status of Applicant:
Reece and Nichols Roberts
2100 Hutton Road
Kansas City, KS 66109

Requested Action:
Approval to vacate a street

Date of Application:
December 2, 2019

Purpose:
To vacate the street for a proposed
commercial development

Property Location:
612 Calvin Street

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



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

Existing Surrounding Zoning: North: C-3 Commercial and R-1(B) Single Family Districts

South: C-3 Commercial and R-1(B) Single Family Districts

East: R-1(B) Single Family District

West: C-3 Commercial District

Existing Uses: North: Vacant land (recently demoed buildings)

South: Vacant land

East: Single family homes

West: U.S. Bank

Neighborhood Characteristics: The character of the neighborhood is comprised of commercial businesses along 7th Street, Central Avenue and single-family homes along Tremont Street and Simpson Avenue.

Total Tract Size: .237 acre

Master Plan Designation: The City-Wide Master Plan classifies this property as Community Commercial.

Major Street Plan: The Major Street Plan classifies Calvin Street as a local street.

Advertisement: Wyandotte Echo – December 19, 2019

Letters to Property Owners – December 12, 2019 and January 23, 2020

Public Hearings: January 13, 2020 and January 30, 2020

Public Opposition: An email in opposition has been received (attached.) There were two person that appeared at the January 13, 2020 City Planning Commission meeting with questions and concerns.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Michael Davis with Reece and Nichols Roberts wants to vacate Calvin Street between North Tremont Street and North 6th Street Trafficway for future commercial development of 640 Central Avenue.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709 and K.S.A. 12-504 to 12-506 and 12-512b.

FACTORS TO BE CONSIDERED

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

other adversity.

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

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

a. *Water service*

Available

b. *Sanitary sewer service*

Available

c. *Storm water control*

To be designed to meet City Code

d. *Police*

Police service provided by the East Patrol, District #115

e. *Fire*

Fire service provided by Station #1

f. *Transit*

Kansas City ATA provides transit service along 7th Street, Routes #102 and #107.

g. *Schools*

Kansas City, Kansas USD 500

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

Streets will be evaluated and re-designed as to provide a safe, convenient and functional system for vehicular traffic and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probably future land and building uses.

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

Any proposed buildings, lots and streets will be so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term real estate values.

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

Not applicable.

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

Not applicable.

7. ***Vacation will not create utility conflicts.***

The proposed vacation will not create utility conflicts.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Street Vacation Application #S-2020-3, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 ordinance publication fee is due immediately following the Board of Commissioners meeting. The easement rights will not be officially vacated until the ordinance is published in the Wyandotte Echo.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
- 1) None
- B) Items that are conditions of approval (stipulations):
- 1) Based on the meeting with UG staff on 1/6/2020, the applicant shall provide survey exhibit and legal description to be reviewed and approved by the

- County Surveyor prior recording of the vacation with the Wyandotte County Register of Deeds.
- 2) The County Surveyor makes separate technical review of the vacation documents and submits comments directly to the preparer of the vacation. Provide revised vacation documents in accordance with County Surveyor comments.
 - 3) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Vacation Petition #S-2020-3 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 13, 2020 City Planning Commission Minutes
Vacation Exhibit
Emailed in Opposition

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	January 13, 2020	January 30, 2020
Vacation	Approval	

STAFF CONTACT: **Byron Toy, AICP**

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #S-2020-3 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;

2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #S-2020-3, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 13, 2020 City Planning Commission Minutes:

Hearing Starts 2:45:10:

STREET VACATION APPLICATION #S-2020-3 – MICHAEL DAVIS WITH REECE AND NICHOLS ROBERTS – SYNOPSIS: Vacation of a street between North Tremont to 7th Street Trafficway. *Detailed Outline of Requested Action:* The applicant, Michael Davis with Reece and Nichols Roberts wants to vacate Calvin Street between North Tremont Street and North 6th Street Trafficway for future commercial development of 640 Central Avenue.

STREET VACATION APPLICATION #S-2020-4 – MICHAEL DAVIS WITH REECE AND NICHOLS ROBERTS – SYNOPSIS: Vacation of a street between North 7th Street Trafficway to Simpson Avenue. *Detailed Outline of Requested Action:* The applicant, Michael Davis with Reece and Nichols Roberts wants to vacate North 6th Street Trafficway between Simpson Avenue and North 7th Street Trafficway for future commercial development of 640 Central Avenue.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publication in The Echo dated December 19, 2019, and
7. The Notices to property owners dated December 12, 2019.

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

Present in Support:

- Wil Anderson, BHC Rhodes, 712 State Avenue, Kansas City, Kansas
- Michael Davis, applicant, Reece and Nichols Roberts

Present in Opposition:

- Richard Palmerin, 639 Simpson Avenue, Kansas City, Kansas
- Mary Lou Palmerin, 639 Simpson Avenue, Kansas City, Kansas

Staff Recommendation Starts 2:59:35: Planning Director Richardson stated that the only portion of the vacation that touches the gentleman's property is the portion on 6th Street where the two cars are shown parked on the screen. The rest of the ownership that would affect his access to the property is under another ownership and the Commission cannot do anything about that tonight. Anything that comes from the south is already decided because you cannot get to it. That portion should have already been vacated; the owner of the parcel behind this gentleman is not present this evening. Director Richardson showed where the new right-of-way line will be located (on the map) if this vacation application is approved. Rather than where they park now, he showed where the new line would be that they would park and with new development there would be curbs, etc. so people could not get back there. He showed where part of the property would go but he would assume that the street access would be closed to through traffic. There would still be the ability for them to park their cars so it would not affect the parking; there is nothing the Commission can do about the back at this time. Director Richardson stated with those two comments the staff recommends approval of both applications, subject to the stipulations in the staff report.

Motion and Vote Starts 3:02:57:

On motion by Ms. Huey, seconded by Mr. Reason, the Planning Commission voted as follows to recommend **APPROVAL of Street Vacation Application #S-2020-3:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 ordinance publication fee is due immediately following the Board of Commissioners meeting. The easement rights will not be officially vacated until the ordinance is published in the Wyandotte Echo.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) Based on the meeting with UG staff on 1/6/2020, the applicant shall provide survey exhibit and legal description to be reviewed and approved by the County Surveyor prior recording of the vacation with the Wyandotte County Register of Deeds.
 - 2) The County Surveyor makes separate technical review of the vacation documents and submits comments directly to the preparer of the vacation. Provide revised vacation documents in accordance with County Surveyor comments.
 - 3) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

On motion by Ms. Huey, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL** of **Street Vacation Application #S-2020-4**:

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

Motion to recommend **APPROVAL** Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

- 1. Subject to approval, a \$50.00 ordinance publication fee is due immediately following the Board of Commissioners meeting. The easement rights will not be officially vacated until the ordinance is published in the Wyandotte Echo.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):

- 1) Based on the meeting with UG staff on 1/6/2020, the applicant shall provide survey exhibit and legal description to be reviewed and approved by the County Surveyor prior recording of the vacation with the Wyandotte County Register of Deeds.
 - 2) The County Surveyor makes separate technical review of the vacation documents and submits comments directly to the preparer of the vacation. Provide revised vacation documents in accordance with County Surveyor comments.
 - 3) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) None

EXHIBIT



These distributions are plotted in Figure 1.

[illegible][illegible]

From: Chris Kuzila <ckuzila@sbcglobal.net>
Sent: Thursday, January 9, 2020 9:30:51 AM
To: Richardson, Rob <RRichardson@wycokck.org>; Toy, Byron <btoy@wycokck.org>;
McKiernan, Brian <bmckiernan@wycokck.org>
Subject: Street Vacation Petitions

Sirs:

We oppose the vacating of streets Calvin, and North 6th Street Trafficway.

On Mr. Davis letter, these petitions are #S-2020-3, and #S-2020-4.

The city letter gives #VC-19403-00016 for the Calvin Avenue Vacation.

Thank You

Chris Kuzila



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 30, 2020
Re: Vacation Petition #S-2020-4

GENERAL INFORMATION

Applicant:
Michael Davis

Status of Applicant:
Reece and Nichols Roberts
2100 Hutton Road
Kansas City, KS 66109

Requested Action:
Approval to vacate a street

Date of Application:
December 2, 2019

Purpose:
To vacate the street for a proposed commercial development

Property Location:
5 North 6th Street Trafficway

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



Existing Zoning: C-3 Commercial District

Existing Surrounding Zoning: **North:** R-1(B) Single Family
South: C-3 Commercial District
East: C-3 Commercial and R-1(B) Single Family Districts
West: C-3 Commercial District

Existing Uses: **North:** Single family home
South: Vacant land
East: Vacant land and single-family homes
West: Automotive tire repair business

Neighborhood Characteristics: The character of the neighborhood is comprised of commercial businesses along 7th Street, Central Avenue and single family homes along Simpson Avenue.

Total Tract Size: .237 acre

Master Plan Designation: The City-Wide Master Plan classifies this property as Community Commercial.

Major Street Plan: The Major Street Plan classifies North 6th Street Trafficway as a local street.

Advertisement: Wyandotte Echo – December 19, 2019
Letters to Property Owners – December 12, 2019 and January 23, 2020

Public Hearings: January 13, 2020 and January 30, 2020

Public Opposition: An email in opposition has been received (attached). Two people appeared at the January 13, 2020 City Planning Commission meeting with questions and concerns.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Michael Davis with Reece and Nichols Roberts wants to vacate North 6th Street Trafficway between Simpson Avenue and North 7th Street Trafficway for future commercial development of 640 Central Avenue.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709 and K.S.A. 12-504 to 12-506 and 12-512b.

FACTORS TO BE CONSIDERED

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

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

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

- a. ***Water service***

Available

- b. ***Sanitary sewer service***

Available

- c. ***Storm water control***

To be designed to meet City Code

- d. ***Police***

Police service provided by the East Patrol, District #115

- e. ***Fire***

Fire service provided by Station #1

- f. ***Transit***

Kansas City ATA provides transit service along 7th Street, Routes #102 and #107.

- g. ***Schools***

Kansas City, Kansas USD 500

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

Streets will be evaluated and re-designed as to provide a safe, convenient and functional system for vehicular traffic and having such width, gradient,

location and structural quality as to accommodate prospective traffic as determined by existing and probably future land and building uses.

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

Any proposed buildings, lots and streets will be so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term real estate values.

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

Not applicable.

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

Not applicable.

7. ***Vacation will not create utility conflicts.***

The proposed vacation will not create utility conflicts.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Street Vacation Application #S-2020-4, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 ordinance publication fee is due immediately following the Board of Commissioners meeting. The easement rights will not be officially vacated until the ordinance is published in the Wyandotte Echo.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
- 1) None

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

- 1) Based on the meeting with UG staff on 1/6/2020, the applicant shall provide survey exhibit and legal description to be reviewed and approved by the County Surveyor prior recording of the vacation with the Wyandotte County Register of Deeds.
- 2) The County Surveyor makes separate technical review of the vacation documents and submits comments directly to the preparer of the vacation. Provide revised vacation documents in accordance with County Surveyor comments.
- 3) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

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

- 1) None

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Vacation Petition #S-2020-4 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 13, 2020 City Planning Commission Minutes
Vacation Exhibit
Email in Opposition

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	January 13, 2020	January 30, 2020
Vacation	Approval	

STAFF CONTACT: **Byron Toy, AICP**

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #S-2020-4 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to

the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **#S-2020-4**, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 13, 2020 City Planning Commission Minutes:

Hearing Starts 2:45:10:

STREET VACATION APPLICATION #S-2020-3 – MICHAEL DAVIS WITH REECE AND NICHOLS ROBERTS – SYNOPSIS: Vacation of a street between North Tremont to 7th Street Trafficway. Detailed Outline of Requested Action: The applicant, Michael Davis with Reece and Nichols Roberts wants to vacate Calvin Street between North Tremont Street and North 6th Street Trafficway for future commercial development of 640 Central Avenue.

STREET VACATION APPLICATION #S-2020-4 – MICHAEL DAVIS WITH REECE AND NICHOLS ROBERTS – SYNOPSIS: Vacation of a street between North 7th Street Trafficway to Simpson Avenue. Detailed Outline of Requested Action: The applicant, Michael Davis with Reece and Nichols Roberts wants to vacate North 6th Street Trafficway between Simpson Avenue and North 7th Street Trafficway for future commercial development of 640 Central Avenue.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publication in The Echo dated December 19, 2019, and
7. The Notices to property owners dated December 12, 2019.

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

Present in Support:

- Wil Anderson, BHC Rhodes, 712 State Avenue, Kansas City, Kansas
- Michael Davis, applicant, Reece and Nichols Roberts

Present in Opposition:

- Richard Palmerin, 639 Simpson Avenue, Kansas City, Kansas
- Mary Lou Palmerin, 639 Simpson Avenue, Kansas City, Kansas

Staff Recommendation Starts 2:59:35: Planning Director Richardson stated that the only portion of the vacation that touches the gentleman's property is the portion on 6th Street where the two cars are shown parked on the screen. The rest of the ownership that would affect his access to the property is under another ownership and the Commission cannot do anything about that tonight. Anything that comes from the south is already decided because you cannot get to it. That portion should have already been vacated; the owner of the parcel behind this gentleman is not present this evening. Director Richardson showed where the new right-of-way line will be located (on the map) if this vacation application is approved. Rather than where they park now, he showed where the new line would be that they would park and with new development there would be curbs, etc. so people could not get back there. He showed where part of the property would go but he would assume that the street access would be closed to through traffic. There would still be the ability for them to park their cars so it would not affect the parking; there is nothing the Commission can do about the back at this time. Director Richardson stated with those two comments the staff recommends approval of both applications, subject to the stipulations in the staff report.

Motion and Vote Starts 3:02:57:

On motion by Ms. Huey, seconded by Mr. Reason, the Planning Commission voted as follows to recommend **APPROVAL of Street Vacation Application #S-2020-3:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 ordinance publication fee is due immediately following the Board of Commissioners meeting. The easement rights will

not be officially vacated until the ordinance is published in the Wyandotte Echo.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) Based on the meeting with UG staff on 1/6/2020, the applicant shall provide survey exhibit and legal description to be reviewed and approved by the County Surveyor prior recording of the vacation with the Wyandotte County Register of Deeds.
 - 2) The County Surveyor makes separate technical review of the vacation documents and submits comments directly to the preparer of the vacation. Provide revised vacation documents in accordance with County Surveyor comments.
 - 3) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

On motion by Ms. Huey, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL** of **Street Vacation Application #S-2020-4**:

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

Motion to recommend **APPROVAL** Passed: 7 to 0

Subject to:

Urban Planning and Land Use Comments:

- 1. Subject to approval, a \$50.00 ordinance publication fee is due immediately following the Board of Commissioners meeting. The easement rights will not be officially vacated until the ordinance is published in the Wyandotte Echo.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:**
 - 1) None**
- B) Items that are conditions of approval (stipulations):**
 - 1) Based on the meeting with UG staff on 1/6/2020, the applicant shall provide survey exhibit and legal description to be reviewed and approved by the County Surveyor prior recording of the vacation with the Wyandotte County Register of Deeds.**
 - 2) The County Surveyor makes separate technical review of the vacation documents and submits comments directly to the preparer of the vacation. Provide revised vacation documents in accordance with County Surveyor comments.**
 - 3) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.**
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:**
 - 1) None**

EXHIBIT

EXHIBIT
RIGHT-OF-WAY VACATIONS

KANSAS CITY, WYANDOTTE COUNTY, KANSAS

ALLEY VACATION (WHIPPLES ADDITION TO RIVERVIEW)

Respiration of the Southward Current of solid-Led S_2

Thence North 55° 33' 13" East 17.64 feet, along the North line of Wingate's Addition to Florence, to a point on the west line of said Lot 30.

Compensation (C3) and sales effort increase as sales



6TH STREET (SIMPSON AVENUE TO 7TH STREET)

beginning at the northeast corner of Lot 4, Block 24, Riverdale, a subdivision of

Theresa Southworth's illness could result of one thing: too much sitting on the toilet.

Thence Southwesterly, along said right of way line, to a point on the line of the Northwest corner of Lot 7, Block 24, 90.0 feet Southwesterly of the Northwest corner of

subdivision of land recorded in Plat Book 20 at page 76, to a point on the South line

Summary of the S.W. 225 Feet of Lot 8, Block 2-A, "Overview", E2.0 East
Southeastern corner of the Northwest corner of said Lot 8:

as evidenced by the past 30 years,

Environ Biol Fish (2007) 78:299–310

EXHIBIT
RIGHT-OF-WAY VACATIONS
EAST QUARTER, SEC. 10, T11S, R25E,
KANSAS CITY,
WYANDOTTE COUNTY, KANSAS

Project No.	N/A
Field Crew	N/A
Field Date	N/A
Drawn By	JDE
Issue Date	1/12/2019

1 or 1

BHC RHODES Civil Engineering • Surveying • Laboratories
712 State Avenue
Kansas City, Kansas 66101
P (913) 271-5300 F (913) 271-2677

[illegible]

From: Chris Kuzila <ckuzila@sbcglobal.net>
Sent: Thursday, January 9, 2020 9:30:51 AM
To: Richardson, Rob <RRichardson@wycokck.org>; Toy, Byron <btoy@wycokck.org>;
McKiernan, Brian <bmckiernan@wycokck.org>
Subject: Street Vacation Petitions

Sirs:

We oppose the vacating of streets Calvin, and North 6th Street Trafficway.

On Mr. Davis letter, these petitions are #S-2020-3, and #S-2020-4.

The city letter gives #VC-19403-00016 for the Calvin Avenue Vacation.

Thank You

Chris Kuzila



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 30, 2020
Re: Petition #PR-2020-1

GENERAL INFORMATION

Applicant:
Ted McAnany

Status of Applicant:
Representative
Asphalt Sales Company
23200 West 159th Street
Olathe, KS 66061

Requested Action:
Preliminary and Final Development Plan

Date of Application:
November 13, 2019

Purpose:
Preliminary and final development plan review for a proposed asphalt manufacturing plant.

Property Location:
2751 South 88th Street

Existing Zoning:
MP-3 Planned Heavy Industrial District



Surrounding Zoning: **North:** MP-3 Planned Heavy Industrial District
 South: None (Kansas River)
 East: MP-3 Planned Heavy Industrial District
 West: MP-3 Planned Heavy Industrial District

Existing Uses: **North:** Industrial Uses
 South: Kansas River
 East: Undeveloped, wooded land
 West: Industrial Uses

Total Tract Size: 17.11 acres

Master Plan Designation: The City-Wide Masterplan designates this property as Industrial.

Major Street Plan: The Major Street Plan classifies South 88th Street and Woodend Avenue as a Class C Thoroughfares

Advertisement: Property Owner Letters – December 12, 2019 and January 23, 2020
 Wyandotte Echo – December 19, 2019

Public Hearings: January 13, 2020 and January 30, 2020

Public Opposition: No one appeared in opposition at the January 13, 2020 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Ted McAnany with Asphalt Sales Company, has submitted a preliminary and final development plan for an asphalt manufacturing plant, consisting of equipment, processing, and material storage at 2751 South 88th Street.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765

FACTORS TO BE CONSIDERED

1. Neighborhood character.

This neighborhood is industrial in nature with all immediately surrounding uses being industrial. In addition, this site is located within the 100-year floodplain of the Kansas River.

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

Provided all municipal codes are followed, this should not be an issue.

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

The only real issue here is the floodplain. Water cannot be “moved” in such a way as it would impact other properties.

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

The property is not vacant

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

This is not anticipated to be an issue.

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

Once again, the primary issue is the floodplain. We do need asphalt plants for a variety of reasons, but the property must be removed from the floodplain.

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

The proposed use conforms with the proposed use of Industrial in the Master Plan.

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

The area must be removed from the floodplain or it will violate the environmental protection clauses of the floodplain ordinance.

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

a. *Water service*

Available

b. *Sanitary sewer service*

A pump station pumps sanitary sewer along Woodend Avenue. Gravity sewers are not available.

c. *Storm water control*

To meet code.

d. Police

Police service is provided by the West Patrol, District #221

e. Fire

Fire service is provided by Station #17

f. Transit

KCATA does not provide service in this area.

g. Schools

Bonner Springs/Edwardsville USD 204

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

There will be the benefit of an additional plant in the area.

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

The proposed use is capable of meeting applicable ordinance and other requirements.

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

If the property can be removed from the floodplain, this should not be an issue.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 27, 2019. A copy of the meeting minutes, affidavit and sign-in are attached.

KEY ISSUES

Floodplain
Septic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Plan Review Application #PR-2020-1, subject to:

Urban Planning and Land Use Comments:

General Planning:

1. Review and respond to the attached comments from Conservation District.
2. This site is located within the 100-year floodplain. A floodplain development permit is required for all proposed construction or other development. Contact Tony Sabljak at 913 573-8664 or tsabljak@wycokck.org for floodplain permit application and requirements.

Applicants Response: Communication with Tony Sabljak and Kim Portillo regarding floodplain permitting has been ongoing throughout the site planning process. We have obtained a copy of the floodplain development permit application. Further, we have received approval from FEMA for a Conditional Letter of Map Revision based on Fill (CLOMR-R) for a metes and bounds area located within the project boundary. This metes and bounds area and description can be found on the metes and bounds map sheet Gen02. The notification of conditional approval is included with this submittal.

3. Sec. 27-552 states that the storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited. Material storage areas must be elevated to be out of the Special Flood Hazard Area 100 year floodplain.

Applicants Response: No materials will be processed or stored within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life. As shown on the grading plan sheet G01 and the metes and bounds map sheet Gen01, the site will be graded so the asphalt plant equipment and material stockpile areas will be elevated above the Base Flood Elevation (BFE). The base of the cold feed bins will be the only article of equipment erected below the BFE; however, the bins holding aggregate material will be situated higher than the BFE.

Staff Comment: Any structure, along with attendant utility and sanitary facilities, must be dry floodproofed to a minimum of 18 inches above the base flood elevation.

4. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.

Applicants Response: The electrical contractor is currently in communication with the Kansas City Board of Public Utilities (BPU) regarding electrical power configuration and installation. All new wiring will be installed underground.

5. Per Sec. 27-470(f) uses in this district require paved off-street parking at a ratio necessary to serve the employees, visitors, employees and customers who may be on the premises. In no case shall less than one space for each 500 square feet of building area be provided. Indicate which buildings will be occupied and the total square feet of occupiable space.

Applicants Response: The only building that will be occupied during operation of the asphalt plant will be the Command Control Center located east of the proposed truck lane and southeast of the storage silos. The total area of occupiable space is approximately 200 ft squared. Two paved off-street parking spaces for employees/visitors will be designated on the east side of the Command Control Center, parallel to the building. The location of these parking spaces has been added to the site plan sheet SP01.

6. Applicant must obtain approval for septic use from the Unified Government Health Department.

Applicants Response: A septic system is no longer planned for use for this site. Please refer to the Sanitary Sewer comment response under Engineering Comment Responses.

Landscaping and Screening:

1. No equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height.

Applicants Response: No equipment, materials or vehicles will be parked, stored or displayed within 25 feet to the street line. Please refer to the site plan sheet SP01 for off-street parking designation and material storage areas.

2. All accessory materials and products such as lumber, steel and other metals and concrete products that have been previously used shall be totally screened from view from off the premises.

Applicants Response: All accessory materials and products will be screened from view along S. 88th St. The material stockpile area is designated on the east portion of the project area and will be screened by the plant equipment.

3. Trash enclosures must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right of way. Show location of trash enclosure on site plan.

Applicants Response: A trash enclosure area will be designated north of the north gate for a 4 to 6 cubic yard container. The proposed location of the enclosure has been included on the site plan sheet SP01. A cedar wood privacy fence will be constructed around the trash enclosure for screening. The fence will have an access gate facing east.

4. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials.

Applicants Response: Mechanical equipment such as loaders, water trucks, and dump trucks will traverse the facility as part of plant operations. The plant structures will screen operations in the material stockpile area where this equipment will be primarily operating.

5. BPU transformer pad shall be completely screened on three sides with 6-foot junipers setback 3 feet from the pad and 10 feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary.

Applicants Response: The BPU transformer pad will be screened on the north, west, and south sides with the door facing east. As shown on the site plan sheet SP01, the designated parking area will be adjacent to the Command Control Center away from the transformer.

6. All lighting on the property, both on the buildings and in parking lots, shall have 90-degree cutoff fixtures.

Applicants Response: The lighting on the property will have 90-degree cutoff fixtures.

7. All land area that is not covered by buildings or otherwise surfaced shall be brought to a finished grade and landscaped.

Applicants Response: The facility will be landscaped as shown on the landscape plan sheet L01 once at finished grade. The west portion of the facility will be surfaced with asphalt pavement and the plant components will be constructed on the paved portion. The eastern portion of the facility designated the material stockpile area will be subject to frequent plant equipment and vehicle traffic. All fill material will be nominally compacted during construction, and maintained as necessary.

Signage:

1. Signage must comply with Sec. 27-720 through 27-739.

Applicants Response: The facility signage will comply with Sec. 27-720 through 27-739. A Sign Permit Application will be submitted to the Unified Government Department of Urban Planning and Land Use for all signage visible from a public street.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None.
- B) Items that are conditions of approval (stipulations):
 - 1) Provide UG staff with copies of the approval and /or permit from the Kansas Department of Health and Environment (KDHE) – Bureau of Water i.e. General Permit under the National Pollutant Discharge Elimination System (NPDES) for stormwater runoff from Industrial Activity. The permit shall be required prior UG staff issue a construction permit.
 - 2) Provide UG staff with copies of authorization and /or permits from the Office of the State Fire Marshall in regard to the 2000-gallon diesel above ground storage tanks.
 - 3) Provide staff with copies of all applicable Federal and State permits and/or approvals which shall be required prior construction permit acquisition.
 - 4) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends

APPROVAL of Petition #**PR-2020-1** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 13, 2020 City Planning Commission Minutes
Conservation District Comments
Zoning Map
Site Plan
Landscape Plan
Neighborhood meeting minutes, affidavit and sign-in

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	January 13, 2020	January 30, 2020
Final Plan	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**PR-2020-1**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**PR-2020-1**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 13, 2020 City Planning Commission Minutes:

Hearing Starts (Tape 2) At 16:30:

PLAN REVIEW APPLICATION #PR-2020-1 – TED MCANANY WITH ASPHALT SALES COMPANY – SYNOPSIS: Preliminary and Final Plan Review for an asphalt manufacturing facility at 2751 South 88th Street. *Detailed Outline of Requested Action:* The applicant, Ted McAnany with Asphalt Sales Company, has submitted a preliminary and final development plan for an asphalt manufacturing plant, consisting of equipment, processing, and material storage at 2751 South 88th Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and
6. The Notices to property owners dated December 12, 2019.

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

Present in Support:

- Austin Quick, Blackstone Environmental, 16200 Foster, Overland Park, Kansas, representing the applicant

Present in Opposition:

- No one appeared

Staff Recommendation Starts 20:32: Planning Director Richardson stated that the staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts 20:41:

On motion by Ms. Huey, seconded by Mr. Reasons, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application #PR-2020-1:**

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

Reasons Aye
Serda Aye
Motion to recommend APPROVAL Passed: 7 to 0
Subject to:

Urban Planning and Land Use Comments:

General Planning:

1. Review and respond to the attached comments from Conservation District.
2. This site is located within the 100-year floodplain. A floodplain development permit is required for all proposed construction or other development. Contact Tony Sabljak at 913 573-8664 or tsabljak@wycokck.org for floodplain permit application and requirements.

Applicants Response: Communication with Tony Sabljak and Kim Portillo regarding floodplain permitting has been ongoing throughout the site planning process. We have obtained a copy of the floodplain development permit application. Further, we have received approval from FEMA for a Conditional Letter of Map Revision based on Fill (CLOMR-R) for a metes and bounds area located within the project boundary. This metes and bounds area and description can be found on the metes and bounds map sheet Gen02. The notification of conditional approval is included with this submittal.

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



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

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

December 17, 2019

RE: PR-2020-1 Ted McAnany with Asphalt Sales Company 2751 South 88th Street

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the site plan for PR-2020-1 Ted McAnany with Asphalt Sales Company 2751 South 88th Street.

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

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Dwelling and small Commercial Buildings
Water features
Soil Features

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

- There are two major soil types identified: Eudora-Urban land complex, rarely flooded. These soil types are considered erodible when the surface is denuded of a protective cover.
- Due to the materials that are handled here, care needs to be taken to protect the river from any chemical contamination that could wash into the river. Any chemical spills that get into the soil need to be cleaned up as well. Ground water can become contaminated and flow into the river as well.
- The operation needs to be monitored to watch for possible contamination of the area due to the closeness to the river.
- The Best Management Practices in this report can be used to solve any wind erosion problems that may come up.

The following Best Management Practices are recommended for this plat:

* **Access Road** – Temporary entrance/exit pads should be constructed of a stone base design to provide a buffer area where construction vehicles can drop their mud to avoid transporting it onto public roads. See the *Protecting Water Quality Field Guide* pages 27-29 for Temporary Gravel Construction Entrance/Exit Pad.

* **Dust Control** – Any combination of the following may be used to help reduce the dust and air pollution at a construction site; vegetative cover, sprinkling, barriers, street cleaning and mulching. See the *Protecting Water Quality Field Guide* pages 89-92 for Dust Control information.

* **Critical Area Planting** – After final grade has been completed permanent vegetation will be established. See the *Protecting Water Quality Field Guide* pages 35-54 for Temporary, and Permanent Seeding.

* **Filter Strips** – During development, strategic non disturbance of existing perennial grass vegetation can function as filter strips. See the *Protecting Water Quality Field Guide* pages 195-200 for Filter Strip.

* **Silt Fences** – Temporary sediment barrier consisting of a geotextile fabric which is attached to supporting posts and trenched into the ground may be substituted for vegetative strips. Install on the contour, where fence can intercept runoff as a sheet flow; not located in crossing channels, waterways or other concentrated flow paths. See the *Protecting Water Quality Field Guide* pages 175-181 for Sediment Fence.

* **Sediment Trap** – Temporary catch basins consisting of a row or more of entrenched and anchored straw bales can be utilized in minor swales with less than 2 acres of drainage. See the *Protecting Water Quality Field Guide* for Straw Bale Sediment Trap.

* **Mulching** – Mulch can be applied to seeded areas to help establish plant cover. It can also be used in unseeded areas to protect against erosion over the winter or until final grading and shaping can be accomplished. See the *Protecting Water Quality Field Guide* pages 61-66 for Mulching.

* **Precision Land Forming** – Keep disturbed areas small; open only the land that is minimally necessary to perform the intended construction activities; and only for the minimum duration of time necessary to complete construction. Permanent or temporary soil stabilization should be applied to denuded areas that will remain undisturbed for longer than 60 days.

* **Sediment Basins** – This best management practice should be utilized in the natural concentrated flow areas to protect adjacent property and meet the National Pollution Discharge Elimination Systems Permit (NPDES). See the *Water Quality Field Guide* pages 201 – 208 for Temporary Sediment Trap and pages 209-216 for Sediment Basin.

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

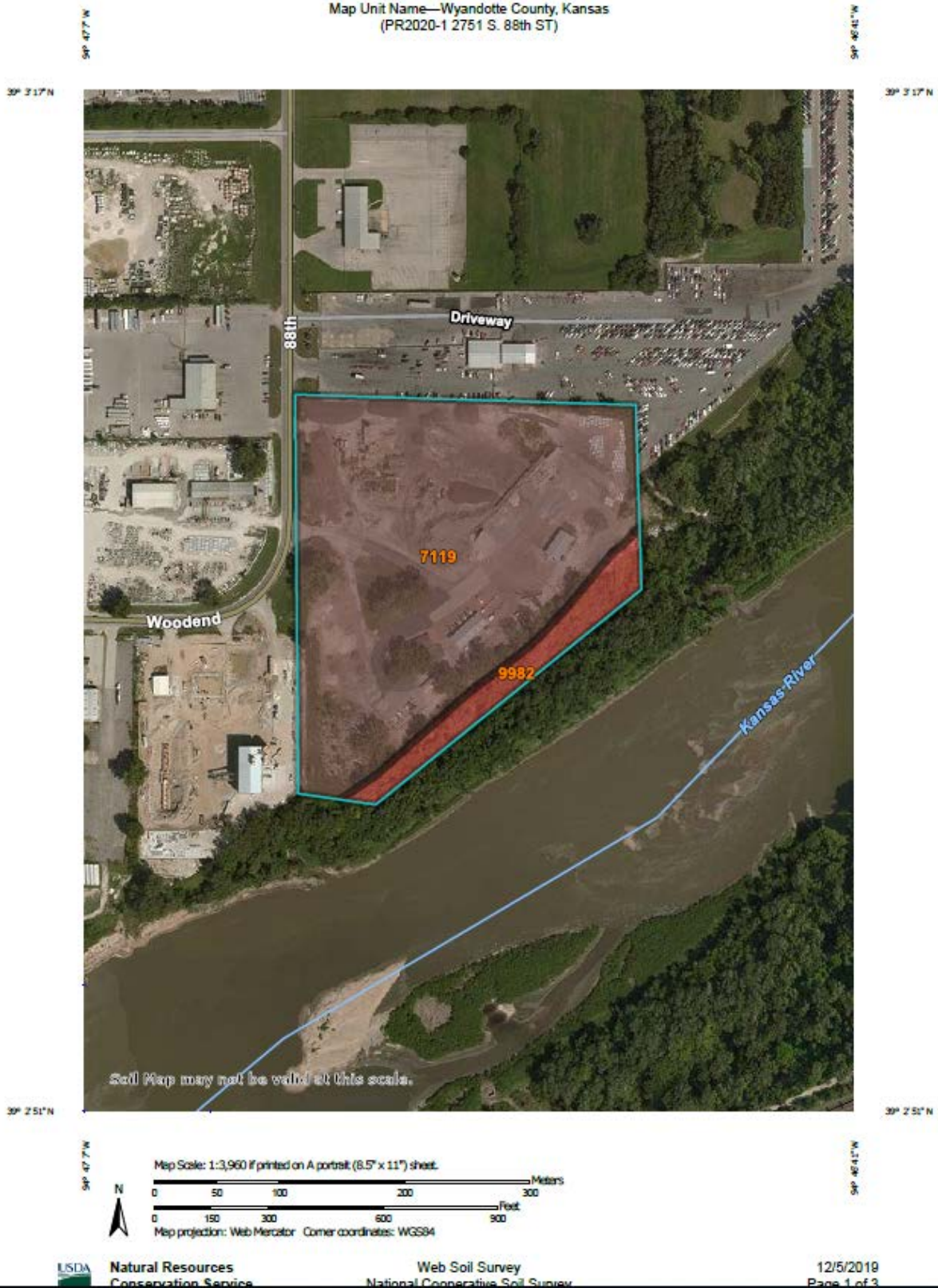
The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern has been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineations on the maps include soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

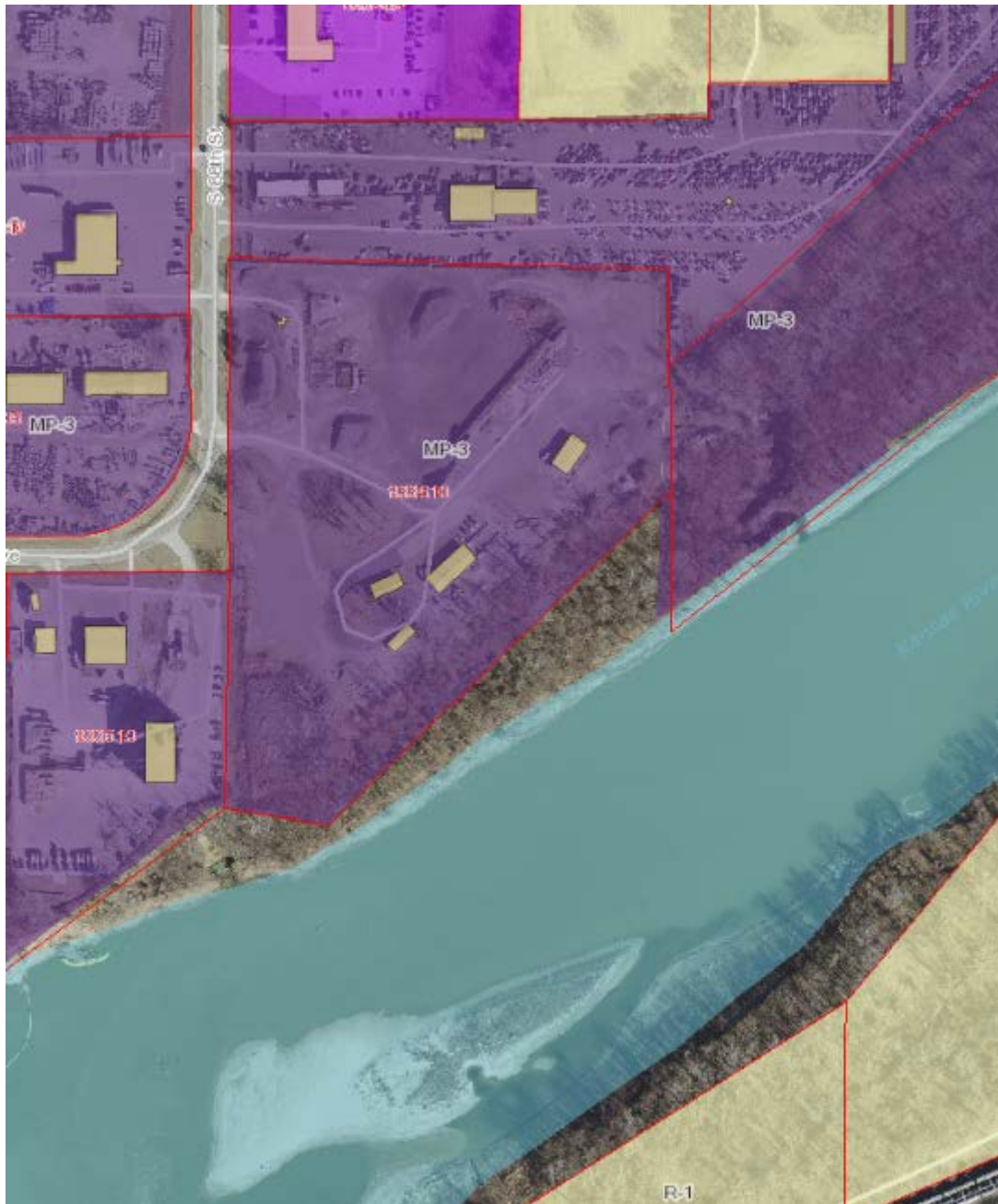
If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures





MEETING MINUTES:

Application Number: **#PR-2020-1**
Date and Location: **December 27, 2019, Great Wolf Lodge NW
Territory A Function Space**

Meeting called to order at: **4:00 PM**

Names of people in attendance:

**Austin Quick, Blackstone Environmental
Kyle Kukuk, Blackstone Environmental
Ted McAnany, Asphalt Sales Co.
Bryan Frye, Asphalt Sales Co.
Tom Frye, Interested Party**

Introductions: **n/a**

A Powerpoint presentation was prepared by Blackstone Environmental to provide a visual overview of the project location and proposed facility information. A set of the site development plans was also on display.

All attendees present for the meeting were aware of the project details and the material to be covered in the presentation. As no additional attendees showed up within 30 minutes of the scheduled time and no questions or comments were raised, the meeting was adjourned at 4:30 PM.

Meeting adjourned at: **4:30 PM**

Minutes taken by: Kyle Kukuk, P.E. – Blackstone Environmental

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Ted McAnany, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # PR-2020-1.
2. That I conducted a neighborhood meeting on Friday, Dec 27, 2019.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of Dec, 2019

My commission expires 12th of Oct, 2022


Notary Public



Meeting Sign In

Project: 2751 S 88th Street, #PR-2020-1
 Facilitator: Asphalt Sales Co./Blackstone Environmental
 Place/Room: Great Wolf Lodge - Northwest Territories Room

Date: 12/27/2019
 Time: 4:00 PM

PRINT NAME	ORGANIZATION	TITLE	PHONE	EMAIL
1. Austin Quick	Blackstone Env.	Proj. Engineer	913-815-6180	aquick@blackstone-env.com
2. Kyle Kukuk	Blackstone	Sr. Proj. Mgr.	913-950-6223	kkukuk@blackstone-env.com
3. Ted McAnany	Asphalt Sales	President	913-788-8800	tmcnany@everest.net
4. Tom Frye	interested party		761-745-55	tom@yubico.com
5. Bryan Fija	Asphalt Sales	V.P. Oper.	913-915-0413	
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22.				



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 30, 2020
Re: COZ #3213 and #MP-2020-1

GENERAL INFORMATION

Applicant:
Nathaniel Hagedorn

Status of Applicant:
Representative
NorthPoint Development
4825 Northwest 41st Street
Riverside, Missouri 64150

Requested Action:
City-Wide Master Plan amendment
from Low Density Residential and
Mixed Use to Industrial

Change of Zone from R-1(B) Single
Family, RP-M Planned Mobile Home
Park, RP-5 Planned Apartment and
CP-2 Planned General Business
Districts to MP-2 Planned General Industrial District



Date of Application:
December 3, 2019

Purpose: For development of a Planned General Industrial District logistics park for warehousing, distribution and light manufacturing business.

Property Location: 747 North 69th Street

Existing Zoning: R-1 Single Family District, RP-M Planned Mobile Home Park District, RP-5 Planned Apartment District and CP-2 Planned General Business District

Surrounding Zoning:	North:	CP-2 Planned General Business District and R-1 Single Family District
	South:	R-1 Single Family District (Across Interstate 70)
	East:	R-1 Single Family District, R-2 Two Family District, RP-4 Planned Garden Apartment District, RP-5 Planned Apartment District
	West:	R-1 Single Family District, RP-5 Planned Apartment District (Across College Parkway)

Existing Uses:	North:	Technical Education Center, Collision Repair Shop, Single Family Homes
	South:	(Across Interstate 70) Board of Public Utilities Operations Center
	East:	Single Family Homes, Apartment Buildings
	West:	Single Family Homes, College Parkway and I-70 interchange

Total Tract Size: 156.8 acres

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

Major Street Plan: The Major Street Plan classifies I-70 Highway as a freeway, State Avenue as a Class A Thoroughfare, North 72nd Street (College Parkway) as a Class C Thoroughfare, North 65th Street as a Class C Thoroughfare, and North 69th Street as a local street.

Advertisement: Property Owner Letters – December 12, 2019
Wyandotte Echo – December 19, 2019 and January 23, 2020

Public Hearings: January 13, 2020 and January 30, 2020

Public Opposition: There was one person present in opposition at the January 13, 2020 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Nathaniel Hagedorn with North Point Development, has requested a change of zone from R-1 Single Family District, RP-M Planned Mobile Home District, RP-5 Planned Apartment District and CP-2 Planned General Business District to MP-2 Planned General Industrial District, as well

as a Master Plan amendment from Low Density Residential and Mixed Use to MP-2 Planned General Industrial District, a preliminary plat for nine (9) lots, and a variance for architectural screening requirements at 747 North 69th Street. This project will include four (4) new industrial buildings comprised of 1,425,397 square feet.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709 and Sections 27-1001 – 27-1419

FACTORS TO BE CONSIDERED

1. Neighborhood character.

This project spans a large area with several uses. The site area is primarily undeveloped land. There are residential subdivisions adjacent to the project area to the east and west. Commercial uses exist along State Avenue to the north of the project site. This location is also adjacent to several major roadways; Interstate 70 to the south, College Parkway to the west and State Avenue to the north. Appropriate screening will be essential.

2. The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems. Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

The proposed project would incorporate a redesign of the College Avenue/ Turner Diagonal/I-70 interchange. Planning Engineering and the City Traffic Engineer have sent additional comments. The primary entrance would be off College Parkway/Turner Diagonal with construction of a new thru street connecting to 65th Street as an emergency access. 65th Street does provide access for residential properties and additional heavy trailer and truck traffic could become a nuisance for residents in those subdivisions and additional property owners along 65th Street.

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

The proposed use does not conform to the Master Plan. A Master Plan amendment has been filed.

4. The capability of the proposed use to meet applicable ordinance and other requirements.

The applicant has requested a variance to the screening requirements.

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

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

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

a. *Water service*

Available

b. *Sanitary sewer service*

Available

c. *Storm water control*

To meet code

d. *Police*

Police service provided by West Patrol, District 221

e. *Fire*

Fire service provided by Station #11

f. *Transit*

KCATA provides service along College Parkway and I-70 Highway, Route 114.

g. *Schools*

Turner USD 202

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

Buildings, lots, blocks, parcels and streets will be arranged so as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values provided proper screening is developed.

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

Development patterns have been designed with due regard to topography, so that the natural feature of the land and vegetation shall be protected and enhanced.

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

This is an industrial development and as such does not have required amenities, although staff has made recommendations to improve walkability and non-vehicular transportation.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 30, 2019. A copy of the meeting sign-in, minutes and affidavit are attached.

KEY ISSUES

Potential Conflict with Residential Properties

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Master Plan Amendment #MP-2020-1 and Change of Zone Application #3213, subject to:

Fire Department Comments:

1. **Provide plans that show the location of proposed fire hydrants per Sec. 507, Sec. D103.1 2012 IFC**

Applicants Response: Fire hydrant locations will be provided with final development plans.

2. **Provide dimensioned side plans that indicated paving widths, approach/ departure angles of pavement, speed controls (i.e. speed bumps or crossing tables) and turn radii for review.**

Applicants Response: Final development plans will include detailed and dimensioned site plans.

3. **If the building heights are over 30' aerial truck access is required per Sec. D105, 2012 IFC for each building. Aerial fire lane to be 26' min. width, curb face to curb face, with 15" to 30" of the façade of the building parallel to the longest dimension.**

Applicants Response: A meeting with the KCK Fire Department is being coordinated to discuss the implications of this requirement to the proposed truck dock areas. All fire department requirements will be addressed prior to the submittal of final development plans.

4. Provide a truck turning exhibit for each building based on the following data:
 - a. Length 40'
 - b. Wheel base 272.5 in.
 - c. Front overhang 131.3 in.
 - d. Width 84 in.
 - e. Inside turn radius 26 ft.
 - f. Wall to wall radius 48.5 ft.
 - g. Curb to Burb radius 42 ft.

Applicants Response: A truck turning exhibit specific to the above data will be provided prior to the submittal of final development plans. Turning movements for a WB-67 truck and trailer can be found on the Preliminary Site Plan at critical intersections.

5. Provide (2) code compliant emergency vehicle access points per Sec. D104, Sec. D105, 2012 IFC for the overall site and each bldg.

Applicants Response: Understood

6. Contact Harvey Fields, Fire Inspector/ Plans Examiner, at 913 573-5947 for any questions.

Urban Planning and Land Use Comments:

General Planning:

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

Applicants Response: While an abbreviated erosion control sheet appears in the original submission plans, a final set of erosion control and grading plans is currently being developed. We anticipate submitting this set of plans to the Unified Government, KDHE, and the Wyandotte County Conservation District before the end of January 2020.

2. Review the attached comments from GeoSpatial Services Department.
3. Provide dimensions on the site plan.

Applicants response: Building dimensions, distances from buildings to property lines, and distances from proposed retaining walls to property lines have been added to the site plan.

4. Utility easements shall be provided along each side of lots to form a continuous right-of-way. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when which lines do not form, in whole or in part, the outside boundaries of the plat.

Applicants response: A ten-foot utility easement has been provided around the outside boundary of the plat, excluding previously developed Lots 1 and 2.

Staff Comment: Utility easements are required for all lots included in the replat.

5. Utility easements shall connect with easements established in adjoining properties.

Applicants response: Understood.

6. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.

Applicants response: Understood.

7. Submit a design criteria manual for the overall development, as there could be expansions or additions in the future. The design criteria should include guidelines for high quality architecture, building materials, colors, signage and lighting.

Applicants response: Refer to the Turner Logistics Center Design Criteria Manual that was submitted with this document.

Staff Comment: The document referenced in the response is not a complete design criteria manual with specific guidelines. Rather, what has been submitted is a paragraph giving a generalized overview of building architecture. A full Design Criteria Manual must be submitted with Final Development Plan. Staff can provide the applicant with a sample of a complete Design Criteria Manual if needed.

8. The City-Wide Master Plan states the following regarding the designation of Industrial, "Allows industries featuring industrial processing, manufacturing, heavy truck traffic, excessive noise, potentially noxious uses and outdoor storage. These uses are the least compatible with residential development and should be encouraged to locate where such uses already occur." This project is proposed immediately adjacent to residential subdivision on the east and west sides. There is currently no industrial zoning. Although this does provide adequate access to transportation routes, it has significant potential to come in conflict with the existing residential uses.

Please provide an enhanced screening plan more in line with that done for Plaza at The Speedway along its north property lines. Adjacent residences should be completely screened from view.

Applicants response: A proposed architectural screening wall has been added to the north of Building 1 along with additional landscaping. Refer to BZA Petition #2365 for the requested variance to include additional landscaping and berms in lieu of architectural screening in other areas.

Staff Response: The Board of Zoning Appeals proposal is inadequate. Provide plans per the original comment with Final Plan.

9. The proposed layout includes a street connection between College Parkway/ Turner Diagonal and 65th Street. 65th Street provides access for existing residential uses. This could cause disruption for the existing uses. What is the percentage of traffic entering and exiting the property from/to 65th street? What percentage would be truck traffic and what percentage would be employee/ passenger car traffic? Provide dimensions of street width.

Applicants response: Recent site layout changes have removed the development's connection to 65th Street. Street width dimensions can be found on Sheet C600- Preliminary Public Road Improvements Plan and Profile.

10. Sec. 27-469(e) states that uses off-street parking be provided a ratio of one space for each 500 square feet of building floor area. For buildings larger than 20,000 square feet, only one space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square feet will be determined by the director of planning. With final determination from the Board of Commissioners based on recommendation by Planning Commission. This application contains a combined building floor area of all 4 buildings of 1,425,397 square feet. 901 car parking spaces have been provided, which represents a ratio of 1 space per 1,582 sf of floor area. In addition, 608 truck parking spaces have been provided for trailers.

Applicants response: The revised site layout now includes 1,515,715 square feet of building area and provides 916 car parking spaces which represents a ratio of 1 space per 1,655 sf of floor area.

11. Downspouts shall be internalized.

Applicants response: Further discussion with UG Planning may be required.

12. As this will be a major employment center, has there been any communication with KCATA to coordinate location of a bus shelter?

Applicants response: There has not been any communication with KCATA up to this point. KCATA will be contacted prior to final design and at a time when employers are identified.

Staff Response: Final Plan must include transit connection.

- 13.** How wide is the proposed sidewalk along Tauromee Avenue? Sidewalk should be a minimum 10 feet as this will be a main entryway and arterial into the development.

Applicants response: Recent site layout changes have removed the public road connection to 65th Street. If added, the 10' trail/sidewalk would terminate at the cul-de-sac. If it is determined that the 10' sidewalk is still required, final development plans will be updated to reflect this.

Staff Comment: A sidewalk is still necessary for internal pedestrian circulation.

Landscaping and Screening:

- 1.** Sec. 27-469(g) states that a reasonable amount of landscaping is required on all projects with emphasis being placed on screening or otherwise softening the visual impact of unsightly areas. Trees are required to be provided at not less than one per 10,000 square feet of site area. Six-foot-high architectural screening in combination with a buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property.

Applicants response: See BZA Petition #2365

Staff Comment: The Board of Zoning Appeals proposal is inadequate. Provide plans in accordance with Comment 8.

- 2.** Trash enclosures must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way.

Applicants response: Each building will have at least one trash compactor pending the tenant's requirements. The Trash compactors will be loaded internally and will not have outside access.

- 3.** Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials.

Applicants response: Understood, all mechanical equipment will be screened from public view with either landscape or architectural screening.

- 4.** Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected

glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent lights bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures.

Applicants response: Understood, this will be incorporated into the final lighting plan.

5. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots to be used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue.

Applicants response: Plans have been revised to include at least one shade tree per 20 parking spaces.

6. All landscaping shall be irrigated.

Applicants response: Understood.

Signage:

1. Signage must comply with Sec.27-720 through 27-740.

Applicants response: Understood.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None.
- B) Items that are conditions of approval (stipulations):
 - 1) When the proposed development is finalized, the applicant shall submit a revised preliminary development plan and revised preliminary and final plat for review by UG staff and to be approved by the Planning Commission.
 - 2) Similar as above comment, a revised Traffic Impact Study for the finalized proposed development shall be submitted to UG staff for review and approval. Further discussion with staff is required.
 - 3) Continue to coordinate with UG regarding the timing, design, and construction relationships between the development project and public

- improvements on Turner diagonal / College Parkway i.e. the Diverging Diamond Interchange. Further discussion with staff is required.
- 4) Retaining wall plans, details and calculations shall be submitted for UG review and approval. Retaining walls greater than 3'-6" in height shall be designed by a State of Kansas Professional Engineer. Construction permit acquisition shall not be allowed prior to UG approval. Please review and comply with the on-line retaining wall checklist. These requirement(s) are for all types of retaining walls, including modular block or pre-manufactured walls, and reinforced concrete walls.
 - 5) Please note that if pedestrian guardrail/handrails will be installed with the walls, it shall be designed in accordance with UG criteria, i.e., 50 pound per lineal foot uniform loading and 200 pound concentrated load. Provide calculations to include the guardrail/handrail loading and provide details that include the guardrail post and embedment in the wall.
 - 6) For future reference, this project includes public sanitary sewer improvements. The public sanitary sewer improvement plans shall meet the UG standards and criteria and shall be a separate plan set with a separate cover sheet with applicable information, i.e., vicinity map, sheet index, benchmark, utility contacts, floodplain note, etc. The public sanitary sewer improvement plans shall include erosion control. This set of plans is required for final development plans.
 - 7) All public sanitary sewer will need to be in an easement meeting the UG standards and criteria (minimum of 15' wide or the depth of the sewer, whichever is greater). (Check UG standards, checklists and criteria).
 - 8) With final development plans, provide hydrology data table for the 10 and 100-year storm events. Provide all data as necessary for review including but not limited to pipe size, pipe material, flows, capacity, velocity, slope, rim elevation, HGL, EGL, etc.
 - 9) Construction plans shall be reviewed and approved prior to UG final approval and construction permit acquisition.
 - 10) The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents in accordance with County Surveyor comments.
 - 11) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) Final development plans / plat will have to be approved before going to planning commission with approval to obtain permits. This will include final engineering, calculations, and complete drawings with construction notes and details. The Final Development Plans / Plat must meet the requirements of UG standards and criteria. Only preliminary drawings and studies are required at this time.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ #3213** and **MP-2020-1** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

January 13, 2020 City Planning Commission Minutes
Conservation District Comments
GeoSpatial Services Comments
Zoning Map
Site Plan and Preliminary Plat
Landscape Plan (3 sheets)
Neighborhood meeting sign-in sheets
Neighborhood meeting minutes
Neighborhood meeting affidavits
Email in Opposition

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	January 13, 2020	January 30, 2020
Master Plan	Approval	
Amendment		
Change of	January 13, 2020	January 30, 2020
Zone	Approval	

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

MOTIONS

MASTER PLAN AMENDMENT

I move the Unified Government Board of Commissioners **APPROVE** Petition **#MP-2020-1** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #MP-2020-1 as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

CHANGE OF ZONE

I move the Unified Government Board of Commissioners **APPROVE** Petition #3213 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #3213 as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 13, 2020 City Planning Commission Minutes:

Hearing Starts At 14:10:

MASTER PLAN AMENDMENT #MP-2020-1 – NATHANIEL HAGEDORN WITH NORTHPOINT DEVELOPMENT – SYNOPSIS: Master Plan Amendment from Low Density Residential and Mixed Use to Industrial at 747 North 69th Street.

CHANGE OF ZONE APPLICATION #3213 – NATHANIEL HAGEDORN WITH NORTHPOINT DEVELOPMENT - SYNOPSIS: Change of Zone from R-1 Single Family, RP-M Planned Mobile Home Park, RP-5 Planned Apartment and CP-2 Planned General Business Districts to MP-2 Planned General Industrial District for a logistics park for warehousing, distribution and light manufacturing business at 747 North 69th Street.

TURNER LOGISTICS EAST, Preliminary Plat for nine (9) lots at 747 North 69th Street.

Detailed Outline of Requested Action: The applicant, Nathaniel Hagedorn with North Point Development, has requested a change of zone from R-1 Single Family District, RP-M Planned Mobile Home District, RP-5 Planned Apartment District and CP-2

Planned General Business District to MP-2 Planned General Industrial District, as well as a Master Plan amendment from Low Density Residential and Mixed Use to MP-2 Planned General Industrial District, a preliminary plat for nine (9) lots, and a variance for architectural screening requirements at 747 North 69th Street. This project will include four (4) new industrial buildings comprised of 1,425,397 square feet.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated December 19, 2019 for the Change of Zone and Master Plan Amendment;
7. The Notices to property owners dated December 12, 2019; and
8. The testimony from the Board of Zoning Appeals meeting this evening.

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

Present in Support:

- Brent Miles, representing the applicant, one of the owners/founders of NorthPoint Development

Present in Opposition:

- Jason Faust, 829 North 69th Street, Kansas City, Kansas

Staff Recommendation Starts 35:25: Planning Director Richardson stated that early on they had talked about access onto 65th Street and staff thought with the Amazon employee access onto 65th Street and there might be trucks coming down 65th Street off the interstate. He showed the Commission the fire access and where the private street would be. He stated that the trucks will stay off State Avenue, the commercial areas and the residential areas. He showed the Commission where all the traffic would be kept. It is being designed to accommodate that traffic. There will be wider lanes, etc. as they come forward with their final plans. As was mentioned during the Board of Zoning Appeals meeting the issue that the staff wants to make sure is dealt with appropriately is the screening of the residences and the staff basically said that it would be the Speedway style. If they have to add a wall to make the slope work out right, then they will have to add the wall. The people that have lived in the residential area have to be protected. He showed The Salvation Army property and what the Board of Zoning Appeals said is that the area where there are residential properties will have to be screened that address lights, noise and other nuisances of industrial zoning. To Mr. Faust's point, if they acquire more land, they will have to come back and amend their plan. That is not unlike other projects where plans have been approved and have come back for revisions. Director Richardson stated with these comments, the staff

recommends approval subject to the stipulations in the staff report and the terms of the Board of Zoning Appeals action.

Motion and Vote Starts 38:55:

On motion by Dr. Serda, seconded by Mr. Reasons, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment #MP-2020-1:**

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

Motion to recommend APPROVAL Passed: 6 to 0

On motion by Ms. Huey, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application 3213:**

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

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

Fire Department Comments:

1. **Provide plans that show the location of proposed fire hydrants per Sec. 507, Sec. D103.1 2012 IFC**

Applicants Response: Fire hydrant locations will be provided with final development plans.

2. **Provide dimensioned side plans that indicated paving widths, approach/ departure angles of pavement, speed controls (i.e. speed bumps or crossing tables) and turn radii for review.**

Applicants Response: Final development plans will include detailed and dimensioned site plans.

3. If the building heights are over 30' aerial truck access is required per Sec. D105, 2012 IFC for each building. Aerial fire lane to be 26' min. width, curb face to curb face, with 15" to 30" of the façade of the building parallel to the longest dimension.

Applicants Response: A meeting with the KCK Fire Department is being coordinated to discuss the implications of this requirement to the proposed truck dock areas. All fire department requirements will be addressed prior to the submittal of final development plans.

4. Provide a truck turning exhibit for each building based on the following data:

- a. Length 40'
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- c. Front overhang 131.3 in.
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- f. Wall to wall radius 48.5 ft.
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Applicants Response: A truck turning exhibit specific to the above data will be provided prior to the submittal of final development plans. Turning movements for a WB-67 truck and trailer can be found on the Preliminary Site Plan at critical intersections.

5. Provide (2) code compliant emergency vehicle access points per Sec. D104, Sec. D105, 2012 IFC for the overall site and each bldg.

Applicants Response: Understood

6. Contact Harvey Fields, Fire Inspector/ Plans Examiner, at 913 573-5947 for any questions.

Urban Planning and Land Use Comments:

General Planning:

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

Applicants Response: While an abbreviated erosion control sheet appears in the original submission plans, a final set of erosion control and grading plans is currently being developed. We anticipate submitting this set of plans to the Unified Government, KDHE, and the Wyandotte County Conservation District before the end of January 2020.

2. Review the attached comments from GeoSpatial Services Department.
3. Provide dimensions on the site plan.

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Applicants response: A ten-foot utility easement has been provided around the outside boundary of the plat, excluding previously developed Lots 1 and 2.

Staff Comment: Utility easements are required for all lots included in the replat.

5. Utility easements shall connect with easements established in adjoining properties.

Applicants response: Understood.

6. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.

Applicants response: Understood.

7. Submit a design criteria manual for the overall development, as there could be expansions or additions in the future. The design criteria should include guidelines for high quality architecture, building materials, colors, signage and lighting.

Applicants response: Refer to the Turner Logistics Center Design Criteria Manual that was submitted with this document.

Staff Comment: The document referenced in the response is not a complete design criteria manual with specific guidelines. Rather, what has been submitted is a paragraph giving a generalized overview of building architecture. A full Design Criteria Manual must be submitted with Final Development Plan. Staff can provide the applicant with a sample of a complete Design Criteria Manual if needed.

8. The City-Wide Master Plan states the following regarding the designation of Industrial, "Allows industries featuring industrial processing,

manufacturing, heavy truck traffic, excessive noise, potentially noxious uses and outdoor storage. These uses are the least compatible with residential development and should be encouraged to locate where such uses already occur.” This project is proposed immediately adjacent to residential subdivision on the east and west sides. There is currently no industrial zoning. Although this does provide adequate access to transportation routes, it has significant potential to come in conflict with the existing residential uses.

Please provide an enhanced screening plan more in line with that done for Plaza at The Speedway along its north property lines. Adjacent residences should be completely screened from view.

Applicants response: A proposed architectural screening wall has been added to the north of Building 1 along with additional landscaping. Refer to BZA Petition #2365 for the requested variance to include additional landscaping and berms in lieu of architectural screening in other areas.

Staff Response: The Board of Zoning Appeals proposal is inadequate. Provide plans per the original comment with Final Plan.

9. The proposed layout includes a street connection between College Parkway/ Turner Diagonal and 65th Street. 65th Street provides access for existing residential uses. This could cause disruption for the existing uses. What is the percentage of traffic entering and exiting the property from/to 65th street? What percentage would be truck traffic and what percentage would be employee/ passenger car traffic? Provide dimensions of street width.

Applicants response: Recent site layout changes have removed the development’s connection to 65th Street. Street width dimensions can be found on Sheet C600- Preliminary Public Road Improvements Plan and Profile.

10. Sec. 27-469(e) states that uses off-street parking be provided a ratio of one space for each 500 square feet of building floor area. For buildings larger than 20,000 square feet, only one space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square feet will be determined by the director of planning. With final determination from the Board of Commissioners based on recommendation by Planning Commission. This application contains a combined building floor area of all 4 buildings of 1,425,397 square feet. 901 car parking spaces have been provided, which represents a ratio of 1 space per 1,582 sf of floor area. In addition, 608 truck parking spaces have been provided for trailers.

Applicants response: The revised site layout now includes 1,515,715 square feet of building area and provides 916 car parking spaces which represents a ratio of 1 space per 1,655 sf of floor area.

11. Downspouts shall be internalized.

Applicants response: Further discussion with UG Planning may be required.

12. As this will be a major employment center, has there been any communication with KCATA to coordinate location of a bus shelter?

Applicants response: There has not been any communication with KCATA up to this point. KCATA will be contacted prior to final design and at a time when employers are identified.

Staff Response: Final Plan must include transit connection.

13. How wide is the proposed sidewalk along Tauromee Avenue? Sidewalk should be a minimum 10 feet as this will be a main entryway and arterial into the development.

Applicants response: Recent site layout changes have removed the public road connection to 65th Street. If added, the 10' trail/sidewalk would terminate at the cul-de-sac. If it is determined that the 10' sidewalk is still required, final development plans will be updated to reflect this.

Staff Comment: A sidewalk is still necessary for internal pedestrian circulation.

Landscaping and Screening:

- 1. Sec. 27-469(g) states that a reasonable amount of landscaping is required on all projects with emphasis being placed on screening or otherwise softening the visual impact of unsightly areas. Trees are required to be provided at not less than one per 10,000 square feet of site area. Six-foot-high architectural screening in combination with a buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property.**

Applicants response: See BZA Petition #2365

Staff Comment: The Board of Zoning Appeals proposal is inadequate. Provide plans in accordance with Comment 8.

- 2. Trash enclosures must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way.**

Applicants response: Each building will have at least one trash compactor pending the tenant's requirements. The Trash compactors will be loaded internally and will not have outside access.

3. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials.

Applicants response: Understood, all mechanical equipment will be screened from public view with either landscape or architectural screening.

4. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent lights bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures.

Applicants response: Understood, this will be incorporated into the final lighting plan.

5. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots to be used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue.

Applicants response: Plans have been revised to include at least one shade tree per 20 parking spaces.

6. All landscaping shall be irrigated.

Applicants response: Understood.

Signage:

1. Signage must comply with Sec.27-720 through 27-740.

Applicants response: Understood.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:**
- 1) None.**
- B) Items that are conditions of approval (stipulations):**
- 1) When the proposed development is finalized, the applicant shall submit a revised preliminary development plan and revised preliminary and final plat for review by UG staff and to be approved by the Planning Commission.**
 - 2) Similar as above comment, a revised Traffic Impact Study for the finalized proposed development shall be submitted to UG staff for review and approval. Further discussion with staff is required.**
 - 3) Continue to coordinate with UG regarding the timing, design, and construction relationships between the development project and public improvements on Turner diagonal / College Parkway i.e. the Diverging Diamond Interchange. Further discussion with staff is required.**
 - 4) Retaining wall plans, details and calculations shall be submitted for UG review and approval. Retaining walls greater than 3'-6" in height shall be designed by a State of Kansas Professional Engineer. Construction permit acquisition shall not be allowed prior to UG approval. Please review and comply with the on-line retaining wall checklist. These requirement(s) are for all types of retaining walls, including modular block or pre-manufactured walls, and reinforced concrete walls.**
 - 5) Please note that if pedestrian guardrail/handrails will be installed with the walls, it shall be designed in accordance with UG criteria, i.e., 50 pound per lineal foot uniform loading and 200 pound concentrated load. Provide calculations to include the guardrail/handrail loading and provide details that include the guardrail post and embedment in the wall.**
 - 6) For future reference, this project includes public sanitary sewer improvements. The public sanitary sewer improvement plans shall meet the UG standards and criteria and shall be a separate plan set with a separate cover sheet with applicable information, i.e., vicinity map, sheet index, benchmark, utility contacts, floodplain note, etc. The public sanitary sewer improvement plans shall include erosion control. This set of plans is required for final development plans.**
 - 7) All public sanitary sewer will need to be in an easement meeting the UG standards and criteria (minimum of 15' wide or the depth of the sewer, whichever is greater). (Check UG standards, checklists and criteria).**
 - 8) With final development plans, provide hydrology data table for the 10 and 100-year storm events. Provide all data as necessary for review including but not limited to pipe size, pipe material, flows, capacity, velocity, slope, rim elevation, HGL, EGL, etc.**
 - 9) Construction plans shall be reviewed and approved prior to UG final approval and construction permit acquisition.**
 - 10) The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents in accordance with County Surveyor comments.**

- 11) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) Final development plans / plat will have to be approved before going to planning commission with approval to obtain permits. This will include final engineering, calculations, and complete drawings with construction notes and details. The Final Development Plans / Plat must meet the requirements of UG standards and criteria. Only preliminary drawings and studies are required at this time.

On motion by Dr. Serda, seconded by Ms. Huey, the Planning Commission voted as follows to **APPROVE Turner Logistics East Preliminary Plat**:

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

Motion to APPROVE Passed: 6 to 0

Subject to the above stipulations



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

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

December 17, 2019

RE: Nathaniel Hagedorn with North Point Development COZ-3211 Turner Logistics
East MP-2020-1 BOZ-2365

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the site plan for Nathaniel Hagedorn with North Point Development COZ-3211 Turner Logistics East MP-2020-1 BOZ-2365.

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

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Dwelling and small Commercial Buildings
Roads and Streets
Soil Features

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

- There are five major soil types that were identified: Ladoga silt loam, 3 to 8 percent slopes, Marshall silt loam, 2 to 5 percent slopes, Marshall silt loam, 5 to 9 percent slopes, Knox silt loam, 7 to 12 percent slopes and Orthents. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- Due to the size of this development, we would not recommend approval of this project until we have had a chance to review the Erosion Control Plan. We did not receive any information on this plat for how the sediment is going to be controlled. We need the Erosion Control Plan for the site to ensure that offsite damage does not occur.

Figure 1: Comments from Conservation District

- There appears to be many ponds that are planned for water control. These can be incorporated into the Erosion Control Plan as sediment basins. They may need to be cleaned out if 25 percent of their capacity is lost.
- The Best Management Practices in this report can be used to develop an Erosion Control Plan.

The following Best Management Practices are recommended for this plat:

* **Access Road** – Temporary entrance/exit pads should be constructed of a stone base design to provide a buffer area where construction vehicles can drop their mud to avoid transporting it onto public roads. See the *Protecting Water Quality Field Guide* pages 27-29 for Temporary Gravel Construction Entrance/Exit Pad.

* **Dust Control** – Any combination of the following may be used to help reduce the dust and air pollution at a construction site; vegetative cover, sprinkling, barriers, street cleaning and mulching. See the *Protecting Water Quality Field Guide* pages 89-92 for Dust Control information.

* **Critical Area Planting** – After final grade has been completed permanent vegetation will be established. See the *Protecting Water Quality Field Guide* pages 35-54 for Temporary, and Permanent Seeding.

* **Filter Strips** – During development, strategic non disturbance of existing perennial grass vegetation can function as filter strips. See the *Protecting Water Quality Field Guide* pages 195-200 for Filter Strip.

* **Silt Fences** – Temporary sediment barrier consisting of a geotextile fabric which is attached to supporting posts and trenched into the ground may be substituted for vegetative strips. Install on the contour, where fence can intercept runoff as a sheet flow; not located in crossing channels, waterways or other concentrated flow paths. See the *Protecting Water Quality Field Guide* pages 175-181 for Sediment Fence.

* **Sediment Trap** – Temporary catch basins consisting of a row or more of entrenched and anchored straw bales can be utilized in minor swales with less than 2 acres of drainage. See the *Protecting Water Quality Field Guide* for Straw Bale Sediment Trap.

* **Mulching** – Mulch can be applied to seeded areas to help establish plant cover. It can also be used in unseeded areas to protect against erosion over the winter or until final grading and shaping can be accomplished. See the *Protecting Water Quality Field Guide* pages 61-66 for Mulching.

* **Precision Land Forming** – Keep disturbed areas small; open only the land that is minimally necessary to perform the intended construction activities; and only for the minimum duration of time necessary to complete construction. Permanent or temporary soil stabilization should be applied to denuded areas that will remain undisturbed for longer than 60 days.

* **Sediment Basins** – This best management practice should be utilized in the natural concentrated flow areas to protect adjacent property and meet the National Pollution Discharge Elimination Systems Permit (NPDES). See the *Water Quality Field Guide* pages 201 – 208 for Temporary Sediment Trap and pages 209-216 for Sediment Basin.

Figure 2: Comments from Conservation District

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

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern may have been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however, some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineations on the maps include soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

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

Sincerely,

Cheri Miller
District Manager

enclosures

Figure 3: Comments from Conservation District

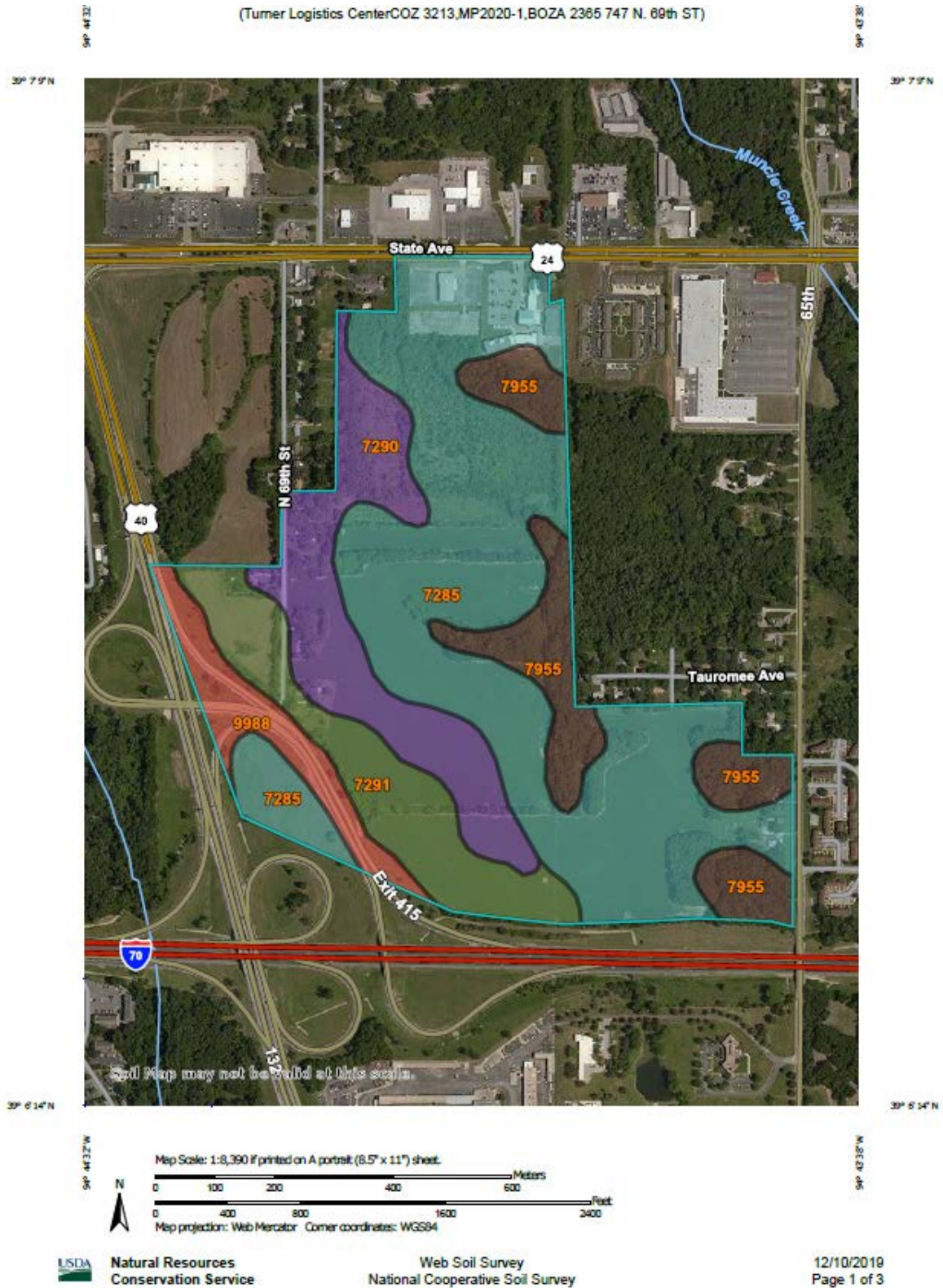


Figure 4: Comments from Conservation District



GeoSpatial Services
A Division of the Knowledge Office

710 North 7th Street Suite 200
Kansas City, Kansas 66101

Phone: (913) 573-2941
Fax: (913) 573-4106

To: Rob Richardson, Urban Planning and Land Use
Janet Parker, Urban Planning and Land Use
From: Robert Ringel, GIS Analyst, Unified Government GSS
Date: December 13, 2019
RE: **TURNER LOGISTICS CENTER**

We have researched the official county records for the above plat as submitted to Urban Planning and Land Use by:
Continental Consulting Engineers, Inc.

And we have determined the following:

Takes all of CIC-TAS Parcels:
925320, 925332, 925301, 925331 & 923503

Owners-of-Record:
Turner Land, LLC; Apex American Holdings, LLC; The Salvation Army;
George Allen Trust

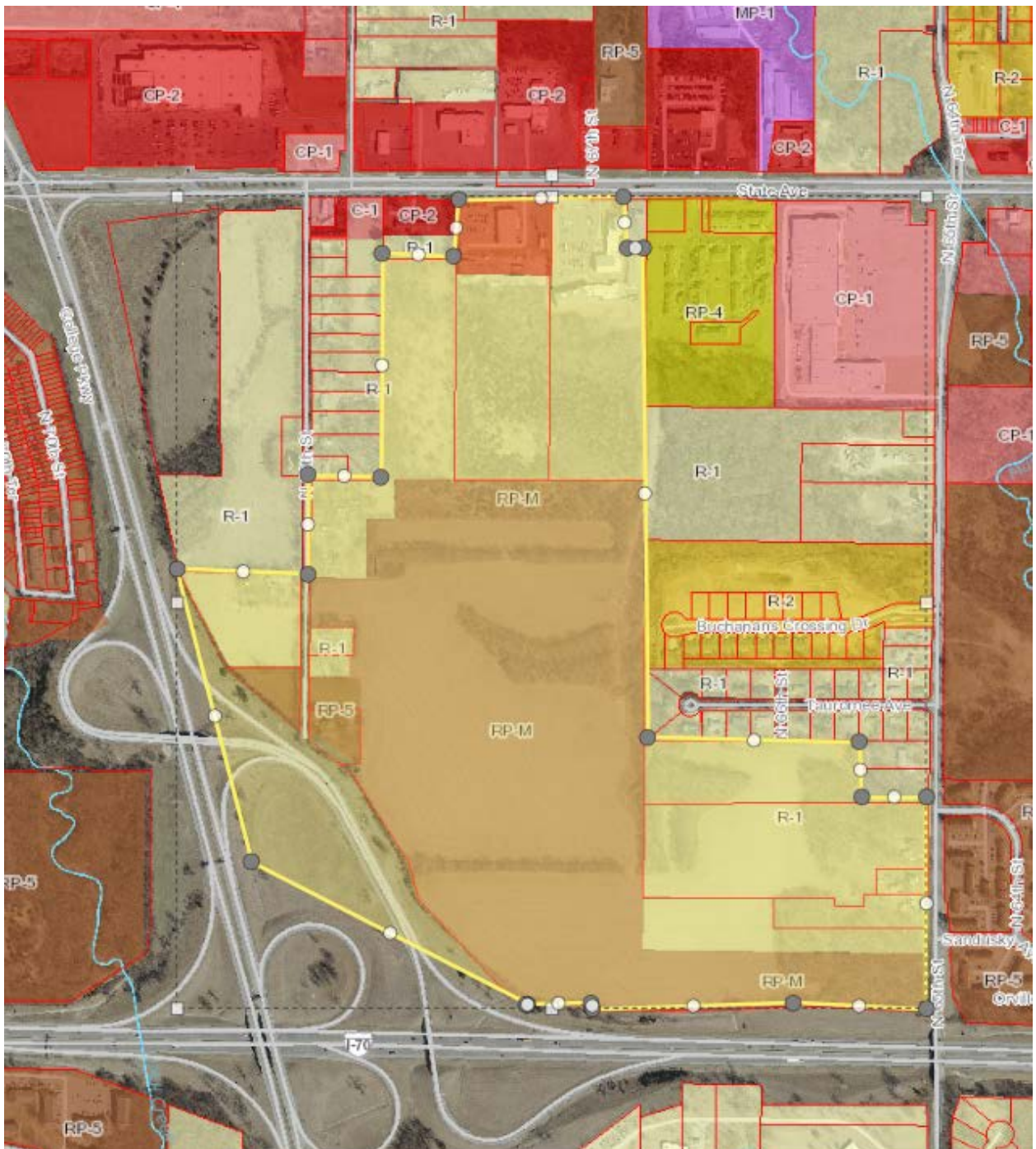
Jurat Signature:
None

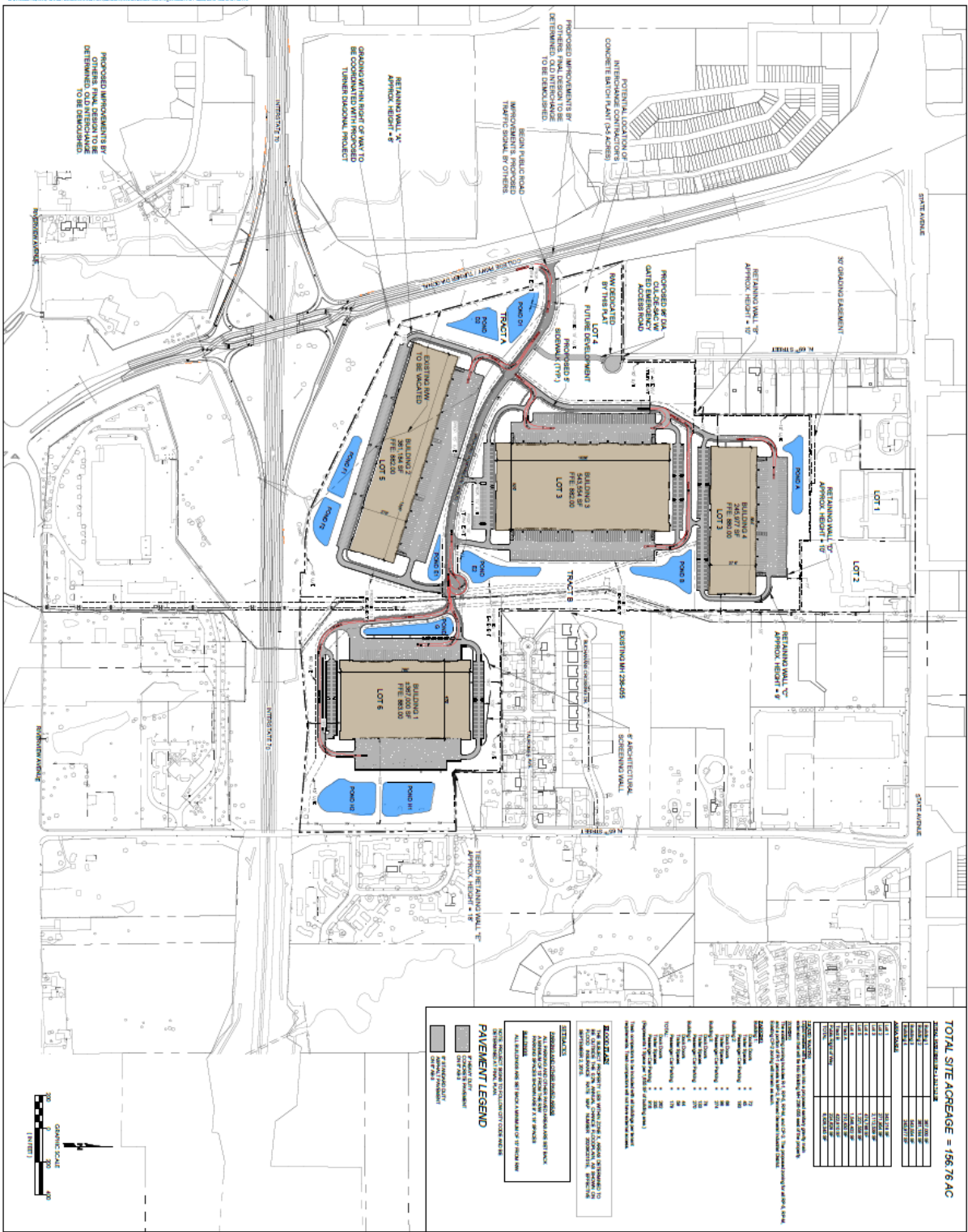
We find that the plat is: **Presently unacceptable for posting.**

Please note the following comment.

1) Preliminary
The plat is preliminary.

Figure 5: Comments from GeoSpatial Services





TURNER LOGISTICS CENTER - NEIGHBORHOOD OPEN HOUSE			
Meeting Date:		December 30, 2019	
Name	Address	Phone	E-Mail
Ullrich Thomas	6603 Tupperme KES	913-788-0621	robthomaz@gmail.com
Latoya Boyd	803 N. 69th KES	913-145-2803	
Rayna Weibrecht			
LOW + MAYER LAWERS			
Patoy Weibrecht	901 N. 69 th St. KES	913-334-5370	
Jason Faust	829 N 69 th Street	316 990 1667	jason.faust.3@gmail.com

Figure 7: Neighborhood meeting sign-in

Meeting Date: December 30, 2019

[illegible]

COZ #3213 and #MP-2020-1

December 18, 2019

RE: Neighborhood Open House

Dear Sir/Madam:

We have filed the following applications with the Department of Urban Planning and Land Use:

BZA.2365 / 19410-00053 – Board of Zoning Appeals Variance Application
COZ.3213 / 19401-00035 – Change of Zone Application (Includes Preliminary Development Plan Review)
MP-2020-1 / 19409-00010 – Master Plan Amendment Application
PLAT.PRELIM. TURNER LOGISTICS EAST / 19404-00030 – Preliminary Plat Application

The purpose of these applications is to construct a Logistics Business Center at the northeast corner of I-70 and College Parkway/Turner Diagonal Freeway.

We are having a neighborhood open house on December 30th, 2019 from 6 pm to 8 pm at the following address:
Painted Hills Golf Club
7101 Parallel Parkway, Kansas City, KS 66102.

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

We look forward to meeting you at the neighborhood open house. If you are unable to attend, please contact me by phone or email indicated below.

Sincerely,

A large, stylized handwritten signature in blue ink, appearing to read "James Kraatz", is written over the typed name and contact information.

James Kraatz
Development Planner
NorthPoint Development
d: 816.895.8435
www.beyondthecontract.com
jkraatz@northpointkc.com

4825 NW 41st Street, Suite 500 Riverside, MO 64150
NorthPoint Development, LLC

Figure 9: Neighborhood Meeting letter to neighbors

Notice of neighborhood meeting:

Application numbers: 19410-00053; 14901-00035; 19409-00010; & 19404-00030

Meeting date: 2019.12.30 6-8 pm

Location: Painted Hills Golf Club – 7101 Parallel Parkway, Kansas City, KS 66102

Open House called to order: 6 pm

Developer representatives:

Phil Gibbs Jr., PE – Continental Consulting Engineers

Andrew Talkin, IE – Continental Consulting Engineers

Brett Powell - NorthPoint Development

Andrew Griesemer – NorthPoint Development

James Kraatz – NorthPoint Development

Matt Watkins – Reece Commercial Real Estate

Public attendees: 11 neighbors. See attached sign in sheets

We held an open house event to explain our project to neighbors who attended the event. We had 30 x 42" boards on easels of:

1. Site plan
2. BZA exhibit
3. Site line study
4. Enlarged site lines 1-5
5. Enlarged site lines 6-9
6. Cross-dock building elevation
7. Rear-load building elevation
8. 11 x 17 of a potential project expansion to the north along 69th Street and east along 65th Street.

Neighbors were able to go to whatever board they wanted to and ask questions.

Last neighbor left the event approximately 7:15 pm. Event ended 8:00 pm.

Figure 10: Neighborhood meeting minutes

Notes from Kraatz:

Q. What will this project do to my property values?

A. We do not know.

Q. What will this project do the property taxes?

A. We do not know.

Q. What is your schedule for construction?

A. KDOT/KTA released the Turner Diagonal interchange improvements. Our schedule is to commence construction in February and coordinate with that contractor. Our goal is to have building 1 open when the interchange is opening in late summer – early fall.

Q. What do the sight lines mean?

A. They represent the views from adjacent property to indicate how we are addressing screening of the site. Indicated what the sections mean, what the distances are, what the screening requirements are, why we want the variance,

Q. We have seen other plans for this development, why is this one different?

A. It is a refinement. We start with a concept and refine that plan. They typically change as we understand the site constraints, market, regulations, As we refine the plan we continue to add details and information.

Q. We have seen 6-7 other development proposals for this site that never proceeded.

A. We often will develop a site that others have not been able to complete.

Q. Tauromee Avenue does not connect to 65th Street but did on previous plans.

A. There was some concern regarding the sight distances at our intersection with 65th Street and concern about this development creating too much traffic on that street. All traffic will now enter the site from College Parkway. There may be an emergency entrance from 65th Street if needed and there will be an emergency entrance from 69th Street.

Q. What happens at the end of 69th Street? What if someone drives down the street and turns around?

A. There will be a cul-de-sac with a gated emergency access point. Traffic will not be able to access the development from 69th Street. All access will be from College Parkway.

Q. What is Lot 1 & 2 on the letter I received?

A. They are Apex CDL Institute and Salvation Army. We are purchasing a portion of their land and will be platting it. It is in the plan boundary because of the platting but we are not changing the zoning.

Figure 11: Neighborhood meeting minutes

- Q. My letter says that some land will remain R-1 where is that and why?
A. It is the land south of Apex CDL Institute and Salvation Army. We are not purchasing all the land so the existing zoning will remain.
- Q. What about the west side? Previous meetings have indicated development there.
A. We are still working on the west side and it will have 4 buildings. We have filed for plans on the east side first.
- Q. What is all this wording on my letter? I do not know who can understand this.
A. It is a legal description and is written by a surveyor.
- Q. How wide is the new road?
A. 36' wide.
- Q. What are you changing my street name to?
A. We are not changing the name of the existing Tauromee Avenue in your subdivision.
- Q. Will there be ponds? Follow statement after answer – That means there will be geese.
A. Yes.
- Q. What property are you purchasing?
A. We have purchased the property we need to complete the project that was submitted. We can expand the project if we can purchase additional residences along 69th Street. If we can, then building #3 would extend further north and building #4 would move to the west of building #3. This would be dependent on if we are able purchase additional residences. The same applies to 65th Street. If we are able to obtain the 2 additional parcels, building #1 could become wider.
- Q. How are you going to address lighting?
A. The light levels at the property line will be zero. Lights along the property line will have cut off fixtures to keep the light from shining towards the residences.
- Q. What if you get the project built and something is not right? How are you going to fix it?
A. We will not construct something that is incorrect and have to fix it afterwards. It is common to run across unexpected issues during construction, but we work to resolve them.
- Q. Why did you pick this site and what are your backup sites if this one does not work out?
A. This site has great highway access that we look for. It is also a large parcel of land

Figure 12: Neighborhood meeting minutes

which is something we need. We had originally worked on the Amazon site to the south and sold that so they could develop it. We do not have a back-up location if this does not work.

Q. A previous meeting regarding financing referenced a term of 5-years. It seems hard to meet that timeline of constructing 8 building by 2020.

A. Our plan is to have building 1 and possibly 2 open in 2020. We typically complete buildings as the market dictates. We think it is reasonable that we will meet the timeline.

Q. Do you have a copy of the concept plan of expanding building #3 and relocating building #4?

A. We do not have a copy to distribute tonight.

Notes from Griesemer:

Q. Is NorthPoint on track to meet the minimum building improvements required?

A. According to NorthPoint's Development Agreement with the Unified Government of Wyandotte County/Kansas City, Kansas a minimum of 1,000,000 square feet of buildings need to be constructed before January 1, 2025 or the UG is entitled to Shortfall Payments or the proceeds of the Shortfall CID. With the initial development planned for next year we feel comfortable that we will exceed the requirements in the Development Agreement.

Q. Do you have any intent to purchase additional properties going north along 69th Street?

A. We are actively considering whether we can acquire additional properties. We will work with homeowners in the area to reach a mutually agreeable opportunity to sell if possible.

Q. What would the impact be if the contractor for the Turner Diagonal interchange improvements does not finish construction?

A. If the interchange improvements are not completed, we would need to reevaluate our plans for Building 2. We would need to work with the UG to understand what the plans would be for the interchange going forward.

Notes for Powell:

Rick Weibrecht -

- Concerned about Mother's house property value - requested/inquired about the possibility of an escrow account to supplement loss of property value upon sale. We respectfully declined this consideration.

- Requested planned expansion plans, west of waverly and west of his mother house located on 69th street.

Figure 13: Neighborhood meeting minutes

Judy Estess Winter-

- Requested we purchase her two houses on 69th street (houses 1 & 6). Identified she wanted square foot pricing reimbursement. We did not commit to purchase only that we are evaluating extending our development to include land currently occupied by homes on 69th street. It was noted that we are targeting 60 days to determine feasibility of this specific expansion.
- Requested information or update on walking path for Senior development. We were not able to comment on the status of other developments but did not expect the senior living walking trail to connect or conflict with our development.

Nancy Wall

- Requested expected employee count. Our response was that it was tenant dependent and that we could not identify specifics at this time.

Misc.

- Concern about control of run off and prevention oil from trucks entering creek. CCE explained engineering behind bmp's.

Jason Foust

- Expressed concern about us reaching our development agreement sqft requirements. We assured him the square foot requirement was attainable.
- Expressed concern about this being a real project vs a false start similar to other developments. We assure him that we are serious about this project.
- Requested alternative if this site was not approved. We noted there was not an alternative. Each site is evaluated on its own merit.
- Requested our plan or commitment to prevent tax increases and/or not devaluing his property on 69th street. We were not able to commit to either as we are not in control of either. The tax levies are by the local taxing jurisdiction. The home values are market driven.

Figure 14: Neighborhood meeting minutes

Turner Logistics Center – East Neighborhood Meeting
COZ #3213, #MP-2020-1, BZA Petition #2365
December 30, 2019
7101 Parallel Parkway, Kansas City, Kansas 66112
Painted Hills Golf Club

Meeting called to order at: 6:00 P.M.

Questions and Answers:

Q: What happens to the stormwater runoff after the site is developed? Will it flood the surrounding areas?

A: The proposed detention ponds will detain up to a 100 year storm event and release the runoff at a slower rate than existing conditions. This is a city requirement and is typical of all proposed developments.

Q: Where do the proposed detention ponds release?

A: The various detention ponds have discharge points similar to those of the existing drainage basins. Water will not be released into areas that have not seen the flow previously.

Q: Will these proposed ponds attract geese and mosquitoes?

A: There is no guarantee that the proposed ponds will not attract geese and mosquitoes.

Q: What will happen to the stormwater runoff that collects oil and other wastes from the parking lots?

A: The extended wet detention basins are designed per the MARC BMP manual to decrease the effects of these pollutants and release the stormwater at a rate that improves the quality of the discharge.

Q: I live on Tauromee Avenue, just North of Building 1, what is the distance between my property line and the parking lot? What will I see from my backyard?

A: There is approximately 110' from the back of curb to the property line. There is a proposed 6' architectural screen wall and/or a double row of evergreen trees between the parking lot and your home.

*Q: *Referring to the homes along 69th Street* Is this the area you are requesting a variance for less screening?*

A: The variance request was not for approval of less screening. The request was for the use of additional landscaping in lieu of architectural screening. Architectural screening is still proposed in several critical areas of the development. However, this is one of the areas where the variance request would be applied. The proposal includes a 6' screen berm with a double row of evergreen trees on top.

Figure 15: Neighborhood meeting minutes

Q: What is the reasoning behind removing the connection to 65th Street? (The revised site plan showing no connection to 65th Street received positive feedback from multiple residents of Tauromee Avenue.)

A: The developer was able to increase the building square footage of the overall development while at the same time addressing increased traffic concerns on 65th Street. This proposal also received positive feedback from UG Planning.

Q: Will Tauromee Avenue within the development ultimately connect to the Tauromee Avenue on the west side of College Parkway? If so, what type of intersection will Tauromee and College Parkway be?

A: Yes, that is the ultimate plan. The proposed intersection of Tauromee Avenue and College Parkway would be a multi-lane signalized intersection.

Q: Is the plan still to develop the west side of College Parkway with additional industrial buildings?

A: That is still the plan. The timeline for development on the west side is to be determined.

Q: The site seems to have a lot of grade change, will there be material hauled in or out of the site?

A: The proposed site is being designed to have a cut/fill balance and therefore should not require material to be hauled in or out of the site. However, there may be some material from the site used in the construction of the proposed Turner Diverging Diamond Interchange.

Q: Will the proposed gas and water utility connections hurt the pressure that we are receiving? We already have problems with our water pressure.

A: Ultimately, the proposed public water and gas mains will likely run along the proposed Tauromee corridor from 65th Street to 74th Street. When the public water main is looped in to both 65th and 74th Street, it should only help the water pressure.

Q: Will the name of our street (Tauromee Ave) change because of this new Tauromee road?

A: No, the new Tauromee will not connect through to 65th Street and will stop so that your street can remain the same name.

Q: Does this project mean that 66th Street will forever remain a dead end street, if so that is great news?

A: Yes, this development will not be allowed to connect to 66th Street

Q: If you are building screen walls, the deer will not be able to move around.

A: Not all of the area North of building 1 has the screen wall, in fact, a berm is used where space allows that would not prevent deer from traversing the area.

Q: When would this project begin?

A: Depending upon approvals, the grading could commence in the Spring of 2020.

Figure 16: Neighborhood meeting minutes

Q: Several attendees showed interest in understanding the view of the project from the perspective of their home.

A: Large sight sections would displayed and the pertinent section for their perspective was described to the individual attendees.

Q: We are on a septic system (along 69th Street). Won't our taxes go up because you are bringing sewers to the area and who's going to have to pay to connect our home?

A: This development does not intend to alter the sewer system for the residential homes on 69th Street and so improvements to the sewer system should not affect your taxes.

Meeting adjourned at: 7:20 P.M.

Minutes taken by: Andrew Talkin & Phil Gibbs, Jr.

Figure 17: Neighborhood meeting minutes

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF MISSOURI)

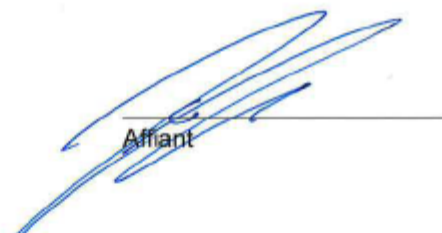
) SS:

COUNTY OF PLATTE)

Comes now James Kraatz, NorthPoint Development, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # 19410-00053; 19401-00035; 19409-00010; and 19404-00030.
2. That I conducted a neighborhood meeting on December 30th, 2019.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 31st day of December, 2019.

My commission expires 30th of September, 2023.



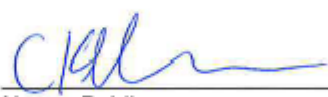

Notary Public

Figure 18: Neighborhood Meeting Affidavit



Fri 1/3/2020 3:35 PM

Jason Faust <jason.faust.3@gmail.com>

Citizen Objection to BOZA 2365/19410-00053 and COZ 3213/19401-00035

To Richardson, Rob; Portillo, Kimberly; Parker, Janet

Mr. Richardson,
Mrs. Portillo,

As the Planners of Record for these proposed actions before the Board of Zoning Appeals and the City Planning Commission and Board of Commissioners respectively, please enter the following comments of opposition into the record for each of these applications so that they may be reviewed by the listed parties in advance of the public hearings.

The City Planning Commission should not hear this Change of Zone application and Master Plan amendment. This applicant should be held over until they decide which path to take and which plan revision they plan to use.

The Board of Zoning Appeals should reject this application outright. The proposed variance request is asking for a much greater allowance than has been approved on any similar project.

The proposed variance request is asking for the opposite of all precedents for similar applications. There are several examples of other projects in the past 3-7 years that show projects being compelled to meet and exceed requirements for fencing, landscaping, and screening, especially when locating a commercial or an industrial use adjacent to an established and existing residential neighborhood, yet this project is asking for permission to do less than the minimum requirement.

This request, as written, suggests that the applicant does not have a full understanding of the ordinance. The applicant is proposing to provide a berm in lieu of an architectural screening fence. By ordinance definitions, a berm is an alternate to an architectural screen. If this variance is approved as written, it would open the possibility that the applicant could simply omit the berm at a future time, fail to screen, and remain compliant with the variance. Additionally, the proposed buildings are shown at a finished height of 46 feet. That is a four story building being built within 100 feet of my property line. The argument that a berm and some trees can completely obscure such a building from view at time of installation (which is an ordinance requirement) is a specious argument especially since the applicant shows on the proposed plan a failure to screen for the southernmost house presently along their boundary, and has implemented a correction with an architectural screening fence and retaining wall.

The request for any reduction in setback or location or screening should be unacceptable since this project is proposed to cover 84-89 acres of land.

This applicant has ample room to accomplish a development like this one, in this space without requiring any concession of required buffering to an adjacent established residential neighborhood.

This developer selected this land in 2017 for this project with full knowledge that there were on Residentially zoned land and with fully developed residential neighborhoods on three sides and the interstate on the 4th. They assumed this burden by deciding to develop an industrial user on this property. They should have planned accordingly. Northpoint stated in the neighborhood meeting on December 30th that they do not have an alternate location that they ever considered, despite the fact that there are numerous tracts of land proximate to highway access that would be more appropriate to develop this project. Northpoint admitted to the Board of Commissioners in May 2019, that they selected this property because they did not want to pay full market price for land elsewhere.

Northpoint development is a multi-million dollar business that proudly claimed to the Board of Commissioners in May of 2019 that they are more than willing to be a good neighbor and do the right thing. Their performance to date does not match that claim. There should be no use of value engineering this early in such a large project, especially to the detriment and potential loss to the surrounding neighborhood.

At the Board of Commissioners meeting in May of 2019, Northpoint development was directed by Mayor Alvey to communicate with myself and also other residents to provide information and transparency for this project. Their real estate agent called one time asking to see my back yard. They held a neighborhood meeting on October 10, 2019 before their application. I submitted my comments and questions by email to Northpoint. I requested a response and a copy of the meeting minutes. I received no reply or communication. In the interim, Northpoint had taken action and purchased all the properties on the southern half of 69th Street.

I attended the neighborhood open house for this project that was held on December 30th. This was the first attempt to communicate with me about this project, and only because it is required for this process. I saw around 8 property owners in attendance. There was a sign-in register, but no indication of a formal recordkeeping of questions, concerns, and complaints of property owners. Business cards and contact information were shared.

At this meeting, there were several easels with architect renderings of site plans and elevations. They were simply the 3rd revision of plans for this development.

At the same time, they were showing a 4th revision of the plan that they claimed was just created that day. The 4th revision showed a totally different plan that was contingent on the purchase of all remaining residential property on 69th street. The applicant represented that they were presenting the 3rd revision to the city for approval now, and hoped to be able to change to the 4th revision if they "could figure out a way to acquire the land".

Figure 19: Email from neighbor in opposition

The applicant admitted that this is still a speculative investment and development. They have no tenants contracted for these spaces. They have no idea of what type of business or activities will take place in or around these buildings. They did not seem amenable to applying restrictions on future tenants, such as noise and light pollution control, hours of operation, vehicle routes and types. How can they assure a minimal impact on the surrounding community with these unknowns.

For the record, this is the third time that this development had suggested purchasing land and failed to do so, always on a timetable that runs past the timeframe of a city review.

Thank you,

Jason Faust

Figure 20: Continued email in opposition

 Fri 1/3/2020 3:42 PM
Jason Faust <jason.faust.3@gmail.com>
Fwd: Comments and Questions for the October 10th Neighborhood Meeting about the Turner Logistics Development
To Richardson, Rob; Portillo, Kimberly; Parker, Janet

Please see below for a copy of the email sent to Northpoint on October 10th, 2019 which received no response. However, several items on this letter did show up as changes from the 2nd revision of their plans to the 3rd revision that was submitted with their application to the UG.

I was disappointed that these items of significant concern to me as a property owner were not addressed at all until I brought up the questions again at the meeting on December 30th, 2019.

Thank you,

Jason Faust

----- Forwarded message -----

From: Jason Faust <jason.faust.3@gmail.com>
Date: Thu, Oct 10, 2019, 8:52 AM
Subject: Comments and Questions for the October 10th Neighborhood Meeting about the Turner Logistics Development
To: <jthomas@northpointkc.com>

Hello John,

I am Jason Faust and I live on 69th Street. Thank you for sending the invitation for this neighborhood meeting. Unfortunately, the date selected happens to be at the same time as I am away for work. As a long-term resident of this area and owner of property directly abutting this proposed development, I have both concerns and several questions. For your convenience, I have listed those questions below. Please address these questions with all attendees and enter them into the record and minutes for the meeting this evening. I would also appreciate being provided a copy of the meeting minutes as soon as they are available.

The language of this proposal included the flexibility to modify or change the details of this project, e.g. number of buildings, their location, and the overall square footage of finished building space. The information presented to the UG Commissioners and the information included in the Army Corps of Engineers wetland permit application showed two different configurations.

What is the current status of this project?

Will there still be 7-8 Buildings spread over two sites on the east and west sides of College Parkway as shown on the development rendering?

Have there been any changes to the proposed timeline of this project?

Figure 21: Follow-up email in opposition

What is the current status of the collective project for the Turner Diagonal Interchange?

Is this development still contingent on the completion of the Turner Diagonal Interchange?

What is the most current plan for the extension of Tauromee Avenue and the new intersection of Tauromee Avenue and College Parkway?

Has North Point acquired the additional land north of the east project location from the Salvation Army and the other property owners?

Has there been any change to the project boundaries from earlier proposal documents?

The western project location is Residentially zoned. The eastern project location is zoned as three different Residential zones. What is the desired Zoning District that North Point will seek for this project and why? What is the status of that application to change zoning? If it has not begun, when will that application be submitted? When will the public notice and meetings be scheduled?

When will the Architectural and Engineering plans be generated?

Has North Point selected a general contractor for this project? Who is that contractor?

Will this project still be in multiple phases? Is it still on a 5 year timeline?

When will North Point or their contractor apply for the city permits for this development?

This project is approximately 3-4 times the size of the nearby Amazon Warehouse site. What steps will North Point take to address and mitigate noise and light pollution from this project to the surrounding residential properties? To what extent/how far will those mitigation steps go?

Are there any proposed changes to 69th Street from State Avenue south to where it will abut the expansion of Tauromee Avenue?

This project will install multiple acres worth of paved surfaces and buildings in place of open land. What measures will North Point implement to ensure that this will not cause stormwater runoff or flooding of adjacent properties.

Will North Point offer sewer connections for residences that remain in the area?

The only other major example in Kansas City, KS of locating an Industrial use next to a Residential neighborhood is the Armourdale Neighborhood. What assurance will North Point give to the local property owners that this development will not cause a loss of individual property values?

What assurances will North Point give that this development will not cause any increase of property taxes?

What is the current status of North Point / Turner Land Development LLC plans to acquire other adjacent or abutting properties in the area?

Does North Point or any associated entity have any plans or intent to do further development of the surrounding area, e.g. The frontage along College Parkway, The College Townhomes housing area, or similar?

Thank you,
Jason Faust

Figure 22: Continued follow-up email in opposition

(First published _____)

#3183

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 4401 North 115th Street in Kansas City, Kansas, by changing the same from its present zoning of RP-1 Planned Single Family District to R-1 Single Family District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on January 25, 2019, by the owners of property to have the zoning of said property changed from its present zoning of RP-1 Planned Single Family District to R-1 Single Family District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

A tract of land being located in Section 22, Township 10S, Range 23E, in Kansas City, Wyandotte County, Kansas, Commencing at the Northwest Corner of the Northeast quarter of said Section 22; thence North 87°49'52" East, along the North line of said Northwest quarter, a distance of 78.29 feet; thence South 01°32'41" East a distance of 54.30 feet to the POINT OF BEGINNING, said point lying on the West line Northridge at Piper Estates Second Plat, a subdivision as recorded in the Office of the Recorded, Wyandotte County, Kansas; thence South 01°32'41" East, this and the following 17 commands are along said West line, a distance of 174.05 feet; thence South 13°20'28" East a distance of 222.68 feet; thence South 06°10'05" East a distance of 172.68 feet; thence South 02°48'16" East a distance of 145.29 feet; thence Westerly along a curve to the left having an initial tangent bearing of North 87°05'18" West, a radius of 300.00 feet, and an arc length of 22.20

feet; thence South 01°19'45" East a distance of 50.00 feet; thence Easterly along a curve to the right having an initial tangent bearing of North 88°40'17" East, a radius of 250.00 feet, and an arc length of 9.70 feet; thence South 08°49'48" West a distance of 111.78 feet; thence South 18°12'12" West a distance of 204.14 feet; thence South 07°09'14" East a distance of 90.76 feet; thence South 34°59'20" East a distance of 167.52 feet; thence South 63°27'37" West a distance of 14.86 feet; thence South 76°00'58" West a distance of 61.28 feet to a point of curvature; thence along a curve to the right having a radius of 225.00 feet with an arc length of 33.27 feet to a point of tangency; thence South 84°29'19" West a distance of 25.40 feet; thence Northerly along a curve to the left having an initial tangent bearing of North 13°12'48" West, a radius of 280.00 feet, and an arc length of 12.61 feet; thence South 76°47'09" West, leaving said Westerly line, a distance of 114.47 feet; thence North 45°53'40" West a distance of 251.96 feet; thence Northerly along curve to the right having an initial tangent bearing of North 19°38'24" West, a radius of 450.00 feet and an arc length of 297.22 feet, to a point of tangency; thence North 18°12'12" East a distance of 190.86 feet; thence North 00°30'20" East a distance of 82.28 feet; thence North 24°58'00" West a distance of 125.94 feet; thence North 19°28'53" West a distance of 50.28 feet; thence North 14°31'37" West a distance of 154.65 feet; thence North 70°43'18" East a distance of 26.43 feet; thence North 19°16'42" West a distance of 143.39 feet; thence South 83°00'31" West a distance of 14.08 feet; thence North 06°59'29" West a distance of 236.87 feet; thence North 87°49'37" East a distance of 409.42 feet back to the POINT OF BEGINNING. The above described tract contains 491,574.65 sq. ft. (11.28 acres) more or less, located at approximately 4401 North 115th Street, Kansas City, Kansas,

be changed from its present zoning of RP-1 Planned Single Family District to R-1 Single Family District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-454, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Urban Planning and Land Use Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for R-1 Single Family District. Said District Map,

previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2020.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(First published _____)

#3201

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 3301 Garfield Avenue in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to R-2(B) Two Family District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on June 28, 2019, by the owners of property to have the zoning of said property changed from its present zoning of R-1(B) Single Family District to R-2(B) Two Family District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

All that part of the Northeast Quarter of Fractional Section 6, Township 11 South, Range 25 East of the Sixth Principal Meridian, including unplatted ground and all of Lots 1 through 8, Block 2, all of Lots 4 through 8 and the West 28.5 feet of Lots 3, 9, and 10 of Block 3 and all of platted 34th Street South of the South right-of-way line of platted Garfield Avenue, lying adjacent to and contiguous with said Blocks 2 and 3 of MATHER PARK a subdivision filed in Book 14, at Page 11 in the Register of Deeds Office, all in Kansas City, Wyandotte County, Kansas and more particularly described this 28th Day of June 2019 by Kenneth J. Dedrick, PS-1067 as follows:

Commencing at a ½" Iron Bar with a CLS-20 Cap marking the Southeast corner of the Northeast Quarter of said Fractional Section 6, thence South 87°53'48" West (this and all following bearing are based on the Kansas State Plane Coordinate System 1983, North Zone) on the South line of said Northeast Quarter, a distance of 596.82 feet (593.00' platted) to the Southeast corner of the plat of WESTWOOD as filed at said Register of Deeds Office; thence North 01°52'09" West on East line of said WESTWOOD, a distance of 363.18 feet to a ½" rebar with a CLS-20 cap marking the intersection of said East line and a line 1266.33 feet (1265.24 deeded) South of the Northeast Corner of said Section 6, being the Westerly extension of the monumented North line of Richmond Avenue, described in Book 2049, at Pages 479 & 482 and the POINT OF BEGINNING: Thence continuing North 01°52'09" West on said East line, a distance of 190.42 feet (187.90 deeded) to a ½" rebar with a CLS-20 marking the Northeast corner of Lot 1 of said WESTWOOD; thence South 87°37'19" West on the North line of said Lot 1, a distance of 157.50 feet to a ½" rebar with a CLS-20 marking the Northwest corner of said Lot 1 and the East right-of-way line of 36th Street (previously platted as 35th Street); thence North 32°23'45" East on said East right-of-way line, a distance of 44.40 feet to a ½" rebar with a CLS-20 marking the Southwest corner of said Block 2, MATHER PARK; thence North 01°52'09" West continuing on said East right-of-way line, being the West line of said Block 2, a distance of 229.20 feet to a ½" rebar with a CLS-20 marking the Northwest corner of said Block 2 and being on the South right-of-way line of Garfield Avenue as platted; thence North 87°37'19" East on said South right-of-way line and traversing the North line of Said Blocks 2 and 3, a distance of 465.00 feet to a ½" rebar with a CLS-20 marking the Northeast corner of the West 28.5 feet of said Lot 3, Block 3; thence South 01°52'09" East on said East line of the West 28.5 feet of said Lots 3, 9 and 10 of Block 3 and its Southerly extension, a distance of 327.00 feet to a ½" rebar with a CLS-20 marking the corner; thence North 88°07'51" East, a distance of 20.00 feet to a ½" rebar with a CLS-20 marking the corner; thence South 01°52'09" East, a distance of 128.91 feet to a ½" rebar with a CLS-20 marking the intersection with said line 1266.33 feet (1265.24 deeded) South of the Northeast Corner of said Section 6; thence South 87°37'19" West on last said line, a distance of 352.50 feet, to the Point of Beginning. The above described parcel was created with the benefit of ground field survey by Kaw Valley Engineering, project number C19D0264 and contains 4.359 acres more or less.

Located at approximately 3301 Garfield Avenue, Kansas City, Kansas,

be changed from its present zoning of R-1(B) Single Family District to R-2(B) Two Family District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-457, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Urban Planning and Land Use Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for R-2(B) Two Family District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2020.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(Published _____)

#U/E-2019-6

ORDINANCE NO. _____

AN ORDINANCE vacating an easement being that part of the Corporation Right of Way Easement granted to the Unified Government of Wyandotte County, Kansas City, Kansas, as recorded by the Register of Deeds, Wyandotte County, as Document No. 2000R-21018 in Book 4222, Page 443, lying in that part of Lot 003, CAMBRIDGE TERRACES KANSAS, a subdivision in the City of Kansas City, Wyandotte County, Kansas more particularly described as follows: Commencing at the Southeast corner of said Lot 003; thence along the East line of said Lot 003, North 02°39'44" West a distance of 140.00 feet, to the POINT OF BEGINNING; thence South 87°20'16" West a distance of 10.00 feet, to a point on the West line of the Corporation Right of Way Easement granted to the Unified Government of Wyandotte County, Kansas City, Kansas, as recorded by the Register of Deeds, Wyandotte County, as Document No. 2000R-21018 in Book 4222, Page 443; thence along said West line, North 02°39'44" West a distance of 196.79 feet; thence continuing along said West line, North 85°50'10" East a distance of 1.00 feet; thence continuing along said West line, North 01°56'55" West a distance of 41.41 feet; thence leaving said West line, North 88°03'05" East a distance of 9.00 feet, to a point on the East line of said Lot 003, said point also being on the East line of said Corporation Right of Way Easement; thence along said East line, South 01°56'52" East a distance of 41.26 feet to the Northwest corner of Fractional Section 18, Township 45 North, Range 33 West, Jackson County, Missouri; thence continuing along said East line, South 02°39'44" East a distance of 196.86 feet to the POINT OF BEGINNING, containing 2,340 square feet, or 0.054 acres, more or less, located at approximately 2600 Bi-State, Kansas City, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. That the following described utility easement in Kansas City, Kansas be and the same is hereby vacated:

An easement to be vacated being that part of the Corporation Right of Way Easement granted to the Unified Government of Wyandotte County, Kansas City, Kansas, as recorded by the Register of Deeds, Wyandotte County, as Document No. 2000R-21018 in Book 4222, Page 443, lying in that part of Lot

003, CAMBRIDGE TERRACES KANSAS, a subdivision in the City of Kansas City, Wyandotte County, Kansas more particularly described as follows:

Commencing at the Southeast corner of said Lot 003; thence along the East line of said Lot 003, North 02°39'44" West a distance of 140.00 feet, to the POINT OF BEGINNING; thence South 87°20'16" West a distance of 10.00 feet, to a point on the West line of the Corporation Right of Way Easement granted to the Unified Government of Wyandotte County, Kansas City, Kansas, as recorded by the Register of Deeds, Wyandotte County, as Document No. 2000R-21018 in Book 4222, Page 443; thence along said West line, North 02°39'44" West a distance of 196.79 feet; thence continuing along said West line, North 85°50'10" East a distance of 1.00 feet; thence continuing along said West line, North 01°56'55" West a distance of 41.41 feet; thence leaving said West line, North 88°03'05" East a distance of 9.00 feet, to a point on the East line of said Lot 003, said point also being on the East line of said Corporation Right of Way Easement; thence along said East line, South 01°56'52" East a distance of 41.26 feet to the Northwest corner of Fractional Section 18, Township 45 North, Range 33 West, Jackson County, Missouri; thence continuing along said East line, South 02°39'44" East a distance of 196.86 feet to the POINT OF BEGINNING, containing 2,340 square feet, or 0.054 acres, more or less, located at approximately 2600 Bi-State, Kansas City, Kansas.

Section 2. The City of Kansas City, Kansas, reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing, installing, constructing or reconstructing any public utilities, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF
_____, 2020

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

BY:

DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 30, 2019
Re: Petition #SP-2019-80

GENERAL INFORMATION

Applicant:

Alexander Repsholdt

Status of Applicant:

Owner
338 North 14th Street
Kansas City, KS 66102

Requested Action:

Approve a Special Use
Permit (Home Occupation)

Date of Application:

May 21, 2019

Purpose:

Home Occupation Special Use Permit to operate a short-term rental/AIRBNB

Property Location:

338 North 14th Street (1405 Orville Street)

Commission Districts:

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



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

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

South: R-1(B) Single-Family District

East: C-1 Limited Business District

West: C-1 Limited Business District; R-1(B) Single-Family District

Existing Uses: North: Church campus

South: Single-family residence

East: Abandoned house (owned by UG Landbank)

West: Corner grocery store; single-family residence

Total Tract Size: 0.11 acre

Master Plan Designation: The City-Wide Master Plan designates this property Urban Residential

Major Street Plan: The Major Street Plan designates Orville Street and North 14th Street as local/neighborhood streets. The Major Street Plan designates Grandview Boulevard as a collector street.

Advertisement: The Wyandotte Echo – June 13, 2019

Letters to Property Owner – June 12, 2019, July 1, 2019, August 7, 2019, September 2, 2019, October 28, 2019 and January 23, 2020

Public Hearings: October 14, 2019; January 13, 2020 and January 30, 2020

Public Opposition: Public opposition has been expressed both at the neighborhood meeting, by neighbors contacting Planning staff and at the Planning Commission meetings.

PROPOSAL

Detailed Outline of Requested Action: The applicant is requesting a Special Use Permit to operate a short-term rental/AIRBNB. Applicant states that he will be renting out the extra rooms of his primary residence that he is not living in, as well as a room in an accessory unit on the property. The accessory unit has a separate entrance at 1405 Orville Street for guests' access.

City Ordinance Requirements: Article VIII Sections 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The neighborhood is primarily single-family residences on narrow lots. The property sits just outside of the downtown area, as designated by the Downtown Master Plan.

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

Although it is being used for short-term rentals, the property will still be the primary residence of the applicant. Because of this, the property will retain some of the qualities that a single-family residence typically possesses. There are also other short-term rentals in the area.

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

The use is more suitable because the applicant will still be residing at the property when short-term tenants are present.

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

Applicant has been living at the property since September 2018. Additionally, the applicant states that there has been "historically active rental licenses" at the property, implying that it has been occupied for quite a while.

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

Short-term rentals are not directly considered by the City-Wide Master Plan, but rental properties are indirectly acknowledged.

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

There will be a slight increase in traffic by the fact that short-term renters will be coming and going from the property. While this traffic may exceed the level that nearby neighbors are used to and are comfortable with, it is inconceivable that the traffic would exceed the street network's capacity to accommodate it.

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

A short-term rental often brings in visitors or tourists from outside the Kansas City area, and this may have positive externalities on the area as a whole. But for the

close neighbors, a rental property is not a convenience nor does it better the public welfare.

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

Only noise is expected to be an issue. Applicant has put forth a plan to monitor noise levels and quickly address noise issues with the guests.

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

This is not expected to be an issue.

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

This is not expected to be an issue.

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

As mentioned previously, there are positive externalities associated with visitors coming to Kansas City and Wyandotte County, but it should also be noted that there are also negative externalities imposed upon the nearby neighbors of a poorly-run short-term rental.

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

Applicant has stated that no more than 10 guests will be staying at the residence at one time. Guests are limited to six cars—two can be parked in the driveway and the applicant claims another four can be parked in the public right-of-way on North 14th Street and Orville Street. However, staff has already received at least one report of a truck parked in front of the fire hydrant in front of the property (the issue that the property is already operated is addressed in the “Staff Comments and Suggestions” section).

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

Applicant held a neighborhood meeting at 2:05pm on September 9, 2019 at 1120 Central Avenue. Eleven (11) neighbors are recorded attending and they asked questions about the property and how applicant will be conducting his rentals. Minutes from the meeting show neighborhood opposition to the Special Use Permit; applicants

and neighbors came to an agreement that applicant would hold an open house for the property on October 9, 2019 at 7:00 PM.

KEY ISSUES

Noise, parking, character of the neighborhood, unpermitted uses

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 4 to 2 to recommend **DENIAL** of Special Use Permit Application #SP-2019-80, **based on the failure of the applicant to follow the staff's directions to not rent the AIRBNB while the application was being held over.**

STAFF COMMENTS AND SUGGESTIONS

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

Urban Planning and Land Use Comments:

1. How will you communicate with the neighbors?

Applicant Response:

- a. *I have shared my phone number with my immediate neighbors so they can contact me in case of nuisances or disturbances.*
- b. *326 North 14th Street: Dohn Farley*
- c. *332 North 14th Street: Luke and Bethany Clubb*
- d. *334 North 14th Street: KC Viking Realty LLC*
- e. *336 North 14th Street: Gissell Vazquez Palacio and Felix Gonzalez Mendez*

2. How will you pay appropriate lodging taxes?

Applicant Response: I shall register with the Division of Taxation at KSRevenue.org to properly pay taxes off the gross income collected from the Nightly per Room cost. Until the specific lodging tax for this property is known, at a minimum the gross combined state and Wyandotte county sales tax of 7.5% shall be charged and sent to the Division of Taxation.

3. How many rooms are rented?

Applicant Response: 3 in total. 2 in the main home and the 1-bedroom unit over the detached garage.

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

Applicant Response: 10 people

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

Applicant Response: 6 cars in total. 2 off street and 4 on the street. There can be two per side of the home as it is a corner property.

6. How often are guests in the residence?

Applicant Response: 80% of the month

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

Applicant Response: 1st rental inspection happened on 05/23/2019 and the entire process shall be complete soon.

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

Applicant Response: There are two bedrooms in the main house that shall be rented in the main house to short term renters and the private one-bedroom apartment over the detached garage. The private one-bedroom apartment has its own kitchen, bathroom, living room, and separate bedroom. The unit shall be furnished with a king size bed, a folding couch, two roll away beds, two TV's, a full kitchen set, and an office desk. Within the main home, both rooms shall have access to the common areas that include a kitchen, dining room, living room with TV, 1.5 bathrooms, and laundry area in the basement. The bedroom on the ground floor has its own private bathroom and will be furnished with a king size bed, office desk, and TV. The bedroom upstairs will be furnished with a kind size bed, TV, and office desk. Each bedroom and the common areas shall have noise monitoring units to verify the noise levels of the guests, provide a method to immediately know when noise is exceeding normal daily activity levels, and have response systems to let the guests know to become quiet so they don't disturb the neighbors.

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

Applicant Response:

- a. Working smoke detectors in each bedroom plus each level of the unit/house
 - i. Each bedroom has been furnished with smoke detectors and the cleaners shall test the battery in each room between room turn overs.**
- b. GFCI outlets re required in bathrooms
 - ii. A deficiency of 3 GFCI's was found in the rental inspection and that is being corrected.**
- c. Double keyed locks are not allowed*

- iii. *None were present for the rental inspection and none shall appear later on.*
- d. *Copper cannot be used for gas supply lines*
 - iv. *Understood, and none were found during the rental inspection. Code compliant gas pipe throughout the home.*
- e. *Windows must be operable, not blocked or boarded*
 - v. *Functionality was verified through the rental inspection on May 23rd, 2019.*
- f. *Handrails are required at sets of 4 or more stairs/risers*
 - vi. *Presence of all needed handrails was verified through the rental inspection on May 23rd, 2019.*
- g. *Hot water tank and furnace must be vented properly and operational*
 - vii. *Correct installation was verified during rental inspection. Major work on the property was verified through a construction permit completion inspection in January of 2019.*
- h. *Electric panel and circuits must be safe*
 - viii. *Correct installation was verified during rental inspection. Major work on the property was verified through a construction permit completion inspection in January of 2019.*

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

Applicant Response: Yes. It is my primary residence.

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

Applicant Response: Photos have been provided

Staff Response: Photos were provided by Applicant.

12. If approved, the applicant will need to file occupation tax application with the Business License Office.

No response from Applicant.

13. If approved, approved for one (1) year.

No response from Applicant.

SP-2019-80 was scheduled to be heard at the July 8, 2019 City Planning Commission meeting. However, due to applicant's unresponsiveness to staff's questions and comments and their inability to host a neighborhood meeting, the Special Use Permit application had been held over three times. It has been brought to staff's attention that applicant has been engaging in short-term rentals for the past month, if not longer.

Although applicant has not yet been awarded a Special Use Permit for a short-term rental, there is evidence on AirBnb's website that applicant has been advertising and

conducting short-term rentals on the property in violation of the Code of Ordinances. Staff spoke to applicant on October 2, 2019 and asked him if he was renting out any rooms on the property for a time period of less than 30 days. Applicant responded that he was not engaging in any renting that would be breaking the rules. When staff asked applicant to clarify this statement, he said that he was not renting any rooms for less than a 30-day period. However, there are indicators that this was not the case. The photos of the rental unit provided by applicant are identical to photos featured in an AirBnb listing (see Attachments: "Comparison of Photos of 338 North 14 Street/1405 Orville Street and AirBnb Listing"). Furthermore, the listing had several reviews from September, indicating that it had already been rented out several times (see Attachment: "AirBnb Reviews from September 2019"). Shortly after the screenshots were captured applicant disabled the ability to book any rooms on AirBnb. When staff check the property's AirBnb page on October 10, 2019, the next allowable date to rent a room is November 7, 2019.

Update, 1/13/2020: After appearing before the City Planning Commission on October 14, 2019, Applicant met with staff on October 22 to talk about expectations of planning case applicants and good neighbors. Applicant also sent staff a letter of explanation on December 12 to better tell the process from his perspective (see "Attachments" section). Applicant also stated that he had one more booking left, for New Year's Eve, which he "cannot cancel". Staff stated that Applicant would not be in compliance with the Code of Ordinances if he hosted the New Year's Eve group at the property. Applicant informed staff on December 16 that the New Year's Eve booking had been canceled. However, around this time staff was informed by a neighbor that cars with Minnesota license plates had been seen parked at the house during the weekend of the November 3rd Chiefs-Vikings game, and that people had been seen walking out of the house in "[V]ikings sweatshirts" (see "Attachments" section). If true, this may indicate that Applicant was continuing to engage in short-term renting after being explicitly told to cease all short-term rentals until he has been awarded a Special Use Permit. As of January 6, 2020, the property's AirBnb account is no longer viewable. However, report of at least one instance of continued short-term renting gives the appearance that Applicant willfully ignored the instructions of the Planning Department and the City Planning Commission. Staff's recommendation remains the same as it was at the October 14, 2019 City Planning Commission meeting.

Public Works Comments:

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition #SP-2019-80 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

October 14, 2019 City Planning Commission Minutes
January 13, 2020 City Planning Commission Minutes
Applicant's Answers to Additional Short-Term Rental Questions
Photos of Rental Property, 338 North 14th Street
Photos of Rental Property, 1405 Orville Street
Comparison of Photos of 338 North 14 Street/1405 Orville Street and AirBnb Listing
AirBnb Reviews from September 2019
Rental Availability Calendar
Property Information on AirBnb
Meeting Minutes, September 9, 2019
Letter of Explanation, December 12, 2019
Opposition Letter Emails, December 12-13, 2019

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	October 12, 2019	
Special Use	Held Over January 13, 2020 Denial	January 30, 2020

STAFF CONTACT: **Michael Farley**
 mfarley@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition #SP-2019-80, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2019-80 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

October 14, 2019 City Planning Commission Minutes:

Hearing Starts At 2:21:48:

SPECIAL USE PERMIT APPLICATION #SP-2019-80 – ALEXANDER REPSHOLDT WITH AREP AND ANDERSON LLC – SYNOPSIS: Home Occupation Special Use Permit for a short-term rental/AIRBNB at 338 North 14th Street.

Detailed Outline of Requested Action: The applicant is requesting a Special Use Permit to operate a short-term rental/AIRBNB. Applicant states that he will be renting out the extra rooms of his primary residence that he is not living in, as well as a room in an accessory unit on the property. The accessory unit has a separate entrance at 1405 Orville Street for guests' access.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 14, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated June 13, 2019; and
7. The Notices to property owners dated June 12, 2019, July 1, 2019, August 7, 2019 and September 2, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Planning Commissioner Miller stated that he had a brief conversation with Commissioner McKiernan regarding this application and the next application. Planning Commissioner Huey stated that full disclosure, she lives in this neighborhood.

Present in Support:

- ❖ Alex Repsholdt, applicant, 338 North 14th Street, Kansas City, Kansas 66102
- ❖ Eric Anderson, 334 North 14th Street, Kansas City, Kansas 66102
- ❖ Erin Heard. 338 North 14th Street, Kansas City, Kansas 66102

Present in Opposition:

- ❖ Patty Orth, 316 North 15th Street, Kansas City, Kansas 66102, President of Cathedral Neighborhood Association

Staff Recommendation Starts 2:51:30: Planning Director Richardson stated that he still has questions about the responses from the applicant and what the information from

our reporting AIRBNB service says. The staff recommends that this application be held over so the staff can get all information straight so when the Planning Commission makes their decision, they will have the true and accurate history of the property. The next meeting would be November 12, 2019.

Motion and Vote Starts 2:52:55:

On motion by Mr. Ernst, seconded by Ms. Jones, the Planning Commission voted as follows to **HOLD OVER Special Use Permit Application #SP-2019-80 to the November 12, 2019 meeting for the reasons outlined by staff:**

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

Motion to HOLD OVER Passed: 5 to 0

January 13, 2020 City Planning Commission Minutes:

Hearing Starts At 46:16:

SPECIAL USE PERMIT APPLICATION #SP-2019-80 – ALEXANDER REPSHOLDT WITH AREP AND ANDERSON LLC – SYNOPSIS: Home Occupation Special Use Permit for a short-term rental/AIRBNB at 338 North 14th Street. ***Detailed Outline of Requested Action:*** The applicant is requesting a Special Use Permit to operate a short-term rental/AIRBNB. Applicant states that he will be renting out the extra rooms of his primary residence that he is not living in, as well as a room in an accessory unit on the property. The accessory unit has a separate entrance at 1405 Orville Street for guests' access.

SPECIAL USE PERMIT APPLICATION #SP-2019-81 – ERIK FRANK ANDERSON WITH KC VIKING REALTY, LLC – SYNOPSIS: Home Occupation Special Use Permit for a short-term rental/AIRBNB at 334 North 14th Street. ***Detailed Outline of Requested Action:*** The applicant is requesting a Special Use Permit to operate a short-term rental/AIRBNB. Applicant states that he will be renting out the extra rooms of his primary residence that he is not living in. The rental includes the entirety of the third floor of the residence.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 13, 2020;

5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated June 13, 2019; and
7. The Notices to property owners dated June 12, 2019, July 1, 2019, August 7, 2019, September 2, 2019 and October 28, 2019.

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

Recording Secretary Parker stated that the Planning Commission held over these two applications from the October 14, 2019 meeting for the staff and applicants to meet and discuss the details of both applications so when the Planning Commission makes their decision, they will have the true and accurate history of the property.

#SP-2019-80:

Present in Support:

- ❖ Alex Repsholdt, applicant, 338 North 14th Street, Kansas City, Kansas 66102
- ❖ Eric Anderson, 334 North 14th Street, Kansas City, Kansas 66102
- ❖ Erin Heard. 338 North 14th Street, Kansas City, Kansas 66102

Present in Opposition:

- ❖ Patty Orth, 316 North 15th Street, Kansas City, Kansas 66102, President of Cathedral Neighborhood Association
- ❖ Moira Kuzila, 432 North 15th Street, Kansas City, Kansas 66102
- ❖ Randy Balliett, 1505 Tauromee, Kansas City, Kansas 66102
- ❖ There was one other person present that did not speak

Staff Recommendation Starts 1:26:52: Planning Director Richardson stated that the security system that they showed is probably the best thing staff has even seen on an AIRBNB. Contrast that against the fact that he had to tell them in pretty explicit terms that they needed to cancel the New Year's reservation, or they were not going to have a chance of getting approved based on what they said the last time they were before the Commission. Even then they protested before they cancelled it. He further stated that he cannot see recommending approval when they had to be told that explicitly to do the right thing after being told that by the Commission. The staff recommends denial.

Motion and Vote Starts 1:28:26:

On motion by Dr. Serda, seconded by Ms. Huey, the Planning Commission voted as follows to recommend **DENIAL of Special Use Permit #SP-2019-80 based on the failure of the applicant to follow the staff's directions to not rent the AIRBNB while the application was being held over:**

Carson	Chairman
Cho	Not Present
Connelly	No
Ernst	Aye

Huey	Aye
Jones	Not Present
Miller	Not Present
Neal	Not Present
Pauley	Aye
Reasons	No
Serda	Aye

Motion to recommend DENIAL Passed: 4 to 2

#SP-2019-81 Hearing Starts at 1:35:

Present in Support:

- ❖ Erik Anderson, applicant, 334 North 14th Street, Kansas City, Kansas 66102
- ❖ Alex Repsholdt, 338 North 14th Street, Kansas City, Kansas 66102
- ❖ Erin Heard. 338 North 14th Street, Kansas City, Kansas 66102
- ❖ Patty Orth, 316 North 15th Street, Kansas City, Kansas 66102, President of Cathedral Neighborhood Association

Present in Opposition:

No one spoke

Staff Recommendation Starts 1:49:13: Planning Director Richardson stated that the recommendation is for denial. Just because he got lucky and did not have any reservations doesn't mean that the outcome wouldn't have been the same or the attitude wasn't the same. He further stated that the staff recommends denial.

Motion and Vote Starts At: 1:50:50:

On motion by Mr. Ernst, seconded by Mr. Reason, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit #SP-2019-81 for six (6) months and the staff will put the limit on the amount of people (8 people had been requested):**

Carson	Chairman
Cho	Not Present
Connelly	Aye
Ernst	Aye
Huey	Aye
Jones	Not Present
Miller	Not Present
Neal	Not Present
Pauley	No
Reasons	Aye
Serda	Aye

Motion to recommend APPROVAL Passed: 5 to 1

APPLICANT'S ANSWERS TO ADDITIONAL SHORT-TERM RENTAL QUESTIONS

Short-Term Rental Special Use Permit Questions

1. How will you communicate with the neighbors?
 - a. I have shared my phone number with my immediate neighbors so they can contact me in case of nuisances or disturbances.
 - b. 326 North 14th Street: Dohn Farley [REDACTED]
 - c. 332 North 14th Street: Luke and Bethany Clubb [REDACTED]
 - d. 334 North 14th Street: KC Viking Realty LLC [REDACTED]
 - e. 336 North 14th Street: Gissell Vazquez Palacio and Felix Gonzalez Mendez
2. How will you pay the appropriate lodging taxes?
 - a. I shall register with the Division of Taxation at KSRevenue.org to properly pay taxes off the gross income collected from the Nightly per Room cost. Until the specific lodging tax for this property is known, at a minimum the gross combined state and Wyandotte county sales tax of 7.5% shall be charged and sent to the Division of Taxation.
3. How many rooms are rented?
 - a. 3 in total. 2 in the main home and the 1 bedroom unit over the detached garage.
4. What is the maximum number of people that will be staying at one time?
 - a. 10 people
5. What is the maximum number of vehicles and where will they park?
 - a. 6 cars in total. 2 off street and 4 on the street. There can be two per side of the home as it is a corner property.
6. How often are guests in the residence?
 - a. 80% of the month.
7. Do you have a rental license from the Unified Government?
 - a. 1st rental inspection happened on 05/23/2019 and the entire process shall be complete soon.
8. Provide a detailed description of the areas rented for AirBNB.
 - a. There are two bedrooms in the main house that shall be rented in the main house to short term renters and the private one bedroom apartment over the detached garage. The private one bedroom apartment has its own kitchen, bathroom, living room, and separate bedroom. The unit shall be furnished with a king size bed, a folding couch, two roll away beds, two TV's, a full kitchen set, and an office desk. Within the main home, both rooms shall have access to the common areas that include a kitchen, dining room, living room with TV, 1.5 bathrooms, and laundry area in the basement. The bedroom on the ground floor has its own private bathroom and will be furnished with a king size bed, office desk, and TV. The bedroom upstairs will be furnished with a kind size bed, TV, and office desk. Each bedroom and the common areas shall have noise monitoring units to verify the noise levels of the guests, provide a method to immediately know when noise is exceeding normal daily activity levels, and have response systems to let the guests know to become quiet so they don't disturb the neighbors.
9. Describe how you will maintain a safe environment including:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house
 - i. Each bedroom has been furnished with smoke detectors and the cleaners shall test the battery in each room between room turn overs.
 - b. GFCI outlets re required in bathrooms
 - i. A deficiency of 3 GFCI's was found in the rental inspection and that is being corrected.
 - c. Double keyed locks are not allowed
 - i. None were present for the rental inspection and none shall appear later on.
 - d. Copper cannot be used for gas supply lines
 - i. Understood, and none were found during the rental inspection. Code compliant gas pipe throughout the home.
 - e. Windows must be operable, not blocked or boarded
 - i. Functionality was verified through the rental inspection on May 23rd, 2019.
 - f. Handrails are required at sets of 4 or more stairs/risers
 - i. Presence of all needed handrails was verified through the rental inspection on May 23rd, 2019.
 - g. Hot water tank and furnace must be vented properly and operational
 - i. Correct installation was verified during rental inspection. Major work on the property was verified through a construction permit completion inspection in January of 2019.
 - h. Electric panel and circuits must be safe
 - i. Correct installation was verified during rental inspection. Major work on the property was verified through a construction permit completion inspection in January of 2019.

PHOTOS OF RENTAL PROPERTY, 338 NORTH 14TH STREET



Photos of 338 North 14th Street, in clockwise order, starting with upper left: East side view, west side view, north side view, south side view.

PHOTOS OF RENTAL PROPERTY, 1405 ORVILLE STREET



Photos of 1405 Orville Street, in clockwise order, starting with upper left: East side view, west side view, north side view, south side view.

COMPARISON OF PHOTOS OF 338 NORTH 14 STREET/1405 ORVILLE STREET AND AIRBNB LISTING

Photo on Airbnb Listing

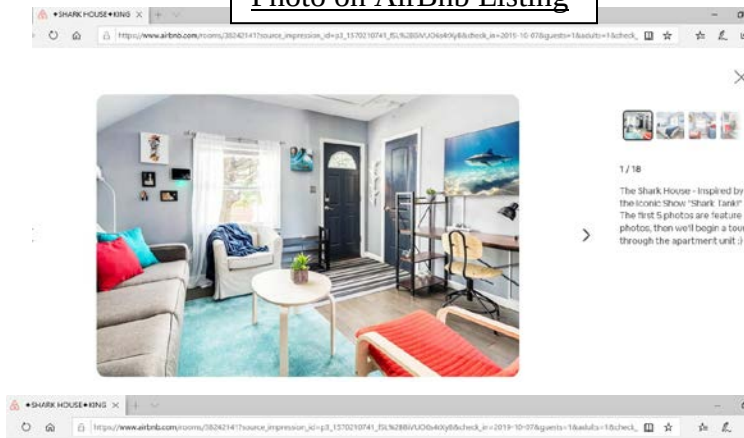
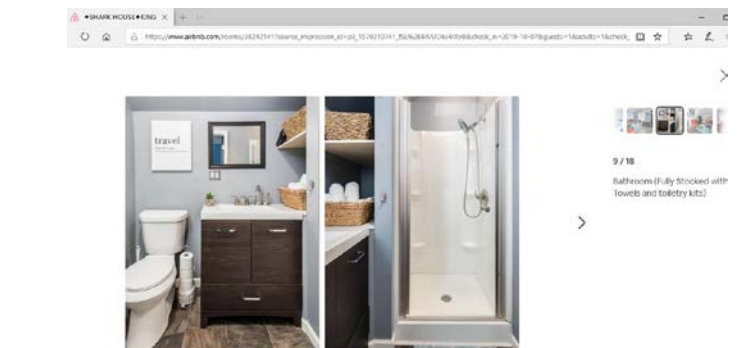
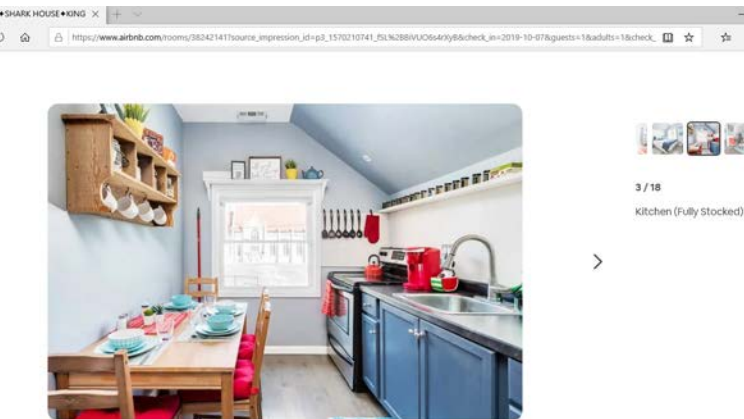
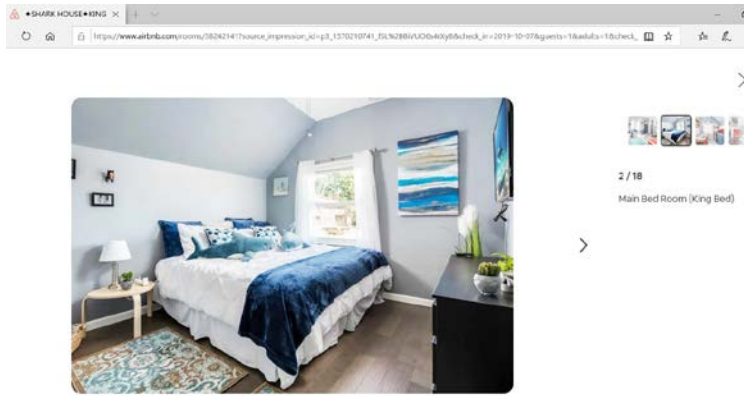
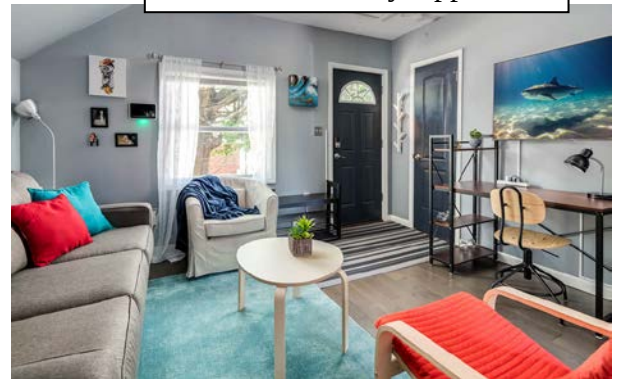


Photo Provided by Applicant



AIRBNB REVIEWS FROM SEPTEMBER 2019

HOUSE KING X

https://www.airbnb.com/rooms/38242141?source_impression_id=p3_1570210741_FSL%2B8BVUO6s4rXy8

Overview · Reviews · The Host · Location · Policies

Communication 4.8 Location 4.8

Rene
September 2019

Shark tank is exceptionally clean and well worth the money for sure. Eric was fantastic!

Response from Sara:
Thank you for the compliment! I do my very best to make sure the place is clean to provide a 5 star experience for all guests. And Erik is a great person to be around as well, I'll make sure to tell him that you found him helpful. Sorry if I sounded like a robot at times. :P
September 2019

Joe
September 2019

Very accommodating and offered quick responses. Lots of nice touches and "hidden extras" that made it a pleasant stay.

Response from Sara:
Thank you very much for choosing my place for your visit to KC. I'm glad you enjoyed the small extra touches. I hope the next time you are in town that you choose my place again. Thanks Joe. :)

HOUSE KING X

https://www.airbnb.com/rooms/38242141?source_impression_id=p3_1570210741_FSL%2B8BVUO6s4rXy8

Overview · Reviews · The Host · Location · Policies

Jan
September 2019

Cute, clean, comfortable with a great host.

Response from Sara:
Thank you for the compliment Jan! Thanks for being an excellent guest! I do my best to make the place look great for every guest. I look forward to hosting you again in the future :)

September 2019

Chelsea
September 2019

This place was great! Will be staying here again in the future if it's available!

Response from Sara:
Thank you for the compliment! I do my best to make the place look great for every guest. I look forward to hosting you again :)

September 2019

HOUSE KING X

https://www.airbnb.com/rooms/38242141?source_impression_id=p3_1570210741_FSL%2B8BVUO6s4rXy8

Overview · Reviews · The Host · Location · Policies

September 2019

Crystal
September 2019

Great place to stay. Great communication! Thanks.

Response from Sara:
Thank you for the timely response as well. You and your guests were a pleasure to host. Hope you stay here soon.
September 2019

This host has 50 reviews for other properties.

[View other reviews](#)

Hosted by Sara
Kansas City, KS · Joined in June 2019
★ 55 Reviews · Verified

Sara is a Superhost · Superhosts are experienced, highly rated hosts who are

RENTAL AVAILABILITY CALENDAR

HOUSE KING X

https://www.airbnb.com/rooms/38242141?source_impression_id=p3_1570210741_FSL%2B8BVUO6s4rXy8

Overview · Reviews · The Host · Location · Policies

Share Save

October 2019 November 2019

Calendar showing availability for October and November 2019. Prices range from \$35 per night.

Reviews
★ 4.80 5 reviews

Accuracy 5.0 Cleanliness 5.0
Check-in 5.0 Value 5.0
Communication 4.8 Location 4.8

Rene
September 2019

\$35 per night
★ 4.80 (5 reviews)

Dates
Check-in → Checkout

Guests
1 guest

[Reserve](#)

You won't be charged yet

This place is getting a lot of attention. It's been viewed 145 times in the past week.

[Report this listing](#)

PROPERTY INFORMATION ON AIRBNB

HOUSE KING X

https://www.airbnb.com/rooms/38242141?source_impression_id=p3_1570210741_FSL%2B8BVUO6s4rXy8&check_in=2019-10-07&guests=1&adults=1&check_out=2019-10-08

Overview · Reviews · The Host · Location · Policies

Share Save

The space

- 119 year old property built in 1900. This separate apartment has been completely renovated.
- Private parking for 2 cars in driveway, one space is dedicated for guests.
- Access into unit from stairway in back of property.
- Fully stocked kitchen with keurig, Tea, Filtered water, Wine bottle opener, Beer bottle opener, Pots and pans, Cooking utensils, Flatware, and Drinking glasses.
- Additional cleaning during the stay can be requested by the customer.
- Great coverage with Uber and Lyft drivers

Guest access

- This rental is a private apartment with only you and your traveling partners staying there.
- The stairwell and parking area are shared by you, and the long term tenants in the main house on the plot of land.
- There is one closet that has been locked off for storage of materials to manage the unit.

Other things to note

- Maintenance staff are available to immediately respond to your needs.
- Security staff are available to respond as the need arises.
- I am greatly looking forward to you enjoying your stay in Kansas City!

[Hide](#)

[Contact host](#)

\$72 \$38 / night
★ 4.80 (5 reviews)

Dates
10/07/2019 → 10/08/2019

Guests
1 guest

\$38 x 1 night
Cleaning fee \$63
Service fee \$13
Total \$114

[Reserve](#)

You won't be charged yet

New lower price
Price for your trip dates was just lowered

MEETING MINUTES, SEPTEMBER 9, 2019

Presentation by applicant and/or team continued: (Please see the attached notes and written summary)

ERIK ANDERSEN INTRODUCED ALEX REP AT 2:05PM

ALEX REP SHARED STORY OF HOW HE CAME TO ENTREPRENEURSHIP AND THE REAL ESTATE BUSINESSES THAT WE HAVE DONE SO FAR.

ERIK ANDERSEN BRIEFLY SHARED HIS STORY ON HOW HE CAME TO ENTREPRENEURSHIP AND WHY HE MOVED TO KANSAS CITY.

ALEX REP TOLD HOW WE FOUND AND REPAIRED 338 N. 14TH STREET AFTER A FIRE IN THE GARAGE APARTMENT.

- THE FOUNDATION/BUSINESS PLAN OF OUR SHORT TERM RENTAL COMPANY. WE SERVE BUSINESS AND MEDICAL TRAVELERS.

- * WE PRIMARILY DO THIS IN KANSAS CITY MISSOURI. WE ARE MAKING THESE TWO SHORT TERM RENTALS IN KANSAS CITY KANSAS BECAUSE WE ALREADY OWNED THESE PROPERTIES AND THEY ARE OUR PERSONAL HOMES.

- SHARED PHOTOS OF 338 BEFORE AND AFTER WE STARTED WORKING ON IT.

- SHARED WHO IS IN OUR COMPANY AND THEIR ROLES. ALL COMPANY MEMBERS LIVE IN KANSAS.

- SHARED DETAILS ON OUR STATE OF THE ART SECURITY SYSTEM, AND HOW WE WILL AND ARE COLLABORATING WITH LOCAL AUTHORITIES. THIS IS IMPROVING SAFETY IN NEIGHBORHOOD.

- SHARED HOW WE ARE CREATING EMPLOYMENT OPPORTUNITIES FOR LOCAL CLEANERS AND PAY THEM LIVING WAGES.

- SHARED THAT THE PROPERTY HAS MULTIPLE LAYERS OF INSURANCE.

2:45 THE FLOOR WAS OPENED TO QA FROM THE AUDIENCE.

- SEE NOTES ON NEXT PAGE.

3:30 THE MEETING WAS ADJOURNED, AND A PLAN FOR A FOLLOW UP OPEN HOUSE WAS CREATED.

- A LOT OF HIGHLY SKEPTICAL PEOPLE CAME AND PEOPLE LEFT A LOT LESS SKEPTICAL.

PATTY ORTH ASKED 1ST QUESTION:

- DISLIKED 2AM MEETING.

- ASKED ABOUT PROXIMITY TO THE SCHOOL, HER DISCOMFORT ABOUT THAT, AND HOW WE ARE ENSURING THE SAFETY OF THE KIDS AT PLAY.

- * ALEX RESPONDED WITH A DISCUSSION ON THE BACKGROUND CHECKS REQUIRED FOR BOOKING, HOW WE REQUIRE ALL GUESTS TO BE REGISTERED AHEAD OF TIME, AND HOW THE EXTERIOR CAMERAS ALLOW US TO KEEP A CLOSE EYE ON WHAT GOES IN AND OUT.

- * ERIK ALSO ADDED THAT WE HAVE THE SYSTEM SET SO EVERY MEMBER OF THE COMPANY GETS A NOTIFICATION ON THEIR PHONE EVERY TIME THE DOOR OPENS OR CLOSES. THE CAMERAS ALSO RECORD A CLIP OF WHO IS COMING OR GOING. THIS ALLOWS US TO IMMEDIATELY NOTIFY THE AUTHORITIES IF SOMETHING IS HAPPENING AND PROVIDE VIDEO EVIDENCE. WE CAN ALSO ACT IMMEDIATELY IN ANY WAY TO HELP THE AUTHORITIES.

- * THIS HELPED PATTY AND SEVERAL OTHER PEOPLE'S QUESTIONS.

ANN McDONALD ASKED/STATED "MOST OF US HERE ARE 3RD OR 4TH GENERATION IN THIS NEIGHBORHOOD. DO YOU LIVE HERE? ALSO, WHY DO YOU HAVE ILLINOIS TAGS?"

- ALEX RESPONDED: YES, I DO LIVE HERE. I'VE BEN ON THIS STREET FOR THE ~~BE~~ ALMOST 2 YEARS NOW. I'M EMBARRASSED I HAVEN'T GOTTEN MY KANSAS DRIVERS LICENSE OR TAGS YET. BOTH ERIK AND I ARE USUALLY WORKING ON OUR BUSINESSES FROM WHEN WE WAKE UP UNTIL WE FALL ASLEEP AT A DESK.

- ANN REPLIED: WHY DID YOU MOVE TO THIS NEIGHBORHOOD?

- ALEX: "BECAUSE ERIK WAS HERE."

- ANN ASKED: "WHY DID YOU MOVE HERE THEN?"

- ERIK ANSWERED: "338 CHECKED ALL THE BOXES I WAS LOOKING FOR. I WANTED A BIG HOUSE WITH FIVE BEDROOMS SO I COULD RENT THEM OUT LONG TERM, I WANTED A 3 CAR GARAGE, I WANTED AN OLD HOUSE, AND I WANTED TO BE CLOSE TO DOWNTOWN. AS AN ADDED BONUS, I USED TO LIVE IN ARIZONA SO I'M A BIG FAN OF MEXICAN FOOD. TACOS ON WHEELS IS EASILY MY FAVORITE RESTURANT HERE. AFTER SEEING 338 AND EATING THERE, I WAS SOLD ON FIXING THAT HOUSE."

- * THIS BROUGHT A LOT OF SMILES.

- ANN ASKED: "HAVE YOU TWO TALKED TO THE PASTOR ACROSS THE STREET?"

- * ALEX AND ERIK: "PRETTY NO WE HAVEN'T AND ITS NOT INTENTIONAL. ITS A SIDE EFFECT OF HOW MUCH WE WORK ON OUR BUSINESSES. WE ARE COACHABLE THOUGH AND WE WILL MEET WITH HIM."

MEETING MINUTES, SEPTEMBER 9, 2019, CONT.

BILL BURNS ASKED: "IS DOING THIS BUSINESS GOING TO CHANGE THE ZONING? AND IF YOU SELL DOES THE PERMIT GO WITH THE BUILDING?"

ALEX + ERIC: "THIS WON'T CHANGE THE ZONING. IT WILL STILL BE RESIDENTIAL PROPERTY. THIS IS JUST A SPECIAL USE PERMIT TO USE/RUN A BUSINESS WITHIN OUR OWN HOMES. ALSO IF WE WERE TO SELL, THE PERMIT WOULD CARRY FORWARD. REST ASSURED, OUR QUALITY SYSTEMS ARE THE ONLY ONES THAT WILL BE PRESENT IN THESE HOMES."

NANCY BURNS ASKED: "ONE OF THE BIG PROBLEMS IN THIS NEIGHBORHOOD IS THE NUMBER OF RENTALS HERE. THERE ISN'T THE SAME AMOUNT OF CARE A HOME OWNER GIVES AND WE NEED MORE HOME OWNERS."

ALEX ANSWERED: "YOU ARE NOT GOING TO LIKE MY ANSWER. ARE YOU PREPARED TO RECEIVE IT?"

NANCY: "YES I AM READY."

ALEX: "IN OUR CURRENT ECONOMY IT IS UNLIKELY THAT HOMEOWNERSHIP IS GOING TO INCREASE. AS MUCH AS I WOULD LIKE IT TO INCREASE. THERE ARE ABOUT 800 MILLION JOBS IN THE WORLD THAT ARE GOING TO BECOME OBSOLETE BECAUSE OF TECHNOLOGY. TRUCKERS ARE THE NEXT IN LINE. THERE ARE 3.2 MILLION TRUCKERS IN AMERICA ALONE AND THE ROBOT TRUCKS ARE 98% COMPLETE. WHEN THAT'S DONE, IT WON'T JUST BE THE TRUCKERS THAT ARE AFFECTED. ALL THE TOWNS WITH GAS STATIONS, CONVENIENCE STORES, AND RESTAURANTS CATERING TO TRUCKERS WILL BE AFFECTED. THAT'S PROBABLY 15 MILLION PEOPLE WHO WILL BE DISPLACED FROM WORK. WHEN SITUATIONS LIKE THIS ARISE MORE AND MORE PEOPLE WILL TURN TO ENTREPRENEURSHIP TO TAKE CONTROL OF THEIR LIVES. IN CONJUNCTION, THE GENIE IS OUT OF THE BOTTLE WHEN IT COMES TO SHORT TERM RENTALS. MOST LANDLORDS HAVE REALIZED THAT THEY CAN MAKE 3-4 AND SOMETIMES 5X AS MUCH INCOME OFF A SHORT TERM RENTAL THAN A NORMAL RENTAL. IT'S BEEN PROVEN TIME AND AGAIN ACROSS THE COUNTRY THAT WHEN CITIES PASS STRICTER LAWS AGAINST SHORT TERM RENTALS THAT IT JUST RESULTS IN A PROLIFERATION OF ILLEGAL SHORT TERM RENTALS CREATED BY PEOPLE IN A DESPERATE SITUATION. ENFORCEMENT OF THE LAWS IS EXPENSIVE AND THE CITY MISSES OUT ON OCCUPANCY TAX INCOME. IN COMPARISON WE ARE HERE AND DOING OUR BEST TO FOLLOW THE LEGAL PERMIT PROCESS AND COLLABORATE WITH LOCAL AUTHORITIES WITH OUR SECURITY SYSTEMS. WE ARE HERE FOR THE LONG HAUL. DOES THAT ANSWER MAKE SENSE AND ARE YOU SATISFIED WITH THAT ANSWER?"

NANCY: "YES THAT MAKES SENSE AND THANK YOU."

BILL BURNS ASKED: "ARE YOU CURRENT ON YOUR REAL ESTATE TAXES?"

ALEX: "YES."

ERIK: "AND WE ARE PAYING OCCUPANCY TAXES FOR DOING THIS. SO THE CITY MAKES MORE \$."

JESSICA TIMMERMAN "I'VE BEEN WATCHING THE INTERACTION HERE TODAY. I HAVE ONE REQUEST. PROVE YOUR SINCERITY ON WANTING TO BE PART OF THIS COMMUNITY."

ALEX: "HOW DO YOU SUGGEST WE DO? WE ARE COACHABLE."

ANN McDONALD: "AND HOW DO WE KNOW THESE PHOTOS DIDN'T COME FROM SOME GLOSSY MAGAZINE?"

ALEX: WOULD A OPEN HOUSE OF THE SHARK HOUSE HELP?

PATTY ORTH: YES THAT WOULD BE GREAT. CAN THAT BE DURING OUR NEIGHBORHOOD MEETING?

ERIK: "YES, THAT CAN HAPPEN. I'LL ADMIT, I'VE BEEN BAD ABOUT KEEPING TRACK OF THOSE MEETINGS. WHEN IS THE NEXT ONE?"

PATTY ORTH: OCTOBER 9TH AT 7PM.

ALEX: WE WOULD BE HAPPY TO SHOW EVERYONE THEN. WE WILL BLOCK THAT DAY ON THE CALENDAR AND BE THERE FOR THE MEETING AS WELL.

FOR THE MEETING TO BE HELD ON OCTOBER 26TH, 2019. ALEX + ERIC: SURE THING!!

LETTER OF EXPLANATION, DECEMBER 12, 2019



Thu 12/12/2019 5:35 PM

Alex Repsholdt <alex@owlstays.com>

Letter of Explanation concerning 1405 Orville Ave Application for Special Use Permit: Short-Term Rental

To: McKiernan, Brian; Parker, Janet; Richardson, Rob; Farley, Michael; PATTY ORTH

Cc: Erik Andersen; Erin Heard

① You replied to this message on 12/13/2019 3:59 PM.

To Whom it may concern,

I was requested over a month ago to write this statement on behalf of the special use permit that has been pending for approval for 1405 Orville Ave. I apologize for the delay, I have been very busy.

My name is Alex Repsholdt. I moved from the Chicagoland area to Kansas City, KS back in November of 2017. I moved to accept a job opportunity and also to invest in Real-Estate both in KCK and KCMO.

I purchased 338 N 14th St, along with 1405 Orville Avenue, with Erik Andersen back in June of 2018. I was the funding partner, Erik was brought on to perform much of the labor and screening of tenants. The LLC that owns the property is AREP AND ANDERSEN LLC.

The property was purchased to duplicate the roommate rental model Erik established in 334 N 14th St. It was not successful. I later bought Erik out of AREP AND ANDERSEN in July of 2019 and decided to make 338 N 14th St my home and office. I have been successful leasing all but one room to some of my close friends.

1405 Orville Ave, originally intended to be a long-term rental was not successful either. A tenant who passed screening, damaged the unit considerably after only 30 days of residing in the unit.

I decided to change my strategy and start a short-term rental business, IBIS SMART LLC. Short-Term Rentals (STR) attract higher quality tenants or guests than low income long-term tenants. IBIS SMART has 4 partners, currently, including myself. Erik is no longer involved with this company, but originally and during a good portion of the process for the special use permit he was an active partner. Erik filled out and submitted special use permits for his property and my property in May 2019. IBIS SMART signed a lease with AREP AND ANDERSEN and furnished the 1405 Orville Ave in August 2019. In September the property was on Airbnb, Lodgify and Booking.com as "The Shark House" since it was themed after the iconic show, "Shark Tank" where wealthy business owners fund startup companies. Photos of the unit are attached.

Erik and I met with City Planning Officials on October 22nd, 2019 after the public hearing on October 16th 2019, and we learned that we needed a completed special use permit to market the property. At the time we were actively marketing short term rental use of the property. We learned on that day that we needed to pull our listings and wait for the permit to be approved before we could market further. Erik and I agreed to take both of our listings off of the platforms.

Erik and I gave a presentation on what we intended to do with the unit to the local community on September 9th, 2019 during a neighborhood meeting that everyone within 200 feet had been invited to on August 29th 2019. The local community was concerned about our proximity to the Catholic St. Paul's School. We did our best to explain the security measures we put in place and why making the change to STR was actually safer to the community than if it was left to be a long-term rental. STR guests are more effectively tracked, screened and typically higher income. To help alleviate concerns we invited everyone present and all of their friends to come to an open house of the unit that we scheduled to match with the next upcoming Cathedral Neighborhood meeting on October 9th 2019. Both of these measures helped many neighbors who started off as highly skeptical leave the meetings less skeptical.

Now I must apologize for the mistakes made in the process of applying for this permit. I take responsibility for my choice to rely on my neighbor and friend, Erik when it came to the process of the applying for the Special Use Permit. Erik had been under the impression that you could market the place while going through the permit application process. I took his word for it and did not perform any due diligence. Erik also became swamped with a fix and flip project and this ultimately led to a decreased level of attentiveness towards the necessary requirements and nature of applying for the special use permit. This also led to my mistake in being unaware of much of the process because I did not adequately follow up or take the time to learn the process myself. The listings were not pulled and guests continued to book the units up until after the meeting on October 22nd, 2019.

I spoke on behalf of 1405 Orville Ave at the public hearing October 16th, 2019. I confessed that we made mistakes and that we intend to correct those mistakes. The public hearing motioned to table our permit to the next month.

Between October 16th and October 22nd, there were several attempts to make the Shark House a 30-day minimum unit but for some reason, there were technical issues and we had a hard time figuring it out and eventually we pulled the listing from public view due to the high visibility from City Planning. That level of visibility became very apparent after our meeting on October 22nd, 2019. By that point Erik was no longer with IBIS SMART LLC. To be clear, we are on good terms, it just became apparent that he was too busy with his other ventures to be able to perform the duties he agreed to with IBIS SMART so he agreed to leave.

IBIS SMART has been restructured and we are now in compliance. The Shark House has been put into what's called "Inactive Status" on Airbnb, Booking.com, and Lodgify.com, it is impossible for guests to book the unit and we are waiting for the Public Hearing on January 13th, 2020.

However, there is still one booking over New Year's Eve weekend that was placed well before the first public hearing, back on October 16th, 2019. We cannot cancel bookings. We have to uphold our commitments to other people. Cancelling a booking causes irreversible damage to not just the unit but the entire company.

We desperately need this motion to pass. The investment into the property has been significant and the lost rent has also caused significant challenges for our small company. I'm not a millionaire, should this special use permit not pass it would be comparable to being fired or losing a job.

To that same end, the fact that my car with duct tape on the windshield is still registered in Illinois has been brought up in several discussions. This is a source of embarrassment, but the only reason this is the case is because it is registered in the name of my deceased grandfather and I have been unable to solve the multi-state paperwork tangle necessary to fix this issue. I also have all of my personal assets tied up in businesses that I have started, and thus I have been unable to purchase a new car for myself. I understand that this looks extremely bad, and I wish to correct it, but I have not had the personal means to buy a car in a long while.

Now that the whole story and timeline has been explained, I want to re-iterate: This STR is owner occupied, the unit produces a higher quality tenant/guest and we strongly believe this is a safer alternative to a long-term tenant in a 500 sqft 1/1. We've made mistakes, yes, but we've taken advice to push the public hearing to January 13th to show our intention to follow rules and procedures and we have paid for it. I want to be approved for a 1-year special permit so that we can show the local community that we are very capable of managing this STR and it indeed is a benefit.

Thank you for your time and help.

Please let me know if I need to do something in preparation for January 13th, 2020 or if we are somehow out of compliance.

Alex Repsholdt
913-378-0120
alex@owlstays.com

OPPOSITION LETTER EMAILS, DECEMBER 12-13, 2019



Fri 12/13/2019 12:36 PM

pattyorth <pattyorth@sbcglobal.net>

RE: Letter of Explanation concerning 1405 Orville Ave Application for Special Use Permit: Short-Term Rental

To: Farley, Michael

No i didnt sorry. But i have a resident that witnessed the Minnesota plates and the people walking out in vikings sweatshirts.

Sent from my Samsung Galaxy , an AT&T LTE smartphone

----- Original message -----

From: "Farley, Michael" <mfarley@wycokck.org>

Date: 12/13/19 11:54 AM (GMT-06:00)

To: pattyorth <pattyorth@sbcglobal.net>

Subject: RE: Letter of Explanation concerning 1405 Orville Ave Application for Special Use Permit: Short-Term Rental

Patty,

Did you manage to take any pictures of out-of-state cars parked at the house? This may be helpful to further prove that the applicant has been illegally operating his AirBnb.

Best,

Mike

From: pattyorth <pattyorth@sbcglobal.net>

Sent: Thursday, December 12, 2019 9:23 PM

To: Farley, Michael <mfarley@wycokck.org>

Subject: FW: RE: Letter of Explanation concerning 1405 Orville Ave Application for Special Use Permit: Short-Term Rental

----- Original message -----

From: pattyorth <pattyorth@sbcglobal.net>

Date: 12/12/19 9:19 PM (GMT-06:00)

To: Alex Repsholdt <alex@owlstays.com>

Subject: RE: Letter of Explanation concerning 1405 Orville Ave Application for Special Use Permit: Short-Term Rental

Alex

First of all if you were really interested in being a part of our neighborhood you would realize our parish is St. Peter's not St. Paul. And I know for a fact that you have been renting out 1405 because I have seen the out of state plates parked there (the weekend of the chiefs-minnesota game). You have continued to rent this property in direct violation of the planning commission. I will continue to object to this rental and plan to have neighbors present at the January 13th meeting in opposition. I am sorry about your financial situation but we all pay taxes and license our cars properly and you need to to.



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 30, 2019
Re: Petition #SP-2019-81

GENERAL INFORMATION

Applicant:
Erik Frank Anderson

Status of Applicant:
Owner
334 North 14th Street
Kansas City, KS 66102

Requested Action:
Special Use Permit (Home Occupation)

Date of Application:
May 21, 2019

Purpose:
Home Occupation Special Use Permit to operate a short-term rental/AIRBNB

Property Location:
334 North 14th Street

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



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

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

Existing Uses: **North:** Single-family residence
South: Single-family residence
East: Single-family residences
West: Single-family residences

Total Tract Size: 0.15 acre

Master Plan Designation: The City-Wide Master Plan designates this property Urban Residential

Major Street Plan: The Major Street Plan designates Grandview Boulevard as a collector street.

Advertisement: The Wyandotte Echo – June 13, 2019
Letters to Property Owner – June 12, 2019, July 1, 2019, August 7, 2019, September 2, 2019, October 28, 2019 and January 23, 2020

Public Hearings: October 14, 2019, January 13, 2020 and January 30, 2020

Public Opposition: Public opposition has been expressed both at the neighborhood meeting, by neighbors contacting Planning staff and the October 14, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant is requesting a Special Use Permit to operate a short-term rental/AIRBNB. Applicant states that he will be renting out the extra rooms of his primary residence that he is not living in. The rental includes the entirety of the third floor of the residence.

City Ordinance Requirements: Article VIII Sections 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is primarily single-family residences on narrow lots. The property sits just outside of the downtown area, as designated by the Downtown Master Plan.

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

Although it is being used for short-term rentals, the property will still be the primary residence of the applicant. Because of this, the property will retain some of the qualities that a single-family residence typically possesses. There are also other short-term rentals in the area.

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

The use is more suitable because the applicant will still be residing at the property when short-term tenants are present.

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

Applicant has been living at the property since November 2018. The property has been a rental since that time.

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

Short-term rentals are not directly considered by the City-Wide Master Plan, but rental properties are indirectly acknowledged.

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

There will be a slight increase in traffic by the fact that short-term renters will be coming and going from the property. While this traffic may exceed the level that nearby neighbors are used to and are comfortable with, it is inconceivable that the traffic would exceed the street network's capacity to accommodate it.

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

A short-term rental often brings in visitors or tourists from outside the Kansas City area, and this may have positive externalities on the area as a whole. But for the close neighbors, a rental property is not a convenience nor does it better the public welfare.

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

Only noise is expected to be an issue. Applicant has put forth a plan to monitor noise levels and quickly address noise issues with the guests.

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

This is not expected to be an issue.

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

This is not expected to be an issue.

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

As mentioned previously, there are positive externalities associated with visitors coming to Kansas City and Wyandotte County, but it should also be noted that there are also negative externalities imposed upon the nearby neighbors of a poorly-run short-term rental.

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

Applicant has stated that no more than 8 guests will be staying at the residence at one time. Guests are limited to five cars, all of which can be accommodated by off-street parking on the property. That way, there is little chance that on-street parking by the additional guests will affect the neighborhood.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

Applicant held a neighborhood meeting at 2:05 PM on September 9, 2019 at 1120 Central Avenue. Eleven (11) neighbors are recorded attending and they asked questions about the property and how Applicant will be conducting his rentals. Minutes from the meeting show neighborhood opposition to the Special Use Permit; Applicants and neighbors came to an agreement that Applicant would hold an open house for the property on October 9, 2019 at 7:00 PM.

KEY ISSUES

Noise, parking, character of the neighborhood, unpermitted uses

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 1 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-81 for six (6) months)

STAFF COMMENTS AND SUGGESTIONS

The staff does not concur with the recommendation of the City Planning Commission.

Urban Planning and Land Use Comments:

1. How will you communicate with the neighbors?

Applicant Response: I have shared my phone number with my immediate neighbors so they can contact me in case of nuisances or disturbances.

- a. 326 North 14th Street: Dohn Farley
- b. 332 North 14th Street: Luke and Bethany Clubb
- c. 336 North 14th Street: Gissell Vazquez Palacio and Felix Gonzalez Mendez
- d. 338 North 14th Street: AREP and Andersen LLC

2. How will you pay appropriate lodging taxes?

Applicant Response: I shall register with the Division of Taxation at KSRevenue.org to properly pay taxes off the gross income collected from the Nightly per Room cost. Until the specific lodging tax for this property is known, at a minimum the gross combined state and Wyandotte county sales tax of 7.5% shall be charged and sent to the Division of Taxation.

3. How many rooms are rented?

Applicant Response: 2 rooms

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

Applicant Response: 8 people

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

Applicant Response: 5 vehicles and they will be parked off-street

6. How often are guests in the residence?

Applicant Response: 80% of the month

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

Applicant Response: Yes. Rental license number # 17990-00443

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

Applicant Response: There are two bedrooms within the main house that shall be rented for short term guests, and the guests shall have access to the common areas. The common area includes the kitchen, living room with TV and couch, pool table room, dining room, 1.5 bathrooms, and off street surface parking for 5 cars. The private room on the 3rd floor covers the entire floor and has its own private bathroom, balcony, and two walk-in closets. The room is 33 feet long and varies in width, but is 14 feet wide, 8 feet wide, and 10 feet wide at different parts of the room. The room shall be furnished with a king size bed, a folding couch, two roll away beds, two TV's and an office desk. The private bedroom on the 2nd floor for short term guests is 10 feet by 13 feet. This room has a closet, two windows, and access to the shared bathrooms. This room shall be furnished with a king size bed, TV, and office desk. Each bedroom and the common areas shall have noise monitoring units to verify the noise levels of the guests, provide a method to immediately know when noise is exceeding normal daily activity levels, and have response systems to let the guests know to become quiet so they don't disturb the neighbors.

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

Applicant Response:

- a. *Working smoke detectors in each bedroom plus each level of the unit/house*
 - i. *Each bedroom has been furnished with smoke detectors and the cleaners shall test the battery in each room between room turn overs.*
- b. *GFCI outlets re required in bathrooms*
 - ii. *Verified to be present through rental inspection.*
- c. *Double keyed locks are not allowed*
 - iii. *Understood and Verified to be absent through rental inspection.*
- d. *Copper cannot be used for gas supply lines*
 - iv. *Understood and Verified to be absent through rental inspection. Code compliant pipes are present throughout the home.*
- e. *Windows must be operable, not blocked or boarded*
 - v. *Functionality verified to be present through rental inspection.*
- f. *Handrails are required at sets of 4 or more stairs/risers*
 - vi. *Presence verified to be present through rental inspection.*
- g. *Hot water tank and furnace must be vented properly and operational*
 - vii. *Verified to be present and functional through rental inspection. Major repairs performed March 2017.*
- h. *Electric panel and circuits must be safe*
 - viii. *Verified to be present and functional through rental inspection. Major Repairs performed March 2017.*

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

Applicant Response: Yes. It is my primary residence

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

Applicant Response: Photos have been provided via link to the property's AirBnb listing

Staff Response: Applicant sent the link to two rooms on the property which he stated were for short-term rentals.

12. If approved, the applicant will need to file occupation tax application with the Business License Office.

No response from Applicant.

13. If approved, approved for one (1) year.

No response from Applicant.

SP-2019-81 was scheduled to be heard at the July 8, 2019 City Planning Commission meeting. However, due to applicant's unresponsiveness to staff's questions and comments and their inability to host a neighborhood meeting, the Special Use Permit application had been held over three times. It has been brought to staff's attention that applicant has been engaging in short-term rentals for the past month, if not longer.

Although applicant has not yet been awarded a Special Use Permit for a short-term rental, there is evidence on AirBnb's website that Applicant has been advertising and conducting short-term rentals on the property in violation of the Code of Ordinances. Staff spoke to applicant on October 2, 2019, at which time he admitted that he had been renting rooms to guests for a period of less than 30 days. Applicant has also told staff that he has one more guest staying for 3 weeks who was scheduled to arrive before the end of October. Staff told applicant that he cannot rent to any guests before he has acquired a Special Use Permit for short-term rentals. Furthermore, there are guest reviews for two separate rooms on the property dating back to June 2019. Some reviews were negative, which negates the point of having family members pretend to be guests and write good reviews, as the applicant claimed was the reason there appeared to have been guests at the property before the Special Use Permit had been issued.

Applicant provided staff two links to AirBnb listings for separate rooms on the property. However, when staff later tried to capture screenshots that demonstrated the property's listing on AirBnb was operational, Applicant disabled the ability to book any rooms through AirBnb. When staff check the property's AirBnb page on October 10, 2019, the next allowable date to rent a room is November 7, 2019.

Update, 1/13/2020: After appearing before the City Planning Commission on October 14, 2019, Applicant met with staff on October 22 to talk about expectations of planning case applicants and good neighbors. Staff has not had contact with Applicant since this

meeting. As of January 6, 2020, the property's AirBnb account is still viewable but has been restricted to allow only bookings of 30 days or longer. This appears to be consistent with staff's previous requests for Applicant to cease all short-term rental operations until the Special Use Permit is awarded. However, staff still expresses concern for how Applicant has handled the application process and conducted himself with staff, neighbors, and the City Planning Commission. Simply refraining from continuing to engage in illegal short-term rentals alone does not sufficiently indicate that Applicant's is sincere in his actions. Staff's recommendation remains the same as it was at the October 14, 2019 City Planning Commission meeting.

Public Works Comments:

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition #SP-2019-81 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

October 14, 2019 City Planning Commission Minutes
January 13, 2020 City Planning Commission Minutes
Applicant's Answers to Additional Short-Term Rental Questions
Photos of Rental Property
Email from Applicant
AirBnb Reviews for "Room 3"
AirBnb Review for "Room 1"
Meeting Minutes, September 9, 2019

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	October 14, 2019	
Special Use	Held Over	
	January 13, 2020	January 30, 2020
	Approval	

STAFF CONTACT: **Michael Farley**
 mfarley@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-81**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-81** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

October 14, 2019 City Planning Commission Minutes:

Hearing Starts At 2:54:04:

SPECIAL USE PERMIT APPLICATION #SP-2019-81 – ERIK FRANK ANDERSON WITH KC VIKING REALTY, LLC – SYNOPSIS: Home Occupation Special Use Permit for a short-term rental/AIRBNB at 334 North 14th Street.

Detailed Outline of Requested Action: The applicant is requesting a Special Use Permit to operate a short-term rental/AIRBNB. Applicant states that he will be renting out the extra rooms of his primary residence that he is not living in. The rental includes the entirety of the third floor of the residence.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 14, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated June 13, 2019; and
7. The Notices to property owners dated June 12, 2019, July 1, 2019, August 7, 2019 and September 2, 2019.

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

Planning Director Richardson stated that he would like the testimony from the previous application included as part of this application and the staff will probably have the same recommendation to hold over.

Present in Support:

- ❖ Erik Anderson, applicant, 334 North 14th Street, Kansas City, Kansas 66102

Present in Opposition:

- ❖ Patty Orth, President of Cathedral Neighborhood Association

Staff Recommendation Starts 3:01:45: Planning Director Richardson stated that he recommends that this application be held over until the November 12, 2019 meeting so the staff can verify parking for the guests (for both applications) and the past records of this operation.

Motion and Vote Starts 3:02:10:

On motion by Ms. Pauley, seconded by Mr. Miller, the Planning Commission voted as follows to **HOLDOVER Special Use Permit Application #SP-2019-81 until the November 12, 2019 City Planning Commission meeting for the reasons outlined by staff:**

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

Motion to HOLD OVER Passed: 5 to 0

Chairman Carson instructed the two applicants to get with staff tomorrow to start working out these issues.

January 13, 2020 City Planning Commission Minutes:

Hearing Starts At 46:16:

SPECIAL USE PERMIT APPLICATION #SP-2019-80 – ALEXANDER REPSHOLDT WITH AREP AND ANDERSON LLC – SYNOPSIS: Home Occupation Special Use Permit for a short-term rental/AIRBNB at 338 North 14th Street. ***Detailed Outline of Requested Action:*** The applicant is requesting a Special Use Permit to operate a short-term rental/AIRBNB. Applicant states that he will be renting out the extra rooms of his primary residence that he is not living in, as well as a room in an accessory unit on

the property. The accessory unit has a separate entrance at 1405 Orville Street for guests' access.

SPECIAL USE PERMIT APPLICATION #SP-2019-81 – ERIK FRANK ANDERSON WITH KC VIKING REALTY, LLC – SYNOPSIS: Home Occupation Special Use Permit for a short-term rental/AIRBNB at 334 North 14th Street. ***Detailed Outline of Requested Action:*** The applicant is requesting a Special Use Permit to operate a short-term rental/AIRBNB. Applicant states that he will be renting out the extra rooms of his primary residence that he is not living in. The rental includes the entirety of the third floor of the residence.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated June 13, 2019; and
7. The Notices to property owners dated June 12, 2019, July 1, 2019, August 7, 2019, September 2, 2019 and October 28, 2019.

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

Recording Secretary Parker stated that the Planning Commission held over these two applications from the October 14, 2019 meeting for the staff and applicants to meet and discuss the details of both applications so when the Planning Commission makes their decision, they will have the true and accurate history of the property.

#SP-2019-80:

Present in Support:

- ❖ Alex Repsholdt, applicant, 338 North 14th Street, Kansas City, Kansas 66102
- ❖ Eric Anderson, 334 North 14th Street, Kansas City, Kansas 66102
- ❖ Erin Heard, 338 North 14th Street, Kansas City, Kansas 66102

Present in Opposition:

- ❖ Patty Orth, 316 North 15th Street, Kansas City, Kansas 66102, President of Cathedral Neighborhood Association
- ❖ Moira Kuzila, 432 North 15th Street, Kansas City, Kansas 66102
- ❖ Randy Balliett, 1505 Tauomee, Kansas City, Kansas 66102
- ❖ There was one other person present that did not speak

Staff Recommendation Starts 1:26:52: Planning Director Richardson stated that the security system that they showed is probably the best thing staff has even seen on an AIRBNB. Contrast that against the fact that he had to tell them in pretty explicit terms

that they needed to cancel the New Year's reservation, or they were not going to have a chance of getting approved based on what they said the last time they were before the Commission. Even then they protested before they cancelled it. He further stated that he cannot see recommending approval when they had to be told that explicitly to do the right thing after being told that by the Commission. The staff recommends denial.

Motion and Vote Starts 1:28:26:

On motion by Dr. Serda, seconded by Ms. Huey, the Planning Commission voted as follows to recommend **DENIAL of Special Use Permit #SP-2019-80 based on the failure of the applicant to follow the staff's directions to not rent the AIRBNB while the application was being held over:**

Carson	Chairman
Cho	Not Present
Connelly	No
Ernst	Aye
Huey	Aye
Jones	Not Present
Miller	Not Present
Neal	Not Present
Pauley	Aye
Reasons	No
Serda	Aye

Motion to recommend DENIAL Passed: 4 to 2

#SP-2019-81 Hearing Starts at 1:35:

Present in Support:

- ❖ Erik Anderson, applicant, 334 North 14th Street, Kansas City, Kansas 66102
- ❖ Alex Repsholdt, 338 North 14th Street, Kansas City, Kansas 66102
- ❖ Erin Heard, 338 North 14th Street, Kansas City, Kansas 66102
- ❖ Patty Orth, 316 North 15th Street, Kansas City, Kansas 66102, President of Cathedral Neighborhood Association

Present in Opposition:

No one spoke

Staff Recommendation Starts 1:49:13: Planning Director Richardson stated that the recommendation is for denial. Just because he got lucky and did not have any reservations doesn't mean that the outcome wouldn't have been the same or the attitude wasn't the same. He further stated that the staff recommends denial.

Motion and Vote Starts At: 1:50:50:

On motion by Mr. Ernst, seconded by Mr. Reason, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit #SP-2019-81 for six (6) months and the staff will put the limit on the amount of people (8 people had been requested):**

Carson	Chairman
Cho	Not Present
Connelly	Aye
Ernst	Aye
Huey	Aye
Jones	Not Present
Miller	Not Present
Neal	Not Present
Pauley	No
Reasons	Aye
Serda	Aye

Motion to recommend APPROVAL Passed: 5 to 1

APPLICANT'S ANSWERS TO ADDITIONAL SHORT-TERM RENTAL QUESTIONS

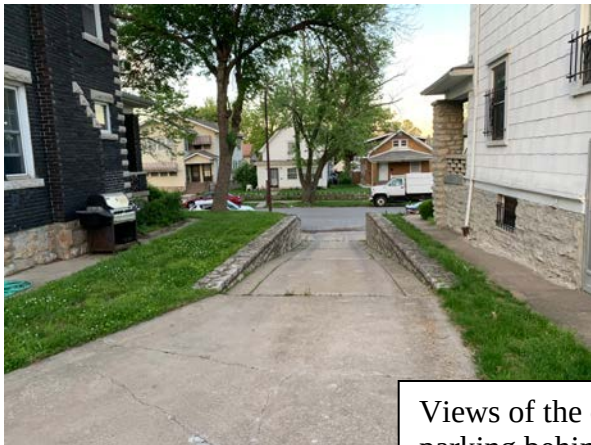
Short-Term Rental Special Use Permit Questions

1. How will you communicate with the neighbors?
 - a. I have shared my phone number with my immediate neighbors so they can contact me in case of nuisances or disturbances.
 - b. 326 North 14th Street: Dohn Farley [REDACTED]
 - c. 332 North 14th Street: Luke and Bethany Clubb [REDACTED]
 - d. 336 North 14th Street: Gissell Vazquez Palacio and Felix Gonzalez Mendez
 - e. 338 North 14th Street: AREP and Andersen LLC [REDACTED]
2. How will you pay the appropriate lodging taxes?
 - a. I shall register with the Division of Taxation at KSRevenue.org to properly pay taxes off the gross income collected from the Nightly per Room cost. Until the specific lodging tax for this property is known, at a minimum the gross combined state and Wyandotte county sales tax of 7.5% shall be charged and sent to the Division of Taxation.
3. How many rooms are rented?
 - a. 2 rooms
4. What is the maximum number of people that will be staying at one time?
 - a. 8 people
5. What is the maximum number of vehicles and where will they park?
 - a. 5 Vehicles and they will be parked off street
6. How often are guests in the residence?
 - a. 80% of the month
7. Do you have a rental license from the Unified Government?
 - a. Yes. Rental license number # 17990-00443
8. Provide a detailed description of the areas rented for AirBNB.
 - a. There are two bedrooms within the main house that shall be rented for short term guests, and the guests shall have access to the common areas. The common area includes the kitchen, living room with TV and couch, pool table room, dining room, 1.5 bathrooms, and off street surface parking for 5 cars. The private room on the 3rd floor covers the entire floor and has its own private bathroom, balcony, and two walk in closets. The room is 33 feet long and varies in width, but is 14 feet wide, 8 feet wide, and 10 feet wide at different parts of the room. The room shall be furnished with a king size bed, a folding couch, two roll away beds, two TV's and an office desk. The private bedroom on the 2nd floor for short term guests is 10 feet by 13 feet. This room has a closet, two windows, and access to the shared bathrooms. This room shall be furnished with a king size bed, TV, and office desk. Each bedroom and the common areas shall have noise monitoring units to verify the noise levels of the guests, provide a method to immediately know when noise is exceeding normal daily activity levels, and have response systems to let the guests know to become quiet so they don't disturb the neighbors.
9. Describe how you will maintain a safe environment including:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house
 - i. Each bedroom has been furnished with smoke detectors and the cleaners shall test the battery in each room between room turn overs.
 - b. GFCI outlets re required in bathrooms
 - i. Verified to be present through rental inspection.
 - c. Double keyed locks are not allowed
 - i. Understood and Verified to be absent through rental inspection.
 - d. Copper cannot be used for gas supply lines
 - i. Understood and Verified to be absent through rental inspection. Code compliant pipes are present throughout the home.
 - e. Windows must be operable, not blocked or boarded
 - i. Functionality verified to be present through rental inspection.
 - f. Handrails are required at sets of 4 or more stairs/risers
 - i. Presence verified to be present through rental inspection.
 - g. Hot water tank and furnace must be vented properly and operational
 - i. Verified to be present and functional through rental inspection. Major repairs performed March 2017.
 - h. Electric panel and circuits must be safe
 - i. Verified to be present and functional through rental inspection. Major Repairs performed March 2017.

PHOTOS OF RENTAL PROPERTY



Upper Left: Front of residence
Upper Right: North side of residence
Right: South side of residence



Views of the off-street
parking behind the
residence.



E-MAIL FROM APPLICANT

EA
Wed 10/2/2019 4:41 PM
Erik Andersen <kcvikingrealty@gmail.com>
Re: Follow Up Questions for SP-2019-81 for 334 N 14th St
To: Farley, Michael

Action Items

+ Get more add-i

Hello Michael,

Thank you for the call today. I want to make sure that I am operating this correctly to help the city do this. I have sent you an invite to a google drive with photos of 334 north 14th street. I also have a link for the photos pasted below. The links to the two listings are also in here. I also want to ask, did you get the notes from the Neighborhood meeting on September 9th? I know Janet Parker received the digital and physical copies.

I wish that I could still have at least the one guest, max, stay this month. He will be here for 3 weeks and that one booking will make sure I can pay my mortgage in October. I will happily Block all other guests to make sure I'm working with you. If you deny this request, I understand. I completely understand. I'll just have to make sure I find another way to stay afloat.

Thank you for your time,

Erik Andersen

913-206-1740

Photos:

<https://drive.google.com/>

Link to Room 1:

<https://www.airbnb.com/rooms/35552297?s=51>

Link to Room 3:

<https://www.airbnb.com/rooms/35670491?s=51>

AIRBNB REVIEWS FOR "ROOM 3"

King BD★Billiards: Fast Wifi★King BD★Bill X +
https://www.airbnb.com/rooms/35670491?source impression_id=p3_1570227315_23YjuDSf9yo

Overview · Reviews · The Host · Location · Policies



Keshana
August 2019

The place was just as described, clean, and the bed was super comfy. Lots of fridge space if you want to bring food. I love how each room had a passcode lock. The house is very spacious so there is plenty of room for guests to have their own little area if they want to sit downstairs. It was just what we needed for our weeklong stay. Highly recommend!



Response from Janey:

Thank you for staying at my place. The goal is to create a 5 star experience for everyone and I'm glad that I'm achieving that goal for my guests. I want people to feel safe and welcome in my unit. Hope the next time you are in town that you choose this place again.

August 2019



Wendy
July 2019

We loved our stay here! We were worried about sharing a space with others, but we felt incredibly safe, comfortable, and secure. The hosts are friendly and welcoming.

King BD★Billiards: Fast Wifi★King BD★Bill X +
https://www.airbnb.com/rooms/35670491?source impression_id=p3_1570227315_23YjuDSf9yo

Overview · Reviews · The Host · Location · Policies



Eliecer
July 2019

It is great to stay in this place



Chris
June 2019

Clean and easy to get to. No problems getting from here to any where in town. Very comfortable place to stay

This host has 12 reviews for other properties.

[View other reviews](#)

Hosted by Janey

Joined in June 2019

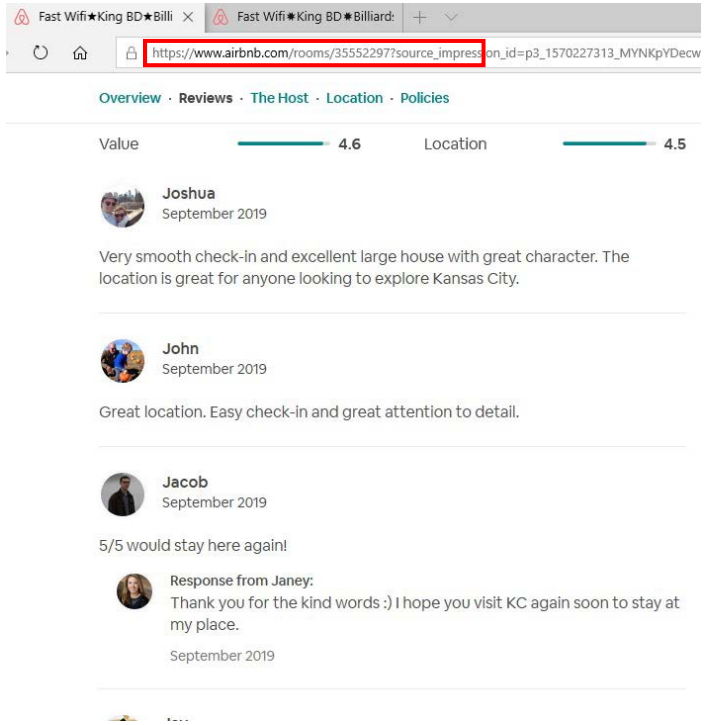
★ 16 Reviews ✨ Verified

Interaction with guests

My team and I are available to answer your questions 24 hours a day. Maintenance requests will be fulfilled immediately. A team member lives on site.



AIRBNB REVIEWS FOR “ROOM 1”



Joshua
September 2019

Very smooth check-in and excellent large house with great character. The location is great for anyone looking to explore Kansas City.

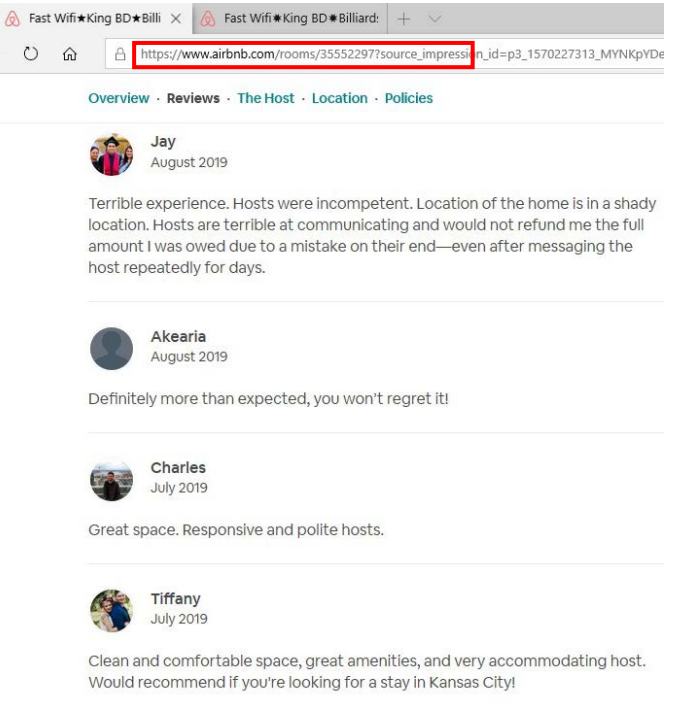
John
September 2019

Great location. Easy check-in and great attention to detail.

Jacob
September 2019

5/5 would stay here again!

Response from Janey:
Thank you for the kind words :) I hope you visit KC again soon to stay at my place.
September 2019



Jay
August 2019

Terrible experience. Hosts were incompetent. Location of the home is in a shady location. Hosts are terrible at communicating and would not refund me the full amount I was owed due to a mistake on their end—even after messaging the host repeatedly for days.

Akearia
August 2019

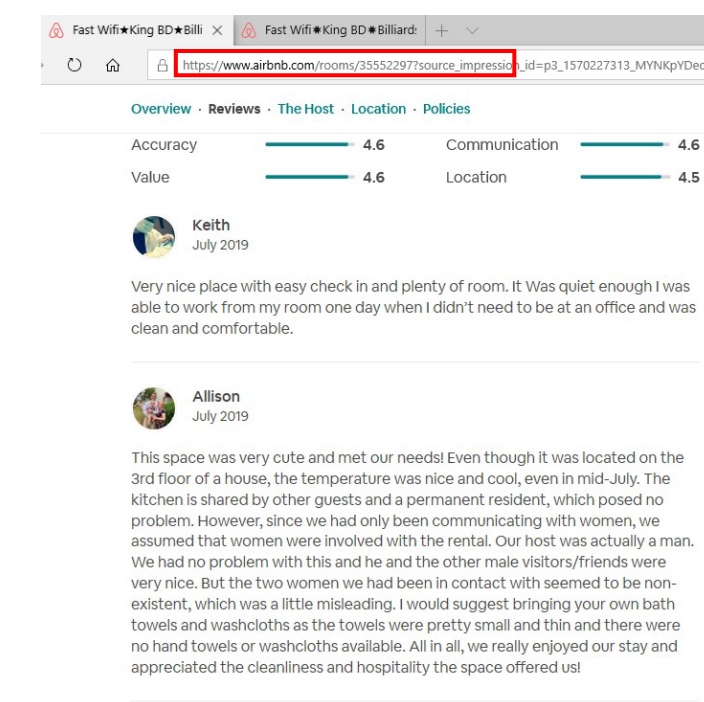
Definitely more than expected, you won't regret it!

Charles
July 2019

Great space. Responsive and polite hosts.

Tiffany
July 2019

Clean and comfortable space, great amenities, and very accommodating host. Would recommend if you're looking for a stay in Kansas City!

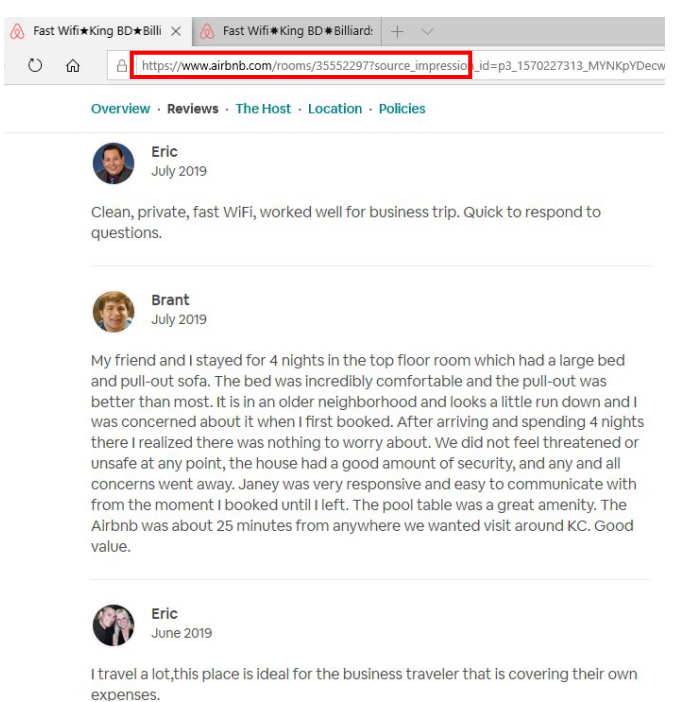


Keith
July 2019

Very nice place with easy check in and plenty of room. It Was quiet enough I was able to work from my room one day when I didn't need to be at an office and was clean and comfortable.

Allison
July 2019

This space was very cute and met our needs! Even though it was located on the 3rd floor of a house, the temperature was nice and cool, even in mid-July. The kitchen is shared by other guests and a permanent resident, which posed no problem. However, since we had only been communicating with women, we assumed that women were involved with the rental. Our host was actually a man. We had no problem with this and he and the other male visitors/friends were very nice. But the two women we had been in contact with seemed to be non-existent, which was a little misleading. I would suggest bringing your own bath towels and washcloths as the towels were pretty small and thin and there were no hand towels or washcloths available. All in all, we really enjoyed our stay and appreciated the cleanliness and hospitality the space offered us!



Eric
July 2019

Clean, private, fast WiFi, worked well for business trip. Quick to respond to questions.

Brant
July 2019

My friend and I stayed for 4 nights in the top floor room which had a large bed and pull-out sofa. The bed was incredibly comfortable and the pull-out was better than most. It is in an older neighborhood and looks a little run down and I was concerned about it when I first booked. After arriving and spending 4 nights there I realized there was nothing to worry about. We did not feel threatened or unsafe at any point, the house had a good amount of security, and any and all concerns went away. Janey was very responsive and easy to communicate with from the moment I booked until I left. The pool table was a great amenity. The Airbnb was about 25 minutes from anywhere we wanted visit around KC. Good value.

Eric
June 2019

I travel a lot, this place is ideal for the business traveler that is covering their own expenses.

MEETING MINUTES, SEPTEMBER 9, 2019

Presentation by applicant and/or team continued: (Please see the attached notes and written summary)

ERIK ANDERSEN INTRODUCED ALEX REP AT 2:05PM

ALEX REP SHARED STORY OF HOW HE CAME TO ENTREPRENEURSHIP AND THE REAL ESTATE BUSINESSES THAT WE HAVE DONE SO FAR.

ERIK ANDERSEN BRIEFLY SHARED HIS STORY ON HOW HE CAME TO ENTREPRENEURSHIP AND WHY HE MOVED TO KANSAS CITY.

ALEX REP TOLD HOW WE FOUND AND REPAIRED 338 N. 17TH STREET AFTER A FIRE IN THE GARAGE APARTMENT.

- THE FOUNDATION/BUSINESS PLAN OF OUR SHORT TERM RENTAL COMPANY. WE SERVE BUSINESS AND MEDICAL TRAVELERS.

- * WE PRIMARILY DO THIS IN KANSAS CITY MISSOURI, WE ARE MAKING THESE TWO SHORT TERM RENTALS IN KANSAS CITY KANSAS BECAUSE WE ALREADY OWNED THESE PROPERTIES AND THEY ARE OUR PERSONAL HOMES.

- SHARED PHOTOS OF 338 BEFORE AND AFTER WE STARTED WORKING ON IT.

- SHARED WHO IS IN OUR COMPANY AND THEIR ROLES. ALL COMPANY MEMBERS LIVE IN KANSAS.

- SHARED DETAILS ON OUR STATE OF THE ART SECURITY SYSTEM, AND HOW WE WILL AND ARE COLLABORATING WITH LOCAL AUTHORITIES. THIS IS IMPROVING SAFETY IN NEIGHBORHOOD.

- SHARED HOW WE ARE CREATING EMPLOYMENT OPPORTUNITIES FOR LOCAL CLEANERS AND PAY THEM LIVING WAGES.

- SHARED THAT THE PROPERTY HAS MULTIPLE LAYERS OF INSURANCE.

2:45 THE FLOOR WAS OPENED TO QA FROM THE AUDIENCE.

- SEE NOTES ON NEXT PAGE.

3:30 THE MEETING WAS ADJOURNED, AND A PLAN FOR A FOLLOW UP OPEN HOUSE WAS CREATED.

- A LOT OF HIGHLY SKEPTICAL PEOPLE CAME AND PEOPLE LEFT A LOT LESS SKEPTICAL.

PATTY ORTH ASKED 1ST QUESTION:

- DISLIKED 2AM MEETING.

- ASKED ABOUT PROXIMITY TO THE SCHOOL, HER DISCOMFORT ABOUT THAT, AND HOW WE ARE ENSURING THE SAFETY OF THE KIDS AT PLAY.

- * ALEX RESPONDED WITH A DISCUSSION ON THE BACKGROUND CHECKS REQUIRED FOR BOOKING, HOW WE REQUIRE ALL GUESTS TO BE REGISTERED AHEAD OF TIME, AND HOW THE EXTERIOR CAMERAS ALLOW US TO KEEP A CLOSE EYE ON WHAT GOES IN AND OUT.

- * ERIK ALSO ADDED THAT WE HAVE THE SYSTEM SET SO EVERY MEMBER OF THE COMPANY GETS A NOTIFICATION ON THEIR PHONE EVERY TIME THE DOOR OPENS OR CLOSES. THE CAMERAS ALSO RECORD A CLIP OF WHO IS COMING OR GOING. THIS ALLOWS US TO IMMEDIATELY NOTIFY THE AUTHORITIES IF SOMETHING IS HAPPENING AND PROVIDE VIDEO EVIDENCE. WE CAN ALSO ACT IMMEDIATELY IN ANY WAY TO HELP THE AUTHORITIES.

- * THIS HELPED PATTY AND SEVERAL OTHER PEOPLE'S QUESTIONS.

ANN McDONALD ASKED/STATED "MOST OF US HERE ARE 3RD OR 4TH GENERATION IN THIS NEIGHBORHOOD. DO YOU LIVE HERE? ALSO, WHY DO YOU HAVE ILLINOIS TAGS?"

- ALEX RESPONDED: YES, I DO LIVE HERE. I'VE BEN ON THIS STREET FOR THE ALMOST 2 YEARS NOW. I'M EMBARRASSED I HAVEN'T GOTTEN MY KANSAS DRIVERS LICENSE OR TAGS YET. BOTH ERIK AND I ARE USUALLY WORKING ON OUR BUSINESSES FROM WHEN WE WAKE UP UNTIL WE FALL ASLEEP AT A DESK.

- ANN REPLIED: WHY DID YOU MOVE TO THIS NEIGHBORHOOD?

- ALEX: "BECAUSE ERIK WAS HERE."

- ANN ASKED: "WHY DID YOU MOVE HERE THEN?"

- ERIK ANSWERED: "334 CHECKED ALL THE BOXES I WAS LOOKING FOR. I WANTED A BIG HOUSE WITH FIVE BEDROOMS SO I COULD RENT THEM OUT LONG TERM, I WANTED A 3 CAR GARAGE, I WANTED AN OLD HOUSE, AND I WANTED TO BE CLOSE TO DOWNTOWN. AS AN ADDED BONUS, I USED TO LIVE IN ARIZONA SO I'M A BIG FAN OF MEXICAN FOOD. TACOS ON WHEELS IS EASILY MY FAVORITE RESTURANT HERE. AFTER SEEING 334 AND EATING THERE, I WAS SOLD ON FIXING THAT HOUSE."

- * THIS BROUGHT A LOT OF SMILES.

- ANN ASKED: "HAVE YOU TWO TALKED TO THE PASTOR ACROSS THE STREET?"

- * ALEX AND ERIK: PRETTY NO WE HAVEN'T AND ITS NOT INTENTIONAL. ITS A SIDE EFFECT OF HOW MUCH WE WORK ON OUR BUSINESSES. WE ARE COACHABLE THOUGH AND WE WILL MEET WITH HIM.

BILL BURNS ASKED: "IS DOING THIS BUSINESS GOING TO CHANGE THE ZONING? AND IF YOU SELL DOES THE PERMIT GO WITH THE BUILDING?"

ALEX-ERIK: "THIS WON'T CHANGE THE ZONING. IT WILL STILL BE RESIDENTIAL PROPERTY. THIS IS JUST A SPECIAL USE PERMIT TO USE/RUN A BUSINESS WITHIN OUR OWN HOMES. ALSO IF WE WERE TO SELL, THE PERMIT WOULD CARRY FORWARD. REST ASSURED, OUR QUALITY SYSTEMS ARE THE ONLY ONES THAT WILL BE PRESENT IN THESE HOMES."

NANCY BURNS ASKED: "ONE OF THE BIG PROBLEMS IN THIS NEIGHBORHOOD IS THE NUMBER OF RENTALS HERE. THERE ISN'T THE SAME AMOUNT OF CARE A HOME OWNER GIVES AND WE NEED MORE HOME OWNERS."

ALEX ANSWERED: "YOU ARE NOT GOING TO LIKE MY ANSWER. ARE YOU PREPARED TO RECEIVE IT?"

NANCY: "YES I AM READY."

ALEX: "IN OUR CURRENT ECONOMY IT IS UNLIKELY THAT HOMEOWNERSHIP IS GOING TO INCREASE. AS MUCH AS I WOULD LIKE IT TO INCREASE, THERE ARE ABOUT 800 MILLION JOBS IN THE WORLD THAT ARE GOING TO BECOME OBSOLETE BECAUSE OF TECHNOLOGY. TRUCKERS ARE THE NEXT IN LINE. THERE ARE 3.2 MILLION TRUCKERS IN AMERICA ALONE AND THE ROBOT TRUCKS ARE 98% COMPLETE. WHEN THAT'S DONE, IT WON'T JUST BE THE TRUCKERS THAT ARE AFFECTED. ALL THE TOWNS WITH GAS STATIONS, CONVENIENCE STORES, AND RESTAURANTS CATERING TO TRUCKERS WILL BE AFFECTED. THAT'S PROBABLY 15 MILLION PEOPLE WHO WILL BE DISPLACED FROM WORK. WHEN SITUATIONS LIKE THIS ARISE MORE AND MORE PEOPLE WILL TURN TO ENTREPRENEURSHIP TO TAKE CONTROL OF THEIR LIVES. IN CONJUNCTION, THE GENIE IS OUT OF THE BOTTLE WHEN IT COMES TO SHORT TERM RENTALS. MOST LANDLORDS HAVE REALIZED THAT THEY CAN MAKE 3-4 AND SOMETIMES 5X AS MUCH INCOME OFF A SHORT TERM RENTAL THAN A NORMAL RENTAL. IT'S BEEN PROVEN TIME AND AGAIN ACROSS THE COUNTRY THAT WHEN CITIES PASS STRICKER LAWS AGAINST SHORT TERM RENTALS THAT IT JUST RESULTS IN A PROLIFERATION OF ILLEGAL SHORT TERM RENTALS CREATED BY PEOPLE IN A DESPERATE SITUATION. ENFORCEMENT OF THE LAWS IS EXPENSIVE AND THE CITY MESSES OUT ON OCCUPANCY TAX INCOME. IN COMPARISON WE ARE HERE AND DOING OUR BEST TO FOLLOW THE LEGAL PERMIT PROCESS AND COLLABORATE WITH LOCAL AUTHORITIES WITH OUR SECURITY SYSTEMS. WE ARE HERE FOR THE LONG HAUL. DOES THAT ANSWER MAKE SENSE AND ARE YOU SATISFIED WITH THAT ANSWER?"

NANCY: "YES THAT MAKES SENSE AND THANK YOU."

BILL BURNS ASKED: "ARE YOU CURRENT ON YOUR REAL ESTATE TAXES?"

ALEX: "YES."

ERIK: "AND WE ARE PAYING OCCUPANCY TAXES FOR DOING THIS. SO THE CITY MAKES MORE \$."

JESSICA TIMMERMAN "I'VE BEEN WATCHING THE INTERACTION HERE TODAY. I HAVE ONE REQUEST. PROVE YOUR SINCERITY ON WANTING TO BE PART OF THIS COMMUNITY."

ALEX: "HOW DO YOU SUGGEST WE DO? WE ARE COACHABLE."

ANN McDONALD: "AND HOW DO WE KNOW THESE PHOTOS DIDN'T COME FROM SOME GLOSSY MAGAZINE?"

ALEX: WOULD A OPEN HOUSE OF THE SHARK HOUSE HELP?

PATTY ORTH: YES THAT WOULD BE GREAT. CAN THAT BE DURING OUR NEIGHBORHOOD MEETING?

ERIK: "YES, THAT CAN HAPPEN. I'LL ADMIT, I'VE BEEN BAD ABOUT KEEPING TRACK OF THOSE MEETINGS. WHEN IS THE NEXT ONE?"

PATTY ORTH: OCTOBER 9TH AT 7PM.

ALEX: WE WOULD BE HAPPY TO SHOW EVERYONE THEN. WE WILL BLOCK THAT DAY ON THE CALENDAR AND BE THERE FOR THE MEETING AS WELL.

FESTIVAL TAG ONLY OCTOBER 26TH, 2019. ALEX/ERIK: SURE THING!!



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: January 30, 2020
Re: Petition #SP-2019-97

GENERAL INFORMATION

Applicant:

Damon Downs Jr.

Status of Applicant:

Property Owner
Downs Trucking Co
5348 Haskell Ave
Kansas City, KS 66104

Requested Action:

Special Use Permit

Date of Application:

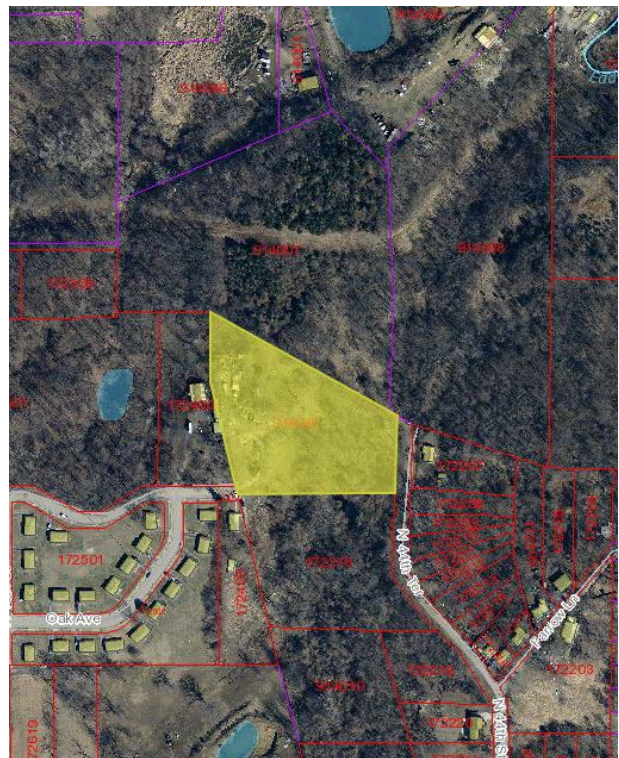
August 6, 2019

Purpose:

Special use permit allowing applicant to utilize vacant lot for truck parking overnight

Property Location:

4510 Parkview Avenue



Commission Districts:

1. Commissioner At Large: Melissa Bynum
2. District Commissioner: Gayle Townsend

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

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

South: R-1(B) Single Family District

East: R-1(B) Single Family District

West: R-1(B) Single Family District

Existing Uses: **North:** Vacant Lot

South: Vacant Lot

East: Single Family Residence

West: Single Family Residence

Total Tract Size: 3.36 Acres

Master Plan Designation: Low-Density Residential

Major Street Plan: The Major Street plan identifies 4510 Parkview Avenue as a Local Street.

Advertisement: The Wyandotte Echo – September 19, 2019
Letters to Property Owner – September 12, 2019, October 3, 2019,
November 1, 2019, December 26, 2019 and January 23, 2020

Public Hearings: December 9, 2019, January 13, 2019 and January 30, 2020

Public Opposition: No one appeared in opposition at either Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant has filed for a special use permit seeking permission to park heavy dump trucks on a vacant residential property overnight at the address of 4510 Parkview Avenue. Currently the lot is zoned single family residential. The applicant stated in their application that there are future intentions to build a home on this property. The property owner has indicated that the trucks will leave the location at around 6:30am on a workday and return around 4:30pm.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is entirely residential in nature.

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

The zoning and uses of priorities nearby are set out above. Nearby uses are residential in nature. The intended use is not expected to be incompatible.

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

The removal of restrictions will not detrimentally affect nearby properties.

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

The property is not vacant.

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

Special use permits are not addressed in the Master Plan.

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

The proposed use will not increase traffic to the property, it is not expected to exceed the capacity of the street network.

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

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

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

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

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

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

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

This is not applicable.

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

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

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

The proposed use will not result in overcrowding of land.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The required neighborhood meeting was held on November 5th, 2019 at 6:35 PM. There were no attendees.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 1 to recommend **DENIAL** of Special Use Permit Application #SP-2019-97, **for the reasons outlined in the staff report.**

STAFF COMMENTS AND SUGGESTIONS

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

Urban Planning and Land Use Comments:

1. Please provide a picture of the site on which the trucks will be located.
2. What days will you be working?

Applicant Response: I generally work construction seasonally, and weather permitting April-November. Monday-Saturday, 6:30am-5:30pm.

3. Is the surfaced paved?

Applicant Response: Spot is paved with asphalt where trucks are parked.

4. Do the trucks need to be turned on and warmed up for a period of time before use?

Applicant Response: Trucks need to idle 5-10 minutes for air pressure buildup.

5. How will the trucks be positioned on the lot? Will they always be backed in as seen in the provided photos?

Applicant Response: Trucks parked front/East positioning backed in.

6. Is there a timeframe for when you plan on building a residence on this property?

Applicant Response: I don't currently have blueprint/timeframe for house or shop building, but financing allowed a house on property is my goal

Public Works Comments:

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

Business Licensing Comments:

1. Applicant filed an occupation tax application (2016-2018) for the business office operations at another address but has not maintained its current and is delinquent. We would oppose the special use permit if the business fails to file a current occupation tax and maintain it for this and future years.

Staff Conclusion:

The only way in or out is through a neighborhood and that is not appropriate.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition #SP-2019-97 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

December 9, 2019 City Planning Commission Minutes
January 13, 2020 City Planning Commission Minutes
Neighborhood Meeting Information and Responses to Staff Comments
Environmental Review
Pictures
Aerial Photograph

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	December 9, 2019	January 30, 2020
Special Use	Held Over January 13, 2020 Denial	

STAFF CONTACT: **Jacob Pellegrino**
 jpellegrino@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-97**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-97** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

December 9, 2019 City Planning Commission Minutes:

Hearing Starts At 19:08:

SPECIAL USE PERMIT APPLICATION #SP-2019-97 – DAMON DOWNS WITH DOWNS TRUCKING COMPANY – SYNOPSIS: Special Use Permit to park two (2) heavy dump trucks on vacant residential property overnight at 4510 Parkview Avenue. **Detailed Outline of Requested Action:** The applicant has filed for a special use permit seeking permission to park two heavy dump trucks on a vacant residential property overnight at the address of 4510 Parkview Avenue. Currently the lot is zoned single family residential. The applicant stated in their application that there are future intentions to build a home on this property. The property owner has indicated that the trucks will leave the location at around 6:30am on a workday and return around 4:30 pm.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 9, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated September 19, 2019;
7. The Notices to property owners dated September 12, 2019, October 3, 2019 and November 1, 2019; and
8. The information provided to staff by the Code Enforcement Department today and distributed to the Commission tonight.

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

Present in Support:

- Damon Downs, applicant, Downs Trucking Company, 5348 Haskell Avenue, Kansas City, Kansas 66104

Present in Opposition:

- No one appeared

Staff Recommendation Starts 27:30: Planning Director Richardson stated that staff would recommend that this application be held over to the January 13, 2020 meeting and the applicant be directed to set up a meeting this week for some time in the next two weeks to identify a plan as to how the property will be cleaned up of the code violations and what the property will look like in the future if this application were to be approved. Also the neighborhood meeting information to be submitted and the occupational license taken care of. There may also be a necessity to re-advertise and

re-noticed as there may be additional items that will need to be included in the special use permit.

Motion and Vote Starts 29:17:

On motion by Ms. Huey, seconded by Mr. Miller, the Planning Commission voted as follows to **HOLD OVER Special Use Permit Application #SP-2019-97** until January 13, 2020 City Planning Commission meeting for the applicant to meet with staff to clarify the outstanding issues in the current petition:

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

Motion to HOLD OVER Passed: 5 to 0

January 13, 2020 City Planning Commission Minutes:

Hearing Starts At 1:56:14:

SPECIAL USE PERMIT APPLICATION #SP-2019-97 – DAMON DOWNS WITH DOWNS TRUCKING COMPANY – SYNOPSIS: Special Use Permit to park two (2) heavy dump trucks on vacant residential property overnight at 4510 Parkview Avenue. **Detailed Outline of Requested Action:** The applicant has filed for a special use permit seeking permission to park two heavy dump trucks on a vacant residential property overnight at the address of 4510 Parkview Avenue. Currently the lot is zoned single family residential. The applicant stated in their application that there are future intentions to build a home on this property. The property owner has indicated that the trucks will leave the location at around 6:30am on a workday and return around 4:30 pm.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated September 19, 2019; and
7. The Notices to property owners dated September 12, 2019, October 3, 2019, November 1, 2019 and December 26, 2019.

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

Recording Secretary Parker stated that this application was held over from last month for the applicant to submit the neighborhood meeting information and respond to the draft staff report questions.

Present in Support:

- Damon Downs, applicant, Downs Trucking Company, 4510 Parkview, Kansas City, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation Starts 1:58:40: Planner Toy stated that large trucks going in and out in of a residential area is not ideal and the staff recommends denial.

Motion and Vote Starts 1:59:47:

On motion by Mr. Connelly, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit #SP-2019-97 for one (1) year:**

Carson	Chairman
Cho	Not Present
Connelly	Aye
Ernst	No
Huey	No
Jones	No
Miller	Not Present
Neal	Not Present
Pauley	Aye
Reasons	No
Serda	No

Motion to recommend APPROVAL Passed: 2 to 5

On motion by Ms. Huey, seconded by Dr. Serda, the Planning Commission voted as follows to recommend **DENIAL of Special Use Permit #SP-2019-97 for the reasons outlined in the staff report:**

Carson	Chairman
Cho	Not Present
Connelly	Aye
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Not Present
Neal	Not Present
Pauley	No

Reasons Aye
Serda Aye
Motion to recommend DENIAL Passed: 6 to 1

Date: November 05, 2019

Name Damon L. Downs SR
Address 4510 Parkview
City/State/Zip Kansas City, Kansas 66104

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use # SP-2019-97. The purpose of this:

(please use all that applies)

- > change of zone
- > special use permit
- > preliminary plan review

is for a TRUCK DUMP PARKING OVERNIGHT

at the following address: 4510 PARKVIEW AVE

I/We are having a neighborhood meeting on Nov 05, 2019 at 6:30 p.m. at the following address 4510 PARKVIEW

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

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.

Sincerely,

Name and Contact Information

Damon Downs
(913) 375-2582

Application Number: SP-2019-97

Date and Location: November 5th, 2019 4510 Parkview Avenue, Kansas City
Kansas 66104

Meeting called to order at: 6:35pm

Names of people in attendance: Damon Downs Sr. and Ashleigh
Downs

Introductions: Damon Downs: Requesting Permit/ Owner of Downs Trucking
Ashleigh Downs: Minutes Recorder

Presentation: Damon Downs did not present due to no one that was extended an
invitation to the Neighborhood Meeting attending. The meeting was adjourned
then at 7:00pm

Questions and Answers: No questions were presented at the time, due to no
one attending

Meeting Adjourned at: 7:00pm

Minutes taken by: Ashleigh Downs

Staff Comments and Suggestions

1 Pictures provided

2. I generally work construction seasonal, and weather permitting April - Nov.

Monday - Saturday

6:30am - 5:30pm

- Trucks need to idle 5-10 mins for air pressure buildup

3 Spot is asphalt paved where trucks are parked.

4. Trucks parked front / east positioning back in

③ Don't currently have blueprint timeframe for house or shop building, but financing allowed a house on property is my goal.



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

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

September 17, 2019

RE: SP-2019-97 4510 Parkview Ave

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the Special Use Permit for 4510 Parkview Ave.

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

MAPS AND REPORTS

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

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

- There are three soil types that were identified: Knox silt loam, 7 to 12 percent slopes, Knox silt loam, 12 to 18 percent slopes, Knox silt loam, 18 to 30 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- When the site visit was made, there were two dump trucks on the property. There were also numerous horses on the property. At least one of them did not appear to be in good shape. It was very thin. The rest were behind objects that made it hard to see them.
- This site is not a good location for grazing animals. There is gravel on the open areas and heavy tree cover on the rest of the area. Wooded areas do not prove good feed for horses.
- The trucks need to be fenced away from the livestock in case of chemical leaks. Animal can lick at chemical spills that can injure them.

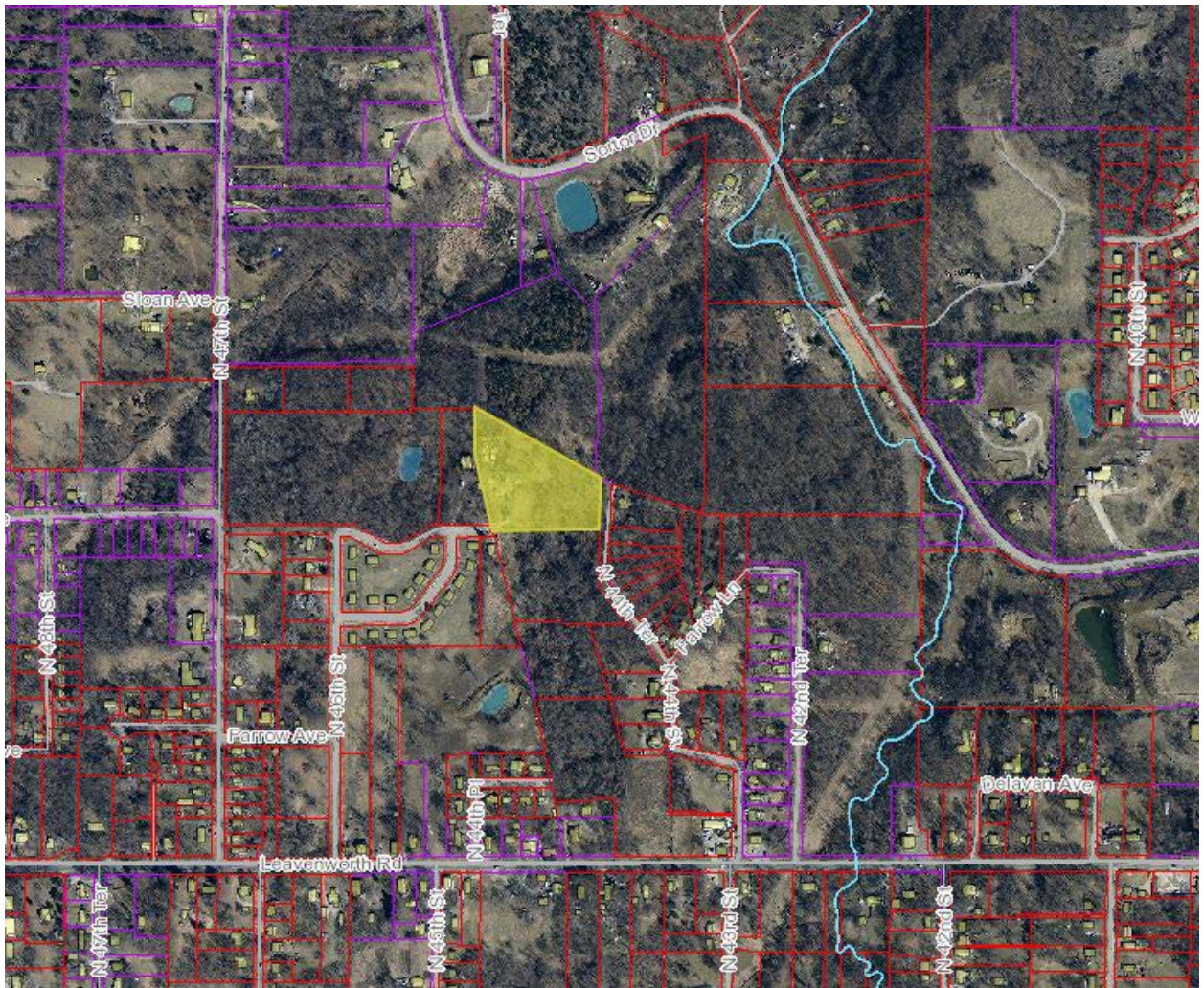
- Shrink Swell potential has been identified as a limiting factor for the













Staff Request for Commission Action

Tracking No. 201109

Full Commission Meeting Date: 1/30/20

Committee:

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: Yes 2/6/2020

<u>Date:</u> 1/15/2020	<u>Contact Name:</u> Bridgette Cobbins	<u>Contact Phone:</u> x8039	<u>Contact Email:</u> bcobbins@wycokck.org	<u>Department/Division:</u> UG Clerk
<u>Item Description:</u> A resolution establishing the Unified Government Commission and standing committee meeting dates and times for February 2020 through January 2022.				
<u>Action Requested:</u> Adopt resolution				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Meeting Time resolution 2020-22				

RESOLUTION NO. O- -20

A RESOLUTION ESTABLISHING THE SCHEDULES OF MEETING TIMES FOR THE STANDING COMMITTEES OF THE UNIFIED GOVERNMENT COMMISSION AND FOR THE UNIFIED GOVERNMENT COMMISSION THROUGH JANUARY 2022.

WHEREAS, pursuant to the provisions of Appendix C, Section 107 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, the Commission is authorized to set the time for regular meetings of the Commission as well as meetings limited to planning and zoning matters and to do so for a two-year period;

WHEREAS, pursuant to the provisions of Appendix C, Section 202 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, the neighborhood and community development (N/CD) and the economic development and finance (ED/F) standing committees of the Commission are required to meet on the Monday preceding the first full commission meeting of each month; and

WHEREAS, pursuant to the provisions of Appendix C, Section 202 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, the public works and safety (PW/S) and the administration and human services (A/HS) standing committees of the Commission are required to meet on the Monday preceding the second full commission meeting of each month.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. The attached schedule of meeting times of the Unified Government Commission, established pursuant to the provisions of Appendix C, Section 107 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby established.

Section 2. The attached schedule of meeting times of the standing committees of the Unified Government Commission, established pursuant to the provisions of Appendix C, Section 202 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby established.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS
CITY, KANSAS, THIS 30TH DAY OF JANUARY, 2020.**

Approved:

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

STANDING COMMITTEE MEETINGS
February 2020 – January 2022

All Standing Committee meetings are scheduled the Monday prior to a full Commission meeting unless changed by the Chairperson of a committee, holiday, or for some other unforeseen reason. The meetings are held in the 5th Floor Conference Room of the Municipal Office Building.

N/CD - Neighborhood and Community Development

ED/F – Economic Development and Finance

PW/S – Public Works and Safety

A/HS – Administration and Human Services

Schedule for 2020 Standing Committees:

<u>Date</u>	<u>5:00 p.m.</u>	<u>Immediately following</u>
February 10	N/CD	ED/F
February 24	PW/S	A/HS
March 2	N/CD	ED/F
March 23	PW/S	A/HS
April 6	N/CD	ED/F
April 27	PW/S	A/HS
May 4	N/CD	ED/F
May 18	PW/S	A/HS
June 1	N/CD	ED/F
June 22	PW/S	A/HS
July 6	N/CD	ED/F
July 27	PW/S	A/HS
August 10	N/CD	ED/F
August 24	PW/S	A/HS
August 31	N/CD	ED/F
September 14	PW/S	A/HS
September 28	N/CD	ED/F
October 26	PW/S	A/HS

November 2	N/CD	ED/F
November 16	PW/S	A/HS
November 30	N/CD	ED/F
December 14	PW/S	A/HS

Schedule for 2021 Standing Committees:

<u>Date</u>	<u>5:00 p.m.</u>	<u>Immediately following</u>
January 4	N/CD	ED/F
January 25	PW/S	A/HS
February 1	N/CD	ED/F
February 22	PW/S	A/HS
March 1	N/CD	ED/F
March 22	PW/S	A/HS
March 29	N/CD	ED/F
April 26	PW/S	A/HS
May 3	N/CD	ED/F
May 24	PW/S	A/HS
June 7	N/CD	ED/F
June 21	PW/S	A/HS
June 28	N/CD	ED/F
July 26	PW/S	A/HS
August 9	N/CD	ED/F
August 23	PW/S	A/HS
September 13	N/CD	ED/F
September 27	PW/S	A/HS
October 11	N/CD	ED/F
October 25	PW/S	A/HS
November 8	N/CD	ED/F
November 15	PW/S	A/HS
November 29	N/CD	ED/F
December 13	PW/S	A/HS

Schedule for 2022 Standing Committees:

<u>Date</u>	<u>5:00 p.m.</u>	<u>Immediately following</u>
January 3	N/CD	ED/F
January 24	PW/S	A/HS

February 2020-January 2022 COMMISSION MEETING SCHEDULE
Thursdays 7:00 p.m. (unless otherwise specified)
Location: Commission Chambers

FC=Full Commission
P/Z=Planning & Zoning

2020

February	13	FC
	27	P/Z & FC
March	12	FC
	26	P/Z & FC
April	16	FC
	30	P/Z & FC
May	14	FC
	28	P/Z & FC
June	11	FC
	25	P/Z & FC
July	9	FC
	30	P/Z & FC
August	13	FC
	27	P/Z & FC
September	3	FC
	17	FC
October	1	P/Z & FC
	29	P/Z & FC
Nov	5	FC

	19	FC
Dec	3	P/Z & FC
	17	FC

February 2020- January 2022 COMMISSION MEETING SCHEDULE
Thursdays 7:00 p.m. (unless otherwise specified)
Location: Commission Chambers

FC=Full Commission
P/Z=Planning & Zoning

2021

January	7	P/Z & FC
	28	P/Z & FC

Feb	11	FC
	25	P/Z & FC

March	11	FC
	25	P/Z & FC

April	8	FC
	29	P/Z & FC

May	13	FC
	27	P/Z & FC

June	10	FC
	24	FC

July	1	P/Z & FC
	29	P/Z & FC

August	12	FC
	26	P/Z & FC

Sept	16	FC
	30	P/Z & FC

Oct	14	FC
	28	P/Z & FC

Nov	4	FC
	18	FC

Dec	2	P/Z & FC
	16	FC

February 2020-January 2022 COMMISSION MEETING SCHEDULE

Thursdays 7:00 p.m. (unless otherwise specified)

Location: Commission Chambers

**FC=Full Commission
P/Z=Planning & Zoning**

2022

January	6	P/Z & FC
	27	P/Z & FC

205



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

January 15, 2020

Mrs. Bridgette D. Cobbins
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for KCK FOODIE PARK

Dear Mrs. Cobbins:

Please be advised that the Engineering Division has reviewed the attached plat of KCK FOODIE PARK located at 47TH & Orville Avenue and being prepared for the Unified Government of Kansas City, Wyandotte County Kansas.

At this time, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and ten (1) paper copies for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, P.L.S.
County Surveyor

Troy Shaw, P.E.
County Engineer

FILED TK
JAN 16 2020
UNIFIED GOVERNMENT CLERK

Attachments

206



**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT**

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

(913) 573-5400
FAX (913) 573-5435

January 15, 2020

Mrs. Bridgette D. Cobbins
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for WEST RIDGE ESTATES FIRST PLAT

Dear Mrs. Cobbins:

Please be advised that the Engineering Division has reviewed the attached plat of WEST RIDGE ESTATES FIRST PLAT located at Hollingsworth Road and 115th Street and being developed by Choyce LLC.

At this time, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and ten (1) paper copies for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, P.L.S.
County Surveyor

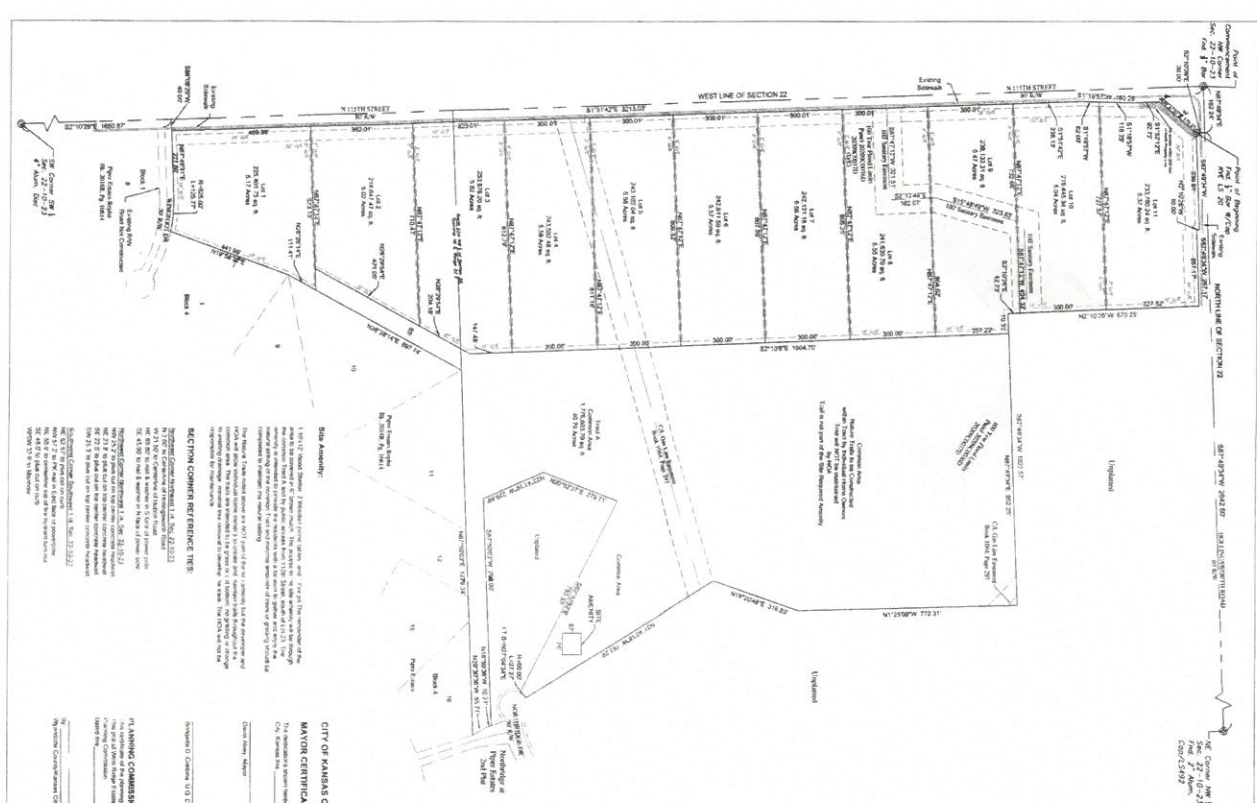
Troy Shaw, P.E.
County Engineer

TK
FILED

JAN 16 2020

UNIFIED GOVERNMENT CLERK

Attachments



DEDICATION:
The undersigned hereby dedicates to the public use of the City of Kansas City, Missouri, the land shown on the plat, to be known as the **WEST RIDGE ESTATES FIRST PLAT**.

EASEMENTS:
The undersigned hereby grants to the City of Kansas City, Missouri, a right of way easement over the land shown on the plat, to be known as the **WEST RIDGE ESTATES FIRST PLAT**.

CONSENT TO MAP:
The undersigned hereby consents to the recording of this plat in the public records of the State of Missouri, and to the use of the same for all purposes for which it was recorded.

NOTARY CERTIFICATION:
I, the undersigned, a Notary Public in and for the State of Missouri, do hereby certify that the foregoing is a true and correct copy of the original plat as the same appears on file in my office.

REGISTERED:
The undersigned hereby certifies that the foregoing is a true and correct copy of the original plat as the same appears on file in my office.

DEVELOPER:
The undersigned hereby certifies that the foregoing is a true and correct copy of the original plat as the same appears on file in my office.

REGISTERED:
The undersigned hereby certifies that the foregoing is a true and correct copy of the original plat as the same appears on file in my office.

West Ridge Estates First Plat

Section 22, Township 10 South, Range 23 East

Kansas City, Wyandotte County, Kansas

LOCATION MAP

LEGEND

- Thin standard symbols will be used in the drawing.
- See Plat 17, Range 23, East 113.
- See Plat 17, Range 23, East 113.
- See Plat 17, Range 23, East 113.

REGISTERED:

The undersigned hereby certifies that the foregoing is a true and correct copy of the original plat as the same appears on file in my office.

DEVELOPER:

The undersigned hereby certifies that the foregoing is a true and correct copy of the original plat as the same appears on file in my office.

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

REGULAR SESSION
DECEMBER 12, 2019

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, December 12, 2019, with eight 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; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. Murguia, Commissioner Third District; Johnson, Commissioner Fourth District; and Kane, Commissioner Fifth District; were absent. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Emerick Cross, and Alan Howze, Assistant County Administrators; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Bruce Newby, Election Commissioner; and Captain Ronald Schumaker, Sergeant-At-Arms.

MAYOR ALVEY called the meeting to order.

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

INVOCATION was given by Reverend Artrell Harris, Roswell Church of Christ.

Mayor Alvey said I'd ask the Clerk if there are any revisions to tonight's agenda. **Bridgette Cobbins, UG Clerk**, said yes, Mr. Mayor. A blue sheet has been distributed. We have a new item on the Consent Agenda, Item No. 7; a plat of University Rosedale Addition 4th Plat.

MAYOR'S AGENDA

Item No. 1 – 191021...ADMINISTER OATH OF OFFICE: ELECTION COMMISSIONER

Synopsis: Secretary of State Scott Schwab to administer the oath of office to Election Commissioner Bruce Newby.

Scott Schwab, Secretary of State, said more important, Bruce, I want to make sure your wife is here. Really quick like, if I may, Mr. Mayor, and if I'm out of line, than feel free to throw a gavel at me. You won't be the first person to do so.

I want to really praise your Election Commissioner. He does an elite job between his military background and his history at the Election Office. He is driving integrity in the elections in this county. This county, Johnson County, Sedgwick, Shawnee, when you have your big counties, you have big rumors, you have big accusations. He's been very diligent in cutting through accusations and getting down the facts. If there's something that seems amiss, your Sheriff will get it and if it's within the bounds of the law, he'll say that those resources. I respect him deeply.

We're coming into an election season where North Korea knows every candidate running for US Senate in Kansas and has a dossier on that individual. It's more important now than ever to have election commissioners that are prepared for that election coming up next year. With that, I'm in full support of this man here. Anything you guys can do to support him, I would ask you to do so and that includes financially too, if you're inclined. There will be a day he won't be a clerk. To get a new one, there's going to be a need to be a significant bump. If you're inclined to incrementally do that as opposed to be surprised sometime down the road, that's just my personal opinion. That being said, Mr. Newby, would your wife hold that bible. Her hands are prettier than yours anyway.

Secretary of State Schwab swore Mr. Newby as the Election Commissioner.

Mr. Newby said just real briefly to the Mayor and the Commissioners, thank you for the way that you've supported me over these last 14 years. and I look forward to our association for the next four. Thank you.

Mayor Alvey said a reception in honor of Election Commissioner, Bruce Newby, will be held right after this meeting outside of the chamber.

Action: Administered Oath of Office.

CONSENT AGENDA

Mayor Alvey asked does any member of the Commission or the County Administrator wish to set-aside any item on the Consent Agenda? If so, please 7:20 You would need to step forward at this time and state your name, city of residency for the record and ask that that item be set aside. If an item is not set aside, all items on the Consent Agenda will be voted on by one vote.

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

ITEM NO. 1 – 191063...RESOLUTION: FIRST AMENDMENT TO KC FOODIE PARK DEVELOPMENT AGREEMENT

Synopsis: A resolution adopting the First Amendment to KC Foodie Park Development Agreement, submitted by Katherine Carttar, Director of Economic Development. On December 2, 2019, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-75-19**, “A resolution agreement with KC Foodie Park, LLC, and Scavuzzo’s, Inc., to amend 1. Closing; Section 5.1(a) deleting the date ‘December 31,2019’ and inserting the date ‘March 31, 2020.’” **Commissioner McKiernan made a motion, seconded by Commissioner Burroughs, to adopt the resolution.** Roll call was taken on the motion and there were seven “Ayes,” McKiernan, Murguia, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 2 – 191065...ORDINANCE: OMNIBUS AMENDMENT OF BOND DOCUMENTS (PHVIF KANSAS CITY)

Synopsis: An ordinance approving an Omnibus Amendment of bond documents relating to its taxable industrial revenue bonds (PHVIF Kansas City Hilton Garden Inn Project), Series 2019, submitted by Katherine Carttar, Director of Economic Development. The UG is not responsible

for repayment of the bonds. On December 2, 2019, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **ORDINANCE NO. O-79-19**, “An ordinance approving and authorizing the Unified Government of Wyandotte County/Kansas City, Kansas, to enter into an omnibus amendment of bond documents with security Bank of Kansas City and PHVI Kansas City, LLC, relating to its Taxable Industrial Revenue Bonds (PHBIV Kansas City, Kansas, Project Series 2019.” **Commissioner McKiernan made a motion, seconded by Commissioner Burroughs, to approve the ordinance.** Roll call was taken and there were seven “Ayes,” McKiernan, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 3 – 191066...RESOLUTION: SALE OF MUNICIPAL TEMPORARY NOTES, GOBs, AND PBC REVENUE BONDS

Synopsis: A resolution authorizing the offering for sale of municipal temporary notes and general obligation bonds of the Unified Government and requesting the Public Building Commission issue its leasehold revenue bonds, submitted by Debbie Jonscher, Deputy Chief Financial Officer. On December 2, 2019, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-76-19**, “A resolution authorizing the offering for sale of municipal temporary notes and general obligation bonds of the Unified Government of Wyandotte County/Kansas City, Kansas; requesting the Public Building Commission of the Unified Government of Wyandotte County/Kansas City, Kansas to issue its leasehold revenue bonds.” **Commissioner McKiernan made a motion, seconded by Commissioner Burroughs, to adopt the resolution.** Roll call was taken and there were seven “Ayes,” McKiernan, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 4 – 191061...RESOLUTION: REVISED CASH AND INVESTMENT POLICY

Synopsis: A resolution adopting the revised Unified Government's Cash and Investments Policy, submitted by Rick Mikesic, Director of Revenue/County Treasurer. This annual review and adoption is required by State statute. On December 2, 2019, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-77-19**, “A resolution adopting the Unified Government’s Cash Management and Investment Policy.” **Commissioner McKiernan made a motion, seconded by Commissioner Burroughs, to adopt the resolution.** Roll call was taken and there were seven “Ayes,” McKiernan, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ITEM NO. 7 – 191106...PLAT: UNIVERSITY ROSEDALE ADDITION 4TH PLAT

Synopsis: Plat of University Rosedale Addition 4th Plat located at Southwest Boulevard and Eaton Street, being developed by Christine Polo, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

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

ITEM NO. 5 - WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated December 5, 2019.

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

ITEM NO. 6 – MINUTES

Synopsis: Minutes from regular session of October 17, 2019; and special session of November 21, 2019.

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

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES' AGENDA

ITEM NO. 1 – 191088...RESOLUTION: WASTEWATER CONNECTION AGREEMENT FOR BONNER SPRINGS CROSSING DEVELOPMENT

Synopsis: A resolution authorizing the Unified Government to enter into a Wastewater Connection Agreement with the City of Bonner Springs, Kansas, to provide sewer service to the Bonner Springs Crossing development located at the southwest corner of State Avenue and 118th Street, submitted by Jeff Fisher, Executive Director of Public Works. This item was scheduled to appear before the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, on December 9, 2019. It was requested, and approved by the Mayor, to fast track this item to the December 12, 2019 full commission meeting.

Mayor Alvey said we have one item that was presented to standing committee this past Monday. It received unanimous vote to approve a Wastewater Connection Agreement for the Bonner Springs Crossing Development. **Commissioner Bynum** do you have anything to add. **Commissioner Bynum** said nothing to add, I move for approval.

Action: **RESOLUTION NO. R-78-19**, “A resolution authorizing the approval of the Wastewater Connection Agreement between the Unified Government of Wyandotte County/Kansas City, Kansas, and the City of Bonner Springs, Kansas.

December 12, 2019

to provide sewer service at the southwest corner of State Avenue and 118th Street in Bonner Springs, KS.” **Commissioner Bynum made a motion, seconded by Commissioner Philbrook, to adopt the resolution.** Roll call was taken and there were seven “Ayes,” McKiernan, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend.

ADMINISTRATOR'S AGENDA

No items

COMMISSIONERS' AGENDA

No items

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

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Mayor Alvey asked does any member of the Commission or the County Administrator wish to set-aside any item on the Land Bank Consent Agenda? There were none.

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

ITEM NO. 1 – 191067...LAND BANK BUSINESS: APPLICATION

Synopsis: Communication requesting consideration of the following Land Bank application, submitted by Chris Slaughter, Land Bank Manager. The Land Bank Advisory Board has recommended approval. On December 2, 2019, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.

Application:
4011 S. Minnie St. - Pillar KC, LLC, new single-family construction

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

ITEM NO. 2 – 191069...LAND BANK BUSINESS - TRANSFER FROM LAND BANK

Synopsis: Request consideration of the following Land Bank application, submitted by Chris Slaughter, Land Bank Manager. On December 2, 2019, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.

Transfer from Land Bank
950 R S. 25th St. - Kaw Valley Drainage District
(With the Kaw River Levee project, the District will be moving its maintenance building to adjacent location and this parcel will give them better access to the new building.)

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

ITEM NO. 3 – 191070...LAND BANK BUSINESS - TRANSFER TO LAND BANK

Synopsis: Request consideration of the following Land Bank application, submitted by Chris Slaughter, Land Bank Manager. On December 2, 2019, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.

Transfer to Land Bank
520 Everett Ave. - City of Kansas City, KS
(Land Bank has multiple option agreements for the eastern part of Turtle Hill for future housing. If approved, the Land Bank will enter into another option agreement with the existing developer.)

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

ITEM NO. 4 – 191071...LAND BANK BUSINESS - DONATIONS TO LAND BANK

Synopsis: Request consideration of the following Land Bank applications, submitted by Chris Slaughter, Land Bank Manager. On December 2, 2019, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.

Donations to Land Bank

2831 N. 26th St. - Joan Baumann, vacant lot
(Out-of-state owner who inherited property and doesn't want or to take care of it.)

2418 N. 11th St. – Gwendolyn Sharpe, vacant lot
(Owner now lives in Wichita and doesn't want or take care of it.)

1302 S. 38th St. – C.R. Lee, Jr., vacant lot
(Out-of-state owner who lost job in KC and left city and doesn't want or take care of it.)

3520 Delavan Ave. – A. Porter Gaitan, improvement
(This house has had numerous citations for being unfit and not secured. Owners have tried to sell with no luck and have offered to donate to Habitat/Catholic Charities and they have indicated that the cost far exceeds the item.)

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

MAYOR ALVEY ADJOURNED

THE MEETING AT 7:14 P.M.

Bridgette Cobbins
Unified Government Clerk

tk

December 12, 2019

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

**PLANNING & ZONING AND
REGULAR SESSION
JANUARY 9, 2020**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, January 9, 2020, with nine members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District, and Alvey, Mayor/CEO, presiding. Murguia, Commissioner Third District; and Philbrook, Commissioner Eighth District; were absent. The following officials were also in attendance: Gordon Criswell, Melissa Sieben, and Alan Howze, Assistant County Administrators; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Robin Richardson, Director of Planning; Byron Toy, Lead Planner; Kim Portillo, Principal Planner; Mike Farley, Planner; Janet Parker, Administrative Assistant; Lynn Melton, Assistant to the Mayor; Misty Brown, Deputy Chief Counsel; Jeff Fisher, Executive Director of Public Works; Dave Reno, Public Works Community Engagement Officer; and Captain Ronald Schumaker, Sergeant-at-Arms.

Mayor Alvey said before we begin, I want to announce that if you're interested in addressing the Commission on the Public Hearing Agenda item regarding the stormwater fee, please sign up at either of the tables located at the entrances. If you have not signed up and you wish to address the Commission on that item, please go to one of those tables and sign up. When that item is up for discussion, the Clerk will call the names in order according to the sign-up sheets. She'll also announce who's on deck, which means you'll be up next to the podium. When you come to the podium, located by the railing up front, please state your name and city of residency for the record. You'll be given up to three minutes to state your comments. The Clerk will announce when you have one minute remaining to allow you time to complete your comments.

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

INVOCATION was given by Reverend Al Henager, University of Kansas Hospital Clinical Pastoral Education Supervisor.

Mayor Alvey asked the Clerk if there were any revisions to tonight's agenda. **Bridgette Cobbins, UG Clerk**, said there are no revisions, Mr. Mayor.

Mayor Alvey said tonight we have two distinct parts to our meeting. The Planning and Zoning portion will be handled first followed by the regular commission meeting. I'd ask the Clerk to read the statement, required by state law, governing the Planning and Zoning portion of our meeting, followed by the items on the Planning and Zoning Consent Agenda.

PLANNING AND ZONING CONSENT AGENDA

Ms. Cobbins read the statement, required by law, governing the Planning and Zoning portion of the meeting.

Ms. Cobbins asked if any member of the Commission wished to disclose any contact with proponents or opponents on any items on the Planning and Zoning Agenda. **Commissioner Bynum** said I've had contact on #SP-2019-112. **Commissioner Burroughs** said #SP-2019-116, #MP-2019-6, #2019-28, and #2019-76.

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 the 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. **Tom Groneman, Kansas City, Kansas**, said I would like to request that Item 1, #SP-2019-76, be set-aside.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the Planning and Zoning Consent Agenda, excluding the set-aside.**

Roll call was taken on the motion and there were eight “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 192...CHANGE OF ZONE APPLICATION #3210 - KORB MAXWELL WITH POLSINELLI PC

Synopsis: Change of zone from A-G Agriculture District to CP-2 Planned General Business District for the American Royal Hotel at 11704 State Avenue,
and

SPECIAL USE PERMIT APPLICATION ITEM #4 – 196...SPECIAL USE PERMIT APPLICATION #SP-2019-116 - KORB MAXWELL WITH POLSINELLI PC

Synopsis: Special use permit for American Royal events and amenities at 11704 State Avenue,
and

PLAN REVIEW APPLICATION ITEM #1 – 198...PLAN REVIEW APPLICATION #PR-2019-28 - KORB MAXWELL WITH POLSINELLI PC

Synopsis: Preliminary plan review for American Royal events and amenities at 11704 State Avenue,
and

MASTER PLAN AMENDMENT ITEM #1 – 1910...MASTER PLAN AMENDMENT #MP-2019-6 - KORB MAXWELL WITH POLSINELLI PC

Synopsis: Master plan amendment from Planned Commercial/Business Park to Commercial/Entertainment at 11704 State Avenue, submitted by Robin Richardson, Director of Planning. The applicant has filed a change of zone, preliminary plat, special use permit, preliminary plan review, and master plan amendment to subdivide the properties into three lots to build a 353,637 square foot hotel, a 1,100,025 square foot indoor and outdoor multi-use complex, and associated trailer and RV parking and two 30,000 square foot storage buildings on 128.55 acres located at 1620 North 118th Street, 11704 State Avenue and 11602 State Avenue. The Planning Commission voted 5 to 0 to recommend approval of Master Plan Amendment #MP-2019-6, Change of Zone Application #3210, Special Use Permit Application #SP-2019-116, and Plan Review Application #PR-2019-28 subject to:

Urban Planning and Land Use Comments:

NOTE: While the proposed use is not entirely commercial in nature, some aspects of the Commercial Design Guidelines are necessary to assure compatibility in the area.

General Planning:

1. The applicant is requesting additional flexibility to amend the final plan review in excess of the administrative determination to make such change:
 - a. Sec. 27-210(g)(1)a. Increases in density or residential uses by more than five percent up to ten percent (10%);
 - b. Sec. 27-210(g)(1)b. Increases in total floor area (entire plan) of all nonresidential buildings by more than five percent or 5,000 square feet, whichever is less up to ten percent (10%);
 - c. Sec. 27-210(g)(1)c. Increases of lot coverage by more than five percent by up to ten percent (10%);
 - d. Sec. 27-210(g)(1)g. Decreases of any peripheral setback of more than five percent by up to ten percent (10%); and/or
 - e. Sec. 27-210(g)(1)h. Decreases of areas devoted to open space of more than five percent or the substantial relocation of such areas by up to ten percent (10%).
2. Submit a design criteria manual for the overall development as there could be expansions or additions in the future.
Applicant Response: We will assemble and document design criteria as we proceed with the design of the facility and submit the final development plan.
3. Any proposed wind turbines must comply with the wind turbine ordinance.
Applicant Response: Understood.
4. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided. State Avenue is classified as Class A Thoroughfare and 118th Street is classified as a Parkway, so sidewalks shall be installed on both sides of the street.
Applicant Response: Revised sheets are showing sidewalks on the north side of State Avenue, east and west sides of 118th Street, south side of American Royal Way and east and west sides of 115th Street.
5. Over-the-road trucks shall not be parked on the property overnight.
Applicant Response: Traditional over-the-road commercial trucks will not be using this facility for overnight parking. However, there will be instances where livestock trucks will be parking overnight.
6. Minimum 8-foot sidewalk/trail is required to be installed around the perimeter of the property.
Applicant Response: This has been added to the resubmitted sheets.
7. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings. Please revise and resubmit.

Applicant Response: This has been added to the resubmitted sheets.

Building Architecture:

1. Please provide a sight line drawing of the south façade. There are seven dock doors that are on the rear of the building, which faces State Avenue. How will these be screened from public view?

Applicant Response: This drawing has been added to Sheet AS100. There is a vegetated berm along State Avenue that limits that views of the dock doors. Additionally, the number of dock doors on the south side of the building has been reduced to three.

2. Sec. 27-576(e)(2) Exterior building materials shall not include the following:
 - a. Smooth-faced grey concrete block, painted or stained concrete block, tilt-up concrete panels;
 - b. Field painted or prefinished corrugated metal siding;

Corrugated metal panels are not permitted per the Commercial Design Guidelines for the hotel. Standing seam metal paneling may only account for 15% of the exterior building material per façade on the hotel building. Please revise hotel building elevations to comply with the Commercial Design Guidelines and Sec. 27-576(e)(1).

Applicant Response: The building elevations have been revised so that the material designations are in compliance with the Commercial Design Guidelines. It is also noted that the metal paneling on the hotel is not corrugated and is below 15% per façade.

3. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened, and all downspouts shall be internalized. Overflow drains shall be at grade and hidden by vegetation.

Applicant Response: All roof drains will be internal at the American Royal Complex and at the hotel with the exception of the eastern and western most eaves of the barns. Those will be gutters and downspouts where the downspouts will match the color of the building and be collected underground and connected to the stormwater collection system.

4. Downspouts shall be internalized for the hotel building.

Applicant Response: Understood.

5. All concrete shall be integrally colored – no paint.

Applicant Response: Understood.

Landscaping and Screening:

1. Based on the landscaping requirements in the A-G Agriculture District for the indoor and outdoor multi-event center, parking lot, and, CP-2 Planned General Business Districts (one tree per 7,000 square feet of site area) and the Commercial Design Guidelines (at least 75 percent greater than the district requirement), the number of trees are required for the following lots:

- a. Lot 1 – 281 trees
- b. Lot 2 – 131 trees
- c. Lot 3 – 377 trees

In summary, 789 trees are required to be planted for the agricultural and commercial zoned lots based upon staff's calculations. Please revise the landscape plan accordingly. This total does not include trees required for street trees planted along a major street or within parking lot islands.

Lot 2 requires 131 trees, which does not include the requirement for street trees and parking lot islands.

Applicant Response: The landscape plan has been revised to the tree counts above on Lots 1 and 2. The function of Lot 3 for truck and livestock trailer parking does not allow for a lot of trees planted within the parking area. We are showing trees around the perimeter with a lower quantity of approximately 185 trees.

Staff Response: The City Planning Commission cannot give deviations in landscaping below the district requirement. A variance from the Board of Zoning Appeals is required to have less than 377 trees on Lot 3. The stipulation is either meet the code or file for and be granted a variance.

2. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements.

Applicant Response: Trees are being planned for the interior of parking lots except on the south side of the barns, due to the restrictions they would cause on the operation of the facility and ability for livestock trucks and trailers to navigate safely through the area as they load and unload.

Staff Response: Staff understands the request; however, the City Planning Commission cannot give a deviation in landscaping requirement. A variance from the Board of Zoning Appeals is required in order to reduce the number shade trees in the parking lot. The stipulation is either meet the code or file for and be granted a variance.

3. Per the Commercial Design Guidelines for the hotel:

- a. The majority of all surface parking and all drive-through facilities should be located to the maximum extent possible behind buildings or in the interior of a block.

Applicant Response: Hotel service is located in the back of the building and the parking lots are located with the majority of spots in the back.

- b. Parking located between the front of the building and street right-of-way must provide an additional 20 feet of landscaped area in addition to the required setback.

Applicant Response: This setback has been provided.

- c. Parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements.

Applicant Response: Understood.

4. All landscaping must be irrigated.

Applicant Response: Primary landscaping areas will be irrigated, but it would not be feasible or sustainable to irrigate all areas on a project of this scope and magnitude. Parking lot islands with trees will not be irrigated, for example. That being said, the applicant is committed to sustainably maintaining the property at a high level.

Staff Response: Parking lot islands shall be irrigated.

5. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the site and 3 gallons internal to the development when planted.

Applicant Response: Understood.

6. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction.

Applicant Response: Understood.

7. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line.

Applicant Response: Understood.

8. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed.

Applicant Response: Understood.

9. The dumpster will need to be screened with an architectural wall that matches the building and heavily landscaped.

Applicant Response: Understood.

10. All roof-mounted units must be screened by the parapet of the building.

Applicant Response: Understood.

11. The hotel rooftop elevator equipment shall be screened by the parapet of the building.

Applicant Response: Understood.

12. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building.

Applicant Response: Understood.

13. All BPU transformer pads and/or generators shall be completely screened on three sides with 6-foot Junipers setback 3 feet from the pad and 10 feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot; therefore, the gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary.

Applicant Response: We are working with BPU on the locations.

14. Outside storage and/or storage yards are not permitted A-G Agriculture District.

Applicant Response: As noted in the application (specifically in the description of requested special uses as described therein), there will be covered outside storage yards for dirt and arena flowing materials as part of this project.

Staff Response: Those dirt and area flooring materials are stored within two enclosed buildings on Lot 3.

Signage:

Shall comply with the sign ordinance.

Applicant Response: As discussed at the November 14th meeting, the signage will be developed as the design progresses and we will apply for any signage variances required later in the project.

Street Connections:

Please explain the nature of and timing of connections to Parallel and Delaware Parkway.

Applicant Response: As noted above in Section 1(d) under Street Review No. 1, the traffic impact study does not assume or recommend any extension of 115th Street beyond the applicant's property to Parallel Parkway or any extension of Delaware Parkway. The applicant recognizes that there may be certain efficiencies to be gained by coordinating the timing of the infrastructure improvements for the proposed complex, and those which may be necessary or desirable for other, future development. The applicant is engaged in ongoing discussions with the UG regarding the same, and currently awaiting the UG's proposed alignment for the future 115th Street and Delaware Parkway extensions. However, those future improvements are not part of this application.

Staff Response: The City is working on connecting Parallel Parkway and Delaware Parkway.

Grading:

Please explain how this project's grading will facilitate future development on adjacent sites.

Applicant Response: The profile grade of American Royal Way and 115th Street allow (sic) for development to the north and east of this project. The profile of 115th Street generally follows existing grade and the ground to the east drops toward a creek to the east. The profile matches the existing low points of the property to the east. The profile of American Royal Way is generally in cut and allows for better access to the property to the north as this property sits at a lower elevation than the American Royal. The existing ground cannot be matched perfectly due to road design criteria. The low points in both the road and property to the north will need to be filled and the high points cut off to facilitate development of pad sites. The road profile attempts to average these cuts and fills so the property to the north can develop without the need to haul in or haul off excess material. Further discussion can be had with a plan and the adjacent owners and City as we have reviewed this in detail.

Staff Response: To accommodate a better grading plan, we suggest allowing the plan to shift in any direction up to 100 feet while continuing to meet code requirements when presented as a final plan.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: none.
2. Items that are conditions of approval (stipulations):
 - a. The applicant shall continue to coordinate with UG Public Works and Planning & Zoning on the public street improvements related with the proposed development, i.e., 115th Street and 118th Street.
 - b. The applicant shall continue to coordinate with UG Public Works and Planning & Zoning on the public sanitary sewer improvements related with the proposed development.
 - c. This project includes public street and storm sewer improvements. The public street and storm sewer improvement plans shall meet the UG standards and criteria and shall be a separate plan set with a separate cover sheet with applicable information, i.e., vicinity map, sheet index, benchmark, utility contacts, floodplain note, etc. The public sanitary sewer improvement plans shall include erosion control. This set of plans is required and shall be reviewed and approved by UG staff prior to construction permit acquisition.
 - d. This project includes public sanitary sewer improvements. The public sanitary sewer improvement plans shall meet the UG standards and criteria and shall be a separate plan set with a separate cover sheet with applicable information, i.e., vicinity map, sheet index, benchmark, utility contacts, floodplain note, etc. The public sanitary sewer improvement plans shall include erosion control. This set of plans is required and shall be reviewed and approved by UG staff prior to construction permit acquisition.
 - e. All public sanitary sewer easement documents shall be reviewed and approved by UG staff, then recorded with the Wyandotte County Register of Deeds. A copy of the recorded easements with book and page number shall be submitted to staff prior to final engineering approval and construction permit acquisition.
 - f. Retaining walls greater than 3' 6" shall be designed by a professional structural engineer registered in the state of Kansas. In this regard, plans and profile for the proposed retaining

walls shall be provided to UG staff for review and approval prior construction permit acquisition. See UG checklist, standards and criteria.

- g. The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents in accordance with County Surveyor comments.
 - h. 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: For future reference, final development plans will have to be approved before going to Planning Commission with approval to obtain permits. This will include final engineering, calculations, and complete drawings with construction notes and details. Final development plans shall be in accordance with UG standards and criteria.

Staff Conclusion:

The applicant has continued to work with staff to address Planning and Engineering comments, which we will continue to engage throughout this process. This development will have substantial and positive impact on the community and will be a great asset. Subject to approval, staff stipulates the following:

- 1. 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. Obtain a variance for reducing the total number of trees for Lot 3 parking lot (proposed 185 trees).
- 3. Obtain a variance for reducing the total number of trees for Lot 1 in parking lot adjacent to the small barn.
- 4. Irrigate the parking lot island trees.
- 5. Allow American Royal Way and the site plan as a whole to shift up to 150 feet, as necessary to align and make both parties on either side of the street amenable to its placement.
- 6. Aforementioned stipulations stated in the report.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Master Plan Amendment #MP-2019-6, Change of Zone Application #3210, Special Use Permit Application #SP-2019-116, and Plan Review Application #PR-2019-28, subject to the stipulations. Roll call was taken on the motion and there were eight "Ayes," Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

SPECIAL USE PERMIT APPLICATIONS

Mayor Alvey said that takes us to set-aside item B-1, #SP-2019-76.

ITEM NO. 1 – 191...SPECIAL USE PERMIT APPLICATION #SP-2019-76 - WATHIQ KASSIM

Synopsis: Renewal of a special use permit (#SP-2016-92 - expired 1/5/2019) for vehicle repair/body shop at 744 Kansas Avenue, submitted by Robin Richardson, Director of Planning. The automotive repair business had been operating under a previous special use permit issued in January 2017 for two years. While the special use permit the applicant is requesting is for a currently operating automotive repair shop, the previous special use permit is expired as of January 2019. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2019-76, subject to:

Urban Planning and Land Use Comments:

1. Why did the applicant allow the Special Use Permit to lapse?
Applicant Response: In January I had my bookkeeper go to the UG and renew the business licenses for all my businesses including the body shop at 744 Kansas Avenue. Mistakenly I thought that was all I needed to do.
Staff Response: In the future, applicant should take care to reapply on time.
2. Have there been any complaints by neighborhoods about the property, especially related to noise or fluid leakage?
Applicant Response: There have been no complaints from anyone regarding operation of this business.
3. Has the applicant kept compliance with the Commercial Design Guidelines and maintained four trees on the property as required?
Applicant Response: Trees have been planted in accordance with landscape design plan.
Staff Response: Applicant has provided photographs of the recently planted trees, found in the “Attachments” section. Staff is unable to identify the tree species in the photos, but the Landscape Plan lists 2.5” caliper Honey Locust trees as the designated size and species to be planted. Applicant must ensure that Honey Locust trees are planted. Furthermore, staff has deemed the current planting arrangement to be inadequate. Applicant removed just enough concrete and added only enough dirt to allow for the trees to be planted at their current size. However, in order for the trees to grow to full size and provide the necessary aesthetics, shade, and screening required by the zoning code, the trees must be given a larger planting bed in which to grow. Therefore, applicant has until May 15, 2020, to accomplish the following:
 - a. Ensure the trees planted in November 2019 are Honey Locusts and replace them with Honey Locusts if they are not.
 - b. Remove more concrete and expand the planting bed to 6” x 6” in order to accommodate a full-grown Honey Locust tree. According to the Unified Government Parks Department, Honey Locusts can grow over 40’ tall.
 - c. Each tree must be placed at the center of each 6’ x 6’ planting bed, in order to avoid barriers such as walls or concrete stifling the growth of the tree’s trunk, branches, and/or roots in one of more directions.
 Failure of the applicant to fulfill this stipulation will result in immediate revocation of Special Use Permit SP-2019-76. Staff would also like to remind applicant that planting the

requisite trees was a stipulation of SP-2016-92, and yet for over three years after the special use permit was granted, no trees were planted.

4. Has asphalt been removed from the landscaped area?

Applicant Response: The concrete and dirt have been removed.

Staff Response: The amount of concrete applicant removed is inadequate to support a full-grown tree. The abovementioned stipulations have already addressed the issue, but staff reiterates the following stipulation: enough concrete must be removed so that a full-grown Honey Locust tree can adequately spread out its roots and have room for those roots and the trunk of the tree to grow to natural dimensions. At this time, a 6' x 6' square of dirt is considered adequate.

5. Please provide current photos of all four sides of the building, as well as of the parking lot.

Applicant Response: The appearance of the building has not changed but photos are being provided with this submission.

Staff Response: Photographs have been received and can be found in the "Attachments" section.

6. Has trash enclosure been built out of the same material as the primary structure, per the Commercial Design Guidelines?

Applicant Response: Trash enclosure has been built in accordance with the commercial guidelines. Photos of trash enclosure are included with this submission.

Staff Response: Photographs of the trash enclosure have been included (and can be found in the "Attachments" section), but the trash enclosure is not compliant with the Commercial Design Guidelines. Unified Government Code of Ordinances Section 27-525(5)c states "Ground-mounted equipment shall be screened from view with year-round landscape coverage or masonry wall enclosure consistent with the main building material." Additionally, one stipulation for approval of SP-2016-92 required that "trash enclosure must be made of same material as the primary structure per the Commercial Design Guidelines." This stipulation is echoed in the landscape plan for SP-2016-92 (also found in the "Attachments" section).

Applicant must provide a trash enclosure for the dumpsters made of masonry and in materials consistent with that of the main building. Failure of the applicant to fulfill this stipulation will result in immediate revocation of Special Use Permit SP-2019-76. Staff would also like to remind applicant that providing a trash enclosure made as the same material as the primary structure was a stipulation of SP-2016-92.

7. Does the applicant have proper sign permits for all signs on the property?

Applicant Response: There are no signs on the property.

8. Have county fire inspectors inspected the building for its fire safety-worthiness?

Applicant Response: Fire Department inspected the building [on] October 12, 2019 and found no issues.

Staff Response: See Fire Department comments below.

9. Please provide recent photos of the exterior and interior of the property.

Applicant Response: The appearance of the building has not changed but photos are being provided with this submission.

10. This Special Use Permit shall be valid for one year, subject to previous stipulations, due to the past and present issues cited in this report.

Public Works Comments: none.

Fire Department Comments:

Recommend no renewal until compliance is obtained submitting plans for review and approved inspection(s) completed by Fire Department and Building Inspection Department.

Applicant Response: Property is in compliance as of October 11, 2019.

Staff Response: Applicant has provided proof of passed inspection.

Mayor Alvey said I would ask staff to make some opening remarks.

Rob Richardson, Director of Planning, said there is a memo being passed around. Mr. Groneman joined this case late and helped us overcome some communication issues. After the Planning Commission, we discovered a couple of items that needed to be revised and this memo revises stipulations 3, 4 and 6. Basically, it says implement the originally approved landscape plan and there's no further modifications to the dumpster screen that are necessary. The applicant and staff have agreed with that, and we would recommend your approval of those revised stipulations.

Mayor Alvey said I would ask the applicant to come forward and present the application.

Commissioner Kane asked didn't you say you've met with him already. **Mr. Richardson** said yes. They've agreed to what's in this memo.

Mayor Alvey asked if there was anyone present that would like to speak in support of the application. No one came forward. **Mayor Alvey** asked if there was anyone present that would like to speak in opposition. No one came forward.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-76 for one year, subject to the stipulations.** Roll call was taken on the motion and there were eight "Ayes," Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 2 – 194...SPECIAL USE PERMIT APPLICATION #SP-2019-113 - EDWARD J. BAIN

Synopsis: Home occupation special use permit for a short-term rental/Airbnb at 1324 North 75th Drive, submitted by Robin Richardson, Director of Planning. The applicant is requesting

permission to operate an Airbnb in his place of residence. The upstairs of the house has three bedrooms and two full bathrooms. The downstairs has one bedroom and one full bathroom. The applicant intends to live in the downstairs area and rent the upstairs area to guests. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2019-113, for two years subject to:

Urban Planning and Land Use Comments:

1. Describe how you will communicate with the neighbors.
Applicant Response: I will primarily use face to face interaction. I have already introduced myself to one neighbor across the street. On moving day, I plan to visit each neighbor and let them know I am planning on having Airbnb.
2. Describe how you will pay appropriate lodging taxes. (If you use Airbnb, the platform collects the taxes for you.)
Applicant Response: I plan to let Airbnb collect taxes for me.
3. How many rooms are rented?
Applicant Response: Up to three.
4. What is the maximum number of people that will be staying at any one time?
Applicant Response: Six.
5. What is the maximum number of vehicles and where will they park?
Applicant Response: Driveway can fit five vehicles. Additionally, the garage can fit two more.
6. How often are guests in the residence?
Applicant Response: I would guess a couple times per week.
7. Do you have a rental license from the Unified Government for the facility?
8. Provide a detailed description of the area(s) rented for Airbnb/other rental operations. Include bedrooms, bathrooms common areas etc.
Applicant Response: Upstairs of the house has three bedrooms and two full baths along with the kitchen and living room. That is the area that is for rent. I would live downstairs where there is a full bath and bedroom. In a typical situation the guest would enter through the front door directly to the upstairs. I would enter through the garage which goes directly to the basement.
9. Describe how you will maintain a safe environment including: (See Below)
 - a. Working smoke detectors in each bedroom plus each level of the unit/house.
Applicant Response: Working smoke detectors in each room. Amazon Echo Smart Home fire detection as well on each level.
 - b. GFCI outlets are required in bathrooms.
Applicant Response: I believe this is done, but will double check
 - c. Double keyed locks are not allowed
Applicant Response: The front door currently has two locks. I intend to only use one.
 - d. Copper cannot be used for gas supply lines
Applicant Response: I do not believe copper is used for gas supply lines
 - e. Windows must be operable, not blocked or boarded.
Applicant Response: Windows are operable.
 - f. Handrails are required at sets of 4 or more stairs/risers.
Applicant Response: Already done.

- g. Hot water tank and furnace must be vented properly and operational.

Applicant Response: Already done.

- h. Electric panel and circuits must be safe.

Applicant Response: Already done.

Business License Comments:

If approved, applicant will need to file and maintain a current occupation tax application with this office.

Public Works Comments: none.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-113 for two years, subject to the stipulations. Roll call was taken on the motion and there were eight “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 3 – 195...SPECIAL USE PERMIT APPLICATION #SP-2019-114 - BILL DUCKWORTH WITH BRICK ROAD MOTORSPORTS

Synopsis: Special use permit for a used car lot at 2820 Roe Lane, Unit U, submitted by Robin Richardson, Director of Planning. Applicant has stated that the property will only be used for car sales and that there will be no auto repair performed on the property. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2019-114:

Urban Planning and Land Use Comments:

1. Provide a site plan that includes designated parking spaces. Commercial uses require paved off-street parking at a ratio of not less than four spaces per 1,000 square feet of floor area in the building. Applicant has reported the building as 22,721 square feet. Therefore, applicant must provide a parking plan identifying 91 parking spaces.*

*Calculation: $(22,721/1000)*4 = 90.884$, which rounds up to 91.

Applicant Response: I have provided a site plan which includes parking spaces. The confusion is about the size of the building which houses several other businesses. Brickroad Motorsports will only use 800 square feet of actual building space. There are over 30 available parking spaces but Brickroad will only access 3 at the most. I have provided a breakdown of the building and its other tenants. There are pictures of Brickroad’s office to clarify any confusion.

Staff Response: Applicant has submitted documents detailing the office space within the larger building. At 800 square feet, the required parking spaces is calculated to be four spaces.** Applicant has provided a parking plan for the entire building that shows sufficient parking spaces for his cars, customers, and any employees while still providing adequate parking for

all other building tenants and their needs. Parking plan and photos of the office space can be found in the “Attachments” section.

****Calculation:** $(800/1000)*4 = 3.2$, which rounds up to 4.

2. What steps has or will applicant take to prevent automotive fluids from contaminating the groundwater?

Applicant Response: The types of vehicles to be sold will be in running condition; not salvaged or repairable vehicles. Vehicles requiring any light maintenance will be serviced at an off-site location in Johnson County.

Brickroad Motorsports is self-financed and will only sell 2 to 3 cars at a time. It would not be necessary to undertake any additional pollution prevention measures with this low volume of drivable vehicles.

Staff Response: Applicant shall take appropriate measures to reduce the risk of pollution in accordance with UG requirements and the MARC BMP manual, Appendix B requirements.

3. Note that absolutely no cars related to the operation of the business (whether for sale or for repair) may be parked on the public rights-of-way.

Applicant Response: Brickroad Motorsports is self-financed and will only sell 2 to 3 cars at a time.

4. In order to maintain the special use permit, applicant and the business must remain in compliance with all local, state, and federal business and automotive sales-related laws and regulations.

Applicant Response: Understood.

5. Special use permit may be approved for two years.

Applicant Response: Understood.

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 Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-114 for two years, subject to the stipulations. Roll call was taken on the motion and there were eight “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 4 – 196...SPECIAL USE PERMIT APPLICATION #SP-2019-116 - KORB MAXWELL WITH POLSINELLI PC

Synopsis: Special use permit for American Royal events and amenities at 11704 State Avenue, submitted by Robin Richardson, Director of Planning.

Action: This item was previously heard with Change of Zone Application #3210.

VACATION APPLICATION

ITEM NO. 1 – 197...VACATION APPLICATION #U/E-2019-14 - MICHAEL CALLAHAN

Synopsis: Vacation of utility easements at 5125 and 5205 North 130th Terrace, submitted by Robin Richardson, Director of Planning. The applicant intends to combine the two parcels for the purpose of new construction. He states that combining the two parcels is more consistent with the surrounding parcels. The Planning Commission voted 5 to 0 to recommend approval of Utility Easement Vacation Application #U/E-2019-14, subject to:

Urban Planning and Land Use Comments: No comments.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommending 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 Kane made a motion, seconded by Commissioner McKiernan, to approve Vacation Application #U/E-2019-14, subject to the stipulations.**
Roll call was taken on the motion and there were eight "Ayes," Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

PLAN REVIEW APPLICATIONS

ITEM NO. 1 – 198...PLAN REVIEW APPLICATION #PR-2019-28 - KORB MAXWELL WITH POLSINELLI PC

Synopsis: Preliminary plan review for American Royal events and amenities at 11704 State Avenue, submitted by Robin Richardson, Director of Planning.

Action: Item previously heard with Change of Zone Application #3210.

ITEM NO. 2 – 199...PLAN REVIEW APPLICATION #PR-2019-30 - KURT WINTERS WITH UG WATER POLLUTION CONTROL DEPARTMENT

Synopsis: Preliminary and final plan review for upgrades to the existing Wolcott Wastewater Treatment Plant influent pump station at 5425 North 99th Street, submitted by Robin Richardson, Director of Planning. Also included is construction of a new electrical building and generator. The Planning Commission voted 5 to 0 to recommend approval of Plan Review Application #PR-2019-30, subject to:

Urban Planning and Land Use Comments:

1. Review and respond to the attached comments from the Conservation District
Applicant Response: Understood. The Conservation District had no comments.
2. Update the site plan to include FEMA FIRM panel number and effective date, floodway and floodplain boundaries, and base flood elevations.
Applicant Response: Understood, this information has been added to the site plan.
3. A floodplain development permit is required prior to start of construction; to include disturbance of land in the floodplain.
Applicant Response: Understood. This will be a part of the building permit submittal.
4. Any mechanical, electrical, or other utility equipment location within the Special Flood Hazard Area (SFHA)/100-year flood zone, must be located 18 inches above the base flood elevation.
Applicant Response: Understood. The current design provides a minimum of 18 inches above the base flood elevation for all mechanical, electrical, and other utility equipment.
5. Submit elevations and materials for generator and electrical building.
Applicant Response: Elevations are attached as requested. Please note the final dimensions of these facilities may change depending on the selected vendor, but the dimensions noted should be relative to all acceptable suppliers.
6. Update elevation certificates to identify which structure they are for.
Applicant Response: The certificates have been updated noting which piece of equipment/structure the certificate is for.
7. Sheet 15C110 states that Phase 2 will include fuel and material storage containers. Provide location of storage; they cannot be stored within the Special Flood Hazard Area (SFHA) floodplain. Sec. 27-552(a)5 states that the storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
Applicant Response: Understood, a note has been added requiring all fuel and material storage containers to be stored and placed above the SFHA floodplain per Sec. 27-552(a)5
8. Barbed wire fencing is not permitted in the R-1 Single Family District. Section 8-225 states that barbed wire fences, sharp pointed fences, electrically charged fences, or fences constructed of any materials which are liable to snag, tear, cut or otherwise injure anyone coming into contact with them shall not be permitted in residential districts.
Applicant Response: A variance request will be submitted requesting permission for the installation of a barbed wire fence pointed inwards towards the site. The proposed barbed wire fence will be similar to what is existing on site currently.

Staff Comment: As a stipulation of approval, the applicant must apply for a variance and be approved by the Board of Zoning Appeals prior to permit and installation of barbed wire.

9. Transformer pad must be screened.

Applicant Response: We are of the opinion that existing trees and vegetation provide ample screening from adjacent properties and 99th Street. Refer to Sheet 15C100 for site photos.

10. Provide landscaping and screening details. Surrounding properties on all four sides are either residential or agricultural and require year-round screening.

Applicant Response: We are of the opinion that existing trees and vegetation provide ample screening from adjacent properties and 99th Street. Refer to Sheet 15C100 for site photos.

11. Provide details on noise projection created by the generator. This has potential to become a nuisance to nearby businesses and residents.

Applicant Response: No response.

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 Kane made a motion, seconded by Commissioner McKiernan, to approve Plan Review Application #PR-2019-30, subject to the stipulations. Roll call was taken on the motion and there were eight "Ayes," Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

MASTER PLAN AMENDMENT

ITEM NO. 1 – 1910...MASTER PLAN AMENDMENT #MP-2019-6 - KORB MAXWELL WITH POLSINELLI PC

Synopsis: Master plan amendment from Planned Commercial/Business Park to Commercial/Entertainment at 11704 State Avenue, submitted by Robin Richardson, Director of Planning.

Action: Item previously heard with Change of Zone Application #3210.

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATION

ITEM NO. 1 – 193...SPECIAL USE PERMIT APPLICATION #SP-2019-112 - PETE DAVIS JR. WITH KZK PROPERTIES

Synopsis: Special use permit for a car dealership with auto repair at 1830 Quindaro Boulevard, submitted by Robin Richardson, Director of Planning. Besides selling cars, the dealership will also engage in automotive repair, auto detailing, and auto stereo installation. The Planning Commission voted 4 to 1 to recommend approval of Special Use Permit Application #SP-2019-112, subject to:

Urban Planning and Land Use Comments:

1. Applicant provided photographs of the interior of the commercial building and the exterior of the property. However, these photos were copied directly from the staff report for SP-2019-87. Due to previous concerns of intellectual property issues stemming from the address in question, staff requests that applicant either verify that it was he who took the photos or provide written permission from the photographer certifying that they are allowing applicant to submit their photographs for use in the staff report.

Applicant Response: The photographs of the interior of the commercial building and the exterior of the property was taken myself, the owner of the establishment Pete Davis.

2. What steps has or will applicant take to prevent automotive fluids from contaminating the groundwater?

Applicant Response: Auto Plug is to remove the waste which will be reflected in the final scope of work. As promised, the areas shall be appropriately related to both below connections and the open area above. Will use resources such as Earth911.com. The link provides a list of recycling centers in the area. Also including all spill responsibilities shall be performed in accordance with the Kansas City Chapter of the American Public Works Association Standards Specifications, Section 2150.

Staff Response: In addition to the steps listed above by applicant, a specific spill prevention plan should be developed, and all shop staff should be trained to engage in daily preventative maintenance and address larger spills. The oil/water separator on the property should be identified. Oil pans/mats should also be used at location with proper waste disposal procedures in place to contain hazardous, flammable, and nonflammable materials.

3. What steps has or will applicant take to mitigate any potential ill effects of the gases from detailing paint?

Applicant Response: There will be no detailing paint involved to cause any ill effects.

4. Provide a rendering or drawing of the fence as it is proposed.

Applicant Response: I shall provide a rendering or drawing of the fence as it is proposed and included in the blueprint copy.

Staff Response: Fence drawings have been provided and can be found in the “Attachments” section.

5. Note that absolutely no cars related to the operation of the business (whether for sale or for repair) may be parked on the public rights-of-way.

Applicant Response: There will absolutely be no cars related to the operation of the business (whether for sale or for repair) may be parked on the public rights-of-way.

6. In order to maintain the special use permit, applicant and the business must remain in compliance with all local, state, and federal business and automotive sales and repair-related laws and regulations.

Applicant Response: Understood.

7. Special use permit may be approved for two years

Applicant Response: Understood.

Planning Staff Notes:

A separate applicant applied for and received the following: 1) a variance allowing a proposed carport to have a setback of 19 feet, 1 ¼ inches, 2) a variance allowing the sight distance triangle to be calculated as 15 feet and 140 feet on the legs (clearing up a discrepancy in the zoning code), and 3) a special use permit allowing for operation of a car dealership with automotive repair, auto detailing, and auto stereo installation. All variances still apply to the land, but the special use permit does not have any relevance to this application.

Public Works Comments: none.

Business License Comments:

There is no current business registered at this address. It had operated as a service station from 1967 to 2015. If approved, applicant will need to file and maintain a current occupation tax application with this office.

Additional Stipulation from Meeting:

No more than two cars for sale can be on the property at any time.

Mayor Alvey asked staff to offer some opening remarks.

Rob Richardson, Director of Planning, said this item was actually approved under a different individual's name earlier in the year. They're part of a partnership and the partnership broke up. The remaining partner has had to come back and get a special use permit in their name. There's really no issues or neighborhood complaints. The staff and Planning Commission recommend approval.

Mayor Alvey asked is the applicant here. Please come forward to present your application and state your name and address for the record.

Pete Davis, Jr., said my application is for 1830 Quindaro, Kansas City, KS.

Mayor Alvey asked is there anyone present who would like to speak in favor of this. A woman appeared stating she is in favor. **Mayor Alvey** asked is anyone present who would like to speak in opposition. No one appeared.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-112 for two years, subject to the stipulations.**

Commissioner Bynum said I have a question for Rob and it kind of pertains to multiple items that would come before us. This one just happening to be the one that's in front of us tonight. In the staff report, one of the standard items that we always see is master plan designation. It says Citywide Master Plan designates this property as community commercial. We have an adopted Northeast Master Plan for this area, so I just wonder is it a technicality? Why do we not reference our adopted, as policy, Northeast Master Plan when we have items that are within those boundaries?

Mr. Richardson said I'm not sure that doesn't reference that, but typically on a special use permit, we don't analyze unless it's something that is significant and going to be a permanent SUP—the master plan, because we consider them temporary, so we don't really analyze those. Quindaro was all commercial of some kind, in this section anyway, and in the new master plan as well. I don't remember the exact term, but it is commercial and the Citywide Plan is also commercial in this plan. I will check on that and get back with you.

Commissioner Townsend said staff had already addressed the question that I did have about actually taking on the same address a couple of months ago, so he has clarified that, that there was a partnership. I'm hoping that in this endeavor you'll be a good partner to people who are already there with established businesses. Just as a reminder, it is a temporary two-year, so if there's a problem, it could come under review again; but other than that, I wish you well.

Mayor Alvey said thank you. We have a motion and a second. Roll call, please.

Roll call was taken on the motion and there were eight “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

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 AGENDA

MAYOR’S AGENDA

No items

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 Consent Agenda will be voted on by one vote.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the Regular Consent Agenda.** Roll call was taken on the motion and there were eight “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 1 – 191086...RESOLUTION: HOMELAND SECURITY REGION L 2019 HAZARD MITIGATION PLAN

Synopsis: A resolution adopting the Homeland Security Region L 2019 Hazard Mitigation Plan, submitted by Matt May, Emergency Management Director. On December 9, 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-1-20,** A resolution authorizing the adoption of the Kansas Homeland Security Region L Hazard Mitigation Plan as an official plan of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the**

resolution. Roll call was taken on the motion and there were eight “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 2 – 191087...ORDINANCE: REVISIONS TO LOW PRESSURE SEWER SYSTEM FEES

Synopsis: An ordinance relating to the maintenance fee assessed to persons with building sewers connected to a low pressure sewer system; amending Sections 30-1 and 30-72, submitted by Jeff Fisher, Executive Director of Public Works. On December 9, 2019, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **ORDINANCE NO. O-1-20**, “An ordinance relating to the maintenance fee assessed to persons with building sewers connected to a low pressure sewer system; amending original Sections 30-1 and 30-72 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were eight “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 3 – 191139... PLAT: TURNER DAC

Synopsis: Plat of Turner DAC located at 55th Street and Douglas Avenue, being developed by Turner School District #202, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the plat and authorize the Mayor to sign said plat.** Roll call was taken and there were eight “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 4 – 191140...PLAT: HIGHLANDS AT PIPER FOURTH PLAT

Synopsis: Plat of Highlands at Piper Fourth Plat located at 105th Street and Clubhouse Drive, being developed by Pinnacle Piper LLC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the plat and authorize the Mayor to sign said plat. Roll call was taken and there were eight “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 5 – 191140...PLAT: HIGHLANDS AT PIPER FIFTH PLAT

Synopsis: Plat of Highlands at Piper Fifth Plat located at Clubhouse Drive and 105th Street, being developed by Pinnacle Piper LLC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the plat and authorize the Mayor to sign said plat. Roll call was taken and there were eight “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 6 – 191142...PLAT: HIGHLANDS AT PIPER SIXTH PLAT

Synopsis: Plat of Highlands at Piper Sixth Plat located at Kane Drive and 105th Street, being developed by Pinnacle Piper LLC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the plat and authorize the Mayor to sign said plat. Roll call was taken and there were eight “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 7 – 191142...PLAT: HIGHLANDS AT PIPER SEVENTH PLAT

Synopsis: Plat of Highlands at Piper Seventh Plat located at 106th Terrace and Augusta Drive, being developed by Pinnacle Piper LLC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the plat and authorize the Mayor to sign said plat. Roll call was taken and there were eight “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 8 - MINUTES

Synopsis: Minutes from regular sessions of November 14, November 21, and December 5, 2019; and special sessions of December 5 and 12, 2019.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken and there were eight “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 9 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated December 12, 19, and 26, 2019; and January 2, 2020.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to receive and file. Roll call was taken and there were eight “Ayes,” Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan.

PUBLIC HEARING AGENDA

ITEM NO. 1 – 1911...PRESENTATION/PUBLIC HEARING: PROPOSED STORM-WATER RATE TRANSITION

Synopsis: Presentation and public hearing on recommendations to the current stormwater fee, which would fairly and adequately fund the maintenance and enhancement of stormwater

infrastructure like inlets, culverts, underground pipes, and roadside ditches, submitted by Jeff Fisher, Executive Director of Public Works.

Mayor Alvey said our last item for the evening is a presentation and a public hearing regarding the stormwater rate. I'm going to turn this over to Assistant County Administrator Criswell to make some opening remarks.

Gordon Criswell, Assistant County Administrator, said we have a presentation tonight from Public Works and their team concerning our stormwater recommendations. I would remind the Commission that no action is required tonight. The Public Works staff and their team have been working on this project for about two years now. They've had multiple community engagement meetings with all sorts of stakeholders who have an interest in how we address our stormwater rates.

I'll turn this over to Jeff Fisher, our Public Works Director, and his team to make presentation. Following the presentation, I believe, there are a couple of either groups or individuals that have signed up to make public comment.



Unified Government

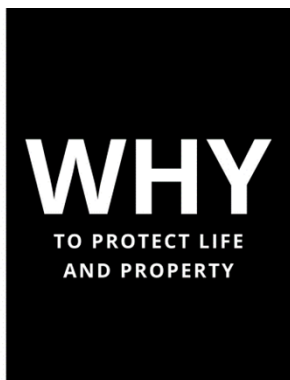
JANUARY 2019

Jeff Fisher, Executive Director of Public Works, said I'll make some introductions while we're setting up. We have Anna White with Black & Veatch, an economist who has been with us throughout. She does this work all over the country. Dave Reno, next to her, Public Works Community Engagement Officer. He has been charged with the public engagement throughout. Sarah White, Project Manager; and Troy Shaw, County Engineer.

I would like to recognize some people that may or may not be in the audience tonight but have been instrumental in developing and helping us shape this proposal. Mary Collins, Elnora

January 9, 2020

Jefferson, Rachel Jefferson, Doug Clements, Matt Warren, Tony Privitera, Daniel Silva, Phil Gibbs, Pete Cashen, Greg Mosher, and several others. We appreciate all their time and energy.



The single purpose of the stormwater utility is to protect life and property. Back in the 2000s, the UG, for a lot of reasons, elected to create the utility. Obviously, probably as many issues then as we have now. That's why you create the stormwater utilities. 2009, it was created, stood up and they elected to go with a flat fee. It's a simple way to go. It makes sense in the future to transition. In 2009, that started out at \$2.50 per property per month; \$2.50 per property per month. In 2012, it was about \$4.50 per property per month and is generating currently \$3.5M per year.

In the preliminary master plan that has been conducted, we have \$141M in capital needs in just 8 of the 50 basins in KCK and several million per year in O&M needs. The UG will never get caught up at its current rate. That is the current situation.





Currently, there are over 1,000 work orders, open work orders, in our system relating to stormwater.



January 9, 2020

You're going to see several photos go across the screen that represent some of those work orders.



I have a handful that I'm going to run through that I personally visited or witnessed myself like road flooding on Donahoo out west.

January 9, 2020



The 2017 storms affected Argentine and other areas in a big way.



January 9, 2020



There's an area north of Leavenworth Road in the central part of the city that has reoccurring street flooding because of lack of ditches.





59th Street was closed in 2019 for a significant period of time because of a culvert under the road that had failed. It was about 20 feet deep.



In fact, in order to pay for that, the UG had to defer five other planned projects.



There are countless feet of corrugated pipe in the system that we don't see



that are rusting



and causes imminent failure.



We do not have a ditching program



but will under the transition to a new rate structure.

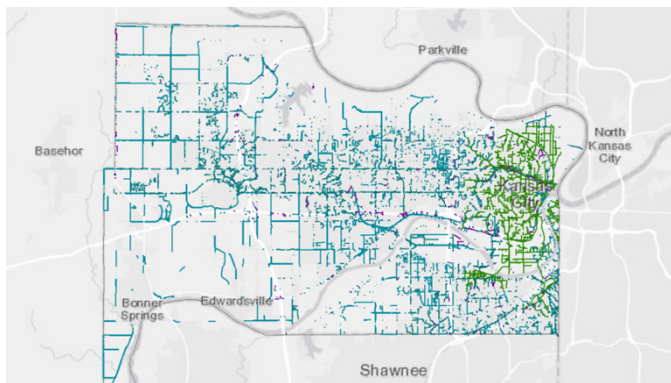


There are direct benefits to the street conditions.



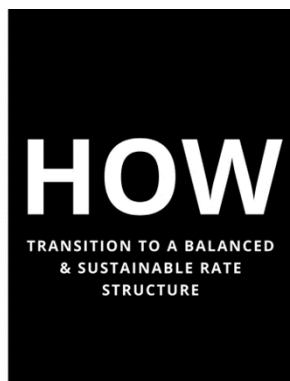
We've talked about pavement conditions over the last year and a half. Our average pavement condition index of 56. We know that's going to take a strong commitment for a long period of time to move the needle on that—a stormwater system and to compliment that is very important to roadside ditches. They don't just serve to convey water; they protect the integrity of the road.

All of these are issues that folks see every time it rains, and currently staff can only help with a fraction of those.



This is a snapshot of a stormwater system, both enclosed pipe and open ditch and swales. There's 284 miles of pipe, 132 miles of ditches and swales. If you were to string that end to end, that

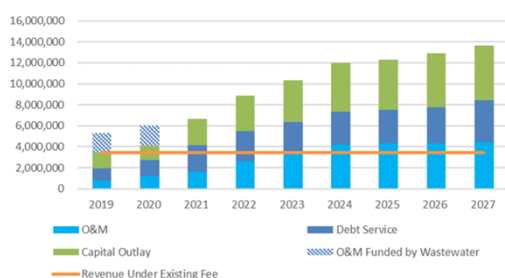
would stretch across the state of Kansas about 410 miles. The program is not sustainable, it's not fair or equitable or balanced. It's getting more expensive. The effects on property values are apparent. It affects people's lives and businesses.



Anna is going to describe how we transition from current to a more viable rate structure.

Anna White, Black & Veatch, said there's a financial burden associated with solving all of these issues and it requires a transition to a balanced financial plan and an equitable and sustainable rate structure.

What Drives Future Costs?



The cost to provide reliable stormwater service to the community includes operation and maintenance expense and capital expenditures. This graphic illustrates those projected costs through 2027 as the UG begins to address some of the issues that Jeff just highlighted. The capital projects are assumed to be funded from a combination of cash financing and future debt. The green portion of these bars represents the cash financing of both the capital projects and the CMIP, the Capital Maintenance Improvement Program. The dark blue portion of these bars represent the annual debt service payments on both existing and proposed debt.

As you can see, as projects are initiated, both the cash financing and the debt service will increase. In addition, operating expenses, which are represented by the bright blue portion of the bars, are increasing as well to address two things. First, it is to fully fund the stormwater operating costs that are currently funded from the wastewater fee. This amount is represented by the portion of the bars in 2019 and 2020 with the crosshatched pattern. The other is to increase the operating budget by \$500K per year to catch up with deferred maintenance and to ensure that the utility can keep up with maintenance requirements.

As you can see by the bright blue portion of the bars, by 2023 anticipated operating expenses will be equal to what the total costs were in 2019 for operation of maintenance expense, capital spending, and debt service. This is additional funding for O&M that will benefit everyone in the community and help address the open work orders that Jeff mentioned.

Flat Rate

Not based on impervious area (hard surface)

	2020	2021	2022	2023	2024	2025	2026
Monthly Fee	\$8.69	\$11.46	\$13.20	\$15.16	\$15.36	\$15.98	\$16.76

As you know, there is a financial burden associated with moving away from postponing and deferring maintenance activities and addressing the capital needs. We could stay with the flat rate, but this is what the monthly fee would increase to each year to meet those costs. The fees that are shown here are not equitable or sustainable, and staying with the flat fee rate structure really limits the UG's ability to generate the necessary funding for the stormwater program.

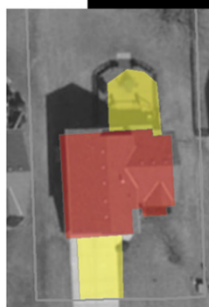
Impervious (Hard) Surface

WHAT IS IMPERVIOUS AREA?

All types of hard surfaces including pavement, buildings, patios, driveways, parking lots, and compacted gravel.

WHAT ARE THE BENEFITS?

Aligns stormwater charges with the level of stormwater runoff a property contributes.



A balanced approach

Therefore, it was decided that the solution would be a rate structure based on impervious area which is an industry accepted, reasonable estimate of the stormwater service demands that properties place on the system and enables an equitable approach to recovering stormwater costs. Obviously, a significant change like this requires public feedback which Dave is going to talk more about.

Community Engagement



COMMUNITY MEETINGS

9 Open Houses
3 Business Meetings
2 Credit Program Meetings
4 Advisory Group Meetings
Multiple KCK Chamber Meetings
Multiple Stakeholder Meetings



PRINT & DIGITAL

Targeted Mailers
Citizen Newsletter (65,000)
Bilingual Event Flyers
FAQ Webpage
Stormwater@wycokck.org
30-minute Video
News Media Interviews
UG TV



SOCIAL MEDIA

Facebook Events
Livable Neighborhoods
Nextdoor
UG E-News
Neighborhood Business & Revitalization Organizations

Dave Reno, Public Works Community Engagement Officer, said as Jeff mentioned, the Unified Government has \$141M in unmet stormwater needs. To begin addressing these needs, staff formed an action plan. The plan cannot exist in a vacuum. Community feedback matters. Over the past year, staff has worked hard to ensure they obtained it by holding multiple open houses, meeting multiple times with the KCK Chamber, running an informational video on UGTV, and communicating through digital and print platforms like Facebook, Nextdoor, E-News and the Citizens Newsletter.



Visualizing the outreach perform can be difficult, but this engagement calendar should help. In the top left-hand corner is December 2018 and in the bottom right-hand corner is December 2019. The black stars represent each time a member or multiple members of staff interacted with the community about the stormwater proposal.

What's important to note here are the blue, green and purple stars. These stars represent fundamental changes to the stormwater plan. The blue star represents the creation of a Credit and Appeals Program based on feedback. The green star represents the first time staff cut the Capital Program. In this context, Capital Program is a technical way to say projects that solve problems. The first time this fund was cut, it was cut by nearly 50% from \$58M to \$36M.

The purple star represents the development of a tiered alternative similar to a system used by Ames, Iowa. The tiered alternative itself represents more than 20 changes to the stormwater proposal. The tiered alternative was shown at recent open houses and on the website. The community was invited to join staff at recent open houses through an article in the Citizens Newsletter, a newsletter that's delivered to more than 65,000 addresses.

Community engagement has very much shaped this proposal and Anna will walk us through how.

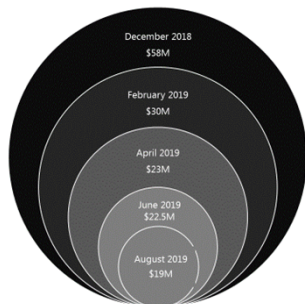


Rate Transition Options

Ms. White said based on the feedback that we've received over the last year, we've come up with two rate structure options. Both of these options are based on a previous area. Both will recover the same amount of revenue, but as Dave mentioned, they also both reflect a significantly scaled down Capital Program.

Scaling Down the Capital Program

Responding to community feedback



A deficiency study was conducted for eight watersheds that were identified as high priority watersheds based on the number of known problems in those areas which identified \$141M worth of stormwater needs. So, when considering a new rate structure, we originally started with a plan to address and fund \$58M of those projects in the eight watersheds. However, based on public feedback and the concern that the impact of this would have on residents, we have continuously and substantially scaled back the number of projects to be funded over the study period. The proposed rates are based on a \$19M Capital Plan that reflects only 7 of the 12 identified projects which we acknowledge that this would result in a decrease in the level of service, but we know that the fee cannot initially support a Capital Plan of \$58M.

Option 1 - Individually Calculated

Based on impervious area (hard surface)

	2021	2022	2023	2024	2025	2026	2027
Rate per 500 ft ²	\$0.67	\$0.88	\$1.04	\$1.22	\$1.22	\$1.28	\$1.35
Minimum Charge	\$4.50	\$4.50	\$4.50	\$4.50	\$4.50	\$4.50	\$4.50
Percent of Parcels Not Impacted	70%	58%	43%	28%	28%	28%	28%

Rate Option 1 is an individually calculated monthly charge based on the rates for 500 sq. ft. of impervious area as shown. The minimum charge is \$4.50, so properties that are, for example,

vacant land with no structures or agricultural properties with no structures, they would pay the minimum charge of \$4.50. If a parcel has, for example, 2,500 sq. ft. of impervious area, a hard surface, it's 5 units at 500 sq. ft. per unit, so the calculated monthly charge would be \$3.35 which is \$5 times the \$0.67 shown there for 2021. Since the calculated charge would be \$3.35, this property would pay the minimum charge of \$4.50.

At the bottom of the slide, you can see the percentage of parcels that will pay the minimum charge of \$4.50 through 2027. This percentage decreases over time as the rate for 500 sq. ft. increases.

Option 2 - Tiered
Based on impervious area (hard surface)

Tier	Range (ft ²)	% Parcels	2021	2022	2023	2024	2025	2026	2027
1	0 - 2,000	42.53%	\$4.50	\$4.50	\$5.09	\$5.89	\$5.92	\$6.20	\$6.57
2	2,001 - 4,000	40.65%	\$4.84	\$4.84	\$5.48	\$6.34	\$6.37	\$6.67	\$7.07
3	4,001 - 6,000	7.39%	\$6.15	\$8.21	\$9.58	\$11.08	\$11.14	\$11.66	\$12.36
4	6,001 - 10,000	3.61%	\$9.59	\$12.82	\$14.94	\$17.29	\$17.38	\$18.20	\$19.29
5	10,001 - 20,000	2.41%	\$17.61	\$23.52	\$27.43	\$31.74	\$31.90	\$33.41	\$35.41
6	20,001 - 30,000	0.94%	\$31.92	\$42.65	\$49.73	\$57.54	\$57.84	\$60.57	\$64.19
7	30,001 - 60,000	1.14%	\$53.29	\$71.19	\$83.01	\$96.06	\$96.55	\$101.12	\$107.15
8	60,001 - 100,000	0.48%	\$99.53	\$132.97	\$155.05	\$179.42	\$180.33	\$188.86	\$200.13
9	100,001 - 250,000	0.51%	\$189.81	\$253.57	\$295.67	\$342.14	\$343.88	\$360.15	\$381.64
10	250,001 - 500,000	0.22%	\$436.30	\$582.88	\$679.65	\$786.47	\$790.47	\$827.86	\$877.27
11	500,001 - 1,000,000	0.08%	\$864.01	\$1,154.27	\$1,345.90	\$1,557.43	\$1,565.37	\$1,639.40	\$1,737.24
12	1,000,001 - 5,500,000	0.04%	\$1,844.67	\$2,464.39	\$2,873.52	\$3,325.15	\$3,342.09	\$3,500.16	\$3,709.04
13	5,500,001 +	0.00%	\$5,803.83	\$7,753.61	\$9,040.86	\$10,461.82	\$10,515.10	\$11,012.44	\$11,669.63
Percent of Parcels not impacted			43%	43%	0%	0%	0%	0%	0%

Option 2 is a tiered rate structure with 13 tiers based on ranges of impervious area. As an example, the parcel with 2,500 sq. ft. of impervious area, which fall into Tier 2, pays a monthly charge of \$4.84. We're showing on this slide both the percentage of parcels that fall within each tier in the column percent parcels and then, also at the bottom, the percentage of parcels that will not see an impact. You will probably notice that the percentage of parcels not impacted under this option is less than Option 1. It's only the parcels that fall in Tier 1 in 2021 and 2022 will not be impacted.

By putting the properties into these blocks, it helps to address the magnitude of the bill impact, but it all depends on where the parcels and impervious area falls within the tier. Properties at the higher end of the tier would pay a larger monthly charge under Option 1. By putting the parcels into these groups, it mitigates the impact on these larger properties within each tier. We can see the impact of the tiered rate structure in this next slide.

Comparing Options 1 & 2

Based on impervious area (hard surface)

	Option 1 (individually Calculated)	Option 2 (13 Tiers)	Overland Park (2019 Rates)	Lawrence (2019 Rates)	Topeka (2020 Rates)
IA = 2,420 ft ²	\$4.50	\$4.84	\$2.75	\$4.47	\$6.00
IA = 6,000 ft ²	\$8.04	\$6.15	\$6.64	\$11.08	\$14.87
IA = 200,000 ft ²	\$268.00	\$189.81	\$221.33	\$369.40	\$495.54
IA = 2,000,000 ft ² (Very Large)	\$2,680.00	\$1,844.67	\$2,213.28	\$3,694.00	\$4,955.40
IA = 6,200,000 ft ² (Highest Tier, Very Large)	\$8,308.00	\$5,803.83	\$6,861.17	\$11,451.39	\$15,361.74

This table highlights two things. First, the difference between Option 1 and Option 2 for five examples and second, the comparison with other select communities. The examples that we're showing here, with the exception of the first one, all depict a lower monthly charge under Option 2, but it all depends, again, on where the parcels and impervious areas fall within the tier as to whether Option 2 results in a lower or higher monthly charge compared to Option 1. Properties at the low end of the tier would pay more with Option 2 while properties at the higher end of the tier would pay more with Option 1. Again, this rate structure mitigates the impact on the larger properties within each tier.

If you look at some of the surrounding communities, Johnson County has a stormwater ad valorem tax that is used to partially fund stormwater projects that's in the county, so communities in Johnson County, such as Overland Park, have the opportunity to receive funds from the county's stormwater tax to partially fund some of the capital improvements.

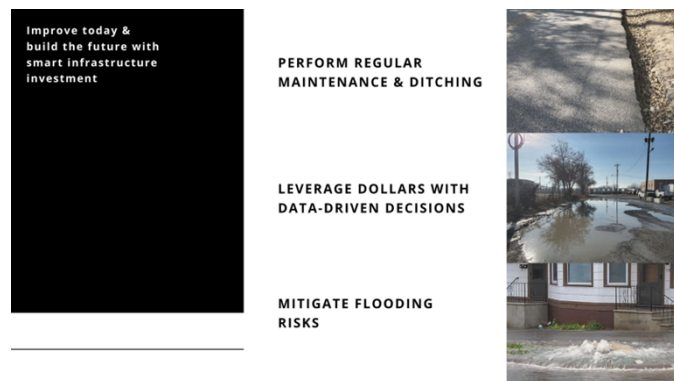
Overland Park has not increased its stormwater fee in over 10 years, but they are currently contemplating an increase for 2021. The city of Lawrence is also currently conducting a rate study to determine an increase for 2021.

The city of Topeka, the City Council just recently approved a series of three 7.5% revenue increases for 2021, 2022, and 2023. So, therefore, by 2021 when the proposed stormwater fee would be implemented by the UG, each of these communities will have increased their fees as well. While both Option 1 and Option 2 already compare favorably to the existing rates for both Lawrence and Topeka, they will be even more favorable in 2021 when these communities have increased their fees.



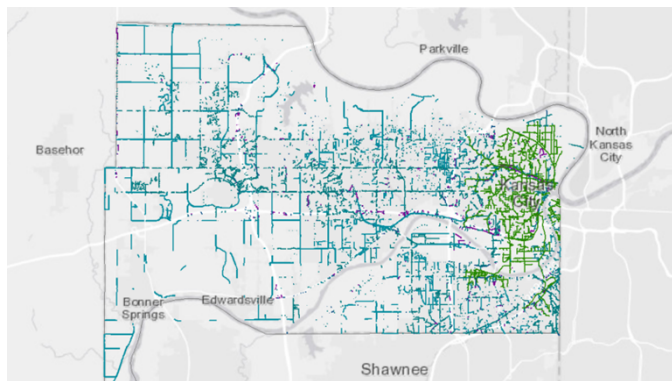
So, what is Kansas City, Kansas community going to get with this proposal? It's a sustainable program with a funding system and tangible benefits, which Jeff is going to discuss more.

Mr. Fisher said whether the Commission chooses Option 1 or Option 2, there will be tangible benefits.

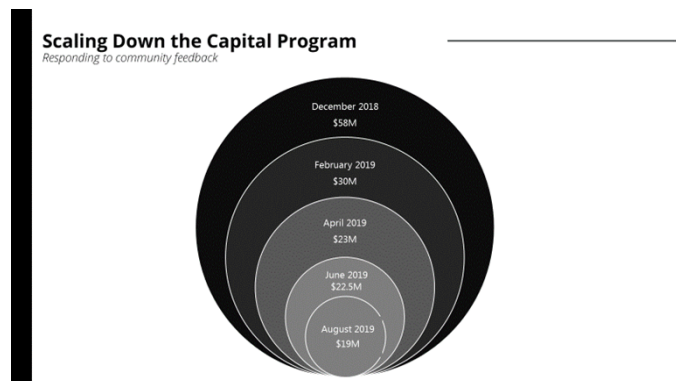


There will be things like ditching, there will be an increase in repair and replacement through increased maintenance and capital investment. We will improve the quality of life for residents and businesses. We've also tried to leverage these funds against other funds like preservation dollars each year, Water Pollution Control dollars and projects, other sources through state and federal where available, and pursue low interest loans through the federal government like (inaudible) where those make sense. We've already started using green infrastructure in projects. We'll continue to do that. Staff is developing policy around that, that will help.

This proposal allows the Unified Government to address, over time, all of the issues you saw in those pictures that we face every time it rains.



Again, the community stormwater system is made up of about 410 miles of pipe, ditches and swales across the city. Different sectors of the community may receive different types of services, but all benefit from the system; at least from the simple reason that all residences and businesses rely on the stormwater system to take care of their day-to-day needs, going to work, going home, shopping, receiving deliverables.



Again, there is \$141M of needs in just 8 of the most troublesome basins of the 50 total basins. As a result of one year of engagement, now we have \$19M over 7 years and an increase level of O&M.

Flat Rate	PROS - Meets funding needs - Easiest to administer - Easy to understand	CONS - Level of increases would conflict with Consent Decree proposals - Less balanced than Options 1 & 2 - No fee reduction credit program
1 Individually Calculated	PROS - Meets funding needs - Based on an individual's amount of hard surface - Legally defensible & reflects best practice - Fee reduction credit program	CONS - Initial administrative requirements - Bill impact for parcels with large amounts of impervious surface
2 Tiered	PROS - Meets funding needs - Easier to administer - Reduces bill impact for parcels with large amounts of impervious surface - Fee reduction credit program	CONS Less balanced than Option 1

The pros and cons of the options are these. The current rate structure, the flat fee, again, is not fair, it's not equitable or balanced. It's not fair for a small home to pay the same as Walmart or Target. It's not fair for a small restaurant to pay the same as Cabela's. It's problematic for the consent decree to raise our flat rate structure as high as it would need to be raised to generate these revenues. So, really it only leaves Option 1 and Option 2 in staff's opinion.

Decision Points			
	Flat Fee	Option 1	Option 2
Will properties pay according to the amount of stormwater runoff they contribute?			
Is the rate equitable for all customers?			
Is the fee easy for customers to understand?			
Will the rate structure sustain operations, maintenance, and capital needs?			
Does the rate structure include a fee reduction credit program?			
Does the rate structure reasonably mitigate the monthly bill impact?			

The most objective way for staff to determine best option is to use industry litmus test questions like these. I'm going to run through each of these with Anna.

Decision Points			
	Flat Fee	Option 1	Option 2
Will properties pay according to the amount of stormwater runoff they contribute?			
Is the rate equitable for all customers?			
Is the fee easy for customers to understand?			
Will the rate structure sustain operations, maintenance, and capital needs?			
Does the rate structure include a fee reduction credit program?			
Does the rate structure reasonably mitigate the monthly bill impact?			

Will properties pay according to the amount of stormwater runoff they contribute? **Ms. White** said with the flat fee the answer is no. It's not based on impervious area. Option 1 and Option 2, which are based on impervious area, do reflect the amount of stormwater contributed by each property.

Decision Points

	Flat Fee	Option 1	Option 2
Will properties pay according to the amount of stormwater runoff they contribute?			
Is the rate equitable for all customers?			
Is the fee easy for customers to understand?			
Will the rate structure sustain operations, maintenance, and capital needs?			
Does the rate structure include a fee reduction credit program?			
Does the rate structure reasonably mitigate the monthly bill impact?			

Mr. Fisher asked is the rate equitable for all customers. **Ms. White** said, again, a flat fee is not equitable for all customers. Option 1 is the most equitable as it's based on each parcels' individually calculated impervious area. Option 2 is not as equitable as Option 1 because properties are grouped into tiers, but it is more equitable than the flat fee.

Decision Points

	Flat Fee	Option 1	Option 2
Will properties pay according to the amount of stormwater runoff they contribute?			
Is the rate equitable for all customers?			
Is the fee easy for customers to understand?			
Will the rate structure sustain operations, maintenance, and capital needs?			
Does the rate structure include a fee reduction credit program?			
Does the rate structure reasonably mitigate the monthly bill impact?			

Mr. Fisher asked is the fee easy for customers to understand. **Ms. White** said the flat fee is very easy for customers to understand. Option 1 is a little more difficult as each owner needs to understand what their impervious area is and how to do the calculation to determine how many stormwater units they have. Option 2 is easier to understand. Once you know your impervious area, you find what tier you would fall into.

Decision Points

	Flat Fee	Option 1	Option 2
Will properties pay according to the amount of stormwater runoff they contribute?			
Is the rate equitable for all customers?			
Is the fee easy for customers to understand?			
Will the rate structure sustain operations, maintenance, and capital needs?			
Does the rate structure include a fee reduction credit program?			
Does the rate structure reasonably mitigate the monthly bill impact?			

Mr. Fisher asked will the rate structure sustain operations, maintenance, and capital needs. **Ms. White** said due to the increases necessary in the flat fee in order to implement the plan that we have proposed, the flat fee would not result in sustainable funding. Option 1 and Option 2 would.

Decision Points

	Flat Fee	Option 1	Option 2
Will properties pay according to the amount of stormwater runoff they contribute?			
Is the rate equitable for all customers?			
Is the fee easy for customers to understand?			
Will the rate structure sustain operations, maintenance, and capital needs?			
Does the rate structure include a fee reduction credit program?			
Does the rate structure reasonably mitigate the monthly bill impact?			

Mr. Fisher asked does the rate structure include a fee reduction credit program. **Ms. White** said flat fee does not allow the option to have a credit program while Options 1 and 2 would.

Decision Points

	Flat Fee	Option 1	Option 2
Will properties pay according to the amount of stormwater runoff they contribute?			
Is the rate equitable for all customers?			
Is the fee easy for customers to understand?			
Will the rate structure sustain operations, maintenance, and capital needs?			
Does the rate structure include a fee reduction credit program?			
Does the rate structure reasonably mitigate the monthly bill impact?			

Mr. Fisher asked does the rate structure reasonably mitigate the monthly bill impact. **Ms. White** said, again, due to the necessary increases in the flat fee to implement the proposed program, it

does not mitigate the bill impact for residents. Option 2 does mitigate the impact for residents, but as you all know, there's a significant increase for businesses, but this is addressed under Option 2.

Staff Recommendation

Based on impervious area (hard surface)

	Option 2
Will properties pay according to the amount of stormwater runoff they contribute?	
Is the rate equitable for all customers?	
Is the fee easy for customers to understand?	
Will the rate structure sustain operations, maintenance, and capital needs?	
Does the rate structure include a fee reduction credit program?	
Does the rate structure reasonably mitigate the monthly bill impact?	

Mr. Fisher said based on the questions and all of the feedback from all sectors of our community, staff believes Option 2 is the most well-rounded and best option.

Staff Recommendation - Option 2

3 Years - Commission may transition to Option 1 in the future

Tier	Range (ft ²)	% Parcels	2021	2022	2023	2024	2025	2026	2027
1	0 - 2,000	42.53%	\$4.50	\$4.50	\$5.09	\$5.89	\$5.92	\$6.20	\$6.57
2	2,001 - 4,000	40.65%	\$4.84	\$4.84	\$5.48	\$6.34	\$6.37	\$6.67	\$7.07
3	4,001 - 6,000	7.39%	\$6.15	\$8.21	\$9.58	\$11.08	\$11.14	\$11.66	\$12.36
4	6,001 - 10,000	3.61%	\$9.59	\$12.82	\$14.94	\$17.29	\$17.38	\$18.20	\$19.29
5	10,001 - 20,000	2.41%	\$17.61	\$23.52	\$27.43	\$31.74	\$31.90	\$33.41	\$35.41
6	20,001 - 30,000	0.94%	\$31.92	\$42.65	\$49.73	\$57.54	\$57.84	\$60.57	\$64.19
7	30,001 - 60,000	1.14%	\$53.29	\$71.19	\$83.01	\$96.06	\$96.55	\$101.12	\$107.15
8	60,001 - 100,000	0.48%	\$99.53	\$132.97	\$155.05	\$179.42	\$180.33	\$188.86	\$200.13
9	100,001 - 250,000	0.51%	\$189.81	\$253.57	\$295.67	\$342.14	\$343.88	\$360.15	\$381.64
10	250,001 - 500,000	0.22%	\$436.30	\$582.88	\$679.65	\$786.47	\$790.47	\$827.86	\$877.27
11	500,001 - 1,000,000	0.08%	\$864.01	\$1,154.27	\$1,345.90	\$1,557.43	\$1,565.37	\$1,639.40	\$1,737.24
12	1,000,001 - 5,500,000	0.04%	\$1,844.67	\$2,464.39	\$2,873.52	\$3,325.15	\$3,342.09	\$3,500.16	\$3,709.04
13	5,500,001 +	0.00%	\$5,803.83	\$7,753.61	\$9,040.86	\$10,461.82	\$10,515.10	\$11,012.44	\$11,669.63
Percent of Parcels not impacted			43%	43%	0%	0%	0%	0%	0%

Staff recommends that on January 30th the Commission adopt Option 2 with the first three years of rates. Staff will report back to the Commission annually, and after two to three years, maybe a few adjustments; staff would recommend adopting another three years. It's noteworthy that it would be easy to transition from Option 2 to Option 1 in the future.

Staff recommends—in conclusion, I will wrap up by saying the UG has described and quantified the needs in its most trouble basins, 8 of 50. The public has shaped this proposal through a year of engagement. The proposal is well-rounded considering feedback from all sectors of the community. The workplan is a great step in the right direction. Adopting this proposal sets the right path. We will field any questions.

Mayor Alvey said I think we will do the public hearing and then we will have time for comments and questions from the Commission. As we open the public hearing, again, we have people signed up and I would ask Ms. Cobbins to read the statement governing the public hearing portion.

Bridgette Cobbins, UG Clerk, read the statement.

David Knetter, 13301 Hollingsworth Road, said my family has a couple of farms in the western part of the county. With a quick look around the city, I'm sure everybody can find a storm sewer or a culvert that needs some maintenance. As I understand it, in order to address the situation, the city in part of the questionnaire, asked the citizens if someone who created more runoff should pay more of a fee to deal with stormwater than someone who created less. I'm sure that most respondents were thinking of the Walmart or Cabela's parking lot versus someone in a residential neighborhood with a single-family home. I would guess that people were overwhelming in favor of Walmart paying more than a single-family home.

Our farms typically have a house, a couple of barns, and a gravel driveway. In every case, any runoff is controlled by the surrounding land that includes acres of grass or crops and a watershed system with terraces and pond which was installed at my own expense. Not a drop of water ever sees the inside of a storm sewer, yet when I inquired about the amount of the fee for the farm that my 94-year-old mother lives, I was told it would be nearly \$500 a month after the first couple of years. Needless to say, I was outraged. A subsequent request came back with an estimate of just over \$50 a month. While the second estimate seemed like a gift compared to the first one, it still seems like too much to pay for managing stormwater that I already manage myself.

Even more concerning was the estimate of the fee on ground that we have in the Missouri River bottoms that range from \$4.50 a month to \$55 a month per parcel for land that has no buildings. If there is any runoff, it goes straight to the Missouri River. **Ms. Cobbins** said you have one minute. **Mr. Knetter** said any drainage pipes or culverts are purchased and maintained by members of my family. Although this new program, which I'm sure was conceived with the best of intentions, will cost my family hundreds of dollars a month. This is not something I can afford. I'm not Walmart. I'm just some guy with a gravel driveway.

To me, this plan may have started off with good intentions, but it has some flaws and it is not ready for approval.

Daniel Silva, KCK, said the KCK Chamber is proud to serve 550 plus members including businesses, nonprofits, post-secondary institutions. As a member of the business organization, the Chamber prides itself in its role as (inaudible) and a pro-business advocate offering platforms for small and large businesses alike so every voice and legislative issues that directly impact their operations and services. We, at the KCK Chamber, want to thank Mayor Alvey, County Administrator Doug Bach, and the Director of Public Works Jeff Fisher and his entire team for working with us on trying to come up with a solution that works for the entire community.

We do understand and support the need for a rate change to support infrastructure needs in our community. With that, we are hopeful that future collaboration and open dialogue will continue to evolve regarding this matter and any issues that directly affect the Wyandotte County business and community at large will go through this engagement process.

We, at the KCK Chamber, support a stormwater plan that will generate sufficient funding for certain identified critical infrastructure improvements and operations and maintenance costs for a definite and set period of time. A plan that equably and objectively and reasonably allocates the related increase financial obligations across all property types including business property—non-residential properties would include businesses, churches, nonprofits; they all will be impacted by the rate change.

Also, we support a plan to provide for the utilization where and available of additional sources of funding to equitably replace the stormwater fees assessed to all property types. We understand there will be an increase. We do support the increase. Businesses want to ensure that there is an equitable way of arriving at their rate, but also for us to look at outside funding streams to help support and offset some of these costs for the community at-large.

I think we would also ask, before the Commission votes on passing a rate change, to consider and ask questions around what the Credit Program will look like—**Ms. Cobbins** said you have one minute—**Mr. Silva** said for those businesses or property owners that have already invested in the stormwater runoff and to prevent more runoff, what that Credit Program specifically looks like for them, what the building process and the appeals process looks like, and how labor intensive and cost intensive will that be. Will there be exceptions for those properties that are along the river? Will there be a sunset to this rate change? I think, Jeff, you addressed it in your previous comments that you will revisit it from time to time. Again, keep in mind that we're

talking about impacting not just residential, but non-residential properties which also includes more than just businesses. I hope you all take that into consideration when you vote on this.

Mary Collins, 2225 Washington Blvd., said I would like to begin my remarks by offering my thanks to all of you for undertaking this effort to make our community safer and improving the environmental quality of our neighborhoods. I'd also like to commend city staff and their consultant team for the incredible amount of high quality work that they've put into this process both in technical terms and how public outreach was managed.

I attended the very first public presentation at the Beatrice Lee Community Center in 2018 and the updated presentation held at the Neighborhood Resource Center in September. In between, I participated in the Citizens Advisory group and attended all four sessions of that working group. We were presented with a good overview of the technical issues and various options for addressing our community's needs for stormwater management. If you take away nothing else from my remarks, please do note my admiration for the UG staff and their outstanding work on our behalf. You are well served by Mr. Fisher and his staff and we are all.

That said, I find myself in disagreement with the final proposal before you this evening. One of the main principals that I considered in thinking about this initiative is that of fairness and equity. Every property that has impervious surface produces stormwater runoff that we, as a community, must deal with. We have neighbors that have experienced terrible flooding in their homes in some storm conditions. We have streets that we all use that are damaged by uncontrolled runoff. Uncontrolled runoff is an environmental challenge that we must meet, so every property must continue to the solution in proportion to their contribution to the problem. The most equitable way for me to meet that standard is through a flat rate fee, the Option 1 before you, that is applied equally to all properties no matter their size or location. **Ms. Cobbins** said you have one minute.

Ms. Collins said we have no objection to paying a flat fee for our electric or our natural gas or our water usage. It should not be different for this utility either.

The proposed and development Credit Program, which recognizes individual efforts to construct and maintain mitigation plans, is analogous to our individual efforts to install more insulation in our homes, to reduce water usage, and to use energy efficient appliances, so there is an option to address some of the concerns of one of the previous gentleman.

A tiered system forces those at the lower end of the tier to subsidize those at the higher end. That's also true between the tiers. That is not fair; it's not equitable. I understand that this is a new and contentious issue that you face this evening. It is a vitally important one and one that should be implemented in the most equitable way possible. In my opinion, after spending a year on this, it's Option 1.

Greg Kindle, Wyandotte Economic Development Council and a resident of KCK, said I just have a few brief comments, but for us, it comes down to the importance of balance between what's actually needed by the plan, over what timeframe, and who bears the cost. No doubt the stormwater fees being the same for residential and business has not been equitable. What we have appreciated is the UG's team willingness to have a lot of conversations and to engage. Jeff's team has done a wonderful job in the process whether we like the options or not.

The decision before you has been a long time coming; it's been more than 10 years in coming, and the decision you make tonight is going to have even a longer term impact. From an economic development perspective, we do have needs in this community that need addressed to maintain the economic vitality of both the residential and business community. My caution is not to swing the cost pendulum so far on the commercial side that we slow or halt continued economic development. It is a balancing act with no easy answer.

Our hope is that you will keep in mind that there is a limit to how much we can or should ask from any one group. Whatever plan you determine is the right one, we encourage you to make sure that everybody can understand how their bill is being determined. For us, that's an ongoing issue. We're on the frontline for business and commercial projects. If we can't figure out what their impervious square footage is, it's going to be difficult for us to communicate that throughout the process. We would just encourage you all to continue the conversation and try to find the right plan that is a balance for everybody.

Elnora Tellis-Jefferson, KCK, said I want to thank the elected officials and also Jeff Fisher and his team. As he said, I've been a member of the Steering Committee. I've learned a lot and I still have a lot to learn, but I've certainly enjoyed the opportunity to do so and appreciate the transparency and the openness with which it has been conducted. Thank you again.

This may not be the correct time to ask this question, but I do believe it should be addressed either now or sometime in the future with something that says it will be addressed in the future. I remember that County Commissioner Doug Bach, during the period where we were looking to vote on the CNIP sales incentive, sales tax, and one of the things that Doug mentioned and says that the burden of that tax would not fall on the individual citizen, but more so the individual who purchased at the Legends and bought at the Legends of people who perhaps do not live in the county.

This is the crux of what I'm stating. The assessment is one thing, how the rate is applied, what mathematical components they used in that. The other piece to that is the billing and exactly where does that fall and on whom does that fall? We're not talking about a new input, a new resource of money, so we're talking about money that basically is going to come from the taxpayers and the citizens of Wyandotte County. If something is applied, if this is applied and say, for example, to a post-secondary institution, you look at how that post-secondary institution pays the bill right now. Does that institution go out and get a new source of funding or is that charged and passed onto the ratepayer either in a mill levy or a tuition or whatever that is.

Again, I want to repeat, while this may not be the time for that, I believe it should be looked at because—**Ms. Cobbins** said you have one minute—**Ms. Tellis-Jefferson** said we do not have the resource of revenue. We have the same population of people and how burdensome is that going to be on any one category of ratepayer.

Broderick Crawford said as others have stated, I thank you all for your due diligence in pursuing this effort in addressing obvious unequitable situation with our stormwater. Certainly, I thank the staff also for the work they've done, but I have some concerns as it relates to community engagement. I've noticed that there were several sessions that were held in community centers, but to my knowledge, the number of residents participating were less than double digits. When you look at the 65,000 mailers that were sent out, how many of those mailers actually had individuals who participated. It's one thing to send something out, it's another thing to actually engage with the actual residents. I would submit that certainly taking another look at what true resident engagement looks like in this community because those are the individuals that are bearing the biggest burden of our taxes. So, how we are engaging those individuals that have to pay and

continue to have to pay, I think should have a greater priority than some of the business partners who often get tax abatements to do the work that they do.

As a resident who lives at 824 State Ave., as a businessowner who is the President of the NBC Community Development Corporation, I would ask that you also consider relooking at how we are engaging our residents.

I am certainly opposed to Option 2 because it seems to skew the benefit to businessowners. I'm certainly receptive to taking a look at residents, like the gentleman who spoke earlier, but I think we really need to look at how we are burdening our taxpayers in this county with the highest tax burden in our area with additional fees.

Rachel Jefferson said thank you and all that great jazz. I really appreciate being a part of the process but I'm going to save most of time for actually speaking to what we're here today. I served on the Citizens Advisory Committee and was able to attend three out of those four meetings. I really do appreciate the lengths that Public Works has gone to and this Commission has gone to work this solution. I think we all have come to realize that this—whatever option we continue with in the future is necessary for our community to increase our stormwater rate fees whether it be through the tiered option or the individual option.

I am opposed to Option 2 mostly because of several things that people have already stated tonight. One, we are aware, from sitting on the Citizens Advisory Committee, that although Public Works did engage in a lot of community meetings or contacted community people to come to those meetings, the majority of attendees were actually large impervious surface area owners. So, therefore, we didn't actually get to hear from those smaller impervious surface area owners in these meetings. I think, again, that speaks to what Broderick just said about how are we conducting community engagement as a whole in this city. Is it simply enough to mail out something and say we expect you to show up, or is it something that we really need to get boots on the ground and engage our residents so we have a more robust democracy?

Also, I think this really boils down to something pretty simple, you pay for what you use. Individual rates, as was seen in the slideshow before, are generally seen as more equitable, best practice, and legally defensible. As we learned in these Citizen Advisory Committee meetings, it really is the best practice if we go for individual rate instead of pushing the burden of the stormwater fee onto smaller impervious surface area owners.

If a larger property owner wants to pay less, then they have the options to do that through the Credit Program, which I have all confidence in Public Works to figure out. **Ms. Cobbins** said you have one minute. **Ms. Jefferson** said please install green infrastructure, apply for credits, that in the end only helps our general environmental condition. The gentleman that spoke earlier, the farmer, it sounds like he's already got a lot of green infrastructure on his property where he could very easily apply for the Credit Program.

I think we need to be thinking about how we want to envision our future here, our environmental future, environmental health and are we going to keep pushing the burden onto our residents that rightfully should be on people who are making money from our residents in this community.

I also want to speak to something that was said in our Citizen Advisory Committee. The consultants, themselves, stated that the notion of this deterring—this fee deterring future business in KCK is a false one. I think we get scared by that a lot. I think we hear this is going to stop business from coming to our community so we can't do it, but is that really true? Let's investigate that. There are studies out there actually. I've asked the consultants for one and they're going to be providing it to me, so let's really know what we're talking about here when we're making this decision.

Mayor Alvey said I want to thank each one of you for coming out tonight. It's very helpful to us. I would ask any member of the Commission, comments or questions?

Commissioner Townsend said thank you to all who took the time to speak tonight. While we have the benefit of staff here and our consultants, I would like them to talk about something I didn't hear that was only briefly touched on and that is the nature of the Credit Program; and also how, under either scenario, would a citizen be able to identify or otherwise confirm how much impervious surface they have; those two key things.

Mr. Fisher said I will take the lead on that and ask the staff to help if I miss anything. There are three points that I noted. One, if its AG or vacant, that is a \$4.50 a month charge. If it's AG with hard surface, through that second round of public engagement and as a result of that feedback, staff has developed a 30 to 1 ratio credit so 30 greenspace to hard surface. I believe Mr. Knetter

will be eligible for that. Then there is a direct discharge credit, so a property that's adjacent to the river, stormwater is not passing through the UG system, it's just passing over their property and right into the river, there is a 75% direct discharge credit as well.

Your second question which was how will they have access to the information they need. **Commissioner Townsend** said how would a citizen be able to identify how much impervious surface or if they had a question as to the amount that they've been identified as having? How would that be verified or to whom could they speak? With regard to the credit, if you could address say for a situation like Mr. Knetter, I hope I'm not terribly off on his name, how his situation might apply to this 30 to 1 credit and is there another type of credit for someone who has a smaller footprint?

Mr. Fisher said I will try to speak to the access to information and ask Anna to hit on the 30 to 1 credit ratio in greater detail. I think there are a few different ways a citizen or business can gain access to that information. They can certainly call staff or there's email. There will also be a website dedicated to all of the information around this program. What we intend to do is have a feature on the webpage where they can go in and punch in their address and it will tell them how much impervious surface they have and possibly calculate their monthly bill. That's our intention. Do you have anything to add Anna?

Ms. White said like Jeff said, if they just ask someone within Public Works or send an email, we can look up the impervious area for any parcel within the county and get them that information.

Mr. Fisher said could you speak to the 30 to 1. **Ms. White** said the ratio credit was something that we added just recently based on feedback that we received from property owners like Mr. Knetter. The ratio credit is based on a credit that Kansas City, MO, also has. If a property has a ratio of green surface to hard surface of 30 to 1 or more, they can qualify for a credit of 50%. A property that is 20 acres large and has a house and a driveway, would most likely qualify for that credit unless it's a very large house.

Listening to Mr. Knetter talk, it also sounds like he may qualify for the direct discharge credit as well. If his property drains directly into the Kansas or Missouri River, he would be eligible up to a 75% credit for that as well.

Commissioner Townsend said so the property owner would have to ask specifically about what credit he/she may be eligible for, is that correct? **Ms. White** said yes. Right now, we can

look up and see who might qualify for the ratio credit because we do know the gross area and the impervious area for all of the parcels. Going forward, there would be a credit manual that would be available online and probably in print that would describe all of the different credits that are offered, what you need to do to qualify for those credits, and how you would apply for a credit.

Mayor Alvey said, Jeff, for instance, the direct discharge credit, why would that not be a 100% credit? I think I know the answer but would ask that you explain. **Mr. Fisher** said it's simply because they use—they benefit from the system to get there and to leave. If they're a business, they're using the stormwater system to meet their day-to-day needs. **Mayor Alvey** said there's still a system-wide charge just to do the basic infrastructure. That individual parcel may only produce this much, but there is a carrying cost, as it were, an infrastructure cost that has to be borne by every parcel. **Mr. Fisher** said right.

Commissioner Kane asked how many people attended those meetings. **Mr. Fisher** asked the second round of meetings. **Commissioner Kane** asked how many people went to the meetings you guys had. **Mr. Reno** said the second round was about 120. **Commissioner Kane** said okay, so 120 some odd. How many people live in Wyandotte County? **Mr. Reno** said 163,000-165,000. **Commissioner Kane** said 100 and some odd people went, and we have 160,000 some odd people living in Wyandotte County.

I got an email from a senior citizen today from Piper that some of the Piper residents have heard that a vote will be taken tonight on a new method of assessing taxes for water drainage. We have not received any written information on this method of assessment. We have not gotten an opportunity to vote on this method. If we had received this information, we would have had the opportunity to vote, as a citizen, (inaudible) would have faced a great deal of opposition from western Wyandotte County. My hope is that you can express this concern in the meeting. She would like to be here, but she cannot drive at night.

You know, you have 100 people making a decision for 100 and some odd thousand people and they haven't been contacted properly because we did this through the newsletter, our Facebook and our website; is that what we did? **Mr. Reno** said yes and also on UGTV and through the Citizens Newsletter. **Commissioner Kane** said there's a lot of people that don't have a computer,

don't even look at the TV that much, they're not engaged. What's going to happen when this passes, or if it passes, then we're going to get phone calls saying where the hell did this come from.

Something that you had to think about too is the school districts just passed their school bond, Piper and Wyandotte County, right? All that money is already accounted for. Where are they going to come up with the remaining money? JUCO, I guess, is somewhere in the neighborhood of \$70,000. I don't know what Donnelly College is, but you ought to be madder than hell.

None of those projects are west of 435. What's this going to do to the new businesses and why would we want to rush something through when only a couple of hundred people had a chance to talk? We should have went out walking through the neighborhoods and asking them, hey, we have an issue. What do you think? Not a survey that we sent out with some questions that I thought were ridiculous, but what do you think about what's coming on because you didn't respond to us before because a lot of them just don't know. I'm telling you right now that there are some people, like my mother and father-in-law, that cannot afford to pay a dime more than what they're paying.

I'm extremely frustrated by this because we didn't do it the way we should and we're not anywhere close, in my mind, where we can pull the trigger on something that we don't know is going to work or not. Every single parcel should have known what exactly what was going to happen at the Knetter farm. He should have known, alright, here's what's going to happen at my place instead of them having to call and say what's going to happen to me. Oh, we're going to charge you an x amount of dollars until you tell us that's too much.

We're supposed to be transparent and we're about as solid as this blue piece of paper because we can't see what's going on and I can't explain it to me constituents. I can tell you right now a lot of them have voiced their opinion. I know some of the commissioners think this is a great idea, but I vote the way the district says, and the district does not like this.

Commissioner Bynum said I have a comment and then a couple of questions. My comment is that I do continue to have a serious concern for the burden that either Option 1 or 2 places on our churches, our schools, and our other nonprofits entities. I just want to be on record that I'm not satisfied yet with the burden on those specific categories.

One of the questions I have is do we know yet how we would manage the situation of a commercially-leased property where it's the renter who is holding the utility bill or are we taking

the position that that's just between the building owner and the renter to figure out amongst themselves? That would be one question I would have.

Mr. Fisher said I think generally we intend to bill whoever is on the BPU bill and then they would work that out. We can change things. I think we can be flexible on that. **Commissioner Bynum** asked is it our overall intent that this stormwater utility would be borne by the property owner. **Mr. Fisher** said yes. **Commissioner Bynum** said so when we have a situation where we're going to put this on the utility bill and that bill is being paid by a commercial property renter, then I guess they can just duke it out basically. I mean, if I'm the property owner, at that point I'm going yeah, and sorry dude. I don't know that we have a satisfactory resolution for that.

Along the lines of what we've heard some other people say, we do manage here at the Unified Government to calculate our annual tax bills and get those off in the mail. We get a rendition mailed in the spring and then we get a bill mailed in the winter. So, we have the capacity to do some sort of parcel by parcel mailer perhaps as another effort at community engagement in terms of here is the impervious area of the property that on our records you own and here's what your bill is going to look like.

Do I understand that the goal is that this would begin January of '21? **Mr. Fisher** said that is correct. **Commissioner Bynum** said so we've got a year to work on communicating with every parcel holder with regards to what their potential bill would look like kind of along the lines of what Commissioner Kane was saying.

Last, just a comment, but in the community, we have multiple good examples of not only organizations like Rachel Jefferson's historic Northeast Midtown Association, which does do good community engagement, countywide community engagement efforts—we have the example of the Affordable Care Act and the efforts at getting folks enrolled in health insurance coverage, but we were very effective with that several years ago with the rollout of the ACA in cutting the number of uninsured in Wyandotte County in half because of those kinds of boots on the ground community engagement efforts.

In 2012 when Google came to town and said, you may all not remember this as clearly as I do, but you had to turn your neighborhood green so that you could get the Google fiber. You can know that we had boots on the ground all over this town to turn every neighborhood green for Google fiber, so we do have examples of how to put people on the streets to communicate

something that should be a good thing for our community. I think if we had some more conversations about that kind of community engagement, it would be really helpful to this process.

Commissioner Johnson said, Mr. Fisher, I want to appreciate the work you all put into this proposal for tonight. As I recall, when we first took on this mission, we asked that you go back (inaudible) undertaking for our community from all basis, residents or whether commercial. In my opinion, I think that you all did the best that you all (inaudible). That's not to say that it was a perfect attempt. As far as I'm concerned, I think we still have time to try to make sure we (inaudible) as many times as possible and at some point, we're going to have to decide. I don't know, is there some reason why we need to make a decision on this by the 31st? I don't know the answer to that question.

Mr. Fisher said I think the only reason is that the UG has went through a public engagement for a solid year. The needs are not going away. It's getting more expensive. It just seems like we need to make the decision as soon as the Commission is willing. **Commissioner Johnson** said that's fair enough. I think that's a reasonable answer. I agree with that in terms of the 31st.

One of the things that I will offer is that in the presentation—the presentation stated that the new format, whether it be Option 1 or 2, would be or is easier to understand. I would push back on that. I would just ask that you bring up the screen that shows Options 1 and 2. I just wanted to share or offer my thoughts regarding that, the one that says comparing Options 1 and 2.

If I were a pastor of a church that had a large lot, how would I communicate to them what my fee would be? Would we be saying, for instance, let's just say we fell into the third column around the 200—so you see Option 1 would be 268 and Option 2 would be 189. How would I communicate to that person? Would that be a monthly—this is just for people that is watching. Would this be a monthly fee? Would this be an annual fee? **Ms. White** said this is a monthly fee so the numbers that are shown on this table are the monthly fees. **Commissioner Johnson** said so that person would have to go from \$4.50 monthly fee to \$189.81—I'll just use the lower of these two. **Ms. White** said yes, that is correct. **Commissioner Johnson** said I don't know that that is very easy to understand. Now we've gone to this screen. If we go to the other one I saw later on in the presentation, more detail involved, I think that we need to be mindful of how we communicate that to all of our residents in terms of helping them to understand where they fall so

we take the burden off of them trying to figure out where they fall. I don't know how we do that, but I think we need to help them to understand where they would fall within those ranges.

There was some discussion about keeping the flat rate option. I suppose that if we, in fact, would look at keeping the flat rate option, we would probably have to increase the flat rate in order to deal with the issues. I don't know to what decree that would be in order to cover. Have you all looked at that in terms of how much that would be, a flat rate option? **Mr. Fisher** said yes. I think we're trying to get to a slide that would help with that, Commissioner. Right there, from \$4.50 to \$8.69 and then almost quadruple in that period. **Commissioner Johnson** said per month. **Mr. Fisher** said per month for everybody. **Commissioner Johnson** said for everybody and that would cover our costs? **Mr. Fisher** said yes.

Commissioner Johnson said if I had a large church property, I think I might like the \$11.46 in 2021 versus the \$189.81. It's just a thought on that. **Mr. Fisher** said it's probably worth noting that about 80% of the parcel owners fall within like Tier 1 and 2 in Option 2, so that's how many parcel owners are going to be doubled and quadrupled in that period, 80% of your property owners. **Commissioner Johnson** said from \$4.50 though. **Mr. Fisher** said yes. **Commissioner Johnson** said \$4.50 per month. **Mr. Fisher** said to \$16.76 by year 2026. **Commissioner Johnson** said per month. **Mr. Fisher** said per month.

Melissa Sieben, Assistant County Administrator, said, Mayor, I just want to clarify. What we're saying is, in Option 1 and 2, either of those, and, Jeff, please correct me if I'm wrong, about 80% of the properties within Kansas City, Kansas, would stay at \$4.50 in the first few years. **Commissioner Johnson** said that's correct in the first few years, but ultimately, we'd be down to close to zero. **Ms. White** said in Option 1 yes, that is correct. It's about 76%. In Option 2, its lower, it's about 45%. **Ms. Sieben** said thank you for clarifying, but with a flat fee—**Ms. White** said zero percent. **Commissioner Johnson** said I think that helps make my point.

The other point that I would ask then is for those persons that might be eligible for a credit, one of the two or three that you offered tonight, would it be unreasonable to just be able to push that information to them as opposed to requiring that they find out themselves and then come to a website? I think if we would be more proactive with that to let them know that here's what's happening, whichever way we decide this, but there are some options that are available to you. I

would just offer that we would be more proactive in offering that information to them and helping them to understand how to navigate that. **Mr. Fisher** said I believe we can do that, yes.

Commissioner McKiernan said, Mr. Fisher, you and I have talked many times about this. I've talked with your team many times. I want to echo what everybody else has said that you all need a lot of thanks for confronting a monster of a problem. We, as a community, have neglected for decades to invest in our infrastructure. The bill is coming due and we're trying to figure out how to wrap our arms around it for the life, health and safety of people who are here in Wyandotte County. We have to be very appreciative of that. I have joked with you before that when you arrived, we handed you the city and said it's all busted, please fix it, but don't charge us anymore money for that, and we know that's an impossibility.

I do agree that as much effort as we've put into it, we haven't really engaged the public I don't think as much as we could have or should have done. I remember vividly the phone call I got after the very first public meeting we had. A woman, who similar to Commissioner Kane's constituent, was under the mistaken impression that we were voting on something that day and she was incensed that she hadn't received any notification of it. We, as a community, need to wrap our arms and our brains around how we do that better at the more granular level and if that means that we walk door-to-door, then I think we may need to consider that and consider who we can help engage—who we can engage to help us do all of that.

I'm really appreciative of the sessions that you've had with us, as commissioners. I can certainly say that you have made remarkable changes to your original proposal based in part on feedback you got from the public but based in part on feedback you got from us because certainly I have been vocal in some of the feedback that I've given.

I will say that as its presented here today, I think Option 1 is the most equitable. You and I have talked about this before. I do think that the sliding scale based on impervious area is more equitable. I don't like, and we've talked about this before, I don't like when we get to the border of tiers and you've got one situation on top of that line and you've got a completely different situation on the bottom of that line where we transition into the next tier up. So, I'm really glad we don't have to make a decision on this tonight because I have many things that I still need to think about in this, but right now, I feel that Option 1 is the most equitable.

I'm on record, and I'll stay on record, as saying I feel that the fee increases are too steep too fast. I think the protectory, the slope of those increases goes up too fast. I think our first couple of years are actually pretty manageable, at least in what I've looked at so far, but then when they start to almost exponentially rise over the next four to eight years, I feel like the burden ramps up and at that point it's going to start to become unbearable. I'm on record in previous meetings and I stay there. My impression is that the slope is too high. Early years are manageable, but there is a timebomb waiting for down the road. Now, if I'm wrong, please educate me about that, but that's my impression as I look at that.

I have to say I also recognize that cutting down the slope of those increases, any reduction in the amount of money that we can devote to stormwater problem mitigation, is going to reduce the scope of projects. You've already cut it in half and I absolutely realize that if we collect less money, we will need to further trim our project list and delaying many of our projects could have a very tangible and very negative impact on residents and businessowners here in this county. I understand that you want to prevent those negative impacts, but we're in a balancing act right now on how much of this very necessary infrastructure work we can accomplish balanced against the burden of those people who vote will benefit from it but will also pay for it.

Commissioner Burroughs said I have a few questions if I may. These figures that you offered in these options, do they take into account any of the credit programs suggested or discussed? **Mr. Fisher** said no. **Commissioner Burroughs** said they haven't, so we won't see the financial impact it is—**Mr. Fisher** said let me make sure I'm following you. I think I do understand your question better and I apologize. We have accounted for a certain percentage of the parcel owners taking advantage of those credits. Does that answer your question? **Commissioner Burroughs** said yes.

The next question I have is the impact of the financials through the Credit Program, plus we will probably have a setoff or a write-off portion that we'll need to set-aside. We see that with our utilities and other organizations. Do we have percentages and a dollar value of what that setoff and write-off might be? **Mr. Fisher** said we have accounted for that. **Ms. White** said I honestly can't tell you the percentage or the dollar amount off the top of my head, but, yes, we have included a contingency for doubtful analysis. **Commissioner Burroughs** said so those are two things that will affect—that you say will affect the revenue but are already included in the presentations tonight with the options that were presented. **Mr. Fisher** said yes.

Commissioner Burroughs said for the public and others that may be listening, what about the sidewalks, alleys and public streets; are they included as part of the property owners impervious area? **Mr. Fisher** said I'm sorry, ask that again. **Commissioner Burroughs** said the sidewalks, alleys and/or streets—**Mr. Fisher** said no, they are not included. **Commissioner Burroughs** said they are not inclusive. I think that's important that they understand that that is not part of the stormwater fee.

The last two items I have is the billing process will be handled through our BPU which I would imagine if I was a customer and saw my increase on my BPU bill, that an (inaudible) is going to be given and be directed toward our utility and not necessarily the Unified Government. **Mr. Fisher** said yes, they would field a lot of calls and obviously a lot of those would be forwarded to the UG staff and my staff. **Commissioner Burroughs** said thank you for that. I think that's important that we ensure that we have partners in this process but not to burden them anymore than what we may already have.

The last final thing is, could you share with us what happens if we do nothing? **Mr. Fisher** said all those photos that we've showed up there and over 1,000 open work orders, they will just keep getting bigger. The problems will get more expensive, property values will be impacted, residents will be frustrated, businesses will be frustrated, that's the life of no change.

If I could, because it reminds me of Commissioner Bynum that brought this up. The next phase of work before January 2021 would be working through those billing issues with BPU, setting up our staff and resources to field the inquiries, make that information accessible, send that information out to set up the website; all of those things would be done in that one year, 11 months.

Mayor Alvey said I want to clarify a couple of things. I think one of the effects if we don't move forward on this, we still have a bill due for the wingwall like Turkey Creek. We have to pay for that. We had to appropriate funds for that because it was collapsing and it was getting worse. **Mr. Fisher** said that's correct. **Mayor Alvey** said we also had to pay in order to prevent greater damage and greater expense later on for an Argentine pump station. **Mr. Fisher** said correct. **Mayor Alvey** said we're already on tap for those expenses. **Mr. Fisher** said that's correct. **Mayor Alvey** said that okay. This points to the necessity. I think it's important for us to understand that no one wants to pay more for anything; that's a fundamental. We're always looking to get more for less. That's a fundamental. It's also a fundamental that the longer you delay maintenance on important

infrastructure, the worse it becomes, the more expensive it becomes, the more damage it does, the more it causes damage to the investment.

I would think if we look back over the last 60 to 70 years in the history of Kansas City, Kansas, perhaps Wyandotte County as a whole, but I don't want to include Edwardsville and Bonner Springs in this, is that we have failed to invest in our community. We have failed to do the things that make Kansas City, Kansas, an attractive, a more attractive, safer, more livable community. Every time we fail to do that, we put additional pressure on the infrastructure, we put additional pressure on our property values. So, what that simply does is when people take a look and say do I want to build my business in Kansas City, Kansas, do I want to live in Kansas City, Kansas, do I want to raise my family in Kansas City, Kansas; and they come in the neighborhoods and they find neighborhoods which have been neglected for decades. They make a decision and they find a better place to go.

No one wants to pay more. We want someone else to pay for it. I think we have to understand that if we don't take steps and we don't do it quickly, we're simply going to continue to fall behind. These things have to be done and we have to find the spirit within our community to understand that if we want this community to grow and to be the kind of place that we're proud to bring people into and for our children to come up to and to raise their families here, we've got to stand up and say we know where this can be in 10 years, 15 years, 20 years and we know there's going to be some sacrifices and we're willing to make those sacrifices because it's important. We deserve it.

We have to get beyond this point where we say well it's not my neighborhood. I would assume that so many of these projects, these infrastructure projects, are really probably correlated with our poorest census tracts. I don't know if that's a fact, but it would seem to be because when you don't do those things, then that actually creates the poverty that is burdening us now and has burned us for decades.

It seems to me when we launched this effort, we understood there were things we needed to do. They should have been done a long time ago. It got kicked down the road. I'm not sure why but I have a feeling it's because no one wanted to have this discussion, no one wanted to step up and say yep, we understand this is a sacrifice, we're going to have to do it. We also understood that we have to find a more equitable way to distribute the cost, to allocate the burden and the impervious surface rate, again, has to be a fundamental part of the solution.

When you look at what we intend to do, what we intend to assess, this is in line with other municipalities. This is not out of the ordinary. You look at what Topeka, Overland Park is doing; we're well within the range of what others are doing.

I agree that the community engagement has to be better. We have to do that on so many fronts, but the community engagement means people have to stand up and say I care enough to get involved. I care enough to find out what's going on. Communication is a desire on both sides to communicate and oftentimes it's one way, it's only one way. Don't bother me until I'm going to have to pay more in taxes and then I'll get involved. Again, no one likes to pay more and if we do have to pay more, we want someone else to do it or we want to delay it, we want to put it off. We've done that too long; it doesn't work. We're going to continue, we're going to decline in so many ways if we don't find ways to invest in our infrastructure, improve the quality of life in our community so that we continue to grow our families, our neighborhoods.

I want to thank everyone for coming out tonight. For anyone who has been engaged in this in any way, even those who came in late, those that were there in the beginning, thank you for your time and effort. These kinds of conversations are necessary. They're vital and I think this is a great effort by our community.

I have to say this, sometimes when staff comes before us to present things to us, we put them on trial. We beat up on staff because they're doing the hard work of trying to find out, presenting us options and then we put them in the seat of well, we don't like this so we don't like what you're saying. You know, they are doing the work for us. That's their job. That's what they're paid for. I want to thank you for your efforts. I think it was well done.

Action: Action deferred until a later Commission meeting.

STANDING COMMITTEES' AGENDA

No items

ADMINISTRATOR'S AGENDA

No items

COMMISSIONERS' AGENDA

No items

LAND BANK BOARD OF TRUSTEES' AGENDA

No items

PUBLIC ANNOUNCEMENTS

No items

**MAYOR ALVEY
ADJOURNED THE MEETING AT 8:37 P.M.
January 9, 2020**

Bridgette D. Cobbins
Unified Government Clerk

dt/cg

January 9, 2020

STATE OF KANSAS)
WYANDOTTE COUNTY)) SS
CITY OF KANSAS CITY, KS)

SPECIAL SESSION, THURSDAY, JANUARY 9, 2020

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, January 9, 2020, with nine members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; and Alvey, Mayor/CEO, presiding. Murguia, Commissioner Third District; and Philbrook, Commissioner Eighth District; were absent. The following officials were also in attendance: Gordon Criswell, Acting County Administrator; Alan Howze, Assistant County Administrator; Ken Moore, Chief Legal Counsel; Henry Couchman, Senior Attorney; Bridgette Cobbins, Unified Government Clerk; and Maureen Mahoney, Chief of Staff in Mayor's Office.

MAYOR ALVEY called the meeting to order.

ROLL CALL: Johnson, Kane, Markley, Walters, Bynum, Burroughs, Townsend, McKiernan, Alvey.

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, January 9, 2020 at 5:30 p.m. in the Commission Chambers. The Commission will recess from the Commission Chambers to the 9th floor conference for an Executive Session regarding litigation.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Alvey asked for a motion to move into Executive Session to discuss pending Litigation.

Commissioner McKiernan made a motion, seconded by Commissioner Markley, to go into Executive Session until 7:00 p.m. to consult with our attorneys and to discuss, under the attorney/client privilege, confidential matters related to pending litigation, as permitted under the Kansas Open Meetings Act; and that staff designated by the Acting County Administrator be present to participate in the discussion and that we reconvene in open session at 7:00 p.m. in the Commission Chambers located on the first floor. Mayor Alvey asked all in favor to say “Aye.” Motion carried.

5:35 p.m.

Present for the Executive Session: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; and Alvey, Mayor/CEO presiding. **Staff present:** Gordon Criswell, Acting County Administrator; Ken Moore, Chief Legal Counsel; Henry Couchman, Senior Attorney; Alan Howze, Assistant County Administrator; and Maureen Mahoney, Chief of Staff in Mayor’s Office. **Staff** arriving at 6:12 p.m. and leaving at 6:25 p.m.: Sheriff Don Ash and Susan Alig, Assistant Counsel.

MAYOR ALVEY ADJOURNED

THE MEETING AT 6:30 p.m.

dt

Bridgette D. Cobbins
Unified Government Clerk

January 9, 2020



Suite 323
Kansas City, Kansas 66101-3070

Unified Government Clerk's Office

Bridgette D. Cobbins
Unified Government Clerk

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: January 9, 2020

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

mbb

Attachment

1. COMMUNICATION:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

<u>Warrant #</u>	<u>Reissue?</u>	<u>Date Issued</u>	<u>AMOUNT</u>	<u>FUND / ACD</u>	<u>Vendor Name</u>	<u>Reason for void (dropdown)</u>
864395	Yes	8/30/2019	\$ 31.74	160 12100015210	Miller, Raleigh	Stale dated
862840	Yes	8/2/2019	\$ 14.18	160 12100015210	Lincoln, Willa	Stale dated
864418	Yes	8/30/2019	\$ 67.93	160 12100015210	Williamson, Roman	Stale dated
862802	No	8/2/2019	\$ 19.05	160 12100015210	Chatmon, Hazel	Wrong mailing address
861991	No	7/19/2019	\$ 18.35	160 12100015210	Morales, Jose	Wrong mailing address
865680	Yes	9/27/2019	\$ 15.34	160 12100015210	Johnson, Sterling	Stale dated
865722	No	9/27/2019	\$ 10.58	160 12100015210	Morales-Gonzalez, Nancy	Other (Explain) <i>Federal Executive-cannot accept check</i>
20000713	YES	1/1/2020	\$ 47.50	160 7604205300	Cintas	Other (Explain) Entered in wrong dataset
			\$ 29.48	160 7604455300		
20000714	YES	1/1/2020	\$ 3,167.63	560 4900325265	Pace	Other (Explain)

Action: Received and filed.

2. PERSONNEL ACTION COMMUNICATION, DATED JANUARY 7, 2020:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Christopher L Carrasco	Police	1/16/20	Patrolman III
Joseph E Crump	Police	1/16/20	Patrolman III
Kevin M Duong	Police	1/16/20	Patrolman III
Falicia E Grannas	Police	1/16/20	Patrolman III
Al Moncibaiz	Police	1/16/20	Patrolman III
Tyletha L Robinson	Sheriff/Juv	1/9/20	Juv Care Worker I
Lacey J Russell	Finance/Accting	1/9/20	Prof Fiscal Asst
Charles E Stites	Police	1/16/20	Patrolman I

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Joseph E Brockman	Sheriff/Detention	1/9/20	Deputy	Deputy
Stephen C Dryer	Sheriff/Admin	1/9/20	Deputy	Deputy
Anita E Cole	Sheriff/Admin	1/9/20	Deputy	Deputy
Luis I Garcia	Sheriff/Admin	1/9/20	Deputy	Deputy
William C Green	Sheriff/Admin	1/9/20	Deputy	Deputy
Shayne T Henre	Sheriff	1/9/20	Deputy	Deputy
David M Kempker	Sheriff/Detention	1/9/20	Deputy	Deputy
Michael L Morse Jr	Sheriff/Admin	1/9/20	Deputy	Deputy
Tomas Zamora	Sheriff/Detention	1/9/20	Deputy	Deputy

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Bryonne L Cummings	Auditor's Office	1/8/20	Auditor
Susana A Jensen	Finance/Treasury	12/31/19	Fiscal Supt Supervisor

Section IV - Leaves of Absence

Name	Department/Division	Lv. Beg	Lv. Ends	Leave/Pay
Jeanette Arredondo	Police	12/27/19	1/27/19	unpaid
Jasmine A Belalcazar	Finance/Treasury	1/7/20	2/6/20	unpaid

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Brett A Deichler	PW	1/1/20	Director
Diana L Jimenez	PW	12/26/19	Prog Coordinator
Whitney L Phillips	Parks/Rec	1/11/20	Groundskeeper I
David G Reno	PW	12/26/19	Prog Coordinator
Kathleen A VonAchen	Finance	12/26/19	CFO

Section VII - Reclassification

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Rocki L Mayes	CAO	12/12/19	Mgt Analyst	Prog Supervisor

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
John P Arzola	Transit	ACD code change effective 1/9/20
Patrice L Blakney	Transit	ACD code change effective 1/9/20
James E Bowers	Transit	ACD code change effective 1/9/20
Jeanette M Brown	Transit	ACD code change effective 1/9/20
Daniel T Flanders	Transit	ACD code change effective 1/9/20
Mark E Grandstaff	Transit	ACD code change effective 1/9/20
Edward M Gumming Jr	Transit	ACD code change effective 1/9/20
Cornelius J Holmes	Transit	ACD code change effective 1/9/20
Betty S Marcos	Transit	ACD code change effective 1/9/20
Nichole M McIntosh	Transit	ACD code change effective 1/9/20
Lori M Peaches	Transit	ACD code change effective 1/9/20
Connie L Worrell	Transit	ACD code change effective 1/9/20

Action: Received and filed. Copy previously forwarded to Payroll.

3. PERSONNEL ACTION COMMUNICATION, DATED JANUARY 9, 2020:

Section I - Appointments

Name	Department/Division	Eff Date	Job Title
Michael R. Betts	Police	1/16/20	Patrolman I
Derek M. Kinney	Police	1/16/20	Patrolman III
Cedric J. Saunders	Police	1/16/20	Patrolman III

Section V - Increase per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Abigail M. Eccher	CKO-Innovation	12/19/19	Info Systems Coord

Section VIII - Other Request

Name	Department/Division	Action Requested and Explanation
Bryonne L. Cummings	Auditor's Office	Amend PAC 1/7/2020 to reflect correct separation banks vacation & sick

Action: Received and filed. Copy previously forwarded to Payroll.

4. CLAIMS FOR DAMAGES:

Daniel S. Iln of Johnny Daniel, 7257 Montana Ave., alleging violations of his human and civil rights.

Elton H. Hale, Jr., 622 Lafayette Ave., alleging damage to vehicle oil pan due to hitting railroad tracks.

Josh Stephens, 13252 W. 107th Ter., Lenexa, KS, alleging damage to vehicle transmission due to poor road conditions surrounding railroad tracks.

Action: Received and filed. Copies previously forwarded to Legal.

5. MOTION FOR SET ASIDES:

Unified Government vs. Allen Fales, Case No. 2019-PT-000003-COA102

Unified Government vs. Ernesto Farzan, Case No. 2019-PT-000003-COA134

Unified Government vs. Luciana Juarez Ramos, Case No. 2019-PT-000003-COA353.

Unified Government vs. Stacey Hinds, Case No. 2019-PT000003-COA165.

Action: Received and filed. Copies previously forwarded to Legal.

6. TRAVEL REQUESTS:

Andrew Carver and David Thaxton, Wyandotte County Sheriff's Office, travel to Kansas City, MO, May 18 – 22, 2020, to attend the 5 Day Force Science Certification, Employee Training & Travel.

Adriane Ferrer, Brandon Nemec and Angel Silvestre, Narcotics DEA KCITF Unit, travel to Johnston, IA, February 2 – 27, 2020, to attend the UC Techniques and Survival for Narc OFC, Employee Training & Travel.

John Grosko, CID/Violent Crimes, travel to Macomb, IL, January 8 – 10, 2020, to attend the CVSA on applicant, Employee Training & Travel.

Melissa Sieben, County Administrator's Office, travel to Wichita, KS, February 6, 2020, to attend the 2020 KACM Winter Conference, Employee Training & Travel.

Jonathan Taylor, Public Works/Water Pollution Control, travel to Kansas City, MO, April 2 – 3, 2020, to attend Crucial Conversations Training, N/A.

Action: Approved by Administrator's Office and received and filed.

7. CERTIFICATES OF INSURANCE:

A Train Security
Royal Tree Service, LLC/Roy Webb
State Public Safety/SPS LCC
Total Electric Contractors, Inc.

Action: Referred to License.

8. BUSINESS BONDS:

Electrical Contractor's Bond
A.B. May Company
C3 Electrical, LLC
Electrical Corporation of America, Inc.
Heritage Electric, LLC
Jason O Meinershager, DBA J&W Electric
Shamrock Electric Inc.
Shogren Electric Service, LLC
Total Electric Contractors, Inc. and James Leonard
Teague Electric Construction, Inc.

Mechanical Contractor's Bond
A.B. May Company
Vaughan Mechanical, Inc.

Mechanical/HVAC Bond
C and D Heating & Cooling, LLC

Ryan Peugeot DBA American Residential Services, LLC DBA 4 Eco Services
Wejely Heating and Cooling

Plumber's Bonds

A.B. May Company
Anthony Ficara Quick Relief Plumbing
Ryan Peugeot DBA American Residential Services, LLC DBA 4 Eco Services
Vaughan Mechanical, Inc.
David L. Varner DBA D & J Plumbing

Action: Referred to License.

9. CONTINUATION CERTIFICATES:

Electrical Contractor's Bonds

Coenen Enterprises, Inc. DBA Coenen Electric
Custom Lighting Services, LLC DBA Black & McDonald
D.L. Smith Electrical Construction, Inc.
D Electric, LLC
Prante Communications, Inc. DBA Prante Electric & Communications
The Lamar Company, LLC

Plumber's Bonds

Daniel Llamas DBA KC Drain Pros
Duopro Plumbing, LLC

Mechanical Contractor's Bond

Sheet Metal Contractors, Inc.

Sign Hanger's Bond

The Lamar Company, LLC

Miscellaneous Bond

Environmental Temperature Control, Inc.

Performance and Maintenance Bond

Kansas Gas Service, a division of ONE Gas, Inc.

Action: Referred to License.

10. CANCELLATION NOTICES:

Electrical Contractor's Bonds

All Electric, LLC
Duckworth Electrical, LLC

Septic Tank and Cess Pool Installer and Cleaner's Bond

Hare, Inc.

Action: Referred to License.

11. RESCIND CANCELLATION NOTICES:

Electrical Contractor's Bond
S & J Electrical Contractors, LLC

Mechanical Contractor's Bond
Alex HVAC Services, LLC

Action: Referred to License.

12. APPLICATIONS FOR CMB LICENSE (PKG):

Central Fuel, LLC/Maria Whitfield DBA Quickshop, 7808 Splitlog Ave.
Khan Bros, LLC/Kerry Mercer DBA Speed Stop 1301, 1301 N. 38th St.
Leavenworth Petroleum, LLC/Rick Rehorn DBA Shop n Go, 5531 Leavenworth Rd.
Speedy's Convenience, Inc./William Hutton DBA Speedy's Convenience, 141 S. 18th St.
Wyandot Barbeque Inc./Ronald Williams DBA Wyandot Barbeque Inc., 8441 State Ave.
Yad Rai DBA Stop and Shop 1, LLC, 400 N. 10th St.
Zayn Commercials, LLC/Abu Taher DBA Legend Cenex, 8535 State Ave.

Action: Referred to License.

13. APPLICATIONS FOR CMB LICENSE (OP):

Dennis Murphy DBA St. Mary & St. Anthony Church, 615 N. 7th St.
El Toro Loco Legends, LLC/William Hutton DBA El Toro Loco Mexican Bar & Grill, 1706 Village West Pkwy.
Father Oswald Sondoud DBA Cathedral of St. Peter, 409 N. 15th St.
Frontera's Super Market, Inc./Victor Orozco DBA Frontera's Restaurant, 765 Central Ave.
Italian Delight of Kansas City/Francesco Brunetti DBA Italian Delight of Kansas City, 8145 State Ave.
La Herradura/Yesica Contreras DBA La Herradura, 1046 Kansas Ave.
Micheladas Culiacan/Ivonne Madriles DBA Micheladas Culiacan, LLC, 1618 Central Ave.
Ruben Martinez DBA La Hacienda El Camino Real, LLC, 903 N. 7th St.
Ruben Martinez DBA La Hacienda El Camino Real, LLC, 1147 Argentine Blvd.
Wyandot Barbeque Inc./Ronald Williams DBA Wyandot Barbeque Inc., 8441 State Ave.

Action: Referred to License.

14. APPLICATIONS FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Amigos Grill and Cantina/Thomas Rehorn DBA Amigos Grill and Cantina, 2737 S. 47th St.
Hospitality Kansas City, LLC/William Hutton DBA Hospitality Kansas City, 1 Sporting Way
Janell M. Brown/Heather R. Tuttle DBA Rosedale Barbeque Inc., 600 Southwest Blvd.

Action: Referred to License.

15. APPLICATION FOR PRIVATE CLUB CLASS B:

Mark A. Robinson DBA April's Firelight, 2046 N. 18th St.

Action: Referred to License.

16. APPLICATION FOR PRECIOUS METAL DEALER'S LICENSE:

Jung Hee Park DBA Han's Jewelers, 7700 State Ave.

Action: Referred to License.

17. APPLICATION FOR PRIVATE SECURITY BUSINESS:

Brinks, Inc./The Corporation Company, Inc. DBA Brinks Inc., 1100 E. 9th St., KCMO.

Action: Referred to License.



Suite 323
Kansas City, Kansas 66101-3070

Unified Government Clerk's Office

Bridgette D. Cobbins
Unified Government Clerk

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: January 16, 2020

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

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Attachment

1. COMMUNICATIONS:

Bridgette Cobbins, UG Clerk, listing bids received on January 8, 2020, for Project #6354 – Pump Stations SCADA Improvements and Project #B30088 – Two (2) 2018 Promaster Dodge Collins Passenger Bus for Transportation Department.

Bridgette Cobbins, UG Clerk, listing bids received on January 15, 2020, for Project #6056 – Lower Connor – Creek Interceptor.

Action: Received and filed. Copies previously forwarded to County Administrator, Legislative Auditor, Transportation and Public Works.

2. PUBLIC NOTICE:

Alandon Tow, 6224 Kansas Avenue, held a public auto auction on January 7, 2020 at 10:00 a.m.

Action: Received and filed.

3. COMMUNICATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

<u>Warrant #</u>	<u>Reissue?</u>	<u>Date Issued</u>	<u>AMOUNT</u>	<u>FUND / ACD</u>	<u>Vendor Name</u>
868466	yes	11/22/2019	\$205.11	790-2113	Lemos Anthony Joseph
			\$205.11		
865797	yes	9/27/2019	\$10.58	160 12100015210	Walker, Cheryl #N7189

Action: Received and filed.

4. PERSONNEL ACTION COMMUNICATION, DATED JANUARY 14, 2020:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Sheryl A Bussell	District Court	12/30/19	Judge Pro Tem
Leroy Edwards	Parking Control	1/9/20	School Crossing Guard
Merle E. Porks	District Court	12/30/19	Judge Pro Tem
Christian A Ramirez	Commission Office	1/13/20	Commissioner
Maurice Ryan	District Court	12/30/19	Judge Pro Tem
Trevon E Thomas-Ponds	Police	1/16/20	Patrolman III

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Sean F. Befort	Police	1/16/20	Sewer Maint Worker I Operations	Patrolman II
Vincent J Billaci	PW/Street	12/26/19	Superintendent	Manager
Zachary R Blair	Police/Comm	1/9/20	Sergeant	Sergeant
Cindy J Jimenez	Finance/Treasury	1/9/20	Fiscal Supt Asst	Fiscal Supt Specialist Enforcement
Sierra Miscec-Hays	NRC/Codes	12/12/19	Admin Supt Specialist	Specialist
Christopher G Morales Jr	Police	1/9/2020	Sergeant	Sergeant
Austin M Schuler	Police	1/16/20	Aux Officer	Patrolman III Enforcement Specialist
Matthew L Smith	NRC/Codes	12/12/19	Inspector I	Specialist
Mark A Zahnter	Sheriff/Admin	1/9/20	Deputy	Deputy

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
William E Behm	NRC/Codes	1/8/20	Inspector I
Gregory L Collins II	Fire Comm	1/6/20	Fire Dispatcher General Maint Worker
Trenton L Ford	PW/WPC	1/11/20	Worker

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Codi N Martinez	Municipal Court	1/11/20	Court Clerk I Lead Engineer/Proj Mgr
Martin M Ntonjira	Urban Planning	1/9/20	Mgr

Section VII - Reclassifications

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Laura D Cromwell	Police	12/26/19	Prof Fiscal Asst	Fiscal Officer
Anthony C Hutchingson	NRC/Inspection	12/26/19	Prog Coordinator	Manager Info Systems
Vacant	NRC/Rental	12/26/19	Bldg Inspector I	Analyst

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Joseph Anthony	Parks/Rec	Payroll type change to hourly effective 10/31/19
Charles Blagg	311 Operations	Payroll type change to hourly effective 10/31/19
Dean Bridge	Parks/Rec	Payroll type change to hourly effective 10/31/19
Tama Bush	Parks/Rec	Payroll type change to hourly effective 10/31/19
Kevin Callahan	Parks/Rec	Payroll type change to hourly effective 10/31/19
Paul Chronister	Parks/Rec	Payroll type change to hourly effective 10/31/19
Kenneth Clayborn	Parks/Rec	Payroll type change to hourly effective 10/31/19
Joel Crider	Parks/Rec	Payroll type change to hourly effective 10/31/19
Brett Deichler	PW	Payroll type change to hourly effective 10/31/19
Brian Finney	Parks/Rec	Payroll type change to hourly effective 10/31/19
Luke Folscroft	311 Operations	Payroll type change to hourly effective 10/31/19
Anthony Garcia	Parks/Rec	Payroll type change to hourly effective 10/31/19
Sir Chad Hampton	Parks/Rec	Payroll type change to hourly effective 10/31/19

Tyler Hogan	Parks/Rec	Payroll type change to hourly effective 10/31/19
Susana A Jensen	Finance/Treasury	Amend PAC 1/7/20 to reflect change in vac time and comp time effective 12/31/19
Michael A Kupsch	Finance	Division Code change from Accounting to Finance Admin and ACD code change effective 1/9/20
Kristen Love	Parks/Rec	Payroll type change to hourly effective 10/31/19
Nichole Marlowe	Parks/Rec	Payroll type change to hourly effective 10/31/19
Jeremy Martin	Parks/Rec	Payroll type change to hourly effective 10/31/19
Sarah Meyer	Parks/Rec	Payroll type change to hourly effective 10/31/19
Angel Obert	Parks/Rec	Payroll type change to hourly effective 10/31/19
Omar Quintero	311 Operations	Payroll type change to hourly effective 10/31/19
Jeremy Rogers	Parks/Rec	Payroll type change to hourly effective 10/31/19
Gregory Romero	Parks/Rec	Payroll type change to hourly effective 10/31/19
Peter Schwab	Parks/Rec	Payroll type change to hourly effective 10/31/19
Christine Still	311 Operations	Payroll type change to hourly effective 10/31/19
Chance Thoman	Parks/Rec	Payroll type change to hourly effective 10/31/19
Jeffrey Vestal	Parks/Rec	Payroll type change to hourly effective 10/31/19
Ashton Weaver	311 Operations	Payroll type change to hourly effective 10/31/19

Action: Received and filed. Copy previously forwarded to Payroll.

5. CLAIMS FOR DAMAGES:

Murl Brown, 2200 N. 64th Terrace , KCK, alleging damages to vehicle due to hitting manhole on at 68th & Parallel Pkwy on November 22, 2019.

Anthony Clark Jr., 1339 N. 47th St., KCK, alleging damage to mailbox due to the street crew knocking it over.

Action: Received and filed. Copies previously forwarded to Legal.

6. APPLICATION FOR PRIVATE SECURITY BUSINESS:

G4S Secure Solutions/Susan Hostetler DBA G4S Secure Solutions, 1100 Main St. #1340, KCMO

Action: Referred to License.

7. TRAVEL REQUESTS:

James Bauer, Police Department, travel to Oklahoma City, OK, February 4 – 7, 2020, to attend a promotional assessment, Employee Training & Travel.

Jaclyn Brown, Air Quality, travel to St. Louis, MO, February 24 – 26, 2020, to attend the NACAA Joint Permitting and Enforcement Workshop, Air Quality.

Jeff Fisher, Public Works, travel to Washington, D.C., March 9 – 12, 2020, to attend the National Waterways 2020 Legislative Summit, Employee Training & Travel.

La Shante Harris-Johnson, Community Corrections, travel to Shawnee, KS, February 19 – June 19, 2020, to attend the Emerging Leaders Academy, Adult ISP.

Kimberly Portillo, Byron Toy and Rob Richardson, Urban Planning and Land Use, travel to Houston, TX, April 24 – 28, 2020, to attend the 2020 American Planning Association National Conference, Employee Training & Travel.

William Wallace, Police/CID, travel to Kansas City, MO, January 23 – 27, 2020, to attend the Dale Carnegie Training, Employee Training & Travel.

James M. Zeeb, Fire/Fire Training, travel to Tulsa, OK, January 23 – 28, 2020, to attend the International Fire Service Training Association 2020 Winter Meetings

Action: Approved by Administrator's Office and received and filed.



Suite 323
Kansas City, Kansas 66101-3070

Unified Government Clerk's Office

Bridgette D. Cobbins
Unified Government Clerk

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: January 23, 2020

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

mbb

Attachment

1. REPORT:

Financial report for the Self-Supporting Municipal District/Downtown Improvement District (SSMID) for the month of December 2019.

Action: Received and filed.

2. REPORT:

2019 Annual Compliance Report for the Forest View Landfill, Special Use Permit (SUP) NO. 2002-42.

Action: Received and filed. Copy previously forwarded to Planning.

3. COMMUNICATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

<u>Warrant #</u>	<u>Reissue?</u>	<u>Date Issued</u>	<u>AMOUNT</u>	<u>FUND / ACD</u>	<u>Vendor Name/Number</u>	<u>Reason for void (dropdown)</u>
868956	YES	11/22/2019	\$266.17	162 19000025269	Shirk, Diane #E1541	Lost warrant
868955	YES	11/22/2019	\$ 17.16	162 19000025251	Shirk, Diane #E1541	Lost warrant
868954	YES	11/22/2019	\$ 10.00	162 1900025251	Shirk, Diane #E1541	Lost warrant
868564	No	11/22/2019	\$36.70	160/12100015210	Haffner, Kevin	Other law enforcement can't accept jury check

Action: Received and filed.

4. PERSONNEL ACTION COMMUNICATION, DATED JANUARY 16, 2020:

Section I - Appointment

Name	Department/Division	Eff. Date	Job Title
Joseph G. Hall	PW/WPC	1/9/20	Program Coordinator

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Kimberly P. Portillo	Urban Planning	1/23/20	Planner
Monica S. Tyrrell	Human Resources	2/2/20	HR Analyst

Section VII - Reclassifications

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
SueZanne M Bishop	DA's Office	1/9/20	ADA I	ADA II
Nicholas K Campbell	DA's Office	1/9/20	ADA I	ADA II
Kayla L Roehler	DA's Office	1/9/20	ADA II	ADA III
Adam E Sokoloff	DA's Office	1/9/20	ADA II	ADA III

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Janice Barnett	DOTS	Payroll type change effective 10/31/19
Kevin Bibbs	DOTS	Payroll type change effective 10/31/19
Jaron Briggs	DOTS	Payroll type change effective 10/31/19
Elizabeth Burnison	GIS	Payroll type change effective 10/31/19
Christian Cooley	GIS	Payroll type change effective 10/31/19
Alvin Doty	GIS	Payroll type change effective 10/31/19
Anastia Eason	Clerk's Office	Payroll type change effective 10/31/19
Jason Felton	GIS	Payroll type change effective 10/31/19
April Friedl	GIS	Payroll type change effective 10/31/19
Michelle Garcia	DOTS	Payroll type change effective 10/31/19
John Gisler	DOTS	Payroll type change effective 10/31/19
Rahnauld Gorman	DOTS	Payroll type change effective 10/31/19
Alan Hancock	Coroner	Payroll type change effective 10/31/19
Brian Knehans	GIS	Payroll type change effective 10/31/19
Mindy Kong	DOTS	Payroll type change effective 10/31/19
John Laymon	DOTS	Payroll type change effective 10/31/19
Greg Miller	DOTS	Payroll type change effective 10/31/19
Anthony Miller	CKO	Payroll type change effective 10/31/19
Robert Ringel	GIS	Payroll type change effective 10/31/19
Tim Shatto	DOTS	Payroll type change effective 10/31/19
Hattie Smith	Clerk's Office	Payroll type change effective 10/31/19
Rick Smith	DOTS	Payroll type change effective 10/31/19
Monica Sparks	Clerk's Office	Payroll type change effective 10/31/19
Margaret Studyvin	Coroner	Payroll type change effective 10/31/19
Jennifer Washington	Clerk's Office	Payroll type change effective 10/31/19

Action: Received and filed. Copy previously forwarded to Payroll.

5. PERSONNEL ACTION COMMUNICATION, DATED JANUARY 21, 2020:**Section I - Appointments**

Name	Department/Division	Eff. Date	Job Title
Lisa A. Fish	Fire/EMS Transport	1/16/20	Firefighter Paramedic 3
Brian M. Houser	Fire/EMS Transport	1/16/20	Firefighter Paramedic 3
Erin R. Nugent	Health/PHS/WIC	1/23/20	Dietitian
Allissa R. Stacker	Police/Communications	1/23/20	Public Safety Dispatcher

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Drew W. Dierking	Fire/EMS Transport	1/1/20	Firefighter Paramedic 2	Firefighter Paramedic 2
Kristina L. Mikesic	Finance	1/10/20	Professional Fiscal Asst.	Professional Fiscal Asst.

Section V - Increase per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Connor T. Burns	Sheriff/Detention	2/22/20	Deputy

Section VII - Reclassification

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Matthew J. Chastain	Fire/EMS/Transport	1/2/20	Firefighter V	Firefighter Paramedic III

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Angela N. Germany-Armendariz	Health	ACD code change effective 1/9/2020
Rollin F. Sachs	Health	ACD code change effective 1/9/2020

Action: Received and filed. Copy previously forwarded to Payroll.

6. PERSONNEL ACTION COMMUNICATION, DATED JANUARY 23, 2020:

Section I - Appointment

Name	Department/Division	Eff. Date	Job Title
Debra L. Moore	DA's Office	1/23/20	ADA II

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
James A Floyd	DA's Office	1/23/20	ADA II	Sr ADA
Amber R Johnson	Comm Corr/Juv	1/23/20	ISO	ISO
Jennifer A Kelly	Area Agency on Aging	1/23/20	Court Clerk I	Prog Specialist
Jeffrey S Miles	PW/Fleet	1/23/20	Interim Manager	Manager

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Anastasia D Eason	UG Clerk's Office	2/5/20	Admin Supt Spec
Lacey J Russell	Finance/Budget	1/8/20	Intern

Section V - Increase per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
David G Reno	PW	1/16/20	Program Coordinator

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Adriana Hernandez	DA's Office	ACD code change effective 1/23/20
Kristina Mikesic	Finance	Amend PAC 1/21/20 to reflect change in dept/div to Finance/Accounting effective 1/10/2020
Njeri Mwangi	DA's Office	ACD code change effective 1/23/20

Action: Received and filed. Copy previously forwarded to Payroll.

7. PETITION:

Petition signed by Steve Weneck, President, Westfield Shopping Center Inc., to create a community improvement district (CID).

Action: Received and filed. Copies previously forwarded to Legal & Economic Development.

8. CLAIMS FOR DAMAGES:

Regina and Charles Breitenbach, 3147 N. 131st. St., through attorney Chad C. Lucas, 4700 Belleview, Suite 300, KCMO, alleging bodily injuries and damage to vehicle after being hit by a sheriff deputy.

Tiffany Fudge, 4920 Clark Dr., Roeland Park, KS, alleging damages to car after being hit by a KDOT snowplow.

Action: Received and filed. Copies previously forwarded to Legal.

9. MOTION TO SET ASIDE:

Unified Government Wyandotte County vs. Isaias Hernandez Artierrez, Case No. 2019 PT 000003 COA 484.

Action: Received and filed. Copy previously forwarded to Legal.

10. SUMMONS:

Unified Government of Wyandotte County, Kansas City, KS, vs Board of County, Commissioners, and Najee Abdullah, 2020PT 000001. (3)

Action: Received and filed. Copies previously forwarded to Legal.

11. TRAVEL REQUESTS:

Susan Alig, Jonathan Cortes, Charles Patrick and Sara Toms, Sheriff's, travel to Aurora, CO, April 3 – 8, 2020, to attend the 2020 American Jail Assn. Conference, Employee Training & Travel.

Jonathan Bennett, Sunflower Hills Golf Course, travel to Orlando, FL, January 27 – 31, 2020, to attend the 2020 GSAA Education Conference and Trade Show, Employee Training & Travel.

Tiffany Burgtorf, Mark Bundy, William Carpenter, James Gunzenhauser, Steve Mansaw, Jason Sutton and Mike Warczakoski, Police/CID/Homicide, travel to Kansas City, MO, May 18 – 22, 2020, to attend the Force Science Certification Course, Employee Training & Travel.

Nancy Burns, Register of Deeds, travel to Topeka, KS, January 21 – 23, 2020, to attend the 2020 Capital Day, Employee Training & Travel.

Bridgette Cobbins, Department of Administration/Clerk, travel to Wichita, KS, March 5 – 6, 2020, to attend the Sanborn Institute, Employee Training & Travel.

Emerick Cross and Claudia O'Connell, County Administrator's Office, travel to Wichita, KS, February 5 – 6, 2020, to attend the 2020 KACM Winter Conference, Employee Training & Travel.

James Letcher, KCKFD, travel to Leesburg, VA, March 1 – 6, 2020, to attend the FSEDI Training, Employee Training & Travel.

Rick Mikesic and Andrea Parra, Finance/Treasury, travel to New Orleans, LA, May 16 – 20, 2020, to attend the GFOA 114th Annual Conference, Employee Training & Travel.

Matthew Miller, KCKFD IT, travel to Orlando, FL, April 26 – 29, 2020, to attend the Tyler Connect 2020 Conference, Employee Training & Travel.

Matthew Miller, KCKFD IT, travel to San Diego, CA, July 10 – 14, 2020, to attend the Esri Public Safety Summit, Employee Training & Travel.

Carlos Navarro, Narcotics, travel to Minneapolis, MN, January 21 – 23, 2020, for a debrief CS and case coordination, DEA.

Jeffrey Stroud, Fire Administration, travel to Annapolis, MD, March 8 – 14, 2020, to attend the National Fire Service Staff and Command Course Training, Employee Training & Travel.

Action: Approved by County Administrator's Office and received and filed.

12. CERTIFICATE OF INSURANCE:

Marika Faumui DBA Family Tree Service

Action: Referred to License.

13. BUSINESS BONDS:

Electrical Contractor's Bonds:

Brunner Electric, Inc.
Celeste Installation and Repair, LLC
Duckworth Electric, LLC
Gregory Oppold DBA Eco Electric
Lyric Enterprises, Ltd.

Mechanical Contractor's Bond:

ALTA Refrigeration, Inc.

HVAC Bond:

All Day Comfort Heating and Cooling

Mechanical/HVAC Bonds:

Gatza Heating & Air Conditioning, Inc.
Polestar Plumbing, Inc.

Plumber's Bonds:

Around Your House, LLC
Burlingame Enterprises
Kuzila, Inc.
Platinum Plumbing, LLC

Action: Referred to License.

14. CONTINUATION CERTIFICATES:

Electrical Contractor's Bonds:

Electric Shop Inc. DBA Mr. Electric
JMC Services, Inc.
MD Electric, Inc. (2)

Heating & Cooling Bond:

DT Mechanical, Inc.

Miscellaneous Bonds:

Sanders Management, Inc.

Mechanical/HVAC Bond

McDaniel Furnace & Sheet Metal, Inc.

Plumber's Bond:

Accent Home Services, LLC

Action: Referred to License.

15. CANCELLATION NOTICES:

Electrical Contractor's Bond:
Yanier Clavero DBA Yanier Electric

Miscellaneous Bond:
Pegc, LLC

Action: Referred to License.

16. APPLICATION FOR PRECIOUS METAL DEALER'S LICENSE:

American Collateral Lenders, Inc./Frank Aguilar DBA Sol's Jewelry and Pawn, 721 State Ave.

Action: Referred to License.

17. APPLICATION FOR PAWN BROKER'S LICENSE:

American Collateral Lenders, Inc./Frank Aguilar DBA Sol's Jewelry and Pawn, 721 State Ave.

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 1912

Full Commission Meeting Date: 1/30/20

Committee: Economic Development & Finance

Date of Standing Committee Action: 1/21/20

(If none, please explain):

Publication Required: Yes

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
1/23/2020	Katherine Carttar	x5176	kcarttar@wycokck.org	Economic Development

Item Description:

Resolution of intent to issue IRBs in the amount not to exceed \$5,500,000 for the benefit of Premier Investments LLC. An IRB application was submitted by Premier Investments to finance the costs of acquiring, constructing, improving and equipping an industrial facility located at 1101 S. 5th St for the benefit of Premier Investments, LLC.

Action Requested:

Approve and advance to 1/30/20 Full Commission

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution of Intent (Premier Investments), CBA Premier Investments

RESOLUTION NO. R __-20

RESOLUTION DETERMINING THE INTENT OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN THE AMOUNT OF APPROXIMATELY \$5,500,000 TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING AN INDUSTRIAL FACILITY FOR THE BENEFIT OF PREMIER INVESTMENTS, L.L.C., AND ITS SUCCESSORS AND ASSIGNS

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”), desires to promote, stimulate and develop the general welfare and economic prosperity of the Unified Government and its inhabitants and thereby to further promote, stimulate and develop the general welfare and economic prosperity of the State of Kansas; and

WHEREAS, the Unified Government is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the “Act”), to issue industrial revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, Premier Investments, L.L.C., a Kansas limited liability company (the “Company”), has submitted to the Unified Government an Application for the Issuance of Industrial Revenue Bonds (the “Application”) requesting that the Unified Government finance the cost of acquiring, constructing and equipping an approximately 80,000 square foot warehouse building located generally at 1101 S. 5th Street, as more fully described in the Application (collectively, the “Project”) through the issuance of its industrial revenue bonds in one or more series in the amount of approximately \$5,500,000 (the “Bonds”), and to lease the Project to the Company, or its successors and assigns, in accordance with the Act; and

WHEREAS, it is hereby found and determined to be advisable and in the interest and for the welfare of the Unified Government and its inhabitants that the Unified Government finance the costs of the Project by the issuance of the Bonds under the Act in a principal amount of approximately \$5,500,000, said Bonds to be payable solely out of rentals, revenues and receipts derived from the lease of the Project by the Unified Government to the Company.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. Approval of Project. The governing body of the Unified Government hereby finds and determines that the acquiring, constructing, improving and equipping of the Project will promote the general welfare and economic prosperity of the Unified Government, and the issuance of the Bonds to pay the costs of the Project will be in furtherance of the public purposes set forth in the Act. The Project shall be generally located at 1101 S. 5th Street, in the corporate boundaries of the Unified Government, as further described in the Application.

Section 2. Intent to Issue Bonds. The governing body of the Unified Government hereby determines and declares the intent of the Unified Government to acquire, construct and equip the Project out of the proceeds of the Bonds of the Unified Government in the principal amount of approximately \$5,500,000, to be issued pursuant to the Act.

Section 3. Provision for the Bonds. Subject to the conditions of this Resolution, the Unified Government expresses its intent to (i) issue the Bonds to pay the costs of acquiring, constructing, improving and equipping the Project, with such maturities, interest rates, redemption terms and other provisions as may be determined by ordinance of the Unified Government; (ii) provide for the lease (with an option to purchase) of the Project to the Company; and (iii) to effect the foregoing, adopt such resolutions and ordinances and authorize the execution and delivery of such instruments and the taking of such action as may be necessary or advisable for the authorization and issuance of the Bonds by the Unified Government and take or cause to be taken such other action as may be required to implement the aforesaid.

Section 4. Conditions to Issuance. The issuance of the Bonds and the execution and delivery of any documents related to the Bonds are subject to: (i) obtaining any necessary governmental approvals; (ii) agreement by the Unified Government, the Company and the purchaser of the Bonds upon (a) mutually acceptable terms for the Bonds and for the sale and delivery thereof, and (b) mutually acceptable terms and conditions of any documents related to the issuance of the Bonds and the Project; (iii) the Company's compliance with the Unified Government's policy relating to the issuance of industrial revenue bonds and ad valorem tax abatement; (iv) the passage and publication of an Ordinance authorizing the issuance of the Bonds; and (v) Company's payment of all of the costs of issuance related to the issuance of the Bonds.

Section 5. Sale of the Bonds. The sale of the Bonds shall be the sole responsibility of the Company; provided, however, arrangements for the sale of the Bonds shall be acceptable to the Unified Government.

Section 6. Limited Obligations of the Unified Government. The Bonds and the interest thereon shall be special, limited obligations of the Unified Government payable solely out of the amounts derived by the Unified Government under a Lease Agreement with respect to the Bonds and as provided herein and are secured by a transfer, pledge and assignment of and a grant of a security interest in the trust estate to the trustee for the Bonds and in favor of the owners of the Bonds, all as provided in the Indenture. The Bonds shall not constitute a general obligation of the Unified Government, the State or of any other political subdivision thereof within the meaning of any State constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of the Unified Government, the State or of any other political subdivision thereof and shall not be payable in any manner by taxation, but shall be payable solely from the funds provided for as provided in the Indenture. The issuance of the Bonds shall not, directly, indirectly or contingently, obligate the Unified Government, the State or any other political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment.

Section 7. Required Disclosure. Any disclosure document prepared in connection with the placement or offering of the Bonds shall contain substantially the following disclaimer:

NONE OF THE INFORMATION IN THIS OFFICIAL STATEMENT, OTHER THAN WITH RESPECT TO INFORMATION CONCERNING THE UNIFIED GOVERNMENT CONTAINED UNDER THE CAPTIONS "THE UNIFIED GOVERNMENT" AND "LITIGATION - THE UNIFIED GOVERNMENT" HEREIN, HAS BEEN SUPPLIED OR VERIFIED BY THE UNIFIED GOVERNMENT, AND THE UNIFIED GOVERNMENT MAKES NO REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED, AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION.

Section 8. Authorization to Proceed. The Company is hereby authorized to proceed with the acquiring, constructing and equipping of the Project, including the necessary planning and engineering for the Project and entering into of contracts and purchase orders in connection therewith, and to advance such funds as may be necessary to accomplish such purposes, and, to the extent permitted by law and upon

compliance with the other requirements of this Resolution, the Unified Government will reimburse the Company for all expenditures paid or incurred therefor out of the proceeds of the Bonds.

Section 9. Ad Valorem Tax Abatement. In consideration of the Company's decision to acquire, construct, improve and equip the Project, the Unified Government hereby agrees to take all appropriate action to request the Kansas Board of Tax Appeals to approve a 100% ad valorem property tax abatement (not including special assessments and taxes that may not be abated by the Unified Government under Kansas law) for all property (including real property, building improvements, machinery and equipment) financed with the proceeds of the Bonds.

In consideration of the Unified Government's agreement to request such 100% abatement, the Company will agree to make payments in lieu of tax as follows:

<u>Year</u> ¹	<u>Approximate Percentage of Payments in Lieu</u>
1	20%
2	20%
3	20%
4	20%
5	20%
6	20%
7	20%
8	20%
9	20%
10	20%

¹Year refers to the first full calendar year following the issuance of the Bonds.

provided, however, any agreed upon valuation for determining the amount of such payment in lieu of tax and any property for which the Unified Government shall determine the payment in lieu of tax shall be in excess of that shown above, shall be set forth in the performance-based tax agreement executed by the Unified Government and the Company. The Project shall be entitled to a 10-year tax abatement, with the first year of the abatement being the year beginning on the January 1 following the year the Bonds are issued. The foregoing percentages are subject to adjustment in accordance with the performance-based tax abatement agreement for the Project.

Section 10. No Reliance on Resolution. Kansas law provides that the Unified Government may only issue the Bonds by adoption of an Ordinance and compliance with other state law requirements. The Unified Government has not yet adopted an Ordinance for the Bonds. This Resolution only evidences the intent of the current governing body to issue the Bonds for the Project. The Company should not construe the adoption of this Resolution as a promise or guarantee that the Ordinance for the Bonds will be issued or that the Project will be approved.

Section 11. Termination of Resolution. This Resolution shall automatically terminate eighteen (18) months from the date of the adoption of this Resolution unless (i) the Bonds have been issued for the Project or (ii) a building permit has been issued by the Unified Government for the Project. The Unified Government, upon the written request of the Company, may extend this time period.

Section 12. Benefit of Resolution. This Resolution will inure to the benefit of the Unified Government and the Company. The Unified Government may, at the prior written request of the Company, assign all or a portion of the Company's interest in this Resolution to another entity, and such assignee will be entitled to the benefits of the portion of this Resolution assigned and the proceedings related hereto.

Section 13. Further Action. Counsel to the Unified Government and Gilmore & Bell, P.C., Bond Counsel for the Unified Government, together with the officers and employees of the Unified Government, are hereby authorized to work with the purchaser of the Bonds, the Company, their respective counsel and others, to prepare for submission to and final action by the Unified Government all documents necessary to effect the authorization, issuance and sale of the bonds and other actions contemplated hereunder.

Section 14. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the governing body of the Unified Government.

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ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS ON JANUARY 30, 2020.

By: _____
Mayor/CEO of the Unified
Government of Wyandotte County/
Kansas City, Kansas

[SEAL]

ATTEST:

By: _____
Unified Government Clerk

**A Tax Abatement Cost-Benefit Analysis of
Premier Investments, LLC
for the Unified Government of Kansas City/Wyandotte County**

Completed by
Municipal Consulting, LLC
1/9/2020

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ABOUT THIS REPORT:

This report uses data that was collected from the firm involved and budget reports from each of the taxing entities where the project is to be located. This data is summarized on pages 4 and 5. In addition, various calculations were applied to the data using rates and information gathered from the current economic and financial conditions.

DEFINITIONS USED:

- **Rate of Return:** Incentives and tax abatements granted by the taxing entities are equivalent to a public investment in the firm. Comparing these investments to the various benefits received over the 10-year project period by the public entity produces an average annual rate of return for the period. Generally, a rate of return that exceeds the entity's cost of capital would be considered a favorable investment.
- **Net Present Value:** This is the amount that a future series of payments is worth today, given an assumed discount rate. The only way to accurately compare payments to be made or received in the future to the dollar value at present is with Net Present Value. Generally a positive net present value represents and acceptable investment opportunity.
- **Benefit - Cost Ratio:** Typically referred to as the "Cost-Benefit Ratio," this is the ratio of the public entity benefits received over the 10-year project life to the public costs incurred over the same period. If the ratio is above 1.0, then the benefits exceed the costs, and if it is less than 1.0, the costs exceed the benefits. Generally, a public entity would like to have a Benefit-to-Cost ratio of 1.3 or better in order to grant a tax abatement and/or other incentives. However, the governing body may take into account the other economic benefits of the project in making that decision.

DISCLAIMER:

This report is prepared using a variety of assumptions regarding discount rate, inflation rate, and other economic variables. It also uses information submitted by the firm based on its best estimates of what they expect to occur in the next decade. Future business results and economic factors are not and cannot be guaranteed. Therefore, we provide no guarantee on the future performance of the firm, or that conditions within the taxing entities will remain as they are today. The governing body should make its decision on the best information presented, while fully recognizing that future performance could be substantially different.

COMMENTS SPECIFIC TO THIS PROJECT:

The overall costs and benefits for each taxing entity are:

Taxing Entity	Benefit to Cost Ratio	Average Return on Investment
City of Kansas City	2.88	19%
Wyandotte County	2.15	11%
Kansas City USD 500	4.53	35%
KC Community College	1.67	7%
USD 500 Library	1.42	4%
State of Kansas	7.36	64%

All of the governing entities have a benefit to cost ratio in excess of the desired 1.3. This report is based on the assumption that the Unified Government will approve a 80% property tax abatement on the new construction. Since the actual jobs to be created are unknown, we used the median salary for all occupations in the Kansas City MSA from the 2019 Kansas Wage Survey as the base salary for calculating sales tax revenue generated by the new employee families.

If you have any questions or comments, you may reach me with the contact information below.

R. Steven Robb

Digitally signed by R. Steven Robb
DN: cn=R. Steven Robb, o=Municipal
Consulting, LLC, ou,
email=steverobb@ckt.net, c=US
Date: 2020.01.09 11:25:25 -06'00'

R. Steven Robb
Sole Owner
Municipal Consulting, LLC
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www.municipalconsulting.biz
2207 N. Free King Hwy, Pittsburg, KS 66762-8418

Column1	Column2	Column3	Column4	Column5	Column6
COST-BENEFIT ANALYSIS PROJECT SUMMARY					
PROJECT NAME:		Premier Investments, LLC			
DATE:			1/9/2020		
GOVERNMENTAL ENTITIES INVOLVED:					
CITY:			City of Kansas City		
COUNTY:			Wyandotte County		
SCHOOL DISTRICT:			Kansas City USD 500		
SPECIAL TAXING DISTRICT #1			KC Community College		
SPECIAL TAXING DISTRICT #2			USD 500 Library		
STATE:			State of Kansas		
INFLATION RATE:		1.50%	DISCOUNT RATE:		2.50%

Premier Investments, LLC

Column1	Column2	Column3	Column4	Column6	Column7	Column11
Community Data Inputs:						
	City of Kansas City	Wyandotte County	Kansas City USD 500	KC Community College	USD 500 Library	State
Mill Levy	38.137860	39.010762	49.489427	27.475764	11.085875	1.500000
Market Value New Home	\$131,300	\$138,900	\$142,600	\$138,900	\$131,300	\$239,700
Sales Tax	1.625%	1.000%	n/a	n/a	n/a	6.50%
Transient Guest Tax	8.00%	0.00%	n/a	n/a	n/a	n/a
Utility Revenue/HsHld	\$48.33	n/a	n/a	n/a	n/a	n/a
Franchise Fees/HsHld	\$792.91	n/a	n/a	n/a	n/a	n/a
Other Revenues/Res.	\$222.79	\$62.63	n/a	\$251.56	\$61.01	\$1,078.69
Marg. Cost/Res./Student	\$92.08	\$31.51	\$1,531.42	\$23.10	\$18.30	\$555.12
Other Revenues/Worker	\$207.27	\$58.27	n/a	\$234.04	\$56.76	\$936.49
Marginal Cost/New Worker	\$85.67	\$29.32	n/a	\$21.49	\$17.03	\$481.94
State Funding/Pupil	n/a	n/a	\$10,579.58	n/a	n/a	n/a
Federal Funding/Pupil	n/a	n/a	\$2,314.53	n/a	n/a	n/a
Visitor Daily Spending	\$37.50	\$37.50				\$75.00
Average Hotel Room Rate	\$100	\$100				n/a
Retail Pull Factor	0.97	0.98				n/a
Percent of County Share	90.80%	100.00%				n/a
Ann. Local Per Capita Sales Tax	\$211	\$154				n/a
Ann. State Per Capita Sales Tax	\$919	\$937				\$952
Annual Per Capita Retail Sales	\$14,143	\$14,409				\$14,654
Average Household Size	2.68	2.67				2.49
Housing Vacancy Rate	13.00%	12.50%				10.90%

Premier Investments, LLC

Column1	Column2	Column3	Column4	Column5	Column6	Column7	Column8	Column9	Column10	Column11	Column12	Column13	Column14	Column15
Firm Data Inputs:														
				Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total
Project Phase #				I	II	III	IV	V	VI	VII				
Investment in Land				\$352,610	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$352,610
Investment in Building				\$5,100,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$5,100,000
Building Square Feet				0	0	0	0	0	0	0	0	0	0	0
Investment in Equipment ¹				\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0
Investment in Private Infrastructure				\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0
Investment in Public Infrastructure				\$0										\$0
Other Project Costs				\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Project Costs				\$5,452,610	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$5,452,610
Unified Government Infrastructure Incentives				\$0										\$0
		Growth	Const. Per.	Yr. 1	Yr. 2	Yr. 3	Yr. 4	Yr. 5	Yr. 6	Yr. 7	Yr. 8	Yr. 9	Yr. 10	Total
Sales		0.00%		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Purchases		0.00%		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Net City Util. Revenue		3.00%	\$0	\$604	\$725	\$846	\$967	\$1,087	\$1,208	\$1,226	\$1,245	\$1,263	\$1,282	\$10,454
Franchise Fees		3.00%	\$0	\$9,911	\$11,894	\$13,876	\$15,858	\$17,840	\$19,823	\$20,120	\$20,422	\$20,728	\$21,039	\$171,512
New Jobs Created			0	50	10	10	10	10	10	0	0	0	0	100
Households new to the city			25%	13	3	3	3	3	3	0	0	0	0	25.0
Households new to the county			25%	13	3	3	3	3	3	0	0	0	0	25.0
Households new to the state			10.0%	5	1	1	1	1	1	0	0	0	0	10.1
New students in K-12				13	3	3	3	3	3	0	0	0	0	25.0
New employee average salary*			2.00%	\$50,200	\$50,953	\$51,717	\$52,493	\$53,280	\$54,080	\$54,891	\$55,714	\$56,550	\$57,398	N/A
Tax Abatement-Land				80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	N/A
Tax Abatement-Bldg.				80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	N/A
Number of Visitors to the Firm				0	0	0	0	0	0	0	0	0	0	0.0
				City	County	State								
Percentage of sales taxable in the				0%	0%	0%								
Percentage of purchases taxable in the				0%	0%	0%								
Assumed Inflation Rate				1.50%										

* We used the median salary for all occupations in the Kansas City MSA as reported in the 2019 Kansas Wage Survey.

Column1	Column2	Column3	Column4	Column5	Column6	Column7	Column8	Column9
COST-BENEFIT ANALYSIS PROJECT SUMMARY								
PROJECT NAME:	Premier Investments, LLC					Ratio of		
DATE:		1/9/2020				NPV of Net		
				Net	NPV	Benefits to	Actual	Avg.
				Present	of	NPV of	Benefit to	Annual
		Total		Value	Incentives	Incentives	Actual	Rate
	Total	Costs &	Net	of Net	& Taxes	and Taxes	Cost	of
Entity	Benefits	Incentives	Benefits	Benefits	Abated	Abated	Ratio	Return
City of Kansas City	\$1,398,300	\$484,808	\$913,492	\$790,312	\$374,383	2.11	2.88	19%
Wyandotte County	\$983,292	\$457,545	\$525,747	\$455,575	\$382,951	1.19	2.15	11%
Kansas City USD 500	\$3,701,002	\$817,724	\$2,883,278	\$2,484,321	\$407,283	6.10	4.53	35%
KC Community College	\$539,049	\$323,003	\$216,046	\$186,891	\$269,717	0.69	1.67	7%
USD 500 Library	\$192,896	\$135,783	\$57,113	\$49,538	\$108,825	0.46	1.42	4%
State of Kansas	\$3,669,429	\$498,425	\$3,171,004	\$2,747,604	\$15,276	179.86	7.36	64%

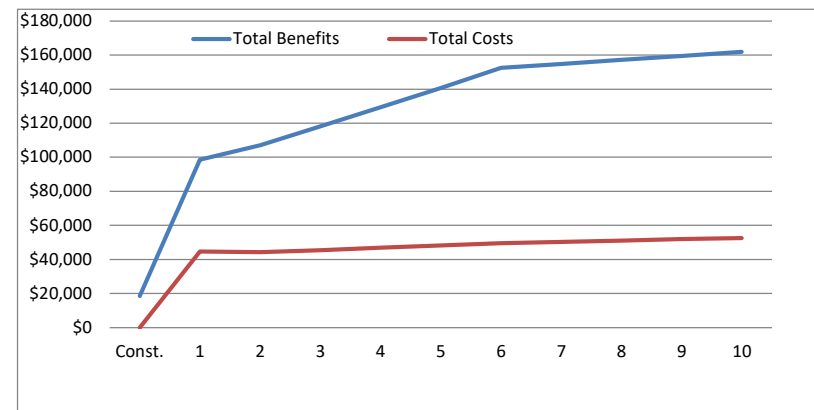
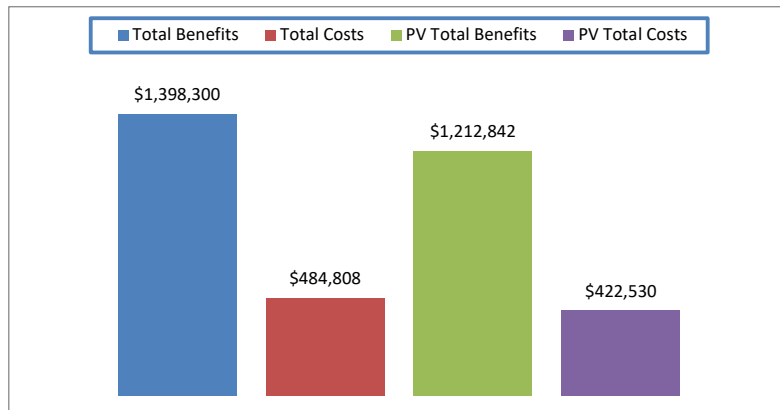
SUMMARY OF COSTS AND BENEFITS FOR:
PROJECT: Premier Investments, LLC
DATE: 1/9/2020

City of Kansas City

DISCOUNT RATE: 2.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.88
Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.87
Average ROI 18.84%
(Typical desired ratio would be 1.3 to 1)

Year	Sales Taxes	New Property Taxes	Utilities and Franchise Fees	PILOT Payment	Other City Revenues	Total Benefits	Net Present Value of Total Benefits	Incentives and Cost of Various City Services	Property Taxes Abated	Other Costs & Incentives	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Incentives & Taxes Abated
Const.	\$18,436	\$0	\$0	\$0	\$0	\$18,436	\$18,436	\$0	\$0	\$0	\$0	\$0	\$18,436	\$18,436	\$18,436	\$0
1	\$28,698	\$51,988	\$10,515	\$0	\$7,378	\$98,580	\$96,175	\$3,050	\$41,590	\$0	\$44,640	\$43,551	\$53,940	\$72,376	\$52,624	\$40,576
2	\$34,954	\$50,641	\$12,619	\$0	\$8,987	\$107,201	\$102,035	\$3,714	\$40,513	\$0	\$44,227	\$42,096	\$62,974	\$135,350	\$59,939	\$38,561
3	\$41,392	\$51,401	\$14,722	\$0	\$10,642	\$118,156	\$109,720	\$4,398	\$41,121	\$0	\$45,519	\$42,269	\$72,637	\$207,987	\$67,451	\$38,184
4	\$48,014	\$52,172	\$16,825	\$0	\$12,345	\$129,356	\$117,190	\$5,102	\$41,737	\$0	\$46,839	\$42,434	\$82,516	\$290,504	\$74,756	\$37,812
5	\$54,826	\$52,954	\$18,928	\$0	\$14,096	\$140,805	\$124,451	\$5,826	\$42,363	\$0	\$48,189	\$42,592	\$92,615	\$383,119	\$81,859	\$37,443
6	\$61,832	\$53,749	\$21,031	\$0	\$15,897	\$152,509	\$131,508	\$6,570	\$42,999	\$0	\$49,569	\$42,743	\$102,940	\$486,059	\$88,765	\$37,078
7	\$62,760	\$54,555	\$21,346	\$0	\$16,136	\$154,797	\$130,225	\$6,669	\$43,644	\$0	\$50,313	\$42,326	\$104,484	\$590,543	\$87,899	\$36,716
8	\$63,701	\$55,373	\$21,667	\$0	\$16,378	\$157,119	\$128,954	\$6,769	\$44,298	\$0	\$51,067	\$41,913	\$106,051	\$696,594	\$87,041	\$36,358
9	\$64,656	\$56,204	\$21,992	\$0	\$16,624	\$159,475	\$127,696	\$6,870	\$44,963	\$0	\$51,833	\$41,505	\$107,642	\$804,236	\$86,192	\$36,003
10	\$65,626	\$57,047	\$22,322	\$0	\$16,873	\$161,867	\$126,451	\$6,974	\$45,637	\$0	\$52,611	\$41,100	\$109,256	\$913,492	\$85,351	\$35,652
Total	\$544,896	\$536,082	\$181,966	\$0	\$135,356	\$1,398,300	\$1,212,842	\$55,942	\$428,866	\$0	\$484,808	\$422,530	\$913,492	\$913,492	\$790,312	\$374,383



SUMMARY OF COSTS AND BENEFITS FOR:
PROJECT: Premier Investments, LLC

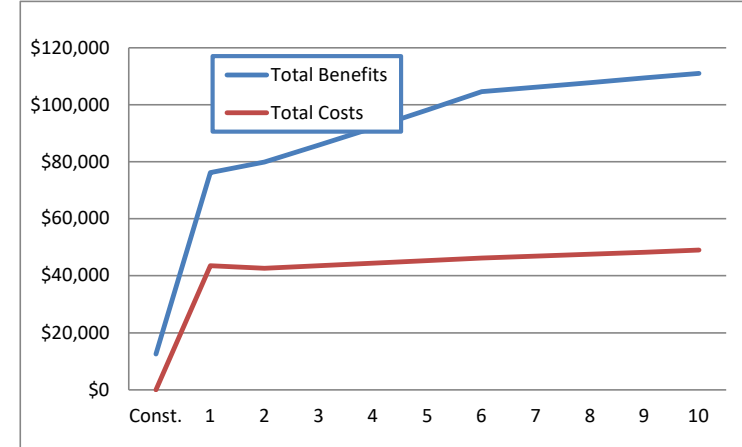
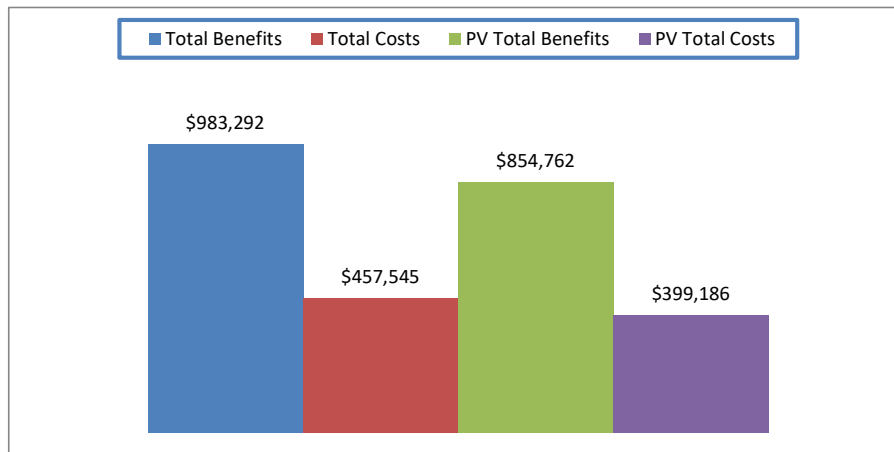
Wyandotte County

DATE: 1/9/2020

DISCOUNT RATE: 2.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.15
Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.14
Average ROI 11.49%

Year	Sales Taxes	New Property Taxes	PILOT Payment	Other County Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various County Services	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
Const.	\$12,495	\$0	\$0	\$0	\$12,495	\$12,495	\$0	\$0	\$0	\$0	\$12,495	\$12,495	\$12,495	\$0
1	\$20,984	\$53,178	\$0	\$2,044	\$76,206	\$74,347	\$1,028	\$42,542	\$43,570	\$42,508	\$32,635	\$45,130	\$31,839	\$41,504
2	\$25,559	\$51,800	\$0	\$2,489	\$79,848	\$76,001	\$1,252	\$41,440	\$42,693	\$40,635	\$37,156	\$82,286	\$35,365	\$39,443
3	\$30,266	\$52,577	\$0	\$2,948	\$85,791	\$79,665	\$1,483	\$42,062	\$43,545	\$40,436	\$42,246	\$124,532	\$39,230	\$39,058
4	\$35,109	\$53,366	\$0	\$3,419	\$91,894	\$83,251	\$1,720	\$42,693	\$44,413	\$40,236	\$47,481	\$172,013	\$43,015	\$38,677
5	\$40,090	\$54,166	\$0	\$3,904	\$98,160	\$86,759	\$1,964	\$43,333	\$45,297	\$40,036	\$52,863	\$224,876	\$46,723	\$38,300
6	\$45,212	\$54,979	\$0	\$4,403	\$104,594	\$90,191	\$2,215	\$43,983	\$46,198	\$39,837	\$58,396	\$283,272	\$50,355	\$37,926
7	\$45,890	\$55,803	\$0	\$4,469	\$106,163	\$89,311	\$2,249	\$44,643	\$46,891	\$39,448	\$59,272	\$342,543	\$49,863	\$37,556
8	\$46,579	\$56,640	\$0	\$4,536	\$107,756	\$88,440	\$2,282	\$45,312	\$47,595	\$39,063	\$60,161	\$402,704	\$49,377	\$37,190
9	\$47,278	\$57,490	\$0	\$4,604	\$109,372	\$87,577	\$2,317	\$45,992	\$48,309	\$38,682	\$61,063	\$463,768	\$48,895	\$36,827
10	\$47,987	\$58,352	\$0	\$4,673	\$111,013	\$86,723	\$2,351	\$46,682	\$49,033	\$38,305	\$61,979	\$525,747	\$48,418	\$36,468
Total	\$397,449	\$548,352	\$0	\$37,491	\$983,292	\$854,762	\$18,863	\$438,682	\$457,545	\$399,186	\$525,747	\$525,747	\$455,575	\$382,951



SUMMARY OF COSTS AND BENEFITS FOR: Kansas City USD 500

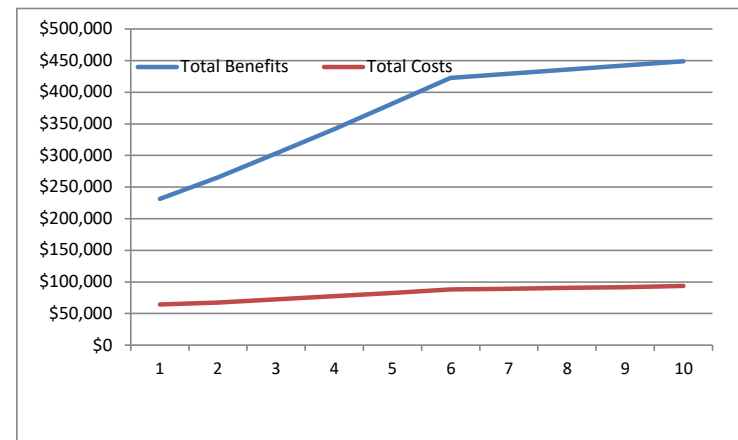
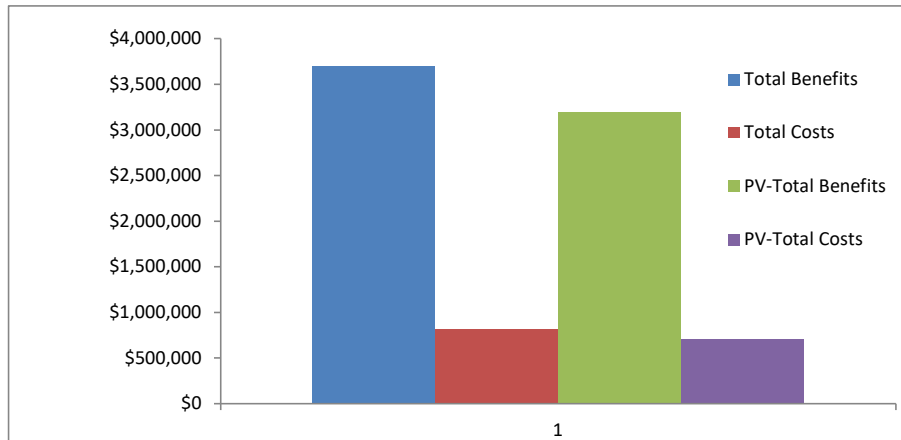
PROJECT: Premier Investments, LLC

DATE: 1/9/2020

DISCOUNT RATE: 2.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 4.53
Ratio of Present Value of Total Benefits to Present Value of Total Costs: 4.50
(Typical desired ratio would be 1.3 to 1) **Average ROI** 35.26%

Year	New Property Taxes	PILOT Payment	District Capital Outlay Taxes	Additional State, Federal and Other Funding	Total Benefits	Net Present Value of Total Benefits	Additional Costs	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	\$56,556	\$0	\$10,905	\$163,594	\$231,056	\$225,420	\$19,143	\$45,245	\$64,388	\$62,817	\$166,668	\$166,668	\$162,603	\$44,142
2	\$55,091	\$0	\$11,069	\$199,257	\$265,418	\$252,628	\$23,316	\$44,073	\$67,389	\$64,142	\$198,029	\$364,696	\$188,487	\$41,949
3	\$55,918	\$0	\$11,235	\$235,954	\$303,107	\$281,465	\$27,610	\$44,734	\$72,344	\$67,179	\$230,763	\$595,459	\$214,286	\$41,540
4	\$56,757	\$0	\$11,403	\$273,707	\$341,867	\$309,714	\$32,027	\$45,405	\$77,433	\$70,150	\$264,434	\$859,893	\$239,564	\$41,135
5	\$57,608	\$0	\$11,574	\$312,539	\$381,721	\$337,386	\$36,571	\$46,086	\$82,658	\$73,057	\$299,063	\$1,158,956	\$264,329	\$40,734
6	\$58,472	\$0	\$11,748	\$352,474	\$422,694	\$364,488	\$41,244	\$46,778	\$88,022	\$75,901	\$334,672	\$1,493,629	\$288,587	\$40,336
7	\$59,349	\$0	\$11,924	\$357,762	\$429,035	\$360,932	\$41,863	\$47,479	\$89,342	\$75,161	\$339,693	\$1,833,321	\$285,771	\$39,943
8	\$60,239	\$0	\$12,103	\$363,128	\$435,470	\$357,411	\$42,491	\$48,191	\$90,682	\$74,427	\$344,788	\$2,178,109	\$282,983	\$39,553
9	\$61,143	\$0	\$12,285	\$368,575	\$442,002	\$353,924	\$43,128	\$48,914	\$92,043	\$73,701	\$349,960	\$2,528,069	\$280,223	\$39,167
10	\$62,060	\$0	\$12,469	\$374,103	\$448,632	\$350,471	\$43,775	\$49,648	\$93,423	\$72,982	\$355,209	\$2,883,278	\$277,489	\$38,785
Total	\$583,193	\$0	\$116,716	\$3,001,093	\$3,701,002	\$3,193,839	\$351,169	\$466,555	\$817,724	\$709,518	\$2,883,278	\$2,883,278	\$2,484,321	\$407,283



SUMMARY OF COSTS AND BENEFITS FOR:

KC Community College

PROJECT: Premier Investments, LLC

DATE: 1/9/2020

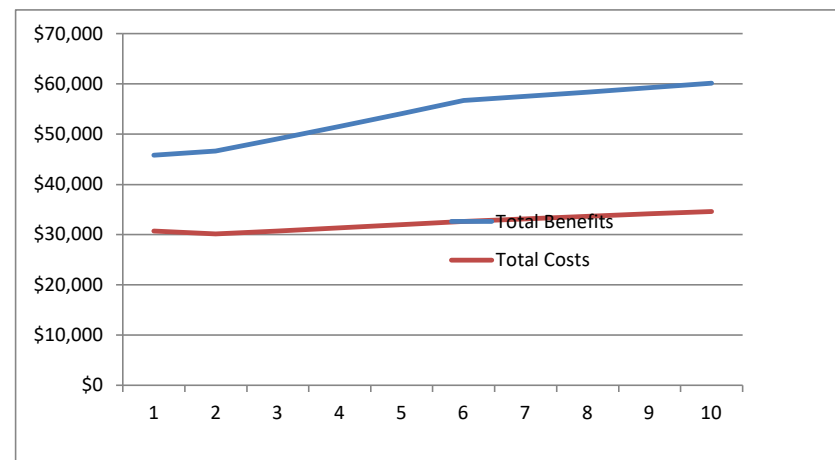
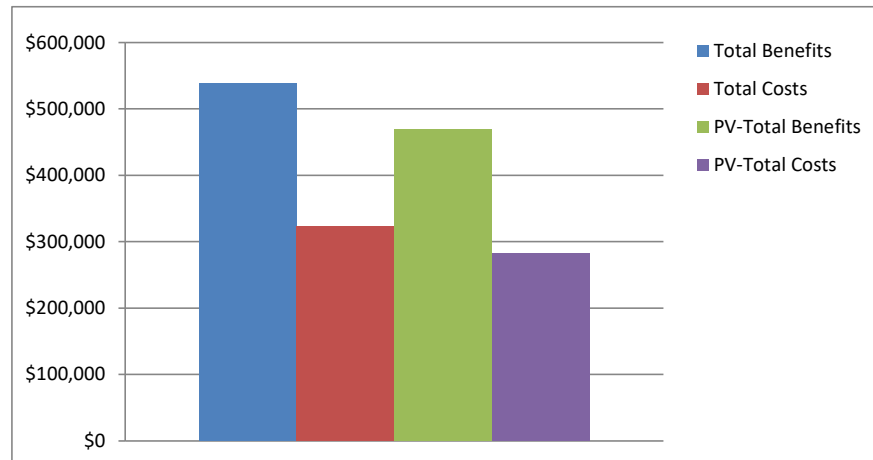
DISCOUNT RATE: 2.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 1.67

Ratio of Present Value of Total Benefits to Present Value of Total Costs: 1.66

(Typical desired ratio would be 1.3 to 1) **Average ROI** 6.69%

Year	New District Property Taxes	PILOT Payment	Other District Revenues	Total Benefits	Net Present Value of Total Benefits	Other District Costs	District Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	\$37,454	\$0	\$8,331	\$45,785	\$44,668	\$765	\$29,963	\$30,728	\$29,978	\$15,057	\$15,057	\$14,690	\$29,232
2	\$36,483	\$0	\$10,148	\$46,631	\$44,384	\$932	\$29,187	\$30,119	\$28,667	\$16,513	\$31,570	\$15,717	\$27,780
3	\$37,031	\$0	\$12,017	\$49,047	\$45,545	\$1,103	\$29,625	\$30,728	\$28,534	\$18,319	\$49,889	\$17,011	\$27,509
4	\$37,586	\$0	\$13,939	\$51,525	\$46,679	\$1,280	\$30,069	\$31,349	\$28,401	\$20,176	\$70,066	\$18,279	\$27,241
5	\$38,150	\$0	\$15,917	\$54,067	\$47,787	\$1,462	\$30,520	\$31,981	\$28,267	\$22,085	\$92,151	\$19,520	\$26,975
6	\$38,722	\$0	\$17,951	\$56,673	\$48,869	\$1,648	\$30,978	\$32,626	\$28,133	\$24,047	\$116,198	\$20,735	\$26,712
7	\$39,303	\$0	\$18,220	\$57,523	\$48,392	\$1,673	\$31,442	\$33,115	\$27,859	\$24,407	\$140,605	\$20,533	\$26,451
8	\$39,893	\$0	\$18,493	\$58,386	\$47,920	\$1,698	\$31,914	\$33,612	\$27,587	\$24,774	\$165,379	\$20,333	\$26,193
9	\$40,491	\$0	\$18,771	\$59,262	\$47,452	\$1,724	\$32,393	\$34,116	\$27,318	\$25,145	\$190,524	\$20,134	\$25,938
10	\$41,098	\$0	\$19,052	\$60,150	\$46,989	\$1,749	\$32,879	\$34,628	\$27,051	\$25,522	\$216,046	\$19,938	\$25,685
Total	\$386,211	\$0	\$152,838	\$539,049	\$468,687	\$14,034	\$308,969	\$323,003	\$281,796	\$216,046	\$216,046	\$186,891	\$269,717



SUMMARY OF COSTS AND BENEFITS FOR:

USD 500 Library

PROJECT:

Premier Investments, LLC

DATE: 1/9/2020

DISCOUNT RATE: 2.50%

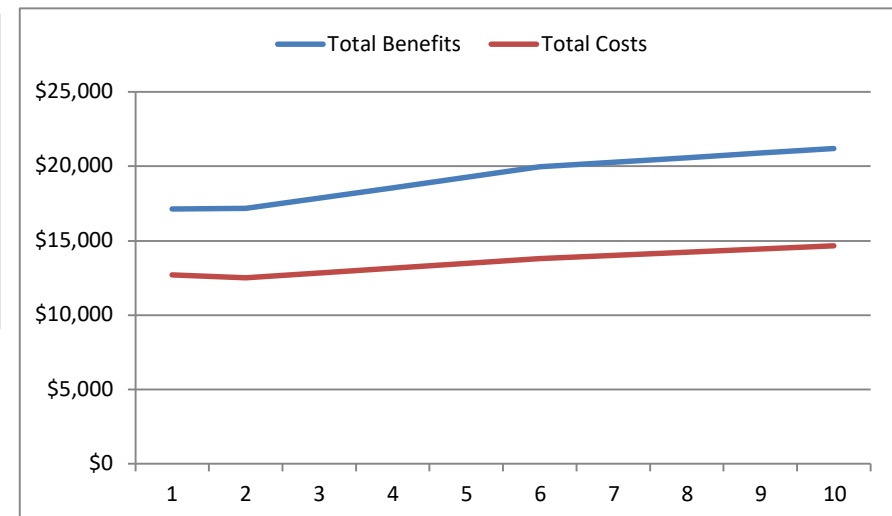
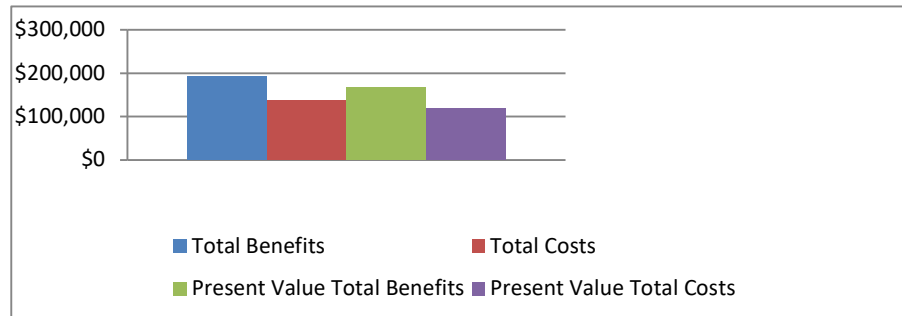
Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 1.42

Ratio of Present Value of Total Benefits to Present Value of Total Costs: 1.42

(Typical desired ratio would be 1.3 to 1)

Average ROI 4.21%

Year	New District Property Taxes	PILOT Payment	Other District Revenues	Total Benefits	Net Present Value of Total Benefits	Other District Costs	District Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	\$15,112	\$0	\$2,021	\$17,132	\$16,714	\$606	\$12,089	\$12,696	\$12,386	\$4,437	\$4,437	\$4,329	\$11,795
2	\$14,720	\$0	\$2,461	\$17,181	\$16,354	\$738	\$11,776	\$12,515	\$11,912	\$4,667	\$9,104	\$4,442	\$11,209
3	\$14,941	\$0	\$2,914	\$17,855	\$16,581	\$874	\$11,953	\$12,827	\$11,911	\$5,028	\$14,132	\$4,669	\$11,099
4	\$15,165	\$0	\$3,381	\$18,546	\$16,802	\$1,014	\$12,132	\$13,146	\$11,910	\$5,400	\$19,531	\$4,892	\$10,991
5	\$15,393	\$0	\$3,860	\$19,253	\$17,017	\$1,158	\$12,314	\$13,472	\$11,907	\$5,781	\$25,312	\$5,109	\$10,884
6	\$15,624	\$0	\$4,354	\$19,977	\$17,226	\$1,306	\$12,499	\$13,805	\$11,904	\$6,172	\$31,484	\$5,322	\$10,778
7	\$15,858	\$0	\$4,419	\$20,277	\$17,058	\$1,326	\$12,686	\$14,012	\$11,788	\$6,265	\$37,749	\$5,270	\$10,673
8	\$16,096	\$0	\$4,485	\$20,581	\$16,892	\$1,346	\$12,877	\$14,222	\$11,673	\$6,359	\$44,108	\$5,219	\$10,568
9	\$16,337	\$0	\$4,552	\$20,890	\$16,727	\$1,366	\$13,070	\$14,436	\$11,559	\$6,454	\$50,562	\$5,168	\$10,465
10	\$16,582	\$0	\$4,621	\$21,203	\$16,564	\$1,386	\$13,266	\$14,652	\$11,446	\$6,551	\$57,113	\$5,118	\$10,363
Total	\$155,828	\$0	\$37,068	\$192,896	\$167,934	\$11,120	\$124,662	\$135,783	\$118,396	\$57,113	\$57,113	\$49,538	\$108,825

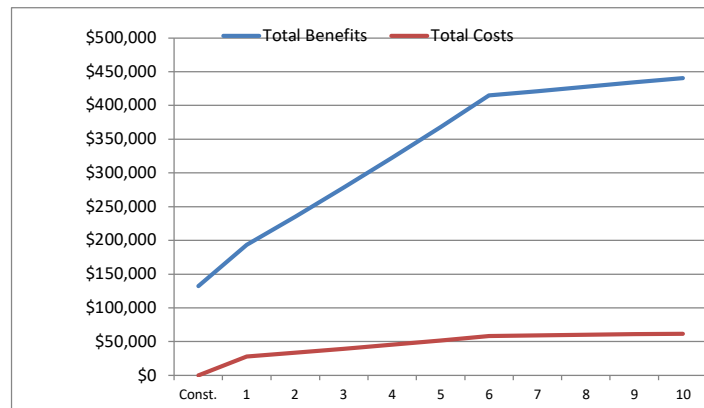
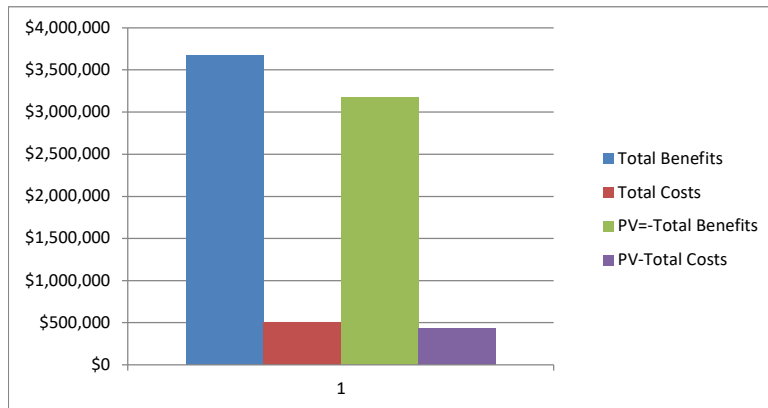


SUMMARY OF COSTS AND BENEFITS FOR:
PROJECT: Premier Investments, LLC
DATE: 1/9/2020

State of Kansas

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 7.36
Ratio of Present Value of Total Benefits to Present Value of Total Costs: 7.40
DISCOUNT RATE: 2.50% (Typical desired ratio would be 1.3 to 1)
Average ROI: 63.62%

Year	Sales Taxes	New Property Taxes	Corporate and Personal Income Taxes	PILOT Payment	Other State Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various State Services	Cost of Educating New Students	Property Taxes Abated	Other Costs & Incentives	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Present Value of Taxes Abated and Incentives
Const.	\$81,218	\$0	\$51,000	\$0	\$0	\$132,218	\$132,218	\$0	\$0	\$0	\$0	\$0	\$0	\$132,218	\$132,218	\$132,218	\$0
1	\$125,036	\$2,045	\$52,710	\$0	\$13,879	\$193,670	\$188,947	\$7,073	\$19,143	\$1,636	\$0	\$27,851	\$27,172	\$165,819	\$298,037	\$161,775	\$1,596
2	\$152,294	\$2,075	\$64,201	\$0	\$16,905	\$235,475	\$224,129	\$8,615	\$23,316	\$1,660	\$0	\$33,591	\$31,972	\$201,885	\$499,921	\$192,157	\$1,580
3	\$180,342	\$2,107	\$76,024	\$0	\$20,018	\$278,491	\$258,607	\$10,201	\$27,610	\$1,685	\$0	\$39,496	\$36,676	\$238,995	\$738,916	\$221,930	\$1,565
4	\$209,196	\$2,138	\$88,188	\$0	\$23,221	\$322,744	\$292,390	\$11,833	\$32,027	\$1,711	\$0	\$45,571	\$41,285	\$277,173	\$1,016,089	\$251,105	\$1,550
5	\$238,876	\$2,170	\$100,700	\$0	\$26,516	\$368,262	\$325,490	\$13,512	\$36,571	\$1,736	\$0	\$51,820	\$45,801	\$316,443	\$1,332,531	\$279,689	\$1,535
6	\$269,399	\$2,203	\$113,567	\$0	\$29,904	\$415,073	\$357,916	\$15,239	\$41,244	\$1,762	\$0	\$58,245	\$50,225	\$356,828	\$1,689,359	\$307,692	\$1,520
7	\$273,440	\$2,236	\$115,271	\$0	\$30,353	\$421,299	\$354,424	\$15,467	\$41,863	\$1,789	\$0	\$59,119	\$49,735	\$362,180	\$2,051,540	\$304,690	\$1,505
8	\$277,542	\$2,269	\$117,000	\$0	\$30,808	\$427,619	\$350,967	\$15,699	\$42,491	\$1,815	\$0	\$60,006	\$49,250	\$367,613	\$2,419,153	\$301,717	\$1,490
9	\$281,705	\$2,303	\$118,755	\$0	\$31,270	\$434,033	\$347,543	\$15,935	\$43,128	\$1,843	\$0	\$60,906	\$48,769	\$373,127	\$2,792,280	\$298,774	\$1,476
10	\$285,930	\$2,338	\$120,536	\$0	\$31,739	\$440,544	\$344,152	\$16,174	\$43,775	\$1,870	\$0	\$61,819	\$48,293	\$378,724	\$3,171,004	\$295,859	\$1,461
Total	\$2,374,978	\$21,884	\$1,017,953	\$0	\$254,614	\$3,669,429	\$3,176,782	\$129,748	\$351,169	\$17,507	\$0	\$498,425	\$429,178	\$3,171,004	\$3,171,004	\$2,747,604	\$15,276



Premier Investments, LLC

Other Economic Impacts of the Project

	In the First Year	Over 10 Years
Permanent jobs created	50	100
Construction jobs created	44	44
Number of New Residents in the Community	34	67
Number of Additional Students in the Local School District	13	25
Increase in Local Personal Incomes	\$2,510,000	\$46,045,358
Increase in Local Retail Sales	\$3,058,181	\$36,423,172
Increase in the Community's Property Tax Base	\$5,452,610	\$5,452,610
		Property Taxes
Estimated new annual tax revenues after 10 years:	City	\$57,902
	County	\$59,228
	School	\$75,647
	Comm. Coll.	\$41,715
	Library	\$16,831
	State	\$2,373
	Totals	\$253,696



Staff Request for Commission Action

Tracking No. 204

Full Commission Meeting Date: 1/30/20

Committee:

Date of Standing Committee Action: 1/21/20

(If none, please explain):

Publication Required: Yes 2/6/2020

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
1/24/2020	Jeff Fisher	x5415	jfisher@wycokck.org	Public Works

Item Description:

The Unified Government is considering a change to the current stormwater fee, which would fairly and adequately fund the maintenance & enhancement of stormwater infrastructure like inlets, culverts, underground pipes, and roadside ditches. Following a year of engagement, and in consideration of feedback provided by residents and businesses, staff is prepared to make a recommendation to the Board of County Commissioners.

Action Requested:

Approve two ordinances

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

utilityord.final, SWU Rate Ordinance Final, Summary Ordinance

(Summary Ordinance Published _____)

ORDINANCE NO. _____

AN ORDINANCE relating to a Storm and Surface Water Utility fee; amending Section 30-324, 30-327, 30-229, 30-330, and 30-331 of Article VIII of Chapter 30 of the 1988 Code of Ordinances City of Kansas City, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Section 30-324 of Article VIII of Chapter 30 of the Code of the Unified Government of Wyandotte County/ Kansas City, Kansas be and is hereby amended to read as follows:

Section 30-324. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Bonds" means revenue or general obligation bonds or notes heretofore or hereafter issued to finance the costs of improvements.

"BPU" means the Board of Public Utilities, an administrative agency of the Unified Government.

"Certificate of occupancy" means a certificate issued by the office of central inspection that permits a newly constructed or a new addition to a residential developed property or nonresidential developed property to be occupied.

"City" means all of the territory of Wyandotte County, except the territory of the cities of Bonner Springs, Edwardsville, and Lake Quivira and the unincorporated area of Wyandotte County.

"Costs of capital improvement" means costs incurred in providing capital improvements to the storm and surface water management system or any portion thereof including professional services and studies connected thereto; payment of principal and interest on bonds heretofore or hereafter issued, including payment of delinquencies of principal and interest due on bonds that are otherwise payable from special assessments or any other source of revenue; studies related to the operation of the system; and the costs of the rate study performed in relation to establishing rates for the storm and surface water utility and other start-up costs of the storm and surface water utility; costs related to the National Pollution Discharge Elimination System permit and any studies associated therewith as mandated by federal laws and regulations; and costs associated with purchasing equipment, computers, furniture, etc., that are necessary for the operation of the utility.

"Debt service" means an amount equal to the sum of (i) all interest payable on bonds during a fiscal year, plus (ii) any principal installments payable on such bonds during such Fiscal Year.

~~(g) "Developed property" means any parcel of real property on record with the registrar of deeds which either contains more than 400 square feet of impervious area or is part of a larger composite use of land which contains more than 400 square feet of impervious area.~~

"Director" means the person appointed by the county administrator to be the director of the storm and surface water utility.

~~"Drainage fee" or "drainage fees" means a service fee authorized by Charter Ordinance No. CO-4-08, this article and as set forth in an ordinance adopted or amended by the Unified Government Commission that is established to pay operation and maintenance, extension and replacement and debt service associated with the stormwater and surface water management system.~~

"Dwelling unit" means a singular unit providing independent living facilities for one or more persons in a single-family, duplex, multifamily or condominium residential property.

~~"Equivalent residential unit (ERU)" means the average impervious area of residential developed property per dwelling unit located within the city as established by unified government ordinance as provided herein.~~

~~"Equivalent residential unit rate or ERU rate" means the amount of a drainage fee charged on each ERU as established by unified government ordinance as provided herein.~~

"Exempt property" means public rights-of-way, public streets, public alleys and public sidewalks.

"Extension and replacement" means costs of extensions, additions and capital improvements to, or the renewal and replacement of capital units of, or purchasing and installing of equipment for, the storm and surface water management system, or land acquisition and relocation costs for the storm and surface water management system and any related costs thereto, or paying extraordinary maintenance and repairs, including the costs of capital improvements or any other expense that is not costs of operation and maintenance or debt service.

"Fiscal year" means a twelve-month period commencing on the first day of January of any year.

"Impervious area" means the number of square feet of surface areas over which the open pore structure of the soil is covered, compacted or chemically sealed by human activity in a manner which either prevents or retards the entry of water into soil mantle, as it entered the unmodified soil with vegetative cover, and/or causes water to run off the surface in greater quantities or at an increased rate of flow than from the unmodified soil with vegetative cover. Impervious area will include, but is not limited to, roofs, roof extensions, patios, porches, driveways, sidewalks, pavement, athletic courts, and compacted dirt or graveled areas. For the purpose of calculating drainage Stormwater Utility fees, natural rock outcrops, permanent pools of water, gravel landscape mulch, gravel railroad track ballast, playground sand and riparian sand flats will not be included in the calculation of impervious area.

"In lieu of franchise fee" means a fee of not to exceed five percent of gross revenues of the utility that is imposed by the Unified Government Commission and that is paid to the city for use of public

streets, alleys, sidewalks, and other public rights-of-way from revenues as if the utility was a person, firm or corporation using public rights of way pursuant to K.S.A. 12-2001 et seq.

~~"Nonresidential developed property" means developed property other than residential developed property.~~

"Operating budget" means the annual storm and surface water utility operating budget adopted by the Unified Government for the succeeding fiscal year.

"Operations and maintenance" means without limitation the current expenses, paid or accrued, of operation, maintenance and current repair of the system, as calculated in accordance with sound accounting practice, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses, equipment costs, in lieu of franchise fee payments, labor costs, and the cost of materials and supplies used for current operations.

"Property" means land, buildings, and other improvements together considered as a parcel as identified by the tax parcel established by the County Appraiser.

~~"Residential developed property" means developed property used for dwelling units.~~

"Revenues" means all rates, fees, assessments, rentals, fines, penalties, interest, or other charges or other income received by the storm and surface water utility in connection with the ownership, management and operation of the storm and surface water management system, including amounts received from the investment or deposit of monies in any fund or account, as calculated in accordance with sound accounting practice.

"Service Area" means all of the area which is contained within the boundaries of the municipal limits of the city of Kansas City, Kansas except for the area contained within the boundaries of the Fairfax Drainage District.

"Storm and surface water management system," "sewer system" or "system" means storm sewers that exist at the time the ordinance codified in this chapter is adopted or that are hereafter established and all appurtenances necessary in the maintaining and operating of the same, including, but not limited to, pumping stations, main sewers, intercepting sewers, lateral sewers, outfall sewers, surface drains, street, curb and alley improvements associated with storm or surface water improvements, natural and manmade wetlands, channels, ditches, rivers, streams, detention and retention ponds and basins and other flood control facilities and works for the collection, transportation, pumping, treatment, and disposing of storm or surface water and pollutants born or carried in such waters.

"Stormwater unit" (SWU) where applicable means 500 square feet of impervious area as established by Unified Government ordinance as provided herein.

"Stormwater unit rate" or "SWU rate" means the amount of a drainage stormwater utility fee charged on each SWU as established by Unified Government ordinance as provided herein.

"Storm and surface water utility" or "utility" means the utility created by this chapter to operate, regulate, maintain and improve the storm and surface water management system and for such other purposes as are set forth in this chapter.

"Stormwater Utility fee" or "stormwater user fees" means a service fee authorized by Charter Ordinance CO-04-08, this chapter and as set forth in an ordinance adopted or amended by the Unified Government Commission that is established to pay operation and maintenance, extension and replacement and debt service associated with the storm and surface water management system.

"Storm Water Customer" means the person, partnership, corporation, public agency, or other entity who occupies, controls, possesses, owns, benefits from, or takes stewardship of any ~~developed~~ property and to whom Stormwater Utility drainage fees are billed as provided herein.

"Unified Government" means the Unified Government of Wyandotte County/Kansas City, Kansas.

"Unified Government Commission" means the governing body of the Unified Government.

(Ord. No. 0-56-08, § 1(30-324), 7-31-2008)

Section 2. That Section 30-327 of Article VIII of Chapter 30 of the Code of the Unified Government of Wyandotte County/ Kansas City, Kansas be and is hereby amended to read as follows:

Sec. 30-327. - Administration and authority.

The stormwater and surface water utility, under the direction of the county administrator or his designee, shall have the power to:

- (1) Administer the acquisition, design, construction, maintenance and operation of the stormwater and surface water management system;
- (2) Administer and enforce this article and all regulations and procedures adopted relating to the design, construction, maintenance, operation and alteration of the stormwater and surface water management system including, but not limited to, the quantity, quality and/or velocity of the stormwater and surface water conveyed thereby;
- (3) Advise the unified government commission on matters relating to the stormwater and surface water management system;
- (4) Review plans concerning extensions and replacement of the stormwater and surface water management system and make recommendations to the unified government commission;
- (5) Make recommendations for design guidelines and standard construction specifications for developments;
- (6) Make recommendations to the Unified Government Commission concerning establishing ordinances and regulations to protect and maintain water quality within the stormwater and surface water management system in compliance with water quality standards established by state, regional and/or federal agencies as now adopted or hereafter adopted or amended;

- (7) Analyze the cost of services and benefits provided by the stormwater and surface water management system and the structure of fees, charges, rentals, fines and other revenues of the stormwater and surface water utility annually;
- (8) Require pollution prevention plans for discharges to the stormwater collection system. PPPs may include, without limitation, requirements to investigate and identify the presence or absence of pollutants in stormwater runoff, to determine quantities or concentrations of any such pollutants, to determine volumes and rates of stormwater flow, to develop plans for the reduction or elimination of such pollutants subject to the approval of the stormwater and surface water utility, and to reduce or eliminate pollutants in stormwater or volumes or rates of stormwater flow to standards that may be specified by permit or order. The stormwater and surface water utility may prioritize classes of users and facilities for PPP programs by residential or nonresidential status, industrial or commercial process or business, size, location within sewer sheds, and other factors necessary or convenient to effectively implement its stormwater control programs.
- (9) Establish pollution prevention plan, operation, maintenance and other requirements for privately-owned stormwater facilities necessary and convenient to implement the purposes and programs of this article VIII.
- (10) Require FOG control as to discharges to the sanitary sewer system.
- (11) Require I&I control as to discharges to the sanitary sewer system. Such I&I control may include requirements to investigate and identify the presence or absence of I&I that originates on the property of the sewer system user, to determine quantities of any such I&I, to develop plans for the reduction or elimination of I&I subject to the approval of the stormwater and surface water utility, and to reduce or eliminate I&I to standards that may be specified by permit or order. The stormwater and surface water utility may prioritize classes of users and facilities for I&I control by residential or nonresidential status, industrial or commercial process or business, size, location within sewer sheds, and other factors necessary or convenient to effectively implement its I&I programs.
- (12) Promulgate regulations and ~~A-administer~~ programs hereafter adopted by the unified government commission, that provide for credits and/or incentives that reduce ~~drainage~~ Stormwater Utility fees assessed against properties that utilize privately owned and maintained stormwater and surface water retention or detention facilities or conduct activities, or provide services which reduce costs of the operating budget of the utility.

(Ord. No. 0-56-08, § 1(30-327), 7-31-2008; Ord. No. O-27-14, § 6, 4-10-2014)

Section 3. That Section 30-329 of Article VIII of Chapter 30 of the Code of the Unified Government of Wyandotte County/ Kansas City, Kansas be and is hereby amended to read as follows:

Section 30-329. Drainage fee Stormwater Utility fee.

(a) Fee Established. Subject to the provisions of this chapter, there is imposed on each and every property in the City Service Area, a service fee to be known as a stormwater utility fee. Such

stormwater utility fee shall be as established in an ordinance heretofore adopted or hereafter adopted or amended by the Unified Government Commission.

(b) ~~Drainage Fee~~ Stormwater Utility fee Credit. The Unified Government Administrator may adopt regulations and procedures that establish credits and/or incentives that reduce the Stormwater Utility drainage fee that would otherwise be assessed against properties. If adopted, all procedures pertaining to credits shall be per the Unified Government's Stormwater Credits and Appeals Manual.

Section 4. That Section 30-330 of Article VIII of Chapter 30 of the Code of the Unified Government of Wyandotte County/ Kansas City, Kansas be and is hereby amended to read as follows:

Section 30-330. Appeal procedure.

(a) ~~Any persons disagreeing with the calculation of the drainage fee, disagreeing with whether their property is served by the stormwater and surface water utility or who believe they are entitled to a credit pursuant to guidelines adopted by the unified government commission, may appeal such calculation or finding to the director.~~ Any owner of a property for which a Stormwater Utility fee has been assessed may appeal the Stormwater Utility fee for that property for the following reasons: (i) an incorrect determination of impervious area, (ii) to correct miscalculations of the storm water utility fee, (iii) eligibility for and/or the level of credit awarded, and (iv) a misclassification in designating a tier based on impervious areas. Appeals must be in writing to the director. The director or his/her designee shall thereafter hold an informal hearing. The director or designee, prior to such hearing, may request that the appealing party provide information concerning the basis of the appeal, including a land survey prepared by a registered surveyor showing ~~dwelling units~~, total property area, and impervious area as appropriate, if such information is deemed to be material by the director or designee. The director or designee may consider any relevant evidence. Based on information provided, the director or designee shall make a determination as to whether the ~~drainage~~ Stormwater Utility fee should be adjusted or eliminated for such property. The director or designee shall notify parties in writing of the director's or designee's decision.

(b) Right to appeal; appeal board; appeal hearing.

(1) A person shall have the right to appeal the decision of the director to the storm and surface water utility appeals board. Such appeal shall be made within twenty days of the date the director notifies the person of the director's decision in the informal proceedings. Such appeal shall be in writing and shall be filed with the director.

(2) The storm and surface water utility appeals board shall consist of the following members: County Administrator or ~~his~~ designee, County Engineer or ~~his~~ designee, Director of Public Works or ~~his~~ designee.

(3) A hearing on such appeal shall be held within thirty days from the date the notice of appeal is received, and the applicant shall be given seven days' advance notice of the time and date the appeal hearing is to be held. At such hearing, the appellant shall present evidence concerning the ~~drainage~~ Stormwater Utility fee for the property in question and the director and/or his/her designee shall present evidence concerning their findings from the informal proceedings. The storm and surface

water utility appeals board shall render a decision in writing that sets forth findings that support their decision within seven days of the hearing. The decision of the storm and surface water utility appeals board shall be final, and any further appeal of such decision shall be to the Judicial District Court of the State of Kansas by way of the provisions of K.S.A. 60-2101(d).

Section 5. That Section 30-331 of Article VIII of Chapter 30 of the Code of the Unified Government of Wyandotte County/ Kansas City, Kansas be and is hereby amended to read as follows:

Section 30-331. Storm and Surface Water Utility ~~drainage~~ fee collection.

(a) The ~~drainage~~ Stormwater Utility fee shall be billed and collected monthly from the Storm Water Customer with the monthly water and/or electric utility bill for those customers utilizing other BPU utilities and shall be billed and collected from the owner of the Property with the Register of Deeds separately at intervals as set by the director for those properties not utilizing BPU utilities. The Stormwater Utility ~~drainage~~ fee for those properties utilizing other BPU utilities shall be part of a consolidated statement for utility customers which shall be paid by a single payment. Unless otherwise provided for herein, all bills for Stormwater Utility ~~drainage~~ fees shall become due and payable in accordance with BPU rules and regulations that relate to the collection of utility charges. Stormwater Utility ~~Drainage~~ fee bills for any given property shall initially be the responsibility of the person who is has the account with the BPU for water and/or electric service for the property. If the property is not using water and/or sewer services, then Stormwater Utility ~~drainage~~ fees shall be the responsibility of the person recorded as the owner of the property with the Register of Deeds. The property owner is responsible for the Stormwater Utility ~~drainage~~ fees not paid by the occupant or person in possession of the property.

(b) Stormwater Utility ~~Drainage~~ fees shall be subject to a penalty for late payment which is the same as that imposed for late payment of water and sewer utility charges. In addition to any other remedies or penalties provided by this chapter or any other ordinance of the Unified Government, failure of any user of the storm and surface water management system to pay such charges promptly when due shall subject such user to discontinuance of water, electrical, or other services and the General Manager of the BPU is empowered and directed to enforce this provision as to any and all delinquent users

(c) Stormwater Utility ~~Drainage~~ fees authorized to be charged in this chapter when delinquent may be placed on the tax roll for collection by the Unified Government Clerk, subject to the same penalties and to be collected in like manner as taxes, and such Stormwater Utility ~~drainage~~ fees shall, thereafter, constitute a lien upon the real estate served by the storm and surface water utility, regardless of whether the Stormwater Utility ~~drainage~~ fees were incurred when a property owner was in possession of the property or a non-owner was in possession of the property.

Section 6. This ordinance shall take effect and be in fully force after its passage, approval and publication of the Summary Ordinance in the official Unified Government Newspaper.

**PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS THIS ____ DAY OF _____, 2020.**

APPROVED:

David Alvey, Mayor/CEO

ATTEST:

Unified Government Clerk

Approved as to form:

Misty S. Brown, Deputy Chief Counsel

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE amending the Storm and Surface Water Utility fee, establishing an impervious area based monthly stormwater utility fee, and providing an effective date.

WHEREAS, the Board of Commissioners for the Unified Government of Wyandotte County/Kansas City has under consideration an amendment to the Storm and Surface Water Utility fee ordinance which requires the Board of Commissioners to amend the Storm and Surface Water Utility fee; and

WHEREAS, the County Administrator has recommended rates as set forth herein based upon input by City staff; and

WHEREAS, the Board of Commissioners have evaluated the recommendations and have determined that the fees set forth herein below are reasonable and necessary and are in accordance with the provisions of Ordinance No.CO-04-08; and

WHEREAS, the Board of Commissioners have determined it to be appropriate to implement the stormwater utility fee set forth herein as of the effective date of this resolution.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. Stormwater Utility Fee Established. Each and every property within the City Service Area shall be assessed a monthly stormwater utility fee as per the provisions of this ordinance.

Section 2. This Ordinance shall become effective upon its adoption and after January 1, 2021. Each and every property within the City Service Area shall begin paying the established monthly stormwater utility fee as of January 1 of each year according to Table Number _____ attached hereto. Under no circumstances will any property, within the City pay, less than the minimum charge or monthly charge set out in Tier 1.

Section 3. The Unified Government, the Mayor, the County Administrator and the Unified Government's other officers, agents, and employees are hereby authorized and directed to take such further action, and execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS _____ DAY OF _____, 2020.**

David Alvey, Mayor/CEO

ATTEST:

Unified Government Clerk

Approved as to form:

Misty S. Brown, Deputy Chief Counsel

Table Number 1

Option 1 = Individually Calculated			Proposed Monthly Charge per SWU				
			2021	2022	2023	2024	2025
		\$ / SWU	\$ 0.67	\$ 0.88	\$ 1.04	\$ 1.22	\$ 1.22
1 SWU =	500	Minimum Charge	\$ 4.50	\$ 4.50	\$ 4.50	\$ 4.50	\$ 4.50

Table Number 2

Option 2 - 13 Tiers			Proposed Monthly Charge per Parcel				
			2021	2022	2023	2024	2025
-	2,000	Tier 1: 0 - 2,000 sq ft	\$ 4.50	\$ 4.50	\$ 5.09	\$ 5.89	\$ 5.92
2,000	4,000	Tier 2: 2,000 - 4,000 sq ft	\$ 4.84	\$ 4.84	\$ 5.48	\$ 6.34	\$ 6.37
4,000	6,000	Tier 3: 4,000 - 6,000 sq ft	\$ 6.15	\$ 8.21	\$ 9.58	\$ 11.08	\$ 11.14
6,000	10,000	Tier 4: 6,000 - 10,000 sq ft	\$ 9.59	\$ 12.82	\$ 14.94	\$ 17.29	\$ 17.38
10,000	20,000	Tier 5: 10,000 - 20,000 sq ft	\$ 17.61	\$ 23.52	\$ 27.43	\$ 31.74	\$ 31.90
20,000	30,000	Tier 6: 20,000 - 30,000 sq ft	\$ 31.92	\$ 42.65	\$ 49.73	\$ 57.54	\$ 57.84
30,000	60,000	Tier 7: 30,000 - 60,000 sq ft	\$ 53.29	\$ 71.19	\$ 83.01	\$ 96.06	\$ 96.55
60,000	100,000	Tier 8: 60,000 - 100,000 sq ft	\$ 99.53	\$ 132.97	\$ 155.05	\$ 179.42	\$ 180.33
100,000	250,000	Tier 9: 100,000 - 250,000 sq ft	\$ 189.81	\$ 253.57	\$ 295.67	\$ 342.14	\$ 343.88
250,000	500,000	Tier 10: 250,000 - 500,000 sq ft	\$ 436.30	\$ 582.88	\$ 679.65	\$ 786.47	\$ 790.47
500,000	1,000,000	Tier 11: 500,000 - 1,000,000 sq ft	\$ 864.01	\$ 1,154.27	\$ 1,345.90	\$ 1,557.43	\$ 1,565.37
1,000,000	5,500,000	Tier 12: 1,000,000 - 5,500,000 sq ft	\$ 1,844.67	\$ 2,464.39	\$ 2,873.52	\$ 3,325.15	\$ 3,342.09
5,500,000	-	Tier 13: 5,500,000 and greater	\$ 5,803.83	\$ 7,753.61	\$ 9,040.86	\$ 10,461.82	\$ 10,515.10

Table Number 3

Option 3 - 3 Tiers			Proposed Monthly Charge per Parcel				
			2021	2022	2023	2024	2025
-	10,000	Tier 1: 0 - 10,000 sq ft	\$ 5.00	\$ 5.88	\$ 6.84	\$ 7.94	\$ 8.12
10,000	100,000	Tier 2: 10,000 - 100,000 sq ft	\$ 38.21	\$ 56.53	\$ 65.80	\$ 76.34	\$ 78.11
100,000	-	Tier 3: 100,000 sq ft and greater	\$ 363.59	\$ 537.94	\$ 626.10	\$ 726.40	\$ 743.25

Summary of Ordinance No. _____

On January 30, 2020, the Unified Government of Wyandotte County/Kansas City, Kansas adopted Ordinance No. _____, relating to a Storm and Surface Water Utility fee, allowing the stormwater utility fee to be based on impervious areas, updating the definitions, administration and authority, the drainage fee, appeal procedure, and fee collection. The Ordinance amends Sections 30-324, 30-327, 30-229, 30-330, and 30-331. A complete copy of this ordinance is available online at www.wycokck.org or during normal business hours at City Hall, 701 N. 7th Street, Kansas City, KS 66101. The ordinance is not subject to a protest petition. This summary has been reviewed and certified by the Chief Counsel of the Unified Government.

Kenneth J. Moore, Chief Counsel



Staff Request for Commission Action

Tracking No. 1914

Full Commission Meeting Date: 1/30/20

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 1/21/20

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
1/24/2020	Chris Slaughter	x8977	CSlaughter@wycokck.org	Land Bank

Item Description:

The Land Bank Manager respectfully request that the Neighborhood & Community Development Committee review the proposed item and forward it to the Land Bank Board of Trustees for final consideration.

Item - 2019 Conveyance Report

Action Requested:

The Land Bank Manager respectfully request that the Neighborhood & Community Development Committee approve the above item and forward it to the Land Bank Board of Trustees for final approval.

This item is for approval.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Memo to BOT - Conveyance Report BOT



Wyandotte County Land Bank
Economic Development Department
Chris Slaughter, Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-8977
Fax: (913) 573-5745
Email: cslaughter@wycokck.org

M E M O R A N D U M

TO: Wyandotte County Land Bank Board of Trustees
FROM: Chris Slaughter, Land Bank Manager
DATE: January 30, 2020
SUBJECT: 2019 Conveyance Report

The Land Bank Manager presented the 2019 Conveyance Report at the January 21, 2020 Neighborhood & Community Development meeting:

- Per KS Statute 12-5903 (f) the Land Bank shall make the annual report on/before January 31
- Total Revenue for 2019 was \$ 28,811.00
- 73 properties were conveyed from the Land Bank
 - o 19 properties conveyed for Yard Extension
 - o 27 properties conveyed as finished Rehabs
 - o 3 properties conveyed for parking
 - o 2 properties conveyed for gardens
 - o 16 properties conveyed for property acquisitions
 - o 6 properties conveyed for new construction

The Neighborhood & Community Development Standing Committee voted to Approve 4 – 0.

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**



**2019
WYANDOTTE COUNTY LAND BANK
Conveyance Report**

**Submitted by:
Chris Slaughter, Manager**

Per **K.S.A. 19-26,105** "The Land Bank office shall make an annual report to the Land Bank Board of Trustees on or before January 31st of each year " of properties that were conveyed during the previous calendar year. Below is a list of properties that were sold out of the Land Bank during 2019. **Chris Slaughter, Wyandotte County Land Bank Manager**

Conveyance Date	Owner(s)	Property Address	Parcel #	Proposed Use	Payment
01/07/19	Teri Tillman	1334 Rowland Ave	157664	Yard Extension	\$500.00
01/09/19	Dion Groves	1935 N 14th St	098420	Property Acquisition	\$500.00
01/09/19	Dion Groves	1939 N 14th St	098421	Property Acquisition	\$280.00
01/09/19	Dion Groves	1935 N 14th St	098422	Property Acquisition	\$250.00
01/11/19	Hartje Home Restoration & Remodeling	239 S Mill St	120703	Rehab	\$0.00
01/16/19	Christopher Connor	1223 Haskell Ave	157266	Yard Extension	\$310.00
01/17/19	Jessica Sickler	2109 S 26th St	151214	Single Family Construction	\$100.00
02/22/19	Martin Lugo	2441 S 12th Ter	129327	Yard Extension	\$300.00
02/22/19	Martin Lugo	2443 S 12th Ter	129326	Property Acquisition	\$300.00
02/27/19	J-Bloc, LLC	3817 N 55th St	917509	Rehab	\$0.00
02/28/19	Yvonne Porter	1045 Waverly Ave	156735	Yard Extension	\$330.00
03/05/19	Emma Pacheco	1522 Pacific Ave	066719	Property Acquisition	\$500.00
03/05/19	Emma Pacheco	1524 Pacific Ave	066718	Property Acquisition	\$500.00
03/15/19	Pillar KC, LLC	2119 N 7th St	111496	Rehab	\$0.00
03/25/19	Keith Woolridge	330 Garfield Ave	110212	Rehab	\$3,000.00
03/26/19	Pillar KC, LLC	2050 S 10th St	126121	Rehab	\$0.00
04/01/19	Habitat for Humanity of Kansas City	2736 Cleveland Ave	100720	Single Family Construction	\$0.00
04/01/19	Habitat for Humanity of Kansas City	2714 Webster Ave	116550	Single Family Construction	\$0.00
04/01/19	Habitat for Humanity of Kansas City	2718 Webster Ave	116551	Single Family Construction	\$0.00
04/01/19	Bright Solutions, LLC	3028 Cissna St	115538	Rehab	\$0.00
04/04/19	Leonor Castro	1600 N 59th Pl	004201	Yard Extension	\$1,000.00
04/25/19	Peak Roofing	2204 N 34th St	913114	Rehab	\$0.00
04/26/19	Dylan Dixon	344 Cambridge St	220109	Yard Extension	\$700.00
04/30/19	Four-Leaf Home Solutions, LLC	2524 N 17th St	115858	Rehab	\$0.00
05/09/19	Tenfold Investment Group, LLC	2816 N 21st St	162934	Rehab	\$0.00
05/16/19	Jesus Flores	710 S 8th St	073658	Yard Extension	\$250.00
05/16/19	Top Notch Construction, LLC	341 N 14th St	116813	Rehab	\$0.00
05/22/19	Denise Olea	1213 Gilmore Ave	067345	Yard Extension	\$400.00
05/29/19	Victor R Mansilla	2512 N 34th St	107900	Rehab	\$0.00
05/31/19	Diana Dickey	113 S Cherokee St	139865	Yard Extension	\$550.00
06/14/19	Pillar KC, LLC	2315 Maxine Williams Dr	156338	Rehab	\$0.00
06/28/19	Luis Manuel Barron	1269 Kansas Ave	072222	Yard Extension	\$400.00
06/28/19	Luis Manuel Barron	1271 Kansas Ave	072221	Property Acquisition	\$400.00
07/01/19	Purple Holdings, LLC	2721 N 21st St	163034	Rehab	\$0.00
07/03/19	Casa Aleman, LLC	817 Minnesota Ave	081319	Parking	\$1,000.00
07/16/19	Jose Coras Arevalo	1040 Splitlog Ave	092646	Property Acquisition	\$690.00
07/17/19	Vega Homes, Inc	1525 Greeley Ave	116054	Rehab	\$0.00
07/31/19	Saul Franco Meza	1227 Ann Ave	090945	Yard Extension	\$400.00
07/31/19	Saul Franco Meza	1233 Ann Ave	090946	Property Acquisition	\$400.00
08/21/19	Edrus, LLC	639 Parallel Ave	095007	Rehab	\$0.00

08/23/19	Carlson Custom Homes, LLC	3532 Ohio Ave	056622	Rehab	\$0.00
08/28/19	Vega Homes, Inc	1338 Oakland Ave	090694	Rehab	\$0.00
09/03/19	Purple Holdings, LLC	1525 N 51st St	047435	Rehab	\$0.00
09/05/19	Michael Walker	2436 S 18th St	908604	Yard Extension	\$2,050.00
09/06/19	Maria Perez	1051 Ella Ave	092638	Yard Extension	\$500.00
09/09/19	Gobee Corporation, Inc	1043 Armstrong Ave	080445	Yard Extension	\$510.00
09/11/19	Isreal Garcia-Garcia	1258 Southwest Blvd	137240	Property Acquisition	\$1,220.00
09/12/19	Priority One Residential Service, LLC	2940 N 16th St	115342	Rehab	\$0.00
09/19/19	Mark O'Bryan	1612 S Bethany St	143267	Property Acquisition	\$100.00
09/19/19	Mark O'Bryan	1614 S Bethany St	143268	Property Acquisition	\$100.00
09/19/19	Mark O'Bryan	1620 S Bethany St	143040	Property Acquisition	\$100.00
09/19/19	Mark O'Bryan	1628 S Bethany St	143041	Property Acquisition	\$100.00
09/19/19	Mark O'Bryan	1630 S Bethany St	143042	Property Acquisition	\$100.00
09/19/19	Mark O'Bryan	1632 S Bethany St	143043	Property Acquisition	\$100.00
09/19/19	Pillar KC, LLC	1220 Georgia Ave	157562	Rehab	\$0.00
09/23/19	KC Casas, LLC	290 S 10th St	906004	Rehab	\$5,000.00
09/27/19	Pima, LLC	3906 Washington Ave	063105	Rehab	\$0.00
09/30/19	Maverick Rodriguez	1508 Armstrong Ave	091527	Yard Extension	\$890.00
10/01/19	Carlson Custom Homes, LLC	18 S Boeke St	069193	Rehab	\$0.00
10/09/19	Ahmad Noory	717 S 9th St	072940	Yard Extension	\$820.00
10/22/19	Benjamin Caruthers	405 Cleveland Ave	094383	Yard Extension	\$250.00
10/29/19	Roland Vaca	617 S 11th St	174112	New Construction	\$1,000.00
11/01/19	BlaMoRebuilds, LLC	3001 N 40th St	105407	Rehab	\$0.00
11/06/19	Dempsey Means	1109 State Ave	080758	Yard Extension	\$810.00
11/08/19	M Star Holdings, LLC	1308 Wood Ave	098945	Parking	\$750.00
11/08/19	M Star Holdings, LLC	1824 N 13th St	098946	Parking	\$750.00
11/08/19	Smart Solutions, LLC	706 N 10th St	080512	Rehab	\$0.00
11/27/19	Purple Holdings, LLC	2115 N 12th St	157161	Rehab	\$1.00
12/10/19	Samuel Lopez	1511 N 24th St	066116	Rehab	\$0.00
12/10/19	Juan Rodriguez	826 H S 10th St	072815	New Construction	\$250.00
12/20/19	Pedro Lopez	1528 Woodland Blvd	165343	Yard Extension	\$350.00
12/31/19	Strugglers Hill Neighborhood Group	1137 Everett Ave	080150	Garden	\$0.00
12/31/19	Strugglers Hill Neighborhood Group	1139 Everett Ave	090741	Garden	\$0.00
TOTALS					\$28,811.00

TOTALS FOR 2019	
Properties Conveyed (Returning to the Tax Roll)	70
# Properties Conveyed to CDC's & Neighborhood Groups at no charge	3
Total Properties Conveyed	73
Total Amount of Revenue generated from Land Bank properties in 2019	\$28,811.00



Staff Request for Commission Action

Tracking No. 1915

Full Commission Meeting Date: 1/30/20

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 1/21/20

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
1/24/2020	Chris Slaughter	x8977	CSlaughter@wycokck.org	Land Bank

Item Description:

The Land Bank Manager respectfully request that the Neighborhood & Community Development Committee review the proposed item and forward it to the Land Bank Board of Trustees for final consideration.

Item - Applications (1)

Action Requested:

The Land Bank Manager respectfully request that the Neighborhood & Community Development Committee approve the above item and forward it to the Land Bank Board of Trustees for final approval.

This item is for approval.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Memo to BOT - Applications



Wyandotte County Land Bank
Economic Development Department
Chris Slaughter, Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-8977
Fax: (913) 573-5745
Email: cslaughter@wycokck.org

M E M O R A N D U M

TO: Wyandotte County Land Bank Board of Trustees
FROM: Chris Slaughter, Land Bank Manager
DATE: January 30, 2020
SUBJECT: Application(s) for consideration

The following application(s) were presented at the January 21, 2020 Neighborhood & Community Development meeting:

- 3741 N 35th St – Lorenzo Garcia

The property for this meeting was in Tax Sale 344 (August 2019) and was deeded over to the Land Bank on October 15, 2019. The applicant has been accumulating property near their residence at 3740 N 35th St for the purpose of rezoning all property to Agriculture, this property and the others they own/from Land Bank will give them the 5+ acres needed. The Board of Trustees approved the applicant's request to purchase 3743 & 3745 N 35th St on September 30, 2019.

The applicant is current on their property taxes.

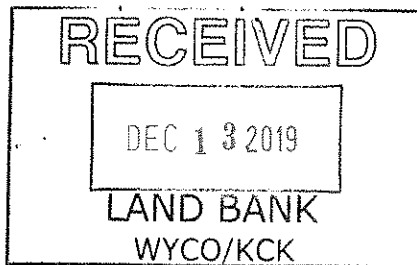
The applicant currently has a code violation based on their property being zoned Residential and there being numerous accessory buildings and animals; however, the Code Enforcement is working with the applicant and they feel the violations will be corrected through the accumulation of this property.

The Land Bank Advisory Board had no comment.

The Staff Advisory Team commented that Planning was working with the applicant.

The Neighborhood & Community Development Standing Committee voted to Approve 4 – 0.

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Application to Purchase a Vacant Land Bank Property as Yard Extension

Use this application if the following is correct:

- You are the Owner of Record of an adjacent occupied structure that shares a property line with an undeveloped Land Bank lot and wish to acquire the lot to expand your property.

Separate applications are available to purchase property for new construction or the rehab of an existing residential or commercial structure. WCLB property that is determined to be developable may not qualify for the Yard Extension program.

Program Requirements and Policies:

- All properties for sale are listed on the WCLB website. Not all land bank properties are available for sale— if a property is on the "Hold" listing, it may not currently be for sale.
- An application is required for all purchases of property. Applications are not considered until all required information is provided. If an application is incomplete, it may be rejected or other completed applications will be given priority.
- Applications will automatically be rejected if the applicant is currently tax delinquent or has any outstanding code violations on any property owned in Wyandotte County.
- WCLB reserves the absolute right to accept or reject any and all applications and offers for purchase. In cases of multiple applications, the WCLB will give precedence to applications from adjacent, occupied homeowners.
- Splitting a Land Bank lot for two adjacent owners – In a case where two property owners of record apply for a lot, the WCLB may split the parcel between the two owners.
- All transfers include deed restrictions and/or a reversionary clause allowing the WCLB to regain ownership and possession of the property if the buyer fails to meet the restrictions placed on the property.
- The Wyandotte County Land Bank Board of Trustees (LBBOT) must approve all application(s) in order for the WCLB to transfer property.
- Closings are held at the WCLB offices. The WCLB will only accept cashier's checks or money orders made payable to the **Wyandotte County Land Bank**.
- All property is sold "as-is". The buyer agrees to accept the property in its "as is" condition, without any warranties or representations by the WCLB. The buyer agrees to hold harmless and release the WCLB and the Unified Government of Wyandotte/KCK (UG) for all conditions known or unknown to the property.
- The buyer agrees to indemnify, protect, hold harmless, defend, and release the WCLB and UG from any claims, losses, damages, costs, or expenses including, without limitation, all reasonable attorneys' fees asserted against, incurred, or suffered by the WCLB resulting from any contract breaches, personal injuries, or property damages occurring in, on, about, or related to the property resulting from any causes, except resulting from the acts or omissions of the WCLB or the WCLB agents, employees, or contractors. Nothing in this article restricts the WCLB rights and remedies available at law or in equity.

Signature (Required)

I have read and understand the information provided above and contained in this application.

Lorenzo Garcia Date 12/13/19
Sign here

Lorenzo Garcia
Print Name

3743
3745

Application to Purchase a Vacant Land Bank Property as Yard Extension

Land Bank Property You Wish to Purchase: 3741 N 35th St

Parcel ID Number: 165211

Applicant Information (Please Print)

Name: Lorenzo Garcia

Company/Organization: _____

Mailing Address: 2502 N 34th St Kansas City KS 66104

Phone Number(s): 913 231 6647

E-mail(s): malgsu4@gmail.com

Address of the adjacent structure you own: 3807 N 35th St

Do you live in the adjacent structure above? Yes ☒ No ☐

already approved for
3743, 3745 N 34th St.
was asked to fill out this
to combine

Please Respond to the Following Questions:

1. Are you currently delinquent on property taxes for any property owned in Wyandotte County? Please explain a "yes" answer on a separate attachment.
Yes ☐ No ☒
2. Do you currently have a notice from the Code Enforcement Department indicating that you are in violation of City Code? Please explain a "yes" answer on a separate attachment.
Yes ☐ No ☒

Note: As a part of the review of this application, WCLB staff will review records from other UG Offices, such as Code Enforcement, Treasury and other available records. Failure to honestly answer these questions may result in the rejection of the application.

Signature (Required)

I hereby authorize the Wyandotte County Land Bank to obtain information necessary to verify the information supplied in this application. All the information that I have provided is accurate to the best of my knowledge, and will remain confidential.

Lorenzo Garcia Date 12/13/19
Sign here

Lorenzo Garcia
Print Name

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Applicant has been accumulating property for agricultural purposes. Combined area is slightly less than 6 acres.

Board approved on September 30, 2019.

This property was in Tax Sale 344 (Aug 19) and was deeded to Land Bank on October 15, 2019.



Staff Request for Commission Action

Tracking No. 1916

Full Commission Meeting Date: 1/30/20

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 1/21/20

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
1/24/2020	Chris Slaughter	x8977	CSlaughter@wycokck.org	Land Bank

Item Description:

The Land Bank Manager respectfully request that the Neighborhood & Community Development Committee review the proposed item and forward it to the Land Bank Board of Trustees for final consideration.

Item - Transfers from Land Bank (9)

Action Requested:

The Land Bank Manager respectfully request that the Neighborhood & Community Development Committee approve the above item and forward it to the Land Bank Board of Trustees for final approval.

This item is for approval.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Memo to BOT - Transfers from BOT



Wyandotte County Land Bank
Economic Development Department
Chris Slaughter, Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-8977
Fax: (913) 573-5745
Email: cslaughter@wycokck.org

M E M O R A N D U M

TO: Wyandotte County Land Bank Board of Trustees
FROM: Chris Slaughter, Land Bank Manager
DATE: January 30, 2020
SUBJECT: Transfers from the Land Bank for consideration

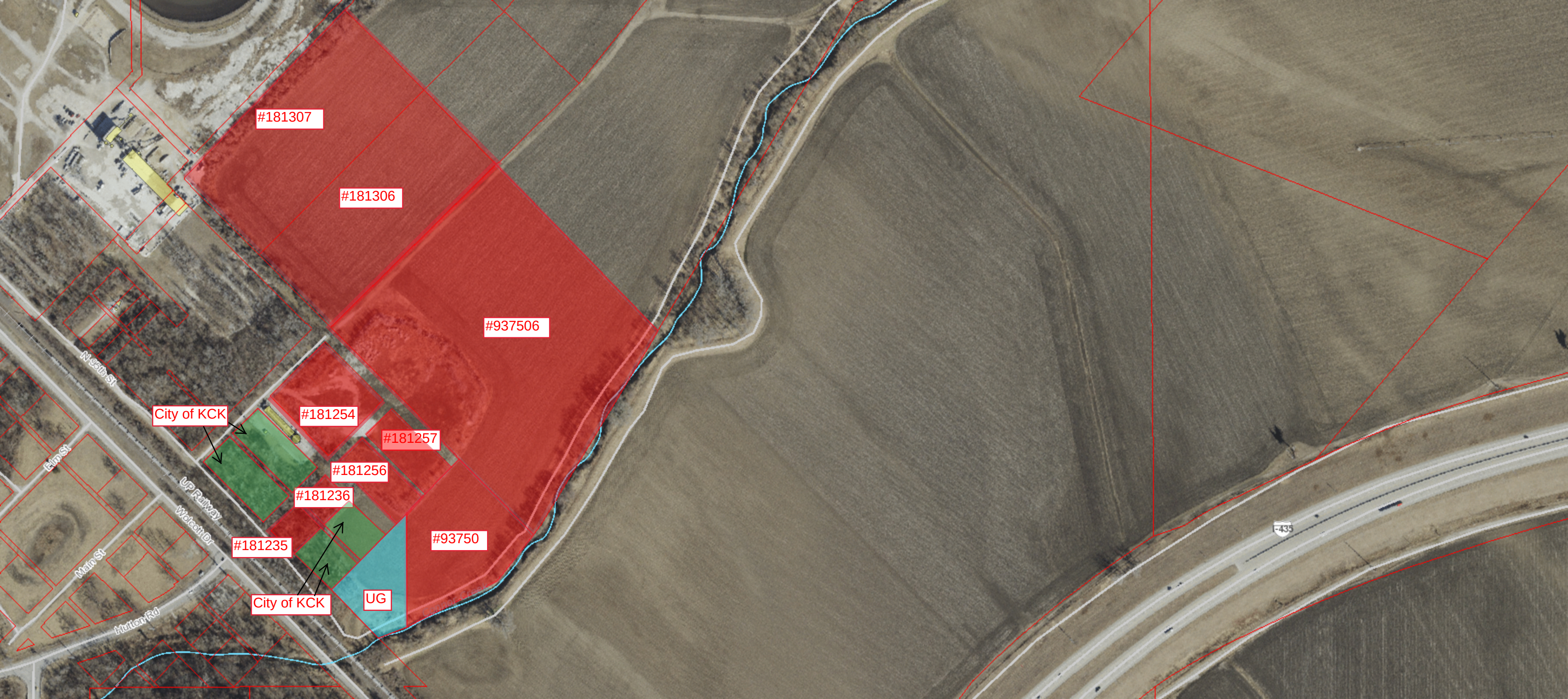
The following transfer(s) from the Land Bank were presented at the January 21, 2020 Neighborhood & Community Development Standing Committee meeting:

- 9410 Miami St – Unified Government
- 5701 Walnut St – Unified Government
- 5421 N 95th St – Unified Government
- 9401 Oak St – Unified Government
- 9407 Main St – Unified Government
- 9351 Oak St – Unified Government
- 9301 Oak St – Unified Government
- 9300 Miami St – Unified Government
- 9331 Miami St – Unified Government

These properties are necessary for the expansion of the Wolcott Treatment Plant.

Enclosed is a Map identifying the properties.

The Neighborhood & Community Development Standing Committee voted to Approve 4 – 0.



#181307

#181306

#937506

City of KCK

#181254

#181257

#181256

#181236

#181235

#93750

City of KCK

UG

I-435



Staff Request for Commission Action

Tracking No. 1917

Full Commission Meeting Date: 1/30/20

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 1/21/20

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
1/24/2020	Chris Slaughter	x8977	CSlaughter@wycokck.org	Land Bank

Item Description:

The Land Bank Manager respectfully request that the Neighborhood & Community Development Committee review the proposed item and forward it to the Land Bank Board of Trustees for final consideration.

Item - Donations To Land Bank (1)

Action Requested:

The Land Bank Manager respectfully request that the Neighborhood & Community Development Committee approve the above item and forward it to the Land Bank Board of Trustees for final approval.

This item is for approval.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Memo to BOT - Donations BOT



Wyandotte County Land Bank
Economic Development Department
Chris Slaughter, Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-8977
Fax: (913) 573-5745
Email: cslaughter@wycokck.org

M E M O R A N D U M

TO: Wyandotte County Land Bank Board of Trustees
FROM: Chris Slaughter, Land Bank Manager
DATE: January 22, 2020
SUBJECT: Donations to the Land Bank for consideration

The following application(s) were presented at the January 21, 2020 Neighborhood & Community Development Standing Committee meeting:

- 1710 N 18th St

This application was originally submitted in 2016, however, after being abstracted it had a bankruptcy on the property. The bankruptcy has since been deleted from the property.

This property does have back taxes of \$ 1,508.04 since 2008.

The Neighborhood & Community Development Standing Committee voted to Approve 4 – 0.

WYANDOTTE COUNTY LAND BANK

Property Donation Application

Please use the following application to notify the Wyandotte County Land Bank (WCLB) of your interest in donating any property that you currently own in Wyandotte County. This form may **only** be completed by the owner of the property or by a person with authorization to act on behalf of the owner by virtue of a power of attorney. Please fill out one form per property address. The WCLB will **NOT** accept your property as a donation unless certain conditions are met. The property must be free of liens, including a mortgage, utility lien, or judgment.

NOTE: The WCLB will research this property to determine if it meets the donation criteria. The WCLB Board of Trustees must approve the donation. The WCLB will keep you informed of its progress and final decision.

If the WCLB accepts your donation offer, you will be contacted to begin the donation procedure. This form is a statement of interest only and does not commit the WCLB to accept your property as a donation or for value.

****Application will not be processed if not completed in its entirety****

CONTACT INFORMATION

Owners Name: DOROTHY J RICH TRUST
Mailing address: 18865 S GREENWAY LN
City: OLATHE State: KS Zip: 66062
Daytime Phone #: 913-424-9969 Alternate Phone #: 913-205-5497
Email address: JRGHANT67@YAHOO.COM

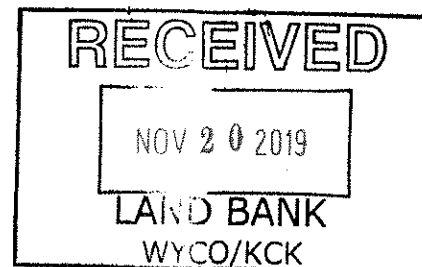
PROPERTY INFORMATION

Property address: 1710 N 18^{1/2} STREET
Parcel ID#: 065349
Structure Present: Yes _____ No X
Has this property recently gone through foreclosure? Yes _____ No X
Are there any existing liens on this property or are you currently involved in a bankruptcy? Yes _____ No X

The information provided in this application is true to the best of my knowledge. I understand that this application does not commit the WCLB to accepting my property.

Signature of Applicant: Dorothy J Rich Date: 4-15-2016

Please return to:
Wyandotte County Land Bank
701 N 7th St, Suite 421
Kansas City, KS 66101





OWNERSHIP AND ENCUMBRANCE REPORT

Address of Property:

1710 North 16th Street Kansas City, Kansas 66102

The record owner as obtained from the Office of the Register of Deeds of Wyandotte County, Kansas, or the office of the Clerk of the District Court of said County and State of the property hereinafter described, are as follows:

Dorothy J Rich Revocable Trust Dated November 29, 1996

Legal Description of the property herein described is:

Lot 40, Block 25, WESTHEIGHT MANOR NO 3 REP, a subdivision in the city of Kansas City, Wyandotte County, Kansas.

There are no Mortgages or Assignments of the same appearing of record in the Office of said Register of Deeds affecting the above-described property, which was recorded within the last 20 years prior to the date hereof, except the following:

None

There are no financing Statements of Security Agreements appearing of record in the office of said Register of Deeds affecting the above-described property, which was recorded within the last 5 years prior to the date hereof, except the following:

None

There are no Judgment, Attorney Fees, Court Costs, State Tax Liens, Mechanics' Liens, Transcript Judgments, Bankruptcies or pending suits in the office of the Clerk of the District Court of said County, State and of Federal Court of the above named grantees, except the following:

None

(Continued)

Page 2 of Ownership and Encumbrance Report

There are no Federal Tax Liens filed in the office of said Register of Deeds against the above named grantees, except the following:

None

There are no proceedings of record in the office of the Probate Court of said County and State pertaining to the above named grantees, except the following:

None

Real Estate Taxes for the year 2007 and all prior years are paid in full as shown in the office of the County Treasurer of said County and State.

GENERAL TAXES (INCLUDING INTEREST AND PENALTIES) FOR THE FOLLOWING YEARS ARE DUE AND PAYABLE:

2008-\$87.96	2009-\$94.86	2010-\$97.30	2011-\$85.22	2012-\$76.64
2013-\$57.74	2014-\$54.16	2015-\$52.58	2016-\$51.96	2017-\$51.48

NO SPECIAL ASSESSMENTS ARE NOW DUE AND PAYABLE.
NAME ID #RICH00134 10 PARCEL #065349

DISCLAIMER:

Since no search has been made to obtain the validity of the above-mentioned conveyance, this report cannot be relied upon to a guarantee ownership.

This report is dated this 24th day of January, 2019.

By: _____
Lori Flack



PHOTO NOT AVAILABLE

PARCEL INFORMATION

Parcel: 065349
KUPN: 063050400102300001
Status:
Tax Unit: 10
Volume: 05
TD: 1
Book: 2D
Reference: 2215-0001
Map: 096
Map Section: F05

PROPERTY DESCRIPTION

Property Address: 1710 N 18TH ST KANSAS CITY KS 66102
Subdivision: WESTHEIGHT MANOR NO 3 REP
Assessed With Parcel:
Assessed Here Parcel:
Sec-Twp-Range: 00-00-00
Description: B25 L40
Book Page: 5453-0635

Frontage: 0.00	Left: 0.00	Right: 0.00	Rear: 0.00
Deeded Acres:	Mapped Acres: 0.082	Mapped SQFT: 3559,341	

NAME & ADDRESS

Owner Name: RICH, DOROTHY J TRUST
Mailing Address: 18865 S GREENWAY ST OLATHE KS 66062
Lender:

APPRAISAL SUMMARY *VALUES UNDER APPEAL ARE SUBJECT TO CHANGE*

YEAR	APPRAISED TOTAL	ASSESSED TOTAL
2019	\$10,960	\$1,315
2018	\$1,350	\$162
2017	\$2,550	\$306
2016	\$2,550	\$306
2015	\$2,550	\$306
2014	\$2,690	\$323
2013	\$2,690	\$323
2012	\$3,640	\$437
2011	\$4,060	\$487
2010	\$4,830	\$580

2009	\$4,800	\$576
2008	\$4,800	\$576
2007	\$4,800	\$576
2006	\$4,600	\$552
2005	\$4,500	\$540
2004	\$4,500	\$540
2003	\$4,500	\$540

TAX ROLL

TAX YEAR	TD RATE	GENERAL TAXES	SPECIAL TAXES	FEES DUE	TOTAL DUE
2019	167.470438	\$220.22	\$0.00	\$0.00	\$220.22
2018	166.699688	\$27.02	\$0.00	\$18.15	\$45.17
2017	168.192888	\$51.48	\$0.00	\$25.33	\$76.81
2016	169.818000	\$51.96	\$0.00	\$30.52	\$82.48
2015	171.818000	\$52.58	\$0.00	\$32.39	\$84.97
2014	167.645000	\$54.16	\$0.00	\$35.08	\$89.24
2013	178.750373	\$57.74	\$0.00	\$39.66	\$97.40
2012	175.344670	\$76.64	\$0.00	\$52.30	\$128.94
2011	174.960000	\$85.22	\$0.00	\$63.37	\$148.59
2010	167.745000	\$97.30	\$0.00	\$76.94	\$174.24
2009	164.663000	\$94.86	\$0.00	\$82.04	\$176.90
2008	152.702000	\$87.96	\$0.00	\$84.19	\$172.15
2007	155.599000	\$89.63	\$0.00	\$0.00	\$0.00
2006	158.510000	\$87.50	\$0.00	\$0.00	\$0.00
2005	159.221000	\$85.98	\$0.00	\$0.00	\$0.00
2004	158.911000	\$85.81	\$0.00	\$0.00	\$0.00
2003	158.343000	\$85.51	\$0.00	\$0.00	\$0.00
			TOTAL:	\$539.97	\$1,497.11

LOCATION

Census Tract: 41300
Census Block: 3003
School District: 500
City/Ward/Precinct: 1-10-4

POLITICAL DISTRICTS

UG District: 4
At Large District: 1
Drainage District:
BPU:
Congressional: 3
Representative: 34
Senatorial: 4
Polling Place Address: 2900 STATE AVE -
 KANSAS CITY, KS
 66102-3971

APPRAISER INFORMATION

Class: V
Use: Residential highest and best use
Style:
ExtWall:
Roofing:
Basement:
Foundation:
HVAC:
Rooms:
Bedrooms:
Full Baths:
Half Baths:
Total Fixtures:
Living Area:
Built:
Phys. Condition:
Land Size: 3485