

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

**PLANNING & ZONING AND
REGULAR SESSION
JANUARY 30, 2020**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, January 30, 2020, with eleven members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District (arrived at 7:04 p.m.); Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District (arrived at 7:04 p.m.); and Alvey, Mayor/CEO, presiding. 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.

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

INVOCATION was given by Reverend Jared Altic, Wyandotte Christian Church.

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

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. **Mayor Alvey** asked

do any of the Commissioners have any disclosures to make. **Commissioner McKiernan** said I've had contact with interested parties, for #SP-2019-70. I've had contact with proponents and opponents of #S-2023-3 and #S-2020-4. I've had proponents and opponents of #SP-2019-80 and #SP-2019-81. **Commissioner Bynum** said I have had contact with Change of Zone under A, Change of Zone application Item 2 #3213. **Commissioner Philbrook** said a Change of Zoning #3213 proponents and opponents to that; #SP-2019-108 opponents; #SP-2026 proponents; #SP-2020-10 proponents and MP-2020-1, proponents and opponents.

Ms. Cobbins read the statement, required by law, governing the Planning and Zoning portion of the meeting.

Mayor Alvey said tonight we have two distinct parts to our meeting. The Planning and Zoning portion is 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.

Mayor Alvey asked does any member of the commission, County Administrator or anyone in attendance tonight, wish to set aside any item on the planning and zoning consent agenda. If an item is not set aside, all items on the planning and zoning consent agenda will be voted on by one vote to follow the recommendation of the Planning Commission. If a member of the public would like to step forward to ask for an item to be set aside, please come to the podium, state your name and give us the number of the petition.

Jason Fields, Kansas City, Kansas, said I'd like to request Change of Zone #3213 and Masterplan Amendment #2020-1 be set aside. **Mayor Alvey** said I'm sorry, #3213. **Jason Fields** said and Masterplan Amendment #2020-1. **Richard Palmerin, 639 Simpson**, said I'd like to set aside #S-2020-4, No. 10, special use permit. **Mayor Alvey** asked Special Use Permit. **Rob Richardson, Director of Planning**, said yes, C10. That's Item C10. **Mayor Alvey** said C10, thank you.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the Planning and Zoning Consent Agenda. Roll call**

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

Mayor Alvey said that takes us to set aside item 3213 and is that connected, Rob, with, obviously MP-2020-1. **Mr. Richardson** said yes, you should hear both of those together. **Mayor Alvey** said consider those together, thank you.

PLANNING AND ZONING CONSENT AGENDA

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 201125...#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 Richardson, Director of Planning. Applicant wishes 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 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 two 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: None.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #3212, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 2 – 201126... CHANGE OF ZONE APPLICATIONS #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,
and

ITEM NO. 1 – 201127...# MASTER PLAN AMENDMENT - 2020-1 - NATHANIEL HAGEDORN WITH NORTHPOINT

Synopsis: Master Plan Amendment from Low Density Residential and Mixed Use to Industrial at 747 North 69th Street, a preliminary plat is for nine lots and a variance for architectural screening requirements at 747 North 69th Street. This project will include four new industrial buildings comprised of 1,425,397 square feet. 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. Wheelbase 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 he 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:

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

Applicants response: Understood.

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. 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.

- b. 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.
 - c. 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.
 - d. 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.
 - e. 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.
 - f. 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.
 - g. 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).
 - h. 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.
 - i. Construction plans shall be reviewed and approved prior to UG final approval and construction permit acquisition.
 - j. The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents in accordance with County Surveyor comments.
 - k. 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:
 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.

Rob Richardson, Director of Planning, said this item comes to you recommended for approval from the Planning Commission. This is for the Turner Logistics Park. Of note, there are some

residential areas around here, around this proposal, and the recommendation comes to you recommending a berm and screening such that the residential uses wouldn't be able to see the industrial uses adjacent to them. There was one person in opposition at the Planning Commission meeting. He's here this evening and I believe the applicant is here ready to give a presentation if you'd like. **Mayor Alvey** said yes, thank you.

Brent Miles, North Point Development, said I will make this a little abbreviated. I think people probably generally understand the context here. This is the Turner Logistics Center. This has been in the making for about three years as we've continued to apply as a partnership with Casey, K TA and KDOT for funding for the new interchange. That funding was approved. In my opinion, a major factor in that funding was participation financially from our organization, participation from the Unified Government and a taxing stream to pay the Unified Government's portion of the new interchange.

We have a development agreement that's been approved and in place with you all. We did not do zoning simultaneously. This got brought up at the Planning Commission; well, if you've been planning it so long, why didn't you do zoning? We have been in the process. I think we've acquired to date about 30 total properties. We have another 12 or so out under contract, and maybe another 5 or so in negotiations. We've had kind of a mass flood of people coming to us saying, I'd like you to buy my house, I'd like you to buy my lot, I'd like you to buy my land.

We made a decision at a cutoff that we needed to start our first buildings; therefore, we needed to start the start on the rezoning. We made a rezoning application for what we had under control at that time, which is a pretty big bulk land wise of the project.

Many of you know, I call it for lack of a better term, "the spaghetti will be taken out." That is the Turner Diagonal College Parkway interchange now. Obviously, construction, groundbreaking tomorrow on the new interchange, which will provide access to these properties that we've been purchasing that had not been able to be accessed before because of the configuration and engineering, for lack of a better term, again, of the spaghetti bowl.

Many of you know the Amazon project was the preempted to this whole thing; the Riverview interchange and intersection that happened and then funding application and grant for the interchange itself on I-70.

Then here is the overlay of the east side of the project. We did not come through zoning yet on the west side of the project primarily because we didn't want to have to go through the process and have you go through this several times. We wanted to come in with one application on the west. Again, just because we've seen so many people agreed to terms over the last 60 to 90 days. We focused on the east. That's the first phase of our project to build our buildings on the east. As Rob said, as the applicant will say, or as the resident will say, we are obviously adjacent to residential properties. We've been buying a big multitude of those residential properties. I think, as Rob also said, we are required to put berm and screening in place, which we've agreed to, to do.

Again, this is a light industrial project. Many of you are familiar with the projects that we've done in the past in the community. We've done the redevelopment of the Public Levee down in Fairfax. This building will look very, very similar. If you look at that building and you look at the uses inside, we have everything from a Wells Fargo vault, essentially, on one end, to an electrical supply company on the other. We have GM tires, so we have about five tenants in that building. We don't really have any outdoor storage. We don't have a ton of truck traffic. If you've been down to the Fairfax District, we're not the generator of truck traffic by any means, and think architecturally, we've done really well. For those of you who are familiar with that project, that would be a very similar size in scale to what you see for these buildings here.

We're excited. We're hopeful that this rezoning gets done tonight and obviously get started on the project and start construction.

Just for way of background. We would look to complete our first building still this calendar year, which is in line with the development agreement that we have. We're so bullish on this part that we are probably going to start two buildings at the same time on this east side just because of the momentum that we have right now in the market and the access and labor max line that comes down College Parkway and rapid transit, the amenities along State Avenue, and our connection with the community college. We're just super excited to get this project. It's been a long time in the making.

I jokingly say almost congratulations. We're almost to the starting line. I think it's going to be a really big success that people can be proud of. Mayor, I'll answer any questions. Commissioners, answer any questions that you may have. If the person would like to bring points up, I'd be happy to come back up to the podium at your discretion.

Mayor Alvey asked is there anyone present, I'll open the public hearing, who would like to speak in favor of #3213 or #MP-2020-1.

Mayor Alvey said okay, seeing none, is there anyone present in opposition who would like to speak on this item? Please come forward and state your comments and restate your name and address, please.

Jason Faust, 829 N. 69th St., said I am the person referred to previously as the one who will be speaking in opposition. I thank Mr. Miles for his comments. There were a few items of correction. First, the City Planning Commission Board of Zoning appeals application for a berm and screening was denied and so they were ordered to, or required to return to the Planning and Zoning Department to revise that plan for additional screening to meet or exceed the ordinances as required and as preceded by their development at the Amazon location directly south of this proposed location.

That being said, the two points of opposition that we have in regard to this is, there have been a few items that Mr. Miles presented that are newer in the last three weeks than that was presented at the City Planning Commission. In addition to the screening element, the number of properties that have either been purchased, contracted, or in negotiation has increased slightly, but until all the residential properties in that area have been acquired and zone changed away from R-1, RP-5 or RM, they will still have the incompatibility issue with a MP-2 zoning district.

At the City Planning Commission, the applicant did not successfully or satisfactorily, explain why they were asking for MP-2 zoning instead of MP-1 zoning as exemplified by the Amazon location directly to the south. Apart from the Amazon location, there is no industrial zoned area anywhere nearby this property. This is a total proposition of speculative investment and construction, that while they have placed a very rosy description upon it and are leaning on a lot of positive possible outcomes, there are no assurances or guarantees that any of those outcomes will take place. Thus, the master plan amendment changing the area from a designated residential low-density use, which has stood for decades

They have not met the satisfactory burdened listed in 27-211 of the 12 items that are required to be considered. They did not present the proof, to my knowledge, or in any of the planners' staff

reports that they have met enough of those conditions to warrant a master plan amendment change of to such a degree of to industrial use.

The same argument would be made towards the change of zone, as it is a very significant impact on the neighborhood. The only saving grace for them is that they're purchasing all the residential neighborhood around them. That's not really a warranted argument for justifying the change of zone without fully Satisfactorily explaining quite a lot more detail, especially, there's a distinct difference between MP-1 and MP-2 and why do they want MP-2.

Mayor Alvey asked is there anyone else present who would like to speak in opposition. Seeing none, I will close the public hearing.

Mayor Alvey asked, Rob, would you want to address some of the concerns that were raised by the opponent?

Mr. Richardson said0 I think that the point he's making about in compatibility is addressed by the fact that we're saying, you have to screen this from the residential. We have precedent from the governing body of saying that that is an acceptable way to make those uses compatible, to make it so you can't see them. So, that's what we've done. I think that really addresses the compatibility issue. If they were to acquire all the residential, then they could do a normal screen between whatever the user are adjacent, following the acquisition of the residential. That might include—they might have to come back and do some more area here, because all the properties that Brent talked about being in negotiation are not included in this application so they will have to come back at some future point if they acquire more property and work on that part of their plan, and the zoning and the master plan all that again.

The master plan is a policy level document and so, I think if—you know this is a very large area. It's not like you're taking a quarter acre lot and zoning it industrial in the middle of a subdivision. This is a very, very large area adjacent to an interstate highway where we're making interstate improvements to accommodate more industrial traffic. We are taking all of the measures necessary to protect the adjacent residential properties from whatever nuisance might be created by having an industrial park next to you.

I think that they have met the burden of—and if you have the staff report, we have gone through all the factors to be considered related to the master plan and the zoning and found that they meet those. The Planning Commission agreed with the staff’s recommendation on that, and it comes to you recommend for approval.

Mr. Mayor, when you do move forward for action on this, I think we should take the master plan first and then the change of zone.

Mayor Alvey asked does the petitioner have any additional comments, any questions or concerns. **Commissioner Philbrook** said I've been involved with this activity since almost, now 2014, when we all started talking about expanding into other areas because we were running out of light industry and that sort of thing and started working on this interchange. This isn't something that has just come up recently. This has been a long-term working thing. When we finally got the monies from the federal government, and then the state government, that allowed us to move into this intersection change, and that is what's allowing us to do all this work. I want to thank everybody that has been working very hard on this because this has been very complicated from the federal, state to us, and so I want to thank everybody that's been working on this, thank you.

Mayor Alvey said alright, seeing that there are no more comments or questions from the commission, I'd entertain a motion.

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

Ken Moore, Chief Legal Counsel, said Just for clarification, is this just a vote? **Mayor Alvey** said yes, I'm sorry. Thank you. **Mr. Moore** asked is this one E2. **Mayor Alvey** said 3213 first. **Mr. Moore** said E1, I'm sorry. **Mr. Moore** said do the master plan first, okay, thank you.

Action: **Commissioner Philbrook made a motion, seconded by Commissioner Johnson, to approve Master Plan Amendment #MP-2020-1, subject to the stipulations.** Roll call was taken on the motion and there were ten “Ayes,”

Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

Action: Commissioner Philbrook made a motion, seconded by Commissioner Johnson, to approve Change of Zone Application #3213, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 201128... 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, submitted by Robin Richardson, Director of Planning, this would allow motorcycle enthusiasts to store and repair their own motorcycle at 10 South James Street. 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 10:00PM 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 10:00PM 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 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: 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 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 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 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.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-70 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten "Ayes," Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 2 – 201133... 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 406 Osage Avenue, submitted by Robin Richardson, Director of Planning. The applicant 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 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 for 402 Osage Avenue, it was required that the property owner must plant one 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) four. 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:

- a. 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.
- b. A salvage operation would require a change of zone for portions of the lot from M-2 to M-3.
- c. Vehicles for sale, rent, or lease must not be inoperable, ruined, dismantled or wrecked.
- d. All vehicles, for both auto sales and auto repair portions, must be legally registered and tagged.
- e. 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.
- f. 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 one 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 year.

Public Works Comments: None.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-98 for one year, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 3 – 201134... SPECIAL USE PERMIT APPLICATIONS #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 Richardson, Director of Planning. This is a vacant, 6-acre residential lot. 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:

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 cannot 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: None.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to deny Special Use Permit Application #SP-2019-108. Roll call was taken on the motion and there were ten "Ayes," Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 4 – 201135... 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, submitted by Robin Richardson, Director of Planning. 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. 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.
2. Where will the animals be exercised?
Staff: Applicant has provided a detailed description of how dogs will be exercised.
3. How will the noise be controlled?
Staff: Applicant has provided detailed explanation of how noise will be handled.
4. Approval would be for two years.

Public Works Comments: None.

Business Licensing Comments:

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

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2019-110 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 5 – 201136... 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, submitted by Robin Richardson, Director of Planning. 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 Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2019-119, subject to:

Business License Comments:

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 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:
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; Cementous 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. Cementous 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:

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 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.
 - b. 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.
 - c. 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.
 - d. 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)
 - e. 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.
 - f. 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.

- g. 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.
 - h. Provide more information for the future residential construction referenced in the plans.
 - i. 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 Special Use Permit Application #SP-2019-119 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten "Ayes," Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 6 – 201137... SPECIAL USE PERMIT APPLICATION #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 Richardson, Director of Planning. 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.

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 issue 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: 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.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2020-1 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 7 – 201138...#SP-2020-2 - JOHN DENNISON

Synopsis: Special use permit for a short-term rental/Airbnb at 4447 Booth Street, submitted by Robin Richardson, Director of Planning.

Action: This item was previously heard with Change of Zone Application #3210.

ITEM NO. 8 – 201117...#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 Richardson, Director of Planning. This is not the applicant's primary residence. 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 years.

Public Works Comments: 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.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2020-4 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 9 – 201118... 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, submitted by Robin Richardson, Director of Planning. 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 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: 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.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2020-6 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 10 – 201120... 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, submitted by Robin Richardson, Director of Planning. 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 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 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: 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.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2020-7 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten "Ayes," Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

**ITEM NO. 11 – 201121... 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, submitted by Robin Richardson, Director of Planning. This is the applicants primary residence. The applicants have proposed to use two areas within the single-family residence for this operation. 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.
6. What is the maximum number of people that will be staying at any one time?
Applicant: Five.
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: None.

Business License Comments:

Applicant did file their business occupation tax application after SUP approval and have submitted their annual renewal.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2020-8 for two years. Roll call was taken on the motion and there were ten “Ayes,” Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 12 – 201122... 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, submitted by Robin Richardson, Director of Planning. 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:
 1. 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)
 2. 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: 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.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2020-9 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 13 – 201123... 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, submitted by Robin Richardson, Director of Planning. 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 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 years.

Public Works Comments: None.

Business License Comments: Applicant has filed application with this office and established as an Exempt business entity since 1968.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2020-10 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 14 – 201124... SPECIAL USE PERMIT APPLICATION #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 Richardson, Director of Planning. 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 years.

Public Works Comments: None.

Business License Comments:

Applicant has filed and maintained a current business occupation tax application.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2020-11 for five years, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

VACATION APPLICATION

ITEM NO. 1 – 201139...UTILITY EASEMENT VACATION APPLICATION #U/E-2019-7 - TORY GRAHAM WITH GTS HOMES LLC

Synopsis: Vacation of utility easements at 3640 North 110th Terrace.

and

ITEM NO. 2 – 201140...SPECIAL USE PERMIT APPLICATION #U/E-2019-8 - TORY GRAHAM WITH GTS HOMES LLC

Synopsis: Vacation of utility easements at 3638 North 110th Terrace.

and

ITEM NO. 3 – 201148...SPECIAL USE PERMIT APPLICATION #U-2019-9 - TORY GRAHAM WITH GTS HOMES LLC

Synopsis: Vacation of utility easements at 3636 North 110th Terrace.

and

ITEM NO. 4 – 201149...SPECIAL USE PERMIT APPLICATION #U/E-2019-10 - TORY GRAHAM WITH GTS HOMES LLC

Synopsis: Vacation of utility easements at 3630 North 110th Terrace.

and

ITEM NO. 5 – 201150...SPECIAL USE PERMIT APPLICATION #U/E-2019-11 - TORY GRAHAM WITH GTS HOMES, LLC

Synopsis: Vacation of utility easements at 3624 North 110th Terrace.

and

ITEM NO. 6 – 201151...SPECIAL USE PERMIT APPLICATION #U/E-2019-12 - TORY GRAHAM WITH GTS HOMES, LLC

Synopsis: Vacation of utility easements at 3618 North 110th Terrace. The applicant is requesting vacation of a utility easements for the purpose of constructing a retaining wall. 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:

1. Items that require plan revision or additional documentation before engineering can recommend approval: None.
2. Items that are conditions of approval (stipulations):
 - a. 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.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. Retaining walls with heights greater than 6' shall be tiered walls. A minimum of 5' shall be provided between tiered walls.
 - f. 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 sq. ft. per UG criteria.

- g. 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 Utility Easement Vacation Applications, #U/E-2019-7 #U/E-2019-8, #U-2019-9, #U/E-2019-10, #U/E-2019-11 and #U/E-2019-12, subject to the stipulations. Roll call was taken on the motion and there were ten "Ayes," Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 7 – 201145... UTILITY EASEMENT VACATION APPLICATIONS #U/E-2020-1 - MELISSA VANCURUM FOR DEAN REALTY COMPANY

Synopsis: Vacation of utility easements at 10 East Cambridge Circle, submitted by Robin Richardson, Director of Planning. The applicant, with Rouse Frets White Goss, wants to vacate the unused portion of the utility easement (terminate re-entry rights). The Planning Commission voted 7 to 0 to recommend approval of Utility Easement Vacation Applications #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: None.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Utility Easement Vacation Application #U/E-2020-1. Roll call was taken on the motion and there were ten "Ayes," Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 8 – 201146...#U/E-2020-2 - MELISSA VANCURUM FOR DEAN REALTY COMPANY

Synopsis: Vacation of utility easements at 1155 Adams Street, submitted by Robin Richardson,

Director of Planning. The applicant, with Rouse Frets White Goss, wants to vacate the unused portion of the utility easement (terminate re-entry rights). 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:

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: None.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Utility Easement Vacation Application #U/E-2020-2, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 9 – 201147...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, submitted by Robin H. Richardson, Director of Planning. The applicant wants to vacate Calvin Street between North Tremont Street and North 6th Street Trafficway for future commercial development of 640 Central Avenue. 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:

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:

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

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Street Vacation Application #S-2020-3, subject to the stipulations. Roll call was taken on the motion and there were ten "Ayes," Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 10 – 201152...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, submitted by Robin Richardson, Director of Planning. The applicant wants to vacate North 6th Street Trafficway between Simpson Avenue and North 7th Street Trafficway for future commercial development of 640 Central Avenue. 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:

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:

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

Mr. Rob Richardson, Director of Planning, said, Mr. Mayor, this is when you get it up on the map here, this is a portion of 6th Street Trafficway where it intersects with 7th St. There was a little bit of discussion at Planning Commission from a neighbor to the south about—on street parking and about rear access to the property. The way their property is currently situated, this application doesn't impact the rear of their property because that's all owned by another party that we don't have contact with. As you can see this is the home of the person that spoke at Planning Commission. They're worried about parking of cars here and on street parking since they don't have access to the rear of their house through this piece. Eventually, there'll be a curb line across here where they can continue to park once the street is closed off. They'll still be able to park there, approximate to their home. 6th Street, right here, if it were to be vacated, half of it would go to the commercial business here and half of it will go to the applicant on this side. As I said it comes to you recommended for approval by the Planning Commission.

Anderson, BHC Rhodes, 712 State Ave., Kansas City, KS, said we've actually got, there's two parts to it. We're also vacating Calvin street from Tremont to cross. We're also applying for the piece to close down 6th Street Trafficway. Calvin Street, all that area in there has been demolished, the buildings and everything like that. The owner owns everything that effectively adjoins it and have the right business as Rob said. The UG is indicating interest to also close off 6th Street Trafficway at 7th Street there as well to improve the flow. So, that's effectively what we're doing. Have any questions?

Mayor Alvey said I'll now open the public hearing. Is there anyone in support of these vacations? Seeing none, is there anyone in opposition, please come forward. State your name and city of residency please.

Richard Palmerin, 639 Simpson, said I'm the property that's encircled with the stockade fans. I'm having some issues probably with the previous, or I'd maintain the property to keep it appearance for the pedestrian traffic on 6th Street cutoff.

The building at 7th and Simpson is a tire shop. I've yet to talk to them. I've talked to two of the residents in the neighborhood on being up here this evening. I've done some sweat equity on the front of these while the structures were still there to keep them down for the John Q public

to walk through there safely. I did your five years, seven years ago, I did the sidewalk with intent that letting the city know that I'm going to be putting a new, replacing the crumble down, everything east and west of the northeast and southwest from me.

There's 100-year-old sewer down there and whatever else is buried underneath there. With this development that eventually is going to come through here, what's this going to do to start interrupting my peace of mind of 40 years that I've been in there? It's been ok my wife's family for an additional 40. I mean, you'll see me now and you'll see me later, but I'll be a stickler.

Once we start getting some berms, some public interest, getting some more people involved, not with a public meeting up here at the library where Catholic Housing was there, another party from the neighborhood speaking on his parents' behalf, but I've knocked on some doors around.

I need to get the thing out in Spanish and maybe move it to their competitor, which is Bethel Neighborhood Center that they've done some improvements. I'm sure they'd open up an area to where the membership or the taxpayer could come in and see what's going on with this master plan. I'm yet to find out what this master plan is for what this development. I think he gets a tenant, finish type, occupancy license because I've never seen a building permit, but maybe those are things of the past. Thank you.

Mayor Alvey asked anyone else present like to speak in opposition? Seeing none, I'll close the public comment.

Mayor Alvey asked any members of the Commission have questions or comments.
Commissioner McKiernan.

Commissioner McKiernan said thank you, Mr. Mayor. Excellent, we're making some contacts right there. Mr. Palmerin, first of all, I want to thank you for the work that you've done in the past on that block and in that neighborhood to keep it up. It's very much appreciated. We know that there have been some challenges with many of those properties there. It seems as if we're talking about two separate but related issues here. First is the issue of vacation of the North 6th St. Trafficway and second is the issue of the potential for a future development on that site. I want to

make sure we keep those separate because the only thing that we're considering here tonight is the vacation of the 6th Street Trafficway. As we look at that, I have my own map that I've color coded so I can keep all the parcels separate in my head. But I think because when we vacate 6th Street, there will be a curve that will continue effectively from the corner by where your parcel is right there where the hand is, and it will continue on across. There will certainly be opportunity for everyone who parks there now to continue to park, so anybody who's on the North 6th Street Trafficway will still have access to it.

I've talked with, and I saw our county engineer was here a moment ago, and we have had several discussions. Correct me if I'm wrong that there is a continuing concern that where Calvin and North 6th Street Trafficway both dumped into 7th Street, that because it is so close to the intersection, there could be some safety concerns, and have been some safety concerns with cars entering 7th Street Trafficway from those two streets before vacating this and moving everybody up to Simpson would give us a little bit more of a break between cars that are turning on to 7th Street and the 7th and Central intersection. It might end up making it a little bit safer over there.

Now, having said that, I do favor the vacation of North 6th Street Trafficway, because of the reasons that were presented in terms of both safety and the potential for future development. But speaking about the future development, that'll be a separate thing. We, collectively, have to make sure that the developer, whenever that occurs, follows all applicable laws and is a good neighbor above all things; is a good neighbor to all of us, so that's going to be on us. That's going to be on us when that eventually comes back and I have no idea what it's going to look like or when it's even going to come, but when it does, we need to make sure that it is a development that complements the community and treats everybody around it as a good neighbor. So that's what I would say. With that, I would move that we approve the decision of the Planning Commission to vacate North 6th Street Trafficway.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Townsend, to approve Street Vacation Application #S-2020-4, subject to the stipulations. Roll call was taken on the motion and there were ten "Ayes," Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

PLAN REVIEW APPLICATION

ITEM NO. 1 – 201153... 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, submitted by Robin Richardson, Director of Planning. This will consist of equipment, processing, and material storage. 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 mete and bounds area located within the project boundary. This mete 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:

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:

1. Items that require plan revision or additional documentation before engineering can recommend approval: None.
2. Items that are conditions of approval (stipulations):
 - a. 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.
 - b. 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.
 - c. Provide staff with copies of all applicable Federal and State permits and/or approvals which shall be required prior construction permit acquisition.
 - d. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
3. Comments that are not critical to engineering’s recommendations for this specific submittal but may be helpful in preparing future documents: None.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Plan Review Application #PR-2020-1, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

MASTER PLAN AMENDMENT

ITEM NO. 1 – 201127...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, submitted by Robin Richardson, Director of Planning.

Action: **This item was previously heard with Change of Zone Application #3213.**

MISCELLANEOUS - ORDINANCES

ITEM NO. 1 – 201...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 Richardson, Director of Planning.

Action: **ORDINANCE NO. O-2-20**, “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.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan

ITEM NO. 2 – 202...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 Richardson, Director of Planning.

Action: **ORDINANCE NO. O-3-20**, “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.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan

ITEM NO. 3 – 203...An ordinance vacating utility easements (#U/E-2019-6) at 2600 Bi-State Drive, submitted by Robin Richardson, Director of Planning.

Tracking #: 203

Action: **ORDINANCE NO. O-4-20**, “An ordinance vacating an located at approximately 2600 Bi-State, 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 ten “Ayes,” Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

Mayor Alvey said we're going to move to the Planning and Zoning Non-Consent Agenda, but before we do, I just want to recognize a dignitary in our presence, Mr. Chuck Stites, from Edwardsville City Council. Sorry I missed that at the beginning. I hope I didn't miss anybody else, but thank you for being here.

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 201129...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, submitted by Robin Richardson, Director of Planning. The 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 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.

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.
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.
A deficiency of 3 GFCI's was found in the rental inspection and that is being corrected.
 - c. Double keyed locks are not allowed.
None. were present for the rental inspection and None. shall appear later on.
 - d. Copper cannot be used for gas supply lines.

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.
Functionality was verified through the rental inspection on May 23rd, 2019.
 - f. Handrails are required at sets of 4 or more stairs/risers
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
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
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 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.

Rob Richardson, Director of Planning, said alright, we have three items on the planning and zoning non-Consent Agenda Item Number one is special use permit application SP-2019-80. Alexander wrestled with our EP and Anderson LLC for a short-term rental/Airbnb at 338 North 14th Street, Planning Commission voted 4 to 2 for denial, I’ll ask staff to make some opening remarks. Thank you, Mr. Mayor, this home is right on the corner and overlooks the playground of the church there in the neighborhood and that was the focus of the neighborhood opposition to this and having folks coming in and out on a regular basis. It’s different than a long-term renter and that they would not have to be changed their sex offender registration just to be in an Airbnb but if they’re going to live their long term, they would have to. So, the folks in the neighborhood were concerned about the children being right there and having somebody being able to look out the window over the playground without having any background check. They were also concerned with how the applicant had conducted themselves in the past because they operated without a permit, for a little bit. I think the applicant is here and would probably like to make a presentation, thank you. I’d ask the applicant to come forward to present his application.

Erik Andersen, 334 N. 14th St., said the next permit that you're going to talk about. So, with Alex, there was some reservations that had been made and when we realized that we needed to have this permit process completely finished, and there's been technical issues preventing it from successfully being live with 30 DAY PLUS bookings. The, the listing was then taken down until for the thing from October until now. One of the issues that came up was that that the reservations that had already been made were not cancelled. As a host, you get some pretty harsh penalties when you cancel reservations that are already made. That was that was one of the issues that had come up. No further bookings had been taken since October, that October meeting, but that was what had occurred.

Mayor Alvey said I asked to open the public hearing? Is there anyone president would like to speak in favor especially use permit? SP-2019-80? If so, please step to the podium at this time and give us your name and address for the record if three minutes

The house in question in front of what it would actually be the short-term rental because it's actually just the garage apartment behind the house, that would be the short-term rental not the house itself technically.

Erin Hart, 338 N. 14th St., the house in question in front of what it would actually be the short-term rental because it's actually just the garage apartment behind the house, that would be the short-term rental not the house itself technically. Not much to say was same thing that Erik said but now we are fully compliant and the only we do have a standing right now but it is over 30 days day stay. 51:50 inaudible compliant. All the listings that we currently have up are now they say they have to be 30 days plus and that if an error occurs where someone does try and but less than 30 days and we just cancel it.

Mayor Alvey said anyone else present who'd like to speak in support? Seeing none. Anyone president like to speak in opposition?

Commissioner McKiernan said apologies to everybody in this room, you're going to get tired of hearing from me tonight. First of all, we've had this discussion about Airbnb as before that there

are many pros and there are many cons to Airbnb, and no city in the United States is immune from controversy about them, nor has anybody come to a common decision on how to best manage them. In this case, my one big concern about all of this is that I sat with the two of you back at the first of October, and you both look me in the eye and you both said, No, you didn't have any bookings. You weren't going to have any guests and I understand that you both did still have but after you were contacted by Mr. Richardson's, you didn't have any more but there were still some at 338. That is, to me, that is not acceptable that you look at me and say yeah, when the answer is no. That you don't, you're not upfront and truthful, truthful with me because I think we probably could have worked through it at that point. But at this point, I'm going to ask Mr. Richardson, Mr. Richardson if the applicants at 338 were to decide to apply for a special use permit again in the future with a new application, would that be accepted?

Mr. Richardson said if it's denied this evening, they would have to wait for a year. **Mayor Alvey** said would have to wait for a year. **Mayor Alvey** said based on what I just said, I move that we uphold the decision of the Planning Commission to deny Special Use Permit.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve recommendation for denial of Special Use Permit Application #SP-2019-80.** Roll call was taken on the motion and there were ten "Ayes," Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 2 – 201130...#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, Director of Planning. 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 Planning Commission voted 5 to 1 to recommend approval of Special Use Permit Application #SP-2019-81 for six months subject to: 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 Club
 - 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
 - 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.
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 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: None.

Rob Richardson, Director of Planning, said this house is just two doors down. While we had some of the same issues with this property related to operating without a permit and continuing to operate without a permit after they were told not to do that. At the end of the neighborhood, since this house you can't see the playground from this house, the neighborhood said that they essentially didn't really have an objection to this one. So, it comes to you with a split vote recommending in favor of approving this particular property.

Mayor Alvey said thank you. I'd ask the applicant to come forward to present the application. Please state your name and address for the record.

Erik Andersen, 334 N. 14th St., said I do recognize fully that mistakes were made in the process of applying for this permit, and for operating for a period of time with accepting bookings when we shouldn't have. I will say I made some bonehead mistakes. I thought that it was okay to operate while during the application process—when the conversation happened in October that I needed to stop any and all bookings and reservations and so forth. If there was to be anything, it would be 30 days plus so that way it would still be on the long-term rental permits that we had. I had no more reservations.

I know we already talked about 338. From there, at least for my house, I've not had any other issues. I've been following recommendations, and at the end of last meeting, it looked like the agreement was to give me a six-month trial run and see how well I can follow the rules. I'm listening. I'm going to do my best to follow the letter of the rule that you guys put down tonight.

Whichever way you go, going to make sure to check in with him, really double check and follow what I'm told.

Mayor Alvey asked anyone present—would like to open the public hearing; anyone present who would like to speak in favor of this petition? Seeing none, anyone present who would like to speak in opposition? Seeing none, I'll close the public hearing and entertain questions and comments from the Commission.

Commissioner McKiernan said, Mr. Anderson, thank you for being here. Thank you for listening. I have known that you have been in our neighborhood now. Your situation is different than 338. You have been in the neighborhood for a period of, I believe, three years now. **Mr. Andersen** said come March, three years. **Commissioner McKiernan** said okay, so three years, offering long-term rentals instead of short-term rentals and you have been a good neighbor to the best of my observation in those three years. There haven't been any issues with tenants of your building. There haven't been any issues with code violations on the exterior of your building. There haven't been any issues and you have demonstrated to me, at least, that you are a responsible property manager and property owner with respect to your property. With that, I would move that we approve the recommendation of the Planning Commission to approve the special use permit.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2019-81 for 6 months, subject to the stipulations.** Roll call was taken on the motion and there were ten “Ayes,” Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan

ITEM NO. 3 – 201131...SPECIAL USE PERMIT APPLICATION #SP-2019-97 - DAMON DOWNS WITH DOWNS TRUCKING COMPANY

Synopsis: Special use permit to park two heavy dump trucks on vacant residential property overnight at 4510 Parkview Avenue, submitted by Robin Richardson, Director of Planning. 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 6:30 am on a workday and return around 4:30 pm.

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.

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: None

Business Licensing Comments:

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.

Rob Richardson, Director of Planning, said the request to park the heavy equipment, the dump trucks in this area, requires them to drive through residential areas on streets that aren't the greatest in all cases. It's really not, in staff's view, an appropriate place for that kind of activity and there are other places in the community where they can park those. The Planning Commission has recommended denial 6 to 1.

Damon Downs, 5348 Haskell, said I don't know if I'm really petitioning, I didn't really know exactly; I just own that property. I kind of told them whatever the city asked me to do on that, it is a residential. I presented to them that it—there is a neighborhood. I'm trying to think of what type

of neighborhood that is, but I'm on a dead-end street down there off of Leavenworth Road. I stay on the backside of the horseshoe residents. So, if they say it's not a liable place for trucks, I'm okay with that. I'll find somewhere else to park them. If they say it's okay—the city owns about nine acres, eight acres behind me on a dead-end street there. This is where I'm at.

Mayor Alvey asked is there anyone present who would like to speak in support of this application? No. Is there anyone present who would like to speak in opposition? Seeing none, I'll close the public hearing.

Mayor Alvey said now, Commissioners, we do have these marked correctly. Temporary but they work.

Commissioner Townsend said, Mr. Downs, can you come back to the podium. I just have one quick question, or maybe two. I'm curious. It wasn't in our materials. What is the purpose of your trucks? What do you do with these trucks? **Mr. Downs** said haul asphalt for Fahey Asphalt. **Commissioner Townsend** said since I've been on the Commission, the movement has been, and I agree with this movement, to preserve residential areas, the tenor design of them for residential purposes. Your statements made it kind of easy for me tonight, and I appreciate your attitude about it, but it's not consistent where we have been going in the last 5 to 6 to 7 years with this. I'm hoping that you can find someplace else. You've just about said as much. I saw in here where you wanted to build. If you want to use that land, your land for that purpose that's compatible, that would be my recommendation to you. Good luck with that.

Mr. Downs said can I ask this question. On acquiring more land, can you change it at a later date to a zoning different for agriculture or something like that, or basically that won't be...**Mayor Alvey** said I think this is something to work out.

Commissioner Townsend said the answer to this is maybe yes, maybe no; depending on what it is. We don't have enough specifics, but Mr. Richardson would be happy to talk specifically with you about that. **Mr. Downs** said more so because of the residential.

Commissioner Bynum said, Mr. Downs, just a quick comment. I had in my mother's

neighborhood, which is purely residential, we had a gentleman who had the same situation. Of course, parking the big truck in the residential area was not appropriate for the area, but he was able to find another location that wasn't that terribly far away and it's in the Leavenworth Road area. I think there's going to be some options for you with another location for your truck that's not too terribly far away, so just kind of to let you know that I think this can be worked out for you. Not on your property, but in another location.

Damon Downs said the only thing we run into with the trucks that size or when they're over 12,000 is it has to be like in an industrial like zones. **Commissioner Bynum** said okay, perhaps you can leave your phone number with staff and we can chat about that. **Mr. Downs** said okay, some other places. **Commissioner Bynum** said thank you, okay.

Action: **Commissioner Townsend made a motion, seconded by Commissioner McKiernan, to approve recommendation for denial for Special Use Permit Application #SP-2019-97.** Roll call was taken on the motion and there were ten "Ayes," Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

REGULAR CONSENT AGENDA

Mayor Alvey said that concludes the Planning & Zoning portion of tonight's meeting, we now move to the regular portion of our agenda. Does any member of the Commission or the 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 McKiernan made a motion, seconded by Commissioner Johnson, to approve the Regular Consent Agenda.** Roll call was taken on the motion and there were ten "Ayes," Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 1 – 201109...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.

Action: **RESOLUTION NO. R-2-20**, “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.” **Commissioner McKiernan made a motion, seconded Commissioner Johnson, to adopt the resolution.** Roll call was taken on the motion and there were ten “Ayes,” Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

ITEM NO. 2 – 205...PLAT: KCK FOODIE PARK

Synopsis: Plat of 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.

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

ITEM NO. 3 – 206...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.

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

ITEM NO. 4 – MINUTES

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

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

ITEM NO. 5 – WEEKLY BUSINESS MATERIAL

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

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

PUBLIC HEARING AGENDA

ITEM NO. 1 – 1912...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.

Doug Bach, County Administrator, said tonight we're excited to bring forward a project which really is a long time in the works. It comes from a time when we had identified a parcel of property that was tax delinquent in our community. It was a defunct warehouse building that was no longer

being used. We were able to move this property through our land bank and get into the hands of a developer and community to turn it into something. They upheld the terms of our agreement initially, demoed the property and are now here to come forward with their project that they're doing to build it knew. With that I will recognize our Director of Economic Development, Katherine Carttar, and let her present the project for we request moved to the public hearing, discard.

Katherine Carttar, Director of Economic Development, said as Doug Bach just mentioned, so this has been a somewhat to the storied parcel and I'm going to go into a little bit of the back history of where we've come. Also, talk a little bit about the company that is coming in and wants to do some pretty cool things here. Premier Investments, they're a family owned and managed company.



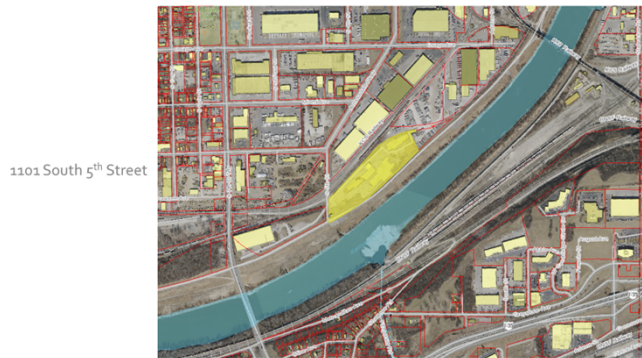
- Premier Investments
 - Family owned and managed
 - Headquartered in KCK
 - More than 3 million square feet of industrial space in Armourdale
- Last major project was the 170,000 square foot building at 500 Osage
- Speculative buildings are ideal for new distribution of manufacturing

They're here tonight if you have any questions after this presentation. They've been headquartered here, I believe, somewhere over 50 years, not sure exactly how many of those years, but it's been a while. They have over 3 million square feet industrial space in Armourdale. Their last building, which you can drive by, you can see kind of how very well it has been kept and looks really good from the outside and as a resident in the area, I can see how even though these are spec buildings that are built, they're sought after for distribution and manufacturing.

500 Osage, Kansas City, KS



So, here's one now that's up and running, 500 Osage.



Then the property in question tonight is 1101 South 5th Street.

Previous Use – Midwest Cold Storage



This is an area, you may remember, had the Midwest Cold Storage. This is what that looked like just about a year ago, before Premier Investments purchased this property and demolished this building that was literally falling down. By having this demolished, we've already seen some benefits. This was an area that was there, was a lot of calls for service, so already seeing benefits.



Here is a rendering of the property that they're proposing on this site, very similar to what you saw with their other buildings.

Project Overview

- 1101 South 5th Street
- Building a 80,000 square foot speculative building
- 100 New Jobs
- \$5,500,000 Capital Investment
- Premier Investment has invested heavily into adjacent business park
- Site Challenges:
 - Initial demolition costs (Premier Investment has invested \$750,000 to demolish existing structure)
 - Active rail line to cross to access the site
 - Active metal recycling facility adjacent the site
 - Site Dimensions/setbacks

This will be about an 80,000 square foot speculative building, looking at roughly 100 new jobs. This is a \$5,500,000 capital investment. As I mentioned, this is a company that has strong roots in the area, they have strongly heavily invested in the adjacent business park. Additionally, there are a number of site challenges to this place. We've got, there was the initial demolition costs, as well as an active rail line, as well as some partners or neighbors around there that are good neighbors, but also not necessarily the best in terms of kind of marketing a site to new companies. As well as the site dimensions and setbacks, it's a very narrow site and there's some railroad property nearby which does make it a bit challenging to get a good size building on there.

Project Overview and Impact

Type	Project Totals	Impact
Capital Investment	\$5.5M	\$5.1M Building Construction \$400K Land Acquisitions
Permanent Employment	100 New jobs	50 Initially with an additional 50 created ultimately
Blight Remediation	\$750K	Demolition of the previous building on site

80% abatement for 10 years

With these items that I've just mentioned, we recommended an 80% abatement for 10 years.

Tax Impact of Expansion Project

Overview	Tax Impact
Current Taxes Collected Annually	\$16,023
Projected Annual Taxes during Abatement (Years 1-10)	\$50,739
Projected Annual Tax after Abatement (Year 11)	\$253,696

Taxing jurisdictions receive an average 23% return on investment.

Currently, the taxes, it has been in the Land Bank for quite some time, but currently taxes are about \$16,000 a year. During the abatement period, we're looking at closer to \$51,000 and then starting in year 11, we're at a quarter million dollars. We see this as a good plan to get a property that has not been used, that has been an issue for many years back into paying taxes and good use as well as we do a cost benefit analysis for all industrial revenue bond projects, and this had an average of 23% return on investment for all the taxing jurisdictions.

For Consideration:

- Public Hearing
- Resolution of Intent to issue IRB's in the amount not to exceed \$5,500,000 for the benefit of Premier Investments, L.L.C.

Tonight, we have a public hearing as well as a resolution of intent to issue the IRBs.

Mayor Alvey said I will now open the public hearing. Is there anyone present who would like to speak in favor of this item?

Greg Kindle, President of the Wyandotte Economic Development Council and a resident of KCK, said I'm here in support of this request. As has been noted by Katherine, this site had been in property tax arrears for many years. It was an eyesore. Power had been cut off to the property and it was a heaven for transients. Premier Investments bought the property and immediately invested \$750,000 to demolish the building and clean at the site. There are three active railroad tracks to cross in order to access the site which does have a limitation on the number of clients that'll be interested in the location. Because of those setbacks, there is significant limitation in terms of being able to expand the site.

The proposed development invests \$5.5M into the community, creates significant net new property taxes even during the incentive period, and creates additional job opportunities. I do want to point out that Premier Investments isn't just another development company, they are a local family. The Wilhite's, their offices are in the middle of the development. They are engaged in the community. They retain ownership of these buildings and they're reproachable by their clients.

We make about 150 retention calls annually with a number of them in that park there in Armourdale and consistently their clients speak well of them, the facilities and the quality of the interactions they have with Wilhite's. That means a lot to us when it comes to retaining good companies. That long term ownership of quality buildings is meaningful and weighs heavily on our support for this request, slightly beyond the normal policy. It is for these reasons that we encourage you to support this request as well.

Mayor Alvey said thank you, Mr. Kindle. Anyone else present that would like to speak in support? Seeing none, anyone present would like to speak in opposition? Seeing none, I will close the public hearing.

Commissioner McKiernan said first of all, I would like to thank the Wilhite's for their continued investment in Kansas City, Kansas and Armordale. Your presence is a real positive for us as you bring lots of jobs into our community and you bring lots of tax revenue into our community and we appreciate both of those things. As Katherine said, the day that you demolished this building you improved that site because when you used to look up blight in Wikipedia, that building, the old Cold Storage building is probably the picture that popped up, because it absolutely put a negative strain on everything around it. So, thank you for that. I hope everybody appreciates that building a building on spec means you don't have anybody who is yet committed to move in there, but you're going to build the building anyway because your track record is so good that you are able to find tenants and fill those buildings and I thank you for that.

Although I know that we very often need to give incentives to get new development, I'm not wild about giving a 100% incentive or abatement because even the best new development puts strain on the infrastructure around it, and that's why I am thrilled that your development will pay additional tax dollars from day one, you will materially contribute to supporting the infrastructure that supports you and I really appreciate that.

Action: **RESOLUTION NO. R-3-20**, "A 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.”

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

ADMINISTRATOR'S AGENDA

ITEM NO. 1 – 204...PRESENTATION/TWO 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.

Commissioner McKiernan said, Mr. Mayor, what I would ask at this time is I think it would actually be appropriate if we did hear a presentation from Public Works on this and I'm getting to my notes right here. I know that we recently, who are inside have recently been presented with another possible option. First of all, let's back up just a little bit. First of all, we all know and I think we all understand that the issues related to improving our management of stormwater runoff directly affect the quality of life for many, if not all of us. I think we further understand that the cost of improving our management of that stormwater is not going to be trivial, and that we all are going to have some measure of responsibility for helping achieve shared improvement. The last time that Public Works was ahead of us they presented us with three options. That was a flat fee option and

option number one, which was based, your new fee was based entirely on a multiplier on the square footage of impervious area that were calculated for your parcel.

Then in option two, which still use square footage as the baseline calculation, but broke all the properties into 13 tiers or 13 groups. Since that time, because several of us had expressed some concerns with both of those options that while option one may be the more equitable, that for many people, option two is the more affordable, not for all, because of that inequity, but for many, and so Public Works has come up with another alternative for us to consider. I personally still think that option one is the most equitable, but I think that this new alternative that they have come up with, and so far shared only with us internally, is probably the more palatable because over 94% of the parcels in Wyandotte County will actually experience a very, very small increase in their stormwater fee.

Having said all that, because we have all just learned about this new option and because despite our best efforts to communicate out, many people are just becoming aware of the need for us to improve our stormwater system and because I still have a lot of questions about the implementation of this. I'm getting questions that I can't answer, and I don't like to vote on something where there are questions that I still can't answer. What I would suggest, Mayor, is that public—what I would move is that Public Works make a presentation presenting the new payment option to all of us tonight, but that we, as a Commission, table the decision on this item until our meeting of February 27.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Townsend, to table until February 27, 2020 meeting.

Mayor Alvey said I want to ask is Public Works able to present. Okay.

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

Mayor Alvey said we'll now hear the presentation on the new proposal.

Jeff Fisher, Executive Director of Public Works, said we'll get right into the presentation. First start reminding ourselves that the primary objective of the stormwater utility is to protect life and property. It is also a mission and objective to reduce and manage impacts to the public stormwater system and the environment.



As the pictures go across the screen, I'll mention a few things.

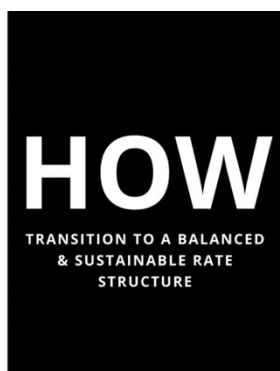


It's been our approach to this the last few years to do everything we can to maximize resources we currently have to get better at the work we need to do with what we have.

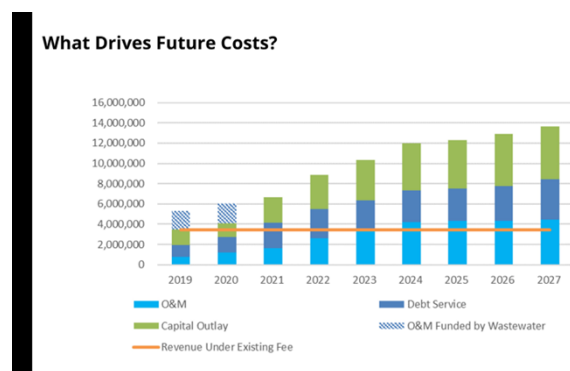


We've discussed that in past discussions regarding street preservation, that's been my philosophy. Three and a half years here now, we are going to approach a ceiling where the department cannot do much more than it is at that point.

As we mentioned the last meeting there were over 2000 work orders right now that are open and that list is growing. There's \$141M in needs and just eight basins of the 46 total we have and only \$19M of that capital is in this proposal. It's getting more expensive. It is impacting folks more and more. It is impacting quality of life in KCK.



Staff has presented a transition to a balanced and sustainable rate structure.



We've reviewed this graph together a few times and so I won't spend a lot of time and I just wanted to quickly highlight that. A really important component of that is the increased levels and commitment to maintenance and so, this allows staff to address the emergencies we currently have and will have for a while, but to be more proactive so that eventually those emergencies are minimized.

Dave Reno, Public Works Program Coordinator, said Jeff mentioned, the Unified Government has more than \$141M in stormwater needs and to begin addressing those needs staff formed an action plan. The plans cannot exist in a vacuum.



Community feedback matters and over the past year staff worked hard to ensure they not only obtained it but they created an environment where interested individuals could engage if they chose to do so.



Staff accomplish this by holding multiple open houses, meeting multiple times with the Kansas City Kansas Chamber of Commerce, running an informational video on UGTV, communicating through digital and print platforms like Facebook, NextDoor, ENews and *The Citizen* Newsletter.

Now, visualizing the outreach staff perform can be difficult but this calendar does a good job of capturing the time staff, or multiple members of staff, spent engaging the community, adjusting the program based on feedback received, reducing the capital funding, reporting to the Board of County Commissioners and sending mail to every residential address in Kansas City, Kansas. Community feedback has shaped this plan from the very beginning and is important to note that each of the options Anna will discuss tonight is consistent with opinions voiced by the community in the 2018 and 2020 citizen surveys. Both of those surveys 83% of respondents

believe it's either very important or important for the Unified Government to manage stormwater runoff.

In about 2018 and 2020 a majority of respondents also believe that property owners who generate more runoff should pay more per square foot than those who generate less runoff. If approved, the community engagement process will continue.

INFORMATION

Learn about stormwater issues and look up impervious area for property online, by phone, or in-person

EDUCATION

Dedicate resources and staff to speaking with neighborhoods, groups, and individuals about the change and why it's needed

ASSISTANCE

No one is alone. Staff will be available to provide A-Z assistance, including during pre-construction planning



Staff will help customers look up their impervious area by phone, online, or in person. Staff will speak with neighborhoods, groups and individuals about the transition timeline, and why the transition is needed and staff will assist those groups, businesses and individuals with unique situations with finding at least the least burdensome solution to implement cost saving practices.

Mr. Fisher said I'll quickly add that implementation involves a lot of manhours and money and to do all that before a rate structure is adopted, it would be like building the road or a facility before the Commission approves funding for those things. So that's why we have not started implementation.

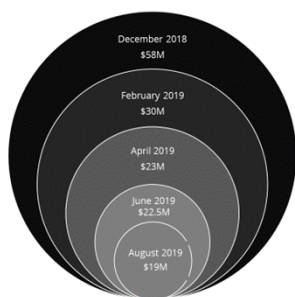
The stormwater fee hasn't changed since 2012



Rate Transition Options & Features

Scaling Down the Capital Program

Responding to community feedback



Laura Drescher, Project Manager with Burns & McDonald, said so based on the feedback that we've received over the last year, we came up with two alternative rate options and based on the feedback that we've received since January 9th, we came up with a third option. All of these options are based on impervious area, they'll all recover the same amount of revenue, and they all reflect a significantly scaled down capital program.

As Jeff mentioned, \$141M in stormwater needs were identified in eight watersheds that are considered high priority watersheds in the county. However, we originally scaled that down to a plan to address and fund just \$58M worth of projects in those eight watersheds. Based on public feedback and concern over the impact 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 the \$19M capital plan that reflects only 7 of the 12 identified projects.

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%

Option one rate structure is individually calculated monthly charge based on the rate for 500 square feet shown on the first line of this table. The minimum charge is \$4.50 per month. So, properties that have no impervious area, or no hard surface, will pay the minimum fee of \$4.50. At the bottom of this table, you can see the percentage of parcels that would pay this minimum charge through

2027. So, it starts at about 70% in 2021, and decreases over time as the rate per 500 square feet 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 two is a tiered rate structure with 13 tiers based on ranges of impervious area. So again, you can see at the bottom of this table the percentage of parcels that are not impacted under this option, which is less than option one with 43% in just the first two years. What's important to know about the tiered rate structure, that putting properties into these blocks it helps to address the magnitude of the build impact but it depends on where a parcels impervious area falls within the tier. Properties that are at the higher end of the tier would pay a lower monthly charge than option one. Properties at the lower end of the tiers would pay a higher monthly charge than option one.

Option 3 - Tiered
Based on impervious area (hard surface)

Tier	Range (ft ²)	% Parcels	2021	2022	2023	2024	2025
1	0-10,000	94.2%	\$5.00	\$5.88	\$6.84	\$7.94	\$8.12
2	10,001-100,000	4.9%	\$38.21	\$56.53	\$65.80	\$76.34	\$78.11
3	100,001+	0.8%	\$363.59	\$537.94	\$626.10	\$726.40	\$743.25

Option three then is an additional tiered option with three tiers based on ranges of impervious area. This third option was created in an attempt to mitigate the impact on the larger parcels even more. Under this option, all parcels would see an increase in the monthly fee starting in 2021 versus option one and two where a significant percentage of parcels would not see an increase in the first few years. As with option two, whether or not a property will pay more or less than option one, again, depends on where the parcels impervious area falls within the tier.

Comparing Options 1, 2 & 3

Based on impervious area (hard surface)

	Option 1 (Previously Calculated)	Option 2 (1:1 Ratio)	Option 3 (1:1 Ratio)	Overland Park (2019 Rates)	Lawrence (2019 Rates)	Topeka (2020 Rates)
IA = 2,420 ft ²	\$4.50	\$4.84	\$5.00	\$2.75	\$4.47	\$6.00
IA = 6,000 ft ²	\$8.04	\$6.15	\$5.00	\$6.64	\$11.08	\$14.87
IA = 200,000 ft ²	\$268.00	\$189.81	\$363.59	\$221.33	\$369.40	\$495.54
IA = 2,000,000 ft ² (Very Large)	\$2,680.00	\$1,844.67	\$363.59	\$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	\$363.59	\$6,861.17	\$11,451.39	\$15,361.74

This table provides some examples of monthly bills for five different measurements of impervious area. We show the monthly bill for option one, two and three, and then for three area communities. Again, when you look at option two and option three, the impact as to whether or not option two or option three will result in a higher charge or lower charge than option one, depends on where the property falls within the tier. I want to point out that properties in Johnson County do have the opportunity to receive funding from Johnson County stormwater ad valorem on tax. None of the other communities in Kansas have a similar stormwater tax.

Credit Program - Option 1

Evaluation Basis	Technical Criteria	Credit %	On-Site Stormwater Management Practices	Maximum Credit Possibilities:
Quantity Credit	Based on Levels		Retention or Detention Ponds	- No Direct Discharge: 50% - Ratio Credit: 50% - Direct Discharge: 75%
Level 1: Post-Development Runoff Rate	100% of Allowable Pre-Development	10%		
Level 2: Post-Development Runoff Rate	90% of Allowable Pre-Development	15%		
Level 3: Post-Development Runoff Rate	80% of Allowable Pre-Development	20%		
Level 4: Post-Development Runoff Rate	70% of Allowable Pre-Development	25%		
Quality Credits	Case-by-Case		Rain Gardens, Infiltration Basins, Bioswales, Non-Structural	
Runoff Quality: Post-Development above Pre-Development Level	Improve Quality: Reduce Pollutant Load	10%, 15%, 20%, 25%		
Direct Discharge Credit				Note:
Discharge to Kansas or Missouri Rivers	Direct Discharge (and/or) via Private System	75%		Properties can only receive either Direct Discharge (DR) Ratio (DR) Quantity/Quality
Ratio Credit				
Ratio of Pervious Area to Impervious Area	30:1	50%		

Each of these rate options will include a credit program to give property owners the ability to lower their monthly fee. So, some examples would be implementing a rain garden or detention basin, something to address stormwater runoff on their property. In each of the three options there will be an ability to achieve credits in the areas of quantity. So, reducing the amount of runoff coming off property quality, which is reducing the pollutants in the runoff, discharge credit, this is for properties whose runoff flows directly to the river. Then the ratio credit for properties that have at least 30 square feet of green space to one square foot of impervious area or hardscape. Just as an example, the Knetter properties, which are largely agriculture, will most likely qualify for the ratio credit as well as the minimum bill in most of these options.

Under option one, the amount of the quantity credit increases based on four different levels of service as you can see there. The quality credit will be determined on a case by case basis in order to allow flexibility in how this credit can be achieved. Under option one the quantity and the quality credits are additive for a max credit of 50%.

Credit Program - Option 2

Evaluation Basis	Technical Criteria	Credit %	On-Site Stormwater Management Practices	Maximum Credit Possibilities:
Quantity Credit	Based on Levels		Retention or Detention Ponds	
Post-Development Runoff Rate	70% of Allowable Pre-Development	20%		• No Direct Discharge: 20%
Quality Credits	Case-by-Base		Raingardens, Infiltration Basins, Bioswales, Non-Structural	• Ratio Credit: 50%
Runoff Quality: Post-Development above Pre-Development Level	Improve Quality: Reduce Pollutant Load	20%		• Direct Discharge: 75%
Direct Discharge Credit				
Discharge to Kansas or Missouri Rivers	Direct Discharge (and/or) via Private System	75%		
Ratio Credit				Note:
Ratio of Pervious Area to Impervious Area	30:1	50%		Properties can only receive either Direct Discharge (OR) Ratio (OR) Quantity/Quality

Under rate options two and three, the credit program is still available, the discharge—the direct discharge credit and the ratio credits are the same as option one, however, in option two, the quantity and quality credits are scaled down in terms of the levels of credit and the max credit.

Credit Program - Option 3

Evaluation Basis	Technical Criteria	Credit %	On-Site Stormwater Management Practices	Maximum Credit Possibilities:
Quantity Credit	Based on Levels		Retention or Detention Ponds	
Post-Development Runoff Rate	70% of Allowable Pre-Development	10%		• No Direct Discharge: 10%
Quality Credits	Case-by-Base		Raingardens, Infiltration Basins, Bioswales, Non-Structural	• Ratio Credit: 50%
Runoff Quality: Post-Development above Pre-Development Level	Improve Quality: Reduce Pollutant Load	10%		• Direct Discharge: 75%
Direct Discharge Credit				
Discharge to Kansas or Missouri Rivers	Direct Discharge (and/or) via Private System	75%		
Ratio Credit				Note:
Ratio of Pervious Area to Impervious Area	30:1	50%		Properties can only receive either Direct Discharge (OR) Ratio (OR) Quantity/Quality

Likewise, for option three, the quantity and quality credits are scaled down more.



Option 1 – Individually Calculated						
		2021	2022	2023	2024	2025
Rate per 500 ft ²		\$0.67	\$0.88	\$1.04	\$1.22	\$1.22
Minimum Charge		\$4.50	\$4.50	\$4.50	\$4.50	\$4.50
% Parcels not impacted		70%	58%	43%	28%	28%

Option 2 – Tiered							
Tier	Range (ft ²)	% Parcels	2021	2022	2023	2024	2025
1	0 - 2,000	42.53%	\$4.50	\$4.50	\$5.09	\$5.89	\$5.92
2	2,001 - 4,000	40.65%	\$4.84	\$4.84	\$5.48	\$6.34	\$6.37
3	4,001 - 6,000	7.39%	\$6.15	\$6.21	\$6.58	\$11.08	\$11.14
4	6,001 - 10,000	3.61%	\$9.59	\$12.82	\$14.94	\$17.29	\$17.38
5	10,001 - 20,000	2.41%	\$17.61	\$23.52	\$27.43	\$31.74	\$31.90
6	20,001 - 30,000	0.94%	\$31.92	\$42.65	\$49.73	\$57.54	\$57.84
7	30,001 - 60,000	1.14%	\$53.29	\$71.19	\$83.01	\$96.06	\$96.55
8	60,001 - 100,000	0.48%	\$99.53	\$132.97	\$155.05	\$179.42	\$180.33
9	100,001 - 250,000	0.51%	\$189.81	\$253.57	\$295.67	\$342.14	\$343.88
10	250,001 - 500,000	0.22%	\$436.30	\$582.88	\$679.65	\$786.47	\$790.47
11	500,001 - 1,000,000	0.08%	\$864.01	\$1,154.27	\$1,345.90	\$1,552.43	\$1,565.37
12	1,000,001 - 5,500,000	0.04%	\$1,844.67	\$2,464.39	\$2,873.52	\$3,325.15	\$3,342.09
13	5,500,001 +	0.00%	\$5,803.83	\$7,753.61	\$9,040.86	\$10,461.82	\$10,515.10

New Option 3 – Tiered							
Tier	Range (ft ²)	% Parcels	2021	2022	2023	2024	2025
1	0 - 10,000	14.2%	\$5.00	\$5.88	\$6.84	\$7.94	\$8.12
2	10,001 - 100,000	4.9%	\$38.21	\$56.53	\$65.80	\$76.34	\$78.11
3	100,001 +	0.8%	\$363.59	\$537.94	\$626.10	\$726.40	\$743.25

Mr. Fisher said all three options create a sustainable funding system. All three are based on hard surface. Option one, again, was the initial recommendation in June of 2019. The two subsequent options were results of the additional public engagement. Each option, two and three, were developed as alternates to mitigate the impacts to medium and large customers. Again, they're \$141M in needs and 8 basins and only have 19 in this proposal, consequences of taking no action or continued deferred maintenance, increasing costs, increasing number of emergencies, a decline in level of service and more safety concerns.

Again, the primary purpose of this stormwater utility is to protect life and property. It is also to reduce and manage impacts to the stormwater system and the environment.

What happens if staff can't respond?

DEFERRED MAINTENANCE

Regular maintenance will continue to be deferred to manage emergencies

EMERGENCY FUNDING

Emergencies will increase in frequency and severity

SERVICE WILL DECLINE

The need to manage emergencies will reduce service delivery at all levels

SAFETY WILL DECREASE

The safety of residents, businesses, and visitors will continue to decline

It is not to burden folks with fees. This is not just an Argentine problem, it's not just an Armordale problem, it's not just a Turner problem, it's a community problem. We'll be happy to entertain questions.

Mayor Alvey asked could you just briefly describe some of the safety concerns when we have, let's say, a failure in the public infrastructure. How does that affect the safety of the community? **Mr.**

Fisher said well, I would point to things like street flooding, endanger to motorists and the various basins, creeks. I hate to overstate things but there's all kind safety risk to kids in those situations. We have, especially with the sort of extreme weather we've been having for a number of years now, the flash floods, just create risks to folks and motorist is all we're trying to say.

Mayor Alvey asked also, the pictures that you showed at the beginning and there were just snapshots we couldn't even zero in on, except on four of them, are those from all parts of the community, you said it's not just Argentine problem, not just Armordale, Turner, but they cross the entire city. **Mr. Fisher** said that's correct.

Mayor Alvey asked the 8 watersheds, the 8 basins, how many total watersheds are there or basins are there in the city. **Mr. Fisher** said 46. **Mayor Alvey** said 46. **Fisher** said yes. **Mayor Alvey** asked we're only addressing 8. **Mr. Fisher** said I'm sorry, 50. **Mayor Alvey** said 50, okay and this proposal only addresses 8. **Mr. Fisher** said yes. **Mayor Alvey** asked those were selected because they have the most number or the most serious problems, obviously. **Mr. Fisher** said it's a combination of the two.

Mayor Alvey said have we had any projections that as we delay these projects, how much it increases our costs in the future? Any sense of the order of magnitude we're talking about? **Mr. Fisher** said I don't know that we have a good answer for that, Mayor.

Commissioner McKiernan said I just have a couple of additional comments. First of all, I can completely appreciate the staff are not happy with me, not happy with us, for not just making a decision already, but I really do think that we're doing exactly what we are here to do. We are here listening to our constituents, we're listening to our public, and we're doing our best to gather information and make decisions that in the end result are fair and equitable and have the biggest benefit for the largest number of people. That's our job. Although I wish we could make a decision tonight, because this was just presented to the public for the first time tonight and because I'm just seeing the details of the credit program for the first time tonight, I think it actually is all in all of our best interest to delay this decision and to continue to engage with our public.

I do believe that, Mr. Reno, when you say that our efforts to communicate about this, we're far outclassed anything we've ever done from our perspective as the UG, I absolutely believe. We put more effort into it, but I don't know about other commissioners, but at least in my experience, for whatever reason, many people are just now paying attention. They're just now thinking about this, which is generating a lot of feedback to us that I think we need to thoughtfully consider before we finally make a decision on this.

I have appreciated all your work; I continue to appreciate it. I know that we will ultimately make a decision and that we will move forward, but I want to believe that we have listened as thoroughly as we could and considered as many different conditions as we can and as many different people as we can before we make that decision.

Commissioner Kane asked if I am an issue, who would I talk to to appeal my case? **Mr. Fisher** said we haven't decided what staff member will be that person. **Commissioner Kane** said okay. **Commissioner Kane** said and the issue there is—**Mr. Fisher** asked you're talking about, I'm sorry, but after we start implementation and the start date of January next year.

Commissioner Kane said when you have an issue, and I sit on the Human Rights Commission for the Governor, and when somebody has an issue, it comes to a different group, not somebody that's in charge of it. It's somebody outside the group that thinks outside the box that knows every single angle of this even more detailed than what we know. Somebody could say, hey, and then whoever it is three or four people, and say, hey, let's do this. Because if it's somebody from Public Works or the Administrator or somebody else, it's going to be a one-sided conversation. In my mind, we are constituents in our business, folks, an answer that is the answer and not sequed one way or the other. In my mind I think that's critical before we make any kind of movement before that it shouldn't be, maybe you participate, but there's some people outside the box that we appoint that said here's your guidelines that you have to go by instead of saying it's three of the people from Public Works, and maybe her, and then you guys. I know you want to do it. There's no doubt about it, but that's not fair to me if I'm going to come up and I'm going to ask you some questions and you're going to say, well, at the end of the day, that's the answer. I don't think that's fair to us.

Something else we should be able to go to our internet, our website and pull up our property and it should be able to tell me before we vote how much my taxes are going to be. There should be something on the internet that says, Mike Kane, you're going to pay this because I don't want

somebody to get a bill in the mail that says, oh, my. My mother and father-in-law don't look at the citizen, they don't have a computer. They don't know what's going on. This week I've had more calls from outside my district from people saying, what in the hell is going on at City Hall? As Commissioner McKiernan says, I can't answer your question.

These are the things that people are asking us and if I'm a big business owner, I'm going to want to talk to somebody that's going to want to listen. I'm going to want to talk to somebody says, hey, the Knetter Farms, how much am I going to have to pay before I start paying it? I don't want them to get it in the mail and say hey, here we are, here's your end and then what's going to happen, staff? They're not going to call you guys; they're going to call us. These are things we need to think about: the kids, Donnelly College, Community College, all the high schools, the grade schools, the churches. Every single group should know what they're going to have to do before we vote on it because I don't think it's fair if they don't know. It's not fair to me when I say hey, you're going to pay this much money and, why am I paying this much money and, and I know staff you're working your tails off, there's no doubt about it, but I don't think our works done yet.

Commissioner Johnson said there's ten of us as commissioners, and I know that's no easy task. I've waffled on this and you know this on this issue, and I think that you—it's fair to say that you guys have put a lot of energy into the engagement of the community, but yet we still get letters, emails that say, you know, I'm not fully vetted this this particular issue. I think that at some point we do have to make a decision. But I think we can do the best of our ability as a Unified Government, not just Public Works, but from the Mayor to the Commission all the way down to make sure we have put our best foot forward to make sure that this community has been adequately advised as to what's coming down the pike.

We make a decision, whether we do it 15 days from now, 30 days from now, it doesn't go into effect until 2021. Then all of a sudden, everybody's going to have, you know, and maybe we tell them in advance, hey, it's coming, but you know, everybody's going to see the results of decision in 12 months and we have to make sure that we measure not, and I said this 18 months ago, I said we need to measure, measure once or twice and before we make this decision, and I'm saying we still need to measure a little bit longer. I'm not comfortable as of yet to make a decision on any of these three options, and I've gone through all three of them and I can see the merits in all of them and it's going to require some real thought particularly as a church owner or a church leader.

What I am concerned about, and this question actually is for Legal. Are there considerations that we need to be mindful of as Commission on all three of the options as they are presented right now. Are there things that we need to be mindful from your perspective Kenny?

Ken Moore, Chief Legal Counsel, said well whenever the Commission makes their decision, one thing you're supposed to do is, that treats different classes of people differently, that you articulate and have a rational basis for why you're making that distinction between classes. So, that, of course, plays into most important and the different tiers, and how the different tiers are weighed, but as long as you can articulate a rational basis for why your distinction between different classes, then the course we usually give you the discretion of to uphold your decision.

Commissioner Johnson said I'm assuming we're all going to be versed on that by the time we make that decision then that we'll be able to explain and be able to give the rationale on that. I think we're getting closer, Jeff. So, Doug, Jeff, whoever else is out there, be patient with us. Our citizens, I think, I'll be honest with you I think our citizens are appreciating us measuring our decision. Please give us a little bit more time and space. I'm asking those that are watching and pray for us that we will make a right decision on behalf of all the constituents in Wyandotte County.

Commissioner Philbrook said number one, I heard a lot about this right off the get-go because I'm a business owner and I have impervious surface, yes, I do. It doesn't look like it, but I do. I get to talk with a lot of business folks and I really appreciate them bringing me into the fold and explaining to me their problems with this because they're part of the backbone of this community, just like our residents are and so I appreciate them bringing me into this. Also, hearing from the not-for-profits, you know, the churches and those sort of folks that that aren't making money particularly. You know, a lot of times they are pretty much right on the edge of existence and so yes, we have to definitely take them into account as well.

I do have a concern also around the storm and surface water utility appeals board. I really don't like the consistency of that board for the same reasons that other folks have said. I think that that needs to be a little more balanced, that board needs to be a little more balanced, because we're asking the same people who administer everything, and have helped us decide to do this to also fight back on their own people that made these decisions and, therefore. I'm not sure that's really

fair you know on either side to do it that way. I really, I'm also not ready, you know to push this forward yet. There's no way I can express how thankful I am to the Public Works Department and for everybody that's been working their fannies off on this, because I know it has to be very frustrating for them, putting up with us and the public, because they have worked very hard, they're trying. They were given marching orders to figure out how they were going to help us, the city, help us take care of ourselves with all of this water. So, you guys, you've done a wonderful job. I just hate push back on you, but I'm kind of in the same boat with some of the other commissioners and that is, we're still listening, and we're still trying to balance a little bit more out but I know we're a heck of a lot closer now than we were when we started.

Commissioner Townsend said, again, I appreciate as a number of the commissioners who've already spoken, the efforts of Public Works, but the adage is act in haste, repent in leisure. Just as recently as this week, Mr. Fisher was attended at my request, a meeting of a group of churches, and it was amazing that after all the outreach there were still so many in that group and they have constituencies as well, who were unaware and didn't understand. I was not comfortable after I saw that.

I think it's fair notice that we get a little bit more time to understand what was presented to us, just in the last 10 days or two weeks, and that the public get a chance to really appreciate what that means. So, delay is not denial as they say in church. The other thing that struck me is, we have people who will be hit in one way or another several times, and by that I mean, it will affect individuals, it will affect those who go to churches, those who go to schools, and to businesses. So, I think the time that we're asking for is a benefit for the decision that we will come to make very shortly and it will benefit, I think, our constituents at all levels.

Commissioner Walters said, Jeff, I appreciate the work you've done. I think option three gives us another option that is attractive in a lot of ways. I did see the details of it here earlier in your presentation. One of the things I would just like to pass on to you as my personal bias, I hope we don't end up with a system that has to have a lot of appeals. I hope it's a simple system, straightforward, uniformly applied, easy to understand, and that all of our constituents don't have to become experts and tie your department up and create a bureaucracy of appeals on something that could be pretty straightforward. I hope we're working in that direction and the closer we can

get to that, I think the better, so I just throw that out as my personal request. Again, thanks for all the effort you and your group have put in on us.

Commissioner Burroughs said, Commissioner Walters, thanks for that comment about the appeals process, the additional workload that I believe staff would be involved with had we not had an opportunity to read through the ordinance and raise some questions. I think there's been a number of questions raised which justifies us postponing our vote tonight one way or another on what we do with this. We don't have the luxury of doing nothing. That's the issue before us as a body. We don't have that luxury of doing nothing. This is an issue that's been around in this community for a couple of decades. It's before us today, and we will have to make those decisions.

I would ask that the maker of the motion to bring this forward in the February meaning. I don't know that February meeting would be time enough for all of us to have every question that we have to bring forward and/or options to have input into some of the criteria set forth in the ordinance. We've heard an option in reference to the appeals process. I think it's a matter of having a member of the public have a say within that. We do the same thing on the state level with the KCC to ensure that the public is represented at the table.

I think there's other issues that come forward dealing with stormwater that these pictures demonstrate also public works not having the money to take care of just our roads and curbs and other issues. My concern is, are we raising enough money to address our concerns. It's one thing to start down this and get the public paying for five years upfront for a \$19M project when it's been stated we have a larger number than that, that is needed. What I don't want to see us having to make a vote every couple of years, to do this. I think the prudent thing to do is get those numbers solidified, educate our community.

This third tier is a more palatable tier. It's the beginning of, I think, a tremendous opportunity for us to look at how much money we can generate. If it means we all have to bump up a little bit more to meet the criteria of meeting more than that's something we need to discuss. I just don't want to see putting a burden on our community and not meeting our needs because then we're going to have to come back and it's about building public trust. I want the public to be able to trust the decision that comes forth by this body and so, Mayor I would ask that we give consideration to postponing this vote even off until the March meeting that gives us 60 days to address some concerns.

Commissioner Ramirez said, Jeff, and Public Works staff, I've only been here for two weeks but you guys have done your due diligence to get me up to date and all the information that I need. If I were to arrange, like for my district, a neighborhood meeting with all the neighborhood groups and the NBR, the two NBRs, would you guys be willing to come and present to them, and have conversation? **Mr. Fisher** said yes. **Commissioner Ramirez** said okay, great, thank you.

Mayor Alvey said when you look at this, you know, this has been years in the making. It's something that is, as it's been delayed, as we have not attended to these infrastructure projects that have to be dealt with, we've simply added to the load, and it makes the decision for us even heavier. For this Commission assembled here, it has made this decision for us even more weighting. So, we're now playing catch up, whereas if we'd gotten out in front of this 15 years ago we would not be making the same kind of decision. I will say that part of the process—the difficulty here is this is a very complicated matter just presenting these options. It's a very complicated formula. Most people tuning in here are not going to be able to follow the data, follow the logic and really understand how this impacts them. It's a very complicated matter.

I think that we have to, I don't know how you simplify this for people except that we have to find a way, again, to engage the community. If there was one thing that came out of the public hearing on January 9th, is that we know the communications are difficult. There is not a print newspaper that everybody is receiving and going and reading reports from the Unified Government, it doesn't happen. The news media does not show up here to follow that hearing and people are not going to spend the time to do that. Communication is a two-way street.

If given the circumstances, the fact that people are not able to engage us in ways that they used to be able to engage, we have to fill in that gap. We have to find a way to engage folks to bring them along. A lot of that falls upon us as electives. Now I have to say that when I sat on the Public Works Standing Committee several years ago when this was first presented that we were going to move to look at the impervious surface fee, that was three years ago and there've been conversations all along I know with the Commission and the Mayor about this is what's coming. This is the kind of conversation when we go out into public, we have to make people aware of, hey this is this is coming out folks, and just planting a seed and let other people take that seed to their friends to their neighbors to their family. Somehow that didn't happen.

I think we, after the last meeting, I was concerned because I feel as if, as a Commission, we have not agreed upon some of the principles here or some of the fundamentals of this. We all understand this has to be done but I think there's some question, well is the impervious surface rate really the most equitable way. Do we have to find some way to flatten the steep incline for the larger, you know, larger impervious surface, do we need to include that in? I don't think we were agreement upon that. I don't think we were in agreement that the communication process was everything we needed it to be.

The problem is that as a Commission, I kind of feel like we're scattered, this would not be a good time to move this forward but we have to move this forward at some point and fairly soon because we've already made commitments to do some improvements to the Argentine Pump Station, and of course the Turkey Creek Wingwall. We had to do those things because if we didn't even more failures would happen.

So, this has been delayed for years. It just increases the runoff, literally, upon the Commission of the problems that have accumulated over the years. Now we're having to take on a very serious problem that did not have to be this serious if it was dealt with before. It needs to be a lesson to us that we have to look at all of our infrastructure and get out in front of those and we're going to have to make decisions about what this community is going to be 5, 10, 15, 20 years down the road. We've got to communicate that vision and we've got to get buy-in, and we've got to let people understand if we don't make those right kinds of decisions now, we're not going to be where we need to get to.

I think we should take this as an opportunity to look at our communication strategy, to look at what the responsibility of staff, electives, and the public is. Where the responsibilities is in these matters and all of us exercise our responsibilities, so that we can identify the vision for this community moving forward and come to common agreement about the strategy to get there. That's a tremendous amount of engagement but that really falls upon us as elected and staff to continue to bring these things and really state the message in very simple clear terms so that we can move forward.

I appreciate Commissioner McKiernan for bringing this. I think we've heard from the Commission; this needs more time. It shouldn't surprise us. We've waited 10 years; the runoff has gotten to where it is now. Let's give it a little bit more time and still we're going to have to move forward.

Commissioner McKiernan said, Mayor just two more things. First of all, regarding communication. I talked just this afternoon with a gentleman who was quite wound up, and I said you know we put this out in *The Citizen*. He said to me, I saw it but, you know, I didn't really understand how it impacted me when I read *The Citizen* article. I didn't get it until I talked to you right now, I didn't get it. I think that some of our collective challenge is to help people get it, not just to put the information out, but to bring understanding on the backside of that information and that's what a lot of us are charged with working with you to do out in the community.

With respect to my colleague suggestion that we postpone this even further I would respectfully suggest that we maintain the February 27th date and if on that date we decide that we are not able to make a decision, then we can at that time, move it further back but that we maintain a goal for ourselves of February 27th.

COMMISSIONERS' AGENDA

No items

Mayor Alvey adjourned the meeting as the Board of Commissioners and reconvened as the Land Bank Board of Trustees.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

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

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

ITEM NO. 1 – 1914...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.

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

ITEM NO. 2 – 1915...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.

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

ITEM NO. 3 – 1916...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.

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

ITEM NO. 4 – 1917... 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.

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

MAYOR ALVEY
ADJOURNED THE MEETING AT 8:55 P.M.
January 30, 2020

Bridgette D. Cobbins
Unified Government Clerk

mbb

January 30, 2020